

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)**

**BOARD OF DIRECTORS MEETING**

**TUESDAY, OCTOBER 27, 2015**

**4:00 PM**

**WILLIAM M. LEHMAN MDX BUILDING  
3790 NW 21<sup>ST</sup> 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  
Alfredo L. Gonzalez, Esq.  
Maritza Gutierrez  
Arthur J. Meyer  
Javier L. Vázquez, Esq.  
Cliff Walters  
Luz Weinberg

**Members Absent**

Maurice A. Ferré  
Robert W. Holland, Esq.

**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  
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)

### **CALL TO ORDER & ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF AGENDA**

The agenda was amended to add agenda item F) , which was an informational item and presentation by FDOT on the I-395- SR 836-11 Project. Mr. Rodriguez Piña moved to approve the amended agenda. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

### **DECLARATIONS OF VOTING CONFLICTS**

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

### **CITIZEN COMMENT**

The following individuals addressed the Board.

- Carlos Garcia – rollbacktolls.com
- Jane Walker – rollbacktolls.com
- Chris Wills – PAC - DRIVE – 1165 SW 75 Terrace, Miami, FL 33173

Mr. Cancio informed Members that before the Board meeting he signed the “NoMoreTolls” petition.

### **I-395 PRESENTATION**

Mr. Pego introduced the item. Mr. Albert Sosa presented the Project overview and explained that the project consists of three individual projects partnered together in order to increase mobility in the area of I-95 and SR 836 and I-395:

- MDX SR 836-11 - 17<sup>th</sup> Ave to I-95 Interchange
- I-395 Reconstruction - I-95 to the East
- I-95 Pavement Reconstruction - North

MDX 836-11 – Area Characteristics

- Urbanized Area
- Major Interchange Connection
- Close Proximity to Downtown Area
- Medical Centers/Hospitals/Health Institutions
- Governmental Complexes
- Miami River
- Constrained Corridor

#### MDX 836-11 – Improvements

- Add capacity to SR 836 - 1 additional lane each direction
- Eliminate existing weaving across eastbound and westbound SR 836 – via parallel elevated eastbound and westbound collector-distributor road system
- Provide new connection from I-95 southbound to NW North River Drive
- Replace existing concrete pavement along project limits
- Replace fender system at Miami River

Beth Steimel with FDOT presented the I-95 and I-395 portion of the Project.

- I-395 Layout
- Approach Spans – Closed box
- Signature Bridge
- Streetscape Design – separated into three zones

#### The I-95 pavement Reconstruction

- Replace Mainline rigid concrete pavement and asphalt shoulder with full depth rigid concrete pavement across full width of mainline
- Address drainage maintenance issues
- Address associated bridge rail retrofits and approach slab upgrades / repairs

#### Four Step Procurement Process - Design Build RFP

- Step 1 – Advertise and Short List DB Teams
- Step 2 – RFP Response Phase 1: Signature Bridge Aesthetics Submittal
- Step 3 – RFP Response Phase 2: Technical Submittal
- Step 4 – RFP Response Phase 2: Price Submittal
- The anticipated construction time is approximately five years.

Mr. Sosa and Ms. Steimel entertained questions from Members.

The presentation is filed with the Board Secretary.

#### **APPROVAL OF SUMMARY MINUTES**

- Board Meeting of September 29, 2015

Mr. Rodriguez Piña moved to approve the Summary Minutes of the September 29, 2015.  
Mr. Gonzalez seconded the motion. The motion was unanimously approved.

#### **EXECUTIVE DIRECTOR’S REPORT**

Mr. Rodriguez reported on the following issues that occurred since the last Board meeting:

- On October 7, 2015 – Miami-Dade County Transit Solutions Committee. Mr. Luis Ajamil presented the MDX proposed Strategic Master Plan. It was very well received.
- Commissioner Levine Cava requested the MDX presentation be presented to her Finance Committee.

- On October 15, 2015 he and Chair Martinez met with Representative Jose Felix Diaz; and are beginning the process of meeting with other elected officials.
- On October 21, MDX hosted the Greater Miami Chamber of Commerce Transit Funding Panel
- Project Update:
  - MDX Project 836-29 - Interchange at SR836 and 87<sup>th</sup> Ave. was advertised on September 15<sup>th</sup> and bids will be received on November 3<sup>rd</sup>.
  - MDX Project 836-28 – SR 836 widening between 57<sup>th</sup> Ave and 17<sup>th</sup>. Ave – well underway - relocation of landscape– right-of-way acquisition underway
  - Centralized Customer Service Center (CCSC) update – Administrative Judge ruled in favor of FDOT; FDOT is finalizing the Notice to Proceed with Xerox. MDX Staff will be participating.
- Frequent User Program – Cash Back Dividend Program – will be presented as part of this agenda.
- MDX received PR News Community Outreach Award

Mr. Rodriguez entertained questions from Members.

### **MPO REPRESENTATIVE REPORT**

Mr. Martinez reported that the MPO Board selected a new Executive Director, Aileen Boucle. Mr. Martinez stated, on behalf of the MDX Board, that he looks forward to meeting her and working together with the MPO.

### **GENERAL COUNSEL’S REPORT**

Ms. Steelman informed Members that the ETCC litigation should close on Thursday, October 28<sup>th</sup> and that a Shade Meeting will be scheduled for the following month regarding this matter.

Ms. Steelman further reported on the bid protest with MCM. MCM has appealed the latest judgment. MDX outside counsel is handling the matter.

### **TREASURER’S REPORT**

Ms. Schafer reported for the month of September, traffic is running above the forecast by 5.8%. On the expense side, Operations is on budget, Maintenance is over budget due to moving up the schedule for structural bridge inspections. Legal services expenses are above budget due to litigation expenses, however, the overall the budget is on target.

Ms. Schafer entertained questions from Members.

Mr. Vazquez asked for a ridership report for the last five years, Mr. Rodriguez informed Members that FDOT conducted a study on ridership that was published.

### **COMMITTEE REPORTS**

- Policy & Planning Committee, 10/23/15

The Committee report was waived.

### **REGULAR AGENDA**

A) MDX Procurement Contract No.: MDX 15-12 Legal Representation In Civil Action Brought Against MDX

- Approval to increase Contract Funds due to litigation pending in Circuit Court involving a bid protest filed by Munilla Construction Management, LLC.

Ms. Steelman read the agenda item into the record and informed Members that the Policy & Planning Committee endorsed the item at its October 23<sup>rd</sup> meeting.

Ms. Weinberg moved to approve increase to the contract fund due to litigation pending in bid protest filed by Munilla Construction Management, LLC. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

B) Revision of the Procurement Policy (Endorsed by the Policy & Planning Committee 10/23/15)

Ms. Steelman read the agenda item into the record. Ms. Cordero briefed Members on the revisions to the Procurement Policy. She informed Members that as part of the annual review of the MDX policies by the Policy & Planning Committee, a Board Workshop was held on February 25, 2015 to review the MDX Procurement Policy. She further explained that the Policy & Planning Committee discussed and endorsed the revisions at the October 23<sup>rd</sup> meeting with one minor change, which is to allow communication between Legal Counsel and proposers during the Cone of Silence period.

Ms. Weinberg moved to approve revision to the MDX Procurement Policy. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

C) Revision of the MDX Bylaws

Ms. Steelman read the agenda item into the record and informed Members the Policy & Planning Committee endorsed the item at its October 23<sup>rd</sup> meeting. Ms. Cordero briefed Members on the revisions to the policy. She explained that in order to harmonize the MDX Bylaws with the MDX Procurement Policy and comply with its original intent, Staff is recommending approval of the following revision to the Bylaws:

- Clarify that the authority delegated to the MDX Standing Committees for procurement related matters are in accordance with the MDX Procurement Policy.

Mr. Cancio moved to approve revision to MDX Bylaws. Ms. Smith Fano seconded the motion. The motion was unanimously approved

#### D) Revision of the Small Business Participation Policy

Ms. Steelman read the agenda item into the record and informed members the Policy & Planning Committee endorsed the item at its October 23<sup>rd</sup> meeting

Ms. Cordero briefed Members on the revisions to the policy. She explained that in order to be in-line with the MDX Procurement Policy. Staff is recommending approval of the following revisions to the Small Business Participation Policy:

- Application of Policy to procurements for contracts valued at more than \$25,000 so that Small Purchases, as defined in the Procurement Policy, are not subject to the Policy. This was the original intent, but as currently written it includes contracts valued at \$25,000 which still falls under the Small Purchase threshold.
- Change the names of the Small Business Enterprise Programs as approved by Miami-Dade County Commission.
- Include in the definition of *Small Business* a provision that allows discretion for MDX to establish criteria for firms to be considered a *Small Business* in a specific procurement when the services being procured do not fall under the certifications of the Miami-Dade County Small Business Enterprise Programs.

Ms. Weinberg moved to approve revisions to MDX Small Business Participation Policy. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

#### E) Revision of the Delegation of Authority Policy

Ms. Steelman read the agenda item into the record and informed Members the Policy & Planning Committee endorsed the item at its October 23<sup>rd</sup> meeting.

Ms. Cordero briefed Members on the revisions to this policy. She explained that Staff is recommending approval of the applicable revisions to the Delegations of Authority Policy pursuant to the revisions approved in the MDX Procurement Policy:

- Executive Director's approval authority for Contracts and Supplemental Agreements.
- Executive Director's authority to declare an Emergency and the related procedures and approvals.
- Signature Authority of Executive Director, Deputies, Chair, Vice Chair, and Treasurer.

Ms. Smith Fano moved to approve revisions to the MDX Delegation of Authority Policy. Mr. Pego seconded the motion. The motion was unanimously approved.

F) Revision of Local Business Participation Policy

Ms. Steelman read the agenda item into the record and informed members the Policy & Planning Committee endorsed the item at its October 23<sup>rd</sup> meeting. Ms. Cordero briefed Members on the revisions to the policy as follows:

- Application of Policy to procurements for contracts valued at more than \$25,000 so that Small Purchases, as defined in the Procurement Policy, are not subject to the Policy. This was the original intent, but as currently written it includes contracts valued at \$25,000 which still falls under the Small Purchase threshold.
- Change the term “debar” to “suspend” to match the definition in the Procurement Policy. The intent remains the same, but using a consistent term for penalizing firms that misrepresent, violates MDX’s policies, or commits fraud in any MDX Procurement or Contract.

Mr. Rodriguez Piña moved to approve revisions to MDX Local Business Participation Policy. Mr. Vazquez seconded the motion. The motion was unanimously approved.

G) Cash Back Toll Dividend Policy (Endorsed by the Budget & Finance Committee on 9/24/15 and the Policy & Planning Committee on 10/23/15)

Ms. Steelman read the agenda item into the record. Mr. Rodriguez informed Members that this Policy was presented and thoroughly discussed at the Budget & Finance and Policy and Planning Committees. The major change as highlighted at the Policy & Planning Committee is on the last page regarding the Reporting and Legal requirements, indicating that the termination of the program will require a Resolution of the Board subsequent to a public hearing.

Mr. Rodriguez and Ms. Schafer confirmed the following information:

- 84,000 individuals applied for the cashback program.
- 38,000 individuals qualified for the program.
- 13,000 individuals paid zero tolls on the MDX Expressways
- The Cash Back dividend declared by Budget & Finance Committee was 30%. \$2.2 million for FY 2015 for the six-month period.

Mr. Rodriguez clarified that the program is tied to MDX’s performance if toll rates were reduced; we would also have to adopt a policy that if MDX underperforms, we would have to raise tolls to meet MDX’s financial obligations; for those reasons the Cash Back Toll Dividend program is more effective.

The item was thoroughly discussed.

Ms. Gutierrez moved to approve the cash back Toll Dividend Policy. Ms. Smith Fano seconded the motion. The motion was unanimously approved.

**INFORMATIONAL ITEMS**

- A) Procurement Report
- B) Communications Report

The Informational items were not addressed

**CHAIR'S COMMENTS**

Mr. Martinez reemphasized that all MDX Board Members are volunteers, with the exception of Secretary Pego; and that all MDX Board Members pay tolls like all MDX customers.

New MDX projects will create 10,000 new jobs, improve the transportation system and that 80% of the new MDX projects have been bid out.

He thanked all the Members for their hard work and efforts in continuing to do what's in the best interest of the Miami-Dade County community.

**ADJOURNMENT**

Chair Martinez adjourned the Meeting.  
Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary