

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

BOARD OF DIRECTORS MEETING

**TUESDAY, JANUARY 26, 2016
4:00 PM**

**WILLIAM M. LEHMAN MDX BUILDING
3790 NW 21ST STREET
MIAMI, FLORIDA 33142**

SUMMARY MINUTES

Members Present

Louis V. Martinez, Esq., Chair
Shelly Smith Fano, Vice Chair
Rick Rodriguez Piña, Treasurer
Gus Pego, P. E., District VI Secretary
Jose “Pepe” Cancio
Maurice A. Ferré
Alfredo L. Gonzalez, Esq.
Arthur J. Meyer
Javier L. Vázquez, Esq.
Cliff Walters

Members Absent

Maritza Gutierrez
Luz Weinberg

Staff

Javier Rodriguez, P.E., Executive Director
Marie Schafer, Chief Financial Officer
Juan Toledo, P.E., Director of Engineering
Steve Andriuk, Director of Toll Operations
Carlos M. Zaldivar, Esq., General Counsel
Francine Steelman, Associate General Counsel
Helen Cordero, Manager of Procurement and Contracts Administration
Mario Diaz, Public Information Manager
Maria Luisa Navia Lobo, Board Secretary

Consultants

Finance: Randy Topel, First Southwest Co.
Transportation: Albert Sosa, HNTB (GEC-A)
Rick Crooks, EAC Consultants (GEC-B)
Tere Garcia, Bermello Ajamil Partners (GEC-A)

CALL TO ORDER & ROLL CALL

Chair Martinez called the meeting to order. Ms. Navia Lobo called the roll and announced that a quorum of the MDX Board was present.

PLEDGE OF ALLEGIANCE

Chair Martinez asked Mr. Vazquez to lead in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Martinez recommended adding agenda item D) Speakers form Miami-Dade County: Alice Bravo, Director of Miami-Dade County Transportation and Public Works Department and Aileen Boucle Executive Director of the Metropolitan Planning Organization. The agenda revision was unanimously approved.

DECLARATIONS OF VOTING CONFLICTS

Mr. Zaldivar asked Members if there were any voting conflicts regarding the items on the Board Agenda. No conflicts were declared.

Chair Martinez introduced Alice Bravo and Aileen Boucle who addressed the Board individually.

CITIZEN COMMENT

The following individuals addressed the Board.

- Al Dotson – 1450 Brickell Ave, Miami, FL represents CH2 –MDX project RFQ 16-02
- Mauricio Gonzalez – Director of Construction Odebrecht, USA – 201 Alhambra Circle, Coral Gables, FL – MDX Project ITB 16-01
- Jim Moye, Moye Obrien, 4705 Scarlett Iris Place, Winter Park, FL – MDX Project ITB 16-01
- Pedro Munilla, MDX – MCM 6201 SW 70th Street, Miami, Fl. – MDX Project ITB 16-01
- Robert Murphy – MCM 6201 SW 70th Street, Miami, Fl. – MDX Project ITB 16-01
- Eliot Perez - MCM 6201 SW 70th Street, Miami, Fl. – MDX Project ITB 16-01
- Eduardo Martinez - MCM 6201 SW 70th Street, Miami, Fl. – MDX Project ITB 16-01
- Anne McNeil – MCO - 6600 NW 27 Ave – MDX Project ITB 16-01

- Eric Valderamma – MCM 6201 SW 70th Street, Miami, Fl. – MDX Project ITB 16-01
- Danny Munilla, MCM - 6201 SW 70th Street, Miami, Fl. – MDX Project ITB 16-01
- Juan Munilla, MCM - 6030 SW 114 Street, Miami, Fl. – MDX Project ITB 16-01
- Alfredo Armas – retained by MCM - 4960 SW 72 Ave. – MDX Project ITB 16-01 – he informed member that minutes prior to the Board meeting, a hearing was held with Judge Rodriguez

APPROVAL OF SUMMARY MINUTES

- Board Meeting of December 8, 2015

Ms. Smith Fano moved to approve the Summary Minutes corresponding to the December 8, 2016 meeting. Mr. Cancio seconded the motion. The motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Rodriguez briefed Members on the following issues of interest since that last Board meeting of December 8, 2015:

- Strategic Master Plan Board Workshop will be scheduled in the month of February
- Due to the many requests for the Strategic Master Plan presentations, Mr. Meyer recommended that staff put together a Board calendar for the events/activities and meetings for the month.
- Attended and participated at the Florida Chamber Transportation Summit in Jacksonville, FL. We discussed the MDX Strategic Plan and the effect of technology on management of congestion.
- On December 16th he and Chair Martinez briefed the Miami Herald Editorial Board.
- Inter-Governmental Committee met prior to the Board Meeting where the legislative update was discussed.

