

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

BOARD MEETING

TUESDAY, OCTOBER 25, 2011
4:00 PM

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

Members Present:

Felix Lasarte, Esq., Chair
Shelly Smith Fano, Vice Chair
Jorge M. Vigil, Esq., Treasurer
Gus Pego, P. E., District VI Secretary
Maurice Ferré
Maritza Gutierrez
Robert W. Holland, Esq.
Louis V. Martinez, Esq.
Gonzalo Sanabria
Yvonne Soler McKinley
Norman Wartman

Members Absent:

Nick A. Inamdar
Al Maloof, Ph.D.

Staff:

Javier Rodriguez, Executive Director
Pamela Leslie, General Counsel
Marie Schafer, Chief Financial Officer
Alfred Lurigados, Director of Engineering
Helen Cordero, Manager of Procurement and Contracts Administration
Cindy Polo, Communications Manager
Maria Luisa Navia Lobo, Board Secretary

Consultants:

Transportation: John Martel, HNTB (GEC-A)
Chris Bucknor, EAC Consultants (GEC-B)
Finance: Lakshmi McGrath, First Southwest Co.

CALL TO ORDER & ROLL CALL

Chair Lasarte called the meeting to order and asked Ms. Navia Lobo to call the roll and announced that a quorum was present.

PLEDGE OF ALLEGIANCE

Chair Lasarte asked Secretary Pego to lead in the Pledge of Allegiance.

DECLARATION OF CONFLICTS

As customary, Ms. Leslie asked if Members present had any conflicts of interest to declare in regards to the agenda. No conflicts were declared.

CITIZEN COMMENT

There were no requests this month for the opportunity to make comment to the Board.

APPROVAL OF SUMMARY MINUTES

- Board Meeting of September 27, 2011

Mr. Lasarte referred to the summary minutes. Ms. Gutierrez moved to approve the summary minutes corresponding to the September 27, 2011 meeting. Ms. Soler McKinley seconded the motion and the motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Rodriguez reported on the following issues of interest:

- Social Responsibility Initiatives; Participated in the following events presenting the MDX Safety Campaign
 - FIU Homecoming
 - Jobs Fair hosted by the Chairman of the County Commission
 - Susan G. Komen walk for life – t-shirt sales and donations for La Liga Contra el Cancer
 - Hialeah-Miami Lakes Teen Driver Safety Program – Partnership with the Miami-Dade County School Board
 - Safe Driving booth at the Auto show.
- Projects Update:
 - MDX Project 87404 – Killian Interchange Project – Florida's Turnpike to Kendall Drive. Staff met with the residents who addressed the Board last month and reviewed the safety report. Landscaping has already begun.
 - MDX Project 87409, Kendall drive to the Palmetto. The notice to proceed was issued in June. A public kick-off meeting will take place next week. The project construction time is approximately 690 days.
 - Central Blvd. Project continues to be on schedule and on budget. Completion is scheduled for Spring 2013

Several staff and Board members attended the ITS World Congress in Orlando, Florida. A presentation will be prepared for the next Operations Committee meeting.

Mr. Andriuk and Mr. Lurigados briefed Members on the conference highlights.

Mr. Ferre' attended the ITS World Conference as part of the Florida Transportation Commission and ITS Board Member. He gave a brief summary of the conference and future advances in technology. Mr. Ferre' distributed an article from the Economist - "Life in the Slow Lane."

Mr. Rodriguez informed Members that staff and Members attended the TEAMFL Quarterly meeting in Jacksonville where the keynote speakers were Lieutenant Governor Jennifer Carroll and Senator John Thrasher. The need for tolling and adding new capacity in Florida was the main issue discussed.

Mr. Rodriguez updated Members on the status of two TIGER Grant applications that MDX is coordinating. One is with Miami-Dade Transit to develop express buses on SR836 from west Kendall to the Miami Intermodal Center and eventually to downtown Miami. The other grant application is with the City of Sweetwater and FIU for University City.

Mr. Rodriguez entertained questions from Members.

GENERAL COUNSEL'S REPORT

Ms. Leslie gave an update on the Community Asphalt case. She further stated the mediation on the Superior Landscaping case would take place on October 26, 2011.

MPO REPRESENTATIVE REPORT

Ms. Gutierrez reported that the MPO Board endorsed the tentative FDOT Transportation Program. FDOT will be presenting an update of the I-395 project and an interactive presentation on the SR826/SR836 Interchange. The MPO Board adopted the idea of organizing an MPO Regional Transportation Summit.

TREASURER'S REPORT

Mr. Vigil reported overall revenue year to date was approximately at the level forecast. Toll and fee revenues were \$190,000 above the \$30.4 million forecast. Consistent with prior years, the carrying value of receivables is approximately \$8 million. Actual traffic is up approximately 4.5% from prior the year.. Investment income is approximately \$100,000 below forecast. The expenses are approximately 4% below the budget.

Mr. Vigil recommended inviting the Miami-Dade County Port of Miami Director to discuss ways that MDX can prepare for panamex vessels and the potential increase in port traffic.

Mr. Rodriguez and Mr. Andriuk entertained questions from Members.

COMMITTEE REPORTS

- A) Operations Committee, 10/14/11
- B) Inter-Governmental & Public Communications, 10/14/11
- C) Policy and Planning Committee, 10/19/11

The Committee reports were waived.

Chair Lasarte referred to the presentation of the Oleander corridor MIC Dadeland Busway Connector presented at the Operations Committee. Mr. Lurigados gave a brief update on the status and the next phase of the project. He stated that only the initial planning study was underway. The next goal is to work with FDOT to get the MIC Agreement finalized. Funding sources will be analyzed in order to minimize the use of toll revenues. The public involvement process for this project will be an essential factor.

