

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)
OPERATIONS COMMITTEE MEETING**

THURSDAY, AUGUST 25, 2016

10:00 AM

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

SUMMARY MINUTES

Present Committee Members:

Maritza Gutierrez, Chair
James, Wolfe, Vice Chair
Arthur J. Meyer
Rick Rodriguez Piña
Javier L. Vazquez, Esq.
Cliff Walters

Absent Committee Members:

Present MDX Board Members:

Louis V. Martinez, Esq., MDX Chair
Maurice A. Ferré

Staff:

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

Consultants:

Kevin Brown, HNTB (GEC-A)
Rick Crooks, EAC Consulting, (GEC-B)
Sergio Besu, EAC Consulting, (GEC-B)

CALL TO ORDER

Ms. Gutierrez called the meeting to order. Ms. Navia Lobo called the roll and announced a quorum was present.

DECLARATIONS OF VOTING CONFLICTS

- Potential Conflict of Interest Report

Mr. Zaldivar asked if any of the Committee Members had a Conflict of Interest to declare regarding the agenda. No conflicts were declared.

PUBLIC COMMENT

No public comment

OPERATIONS ACTION ITEMS

A) Approval of Summary Minutes:

- Operations Committee Meeting of June 21, 2016

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

B) 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)

- Endorsement of Selection and Award

Mr. Zaldivar read the agenda item on the record. Ms. Cordero briefed Members on the procurement process. She explained that Miami-Dade County requested MDX to develop, design, and construct the Dolphin Station Park and Ride Transit Facility. Pursuant to that request MDX entered into an Interlocal Agreement (IA) 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.

Through the JPA, FDOT has committed \$6.1 million for the development of the Project (\$1.1 M) and their portion of the remainder estimated Project cost (\$5M). Through the IA, the County committed to \$5M to account for their portion of the estimated Project cost.

After further development of the Project and various scope changes requested by the County, the Project design/build estimated cost was increased by \$6 million, which the County committed to allocate as part of its FY 17 budget and Multi-Year Capital Plan to be approved in September 2016, at which point an amendment to the IA would be required.

The Price Proposal for the design/build services is higher than the Engineer's Estimate of \$15,061,000.00. MDX notified the County and is awaiting a response as to whether funds will be identified and budgeted by the County to cover the additional cost; or County whether to reduce the design/build scope of services to bring the cost within the budgeted/committed amount.

Therefore, pending the County's determination, the requested contract award is based on a contract amount to be determined, but not to exceed the Price Proposal amount of \$16,988,516.26.

Ms. Cordero informed Members that 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. Therefore, they were deemed non-responsive and 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 as non-Responsive.

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

The Project has a Contract Time of Four Hundred and Fifty (450) Calendar Days. Should a scope reduction be done, the Contract Time will also be reduced. The Contract includes a fifteen percent (15%) Small Business participation requirement and a fifteen percent (15%) Local Business participation requirement.

Based on the recommendation of the TEC, the Price Proposal Analysis prepared by the GEC, staff recommended that the Operation Committee endorse for Board approval of the selection of and contract award to Halley Engineering Contractors, Inc. as the Responsive and Responsible number one (1) ranked Proposer. The item was thoroughly discussed.

Mr. Rodriguez Piña moved to endorse the TEC’s recommendation to select the number one ranked Proposer, Halley Engineering Contractors, Inc., and to enter into a Contract not-to-exceed \$16,988,516.26. Staff will report to the Operations Committee the final negotiation of the contract. Mr. Wolfe seconded the motion. The motion was unanimously endorsed.

C) 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)

- Approval to deem the Proposals submitted by, Amec Foster Wheeler Environment & Infrastructure, Inc. and American Engineering Group, Inc. non-Responsive to the requirements of the Request for Qualifications (RFQ); and
- Endorsement for Board approval of Contract Award to the highest ranked Proposer.

Mr. Zaldivar read the agenda item on the record. Ms. Cordero informed Members that the funding information is the same as the previous item discussed. She explained that 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.

Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster) proposed American Engineering Group, Inc. (AEG) as a subconsultant on their team to meet the Prequalification Criteria of fifty percent (50%) Small Business Participation (SB Prequalification Criteria). AEG also submitted a Proposal in addition to being a subconsultant on the Amec Foster team. Staff requested clarification from Amec Foster on how they intended to meet the SB Prequalification Criteria and it was confirmed that AEG was in fact the subconsultant to Amec Foster for satisfying this requirement. There is no other subconsultant on the Amec Foster team that would satisfy the SB Prequalification Criteria.

The RFQ provision for Teaming/Contracting Restrictions allows participation by a Proposer as a subconsultant on another Proposer's team. However, the same Proposer cannot be used to satisfy a Pre-Qualification Criteria for both Proposals. The RFQ provision for Teaming/Contracting Restrictions also states that in the event a Proposer or a subconsultant fails to adhere to this restriction all affected Proposals shall be found non-Responsive.

Staff is, therefore, recommending that the Proposals submitted by Amec Foster and AEG be deemed non-Responsive to the requirements of the RFQ, specifically the Teaming/Contracting Restrictions. These two (2) Proposals were not forwarded to the Technical Evaluation Committee (TEC) and have not been evaluated, pending a decision from this Committee.