Mr. Rodriguez entertained questions from Members.

GENERAL COUNSEL'S REPORT

- Mr. Zaldivar informed Members that a Shade Meeting is scheduled at the end of the agenda regarding the ETCC Litigation.
- MDX received a complaint for Declaratory and Injunction relief regarding Agenda item IX. C – ITB 16-01. At 3pm today, there was a conference call with representatives from MCM and Odebrecht regarding the ruling on MCM's

emergency verified Motion for Temporary Injunction.

Mr. Zaldivar entertained questions from members.

MPO REPRESENTATIVE REPORT

Mr. Ferré requested that his memorandum dated January 25, 2016 regarding MPO Issues and other MDX matters be distributed to the Members and kept as part of the meeting records.

TREASURER'S REPORT

- Mr. Rodriguez Piña informed Members that the Treasurer's report will be waived for this month.
- The cash back toll dividend program registration opened on Jan 11, 2016; and that 95% of the cash back dividend checks issued in December 2015 have been cash.

Committee Reports

- Operations Committee, 1/20/16
- Inter-Governmental & Public Communications, 1/26/16

The Committee reports were waived.

CONSENT AGENDA

Approval:

- February 9-10, 2016, Trip to Orlando, Fl. by Executive Director Rodriguez to attend the Florida Transportation Builders Construction Conference

Mr. Ferré moved to approve the Consent Agenda. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

REGULAR AGENDA

- A) MDX Work Program No. 83611; SR 836 / I-95 Interchange Improvements (Endorsed by the Operations Committee on 1/20/16)
 - Approval of Eminent Domain Parcel Resolutions 16-01 through 16-12
- B) MDX Work Program No. 83628; SR 836 Operational, Capacity and Interchange Improvements (Endorsed by the Operations Committee on 1/20/16)
 - Approval of Eminent Domain Parcel Resolutions 16-13 through 16-19

Mr. Zaldivar read the agenda items into the record. The resolutions were endorsed by the Operations Committee on January 20, 2016. Mr. Toledo informed Members the parcels Resolutions are required as part of the eminent domain process for parcel acquisitions for the respective projects. The process is consistent with the

Authority's Property Acquisition Policy.

Mr. Ferré moved to approve Resolution No. 16-01 through 16-19. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

C) MDX Procurement/Contract Number ITB-16-01; MDX Work Program No. 83629.060; Construction Services for SR 836 Interchange Modifications at 87th Avenue (\$65,759,276). (Endorsed by the Operations Committee on 1/20/16)

Mr. Zaldivar read the agenda item into the record. Ms. Cordero briefed Members on the procurement process and Staff's recommendation. She informed Members that MDX released an Invitation to Bid (ITB) seeking bids from qualified contractors to provide construction services for SR 836 Interchange Modifications at 87th Avenue.

Eight (8) Bid Packages were received in response to the ITB from the following Bidders:

- Astaldi Construction Corporation
- Community Asphalt Corp.
- Condotte America Inc.
- Facchina Construction Company, Inc.
- Halley Engineering Contractors, Inc.
- Munilla Construction Management, LLC d/b/a MCM
- Odebrecht Construction, Inc.
- Prince Contracting, LLC

Ms. Cordero explained the formula used to obtain the overall best value to MDX. The Project was advertised as a cost + time bid. The following definition explains the formula used:

$$A (\text{Standard Bid/Cost}) + B (\text{Time Bid}) = \text{Total Bid}$$

Compliance/Responsiveness review was performed for the top five (5) ranked bid packages based on the preliminary bid opening, as follows:

1. Munilla Construction Management, LLC d/b/a MCM
2. Odebrecht Construction, Inc.
3. Astaldi Construction Corporation
4. Halley Engineering Contractors, Inc.
5. Condotte America Inc.

The remaining three (3) bid packages were not reviewed for Compliance/Responsiveness because the respective bid prices exceeded 10% of the Engineer's project Standard Bid/Cost estimate of \$65,759,276.

Compliance/Responsiveness Review

One of the ITB Pre-Qualification Criteria was that the bidder and/or its subcontractor(s) be pre-qualified in accordance with Rule 14-22 of the Florida Administrative Code under the Work Class for Intelligent Transportation Systems (ITS). Proof of this pre-qualification was required as part of the bid package

submittal. The bid packages submitted by Astaldi, Condotte, and MCM did not include documentation demonstrating compliance with the ITS requirement.

In addition, the ITB also required the Bidders to meet a 15% Small Business Participation requirement and provide proof that the certified small business possessed the required certifications from either Miami-Dade County Small Business Enterprise Programs; SBE/Construction; SBE/A & E; or SBE/Goods & Services for the services that they would provide. The bid package submitted by MCM included utilization of a Small Business but did not include the requisite certification(s) for the services to be provided by that Small Business.