Mr. Rodriguez informed Members that at the Inter-Governmental and Public Communications committee the item was discussed and the committee recommended tasking the Federal Advocacy team to investigate funding availability

REGULAR AGENDA

A) Approval of Locally Funded Agreement and Memorandum of Agreement with the Florida Department of Transportation (FDOT) to include SR 112 ORT Signing in the Department's I-195 widening project (405578-1-52-02) (\$126,164.74).

Ms. Leslie read the Regular Agenda item for the record and informed Members the item was endorsed by the Operations Committee at its meeting of October 14, 2011. Ms. Soler McKinley moved to approve the Locally Funded Agreement and Memorandum of Understanding. Mr. Wartman seconded the motion. The motion was unanimously approved.

B) Approval of Interlocal Agreement Amendment No. One between MDX and Miami-Dade County for Oversight and Management of Open Road Tolling Account Management and Toll Enforcement System (AMTES) for the Miami-Dade Public Works Causeway Division's Rickenbacker and Venetian Open Road Tolling Lanes

Ms. Leslie read the Regular Agenda item for the record and informed Members the item was endorsed by the Operations Committee at its meeting of October 14, 2011. Mr. Andriuk explained staff used the THEA ILA as a guide in developing the ILA with the County. Since that time, staff has encountered several lessons learned in the ILA with THEA that warranted updating in the ILA with MDC. Specifically, because this ILA is for services, clarification language was added for contract amendments when the work to be performed is County specific and has no impact to MDX, as well as removing some recitals that were not pertinent to this agreement.

Ms. Soler McKinley moved to approve the Interlocal Agreement Amendment with Miami-Dade County. Ms. Gutierrez seconded the motion. The motion was unanimously approved.

C) MDX Procurement/Contract No.: RFQ-11-04 Legal Counsel Services for P3 Projects

- Approval of the Top Two (2) Ranked Proposers to Comprise the Pool of Firms to Provide Legal Counsel Services for P3 Projects.
- Approval to enter into a contract with the Successful Proposers

Ms. Leslie read the Regular Agenda item for the record and informed Members the item was endorsed by the Policy & Planning Committee at its meeting of October 19, 2011. Mr. Rodriguez introduced the item.

He informed Members MDX received a total of seven proposals on August 23, 2011. Staff conducted the customary compliance/responsiveness review of the Proposals and found that 5 of the Proposals contained minor irregularities. Staff requested clarification and after receiving all required documentation, Proposers were found to be in compliance with the requirements of the RFQ. The measures taken by staff and the clarifications submitted do not provide a competitive advantage over any other Proposer and are consistent with MDX's similar previous procedure and practice. Therefore, the Policy and Planning Committee approved the waiver of minor irregularities. The remaining 6 Proposers were evaluated by the Technical Evaluation Committee at its meeting of October 6, 2011, where Oral Presentations/Interviews were held with the Proposers.

Mr. Ferre' informed members that the Committee recommended selecting two firms prior to opening the price proposals. Ms. Soler McKinley expressed concern with the difference in fees amongst the three firms. This issue was thoroughly discussed.

Mr. Lasarte informed members that law firms unlike engineering firms have processes to identify and resolve conflict issues. For this reason he recommended selecting the top three ranked firms. Ms. Gutierrez expressed concern with the recommendation of selecting the top three ranked firms, since the Policy & Planning Committee made the decision before the price proposals were opened to select the top two firms. Mr. Rodriguez and Ms. Leslie entertained questions from Members.

Mr. Martinez moved to select the top three ranked firms. Mr. Sanabria seconded the motion. Ms. Navia Lobo called the roll

- M. Ferre' -aye
- M. Gutierrez -nay
- R. Holland -aye
- L. Martinez -aye
- G. Pego -aye
- G. Sanabria -aye
- Y. Soler McKinley -aye
- J. Vigil -aye
- N. Wartman -aye
- S. Smith Fano -aye
- F. Lasarte -aye

The motion was approved to select the top three firms.

1. Nossaman LLP
2. Greenberg Traurig, P.A.
3. Akerman, Senterfitt & Eidson, P.A. and Mayer Brown

D) Approval of Policy Related to Non-Toll Revenue (Requested by Board Member Gutierrez)

Ms. Leslie read the Regular Agenda item for the record and informed Members the item was endorsed by the Policy & Planning Committee at its meeting of October 19, 2011.

The policy requires the Authority to annually budget funds derived from its non-toll revenue contract to appropriate categories in its Annual Operating Budget including funding of a Customer Rewards Program in conformance with the provisions of MDX Resolution 10-03. This Policy recognizes the important partnership MDX has with the customers it serves and acknowledges the contributions of Mr. David Lyons in the advocacy of the Customer Rewards Program.

Members thoroughly discussed the item and agreed on including language making reference to RFP 11-07 Non-Toll Revenue Services. The program would fluctuate from year to year based on the types of non-toll revenue projects pursued by MDX. The Policy will be analyzed on a yearly basis.

Ms. Gutierrez moved to approve the Policy related to Non-Toll Revenue as amended. Mr. Ferre' seconded the motion the motion was unanimously approved.

INFORMATIONAL ITEMS

A) Procurement Report

The Informational Item was not addressed

CHAIR'S COMMENTS

Chair Lasarte did not have any comments

ANNOUNCEMENTS

- Budget & Finance Committee Meeting, 11/29/11, 11:30 a.m. William M. Lehman MDX Building
- Board of Directors Meeting , 12/13/11, 4:00 p.m., William M. Lehman MDX Building

ADJOURNMENT

The meeting was adjourned by Mr. Lasarte. Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary.