



IRA LIBANOFF, ESQUIRE
ilibanoff@hinckleyallen.com

August 5, 2024

VIA HAND DELIVERY

Mr. Robert Gleason, Director of Purchasing
Purchasing Department
115 S. Andrews Avenue, Room 212
Fort Lauderdale, Florida 33301

Re: **RFRFP No. and Name: PNC2126443P1 Design-Build: Sheridan St. Bridge over FL Turnpike**

Dear Gleason:

The undersigned represents **GLF Construction Corporation**. (“GLF”), the lowest responsive and responsible bidder / proposer in response to the Design-Build solicitation for the above referenced Project. GLF has furnished me with information and documentation regarding the final evaluation and scoring of the Step Two bidders, namely, GLF and Structural Technologies, LLC (“STI”), and the evaluation committee’s proposed recommendation of ranking, specifically, ranking STI above GLF. While GLF understands the committee’s ranking to be based upon the scoring criteria set forth in the solicitation, GLF protests the scores assigned to STI on the basis that STI’s submissions are deficient in several respects, including more importantly that STI is not a responsive bidder. As discussed in detail below, STI’s submissions are deficient with respect to its qualifications to perform the bridge work as required by the Bid Documents. Information regarding STI’s plans for Maintenance of Traffic and its sequencing of work and construction will be addressed that demonstrate that STI’s Project Approach and Project Management and Quality Management Plan are deficient. Accordingly, the committee’s proposed recommendation of ranking should be rejected and the Contract should be awarded to GLF.

Bridge Work Qualification

Step 1 of the solicitation process for the Project required the submission of each firm’s qualifications, including Florida Department of Transportation (“FDOT”) pre-qualifications or certificates for Minor Bridges Work Class. At the time of its Step 1 submission, STI was only pre-qualified in the Repair & Rehabilitate Minor Bridge Work Class. It should be noted that the FDOT Minor Bridges Work Class (Code No. 27) is distinct from the R&R Minor Bridges Work Class

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(Code No. 37). Attached as Exhibit "1" is a true and correct copy of FDOT's Qualification Letter to STI. This is significant because the scope of work required for the successful completion of this project, which include jacking the bridge to a new height / elevation, involves more than just repair or rehabilitation work.

Of greater import that STI's lower level of FDOT qualification is that STI's FDOT qualification was set to automatically lapse on March 30, 2024 and presently, STI is not prequalified in any FDOT minor bridge work classes. During the Step 2 process, STI was required to disclose any changes to its previously submitted qualifications and its litigation history going back three years. STI did not note the expiration of its FDOT prequalification in its Step 2 submission and further failed to disclose its involvement in the FIU Pedestrian Bridge collapse litigation. STI's involvement in the FIU Pedestrian Bridge collapse includes a citation from the Occupational Safety and Health Administration ("OSHA"), a true and correct copy of which is attached hereto as Exhibit "2", and, upon information and belief, its contribution to the global settlement of the litigation.

As addressed above, to the extent STI was previously pre-qualified in the Repair & Rehabilitate Minor Bridge Work Class, as demonstrated by its maintenance of traffic plans and its construction sequencing plans, STI's lack of qualification for the solicitation's scope of work is evident in the means and methods it has proposed, as further discussed below thereby calling into question is ranking / score in the categories of Project Approach and Project Management and Quality Management Plan.

Maintenance of Traffic

STI has proposed using traffic pacing to control traffic on the Turnpike during lifting operations in connection with the jacking or lifting of the bridge. Pursuant to the Q&A attached to the Step 2 Solicitation, bidders are to comply with the provisions of Florida's Turnpike Enterprise Lane Closure Policy which provides that traffic pacing can only be employed when detours for traffic control are not possible. As established in GLF's proposal, as well as the proposals of Step 1 bidders Cone & Graham and Strongcore, LLC, detours are a viable means of traffic control during the lifting operations. As traffic pacing is incompatible with this Project, full closures would be required during STI's proposed jacking operations, which STI has scheduled to take place over ten (10) days, although the bid documents provide for a maximum of eight (8) days of full closures. STI's proposal to use traffic pacing and leaving the Turnpike open and automobiles to pass during jacking operations is contrary to proper safety procedures. Such proposal calls into question the scores received by STI for its Project Approach and Project Management and Quality Management Plan

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Scheduling and Sequencing of Work

The solicitation documents provide a maximum of 540 calendar days to complete the Project. Although STI's submission indicates a 505 calendar day duration, a closer look at STI's submission reveals sequencing issues that will ultimately result in at least 50 days of additional time. Notably, during its presentation to the committee, STI represented that the pedestals would be constructed after the bridge was jacked. However, STI's schedule indicates that construction of the pedestals beneath the bridge beams is to commence before the bridge is lifted, and notes that pedestal work will be complete on the same day that bridge jacking is finished. STI's proposed schedule is based on a practical impossibility, as the bridge beams are to sit on top of the newly constructed pedestals. As STI has scheduled 50 days of pedestal work which cannot commence until bridge jacking is complete, with proper sequencing, its 505 calendar day duration would be extended to at least 555 days, beyond the maximum duration provided by the solicitation documents.

Furthermore, STI's submission sequences the repair of damaged beams after bridge jacking is complete. GLF's submission proposes repairing damages beams prior to bridge jacking in order to ensure maximum strength is in place at the time of jacking.

Proposed Jacking Methodology

During its presentation to the committee, STI represented that it had abandoned the idea of jacking on the diaphragms over concerns about cracking and would instead employ support brackets bolted to the caps with post-installed anchors drilled into the substructure. However, the post-install bolting of support brackets to the substructure is a means of last resort as such method carries a greater risk of degradation of structural integrity. Accordingly, GLF proposed investigating the diaphragms to confirm they are structurally adequate for jacking and, in the event the diaphragms were found to be incapable of supporting the jacking loads, employing alternative means of support such as saddles on the caps, shoring towers, or brackets attached to the substructure.

STI's scheduling and sequencing of the work required on this project coupled with its proposed jacking methodology further demonstrate why its previous certification as a contractor approved for performing Repair & Rehabilitate Minor Bridge Work Class, even if its qualification had not lapsed, does not qualify it to perform the work required on this Project.

In light of the foregoing, it should be clear that STI's Bid / Proposal is not responsive insofar as the qualification requirements included in the Bid Documents. Moreover, perhaps as a result of its qualifications, or lack thereof, STI's MOT plans, its scheduling and sequencing of the work, and its proposed jacking methodology call into question whether it is a responsible bidder as well. GLF is both a responsive and responsible bidder which based upon its qualifications and

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experience will successfully complete this project and will save the County money as well. Accordingly, GLF respectfully requests that the committee rescind its proposed recommendation of ranking and declare that GLF is the responsive and responsible bidder / proposer for the Project and that the Award of the Contract be made to GLF.

Should you have any questions with respect to the foregoing or require any additional information, please do not hesitate to contact the undersigned.

Sincerely,



Ira Libanoff, Esquire

Florida Bar Board Certified Construction Attorney

IL/dmw
Enclosures
cc: GLF Construction Corporation



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

January 27, 2023

STRUCTURAL TECHNOLOGIES, LLC
10150 OLD COLUMBIA ROAD
COLUMBIA, MARYLAND 21046-1274

RE: CERTIFICATE OF QUALIFICATION

The Department of Transportation has qualified your company for the type of work indicated below.

FDOT APPROVED WORK CLASSES:

CATHODIC PROTECTION, R&R INTERMEDIATE BRIDGES ("R&R" IS REPAIR AND REHABILITATE), R&R MAJOR BRIDGE - BRIDGES OF CONVENTIONAL CONSTRUCTION WHICH ARE OVER A WATER OPENING OF 1,000 FEET OR MORE, R&R MAJOR BRIDGE - CABLE STAYED CONSTRUCTION, R&R MAJOR BRIDGE - CONCRETE SEGMENTAL CONSTRUCTION, R&R MAJOR BRIDGE - MULTI-LEVEL ROADWAY, R&R MAJOR BRIDGE - STEEL TRUSS CONSTRUCTION, R&R MAJOR BRIDGE- CURVED STEEL GIRDERS, R&R MINOR BRIDGES, Post Tensioning Repair, Pile Jacking.

Unless notified otherwise, this Certificate of Qualification will expire **3/30/2024**.

In accordance with Section 337.14(4), Florida Statutes, changes to Ability Factor or Maximum Capacity Rating will not take effect until after the expiration of the current certificate of prequalification (if applicable).

In accordance with Section 337.14(1), Florida Statutes, an application for qualification must be filed within (4) months of the ending date of the applicant's audited annual financial statements.

If the company's maximum capacity has been revised, it may be accessed by logging into the Contractor Prequalification Application System via the following link:

[HTTPS://fdotwpl.dot.state.fl.us/ContractorPreQualification](https://fdotwpl.dot.state.fl.us/ContractorPreQualification)

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

The company may apply for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code (F.A.C.), by accessing the most recently approved application as shown above and choosing "Update" instead of "View." If certification in additional classes of work is desired, documentation is needed to show that the company has performed such work.

All prequalified contractors are required by Section 14-22.006(3), F.A.C., to certify their work underway monthly in order to adjust maximum bidding capacity to available bidding capacity. You can find the link to this report at the website shown above.

Sincerely,

A handwritten signature in black ink that reads "James E. Taylor II". The signature is written in a cursive, flowing style.

James E. Taylor II, Prequalification Supervisor,
Contracts Administration Office

JT:cg

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324



Citation and Notification of Penalty

To:
STRUCTURAL TECHNOLOGIES, LLC, dba
Structural Technologies/VSL
and its successors
2001 Blount Road
Pompano Beach, FL 33069

Inspection Site:
SW 8th Street and SW 109 Avenue
Florida International University, 11200 SW 8th St,
Miami, FL 33199
Miami, FL 33199

Inspection Number: 1303015
Inspection Date(s): 03/15/2018 - 09/14/2018
Issuance Date: 09/14/2018

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 954-424-0242. During such an informal conference you may present any evidence or views which you believe would

support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/14/2018. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1303015

Company Name: STRUCTURAL TECHNOLOGIES, LLC, dba Structural Technologies/VSL
Inspection Site: SW 8th Street and SW 109 Avenue, Florida International University, 11200 SW 8th St, Miami, FL 33199, Miami, FL 33199
Issuance Date: 09/14/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1303015
Inspection Date(s): 03/15/2018 - 09/14/2018
Issuance Date: 09/14/2018



Citation and Notification of Penalty

Company Name: STRUCTURAL TECHNOLOGIES, LLC, dba Structural Technologies/VSL
Inspection Site: SW 8th Street and SW 109 Avenue, Florida International University, 11200 SW 8th St, Miami, FL 33199, Miami, FL 33199

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.502(d)(8): Horizontal lifelines were not designed, installed, and used under the supervision of a qualified person, as part of a complete personal fall arrest system, which maintained a safety factor of at least two:

On or about 03/15/2018, near SW 8th Street and SW 109 Avenue, in Miami, Florida, employees had installed a single rope lifeline on the canopy of a pedestrian bridge for five employees who were all connected to the same horizontal lifeline, thus exposing them to a fall hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/11/2018
Proposed Penalty:	\$12934.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1303015
Inspection Date(s): 03/15/2018 - 09/14/2018
Issuance Date: 09/14/2018



Citation and Notification of Penalty

Company Name: STRUCTURAL TECHNOLOGIES, LLC, dba Structural Technologies/VSL
Inspection Site: SW 8th Street and SW 109 Avenue, Florida International University, 11200 SW 8th St, Miami, FL 33199, Miami, FL 33199

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.502(d)(16)(iii): Personal fall arrest systems, when stopping a fall, were not rigged such that an employee could not free fall more than 6 feet (1.8 m) nor contact any lower level:

On or about 03/15/2018, at the intersection of SW 8th Street and SW 109 Avenue, in Miami, Florida, employees working on the canopy of a pedestrian bridge were using a horizontal lifeline that was not tensioned and was laying on the deck of bridge canopy and not above the point of operation of workers, thus exposing employees to free fall hazard of greater than 6 feet.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/11/2018
\$12934.00



Condell Eastmond
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324



INVOICE / DEBT COLLECTION NOTICE

Company Name: STRUCTURAL TECHNOLOGIES, LLC, dba Structural Technologies/VSL
Inspection Site: SW 8th Street and SW 109 Avenue, Florida International University, 11200 SW 8th St, Miami, FL 33199, Miami, FL 33199
Issuance Date: 09/14/2018

Summary of Penalties for Inspection Number	1303015
Citation 1, Serious	\$25868.00
TOTAL PROPOSED PENALTIES	\$25868.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

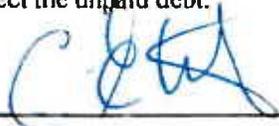
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Condell Eastmond
Area Director



Date