

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

BOARD OF DIRECTORS MEETING
Tuesday, August 30, 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
Leonard Boord
Maurice A. Ferré
Alfredo L. Gonzalez, Esq.
Maritza Gutierrez (vía pone)
Arthur J. Meyer
Javier L. Vázquez, Esq.
Cliff Walters

Members Absent

James Wolfe, P. E., District VI Secretary
Vincent T. Brown, Esq.
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.
Bond Counsel: Sandy MacLennan, Squire Patton Boggs
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 that a quorum of the MDX Board was present.

PLEDGE OF ALLEGIANCE

Chair Martinez welcomed Mr. Boord and asked him to lead in the Pledge of Allegiance.

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.

APPROVAL OF AGENDA

Mr. Martinez recommended having Mr. Topel, MDX Financial Advisor give an update on the Series 2016 refunding pricing that occurred that day. This report will be in place of the Treasurer's report which will be deferred until next month when the year-end consolidated report will be presented.

CITIZEN COMMENT

There were no comments.

APPROVAL OF SUMMARY MINUTES

- o Board Meeting of June 28, 2016

Mr. Meyer moved to approve the Summary Minutes. Mr. Vazquez seconded the motion. The motion was unanimously approved.

TREASURER'S REPORT

This report was deferred until September 2016 to provide the Board with a consolidated report. Mr. Topel briefed Members on the results of the refunding of the bonds issued in 2015, which were issued to advance the refunding of bonds issued in 2006. He summarized the transaction stating that the transaction was initiated a while ago and was originally planned to price on August 24, 2016 but was put-off until August 30th. The transaction was oversubscribed fourteen times, which allowed for a present value saving of approximately \$30 million. The bond closing is scheduled for September 15, 2016.

EXECUTIVE DIRECTOR'S REPORT

Mr. Rodriguez briefed Members on the following issues that occurred since that last Board meeting of June 28, 2016.

- **Construction Projects Update:**
 - o Projects 83628 and 83629 are on budget on track and continue with the right of way acquisition concurrent with the construction.
 - o On Project 87410 we are advancing with the design and the right of way acquisition. At the next Operations Committee meeting there will be an action item for several parcels that will require the eminent domain process.

- Video presentation of the before and after condition of the SR 836 Project at the September MPO Board meeting.
- Staff conducted rating agency presentations to prepare for the Series 2016A refunding bonds. MDX's ratings and outlooks were reaffirmed.
- MDX Performance results were presented to the Florida Transportation Commission satisfying 15 of the 17 performance measures.
- In July, staff and MDX Board Members Ferré, Meyer, Vazquez and Weinberg attended the IBTTA Summit on All Electronic Tolling (AET), Managed Lanes and Interoperability in Boston, MA.
- Centralized Customer Service Center (CCSC) ribbon cutting ceremony is scheduled for September 2016.
- We received a request form the MPO Governance Committee to make a presentation on Integrated Corridor Management. The presentation will also be presented at the next Operations Committee.

Mr. Rodriguez entertained questions from Members.

GENERAL COUNSEL'S REPORT

- MCM 1 bid protest – case is in the appellate court for legal fees – MCM has until 9/23 to file their Reply Brief
- MCM 2 – The complaint was dismissed. MDX filed a motion for attorney's fees. The hearing will be held on 9/20
- ETCC – The judge filed an order for final mediation on 9/19. Mr. Rodriguez informed Members that MDX Legal Counsel and staff are proceeding with the instructions that were given by the Board at the last Shade Meeting.

MPO REPRESENTATIVE REPORT

Mr. Ferré reported that the MPO continues to move forward with the SMART plan; two of the contracts have been let. The remaining contracts will be let by the end of this year.

COMMITTEE REPORTS

- Operations Committee, 8/25/16

The Committee Reports were waived.

REGULAR AGENDA

- A) MDX Procurement/Contract Number RFP-16-05; MDX Work Program No. 50001.030; Design-Build Services for The Dolphin Station Park and Ride/Terminal Facility Project (\$16,988,516.26 Million) (Endorsed by the Operations Committee 8/25/16)
- Approval of Selection and Award to the number one ranked Proposer, Halley Engineering Contractors

Mr. Zaldivar read the agenda item into the record. Ms. Cordero briefed Members on

the procurement process and explained that Miami-Dade County requested MDX to develop, design, and construct the Dolphin Station Park and Ride Transit Facility. MDX entered into an Interlocal Agreement with Miami-Dade County and a Joint

Participation Agreement with the Florida Department of Transportation for 100% funding of the Project costs, including development, design, construction and construction inspection services.

The Operations Committee endorsed the item pending notification from the County regarding the difference in the price proposal. The Price Proposal for the design/build services was higher than the Engineer's Estimate. MDX notified the County and a commitment letter was received stating they would cover the design-build contract as well as the CE&I contract. The funds will be identified and budgeted by the County to cover the additional cost of the contract amounts.

On March 22, 2016, four (4) Technical Proposals were received in response to the RFP from the following Proposers:

- Community Asphalt Corp.
- Facchina Construction Company, Inc.
- Halley Engineering Contractors, Inc.
- JVA Engineering Contractor Inc.

Staff performed compliance/responsiveness review of the Technical Proposals. All four (4) Proposals were deemed Responsive and forwarded to the Technical Evaluation Committee.

On July 28, 2016, three (3) Price Proposals were received from the following Proposers:

- Community Asphalt Corp.
- Halley Engineering Contractors, Inc.
- JVA Engineering Contractor Inc.

Facchina Construction Company, Inc. attempted to deliver their Price Proposal after the established deadline and was thereafter deemed Non-Responsive. The Technical Evaluation Committee (TEC) was instructed to discontinue the evaluation of Facchina's Technical Proposal. Pursuant to the Procurement Policy the Procurement Manager has the delegated authority to deem late proposals Non-Responsive.

On August 11, 2016, the TEC conducted the evaluation and scored the remaining Responsive Technical Proposals. Additionally, during the same meeting, the Price Proposals were opened. As detailed in the RFP, the rankings were based on the lowest Adjusted Score that was calculated using Technical Proposal Scores and the Price Proposal.

Based on the recommendation of the TEC, and the Price Proposal Analysis prepared by the GEC, staff recommended that the Operation's Committee endorse for the Board's approval that the contract be award to Halley Engineering Contractors, Inc., as

the Responsive and Responsible number one (1) ranked Proposer; and enter into a Contract for an amount to be determined, but not to exceed \$16,988,516.26.

The Project has a Contract Time of four hundred and fifty (450) Calendar Days. Should there be a scope reduction then the Contract Time will also be reduced.

Mr. Boord asked staff how often we get results that are so asymmetrical in the bidding process. Ms. Cordero responded that this does not occur often. She also explained that there was a bid analysis performed by the General Engineering Consultant. Mr. Toledo informed Members that there was a bid analysis and that the bids were reviewed and compared. The design build delivery process also includes risk mitigations as part of the fee structure for this type of project.

The HEC Price Proposal of \$16,988,516.26 is \$1,927,516.26 or 11.35% higher than the MDX Engineer's Estimate \$15,061,000.00.

The item was thoroughly discussed.

Mr. Ferré moved to approve the number one ranked proposer Halley Engineering Contractor. Mr. Rodriguez Piña seconded the motion. The motion was unanimously approved.

B) MDX Procurement/Contract Number RFQ-16-06; MDX Work Program No. 50001.050; Construction Engineering and Inspection (CE&I) Services for The Dolphin Station Park and Ride/Terminal Facility Project (\$1,230,297.75) 9 Endorsed by the Operations Committee on 8/25/16)

- Approval of Selection and Award

Mr. Zaldivar read the agenda item on the record. Ms. Cordero introduced the item and explained this is the CE&I of the previously approved item. The funding matter has already been confirmed by the County.

On July 26, 2016, four (4) Proposals were received in response to the RFQ from the following Proposers:

- Amec Foster Wheeler Environment & Infrastructure, Inc.
- American Engineering Group, Inc.
- CIMA Engineering Corp. d.b.a. CIMA
- Network Engineering Services, Inc. d/b/a Bolton, Perez and Associates

Compliance/Responsiveness review was performed on the Proposals.

As approved by the Operations Committee, two of the proposers Amec Foster and AEG were deemed Non-Responsive to the requirements of the RFQ for not meeting the provisions of the teaming contracting restrictions.

The remaining two proposals, CIMA Engineering Corp. and Network Engineering Services, Inc. were evaluated by the TEC and the scores and price proposals were tabulated at the Operations Committee with a final score of 93.3, CIMA Engineering

Corp. was the highest ranked proposer.

The term of the Contract is tied to the Final Completion of the Design-Build Project that is estimated to be four hundred and fifty (450) Calendar Days from the Notice to Proceed (NTP).

Ms. Smith Fano move to approve the contract award to the highest ranked proposer CIMA Engineering Corp. Ms. Gutierrez 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. Rodriguez Piña informed Members that \$500,000 have been allocated in the budget for technology advancements. He recommended staff and the GEC report to the next Board Meeting on recommendations for technology advancement Initiatives.

Mr. Martinez welcomed newly appointed Board Member Leonard Boord.

ANNOUNCEMENTS

- Annual MDX for Business Conference and MDX 20th year Anniversary Commemoration, 9/22/16, 8:00 a.m. – 1:00 p.m., Hilton Miami Airport Hotel
- Board of Directors Meeting, 9/27/16 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.