For the reasons stated above, the bid packages submitted by Astaldi, Condotte and MCM were deemed non-responsive to the requirements of the ITB.

Bid Analyses

Each of the MDX General Engineering Consultants (GEC's) conducted an independent analysis of the bids for the top three (3) ranked bidders based on the result of the Preliminary Bid Opening.

Both analyses concluded that the bids were within an acceptable variance from the Engineer's Estimate and each other. The analyses also concluded that the Proposed Contract Times and related schedules were very aggressive, but with the adequate resources the Project could be built in their respective proposed time frames. The analyses further demonstrate that the Bidders will allocate adequate resources by having multiple crews working simultaneously to complete the Project within their Proposed Contract Time.

Staff Recommendation

- Endorse recommendation of Operations Committee to award the contract to the lowest, responsive bidder Odebrecht Construction, Inc. in the amount of \$65,993,466.17 with a contract time of 806 calendar days.

Correspondence from MCM was distributed to Members. Ms. Cordero informed Members that MCM filed for an Injunction and an official bid protest.

Mr. Vazquez cautioned Members on any comments moving forward since a bid protest has been filed.

Ms. Smith Fano moved the item for discussion. Mr. Cancio seconded the motion.

Ms. Cordero informed Members that precedence is very important and never before has MDX waive a pre-qualification requirement.

The item was thoroughly discussed.

Mr. Martinez asked for a roll call vote. Ms. Navia Lobo called the roll.

J. Cancio	-nay	C. Walters	-aye
M. Ferre	-aye	G. Pego	-aye
A. Gonzalez	-aye	R. Rodriguez Piña	-aye
AJ Meyer	-aye	S. Smith Fano	-aye
J. Vazquez	-aye	L. Martinez	-aye

The motion was approved.

D) MDX Procurement/Contract Number RFQ-16-02: General Engineering Consulting Services – Work Program Production (GEC-A) (Endorsed by the Operations Committee on 1/20/16)

- Approval of the Operations Committee recommendation

Mr. Zaldivar read the agenda item into the record.

Mr. Martinez informed Members that the presentation from HNTB was exceptional as presented to the Operations Committee. For the record Mr. Rodriguez referred to a comment made by Mr. Dotson in the Public Comment and clarified that this procurement was not a sole source. Many consultants can do this type of work, the fact that only one firm chose to submit, does not make it a sole source.

Mr. Vazquez moved to approve the Operations Committee recommendation to award the contract to HNTB Corp. Mr. Cancio seconded the motion. The motion was unanimously approved.

E) MDX Procurement/Contract No.: RFQ 14-01 Advertising Services

- Approval to assign the Contract with PCH Communications, LLC d/b/a CommonGround/MGS to Cunningham Communications Consulting Corporation d/b/a The Brand Advocates, Incorporated for a period not to exceed 7 months.

The item was pulled from the Inter-Governmental Committee agenda and therefore will be brought back to the Board at a later date.

INFORMATIONAL ITEMS

- A) Procurement Report
- B) Communications Report

The informational items were not addressed.

ATTORNEY CLIENT PRIVILEGED MEETING

- Shade Meeting regarding ETCC Litigation

Mr. Martinez read the following statement to the public prior to the Shade Meeting:

“It is now 5:50 p.m. we are about to have an attorney/client session in accordance with Florida Statute 286.011 regarding the litigation styled Electronic Transaction Consultants Corporation v. Miami-Dade Expressway Authority, Case No. 12-46272 CA 40, in the 11th Judicial Circuit, in and for Miami-Dade County, Florida. The session is estimated to last 30-45 minutes and the following people will be in attendance at the meeting:

MDX Board Members present

MDX attorneys, Carlos Zaldivar and Francine Steelman
Javier Rodriguez, MDX Executive Director

The meeting will be recorded by a certified court reporter and, at the conclusion of all litigation; the transcript will be made part of the public record.”

Mr. Martinez temporarily recessed the meeting in order for the Shade Meeting to proceed.

Mr. Martinez reconvened the Board Meeting at 7:05 p.m.

Mr. Cancio asked for a moment to make the following statement on the record:

He made reference to the HB 299 filed by State Representative Jeannette Nunez to reduce the size of the MDX Governing Board from 13 Members to 9 Members; he stated that if that bill becomes law, he will resign from the MDX Board to make it easier for the Governor to decide which of his appointees will have to step down.

[Mr. Cancio’s written statement is filed with the Board Secretary]

ANNOUNCEMENTS

- Board Meeting, 2/23/16 at 4:00 p.m., William M. Lehman MDX Building, Board Room

ADJOURNMENT

Chair Martinez adjourned the Meeting.

Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary