

# Memorandum



**Date:** April 4, 2013

**To:** Christopher Mazzella  
Inspector General

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Ref. IG11-13, Responsible Wage Violations Committed by Florida Fire Stopping on the Marlins Stadium Project

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We have reviewed the Office of the Inspector General (OIG) report Ref. IG11-13 dated March 13, 2013, regarding Florida Fire Stopping, Inc.'s unpaid sanction of \$3,811.20 issued pursuant to a Responsible Wage violation committed on the Marlins Stadium Project. As outlined below, the following actions have been taken by the Department of Regulatory and Economic Resources' Small Business Development (SBD) office.

In correspondence dated January 24, 2012 and February 1, 2012, Florida Fire Stopping, Inc. was informed that if the penalty payment was not made within a reasonable time, it would be prohibited from bidding on or otherwise participating in County contracts for a period of three (3) years (See Attachment 1 and 2). Because Florida Fire Stopping, Inc. has not complied with the payment of the penalty, it is recorded as a violation and is listed as open on the SBD Violations Report which can be found on the RER website at <http://www.miamidade.gov/business/library/reports/history-of-violations.pdf>. Administrative procedures require contracting departments to review the Violations Report prior to issuing contract awards and to contact SBD prior to awarding to any firm that appears on the report. Florida Fire Stopping, Inc. has not been issued any awards as a prime or subcontractor on a County contract since the issuance of the February 1, 2012 letter, and will not be eligible for award for three years or until the penalty is paid, whichever comes first.

Pursuant to §2-11.16(d) of the County Code, penalties may be assessed to contractors found to be in noncompliance as follows: for the first underpayment, a penalty in an amount equal to 10% of the amount thereof; for the second underpayment, a penalty in an amount equal to 20% thereof; for the third and successive underpayments, a penalty in an amount equal to 30% thereof. A fourth violation shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. This was Florida Firestopping, Inc.'s first violation. As such, the treatment of this issue is found to be in compliance with the Code.

Should you need additional information, please contact Mario Goderich, Assistant Director, Department of Regulatory and Economic Resources at (305) 375-5952.

## Attachments

- c: Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources
- Lester Sola, Director, Internal Services Department
- Charles Anderson, Commission Auditor
- Mario Goderich, Assistant Director, Department of Regulatory and Economic Resources
- Veronica Clark, Assistant to the Director, Department of Regulatory and Economic Resources



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Attachment 1

**Sustainability, Planning and Economic  
Enhancement Department**

111 NW 1 Street, 19<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-3111 F 305-375-3160

February 1, 2012

Mr. Gaston Alonso, Jr., President  
Florida Fire Stopping, Inc.  
P.O. Box 558455  
Miami, FL 33255

**Via E-Mail and US Mail**  
[galonso@floridafirestop.com](mailto:galonso@floridafirestop.com)

Re: Project No. BP-16, New Marlins Ballpark – Plumbing – General Building

Dear Mr. Alonso:

On January 24, 2012 you were notified that Florida Fire Stopping, Inc. is responsible for the payment of the \$3,811.20 penalty to Miami-Dade County that resulted from the August 23, 2011 Notice of Violation issued for misclassification and underpayment of four (4) employees on the referenced project. Pursuant to the Responsible Wages and Benefits Code, "If the required payment is not made within a reasonable period of time, the non-complying contractor (or subcontractor) and the principal owners thereof shall be prohibited from bidding on or otherwise participating in County contracts for the construction, alteration, and/or repair, including painting or decorating of public buildings or public works for a period of three (3) years."

In order to bring closure to this matter, Florida Fire Stopping, Inc. must submit a check payable to Miami-Dade County Board of Commissioners for payment of the 10% sanction equal to \$3,811.20 (\$38,112.05 x 10%). **Please respond to this Notice by February 17, 2012.** The violation issued to Florida Fire Stopping, Inc. will remain open until this payment has been received. Should you have any questions, please contact Alice Hidalgo-Gato, Director of the Contract Monitoring and Compliance Division, at (305) 375-3153.

Sincerely,

Mario Goderich, Assistant Director  
Sustainability, Planning and Economic Enhancement Department

- c: Claude Delorme, Executive Vice President, Ballpark Development
- Todd Willis, Project Program Coordinator, Hunt/Moss, J.V.
- Michael Kotait, Senior Project Manager, Nagelbush Mechanical, Inc.
- Ray Mehta, Project Manager, Nagelbush Mechanical, Inc.
- David B. Mankuta, Atkinson, Diner, Stone, Mankuta & Plouch, PA
- Michel Bussiere, Ballpark Development
- Robert K. May, Project Executive, Hunt/Moss
- Patrick S. Delano, Sr. Project Manager, Hunt/Moss
- Christopher Mazzella, Inspector General
- Jose Galan, Chief of Program Legislation, ISD
- CMC NOV File

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January 24, 2012

Attachment 1

**Sustainability, Planning and Economic  
Enhancement Department**

111 NW 1 Street, 19<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-3111 F 305-375-3160

Claude Delorme, Executive Vice President  
Ballpark Development  
Florida Marlins BallPark  
2267 Dan Marino Boulevard  
Miami, FL 33056

**Via E-Mail and US Mail**

[cdelorme@marlins.com](mailto:cdelorme@marlins.com)

Mr. Todd Willis, Project Program Coordinator  
Hunt/Moss, A Joint Venture  
1380 N.W. 6 Street, Unit 1  
Miami, Florida 33125

[twillis@mossemail.com](mailto:twillis@mossemail.com)

Mr. Michael Kotait, Senior Project Manager  
Nagelbush Mechanical, Inc.  
1800 Northwest 49<sup>th</sup> Street, Suite 110  
Ft. Lauderdale, FL 33309

[mkotait@nagelbush.com](mailto:mkotait@nagelbush.com)

Mr. Gaston Alonso, Jr., President  
Florida Fire Stopping, Inc.  
P.O. Box 558455  
Miami, FL 33255

[galonso@floridafirestop.com](mailto:galonso@floridafirestop.com)

Re: Project No. BP-16, New Marlins Ballpark – Plumbing – General Building

Dear Messrs. Delorme, Willis, Kotait and Alonso:

Attached please find the County Mayor's acceptance of the Administrative Hearing Officer's Recommendations arising from the appeal by Nagelbush Mechanical, Inc. of the August 23, 2011 Notice of Violation issued to Florida Fire Stopping for misclassification and underpayment of four (4) employees on the referenced project. The Mayor further authorized that sufficient funds be withheld from the contract payments as necessary to rectify the wage underpayments.

As such, the Small Business Development (SBD) Division of the Sustainability, Planning and Economic Enhancement Department hereby requests that the Stadium Developer provide a check payable to the Miami-Dade County Board of Commissioners for \$41,027.62, which represents the underpayment amount of \$38,112.05 plus the employer contribution for corresponding payroll taxes equal to \$2,915.57, from the contract proceeds for deposit in SBD's Compliance Trust Fund Account. The funds will be utilized to pay the affected employees the wages due.

Florida Fire Stopping is still responsible for the payment of the \$3,811.20 penalty to the County. Pursuant to the Responsible Wages and Benefits Code, "If the required payment is not made within a reasonable period of time, the non-complying contractor (or subcontractor) and the principal owners thereof shall be prohibited from bidding, or otherwise participating in County

Messrs. Delorme, Willis, Kotait and Alonso  
January 24, 2012  
Page 2 of 2

contracts for the construction, alteration, and/or repair, including painting or decorating of public buildings or public works for a period of three (3) years." In order to bring closure to this matter, Florida Fire Stopping must submit a check payable to Miami-Dade County Board of Commissioners for payment of the 10% sanction equal to \$3,811.20 ( $\$38,112.05 \times 10\%$ ). Failure to comply within 30 days of the date of this letter may result in the imposition of the stated sanction.

Should you have any questions regarding this matter, please contact Alice Hidalgo-Gato, Contract Monitoring and Compliance, at (305) 375-3153.

Sincerely,



Mario Goderich, Assistant Director  
Sustainability, Planning and Economic Enhancement Department

Enclosure

c: Ray Mehta, Project Manager, Nagelbush Mechanical, Inc.  
David B. Mankuta, Atkinson, Diner, Stone, Mankuta & Plouch, PA  
Michel Bussiere, Ballpark Development  
Robert K. May, Project Executive, Hunt/Moss  
Patrick S. Delano, Sr. Project Manager, Hunt/Moss  
Christopher Mazzella, Inspector General  
Jose Galan, Chief of Program Legislation, ISD  
CMC NOV File



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**Sustainability, Planning and Economic  
Enhancement Department**  
111 NW 1 Street, 19<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-3111 F 305-375-3160

February 1, 2012

Claude Delorme, Executive Vice President  
Ballpark Development  
Florida Marlins Ballpark  
2267 Dan Marino Boulevard  
Miami, FL 33056

[cdelorme@marlins.com](mailto:cdelorme@marlins.com)

Mr. Todd Willis, Project Program Coordinator  
Hunt/Moss, a Joint Venture  
1380 N.W. 6 Street, Unit 1  
Miami, Florida 33125

[twillis@mossemail.com](mailto:twillis@mossemail.com)

Mr. Michael Kotait, Senior Project Manager  
Nagelbush Mechanical, Inc.  
1800 Northwest 49<sup>th</sup> Street, Suite 110  
Ft. Lauderdale, FL 33309

[mkotait@nagelbush.com](mailto:mkotait@nagelbush.com)

Re: Project No. BP-16, New Marlins Ballpark – Plumbing – General Building

Dear Messrs. Delorme, Willis and Kotait:

The Small Business Development (SBD) Division of the Sustainability, Planning and Economic Enhancement Department has received \$41,027.62 from Marlins Stadium Developer, LLC for distribution to the four (4) employees included as underpaid in the August 23, 2011, Notice of Violation issued to Florida Fire Stopping, Inc., a subcontractor, on the referenced project. The funds will be deposited in SBD's Compliance Trust Fund Account for distribution to the employees.

While Marlins Stadium Developer has satisfactorily complied with this matter, Florida Fire Stopping, Inc. is still responsible for the payment of the \$3,811.20 penalty to the County. **As such the violation issued to Florida Fire Stopping, Inc. will remain open until this payment has been received.** Pursuant to the Code, "If the required payment is not made within a reasonable period of time, the non-complying contractor (or subcontractor) and the principal owners thereof shall be prohibited from bidding on or otherwise participating in County contracts for the construction, alteration, and/or repair, including painting or decorating of public buildings or public works for a period of three (3) years." SBD will address the matter of the penalty with Florida Fire Stopping, Inc. directly.

Should you have any questions, please contact Alice Hidalgo-Gato, Director of the Contract Monitoring and Compliance Unit, at (305) 375-3153.

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Messrs. Delorme, Willis and Kotait  
February 3, 2012  
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Sincerely,



Mario Goderich, Assistant Director  
Sustainability, Planning and Economic Enhancement Department

c: Ray Mehta, Project Manager, Nagelbush Mechanical, Inc.  
David B. Mankuta, Atkinson, Diner, Stone, Mankuta & Plouch, PA  
Gaston Alonso, Jr., President, Florida Fire Stopping, Inc.  
Michel Bussiere, Ballpark Development  
Robert K. May, Project Executive, Hunt/Moss  
Patrick S. Delano, Sr. Project Manager, Hunt/Moss  
Christopher Mazzella, Inspector General  
Jose Galan, Chief of Program Legislation, ISD  
Hunt/Moss Compliance Item #0234  
CMC File (\$38,112.05 Wages / \$2,915.57 payroll taxes)