

MIAMIBEACH

Contractor Incident/Violation Report (Notice to Cure)

General Information	
Date Incident Report Filed: 07/07/2017	Date of Incident / Contract Violation: Various dates Pursuant to periodic staff visits at Concession Area (2/17/17; 2/24/17; 3/24/17; 3/31/17; 4/21/17; 5/12/17; 6/16/17; 6/30/17)
Date Contractor Notified: 07/07/2017	Attach confirmation indicating contractor was notified.
Contract No.: Agreement Pursuant to Invitation to Negotiate (ITN No. 2014-326-JR).	Contract Title: Concession Agreement for the Turnkey Implementation, Management, Operation (Including Dock Operations) and Maintenance of a Waterborne Transportation Services Pilot Program
Contractor: Water Taxi Miami, Inc.	Date Correction Is Required: 07/14/2017
Person Filing Report: Milos Majstorovic, Transportation Operations Supervisor	City Contract Manager: Milos Majstorovic, Transportation Operations Supervisor

1. Contract Requirement Violated

1. Program Vessels (sub-section 3.1.5 and 9.2)
2. Oversight (subsection 3.1.9)
3. Plan of Operation (exhibit 4)

2. Describe Incident / Contract Violation

The Concessionaire was warned various times in connection to the items below:


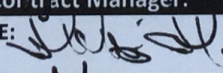
1. Program Vessels (violation of sub-sections 3.1.5 and 9.2) - Concessionaire operated with non-compliant/non-approved six (6) passenger vessel, as identified during staff site visits on 2/17/2017, 2/24/2017 and 6/30/2017.
2. Oversight (violation of sub-section 3.1.9) - Concessionaire does not provide for oversight at or near the Concession Area, as identified during staff site visits on 3/24/17, 3/31/17, 4/21/17, 5/12/17, 6/16/17, and 6/30/17.
3. Plan of Operation (violation of exhibit 4) - Concessionaire does not adhere to schedule depicted in Plan of Operations, including but not limited to, not serving the Purdy Avenue stop, as identified during staff site visits on 11:40AM, on 6/16/2017, and on 6/30/2017 at the same time.

3. Identify Corrective Measures Required

Starting on 07/14/2017, the Concessionaire (Water Taxi Miami, Inc.) shall provide/operate with appropriate vessels (minimum capacity of thirty-eight (38) passengers), provide for appropriate oversight and adhere to Plan of Operations to ultimately be compliant with the terms of the agreement and above subsections. Failure to take immediate corrective action can result in a notice of contract violation, of default, and contract termination. Remedies available through the agreement may be thought accordingly.

4. Describe How Contractor Has Corrected Incident / Contract Violation By The Date Established Above *

* If correction requested has not been completed by the contractor, document the situation in Section 4 and refer this form to the Procurement Management Department for further action.

Person Filing Report:	Contract Manager:	Contractor Representative: **
SIGNATURE: 	SIGNATURE: 	SIGNATURE:
DATE: 7/7/17	DATE: 7/7/17	DATE:

** Signature not required if contractor has been notified electronically.

1. What is a Contractor Incident /Violation Report (Notice to Cure)?

Contractor Incident/Violation Report (the "Report") is to be used to document and communicate information to City contractors regarding performance and compliance with contractual requirements. The intent of the Report is to provide contractors with information they can use to improve their performance and compliance with contractual requirements. The Report is also used to support contractor performance evaluations that should be completed, at a minimum, every six (6) months, unless otherwise called for in the contract. While typically the Report is used to document performance or contract failures, it can also be used to document exceptional performance by contractors.

2. When should a Report be completed?

A report should be completed as often as necessary to relay information to contractors regarding their performance and compliance with contractual requirements. In certain cases, it may be prudent to schedule regular (e.g., daily, weekly) reviews of contractor performance and contractual compliance. The Report IS NOT a substitute for the required contractor performance evaluations.

3. Who should complete a Report?

A Report should be completed by the assigned Contract Manager. In certain cases, the Report can be completed by an affected party that is not the Contract Manager.

4. How should a Report be completed?

The Report should be completed in full detail to document the incident / violation. It is extremely important for the content of the Report to reflect clear information in a factual, unbiased manner to avoid passing along opinions and judgments. What a staff person has to say concerning an incident is essential to other people who are trying to understand what has happened and why it occurred. Staff should re-read the reports that they have written prior to submitting them to assure that they are legible, have been completed properly and that the report truly states what the writer has intended to convey. All sections of the report must be completed (avoid leaving blanks). Incident Reports are legal documents which may be viewed by the individual, his/her guardian, designee or legal representative and may be utilized by courts. Be sure to use the full name of staff or providers when referencing them in a report; initials of staff/providers are not sufficient. A copy of the Report is to be provided to the contractor and to the Contract Compliance Administrator in the Procurement Department. The contractor's receipt of the Report must be documented through either a signature or submitted electronically so that a record is available.

If you have any questions on completing a Report, contact Fidel Miranda, Contract Compliance Administrator, in the Procurement Department, at 305-673-7496 or fidelmiranda@miamiabeachfl.gov

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Procurement Department