

**POLICY & PLANNING COMMITTEE MEETING
FRIDAY, OCTOBER 23, 2015
10:00 a.m.**

**TUESDAY, MARCH 22, 2016
9:30 a.m.**

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

SUMMARY MINUTES

Attendees:

Policy & Planning Committee Members

Alfredo L. Gonzalez, Esq., Chair
Maurice A. Ferré, Vice Chair
Maritza Gutierrez – in attendance via phone
Luz Weinberg

MDX Board Members

Louis V. Martinez, Esq. MDX Chair
Javier L. Vazquez, Esq.
Cliff Walters

Absent Committee Members

Maurice A. Ferré

Staff

Javier Rodriguez, Executive Director
Carlos Zaldivar, General Counsel
Marie Schafer, Deputy Executive Director /CFO
Juan Toledo, P.E., Deputy Executive Director/Director of Engineering
Helen Cordero, Manager of Procurement & Contract Administration
Francine Steelman, Associate General Counsel
Maria Luisa Navia Lobo, Board/Executive Secretary

Consultants

Albert Sosa, HNTB – GEC-A

CALL TO ORDER

Committee Chair, Alfredo L. Gonzalez called the Policy & Planning Committee meeting to order. Ms. Navia Lobo called the roll and announced a quorum was not present. Mr. Gonzalez recommended discussing the Action Items while members arrive to establish quorum.

DECLARATION OF VOTING CONFLICTS

- Potential Conflict of Interest Report

No conflicts were declared

PUBLIC COMMENT

No Public Comment

ACTION ITEMS

- A) Approval of Summary Minutes
Policy & Planning Committee Meeting of October 23, 2015

The approval of the summary minutes was deferred until a quorum was present

- B) MDX Procurement/Contract No.: MDX-15-12; Legal Representation in Civil Action Brought Against MDX

- Endorsement of Contract Amount increase due to litigation in Circuit Court (Case No. 15-04267-CA-23) involving a Bid Protest filed by Munilla Construction Management, LLC.

Ms. Cordero introduced the item and informed Members that in order to cover the portion of the fees already incurred and to allow contract capacity to address the pending matters, Staff is requesting endorsement for Board approval of an increase to the Contract Amount of \$30,000 for a total Contract Amount of \$116,000.. Mr. Zaldivar explained MCM filed an appeal on the granted Motion to Dismiss, which was heard by the Third District Court of Appeal on February 29, 2016. A decision from the Court of Appeal remains pending.

- C) MDX Procurement/Contract No.: MDX-16-03; Legal Representation in Civil Action Brought Against MDX

- Endorsement of Contract Amount increase due to litigation in Circuit Court (Case No. 16-1946-CA-01) involving a Bid Protest filed by Munilla Construction Management, LLC.

Ms. Cordero introduced the item and informed Members that in order to cover the portion of the fees already incurred and to allow contract capacity to address the pending matters, Staff is requesting endorsement for Board approval of an increase to the Contract Amount of \$50,000 for a total Contract Amount of \$75,000. Mr. Zaldivar explained that in addition to filing the protest, MCM also filed a law suit seeking an Injunction of the award of the contract. Honorable Judge Jose M. Rodriguez is the presiding Judge and ordered that MDX may proceed however no act shall prejudice MCM's rights under the Motion for Injunction until such can be heard by the Court. Subsequently, the parties agreed to stay the execution of the contract until the scheduled hearing of MCM's Motion on March 28, 2016.

Mr. Gonzalez welcomed Ms. Weinberg to the meeting. A quorum of the Committee was present. Ms. Weinberg had no conflicts to declare.

D) MDX Procurement/Contract No.: RFQ-16-03; Legal Services Support

- Approval to Advertise

The contract with Weiss Serota Helfman Cole & Bierman, P.L. for General Counsel Support Services, and the contract with Squire Patton Boggs (US) LLP for Bond Counsel/Financial Legal Services will expire on March 30, 2016. A six month contract extension has been granted to both firms to allow for a competitive process to be followed and to allow the firms to finalize specific work such as on-going litigation and 2015 bond work.

Staff is requesting Committee's approval to advertise a Request for Qualifications (RFQ) for a pool of three (3) firms to provide legal services support each on a specific area of expertise: Eminent Domain/Real Estate, Procurement/Contracts, and Bond/Disclosure and Financial.

Each firm will handle all matters, including any litigation, related to the specific area of expertise under which it was evaluated and selected. All three contracts will also include scope for general counsel support services as may be needed.

Firms will be assigned Task Authorizations on-an-as needed basis pursuant to their relevant expertise and contingent to properly budgeted funds. The contract term will be for three (3) years with the options to renew for an additional two (2) years term. The hourly rates will be negotiated with each selected firm in accordance with industry standards but shall be capped at \$375.00.

Each contract will include a not-to-exceed Contract Amount, excluding litigation costs, for the three (3) year term as follows:

- Procurement/Contract & General Legal Support Services - \$500,000
- Eminent Domain/Real Estate & General Legal Support Services - \$1,500,000
- Bond/Disclosure Counsel & Financial Legal Support - \$2,000,000

Mr. Zaldivar informed members of the current legal budget expended amounts for FY 2016 by departments.

Staff recommends the following composition of the Technical Evaluation Committee (TEC)

- Policy & Planning Committee – Oversight
- MDX Executive Director
- MDX General Counsel
- MDX Chief Financial Officer
- MDX Director of Engineering

Mr. Zaldivar entertained questions from Members.

Ms. Weinberg moved to approve the advertisement for Legal Services Support. Mr. Martinez seconded the motion. The motion was unanimously approved.

Mr. Gonzalez recommended going back and approving the other Action items.

Mr. Martinez moved to approve the Summary Minutes. Ms. Weinberg seconded the motion. The motion was unanimously approved.

Mr. Martinez moved to endorse the contract amount for MDX 15-12; Legal Representation in Civil Action brought against MDX. Ms. Weinberg seconded the motion. The motion was unanimously endorsed.

Ms. Weinberg moved to endorse the contract amount for MDX 16-03 Legal Representation in Civil Action brought against MDX. Mr. Martinez seconded the motion. The motion was unanimously endorsed.

ANNOUNCEMENTS

- Joint Budget & Finance and Operations Committee Meeting, 3/22/16, 10:00 a.m. William M Lehman MDX Building
- Inter-Governmental and Public Communications Committee Meeting, 3/22/16 , 11:30 a.m., William M. Lehman MDX building
- Executive Committee Meeting, 3/29/16, 2:30 p.m. William M. Lehman MDX Building
- Board of Directors Meeting, 3/29/16, 4:00 p.m., William M. Lehman MDX Building
- Strategic Master Plan (SMP) Workshop, 4/6/16, 10:00 a.m. – 2:00 p.m. William M. Lehman MDX Building

ADJOURNMENT

The meeting was adjourned by Committee Chair, Mr. Gonzalez. Minutes prepared by Maria Luisa Navia Lobo, MDX Board Secretary.