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Detail by Entity Name

Florida Profit Corporation
RC ALUMINUM INDUSTRIES, INC.

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Changed: 05/16/2001

Mailing Address

2805 N.W. 75TH AVENUE
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Changed: 03/24/1999

Registered Agent Name & Address

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Name Changed: 01/20/2017

Address Changed: 01/07/2011

Officer/Director Detail

Name & Address

Title COO

Casares, Lourdes Maria, Phd
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Title VSD

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Annual Reports

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Finance and Administrative Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

Certified Mail No. 7003 1010 0003 0948 7325

June 20, 2014

Mr. Raul Casares
Mr. Eusebio Paredes
Ms. Nancy Vias
RC Aluminum Industries, Inc.
2805 N.W. 75th Avenue
Miami, Florida 33122

Re: Notice of Debarment

RC Aluminum Industries, Inc. (RCAl) - Contract No. P0865207C1 for the Broward County Main Library Wind Mitigation Project

Attention: Messrs. Casares and Paredes, Ms. Vias:

On March 1, 2011, RC Aluminum Industries, Inc. (RCAl) was awarded Contract No. P0865207C1, for the Broward County Main Library Wind Mitigation Project by the Board of County Commissioners (Board). On November 12, 2013, subject contract was terminated by the Board as a result of RCAl's failure to adequately perform and complete the Main Library Wind Mitigation Project as per the terms of the contract. A detailed chronology of events for this project is attached.

Pursuant to Section 21.119 of the Broward County Procurement Code, RCAl was provided an opportunity by letter dated March 6, 2014, to be heard by the Director of Purchasing regarding the alleged breach of Contract No. P0865207C1. Your response to meet with County staff was due April 4, 2014. Our letter of March 6, 2014, went unanswered.

To date, you have failed to address and respond to the matter at hand accordingly. The integrity of the Broward County procurement process is of vital important to the Board of County Commissioners, the Purchasing Division, and Broward County businesses and residents. The actions of RCAl are egregious, contrary to acceptable businesses practices, and cannot be ignored. Therefore, pursuant to Section 21.119, based on the facts chronicled in the attached, you are hereby given notice that you are debarred from conducting business with Broward County for a period of three (3) years. If you are desirous to appeal this decision, you may adhere to the procedures stated below:

In accordance with the Broward County Procurement Code, Section 21.120, "Any person having a substantial interest in the matter, who is dissatisfied or aggrieved with the notification of the Director of the Purchasing's determination regarding... [t]he determination to debar or refusal to reinstate, must within ten (10) calendar days of such notification, appeal said determination to the County in accordance with the hearing procedures contained in Subsection 21.118 of this Code." The Hearing Officer shall only determine whether procedural due process has been afforded, whether essential requirements of law have been observed, whether the Director of Purchasing's findings are arbitrary, capricious, and an abuse of discretion, in accordance with the law or unsupported by substantial evidence as a whole. Substantial evidence means such relevant evidence as a reasonable mind might accept adequate to support a conclusion.

Broward County Board of County Commissioners

Sue Gunzburger • Dale V.C. Holness • Kristin Jacobs • Martin David Kiar • Chip LaMarca • Stacy Ritter • Tim Ryan • Barbara Sharief • Lois Wexler
www.broward.org

In order to request a hearing before a Hearing Officer you must, within ten (10) calendar days of receipt of this letter, provide a written request for such a hearing. Your written request must be addressed to the Director of Purchasing, 115 South Andrews Avenue, Room 212, Fort Lauderdale, Florida 33301. The request must briefly state the facts and arguments upon which the appeal is made and must be timely made. You may only be reinstated upon submission of an application to the Director of Purchasing for reinstatement. Enclosed you will find a copy of the Broward County Procurement Code, Section 21.121, which explains the procedure for reinstatement.

Sincerely,



Brenda J. Billingsley, Director
Purchasing Division

Attachments

BJB/gm/hmm

- c: Bob Miracle, Deputy CFO/Deputy Director, Finance and Administrative Services Department
Glenn Marcos, Assistant Director, Purchasing Division
George Lewis, Purchasing Manager, Purchasing Division
John Kunzman, Purchasing Manager, Purchasing Division
Skye Patrick, Director, Libraries Division
Steve Hammond, Assistant Director, Public Works Department
Glenn Miller, Assistant County Attorney, Office of the County Attorney

**Chronology of Events
Broward County Main Library Wind Mitigation
Bid No. P0865207C1**

March 1, 2011 - the Broward County Board of County Commissioners approved the contract with RC Aluminum Industries, Inc. (item No. 12), for the Broward County Main Library Wind Mitigation in the total amount of \$8,058,043, to be substantially completed on April 14, 2012 in 390 calendar days from the March 21, 2011 project initiation date specified in the first Notice to Proceed.

March 3, 2011 - On March 3, 2011, the Broward County Construction Management Division (CMD) issued the First Notice to Proceed (NTP) to RC Aluminum Industries, Inc. (RCAI) for preliminary work.

September 19, 2011 – Construction Change Directive (CCD) No.1 is issued to RCAI, for revisions to the existing lightning protection system. Proposed contract sum & time adjustment basis: \$9,663.19 increase and no change in time. This CCD was fully executed by all parties by 10/6/11.

October 4, 2011 – CMD issued a Second NTP to RCAI to commence construction. Issuance of this NTP was delayed 9 days due to RCAI's Curtain wall mockup having failed to pass testing.

October 26, 2011 – RCAI's Project Manager informs CMD that that the project is now nine (9) days behind schedule, due to [late] fabrication of parts at Boynton plant.

October 30, 2011 – Incident of water intrusion on the 5th, 6th, and 7th Floors.

December 5, 2011 – Incident of water intrusion @ 7th floor Terrace.

December 14, 2011 – RCAI safety violation: Complaint of falling debris.

December 15, 2011 – RCAI safety violation: Temporary partition door propped open.

December 19, 2011 – RCAI safety violation: Installing outriggers without harnesses.

December 22, 2011 – Construction Change Directive (CCD) No.2 is issued to RCAI, for revisions and repairs due to unforeseen rusted steel in one steel tube column on the corner of Phase A/B near concrete column A3 of the existing sloped glazing support structure system, as requested in Proposal Request (PR) #5, dated 12/22/11. Proposed contract sum & time adjustment basis: to be determined (TBD). This CCD was executed by consultant and CMD on 12/23/11.

December 29, 2011 – RCAI safety violation: Security cameras disconnected.

January 3, 2012 – Fully executed CO #1 is approved. CO #1: revisions to existing lightning protection system, glazing systems product substitutions items and the credit for (1) month's aerals resulted in a net deduct of (\$5,455.53) and no change in contract time.

January 9, 2012 – RCAI safety violations:

1. Fire alarms going off due to welding.
2. Const. doors left open.

January 10, 2012 – RCAI safety violation: Missing safeguards at open building ledges.

January 12, 2012 – RCAI safety violation: allowing protective plastic from building to fall onto trees.

January 19, 2012 – RCAI safety violations:

3. Exit from freight elevator corridor discharging into work area.
4. 2nd incident of tripping fire alarm.

January 19, 2012 – RCAI safety violations:

1. Incident of significant gaps in temporary fencing @ west side of library.
2. Missing "Do Not Enter" and other construction hazard signs on doors to temporary partitions.
3. Construction debris falling from above North entrance almost killing people exiting library.

January 25, 2012 – Non-Conforming Work Notice No.1 is issued to RCAI, for failure to maintain proper egress to West stair.

February 7, 2012 – Non-Conforming Work Notice No.2 is issued to RCAI, for failure to install required construction barrier at area of work.

February 27, 2012 – CMD received Varicon's, the glass supplier to RCAI, 2/13/12 Bond Claim/Notice of Non-payment letter to RCAI & Surety for \$413,013.03.

February 20, 2012 – Non-Conforming Work Notice No.3 is issued to RCAI, for various safety violations that occurred 2/15/12 on the site in and around the N.W. Construction compound:

1. Crane blocking pedestrian access along the east side sidewalk of Andrews Avenue.
2. No one directing pedestrian traffic on the blocked sidewalk.
3. Lumber on the east side sidewalk creating a tripping hazard.
4. Flanks of the crane not blocked off to prevent people from entering the construction work zone.
5. Warning flag on a pole from the front of the crane projecting into north bound Andrews Avenue.
6. Smaller crane in the staging area, off-loading crane segment and swinging it overhead coming dangerously close to the Palm Trees and creating an overhead hazard to pedestrians.

February 22, 2012 – Non-Conforming Work Notice No.4 is issued to RCAI, for allowing unsafe condition at the west exit door from the Loading area, opposite the freight elevator, continuing to exit into a construction work area.

February 22, 2012 – Non-Conforming Work Notice No.5 is issued to RCAI, for several items around the construction area of the project not in conformance with contract requirements:

1. Not maintaining construction barriers in their proper condition.
2. Not maintaining proper directional signage around the building.
3. Leaving construction materials outside construction zones, thereby creating a hazard to persons walking in those areas.
4. Not protecting lights, ducts, etc., which fall within the construction zone.
5. Not covering a lighted exit sign when the exit is not available for use, thereby creating confusion for persons inside and a possible hazardous situation.
6. Vehicles parked on grass areas around the NW construction staging area and parked in the Women's Club parking lot.

March 6, 2012 – Non-Conforming Work Notice No.6 is issued to RCAI, for allowing excessive construction dust and debris to enter the 8th floor interior of the building. This event is a second occurrence of a similar issue which resulted in issuance of Non-Conforming Work Notice #2 on 2/07/12.

March 15, 2012 – Construction Change Directive (CCD) No.3 is issued to RCAI to furnish material, labor & equipment to saw-cut existing 3rd floor slab edge as indicated in RFI #30 issued 3/8/12, at no additional cost or time extended to the contract as per Saltz Michelson Architects recommendation in 3/14/12 email to County Project Manager. Proposed contract sum & time adjustment basis: zero dollars and days. This CCD was executed only by consultant and CMD on 3/15/11.

April 6, 2012 – Non-Conforming Work Notice No.7 is issued to RCAI, for unsafe condition created by allowing visqueen dangling off the 6th floor. This event is a third occurrence of similar events involving loose visqueen, one on 12/14/11 and one on 1/12/12.

April 16, 2012 – Fully executed CO #2 (Estimated) is approved. CO #2 (Estimated): COR #11 (PR #10) – shoring engineering and permit fees ONLY for balance of Steel Column Repairs. RCAI executed CO #2 on 4/16/12 and the County approved it 4/18/12 for \$4,195.33 add & days TBD.

April 18, 2012 – Fully executed CO #3 is approved. RCAI executed CO #3 on 4/16/12. CO #3 consist of the following three COR's for a total add of \$6,926.10 and zero days:

- a. COR#4R (RFI#19, CSI#4, and PR #4): Steel tube header at exterior HM doors w/transoms and credit for Schlage instead of Medeco cylinders. \$4,867.51 add and zero days.
- b. COR #7 (PR#7): destructive investigations tee bottom & Ext. floor. \$1,150.90 add & zero days.
- c. COR #8R1 (PR#8): remove one section of curb on the bridge. \$907.69 add and zero days.

April 30, 2012 – incident of water leaks at 7th floor, water coming from ceiling.

June 19, 2012 – Non-Conforming Work Notice No.8 is issued to RCAI, for unsafe condition created by the crane operator, presumably, out of the cab and on top of the crane without a safety harness.

June 19, 2012 – Water intrusion incident at 4th floor NE corner.

June 19, 2012 – CMD received RCAI's COR #13, for \$819,421.08 and 178 days, under cover of SMA's email.

July 17, 2012 – Construction Change Directive (CCD) No.4 is issued to RCAI to furnish material, labor & equipment, etc. to make repairs/corrections to the unforeseen misaligned existing steel embeds at the north face slab edges as required to install the curtain wall anchors in accordance with the response to RFI #39 dated 6/27/12, and as itemized in Contractor's Change Order Request (Proposal) (COR) No. 20, dated 7/11/12. COR No. 20 represents the cost of making repairs to an estimated 248 misaligned embeds. Proposed contract sum & time adjustment basis: to be determined (TBD). This CCD was executed on 7/17/12 by consultant, on 7/18/12 by CMD and by RCAI on 8/28/12.

July 25, 2012 – Non-Conforming Work Notice No.9 is issued to RCAI, for general safety violations as indicated on the "Safety and Occupational Health Inspection Log Main Library" dated 7/23/12, from Broward County Risk Management. The Risk Management inspection was performed on 7/18/12.

August 8, 2012 – Non-Conforming Work Notice No.10 is issued to RCAI, for safety violation created by RCAI replacing the windows in the periodical section without first installing the required construction barriers.

August 20, 2012 – Non-Conforming Work Notice No.11 is issued to RCAI, for safety violation created by crane moved with the cab extending past the construction fence over the public sidewalk without the necessary flagman or safety protocol.

August 20, 2012 – Non-Conforming Work Notice No.12 is issued to RCAI, for safety violation created by a piece of welding material that fell through a section of the sloped glazing on the 2nd floor terrace outside the Cafe, between grid lines A-Band 6-7 while there was no construction barrier, or spotter below the area at the time of the incident. The lack of proper construction barrier or other acceptable protection measure caused a possible hazard to persons who might have been in the area.

August 28, 2012 - Water intrusion at 2nd floor entry.

August 30, 2012 – Non-Conforming Work Notice No.13 is issued to RCAI, for flagrant lapse in safety on 2nd floor at the construction barrier located on the south side erected for the floating phase window replacement from column 2J to 3J, the double plywood doorway in the construction barrier was sitting open to the public side of the library with the exterior glazing having been removed and no workers being present.

September 13, 2013 - Incident of water intrusion in Grizel's area on 8th floor.

September 17, 2013 - 2nd incident of water intrusion in Grizel's area on 8th floor.

November 30, 2012 – Construction Change Directive (CCD) No.5, repair rusted eave steel of N. atrium, is issued to RCAI to furnish material, labor, equipment, and temporary shoring to make repairs/corrections to the unforeseen steel beam repairs as itemized in Contractor's Change Order Request (Proposal) (COR) No. 30R, dated 11/28/12. COR No. 30R represents the cost of making repairs per Proposal Request No. 13. Proposed contract sum & time adjustment basis: not to exceed \$313,598.86 and 84 days increase. This CCD was executed on 11/30/12 by consultant and CMD.

October 2, 2012 – Non-Conforming Work Notice No.14 is issued to RCAI, for extremely serious violations of safety protocols:

1. On 2nd floor the door to the construction barrier on the north side of the building near column 4B was observed left open, the zip wall open and an electrical extension cord running through the open door, while the glazing on the exterior has been removed. This is the 3rd instance of this type of flagrant safety violation.
2. Tools left unattended on the 3rd floor at the east windows where they are accessible to staff; no temporary barrier in place separating the work area from the non-work areas.
3. Joint in construction barrier on 5th floor at column 4B is not filled, contrary to repeated notifications to correct the condition.
4. Zip wall enclosure collapsed on 5th floor next to column 4B. This is the 2nd notification of this condition.

October 4, 2012 – Non-Conforming Work Notice No.15 is issued to RCAI, for failure to provide a security guard on the interior during hours the library is closed, specifically on 9/04/12, which is contrary to Addendum No. 2, Item 5-h Answer which added paragraph "F. Interior Security" to Specification Section 01560, 1.8.

October 15, 2012 – Non-Conforming Work Notice No.16 is issued to RCAI, for disruption of ongoing library operations by setting off the fire alarm and failure to provide a safe work environment on 10/08/12 as reported in the County's Observation Report of 10/08/12; and

disrespectful behavior on the part of RCAI's Assistant Superintendent towards a County employee.

October 12, 2012 – Fully executed CO #2 Reconciliation is approved. 9/10/12: received COR#11R2. 10/9/12: received SMA's recommendation; prepared and sent reconciliation change order for (\$2,307.21) and zero days to SMA & RCAI for execution.

December 19, 2012 – Non-Conforming Work Notice No.17 is issued to RCAI, for failure to follow permitted MOT requirements on SE 1st Street and to provide proper safety measures to protect the public while working on the overhead Pedestrian Bridge on 12/18/12.

May 3, 2012 – CMD received revised COR#13, for \$651,413.46 and 149 days.

May 15, 2012 – Fully executed CO #5 is approved. CO #5: COR #6R2 (PR#6) fix to tee bottom embeds at S Entrance for \$16,246.97 and zero days; and COR #9R1 (RFI#25, CSI #3 dated 10/19/11) new and reconfigured embeds @ S. Entrance slab for \$12,600.13 and zero days. 5/15/12: CO approved for \$26,849.32 and zero days; and distributed via email. Hand delivered executed original to RCAI & Purchasing on 5/16/12.

May 15, 2012 – Fully executed estimated CO #7 is approved: CO #7: Negotiated unit price component of COR No.13B (PR#10R) for repairs to each column, based on a maximum of five (5) possible additional steel tube columns, on the pedestrian bridge. 5/15/12: estimated CO approved for \$33,137.10 and zero days; and distributed via email. Hand delivered executed original to RCAI & Purchasing on 5/16/12.

May 22, 2012 – Fully executed CO #4 is approved: CO #4: COR #5R4/CCD #2 for repair of steel tube column supporting NW corner of sloped glazing system. 5/15/12: CO approved for \$115,630.59 with a 55 day time extension, 12 of those days would be non-compensable; and distributed via email. Hand delivered executed original to RCAI & Purchasing on 5/16/12.

May 22, 2012 – Broward County Board of County Commissioners approves:

- A. Increase in the change order allowance for the contract between Broward County and RC Aluminum Industries, Inc., for Broward County Main Library Wind Mitigation, Contract No. P0865207C1, in the amount of \$805,804 (10%), increasing the change order allowance amount of \$402,902 (5%) to a change order allowance amount of \$1,208,706 (15%) as calculated on the original Contract amount of \$8,058,043.
- B. Change Order No. 6 to the contract between Broward County and RC Aluminum Industries, Inc., for Broward County Main Library Wind Mitigation, Contract No. P0865207C1, for structural steel repairs in the atrium and pedestrian bridge of the main library for an increase of \$642,540.81, for a revised total contract amount of \$8,848,729.62, and for a timeframe increase of 149 calendar days for a total revised timeframe of 629 days; and authorize the Mayor and Clerk to execute same.
- C. First amendment to the contract between Broward County and RC Aluminum Industries, Inc., for Broward County Main Library Wind Mitigation, Contract No. P0865207C1, to allow partial payments for materials properly stored off-site; and authorize the Mayor and Clerk to execute same.

June 19, 2012 – Fully executed CO #8 is approved. CO #8: COR #16, provide for painting the existing and new structural steel with new PPG paint; COR #17, modify the balconies/terraces waterproofing and flashing details; and COR #18R1, repairs to the existing concrete curbs at the 3rd floor "floating phase" window walls. CO #8 was for \$34,935.67 and zero days.

July 17, 2012 – Fully executed CO #9 is approved. CO#9: COR #14R2, provide twelve (12) steel buckets "saddles"; and COR #15R2, provide eighty (80) steel buckets "saddles". CO #9 was for \$151,226.87 and zero days.

August 23, 2012 – Fully executed CO #10 is approved and issued. CO#10 was for \$38,484.61 and zero days. It includes:

- a. COR #19R dated 7/20/12 for repairs to the existing concrete curbs at the 2nd floor "floating phase" window walls (Rec'd 7/24/12). SMA recommendation Rec'd 7/24. Preparing Change order for \$8,567.66.
- b. COR #21R dated 7/20/12 for repairs to the existing concrete curbs at the "floating phase" window walls on floor 4 through 8 as per response to RFI #33 dated 5/14/12, and email responses to RFI #36 dated 6/11/12 through 6/18/12. SMA recommendation Rec'd 7/24. Preparing Change order for \$29,916.95. P.O. was Rec'd & emailed to RCAI on 8/29/12.

September 11, 2012 – Fully executed CO #11 is approved and issued. CO#11 was for \$129,348.75 and 32 days, sent to SMA for execution 8/29/12. It includes: repairs to Existing Embeds @ North Slab Edge as per CCD#4 dated 7/18/12, RFI #39 dated 6/27/2012, COR #20 (Rec'd 7/11/12); COR #20R (Rec'd 7/20/12); COR #20R2 (Rec'd 7/24/12); COR #20R3 (Rec'd 7/31/12); COR #20R4 and SMA recommendation originals (Rec'd 8/7/12). 9/7/12: received originals executed by SMA & RCAI. 9/13/12: P.O. Rec'd from Purchasing & emailed to RCAI.

October 12, 2012 – Fully executed CO #12 is approved and issued. CO#12 is for (\$1,581.92) and zero days and was sent to SMA & RCAI for execution on 10/9/12. It includes:

- a. COR No. 24, dated 9/6/12: (\$4,280.00) credit for deletion of WT-1 Vertical Blinds in "Business Services" as per the design consultant's Proposal Request #11 dated 7/26/2012.
- b. COR No. 27, dated 10/5/12: \$2,698.08 add for removing three inch (3") steel channels from the length of the existing 6" horizontal steel tubes running between the steel columns ST2 & ST12 at Atrium north face.
- c.

October 26, 2012 – Incident of water intrusion 7th floor PC Lab & Collection Management.

November 11, 2012 – Fully executed CO #13 is approved and issued. CO#13 for \$15,834.50, 0 days. It includes:

- d. COR#26: \$4,075.00 credit for failing to furnishing and install the construction barriers and related work on the 3rd floor along east wall; and
- e. COR#23: \$19,909.50 for louver installation within FP&L Vault.

November 28, 2012 – Fully executed CO #14 is approved and issued. CO#14 (COR #28: Builders Risk Insurance) \$61,458.24 Increase. Rec'd 10/19 & awaiting SMA recommendation. SMA recommendation received 11/1/12, COI received 11/6/12 & Risk approval of COI received 11/8/12. County's Chief Trial Council approved payment. 11/9/12: sent CO#14 to consultant for execution. 11/16/12: received CO#14 executed by SMA & RCAI; and gave it to Asst. Dir. of Public Works for him and the Dir. of Public Works to execute.

December 12, 2012 – RCAI not paying Westmoreland Security.

December 18, 2012 – Fully executed CO #15 is issued. CO#15 (COR #22R: \$44,477.57 and zero (0) days to saw cut the existing concrete slab edges). However, RCAI has expressed that they are maintaining their right to ask for days and extended general conditions.

December 18, 2012 – RCAI safety violation: Bridge work without complying with MOT.

January 7, 2013 – Incident of water intrusion @ 2nd Fl. entrance.

January 13, 2013 – Incident RCAI breaking water pipe break in N. Atrium planter and causing portions of 1st floor to flood.

January 15, 2013 – Broward County Board of County Commissioners approves (as consent agenda item #3) fully executed CO #16 (COR #30R2) for repairs and replacement of rusted N. Atrium eave steel and providing for a \$310,178.75 increase in contract sum and an 84 day increase in contract time.

January 16, 2013 – CMD emails was emailed fully executed CO #16 to RCAI & SMA, and original w/COI's was hand delivered to Purchasing Manager for Purchasing to issue an increased PO. Increased PO received 1/18/13.

January 25, 2013 – Fully executed CO #17 is approved. CO#17 (estimated) for COR#32R - Repairs to rusted conduits in SW terrace (5C) planter (PR#14, issued 11/7/12) for \$5,317.13 & zero days. PO received & distributed 2/4/13.

January 25, 2013 – Fully executed CO #18 is approved. CO#18 for COR#34 for adding (including removal upon substantial completion) fog film to Gl. Elevator, tint films to security office window (\$1,063.06 & zero days). PO received & distributed 2/4/13.

February 11, 2013 – Fully executed CO #19 is approved. CO#19: (COR #36) for Mylar film shades in 8th floor Business Administration Office for \$1,802.35 & zero days. PO received & distributed 2/18/13.

February 11, 2013 – Construction Change Directive (CCD) No.6 – Bridge Repairs: furnish material, labor and equipment to make revisions to the repairs on the Pedestrian Bridge as itemized in Contractor's Change Order Request (Proposal) (COR) No. 33R1, dated 1/30/13. Proposed contract sum & time adjustment basis: Lump Sum increase of \$49,604.40 and 17 days. This CCD was executed on 2/11/13 by consultant and CMD. RCAI refused to accept construction change directive #6, informed the consultant that they would not proceed with the work as authorized by Broward County (Change Order #20).

February 14, 2013 – Fully executed unilateral CO #20 is approved. Unilateral CO#20: (COR #33R1) for revision to bridge repairs for \$49,604.40 and 17 Days. COR # 33R1 requested \$98,602.55 & 37 days. CCD #6 was issued 2/11/13. CO #20 credits 100% of Estimated CO#7 thus allowing CO#7 to be reconciled. RCAI has declined acceptance of CCD & CO. SMA 2/25/13 letter to RCAI's Executive Project Manager informs that, "... [Section 38- change orders, sub paragraph 38.3] requires you to proceed with the work outlined in construction change directive #6, (Change Order #20)." PO received 2/26 & distributed 2/27.

February 15, 2013 – Incident of 7th floor water intrusion.

March 5, 2013 – Fully executed CO #21 is approved. CO#21 for \$10,759.62 & zero days. CO issued for execution on 2/26. PO received 3/12/13 and distributed. CO #21 includes:

- a. Line Nbr.1: \$4,206.52 (COR #35) for replacing carpeting on the 5th Floor along the curtain wall in Phase 'A'.
- b. Line Nbr.2: \$6,553.10 (COR #37) for repair misaligned existing slab embed locations on the 8th floor in Phase 'C'.

March 5, 2013 – Fully executed estimated CO #22 is approved. Estimated CO#22: (COR #40) \$7,898.61 & zero days for a Unit Price to replace carpet with new carpet tiles, 142 maximum units of 36" x 36" carpet tiles @ \$55.62 each. CO issued for execution on 2/27/13. PO received 3/12/13 and distributed.

March 5, 2013 – Fully executed CO #23 is approved. CO#23 (COR #41) for \$5,556.91 & zero days for repair misaligned and out of plane existing slab embed locations on the 7th & 8th floors in Phase 'D'. CO issued for execution on 2/27/13. PO received 3/12/13 and distributed.

March 6, 2013 – Construction Change Directive (CCD) No.7 – steel repair work at the 7th floor atrium: Furnish material, labor and equipment to make revisions to the support of glazing at the 7th Floor South Atrium Terrace as requested in Proposal Request No.18 dated 2/5/13, and itemized in Contractor's Change Order Request #38R1 dated 3/4/13. Proposed contract sum & time adjustment basis: Lump Sum increase of \$40,831.90, and days increase to be determined. This CCD was executed on 3/6/13 by consultant and 3/7/13 by CMD.

April 3, 2013 – Fully executed CO #24 is approved. CO#24 for \$244,228.85 and 57 days was issued for execution on 3/21/13. CMD received executed 3/26/13 by RCAI. PO received 4/10/13. CO #24 includes:

- a. COR#38R1, \$196,457.99 and 57 days for repairs to add a steel tube at the head of the 7th floor south atrium new glazing.
- b. COR#31R3, repair embeds on floors 5, 6, & 7 along E. & N. in Phases B, C, & D for \$19,459.92 & zero Days.
- c. COR #45, \$28,310.94 and zero days for two (2) months of storage of more than 100 glazed panels in a leased facility.

April 25, 2013 – Fully executed CO #25 is approved. CO#25 (COR's 39R1, 43, 44 & 46R1) for \$28,297.20 and zero days. 4/22/13: CO issued for consultant's & contractor's execution. 4/24/13 CMD received CO executed by SMA & RCAI. 4/25/13: CO approved & original delivered to SMA, RCAI & Purchasing Agent. 5/01/13: email w/scan of PO received. CO #25 includes:

- a. COR#39R1, \$5,865.03 to cut back existing CMU block at the Northeast corner of the 3rd through 8th floor terraces to accommodate the installation of "Z" clips as detailed in RFI #57.
- b. COR#43, \$5378.86 for repairing existing embeds @ Fl. 2 Cafeteria (RFI#65 dated 2/25/13).
- c. COR#44, \$4,346.83 to repair thirteen (13) existing concrete slab edge pockets and modify nine (9) anchors at existing slab embed locations on the 8th floor in Phase B.
- d. COR #46R1, \$12,706.48 repairs in accordance with Proposal Request #14, and related to RFIs #52 & 58; furnish material, labor & equipment to replace severely rusted electrical conduits; wiring, couplings, and waterproofing associated therewith; in planters on terraces 5B, 6D and 8C. Also included in COR No. 46R1 is a reconciliation credit of \$550.00 for Estimated Change Order #17.

April 29, 2013 – Non-Conforming Work Notice No.18 is issued to RCAI, for safety violation created by RCAI's failure to installed construction barriers on the 8th floor in rooms 818, 819, 820 and 821 prior to removing glass from the existing window wall.

May 2, 2013 – major water intrusion incident. Unsealed openings in the replacement glazing along the north elevation of the building, starting at the SW corner of Phase B and ending at the east end of the building, allowed rain water to enter and flood all eight (8) floors of the building and causing damage.

May 2, 2013 – Non-Conforming Work Notice No.19 is issued to RCAI, for:

1. Once again failure to install construction barriers on the 8th floor in rooms 818 and 819 prior to removing glass from the existing window wall as reported in County Project Manager's email of 5/01/13.
2. Failure to install the proper construction barriers on the 8th floor south side areas in accordance with contract requirements.
3. Failure to respond properly to Non-Conforming Work Notice #17 dated 4/29/13, contrary to the response provided by RC Aluminum on 4/30/13.

May 3, 2013 – CMD issues to RCAI Notice of claim, due to damages caused by RC Aluminum Industries, Inc. (RCAI) failures to protect the work from damage which caused the library to

flood on May 2, 2013 during heavy rains, was sent to RCAI. A letter informing the Surety the County gave RCAI a notice of claim is ready for the Contracts Administrator's review.

May 7, 2013 – email from RCAI's Executive Project Manager to CMD requests copy of the Library's property insurance certificate, as well as, the building's maintenance logs for the past ten years. 5/8/13: County Project Manager emails property insurance information to RCAI's Executive Project Manager.

May 5, 2013 - Mildew and possibly mold on floor slab in 6th FL Bienes Conf., mold on wall outside 7th FL Server Rm., and in the west stair tower on the walls common with the mechanical rooms. FMD is having Risk Management Division provide inspection on 5/29/13 & follow w/recommendations. 6/14/13: CMD received Indoor Air Quality (IAQ) evaluations from William Wiley and on 6/19/13 County Project Manager forwarded same to County Administration, library Administration, Risk Management's and CMD's upper management. At 7/16/13 OAC meeting RCAI asked to be copied with Indoor Air Quality (IAQ) Reports. 7/19/13: County Project Manager asks Contract Administrator to let him know if OK to send Indoor Air Quality o RCAI. Answer," not yet."

May 9, 2013 – OAC meeting #54 occurred, and RCAI Asst. Project Manager picks up from CMD a Compact Disk (CD) containing property insurance information. Contrary to RCAI Executive Project Manger's statements in the Contract Administrator's & County Project Manager's 5/3/13 phone conversation with RCAI Executive Project Manager, as of 5/9/13 job walk, RCAI has not installed any kind of dam around the escalator pits to protect them from water getting in again. During job walk after the OAC meeting with SMA Project Manager, RCAI Superintendent & Executive Project Manager, outside by the escalators, County Project Manager once again asked RCAI Executive Project Manager to protect the escalator pits. RCAI Executive Project Manager replied, "I do not want to argue with you", and left the job walk.

May 10, 2013 – At 5/10/13 HMGP Mtg., the Contract Administrator informed the County Project Manager that Dir. of Public Works has asked that if RCAI does not provide protection, we are to call the Dir. of Facilities Management to do it. The Contract Administrator also asks that CMD's Field Inspector walk the job on Fridays to make sure there are no areas of open joints where glass is being installed. CMD's Field Inspector Friday job walks have now been setup.

May 10, 2013 – before noon, CMD's Field Inspector again visited the site and asked RCAI's Superintendent to protect the escalator pits from water getting in again. CMD's Field Inspector reported that RCAI's Superintendent started to install about a 4" high water dam around the escalator pits and covering the dams with plywood.

May 16, 2013 – Received from FMD Asst. Dir. & transmitted to RCAI's Executive Project Manager (w/copy to SMA & County's Chief Trial Council) CD-ROM containing Main Lib. Work Requests 2003-2013. As per decision at 5/15/13 FMD/CMD coordination meeting, Facilities Maintenance Operations Superintendent, is preparing Loss Notice to Risk Mngt.

May 17, 2013 – Fully executed CO #26 is approved. CO#26 (COR's 47 & 48) for (\$40,484.00) credit and zero days. 5/1/13: CO issued for consultant's & contractor's execution. 5/16/13 (expected 5/10/13) CMD received CO executed by SMA & RCAI. 5/23/13: PO received. Co #26 includes:

- a. Line Nbr1 (COR#47), (\$39,284.00) credit for 3 Unit Prices included in RC Aluminum's contract but not used:
 - i. Credit for the Unit Price (RCAI Pay App. item #83) included in the Contract for (\$9,500.00). 4/30/13: received COR & SMA recommendation.

- ii. Credit for (\$15,984.00). Unused Unit price (RCAI Pay App. item #81) for Str'l repair of existing steel and curtain wall supports @ 1st floor slab edge. 4/30/13: received COR & SMA recommendation.
- iii. Credit for (\$13,800.00). Unused Unit price (RCAI Pay App. item #82) for structural repair of existing steel and curtain wall supports @ 1st floor planters. 4/30/13: received COR & SMA recommendation.
- b. Line Nbr2 (COR#48), (\$1,200.00) back charge to RCAI for restoration of damage that occurred on 9/4/12 to Agam art piece.

May 20, 2013 – incident of water intrusion on floors 7, 6, & 5.

May 24, 2013 - Consultants Supplemental Instructions (CSI) pending RCAI's execution or response:

- a. CSI #18, 5/24/13, Re: chain operators on the window blinds. RCAI is indicating there will be added costs and intend to submit a COR. RCAI executed the CSI on 6/6/13 but added qualification that COR to be submitted for additional costs & work will await approval of COR. SMA rejected RCAI's COR#55 for blind changes on 06/18/13.
- b. CSI #19, 5/24/13, Re: response to RFI#68, west stair glass rail floor pockets. RCAI is indicating there will be added costs and intend to submit a COR. RCAI executed the CSI on 6/6/13 but added qualification that COR to be submitted for additional costs & work will await approval of COR. SMA rejected RCAI's COR #50 for rail pockets on 6/18/13.
- c. CSI #20, 5/24/13, Re: clarification of requirement for Cert of Completion. RCAI executed & accepted the CSI on 6/6/13.

May 29, 2013 – Water intrusions from the north side glazing as reported by library staff members. RCAI has not provided a formal response. 7/3/13: RCAI submits a suggested "mouse drain" detail for a drain under Door Opening #203; and County Project Manager rejects it saying, "Sheff [SMA's Project Manager], no more changes unless essential or of an emergency nature." 7/9/13: email from RCAI's Executive Project Manager states, "...if no measure is taken, RCAI cannot and will not provide a warranty for this opening."

May 29, 2013 – Non-Conforming Work Notice No.20 is issued to RCAI, for:

- 1. Failure to install construction barriers on the 8th floor at the SW corner prior to starting demolition activities on the existing glazing system as reported in County Project Manager's observation report of 5/28/13.
- 2. Failure to install the proper construction barriers on the 8th floor south side areas in accordance with contract requirements.

May 29, 2013 – incident of water intrusion.

May 30, 2013 - 05/30/13 Cracked tile & violations in County PM Observation Report:

- a. Detached visqueen, along east face of incomplete 7th floor terrace 7B coping, and leaving area of known water intrusion into Bienes Conference Rm. 611 open to the elements. RCAI has not provided a formal response.
- b. Door to construction zone left unlocked at Terrace 6B.
- c. Cracked tiles, water marks in tile joints, and mortar blotches on tile at NW corner inside Bienes Conference Center Rm. 612.
- d. Door to construction zone left unlocked at Terrace 6A.
- e. RCAI workers getting ready to use glass elevator to move materials.

June 4, 2013 – SMA issues PR#21 (later to become COR #59), requesting credit for RCAI not to reinstall bad carpet at 4th Fl. N. curtain wall.

June 5, 2013 – CMD received Loss Notice from Facilities Maintenance Operations Superintendent for damages amounting to \$41,012.72.

June 6, 2013 – at OAC meeting, RCAI labeled COR#49 for various items saying that they have not submitted this COR and were unable to identify the subject items.

June 6, 2013 – RCAI shows COR #52 Bridge Railing in their COR log from 06/06/13 OAC meeting but has not explained, priced or submitted it.

June 7, 2013 – CMD received RCAI's response to the County's May 3, 2013 notice of claim, and GCI Consultants, LLC (RCAI's waterproofing consultant's) report.

June 7, 2013 – incident of water intrusion.

June 11, 2013 – SMA rejects RCAI's weather delay claim No.36, 05/22/13 high winds delay day.

June 11, 2013 – SMA rejects RCAI's weather delay claim No.40, 05/31/13 high winds delay day.

June 12, 2013 – incident of water intrusion over N.E. 1st floor entrance.

June 13, 2013 – SMA (JSG) answers RFI#72.

June 14, 2013 – Fully executed CO #27 is approved. CO#27: (COR #42) \$20,480.70 and zero days. Fl. level attachment conditions at Atrium & NE Talking Books (RFI#59 dated 2/11/13).

June 17, 2013 – Contract Administrator's 6/17/13 letter to RCAI informs RCAI that the County may consider RCAI's response as a subject of negotiation after substantial completion has been reached.

June 18, 2013 – SMA rejects RCAI's weather delay claim No.42, 06/07/13 rain delay day.

June 19, 2013 - SMA letter to RCAI...contractor advised of requirement to request substantial completion inspection at least 10 days prior to the requested inspection date.

June 20, 2013 – Fully executed CO #28 is approved. CO#28: (COR #56) \$22,503.67 and 0 days for 2nd renewal of Builders Risk Insurance. As of 6/24 still no COI from RCAI but RCAI's Executive Project Manager says "correct" to CMD's questions of whether RCAI is working with the insurance in force. 6/26/13: RCAI submitted builders Risk renewal COI expiring 12/13/2013 and it was approved by Risk Management.

June 20, 2013 – 2nd incident of water intrusion over N.E. 1st floor entrance.

June 25, 2013 – SMA issues DRAFT response to RFI#73.

July 1, 2013 – RC Aluminum Industries (RCAI), Inc. was unable to achieve Substantial Completion which was required to be achieved by July 1, 2013. Liquidated damages begun to accrue at a daily rate of \$1,300 from 7/2/2013 till the date that Substantial Completion is achieved.

July 2, 2013 – CMD telephones and emails RCAI confirming conversation morning of 7/2/13 wherein the County PM called RCAI's Executive Project Manager and gave him a "heads up" that you were to achieve substantial completion yesterday and did not. The County Project Manager informed you that you need to today submit a letter giving the County notice that you

were unable to achieve substantial completion yesterday and when and what you intend to do to achieve it. Also, we would like to meet with you early next week, possibly Tuesday or Wednesday to discuss substantial completion and what can be done to help you achieve it." To these requests RCAI's Executive Project Manager answered, "yes, answers to questions are needed. Send email confirming our conversation and we will go from there." The County Project Manager said, "OK".

July 2, 2013 – SMA letter to RCAI informing RCAI that, "...This project is now progressing beyond the required Date of Substantial Completion..."

July 3, 2013 – RCAI submits a suggested "mouse drain" detail for a drain under Door Opening #203; and County Project Manager rejects it saying, "Sheff [SMA's Project Manager], no more changes unless essential or of an emergency nature."

July 3, 2013 – CMD approves RCAI's Pay App. #27 approved by SMA on 7/2/13.

July 8, 2013 – CMD received email from FMD's Expansion Project Administrator requesting CMD ask RCAI to directly pay Serpro's \$27,304.39 for the 5/2/13 water intrusion restoration at the Main library.

July 8, 2013 – RCAI informed CMD that they have encountered problems with the glazing fabricated for the existing north atrium sloping steel skylight area located in the vicinity above the escalators. The fabricated panels do not fit the existing conditions. Fabrication of the new glazed panels was represented to take 3 to 4 weeks delaying the project's critical path.

July 9, 2013 – CMD informed FMD that Serpro's \$27,304.39 invoice for the 5/2/13 water intrusion restoration at the Main library will be negotiated with RCAI after RCAI achieves substantial completion.

July 9, 2013 – At 7/16/13 meeting RCAI was unable to answer County Project Manager's request to know what COR#49 is about.

July 9, 2013 – CMD received a revised project schedule from the RCAI that extends the Substantial Completion date to August 31, 2013.

July 19, 2013 – Contract Administrator asked Project Manager to, before sending any CO's to SMA & RCAI for execution, check & send all future CO's to Chief Trial Counsel for his blessings. Also check with Chief Trial Counsel if CMD can issue credit CO's?

July 9, 2013 – email from SMA provides additional clarifications in response to RFI #73 and states, "We do not see a reason for any further delay in getting the doors installed and this project completed."

July 9, 2013 – CMD received RCAI's Executive Project Manager's email which said, "Once RCAI has received a complete response to RFI's 72 & 73 we will prepare a COR for your review. Once we receive a Change Order from the County, we will proceed with installing the entrances."

July 10, 2013 – At meeting with CMD & SMA, RCAI's Vice President expressed that RCAI is proceeding with the work at the 1st & 2nd floor NE entrance & N. Entrance doors.

July 16, 2013 – At meeting RCAI promised to submit COR#58 (RFI's 72 & 73, for Steel embeds & electrical issues at 1st & 2nd floor NE entrance & N. Entrance doors) by end of day.

July 18, 2013 – CMD transmits to Surety seven (7) letters from SMA to RCAI:

1. Saltz Michelson Architects 7/8/13 letter to RC Aluminum Industries, Inc.
2. Saltz Michelson Architects 7/3/13 letter to RC Aluminum Industries, Inc.
3. Saltz Michelson Architects 6/19/13 letter to RC Aluminum Industries, Inc.
4. Saltz Michelson Architects 1/30/13 letter to RC Aluminum Industries, Inc.
5. Saltz Michelson Architects 10/17/12 letter to RC Aluminum Industries, Inc.
6. Saltz Michelson Architects 9/11/12 letter to RC Aluminum Industries, Inc.
7. Saltz Michelson Architects 9/13/11 letter to RC Aluminum Industries, Inc.

Letters of 7/8/13, 7/3/13, 6/19/13, 10/17/12 and 9/11/12 reference Liquidated Damages. Letter of 1/30/13 references slowdown in construction and 9/13/11 letter references delays in testing.

July 16, 2013 – Incident of water intrusion at floors 5, 6 & 7..

July 22, 2013 – CMD emailed contractor requesting that they secure open areas on 6th floor west of S. atrium.

July 23, 2013 - Since about 5/23/13 the contractor was expressing they believe a RWL & drainage @ ST12 did not exist. On 7/23 an email and photos from the design consultant confirmed that the RWL was existing, is required by the drawings and as such a new 3" RWL must be reinstalled in the new glazing system from the gutter to the storm line in the ground left of the column in accordance with the contract drawings sheets A1.1 and A1.2 dated 8/23/10, REV 10/08/10.

July 23, 2013 - Contractor fails to provide required zip wall @ 2nd floor Const. Barrier near glass elevator and is asked to correct the situation.

July 23, 2013 - Asst. Dir. of Public Works sends letter to Surety informing the Surety that RC Aluminum Industries (RCAI), Inc. was unable to achieve Substantial Completion which was required to be achieved by July 1, 2013. Liquidated damages have begun to accrue at a daily rate of \$1,300 from 7/2/2013 till the date that Substantial Completion is achieved.

July 25, 2013 - Sunshine Negotiation teleconference occurred to negotiate the 3rd amendment to work authorization #3 for the design consultant's extended construction administration services.

July 31, 2013 - County transmits the following to Liberty Mutual Surety, the contractor's Surety:

1. 7/11/13 Commercial Ceilings Design Inc. - NOTICE OF PERFORMANCE & NON-PAYMENT.
2. 7/18/13 Metro Caulking & Waterproofing LLC. - NOTICE OF NON-PAYMENT.

July 31, 2013 - in email from the contractor to the design consultant, the contractor informs that they will not be available to attend any further Owner, Architect, Contractor (OAC) meetings.

July 31, 2013 - the design consultant asks the contractor to run AAMA 501.2 Hose Tests to test for leaks. As of 8/20/13 the contractor has not responded to this request.

August 1, 2013 - the design consultant's email rejects the contractor's 7/31/13 COR #62 in the amount of \$91,656.44 including a 19 day time extension for correcting misaligned steel and reordering new glass for the rake area of the skylight glazing on the North face of the library.

August 2, 2013 - Change Order #29, for forty-nine (49) day time extension due to Pre-Substantial Completion weather delays is emailed to consultant & contractor for execution.

