

MEMORANDUM

DATE: September 19, 2016

TO: Gregory M. Balicki, P. E.
Contract Administrator

FROM: John Morra, P. E.
Construction Project Manager

**SUBJECT: WWS PROJECT NO. 9197; 100916
BELT FILTER PRESS DEMOLITION AT NRWTP
FINAL REVIEW OF LAKDAS/YOHALEM ENGINEERING, INC.'S
THIRD 100% SUBMISSION ON AUGUST 12, 2016**

In accordance with your direction, Water and Wastewater Services' (WWS) staff have prepared a listing of the problem issues that are pending or still present in Lakdas/Yohalem Engineering, Inc.'s (LYE) fourth and final 100% submission of plans and contact technical specifications.

One of the more troubling issues that has remained since the first 50% submittal has been the continued lack of signed, sealed and dated documents in direct violation of Professional Engineering Standards found in Florida Statutes 471 and 455. The lack of properly signed, sealed and dated contract documents at the 100% submittal stage prevent their use for solicitation.

This final review of the LYE final 100% plans and contract specification outline the "Contract Deliverables" that have not been provided to the County as required by the contract. The following represent six (6) of the "Contract Deliverables" that have not been provided to the County in accordance with the Contract between LYE and WWS.

1. **Dry Run Permit**, City of Pompano Beach. Per Contract the consultant shall provide the following:

“Consultant shall provide 100% plans and specifications to the City of Pompano Beach Building Department having jurisdiction and, initiate a preliminary review for comments. Consultant, as lead, shall coordinate with the Building Department, respond to inquiries and manage the review process.”

After urging by the County, LYE submitted a Dry Run Permit to the City of Pompano Beach March 3, 2016. Notification that revisions were required were returned to LYE on March 4, 2016. On May 6, 2016 LYE was notified that because corrections and responses were not submitted with 60 days the permit review was automatically withdrawn.

On August 26, 2016 LYE submitted an invoice to the County they termed a “Change Order” for \$4,888.50 for this incomplete Pompano Building Department permit review and management work.

Additionally, Construction Permit Applications shall be prepared for submittal to the following agencies:

- Broward County Environmental Protection and Growth Management Department
- Florida Department of Environmental Protection
- Broward County Health Department

The work covered here in Item 1. Dry Run Permit was to be performed as Task 4 Permitting. This Contract Deliverable was not completed.

2. **Opinion of Probable Cost**

The consultant was required to prepare an Opinion of Probable Cost for this project at the 50% and 90% submittal stages. 90% Plans and Contract Documents were never submitted to the County. LYE has not provided the County with an industry accepted method or standard by which an estimate of project cost could be ascertained.

The County requested an informal Opinion of Cost for the raw demolition work from a local demolition contractor. Their cost for the project was \$256,000, far less than the LYE estimate of \$1,311,035. Based on our questioning LYE reduced the cost of the demolition to \$968,000. This revised amount is a reduction of \$343,035 from LYE’s original cost estimate.

Upon further questioning by the County as to what items constituted this 25% reduction in cost LYE explained that they had removed "Safeguards and Contingencies" from the contract. When asked to explain what the removal of "Safeguards and Contingencies" from the contract meant or how a contractor might evaluate the removal of such issues from their pricing no answer was provided by LYE.

This Contract Deliverable has not been provided per Contract Item Task 2.

3. Final 100% Plans and Contract Specifications

The CD-ROM that should have contained final 100% Plans and Contract Specifications was submitted blank.

This Contract Deliverable has not been provided to the County in accordance with Contract Item Task 1 – Section 1.8.

Further: Consultant shall provide four (4) signed and sealed copies of the boundary and topographic survey and one digital copy of the drawing file in AutoCAD Version 2011.

This Contract Deliverable has not been provided per Contract Item Task 1 – Section 1.6(7).

4. Signed and Sealed Contract Plan and Specifications

90% review plans were never submitted to the County for review and comment as required under Task 1 of the County Contract with LYE.

This Contract Deliverable has not been provided per Contract Item Task 1.

Task 3 in the County contract with LYE requires that twelve (12) half size and four (4) full size completed sets of Design Drawings and twelve (12) sets of Contract Specifications be submitted. WWS received two (2) full size sets of Design Plans and two (2) sets of Contract Specifications at final 100% submission. The documents are not signed, sealed and dated as required by Florida Statutes 455 and 471. These documents have not been provided to the County.

This Contract Deliverable has not been provided per Contract Item Task 3.

5. Section 00020-1 Bid Schedule

The Bid Schedule contains no quantities or units for prospective bidders. The Bid Schedule also implies that add or subtract items are to be computed in the overall contract pricing. There is no information in or on the contract documents indicating what may be added or subtracted from the bidder's pricing. Essentially this Schedule leaves it up to the contractor to determine or guess what items and quantities are to be bid on. Bidders could not possibly respond to this solicitation.

6. Irrigation System

The plans and technical specifications for an irrigation system have not been prepared for this contract. Instead this note has been listed on the landscape plan:

CONTRACTOR TO VERIFY IRRIGATION MAIN LINE LOCATION. ALL LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATING UNDERGROUND IRRIGATION SYSTEM; WITH A MINIMUM OF 100% COVERAGE. IRRIGATION SYSTEM SHALL BE 100% OPERATIONAL AT THE TIME OF LANDSCAPE INSTALLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THE REPLACEMENT TREES FOR A MINIMUM OF 6 (SIX) MONTHS AFTER PLANTING BY TAPPING INTO THE EXISTING IRRIGATION MAIN LINE AND USING AN AUTOMATED IRRIGATION SYSTEM TO ENSURE PROPER ESTABLISHMENT.

This note essentially leaves it up to the contractor to determine the length of irrigation piping, zones, zone controllers and sprinkler heads and coverage required. This is a contract deliverable and is an unbiddable component of the contract

JM/mnm

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