



June 15, 2020 (Correction of letter sent June 3rd)

Via Certified Mail, Return Receipt Requested,
First Class U.S. Mail and electronic mail

Mr. Juan Carlos Jurado
General Manager
Continental Construction USA LLC
1395 Brickell Ave, Suite 740
Miami, FL 33131

info@usacontinental.com

RE: Notice to Suspend and Intent to Terminate Contract for SW 2nd Avenue Median Parking, Invitation to Bid No.12278-693, Project No. 12434

Dear Mr. Jurado:

This correspondence shall serve as your official notice of our intent to terminate this Contract for Project No. 12434 - SW 2nd Avenue Median Parking between Continental Construction USA, LLC and the City of Fort Lauderdale ("City") dated July 9, 2019, Contract No. 12278-693, once approved by the City Commission at its regular meeting on July 9, 2019. This shall also serve as your Notice to continue to Suspend Work up to the date of the City Commission action.

Pursuant to Article 17 – Suspension of Work and Termination, Section 17.2.4 of the Contract, the City may proceed to terminate the Contract as follows:

17.2.4 If Contractor fails to begin the Work within fifteen (15) calendar days after the Project Initiation Date, or fails to perform the Work with sufficient workers and equipment or with sufficient materials to ensure the prompt completion of the Work, or shall perform the Work unsuitably, or cause it to be rejected as defective and unsuitable, or shall discontinue the prosecution of the Work pursuant to the accepted schedule or if Contractor shall fail to perform any material term set forth in the Contract Documents, or from any other cause whatsoever shall not carry on the Work in an acceptable manner, Project Manager may give notice in writing to Contractor and its Surety of such delay, neglect or default, specifying the same.

In addition, Section 17.3 of the Article provides:

17.3 If Contractor, within a period of ten (10) calendar days after such notice, shall not proceed in accordance therewith, the City may exclude the Contractor from the Work site and take the prosecution of the Work



out of the hands of the Contractor, and take possession of the Work and all of the Contractor's tools, appliances, construction equipment and machinery at the site and use them without liability to the City for trespass or conversion, incorporate in the Work all materials and equipment stored at the site or for which the City has paid the Contractor but which are stored elsewhere, and finish the Work as the City may deem expedient. In this instance, the Contractor shall not be entitled to receive any further compensation until the Work is finished.

The City is terminating the contract for the following reasons:

The Final Punch List and Defective Items Notice for this project was issued on March 27, 2020. It stated that Continental Construction USA LLC., was given 30 calendar days to perform all final punch list and defective items, except for the thermoplastic installation, with the below requirements and procedures stated in the notice:

- Contractor shall provide City's Project Manager a complete schedule to obtain approval with a minimum of 7 calendar days in advance, for any construction work, and Contractor will only be allowed to close one median per day before carrying out any correction work.
- Contractor shall submit a complete mean and method documentation to the Consultant for each correction work within 3 business days from 3/27/2020 and obtain approval from the consultant before performing any correction work at the project site.
- Consultant has committed to provide comment reply or approval within 3 business days.
- The Contractor shall place and maintain temporary striping marking throughout the course of the work until the permanent striping marking is placed on the final roadway surface Per Contract Technical Specifications (Section 02575 – Item 2.8C).

As of 4/17/2020, Continental Construction USA, LLC has **failed** to:

1. Submit a reply to the comment letter dated on 4/10/2020 within 3 business days.
2. Submit the complete schedule to the City's Project Manager that requires minimum of 7 calendar days in advance for any construction work.

On the afternoon of 4/17/2020, staff received an e-mail from your Chief Operating Officer, Mr. Jose Gomez F., stating, We are planning to start the



modifications on Monday 27th, and we estimate 2 weeks to complete (based on the EOR methods), therefore please take this email as the 7 days notice. your firm wasn't planning to start any modifications until 4/27/2020 with an estimated two weeks to complete from that date, and you should be able to submit your work schedule by "early next week". This is an unacceptable response considering that our notice to your firm dated March 27, 2020 was not adhered to within the specified time frame.

The City is requesting a final credit for this project. The previous final invoice (Pay Application #4) dated February 11, 2020, was reviewed and rejected. Request for revisions were sent via email on March 2, 2020 and no response has been received as of the date of this letter.

City staff has reviewed the status of this project. To date, Continental Construction is obligated to pay the City \$19,648.47, due to non-compliance with the contract, plus penalties (attached as Exhibit 1). Attached Exhibit 1 provides the breakdown for determining the amount.

If you have any questions you may contact me via telephone at (954) 828-5677 or via email at jhart@fortlauderdale.gov.

Sincerely,

Jodi S. Hart
Chief Procurement Officer

NOTICE OF FINAL PUNCH LIST AND DEFECTIVE ITEMS

Project Name: SW 2nd Avenue Median Parking

Project #: 12381

Location: SW 2nd Avenue between SW 32nd Street and SW 30th Street

Date: 3/27/2020

DEFINITION

Defective: An adjective which when modifying the word “Work” refers to work that is unsatisfactory, faulty, or deficient, or does not conform to the Contract Documents or does not meet the requirements of any inspection, test or approval referred to in the Contract Documents, or has been damaged prior to the Project Manager’s recommendation of final payment.

Punch List: The City’s list of Work yet to be done or be corrected by the Contractor before the Final Completion date can be determined by the City.

Final Completion Date: The date the Work is completed, including completion of final punch list, and delivered along with those items specified in the Contract Documents and is accepted by the City.

TO: Juan Carlos Jurado
Continental Construction USA, LLC
95 Merrick Way, Suite 480
Coral Gables, FL 33134

Dear Mr. Jurado:

The Work performed under this Contract has been inspected by authorized representatives of the City, Contractor, and Consultant. The final punch list and defective items for this project is hereby declared on March 27, 2020, to include:

- Final Site Inspection Report dated March 6, 2020 (Exhibit A)
- Punch List Site Discussion dated March 11, 2020 (Exhibit B)
- Notice of Nonconformance Report 005 dated February 11, 2020 (Exhibit C)
- Notice of Nonconformance Report 006 dated February 21, 2020 (Exhibit D), and
- Notice of Nonconformance Report 007 dated February 28, 2020 (Exhibit E)

This list may not be exhaustive, and failure to include an item on it does not alter the responsibility of the Contractor to complete all the Work in accordance with the Contract Documents.

The contractor is given 30 calendar days from the above date to perform all final punch list and defective items except the thermoplastic installation as below requirements and procedures:

- Contractor shall provide City's Project Manager a complete schedule to obtain approval with a minimum of 7 calendar days in advance for any construction work, and Contractor will only be allowed to close one median per day before carrying out any correction work.
- Contractor shall submit a complete mean and method documentation to the Consultant for each correction work within 3 business days from 3/27/2020 and obtain approval from the consultant before performing any correction work at the project site.
- Consultant has committed to provide comment reply or approval within 3 business days.
- The Contractor shall place and maintain temporary striping marking throughout the course of the work until the permanent striping marking is placed on the final roadway surface (Section 02575 – Item 2.8C).

Consultant will inspect all items in this final punch list and defective notice except for the thermoplastic installation 30 calendar days from 3/27/2020. Once all items except the thermoplastic have met the contract requirements, the consultant will provide the recommended date of the thermoplastic installation. Contractor will have 14 calendar days to complete the thermoplastic installation once approve by the consultant.

This extended measurement and procedure for the thermoplastic installation are taken to avoid duplicate effort if the asphalt surface and crosswalk do not meet the contract requirement and to avoid repeated errors from the past performance and to protect the area that has been approved by the consultant.

Failure to meet the above given timeline will result in a claim against the performance bond. You may contact me at 954-828-3779 or at slow@fortlauderdale.gov should you have any questions.

An adjective which when modifying the word "Work" refers to work that is unsatisfactory, faulty, or deficient, or does not conform to the Contract Documents or does not meet the requirements of any inspection, test or approval referred to in the Contract Documents, or has been damaged prior to the Project Manager's recommendation of final payment.

Sincerely,



Shiao Ching Low
Project Manager II

cc: Jeff Davis, Parking Services Manager
James Hemphill, Assistant Procurement and Contract Manager
Daniel E. Davila, PE, Engineer of Record
File

EXHIBIT A

FINAL SITE INSPECTION REPORT

CONTRACTOR: Continental Construction USA

Attn: Jose R. Gomez

Date: March 6th, 2020

Notice is hereby given that the terms, materials and/or items of work, as fully described below, were reviewed, inspected, and/or tested by this office and were found not to be in conformance with the requirements of the subject contract.

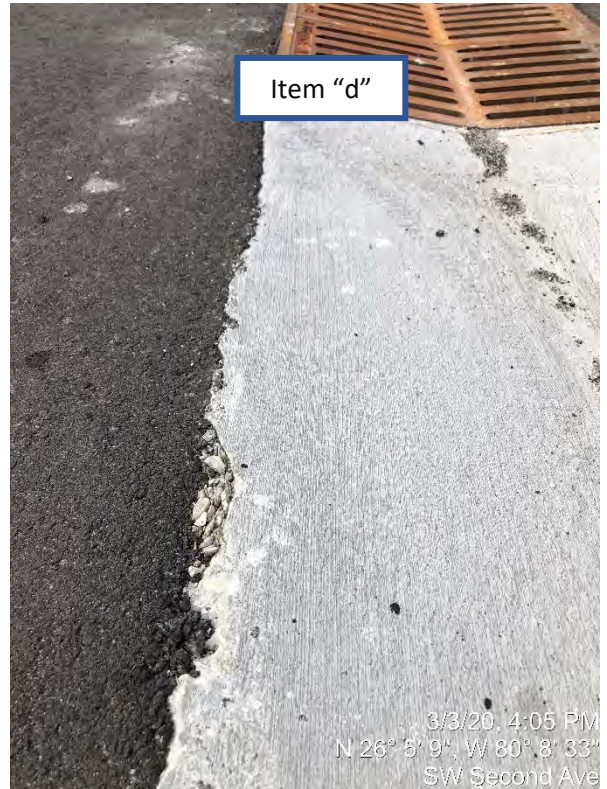
DESCRIPTION OF NONCONFORMING ITEMS:

The following items of work at SW 2nd Avenue Parking Improvements Between SW 32nd St & SW 30th St were not performed in general conformance with the contract. Deficiencies were found and identified on the field during site inspections on March 3rd and March 6th, 2020. Some of the referred items have been previously indicated to the Contractor through different documents, including but not limited to Civil Punch List, Nonconformance Reports, and a site inspection reports. Deficiencies included in the aforementioned documents that are not specified in the final site inspection report shall not be precluded from rectification work.

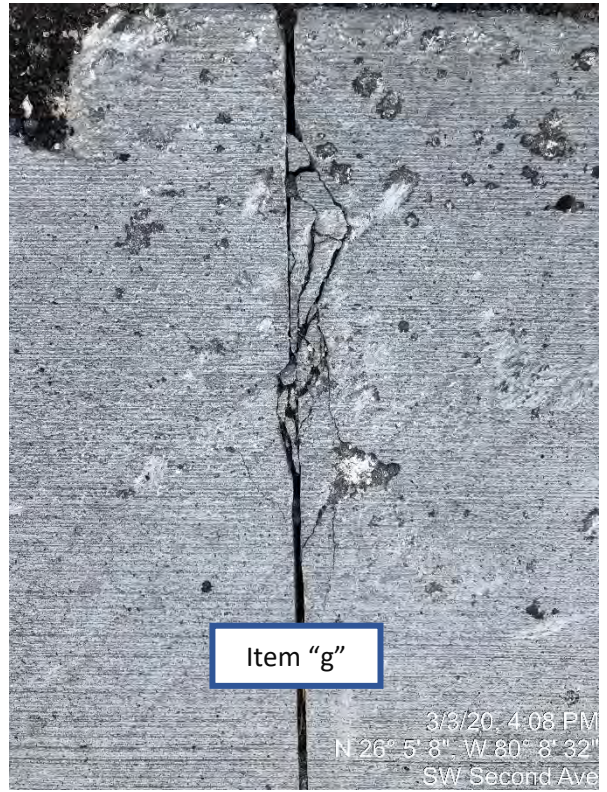
Median No. 1 (STA 25+05 – STA 26+30)

02771 – Concrete Curbs and Sidewalks

- a. Crack(s) recorded at Concrete Sidewalk STA 25+64 (4th joint North of ADA detectable warning surface).
- b. Crack(s) recorded at Concrete Sidewalk STA 25+69 (5th joint North of ADA detectable warning surface).
- c. Grinding of concrete at Valley Gutter STA 26+26 (North of catch basin No. 1 inlet).
- d. Crack(s) recorded at Valley Gutter STA 26+19 (South of catch basin No. 1 inlet).
- e. Deficient Valley Gutter Concrete/Asphalt interface STA 25+92 (3rd joint South of inlet of catch basin No. 1).
- f. Crack(s) recorded at Valley Gutter STA 25+39 (1st joint from South to North).
- g. Crack(s) recorded at Valley Gutter STA 25+49 (2nd joint from South to North).
- h. Joint missing and crack(s) recorded at Valley Gutter STA 25+30 (convergence of Valley Gutter and Type F Curb).
- i. Incorrect jointing pattern recorded on Concrete Sidewalk STA 25+25 to 26+33 (entire median).
- j. Ponding recorded on Concrete Sidewalk flags No. 1, No. 4, and No. 9 from North to South (STA 26+10, STA 25+95, and STA 25+35 respectively).
- k. Crack(s) recorded on curved portion of Type D Curb STA 25+05.







02772 – Asphalt Concrete Pavement

- a. Oil stains recorded on parking spaces No. 1, No. 2, and No. 8 from North to South STA 26+00 to STA 26+30, and STA 25+40.
- b. Ponding recorded on parking spaces No. 1, No. 2, No. 3, No. 4, and No. 8 from North to South (STA 26+25 to STA 25+85, and STA 25+30 respectively).
- c. CONTRACTOR failed to test for conformity with the specified grade after initial compression. Variance in surface more than 1/8-inch from the lower edge of a 12-foot straightedge recorded on parking space No. 8 from North to South STA 25+30.





Item "c"

3/6/20, 9:39 AM
N 26° 5' 8", W 80° 8' 32"
SW Second Ave



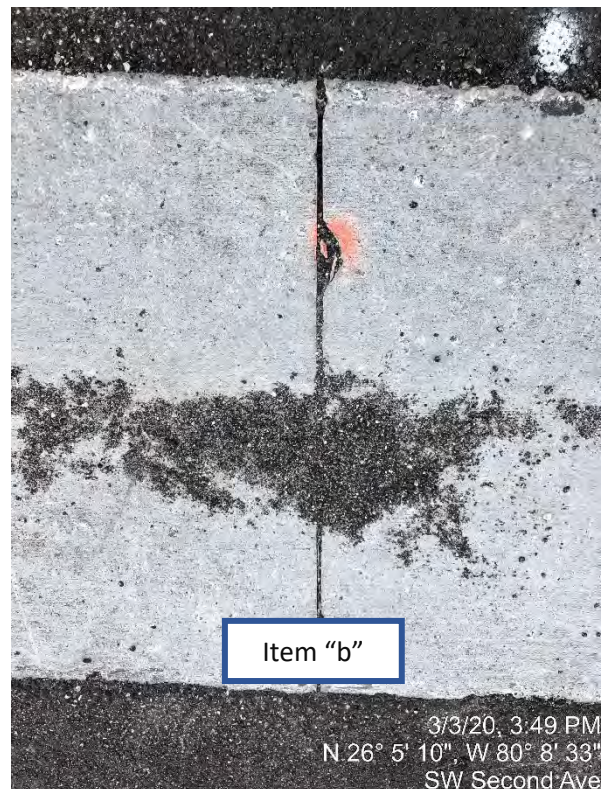
Item "a"

3/6/20, 9:30 AM
N 26° 5' 8", W 80° 8' 32"
SW Second Ave

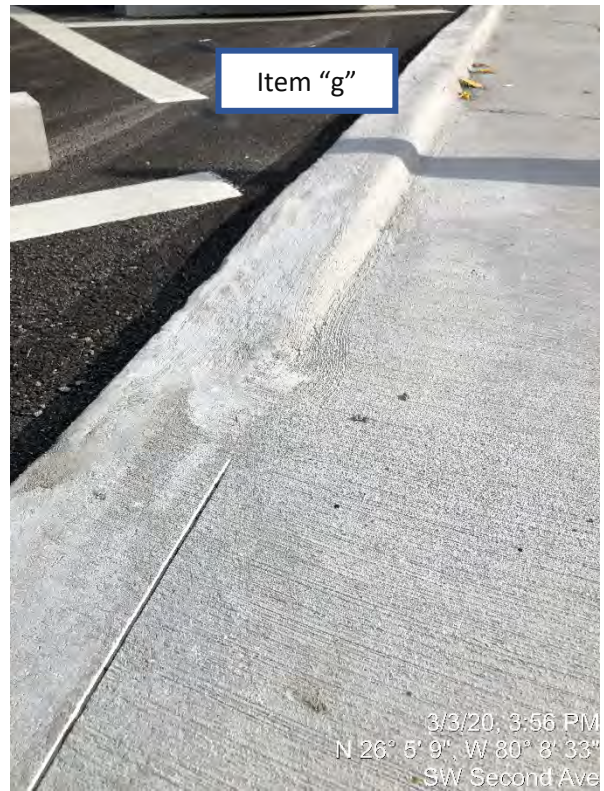
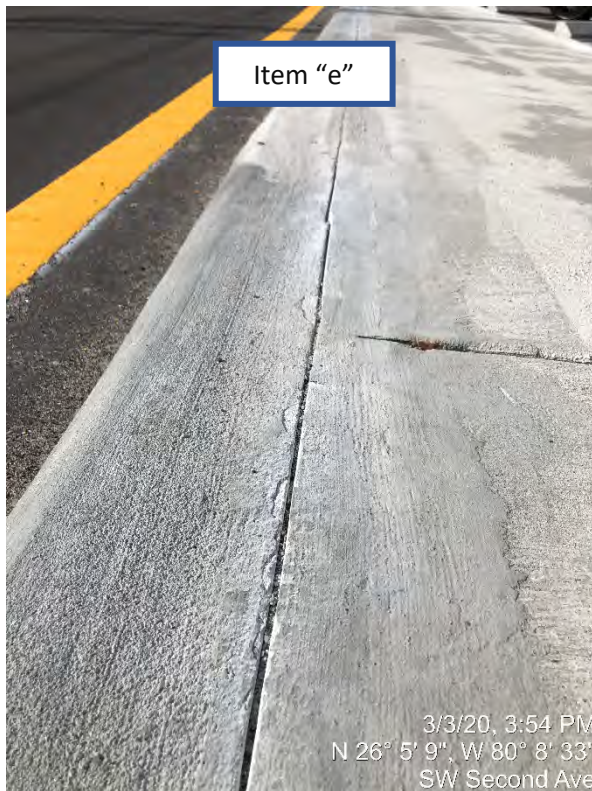
Median No. 2 (STA 26+15 – STA 27+65)

02771 – Concrete Curbs and Sidewalks

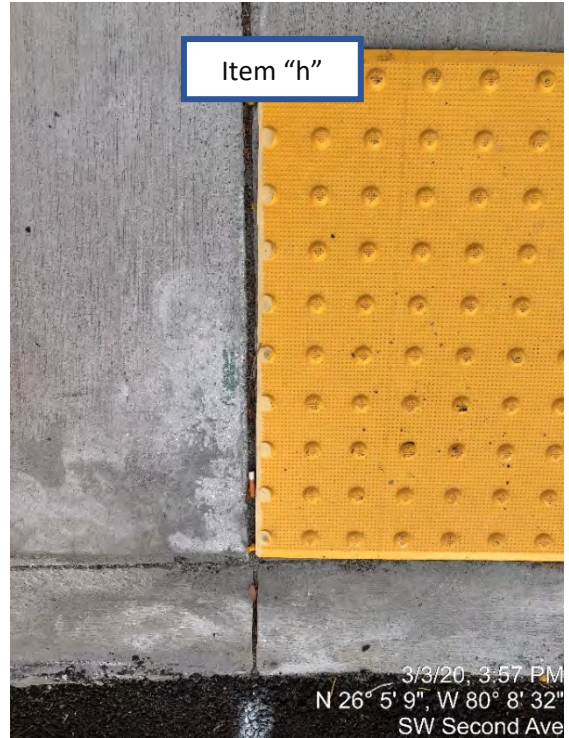
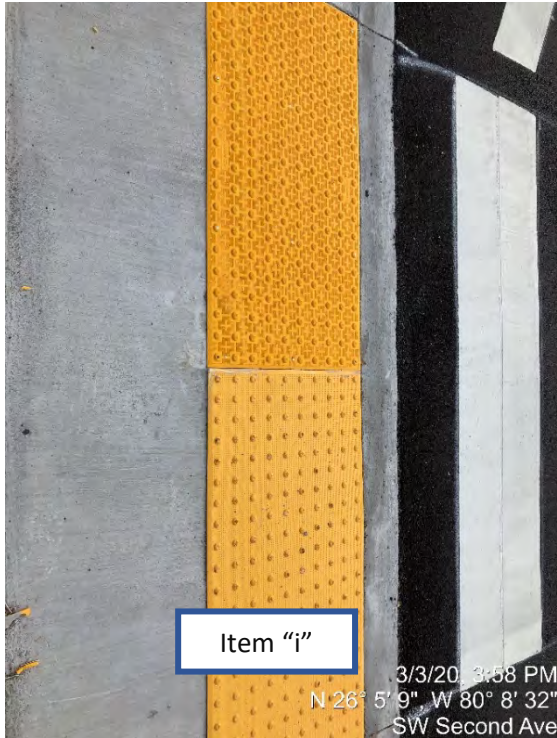
- a. Grinding of concrete at Valley Gutter STA 27+40 (convergence of Valley Gutter and Type F Curb).
- b. Crack(s) recorded at Valley Gutter STA 27+30 (1st joint from North to South).
- c. Concrete Wheel Stop damaged STA 26+49 (2nd from South to North).
- d. Concrete Wheel Stop inadequately installed 27+45 (1st from North to South).
- e. Repair method was not reviewed/approved by the City and it shows poor finish on Type D Curb STA 26+33 to STA 27+43. (deficiencies recorded at both sides of Concrete Sidewalk).
- f. Incorrect jointing pattern recorded on Concrete Sidewalk STA 26+33 to STA 27+43 (entire median).
- g. Expansion joint between Concrete Sidewalk and Type D Curb is interrupted at ADA accessible route ramp STA 26+62.
- h. Concrete grinding and/or poor finish on Concrete Sidewalk STA 26+67. (North and against detectable warning surface).
- i. Mismatch of detectable warning surfaces recorded STA 26+62.
- j. Ponding recorded on Valley Gutter STA 27+40 to STA 27+10. Low elevation grade at North end of Valley Gutter.
- k. Ponding recorded on Concrete Sidewalk flags No. 2, No. 3, and No. 5 from North to South (STA 27+35 to STA 27+25, and STA 27+15 respectively).
- l. Ponding recorded on Concrete Sidewalk behind detectable warning surface STA 26+63.
- m. Trip hazard between Type D Curb and Concrete Sidewalk STA 26+62.













02772 – Asphalt Concrete Pavement

- a. Ponding recorded behind Wheel Stops of parking spaces No. 2 and No. 8 from North to South STA 27+31 and STA 26+54 respectively.
- b. Ponding recorded on parking spaces No. 1 and No. 10 from North to South STA 27+39 and 26+33 respectively.



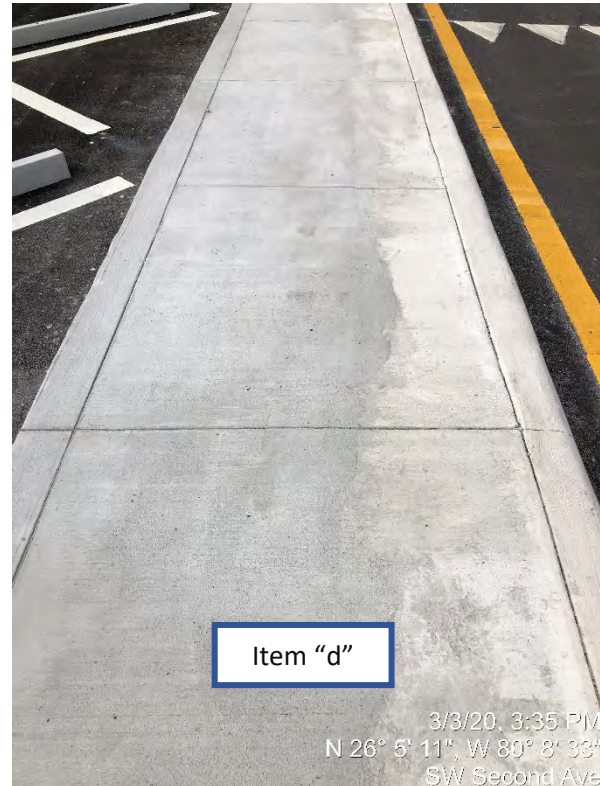
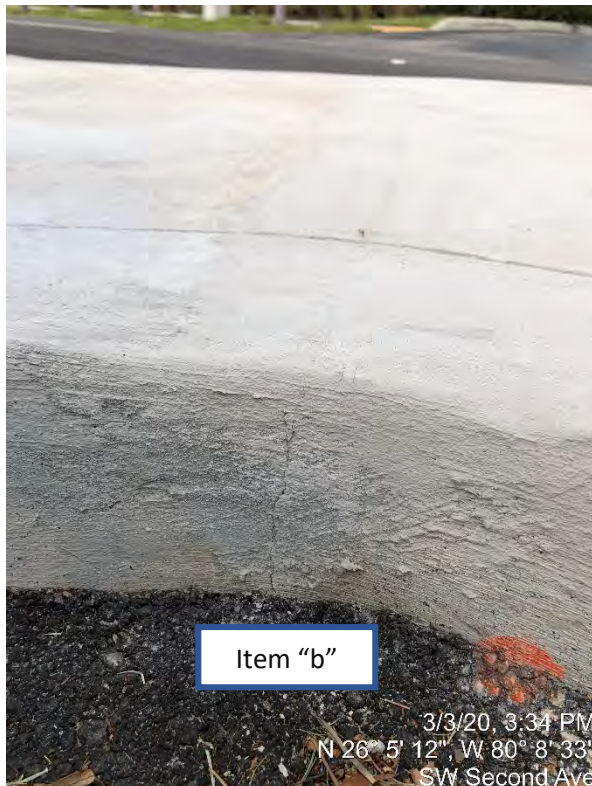




Median No. 3 (STA 28+40 – STA 29+85)

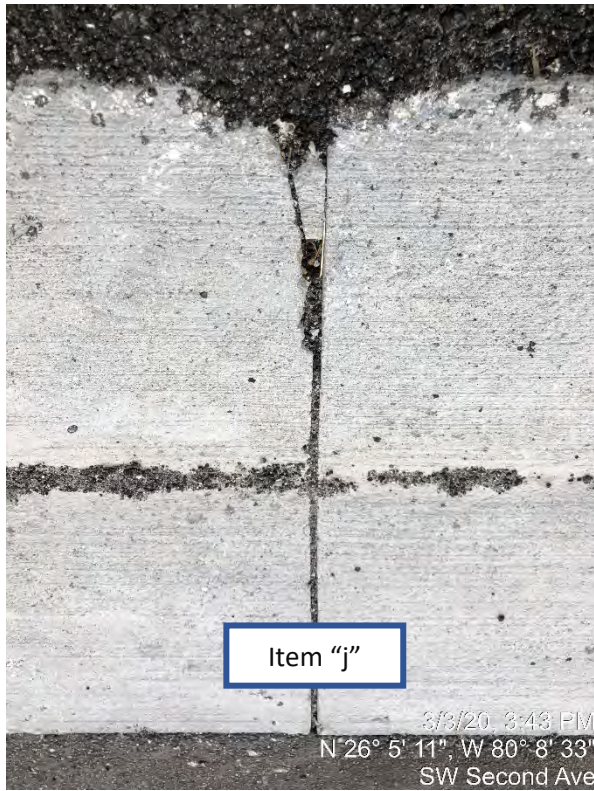
02771 – Concrete Curbs and Sidewalks

- a. Crack(s) recorded at Valley Gutter STA 29+82 (convergence of Valley Gutter and Type F Curb).
- b. Repair method was not reviewed/approved by the City and it shows poor finish on Type D Curb STA 29+66 to STA 29+85.
- c. Crack(s) repair method was not reviewed/approved by the City and it shows poor finish on Concrete Sidewalk STA 29+66.
- d. Repair method was not reviewed/approved by the City and it shows poor finish on Concrete Sidewalk STA 26+05 to STA 28+65.
- e. Expansion joint between Concrete Sidewalk and Type D Curb is interrupted at ADA accessible route ramp STA 29+31.
- f. Crack(s) repair method was not reviewed/approved by the City and it shows poor finish on Concrete Sidewalk STA 29+24 to STA 29+42 (ADA accessible route ramps and landing).
- g. Crack(s) recorded at Type F Curb STA 28+45 (two locations on the curved portion of the curb).
- h. Grinding of concrete recorded at catch basin No. 4 pad STA 28+62.
- i. Crack(s) and grinding recorded at Valley Gutter STA 28+76 (1st joint from South to North).
- j. Crack(s) recorded at Valley Gutter STA 28+85 (2nd joint from South to North).
- k. Incorrect jointing pattern recorded on Concrete Sidewalk STA 28+65 to STA 29+85 (entire median).
- l. Crack(s) recorded at Valley Gutter STA 29+82 (1st joint from North to South).
- m. Trip hazard between Type D Curb and Concrete Sidewalk STA 29+50.
- n. Expansion joints on curved portion of Type D Curb are irregular and not beveled.
- o. Ponding recorded throughout the Valley Gutter STA 28+67 to STA 29+54 and at STA 29+84 (North end). Low elevation grade recorded at both ends of Valley Gutter.
- p. Ponding recorded on Concrete Sidewalk behind detectable warning surface STA 29+34, and at flags No. 12 and No. 13 South of ADA accessible route ramp (STA 28+67 to STA 28+77).



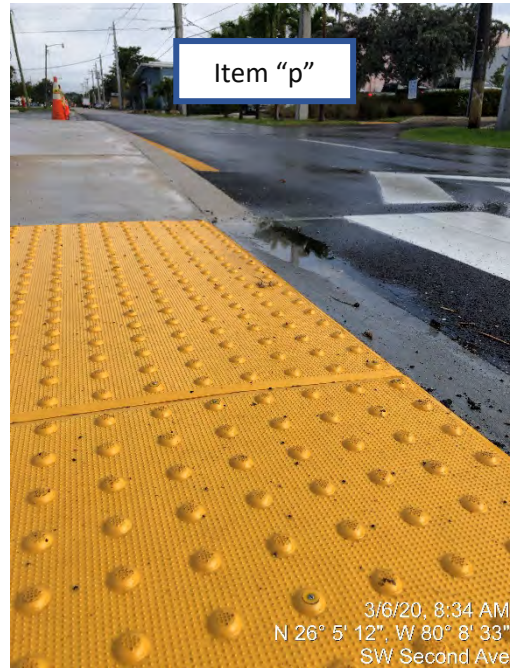








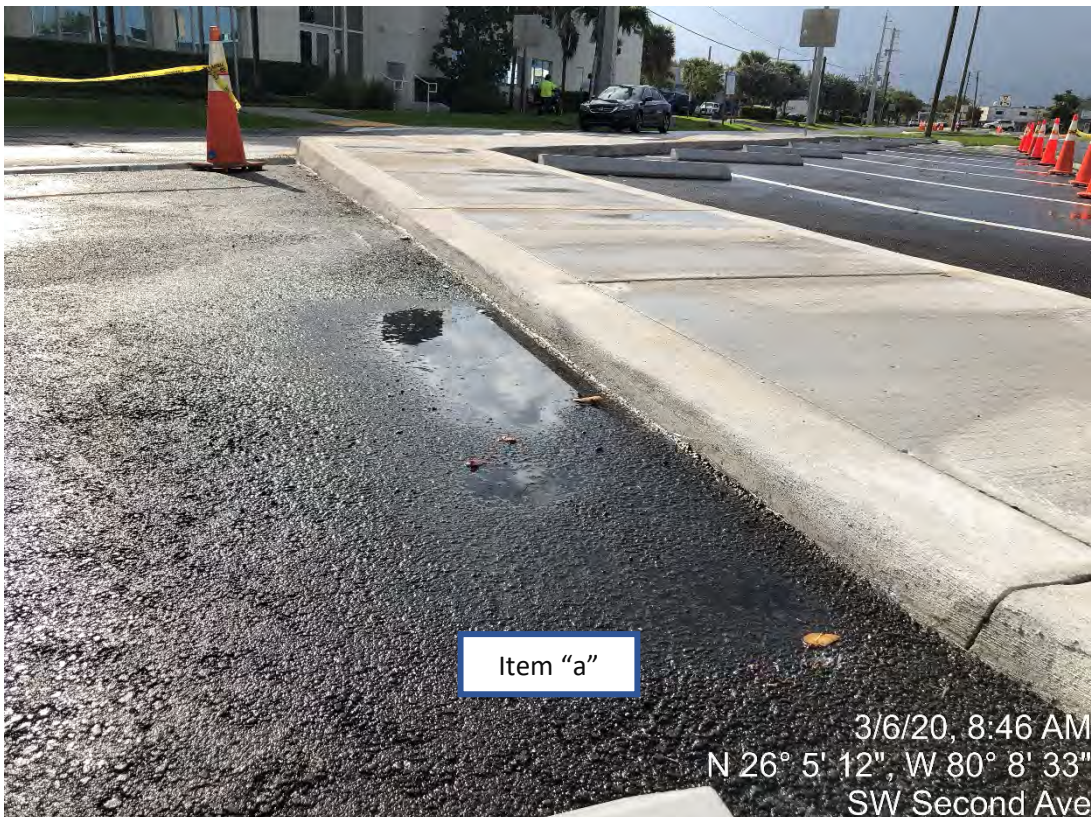




02772 – Asphalt Concrete Pavement

- a. Ponding recorded on Concrete Sidewalk between medians III and IV (STA 29+65 to STA 29+84)
- b. Oil stains recorded on parking spaces No. 3, No. 6, and No. 7 from North to South (STA 29+43, STA 29+95, and STA 29+12 respectively).
- c. Ponding recorded on parking spaces No. 5, No. 6, No. 8, and No. 9 (STA 29+05 to STA 29+30, and STA 28+60 to STA 28+90).
- d. CONTRACTOR failed to test for conformity with the specified grade after initial compression. Variance in surface more than 1/8-inch from the lower edge of a 12-foot straightedge recorded on parking spaces No. 2, No. 6, and No. 8 from North to South STA 29+67, STA 29+06, and STA 28+88.







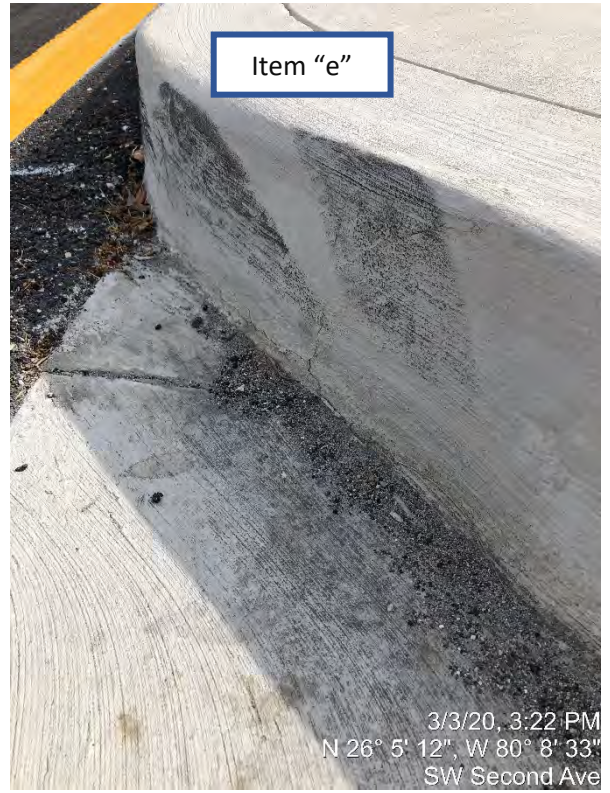


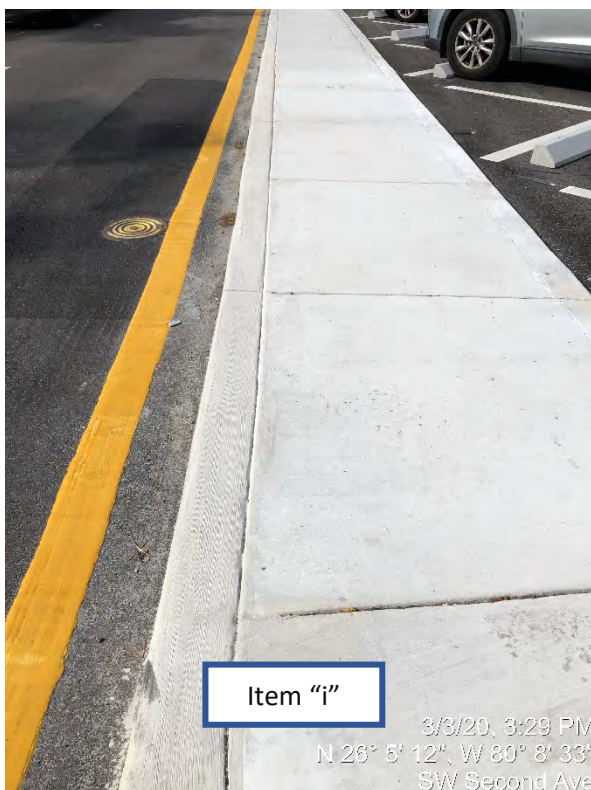
Median No. 4 (STA 29+64 – STA 31+08)

02771 – Concrete Curbs and Sidewalks

- a. Expansion joints on curved portion of Type D Curb are not beveled.
- b. Crack(s) recorded at Type D Curb STA 30+94 (West side of curb).
- c. Crack(s) and low elevation grade recorded on Type F Curb STA 30+83 (convergence of Valley Gutter and Type F Curb).
- d. Grinding of concrete at Valley Gutter STA 30+29 and STA 30+66
- e. Crack(s) and low elevation grade recorded at Valley Gutter STA 29+67 (beginning of Valley Gutter).
- f. Grinding of concrete at Sidewalk STA 30+82 (1st flag from North to South)
- g. Incorrect jointing pattern recorded on Concrete Sidewalk STA 29+85 to STA 30+85 (entire median).
- h. Crack(s) repair method was not reviewed/approved by the City and it shows poor finish on Type D Curb STA 29+85 to STA 30+65.
- i. Crack(s) repair method was not reviewed/approved by the City and it shows poor finish on Concrete Sidewalk and Type D Curb STA 29+88 (1st joint from South to North).
- j. Ponding recorded throughout the Valley Gutter STA 29+66 to STA 30+83. Low elevation grade recorded at both ends of Valley Gutter.
- k. Ponding recorded on Concrete Sidewalk behind detectable warning surface STA 30+71, and at flags No. 2, No. 7, No. 9, and No. 12 South of ADA accessible route ramp (STA 30+56, STA 30+24, 30+15, and STA 30+00 respectively).
- l. Trip hazard between Type D Curb and Concrete Sidewalk STA 30+71.





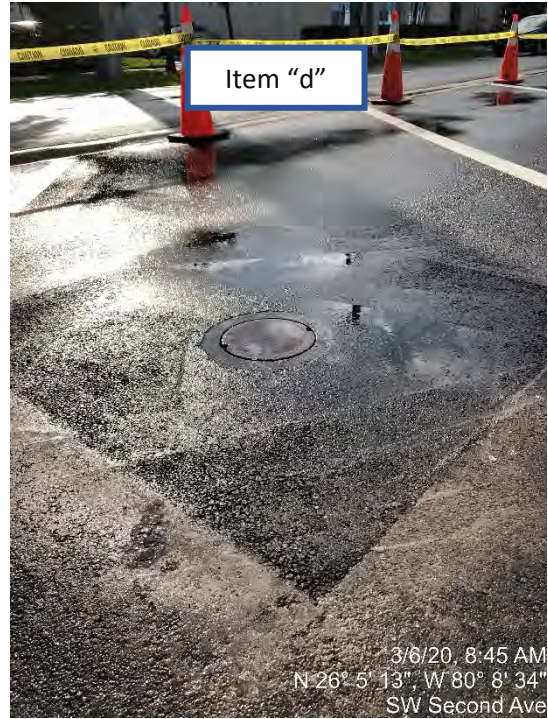




02772 – Asphalt Concrete Pavement

- a. Ponding recorded behind Wheel Stops of parking spaces No. 2 and No. 3 from North to South STA 30+58 to STA 30+76.
- b. Ponding recorded behind Wheel Stops of parking spaces No. 5 and No. 6 from North to South STA 30+22 to STA 30+45.
- c. Ponding recorded on SW 2nd Avenue Southbound lane STA 30+85.
- d. Ponding recorded on parking space No. 5 from North to South due to irregular asphalt patch surrounding gas valve STA 30+31.
- e. Ponding recorded on parking space No. 9 from North to South against Type D Curb STA 29+76.
- f. CONTRACTOR failed to test for conformity with the specified grade after initial compression. Variance in surface more than 1/8-inch from the lower edge of a 12-foot straightedge recorded on parking space No. 2 from North to South STA 30+68.





Median Crossover (STA 27+65 to STA 28+40)

02772 – Asphalt Concrete Pavement

- a. Ponding recorded along the longitudinal joint between SW 2nd Avenue Southbound lane and median crossover (STA 27+65 to STA 28+40).
- b. Oil stain left to saturate into the surface softened the asphalt STA 28+38. Heavy damage recorded.
- c. Ponding recorded STA 28+38 to STA 28+18 next to SW 2nd Avenue Northbound lanes.
- d. Poor finish recorded on asphalt patch STA 28+26.
- e. Ponding recorded STA 27+68 at water valve (in front of existing fire hydrant).





EXHIBIT B

PUNCH LIST SITE DISCUSSION

Date: March 11th, 2020

Attendees: Jose R. Gomez – Continental Construction Company
Andres E. Rivera – Chen Moore & Associates

Notice is hereby given that the terms, materials and/or items of work, as fully described on the punch list dated January 3rd, 2020, were reviewed and discussed at the site on March 11th, 2020 between a representative of the ENGINEER (CMA) and representatives of the CONTRACTOR (CCC).

DESCRIPTION OF NONCONFORMING ITEMS:

The following items of work at SW 2nd Avenue Parking Improvements Between SW 32nd St & SW 30th St included in the punch list dated January 3rd, 2020 were not performed in general conformance with the contract and/or require further consideration to address identified deficiencies. Each item of the punch list that does not meet the City of Fort Lauderdale standards or presents deficiencies, was pointed out to the Contractor at the site, who proceeded to mark each location with spray paint.

Punch List Item	Description	Condition
3	Install Concrete Apron per plans and engineering specifications.	Contractor commits to provide documentation of catch basin No. 5 top slab structural modification.
4	2-Lifts 3/4-inch asphalt concrete - Type S-III per plans and engineering specifications to 100% compaction.	Contractor commits to repair deficient areas, including patches on median crossover, median No. 3, and oil stains. Repair method shall be submitted and approved by the City or Engineer prior implementation.
5	Reconstruct Type D curb size, turn radius, length, height and straighten per plans.	Contractor commits to repair cracks and deficient areas on type D curbs. Repair method shall be submitted and approved by the City or Engineer prior implementation.
6	Provide as-built plans and test report as stated in the engineering specifications. All items that failed or rejected in the report must be reconstruct, repair and/or restore.	Contractor commits to provide as-built as requested.
7	Repair crack and reconstruct 2-foot Valley Gutter as some areas are do not meet min 0.3% slope and do not meet 24" width.	Contractor commits to repair all cracks in valley gutter. Repair method shall be submitted and approved by the City or Engineer prior implementation.
8	Install wheel stops per plans.	Contractor commits to adjust wheel stop of parking space No. 1 and repair wheel stop of parking space No. 8.
9	Install Reflective Curb Painting per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
10	Reconstruct the height difference between the concrete sidewalk and Type D curb so it is same height to avoid trip hazard.	Contractor commits to repair one location on median No. 3.
12	Install detectable warnings per plans and engineering specification.	Contractor commits to repair grade break to eliminate trip hazards at four (4) locations.

Punch List Item	Description	Condition
13	Install 6-inch Yellow 6-foot - 10-foot skip thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
14	Install 6-inch White 10-foot - 30-foot skip thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
15	Install 6-inch Solid White Thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
16	Install 24-inch Solid White Thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
17	Install 6-inch Solid Yellow Thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
18	Install 6-inch Double Yellow Thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
19	Install White Crosswalk Arrows per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
20	Install White Sawtooth Thermoplastic per plans and engineering specifications.	14 days allowance from FDOT to be discussed.
21	Install Reflective Pavement Markers per plans and engineering specifications section 02575-2.8B.	Contractor to restore loosened RPM on SW 31st Street.
22	Install Single Post Signs per plans and engineering specifications	Contractor commits to relocate R1-5L.
28	Install sod per plans and engineering specifications.	Contractor commits to restore sod damaged East of SW 2nd Av Northbound lanes.
30	Restore all landscape East of the Northbound travel lane and clean the sidewalk East of Northbound travel lane.	Contractor commits to restore sod damaged East of SW 2nd Av Northbound lanes.
32	Reconstruction the asphalt area in the North median parking stall to provide positive drainage, as it is currently ponding.	Contractor to provide as-builts and correct surface tolerance deficiencies in five (5) locations. Repair method shall be submitted and approved by the City or Engineer prior implementation.
33	Reconstruct concrete damage including cracks and spalling at the sidewalk and curb.	Contractor commits to repair all cracks in sidewalk and curbs. Repair method shall be submitted and approved by the City or Engineer prior implementation.
34	Repair damage asphalt and ensure asphalt slope as plans.	Contractor to provide as-builts and correct surface tolerance deficiencies in five (5) locations, including patches on median crossover, median No. 3, and oil stains. Repair method shall be submitted and approved by the City or Engineer prior implementation.

Punch List Item	Description	Condition
38	Concrete sidewalk joint and sawcut is incomplete or further extended to damage the curb. Correct and repair accordingly.	Contractor commits to complete expansion joint between Type D curb and sidewalk. Contractor commits to fill expansion joints per engineering specifications.
40	Relocate the newly install R1-5L Sign to match plans.	Contractor commits to relocate R1-5L.
42	Reconstruct catch basin cover to match location per plans.	Contractor commits to provide documentation of catch basin No. 5 top slab structural modification.
45	Restore the Right-of-Way area between the sidewalk and the newly install asphalt between STA 30+65 (W) to STA 29+00 (W).	Contractor commits to repair patch on sidewalk.
46	Reconstruct Curb Height in parking median to match plans (PGD-1). Example at STA 30+82 should be a difference of 7.92", measurement at site shown less than 3". STA 29+85 a difference of 3", measurement at site shown 2". STA 26+15 should be a difference of 4.44", measurement at site shown 3.75".	Reconstruction was not conducted. Contractor commits to provide as-built as requested.
50	Address and provide written responses to all comments listed in Engineer's Punch List (Exhibit B), Nonconformance Report (Exhibit C), Engineer's daily reports and any future reports/documented observations made by the City or the Engineer for this project.	Contractor commits to respond to all reports and documented observations made by the City and the Engineer.

EXHIBIT C

February 11, 2020

Juan Jurado, President
Continental Construction USA, LLC.
95 Marrick Way, Suite 480
Coral Gables, FL 33134

**RE: Invitation bid number 12278-693, Project number 12434, SW 2nd Ave
Median Parking Project – Notice of Nonconformance Report 005.**

Mr. Jurado;

Please refer to the attached document for the non-compliance notice for this project dated February 11, 2020 for your perusal.

Please perform the correction action within seven (7) days as stated in the contract agreement.

If you have any questions or concerns, please contact Shiau Ching Low at (954) 828-3779 (slow@fortlauderdale.gov).

Sincerely,



Shiau Ching Low
Project Manager II

Enclosed
Non-compliance Notice

CC: Jeff Davis, Parking Services Manager
Bryan Greene, Assistant Parking Services Manager

Date:	2/11/2020	Notice Number:	NCR005
		Project Number:	12434
Contractor/Responsible Individual:	Continental Construction USA, LLC.		
Project Name:	SW 2nd Ave Median Parking Project		
Activity:	Deficiency on surface runoff		
Special Paragraph and/or Drawing Number:			
Reference (Shop Drawing, Certification, CQC Number):			

Hazardous Working Conditions or Deficiency in Workmanship, and/or Material Reply Date:
<ul style="list-style-type: none"> • Sod on swale in front of CTS requires restoration. • Water ponding was recorded behind the wheel stops at every parking lot • Valley gutter running slope is insufficient to convey runoff. Ponding was recorded at both parking lots of North median and North parking lot of South Median • The point where the valley gutter meets the curb and gutter is prone to ponding. Slope between this point and the corresponding inlet is inadequate. • Irregularities in pavement at the parking lots lead to water puddles. • Considerable water ponding recorded at the median crossover. • Water puddles at the ADA detectable warning.

Corrective Action Accomplished:

This Notice does NOT authorize any work not included in the Contract and shall not constitute a basis for additional payment or time. If you are in disagreement with this Notice, contact the City Project Manager immediately.

Signatures:			
City Construction Inspector			
Name & Title:			
Signature:		Date Noted:	
City Construction Project Manager			
Name & Title:			
Signature:		Date Noted:	
Contractor's Acknowledgement			
Name & Title:			
Signature:		Date Noted:	







2/7/20, 10:34 AM
N 26° 5' 11", W 80° 8' 33"
SW Second Ave



2/7/20, 10:34 AM
N 26° 5' 11", W 80° 8' 33"
SW Second Ave

EXHIBIT D

February 21, 2020

Juan Jurado, President
Continental Construction USA, LLC.
95 Marrick Way, Suite 480
Coral Gables, FL 33134

**RE: Invitation bid number 12278-693, Project number 12434, SW 2nd Ave
Median Parking Project – Notice of Nonconformance Report 006.**

Mr. Jurado;

Please refer to the attached document for the non-compliance notice for this project dated February 21, 2020 for your perusal.

Please perform the correction action within seven (7) days as stated in the contract agreement.

If you have any questions or concerns, please contact Shiau Ching Low at (954) 828-3779 (slow@fortlauderdale.gov).

Sincerely,



Shiau Ching Low
Project Manager II

Enclosed
Non-compliance Notice

CC: Jeff Davis, Parking Services Manager
Bryan Greene, Assistant Parking Services Manager

NONCONFORMANCE REPORT (NCR)

CONTRACTOR: Continental Construction USA

Attn: Jose R. Gomez

Date: Feb 19, 2020 **NCR No.:** 6

Notice is hereby given that the terms, materials and/or items of work, as fully described below, were reviewed, inspected, and/or tested by this office and was found not to be in conformance with the requirements of the subject contract.

DESCRIPTION OF NONCONFORMING ITEMS:

The following items of work at SW 2nd Avenue Parking Improvements Between SW 32nd St & SW 30th St were not performed in general conformance with the contract. Deficiencies were found and identified on Submittal No. 15 – As-Builts Drawings submitted on January 27th, 2020.

CONTRACTOR failed to document changes between the design and construction, as prescribed in **Section 01320 – Part 1.5 “All information that is incorrect due to changes during construction will be corrected.”** CONTRACTOR shall redraft any facilities constructed at a different location than the design location. The As-Built shall include the following contents:

- Utility type, length, size and elevation, and utility crossing including the bottom of pipe elevation, material and diameter of the higher utility and the top of pipe elevation, material, and diameter of the lower utility.
- Maintenance Access Structures, valves and hydrants within right-of-way.
- Sign location where installed if different from plans.
- Finished asphalt pavement, concrete, and sod surfaces at grade changes, the top and bottom corners of ramps. Along ADA accessible paths, along the lowest point in a swale, and at any other points within the project area as requested by the ENGINEER or CITY.

CONTRACTOR failed to provide Rock As-Builts for parking lot, roadways, and swales areas, including elevation at all high and low points, and at enough intermediate points to confirm slope consistency, as prescribed in **Section 01320 – Part 1.5 Item J**

CONTRACTOR failed to provide As-builts on all paved and unpaved swales prior to placement of asphalt and/or topsoil/sod, at enough intermediate points to confirm slope consistency and conformance to the plan details, as prescribed in **Section 01320 – Part 1.5 Item J**

CONTRACTOR failed to submit sets of progress As-Built drawings with each payment application depicting the work completed for which payment was being requested, as prescribed in **Section 01320 – Part H**

Project features subject to As-Built deficiencies include but are not limited to:

02630 Storm Drainage Facilities:

- Failed to reflect changes in alignment and horizontal displacement.
- Failed to provide bottom elevation on Catch Basin No. 4.

02631 Exfiltration Trench Drains:

- Failed to reflect rerouting of existing utilities.
- Failed to provide pipe invert at other than storm drainage facilities.
- Rectification of conflict #1 Gas over Storm is required.
- Failed to reflect existing SD type of pipe and updated location.

02710 Limerock Base:

- Failed to provide Rock As-Builts for parking lots, and swales areas.

02761 Pavement Marking:

- Failed to provide pavement markings As-Built and/or changes in markings.
- Failed to provide signage As-Built and/or changes in signs location.

02771 Concrete Curbs and Sidewalks:

- Failed to provide shots along ADA accessible path.
- Failed to provide horizontal alignment to curbs and sidewalks.
- Failed to reflect areas subject to concrete sidewalk restoration.

02772 Asphalt Concrete Pavement:

- Failed to provide shots at bottom of ramps.
- Failed to provide shots along ADA accessible path

02920 Sodding:

- Failed to provide elevation at all high and low points.

EXHIBIT E

February 28, 2020

Juan Jurado, President
Continental Construction USA, LLC.
95 Marrick Way, Suite 480
Coral Gables, FL 33134

**RE: Invitation bid number 12278-693, Project number 12434, SW 2nd Ave
Median Parking Project – Notice of Nonconformance Report 007.**

Mr. Jurado;

Please refer to the attached document for the non-compliance notice for this project dated February 28, 2020 for your perusal.

Please perform the correction action within seven (7) days as stated in the contract agreement.

If you have any questions or concerns, please contact Shiau Ching Low at (954) 828-3779 (slow@fortlauderdale.gov).

Sincerely,



Shiau Ching Low
Project Manager II

Enclosed
Non-compliance Notice

CC: Jeff Davis, Parking Services Manager
Bryan Greene, Assistant Parking Services Manager

NONCONFORMANCE REPORT (NCR)

CONTRACTOR: Continental Construction USA

Attn: Jose R. Gomez

Date: Feb 27, 2020 **NCR No.:** 7

Notice is hereby given that the terms, materials and/or items of work, as fully described below, were reviewed, inspected, and/or tested by this office and was found not to be in conformance with the requirements of the subject contract.

DESCRIPTION OF NONCONFORMING ITEMS:

The following items of work at SW 2nd Avenue Parking Improvements Between SW 32nd St & SW 30th St were not performed in general conformance with the contract. Deficiencies were found and identified on the field during a site inspection on January 27th.

02771 Concrete Curbs and Sidewalks:

CONTRACTOR failed to comply with ADA cross slope of accessible routes walking surfaces requirements. The cross slope of walking surfaces shall not be steeper than 1:48 (2.08%). Portions of the sidewalk cross slope within the North median of SW 2nd Avenue were measured and recorded to be out of compliance.

Corrective actions shall be submitted and approved by the CITY before being performed. Grinding of the concrete surface is not acceptable as it may expose the concrete aggregates, compromising the durability of the structure.

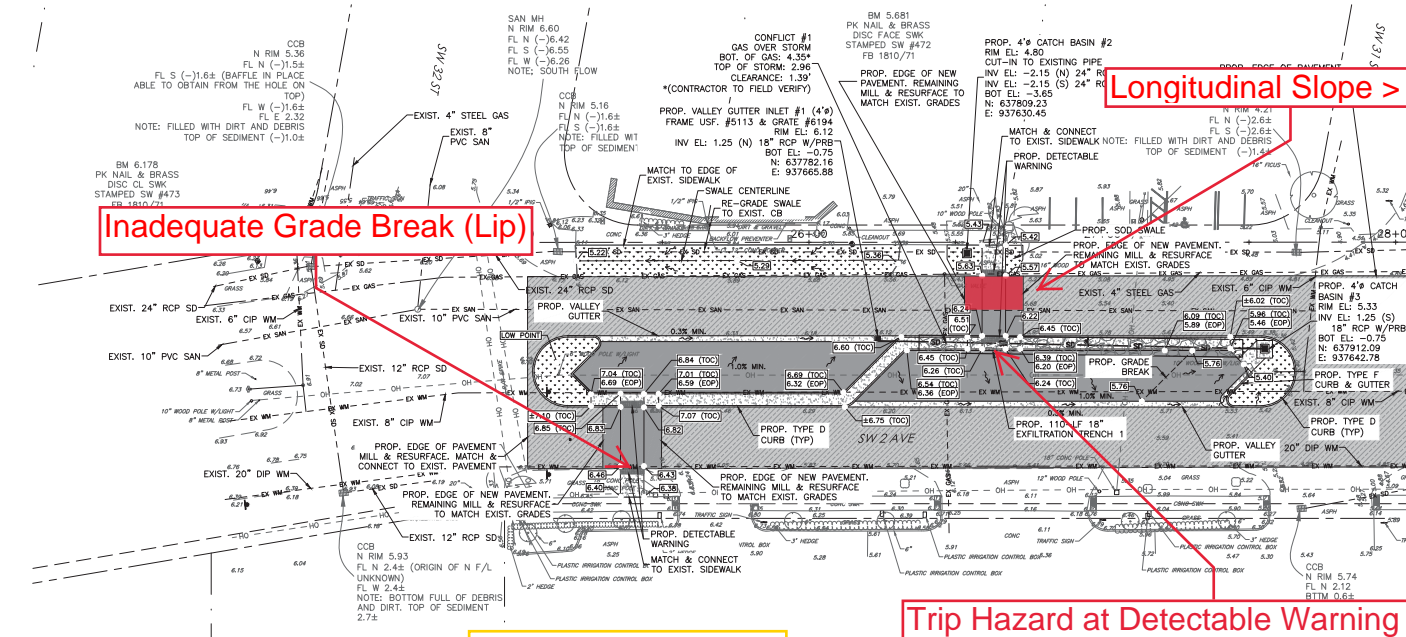
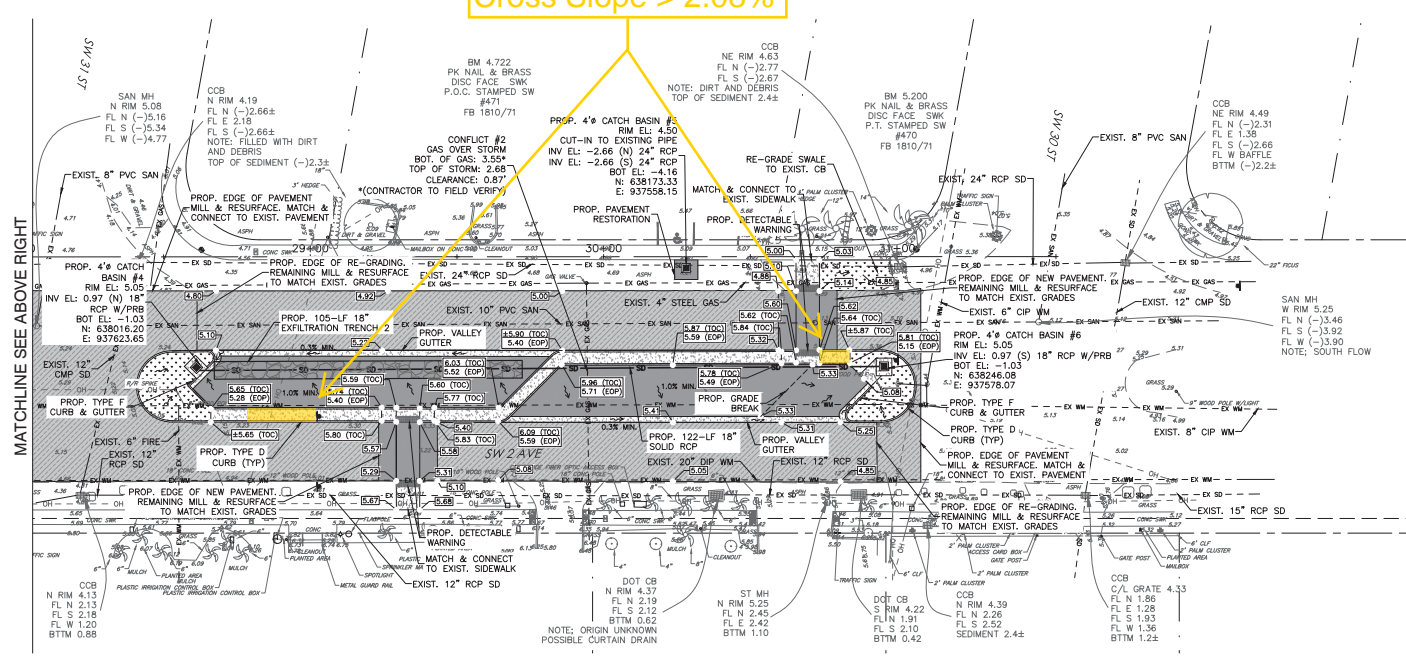
Changes in level between ¼ inch and ½ inch shall be beveled with a slope not steeper than 1:2. CONTRACTOR failed to install detectable warning surfaces flushed with the abutting concrete sidewalks.

02772 Asphalt Concrete Pavement:

CONTRACTOR failed to comply with ADA running slope of accessible routes walking surfaces requirements. The running slope cannot exceed 1:20 (5%). The South raised crosswalk of SW 2nd Avenue Southbound right lane longitudinal slope is greater than 5%. The slope was measured at 7.5% - 8%, which represents a rise of approximately 9-inches in a 10-foot run.

Portions of accessible routes with running slopes steeper than 5% must be treated as ramps as prescribed in the ***United States Access Board Guideline – Chapter 4: Ramps and Curb Ramps***. Ramps running slope cannot exceed 1:12 (8.33%). Ramps must be equipped with handrails at both sides if rise is greater than 6 inches.

CONTRACTOR failed to provide adequate grade break or smooth transitioning between raised crosswalk and concrete sidewalk. Uneven surfaces were identified on the South raised crosswalk of SW 2nd Avenue Northbound right lane grade break with existing sidewalk. No lips or other variations in slope within runs are allowed, as they can disrupt wheelchair travel.



MATCHLINE SEE BELOW LEFT

Portions of accessible routes with running slopes steeper than 5% must be treated as ramps. Handrails must be provided on both sides if rise is greater than 6"

CHEN-MOORE ASSOCIATES
 500 West Cypress Creek Road, Suite 630
 Ft. Lauderdale, FL 33309
 954.730.0707
 www.chenmoore.com
 CERTIFICATE OF AUTHORIZATION
 EB4593 LC26000425

CONSTRUCTION SET

PROJECT # 12434
 SW 2ND AVENUE PARKING
 IMPROVEMENTS BETWEEN SW 32ND ST & SW 30TH ST
 PAVING GRADING & DRAINAGE PLAN

DRAWING # PGD-17
 SHEET 16
 TOTAL: 16
 CAD FILE: 12434-PGDP
 DRAWING FILE NO: 4-141-42

REVISIONS

NO.	DATE	BY	DESCRIPTION

APPROVED BY: [Signature]
 DATE: 08/19/2019
 DESIGNED BY: N/A
 CHECKED BY: N/A
 FIELD NO.: 000

OWNER: CITY OF FORT LAUDERDALE
 PUBLIC WORKS DEPARTMENT
 ENGINEERING & ARCHITECTURE
 100 North Andrews Avenue, Fort Lauderdale, Florida 33301

DESIGNED BY: DANIEL B. DAVILA
 REG. NO. 68014
 SEAL: [Seal]
 CHECKED BY: [Signature]
 FIELD NO.: 000