August 2, 2013 - Reconciliation Change Order #7 (credit in CO#20), for \$0.10 and zero days, is emailed to consultant & contractor for execution.

August 2, 2013 - contractor submits RFI# 76 pertaining to rusted conduit discovered at the Eastern-most column of the pedestrian bridge.

August 5, 2013 - Change Order #30 (COR #58) for \$19,772.12 & zero days for hard cost only of making structural repairs to slab embeds flanking doors 103 & 203; and for new electrical feeds to automatic doors 102, 103 & 203; was emailed to consultant & contractor for execution.

August 6, 2013 - in email from the contractor to the design consultant, the contractor reconfirms they will not be available to attend any further OAC meetings because they are, "...currently absorbing all costs related to extended General Conditions. We therefore will be spending our time doing things that are in our best interest."

August 7, 2013 - the design consultant rejects the contractor's 8/2/13 COR #62R1 in the amount of \$194,215.41 including a 65 day time extension for correcting misaligned steel and reordering new glass for the rake area of the skylight glazing on the North face of the library.

August 7, 2013 - RCAI's email informs the consultant & CMD that, "If Broward County employees [FMD] show up tomorrow to perform the work [electrical repairs in RFI #76]; they will be politely directed to leave."

August 7, 2013 - meeting occurs between CMD, FMD & the design consultant to discuss Main Lib. rusted conduit at NE end of pedestrian bridge (RFI#76).

August 7, 2013 - SMA informs RCAI that, "...we will not sign Pay App. #28 as submitted as we found the amounts requested to be inaccurate." As of 10/29/13, RCAI has not revised and resubmitted an approvable or any version of Pay App. #28.

August 8, 2013 - RCAI submits COR #49, dated August 8, 2013, in the total amount of \$1,445,547.54 and claiming 130 days of project delays.

August 8, 2013 - County Project Manager's email informs the contractor that, "...the County has every right to do any work on their property, has given you proper notice, is not interfering with your work, and will proceed do the work described in Saltz Michelson Architect's 8/7/13 response to your RFI #76. We remind you of your obligations, under Article 29 in the General Conditions, to cooperate with other contractors. Also and for your information, attached is a letter from our Risk Management Division, Re: Certification of Insurance for Broward County. FMD will move ahead with preparations to start the work tomorrow."

August 8, 2013 - Purchasing Division executes 3rd amendment to work authorization #3 for the design consultant's extended construction administration services; and Notice to Proceed #11 is issued to the design consultant.

August 8, 2013 - the contractor submits COR #49, dated August 8, 2013, in the total amount of \$1,445,547.54 and claiming 130 days of project delays.

August 8, 2013 - design consultant's email asks the contractor to provide update on the work in the library as requested by Library Staff and gives the contractor 72 hours to respond.

August 9, 2013 - at the advice of the County Chief trial Council, the Contract Administrator asks the contractor certify COR #49 pursuant to Broward County False Claims Ordinance.

August 9, 2013 - in letter Delta G Consulting Engineers, Inc.'s letter to the County Project Manager, the design consultant's MEP engineer informs that the bridge electrical repairs is maintenance and repair work and does not require a permit.

August 9, 2013 – CMD received COR#61R2 (dated 8/09/13): back-charge to RCAI for cost of setting off fire alarms. False Fire Alarm invoice was received from the Building Manager on 6/3/13. County Project Manager is reviewing it before sending to RCAI for back-charge COR. 7/16/13: County Project Manager sent to RCAI & SMA alarm fee information that was submitted to County Project Manager by FMD's Electronics Technician III and the Building Manager, and a document titled: Summary of fees to be back-charged to RCAI for triggering Fire Alarms. RCAI is asked to prepare a COR as soon as possible, and SMA is to prepare recommendation so that County Project Manager may proceed with the appropriate change order. 8/12/13: received SMA recommendation for a credit of (\$1,652.00). CMD is waiting for Contract Administrator to authorize issuance of deductive CO.

August 12, 2013 – received SMA recommendation for a credit of (\$800.00) for COR #59 (PR# 21, credit for not reinstalling bad carpet at 4th Fl. N. curtain wall). CMD is waiting for COR and Contract Administrator to authorize issuance of deductive CO upon substantial completion.

August 12, 2013 – received RCAI's updated COR log showing COR #60: credit for palms & plants not removed & reinstalled as "Credit for Landscaping not installed". CMD is waiting for COR and Contract Administrator to authorize issuance of deductive CO upon substantial completion.

August 13, 2013 – CMD received RCAI's updated COR log showing COR #63: Back-charge for 8th Fl. SE compliant Construction Barriers not installed, as "Credit for 8th Floor Partitions (PARTITIONS WERE INSTALLED); COST: \$0.00; STATUS: VOID." Contractor had not provided a COR.

August 13, 2013 - contractor's email informs the consultant & county that, "It appears that The County has decided to ignore our concerns and proceed with the electrical repair work at the bridge. Please inform your Client that they can also reinstall the lights at the bridge at the proper time as we will not assume any further responsibility for the electrical wiring or the operation of the lights in this area."

August 13, 2013 - The design consultant asks the contractor to repair broken vacuum breaker. As of 8/20/13 the contractor has not responded.

August 13, 2013 - library staff informs that the contractor is using Acetone inside the building.

August 14, 2013 - County Project Manager once again emails RCAI, reminding the contractor of the provisions in Doc. 00800, 29. Separate Contracts; and that the contractor's intentions not to perform their scope of the work; i.e., reinstall the lights at the bridge; is not only a cause for withholding certification of Substantial Completion it is also a violation of the contract.

August 14, 2013 - FMD emails the County PM that the electrical repairs at the pedestrian bridge are complete.

August 14, 2013 - the design consultant emails the contractor informing them that they have not seen any responses to our various emails regarding items we need to have answered, including Library Staff's questions concerning the status of areas of the library. As of 8/20/13 the contractor has not responded. Issues to which the contractor has not responded include:

1. Submission of July Pay App. (email to RCAI's Executive Project Manager on Tue 8/13/2013 10:01 AM).
2. Execution and return of Change orders:
 - a. C0 #29 Pre-Substantial Completion Weather Delays (sent: Fri 8/2/2013 3:03PM).
 - b. C0 #30 (COR#58, RFI's 72 & 73) 3 automatic sets of doors (sent: Mon 8/5/2013 11:01 AM).
 - c. CO #7 RECONCILIATION (credit in C0 #20), sent: Mon 8/5/2013 11:01 AM.
3. Response to Library Staff's questions concerning the status of areas of the library (email sent to RCAI's Executive Project Manager on Thursday, August 08, 2013 2:16 PM, Subject: Broward library update request; and again on Tue 8/13/2013 10:20 AM).
4. Response to concerns in consultant's and county's observation reports:
 - a. Email sent to contractor on Wed 7/31/2013 4:06 PM; Subject: Broward library Observation Report 7-30-13.
 - b. Email sent to contractor on Wed 7/31/13 9:23 AM; Subject: FW: BCML-07/30/13_1000AM to 1100AM_AG_Observation Report.
 - c. Email sent to contractor on Tue 7/30/2013 1:29 PM; Subject: FW: Broward library Observation Report #105.
5. Change Order Requests (COR's) email sent to contractor on Mon 8/5/2013 11:13 AM:
 - a. COR #64: Credit for shared revenues from recycled materials.
 - b. COR #63: Back-charge for 8th Floor SE compliant CB's not installed.
 - c. COR #TBD: credit for palms & plants not removed & reinstalled.

August 15, 2013 - Reconciliation Change Orders #'s 17, 20, 22 & 28 are emailed to consultant & contractor for execution.

August 16, 2013 - received Capitol Steel Structures Inc.'s 7/30/13 Notice of Performance & Nonpayment.

August 16, 2013 - Main Lib. County Project Manager job walk with library staff to determine the current conditions in various library spaces so as to be able to respond to library staff's concerns and determine which of those spaces may be occupied. Detailed Observation Report was generated.

August 16, 2013 - email from Libraries Business Administrator informs that, "...the contractor bounced a check for weekend security services and Westmorland does not want to provide any services until they are paid, so the contractor cannot enter the building this weekend." County's

Project Manager emails the design consultant asking them to inform the contractor that, "...as per Addendum 2, Answer 5-h, F. INTERIOR SECURITY, RCAI and/or its subcontractors, shall not enter the Main Library during the hours that the library is closed until they can substantiate to us that they can satisfy the requirement therein. Please ask RCAI to immediately let us know when and how they will resolve this issue."

August 16, 2013 - The Contract Administrator informs the contractor that the County is at risk of encountering further delays in the completion of this project. Through our Consultants and project manager we have been unsuccessful in obtaining any meaningful responses from your organization as per the construction status or work schedule; and requests a meeting with the contractor to once more obtain a plan of action and detailed schedule. The meeting is scheduled to occur at CMD 1:30 PM on 8/22/13.

August 20, 2013 - County transmits the following to Liberty Mutual Surety, and copies the consultant and the contractor (w/o enclosures):

1. 7/5/13 Project status 4 days after 7/1/13 contract substantial completion date - Attachment to SMA 7/05/13 Observation Report #102.
2. 7/30/13 Capitol Steel Structures, Inc. Notice of Performance & Nonpayment.
3. 8/1/13 SMA Project Manager's letter to RCAI's Executive Project Manager - rejection of COR #62.
4. 8/6/13 RCAI Executive Project Manager's email to SMA's Project Manager - RCAI will not attend OAC Meetings.
5. 8/7/13 SMA Project Manager's letter to RCAI's Executive Project Manager - rejection of COR #62R1.
6. 8/9/13 Request RCAI Certify COR #49 pursuant to Broward County False Claims Ordinance.
7. 8/14/13 SMA Project Manager's email to RCAI's Executive Project Manager - RCAI not responding.
8. 8/14/13 County Project Manager's email to RCAI's Executive Project Manager & RCAI's Vice President - RCAI failing to install bridge lights.
9. 8/16/13 Contract Administrator's email to RCAI - RCAI lost security provider.
10. 8/14/13 County Project Manager's email to RCAI's Executive Project Manager & RCAI's Vice President - RCAI failing to install bridge lights.
11. 8/16/13 Contract Administrator's email to RCAI - RCAI loses security provider.

August 20, 2013 - the contractor emails to the Contracts Administrator their letter dated 8/19/13 certifying COR #49R1 in accordance with the requirements of the Broward County False Claims Ordinance.

August 20, 2013 - CMD meets with State D.E.M. Inspector to review all three (3) submitted time extension requests. County is to revise and resubmit all three (3) requests: for Main Library, limited to 6 Mo. extension; and for PSC & BCJC- E with time extensions revised to "Substantial Completion dates" and not "State Closeout dates". For PSC, the State D.E.M. Inspector also wants CMD to see if CMD can reduce the time by re-roofing buildings concurrently instead of sequentially and explain the reason(s) if we cannot.

August 21, 2013 - CMD receives COR #49R1 from SMA, (RCAI had emailed it to SMA's Project Manager on 8/20/13), wherein RCAI is now claiming \$1,393,273.98 and 116 days instead of the \$1,445,547.54 and 130 days they claimed in COR #49. Also, in RCAI's cover

letter to COR #49R1, the last bulleted item reads: "Schedule, Time Analysis, and Time Delay Narrative-Revised to reflect an additional one hundred and sixteen (116) days beyond the previous Substantial Completion date; the new Substantial Completion date now being **October 25th, 2013.**"

August 21, 2013 - RCAI requests cancelation of 8/22/13 meeting which was previously scheduled between the contractor, design consultant and the owner to once more obtain a plan of action and detailed schedule from the contractor. As per RCAI's request, County PM reschedules the meeting to 8/27/13 @ 1:30 PM.

August 21, 2013 - County PM transmits to Surety 8/15/13 HI-RISE CRANE, INC Notice & Nonpayment, received by CMD on 8/21/13, for nonpayment in the amount of \$18,666.67.

August 22, 2013 - SMA emails letter and matrix received 8/21/13 from RCAI wherein RCAI evokes Article 30, specifically Paragraph 30.2.2 & 30.2.3 of the General Conditions as basis for requesting the County issue separate certifications of substantial completion for reoccupied and areas put in use prior to the Contract Substantial Completion date. Contract Administrator emails the following response, "Please be advised, our position remains the same: No acceptance or issuance of Substantial Completion since this is not a phased contract. I will wait for SMA to give us their interpretation on the matter, as required by their contract." County PM emails SMA to provide their decision in the matter.

August 22, 2013 – CMD received RFI #77, Re: Large Depression in Paver Area Outside of Phase 'A' at NW Corner.

August 23, 2013 – Fully executed CO #29 is approved. CO #29 Pre-Substantial Completion 49 Days of Weather Delays (sent: Fri 8/2/2013 3:03PM for execution).

August 23, 2013 – Fully executed Reconciliation CO #22 is approved. Reconciliation of Estimated CO#22 (COR #40): \$7,898.61 & zero days for Unit Price to replace 4th floor carpet with new carpet tiles, 142 maximum units. 6/14/13: Received COR 54R1 wherein RC requests 17 day time increase for adding 142 S.Y. more of carpet. County Project Manager informed SMA & RCAI that we are not approving anymore carpet beyond what is already in previously approved CO#22. 8/15/13: Reconciliation Change Orders was emailed to consultant & contractor for execution.

August 23, 2013 – Fully executed Reconciliation CO #7 is approved. Reconciliation of Estimated CO#7 is for Unit Price component of COR No.13B (PR#10R) for repairs of steel tube columns on the pedestrian bridge. 5/15/12: estimated CO approved for \$33,137.10 and zero days. CO #20 credited only \$33,137.00 thus leaving a balance of \$0.10 to be reconciled. Reconciliation CO was emailed to consultant for execution on Mon 8/5/2013 11:01 AM.

August 23, 2013 – Fully executed Reconciliation CO #17 is approved. Reconciliation of Estimated CO#17: COR#32R - Repairs to rusted conduits in SW terrace (5C) planter (PR#14, issued 11/7/12) for \$5,317.13 & zero days. CO#25, Line Nbr.4 (COR No. 46R1) provided a reconciliation credit of \$550.00 for Estimated Change Order #17. 8/15/13: Reconciliation Change Orders was emailed to consultant & contractor for execution.

August 23, 2013 – Fully executed Reconciliation CO #28 is approved. Reconciliation of Estimated CO#28: (COR #56) \$22,503.67 and 0 days for Builder's Risk insurance renewal. 8/15/13: Reconciliation Change Orders was emailed to consultant & contractor for execution.

August 26, 2013 – SMA answers RFI #77 stating, “The Depression in the pavers outside of the Phase A area of work on the Library shall be properly repaired [by RCAI] so that the pavers are flush and level with the adjacent pavers...”

August 27, 2013 – CMD held a meeting with RCAI and SMA, to review the Contractor's newly revised project schedule submitted as part of Change Order request (COR) #49R1. The revised project schedule indicates that the critical path is the remaining 22 panels to be installed in the sloped north atrium skylight structure. The panels were not properly fabricated and would have to be refabricated and installed. RCAI stated the refabricated panels will be on site Oct. 1, 2013. The Contractor's revised schedule extends the project's substantial completion date to October 25, 2013 and that COR also seeks an amount of \$1,393,273.98 in delay claims and a total contract extension of 116 calendar days thus coinciding with their projection of achieving substantial completion date by October 25, 2013.

August 28, 2013 – Incident of water puddle on floor of NW 1st floor entrance.

August 30, 2013 – CMD transmits to Liberty Mutual Surety:

1. 8/30/13 RCAI's Superintendent email to SMA's Project Manager. Issue: advising SMA and the County that RCAI's warranties will not cover these areas of the building.
2. 8/27/13 Saltz Michelson Architects (SMA) Minutes of 8/27/13 Follow Up Meeting Concerning Substantial Completion.
3. 8/27/13 SMA Project Manager's email to RCAI's Executive Project Manager - number of workers present has decreased.

September 4, 2013 – CMD receives CO #30 (COR#58, RFI's 72 & 73) executed by RCAI.

September 9, 2013 – CMD transmits to Liberty Mutual Surety, 08/30/13 F & R Scaffold Inc.'s Notice of Nonpayment.

September 11, 2013 - Incident of water intrusion Bienes Ceremonial room.

September 16, 2013 – CMD letter from Sr. Surety Claims Spec. IV, of Liberty Mutual Surety. That letter informed CMD that Claim No.: 964114984.0 has been assigned to Sr. Surety Claims Spec. IV and requests answers to questions. Questions & answers given by CMD to the Surety on 9/16/13 were:

Original Contract Amount: \$8,058,043

Approved Change Orders: \$1,982,680.07

Revised Contract Amount: \$10,040,723.07

Amount Paid to RC Aluminum Industries: \$9,645,477.75

Contract Balance Held by the Obligee: \$375,473.30

September 17, 2013 – Another incident of water intrusion Bienes Ceremonial room.

September 19, 2013 – CMD transmits to Liberty Mutual Surety, 9/9/13 Skilled Staffing LLC Notice of Non-payment.

September 23, 2013 – SMA's letter to RCAI rejecting all nine (9) claims and time extension request in COR#49R1.

October 9, 2013 – CMD transmits to Liberty Mutual Surety, 10/04/13 NES Rentals Notice of Performance and Nonpayment.

October 9, 2013 – CMD emails to Liberty Mutual Surety, the design consultant's 9/23/13 response to RC Aluminum Industries, Inc. COR #49R1.

October 9, 2013 – SMA's letter reported that the glass delivered is impact glass and not the required insulated impact glazing required by the contract documents and thus must be reordered, delivered and installed. As such, the contractor has missed the Oct. 1, 2013 date for the refabricated panels to be on site and it is evident that substantial completion will not be achieved by October 25, 2013 or anytime shortly thereafter.

October 21, 2013 - CMD issued a letter to RCAI with "intent to issue a deductive change order to remove "non-glazing" items (such as touch up painting, patching, carpet installation and other minor construction items) from RCAI's scope of work in order to expedite completion of the work".

October 21, 2013 – Incident of water intrusion on 3rd floor.