Both Proposers were notified in writing of Staff's recommendation and basis. Both Proposers submitted correspondences requesting reconsideration and outlining their interpretations of the RFQ. Nothing in either correspondence changes Staff's recommendation as any possible remedy would violate the requirements of the RFQ and provide one or both Proposers with a competitive advantage over other Proposers.

The remaining two (2) Proposals for CIMA Engineering Corp. and Network Engineering Services, Inc. d/b/a Bolton, Perez and Associates contained minor irregularities that do not provide a competitive advantage pursuant to the provisions of the Solicitation Documentations and the MDX Procurement Policy and will be addressed with the successful Proposer. Consequently, the two (2) Proposals were deemed Responsive and forwarded to the TEC.

A meeting of the TEC is scheduled for August 19, 2016, to finalize the evaluation of the Proposals. The TEC scores were not be tabulated at the TEC meeting, pending action of the Operations Committee Staff's recommendation related to the non-Responsiveness of the Proposals submitted by Amec Foster and AEG.

Ms. Cordero informed the Members that if the Committee accepts Staff's recommendation, the TEC scores for the remaining two (2) Responsive Proposals would be opened and tabulated at the Committee meeting.

The item was thoroughly discussed and the committee directed staff to open the proposals and tabulate the scores.

Mr. Meyer moved to deem the Proposals submitted by, Amec Foster Wheeler Environment & Infrastructure, Inc. and American Engineering Group, Inc. non-Responsive to the requirements of the RFQ. Mr. Vazquez seconded the motion. The motion was unanimously approved.

Ms. Gutierrez asked staff to tabulate the scores while the next item is addressed. Mr. Martinez directed staff to strengthen and clarify the language of the procurement documents as it specifically relates to Teaming/Contracting Restrictions.

D) MDX Procurement/Contract Number RFQ-17-02; MDX Work Program Nos. 10021.051, 30034.051 & 40044.051; Construction Engineering and Inspection (CEI) Services for SR 924 for

SR 924 Speed Feedback Signs, SR 924 Milling & Resurfacing from SR 826 to Mile Marker 1.2 and Drainage Improvements at NW 32nd Avenue (\$523,000)

- Approval to Advertise

Mr. Zaldivar read the item on the record. Mr. Toledo informed Members that staff is requesting Committee approval to advertise a Request for Qualifications (RFQ) for the selection of a qualified Consultant to provide CEI services and contract administration for the SR 924 speed feedback signs; SR 924 milling and resurfacing from SR 826 to Mile Marker 1.2; and drainage improvements at NW 32nd Avenue projects grouped under one contract (the "Project").

The work for the Project includes the following improvements on SR 924:

- Milling and resurfacing.
- Installation of drainage structures along with French drains and pipes.
- Desilting existing drainage system.
- Installation of electronic speed feedback signs along with flashing beacons.
- Removal and replacement of existing concrete barrier wall.

The advertisement for the CEI Services is estimated for the middle of September 2016 and the anticipated Notice to Proceed (NTP) to be issued sometime in December 2016.

Mr. Gutierrez recommended not advertising until revising the Teaming/Contracting Restrictions language of the Procurement documents.

Mr. Martinez was appointed as the Board TEC Oversight Member.

Mr. Rodriguez Piña moved to approve the advertisement. Mr. Martinez seconded the motion. The motion was unanimously approved.

Ms. Gutierrez recommended going back to Item C) MDX Procurement/Contract Number RFQ-16-06. Ms. Cordero read the final technical score as follows.

- CIMA Engineering Corp. d.b.a. CIMA – **93.33**
- Network Engineering Services, Inc. d/b/a Bolton, Perez and Associates – **86.00**

Mr. Martinez moved to endorse Contract Award to the highest ranked Proposer CIMA Engineering Corp. Mr. Vazquez seconded the motion. The motion was unanimously endorsed

DISCUSSION

A) MDX Project No. 83629 - SR 836 at 87th Avenue Interchange Modifications

- Project Overview
- 82nd Avenue Improvements

Mr. Rodriguez introduced the discussion item and explained that MDX Project 83629 was awarded this year and is moving along on schedule and within budget. He also stated that in recent discussion with Miami-Dade County the issue of an 82nd Avenue connection has come up. Mr. Toledo presented illustrations of the 83929 Project and modification improvements to SR 836, including possible improvements to 82nd Avenue. The County has expressed interest in exploring the 82nd Avenue connection while there is on-going construction in the area, which affects the City of Doral and the County. MDX has only had an initial discussion with the County. An option to be considered is advancing the project design to establish a good cost estimate based on

the unit price items that we currently have for this Project. The construction contract would have to be amended.

Ms. Gutierrez recommended getting design and cost estimates for the 82nd Avenue connection and report back to the Operations Committee.

INFORMATIONAL ITEMS

- A) MDX Work Program Monthly Status Report – July 2016
- B) HNTB SBE/LB Utilization Report
- C) EAC SBE/LB Utilization Report
- D) MDX Contingency Release History Report
- E) Procurement Report

ANNOUNCEMENTS

- Board Meeting 8/30/16, 4:00 p.m., William M. Lehman MDX Building – Board Room
- MDX for Business Conference and MDX's 20th Year Commemoration, 9/22/16

ADJOURNMENT

The meeting was adjourned by Ms. Gutierrez
Minutes prepared by Maria Luisa Navia Lobo, Board Secretary