



June 30, 2020

Mr. Juan Carlos Jurado
Continental Construction USA, LLC.
95 Merrick Way, Suite 480
Coral Gables, FL 33134
305-704-7396
info@usacontinental.com

RE: Project #12126 Downtown Mobility Hub Streetscape Improvements (12292-296)

SUBJECT: Notice to Stop Work

Dear Mr. Jurado:

The City's consultant inspector at the above referenced construction site notified City staff on June 29, 2020 that Continental Construction had demolished and damaged adjacent properties that are owned by private entities. Continental Construction was not authorized by the City to take these actions as the City needed to obtain construction easements for these parcels before any work could be done.

The City has hosted weekly progress meetings between the Broward Metropolitan Planning Organization, the City's consultant, and Continental Construction since November 5, 2019 to discuss the construction progress, status, and next steps. During these weekly meetings, and as recently as June 22, 2020, Continental Construction was informed of the easement status and construction work limitations.

Section 8.15, Contractor Use of Premises, in the City of Fort Lauderdale's Construction Agreement states in part:

"...The Contractor shall not enter upon private property for any purpose without first securing the permission of the property owner in writing and furnishing the Project Manager with a copy of said permission. This requirement will be strictly enforced, particularly with regard to such vacant properties as may be utilized for storage or staging by the Contractor.

The Contractor shall conduct his work in such a manner as to avoid damage to adjacent private or public property. Any damage to existing structures of work of any kind, including



permanent reference markers or property corner markers, or the interruption of a utility service, shall be repaired or restored promptly at no expense to the City or property owner.....

Additionally, as stated in Section 01001 item 3.6C, Easements and Work on Private Property, in the City of Fort Lauderdale's Construction Agreement – Engineering Specification:

"It is anticipated that the required easements and permits will be obtained before construction is started. However, should the procurement of any easement or permit be delayed, the Contractor shall schedule and perform the work around these areas until such a time as the easement or permit has been secured."

However, despite these notices, Continental Construction failed to follow instructions to work around the easements.

These actions exhibit Continental's lack of care and sufficient supervisory oversight, which has resulted in this Stop Work Order, effective June 30, 2020. This letter shall notify Continental Construction USA, LLC to immediately cease ALL construction activity while the City evaluates the site conditions, Continental's performance, and coordinates corrective actions with the adjacent property owners.

As stated in Section 11.4, City May Stop the Work, in the City of Fort Lauderdale's Construction Agreement:

"If the Work is defective, or the Construct fails to supply sufficient skilled supervisory personnel or workmen or suitable materials or equipment or the work area is deemed unsafe, the City may order the Contractor to stop the Work, or any portion thereof, until the cause for such order has been eliminated; however, this right of the City to stop the Work shall not give rise to any duty on the part of the City to exercise this right for the benefit of the Contractor of any other party. The City will not award any increase in Contract Price or Contract Time if the Work is stopped due to the circumstances described herein."

The City has confirmed that all of the impacted private property is owned by Brightline. To resolve this issue, Brightline has proposed certain terms and conditions, which allow construction activity to take place on private property. Since Continental Construction is responsible for demolishing the private property, an amendment to the current Contract for Construction of the Downtown Fort Lauderdale Mobility Hub Streetscape Improvements is necessary to incorporate certain insurance provisions required by Brightline.

The proposed Construction Easement and Contract for Construction of the Downtown Fort



Lauderdale Mobility Hub Streetscape Improvements requires approval by the Fort Lauderdale City Commission (Construction Contract). The City Commission will meet on July 7, 2020, before a six-week recess, for consideration of approval of the proposed Construction Easement and amendment to the Construction Contract.

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, CPPO, CPPB, MBA
Chief Procurement Officer

Attachments:

Exhibit A: Extract Construction Contract
Exhibit B: Construction Images of Adjacent Property

cc: James Hemphill, Assistant Procurement and Contracts Manager
Ben Rogers, Transportation and Mobility Director
Shiau Ching Low, Project Manager II
Felix Garcia, PE, City's Consultant
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