October 22, 2013 – CMD receives "Surety takeover" letter. Surety informed the County that it is acting as the attorney-in-fact for RC Aluminum Industries (RCAI) with full authority to exercise the rights assigned by RCAI in the surety agreement - essentially assuming control of the project. Based upon the County's October 21st, letter and assertions of non-payment "by at least one" of RCAI's subcontractors, Liberty Mutual is investigating RCAI's performance on the project and is withholding its consent to any further payments to the company.

October 22, 2013 – Incident of water Intrusion at 7th floor NW base of column by patio.

October 22, 2013 – CMD received Grant Modification No.4 from the State D.E.M., providing for reinstatement and extension of the Grant to 5/4/2014. County staff is in the process of preparing an agenda item for the Broward County Board of County Commissioners' approval of Grant Modification No.4.

October 23, 2013 - RCAI representative notified CMD that its workers would no longer be on the site and that County inspectors were no longer going to have access to the work site; and Saltz Michelson Architects (SMA) the project's design consultant, confirmed with RCAI's project executive that there are payment issues with laborers on the project and that RCAI is negotiating with Liberty Mutual as to the disposition of the project.

October 24, 2013 - CMD issued letter to RCAI and Liberty Mutual Surety with 'Intent to Terminate Agreement for Cause".

October 24, 2013 – CMD emails to Liberty Mutual Surety, issues that occurred on 10/22/13 and to which RCAI has not provided response:

1. 10/22/13 RCAI parking outside NW staging area.
2. 10/22/13 Water intrusion at 7th floor at base of column by NW patio.
3. 10/22/13 Smell of noxious paint fumes in Cybrary computer lab.

October 24, 2013 – CMD emails to Liberty Mutual Surety, SMA's 10/23 13 email to CMD concerning BCML-job has stopped (10/23/13).

October 25, 2013 – As per the requests in the Surety's 10/22/13 "Surety takeover" letter, CMD mails to Surety a DVD containing:

1. The date and amount of the last certificate of payment and any pending pay requests or estimates on the Project from RCAI.
2. Progress schedules of the work to be performed.
3. Notice-unpaid material or labor costs incurred by RCAI or subcontractors.
4. Documentation for back charges or change orders resulting in an adjustment of the contract price on the Project.
5. The amount of the remaining contract proceeds.



**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT
PURCHASING DIVISION**

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6065 • FAX 954-357-8535

Certified Mail No. 7004 0750 0003 8933 7196

March 6, 2014

Eusebio Paredes, Vice President
RC Aluminum Industries, Inc.
2805 N.W. 75th Avenue
Miami, Florida 33122

Re: Notice of Intent to Debar
RC Aluminum Industries, Inc. (RCAl) – Contract No. P0865207C1 Awarded
March 1, 2011 for the Broward County Main Library Wind Mitigation Project

Dear Mr. Paredes:

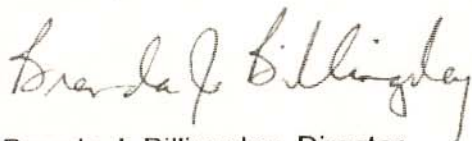
This correspondence is to advise you that Broward County's Purchasing Division is reviewing the circumstances surrounding the termination of the above referenced contract for cause, for possible debarment from consideration for award of future contracts or conducting any business with Broward County as authorized by the County's Procurement Code, Section 21.119.

On March 1, 2011, RC Aluminum Industries, Inc. (RCAl) was awarded Contract No. P0865207C1 for the Broward County Main Library Wind Mitigation Project, by the Broward County Board of County Commissioners (Board). On November 12, 2013, subject contract was terminated by the Board as a result of RCAl's failure to adequately perform and complete the Main Library Wind Mitigation Project as per the terms of the contract. A detailed chronology of events for this project is attached (See Exhibit "A").

In the interest of ensuring that RCAl is given adequate opportunity to rebut these findings and in accordance with Section 21.119 of the Broward County Procurement Code, the County is offering the opportunity to meet with County staff as soon as possible. Please contact my office at (954) 357-6070 to schedule a meeting. Your response to this correspondence must be received no later than April 4, 2014 with a scheduled meeting to be held no later than April 25, 2014.

Failure to respond timely will be considered an admission by RCAI of the failure to perform and the County will proceed as in its best interest.

Sincerely,



Brenda J. Billingsley, Director
Purchasing Division

Attachment

BJB/jak/lg

- c: Scott G. Miller, Ph.D., CFO/Director, Finance and Administrative Services Department
- Bob Miracle, Deputy CFO/Deputy Director, Finance and Administrative Services Department
- Glenn Marcos, Assistant Director, Purchasing Division
- George Lewis, Purchasing Manager, Purchasing Division
- John Kunzman, Purchasing Manager, Purchasing Division
- Skye Patrick, Director, Libraries Division
- Steve Hammond, Assistant Director, Public Works Department
- Glenn Miller, Assistant County Attorney, Office of the County Attorney

parties are represented by counsel, the hearing officer may also allow each party one (1) written request for production of documents, on an expedited basis, prior to the hearing and may issue subpoenas duces tecum for witnesses to bring documents to the hearing. Any motions allowed by this section must be made at least ten (10) days before a hearing is scheduled and served upon all parties, to be considered.

5. Within thirty (30) days from the hearing, the hearing officer shall complete and submit to the county and the person requesting said hearing a final order consisting of the findings of fact and conclusions of law as to the granting or denial of the appeal. The hearing officer shall uphold or reverse the decision giving rise to such protest but may not grant any allied, additional, alternative, or supplemental relief in the same order.

6. This procedure should be concluded prior to the institution of any civil action regarding the same subject matter. Appeal from the decision of the hearing officer shall be by certiorari to the circuit court in accordance with the Florida rules of Appellate procedure and shall be based on the record established before the hearing officer.

7. The appeal bond required by this Subsection shall be conditioned upon the payment of all costs and fees, excluding attorney's fees unless allowed for in this Subsection, incurred by the County in the appeal and which shall be included in the final order if the hearing officer denies the appeal. Upon payment of such costs and fees by the protester filing the appeal, the bond shall be returned. If the hearing officer grants the appeal, the appeal bond shall be returned to the protestor. Upon timely and proper written motion of the County, the hearing officer shall be empowered, in the exercise of sound professional discretion, to award attorney fees to the County if the hearing officer finds that the protestor, or its counsel, knew or should have known that the claim was not supported by facts or law.

8. All hearings shall be held in Broward County, Florida and Florida law will apply.

(1988-0180, 1-12-88; 1998-1021, 10-6-98; 2001-1071, 10-23-01; 2002-685, 7-9-02; 2004-732, 8-24-04; 2006-401, 6-13-06; 2009-316, 4-28-09; 2010-106, 3-9-10; 2011-086, 3-8-11)

21.121. - Reinstatement.

a. *Application.* A debarred person may only be reinstated upon submission of an application to the Director of Purchasing. Each application for reinstatement (after the term of debarment has been completed) shall include the following information:

1. The name, address and telephone number of the party making the request or the party's representative.
2. A statement of the financial responsibility of the company.
3. A statement of facts indicating how the circumstances which led to the debarment have been cured.
4. A list of jobs completed during the two years prior to the reinstatement application.
5. A list of all departments of the County for which the person has performed work.

b. *Grounds.* Request for reinstatement during the period of debarment shall be made in writing based upon the following.

1. Discovery of new and material evidence not previously available.
2. Dismissal of the indictment or reversal of the conviction.
3. Bona fide change in ownership or management sufficient to justify a finding of present responsibility.

c. *Procedures.* The determination whether to reinstate shall be based on the written submission of evidence, without further hearing. Upon consideration of the written submission, the Director of Purchasing shall make a determination whether or not reinstatement is warranted. If the Purchasing Director determines that the person should not be reinstated, the person may request a hearing before the hearing officer in accordance with Section 21.120

(1990-2809, 9-11-90)

21.122. - Termination of Contract; Rescission of Award.

Termination of any contract or rescission of award must be made by the awarding authority; and, in all cases where the Board takes this action, it must be based upon the Purchasing Director's recommendation. The Purchasing Director will examine the circumstances and reasons behind the breach of contract, or other reasons for rescission or termination, and determine if there is a solution possible in the situation. If a breach of contract occurs, or rescission of award or termination of contract is necessary, the Purchasing Director may suspend or debar the subject vendor for failure to perform under the terms of the Broward County Procurement Code.

(1999-0215, 3-2-99)

21.123—21.125. - Reserved.

PART X. - SOLICITATION OR AWARDS IN VIOLATION OF LAW OR RULES AND REGULATIONS

21.126. - Applicability of this Part.

21.127. - Remedies Prior to an Award.

21.128. - Remedies After an Award.

21.129. - Disclaiming Responsibility for Improper Purchasing.

21.130—21.134. - Reserved.

21.126. - Applicability of this Part.

The provisions of this Part apply where it is determined administratively or upon administrative or judicial review that a solicitation, proposed award, or award of a contract is in violation of law or rules and regulations.

(1988-0180, 1-12-88)

21.127. - Remedies Prior to an Award.

If prior to award it is determined that a solicitation or proposed award of a contract is in violation of this Procurement Code or rules or regulations, the solicitation or proposed award shall be:

- a. Canceled; or