

Public Works Department • Water and Wastewater Services  
**WATER AND WASTEWATER ENGINEERING DIVISION**  
2555 West Copans Road • Pompano Beach Florida 33069 • PHONE: 954-831-0745 • FAX: 954 831-0798/0925

September 12, 2016

Mr. Lakdas Nanayakkara  
Lakdas/Yohalem Engineering, Inc.  
2111 NE 54<sup>th</sup> Street  
Fort Lauderdale, FL 33308

**RE: BROWARD COUNTY WATER & WASTEWATER SERVICES  
PROJECT NO. 9197  
NRWWTP STRUCTURAL STEEL REPLACEMENT  
RLI# R1007403R1**

Mr. Nanayakkara:

This letter is to notify Lakdas/Yohalem Engineering, Inc. (LYE) of Broward County's intent to terminate its agreement with LYE for Phase 1 – Belt Filter Press Demolition (the Agreement). The relevant timeline for the Agreement is as follows:

- 09/16/2013 - Notice to proceed issued.
- 12/29/2013 - Original scheduled completion date.
- 04/14/2015 - LYE requested 120 day time extension (approved).
- 04/28/2014 - Established as new scheduled completion date.
- **2/23/2016 – Meeting with LYE to discuss deficiencies/errors with the 100% plans & specifications submitted by LYE on 4/28/2014. (1<sup>st</sup> submittal)**
- 3/8/2016 - 100% plans & specifications (2<sup>nd</sup> submittal) due, and turned in by LYE.
- 6/20/2016 – Letter to LYE, notifying it of the County's intent to terminate for cause.
- **7/11/2016 – Meeting with LYE to discuss deficiencies/errors with the 100% plans & specifications. (2<sup>nd</sup> submittal) Established time to cure of 8/12/2016.**
- 8/11/2016 - 100% plans & specifications (3<sup>rd</sup> submittal) submitted by LYE.

Although some of the deadlines above were met, the submittals sent by LYE were deficient and riddled with errors. Broward County Water and Wastewater Services (WWS) staff provided LYE with opportunities to address the deficiencies and errors in the 100% submittals received on April 28, 2014 and March 8, 2016.

After LYE submitted the 2<sup>nd</sup> 100% submittal on March 8, 2016, WWS hired an independent consultant to perform a "blind review" of both the 1st and 2nd submittals of the 100% documents, looking for technical completeness and consistency, and presentation and clarity, with a focus on site-civil requirements and other aspects of the work that could lead to ambiguity in interpreting the documents. A blind review means that the documents were redacted to remove the name of the company and the engineer of record. A copy of the conclusions reached by the independent consultant is attached hereto as **Exhibit A**. Although Exhibit A states that generally the 2nd 100%

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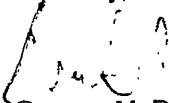
submittal was more detailed than the 1st, the independent consultant concluded that the submittals contained significant deficiencies and errors that could potentially "impact the successful execution of the project." Based on WWS's staff review and the findings of the independent consultant, LYE was notified on June 20, 2016, of the County's intent to terminate the Agreement for cause, pursuant to Section 10.2. On July 11, 2016, WWS staff met with LYE to discuss the significant deficiencies and errors contained in the April 28, 2014 and March 8, 2016 100% submittals.

Based on that meeting, WWS staff provided LYE with an additional 20 days beyond the prescribed 10 days under Section 10.2.1 of the Agreement until August 12, 2016 to cure and resubmit a sufficient set of 100% plans and specifications (3<sup>rd</sup> submittal). LYE resubmitted the third set of 100% plans and specifications on August 11, 2016. Yet, the 3<sup>rd</sup> submittal still contained numerous errors and inconsistencies that would ultimately affect the success of the project.

Despite the County's considerable patience, LYE has materially breached the Agreement by failing to successfully complete the original scope of work for Phase I in a timely manner, and by failing to remedy substandard work when given the opportunity to cure. **Therefore, pursuant to Section 10.2 of the Agreement, this letter serves as notice of the County's intent to terminate the Agreement for cause.** This termination, once approved by the Board of County Commissioners, will be effective as of the date of this notice.

As a result of this termination, WWS is requesting that LYE immediately remit all required project documents to this office for review. Additionally, the County maintains the right to recapture all or partial amounts paid to LYE for substandard work product received on this project, and assess liquidated damages pursuant to the Agreement.

Sincerely,



Gregory M. Balicki, P.E.  
Director

Attachment  
GMB/mnm  
By Certified Mail 7010 0780 0002 0235 4838

C: Alan Garcia, P.E., Director, Water & Wastewater Services  
Mike Kerr, Deputy County Attorney  
Angela Benjamin, Assistant County Attorney  
File:9197