



DELEGATIONS OF AUTHORITY POLICY

1. PURPOSE

It is the policy of the Miami-Dade Expressway Authority to make appropriate and efficient delegations to the Executive Director, staff, and committees to facilitate the prudent and expedient operations of the Authority.

2. SPECIFIC REQUIREMENTS

2.1 APPROVAL OF AGREEMENTS

A. Noise Wall and other Similar Agreements:

Authority is hereby delegated to the Executive Director to negotiate, enter into, and execute on behalf of MDX, agreements with residents and/or businesses that are incidental to and arise out of projects being undertaken by MDX, including but not limited to Noise Wall Agreements, provided that such agreements do not require the expenditure or payment of MDX funds in excess of Fifteen Thousand Dollars (\$15,000.00) for each such agreement.

B. All Other MDX Agreements:

All other agreements of MDX may be approved as follows:

- Executive Director: All Agreements valued at \$200,000 or less.
- MDX Board: All Agreements valued in excess of \$200,000.

C. Supplemental Agreements:

All Supplemental Agreements shall be approved as follows:

(i) The Executive Director

- Agreement Amount:

The approved dollar amount of a single Agreement may be increased by an amount that cumulatively is less than or equal to twenty percent (20%) of the original approved dollar amount or \$2,000,000, whichever is less;

- Agreement Time:
The approved time/term of a single Agreement may be increased as long as the increase does not involve changes to the original approved dollar amount above the delegated authority set out herein;
- Other Administrative Changes:
Other administrative changes to a single Agreement may be done as long as such changes do not relate to scope and/or approved dollar amount and time/term as set out herein. Changes to scope are not permitted by this authority. For the purpose of this Section 8.3.2, the term scope shall mean: (1) type of work, (2) the project location, and (3) expertise for which the Contractor was procured. Scope does not mean changes in volume as such changes are authorized based on applicable signing authority.

(ii) The Applicable Committee

- Agreement Amount:
The approved dollar amount of a single Agreement may be increased by an amount that cumulatively is greater than twenty percent (20%) of the original approved dollar amount or \$3,000,000, whichever is less;
- Agreement Time:
The time/term of a single Agreement may be increased when it also involves changes to the original approved dollar amount above the Executive Director's delegated authority up to \$3,000,000.

(ii) The MDX Board

All Supplemental Agreements that exceed the approval authority delegated herein to the Committee.

2.2 **EMERGENCY ACTIONS**

Authority is hereby delegated to the Executive Director, notwithstanding any provisions of the Authority's Bylaws or other policies, other than the MDX Procurement Policy, subject to the requirements of applicable law, to take such actions without Board approval as the Executive Director shall deem necessary and appropriate, which actions are of a nature ordinarily subject to approval by the Board, when the Executive Director has first determined in writing that: (i) an Emergency

exists that requires immediate action; (ii) the nature of the Emergency and the action required do not reasonably provide the time or opportunity to convene a meeting of the Board to consider a response to the Emergency; and (iii) and subject to availability, either the Chair, the Vice Chair, or the Treasurer, as required below, has approved the action proposed to be taken with such approval being provided in written form as soon thereafter as practicable.

As used in this delegation of authority, "Emergency" means a threat to public health, safety or welfare or an unforeseen breakdown, damage, destruction or obstruction of machinery, roadway, systems, or any other property owned, operated or used by the Authority, a threatened termination of essential service, the development of a dangerous condition, the development of a circumstance causing curtailment or diminution of an essential service or an opportunity to secure significant financial gain or avoid significant financial loss, through immediate or timely action.

Having due regard for public meetings laws, prior to making any such written determination and taking any such action, the Executive Director shall, take reasonable steps to communicate the nature of the Emergency and obtain approval of the proposed course of action with either the Chair, Vice Chair or Treasurer of the Authority depending upon availability as detailed herein. The Executive Director shall first obtain the approval of the Chair for such action, or if the Chair shall be unavailable, the Executive Director shall obtain the approval of the Vice Chair for such action, or if the Chair and the Vice Chair shall be unavailable, the Executive Director shall obtain the approval of the Treasurer for such action. Recognizing the emergency nature of the action required, the Executive Director is authorized to proceed with the required action if the listed Officers are not available and shall communicate the action taken to the first such Officer to become available. The Executive Director shall furnish a copy of the written determination of Emergency to each member of the Board and to the Authority Secretary as soon as practicable under the circumstances.

Authority is hereby delegated to the Chief Purchasing Officer to make Emergency Procurements when the Executive Director has determined in writing that an Emergency exists. This authorization extends to the procurement of commodities or services, without competition, necessary to address the Emergency. However, such emergency procurement shall be made with such competition as is practicable under the circumstances.

A copy of the written determination of Emergency shall also be furnished to the Chief Financial Officer with the voucher authorizing payment. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported



2.3 FUNDS, ADMINISTRATION AND ACCOUNTS MANAGEMENT AUTHORITY

Authority is hereby delegated to the Executive Director and the Chief Financial Officer to act as MDX's "Administrator" of deferred compensation plans and to execute such agreements and contracts, in compliance with applicable state and federal laws and regulations, as are necessary to implement deferred compensation programs in order to make deferred compensation plans available to current and future MDX employees, where such plans will result in no cost to MDX, other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative expenses.

Management responsibility for the investment program is hereby delegated to the Executive Director and /or to the Chief Financial Officer (CFO) who shall be the primary Investment Officer of the Authority. The Executive Director and Treasurer shall also be designated as Investment Officers of the Authority and shall be able to approve the purchase and sale of investments and manage the flow of funds in various money market accounts. The CFO may appoint additional staff members as Investment Officers, thereby granting them the authority to conduct investment transactions and initiate the movement of funds. The CFO shall be required to establish written procedures, as needed, for the operation of the investment program consistent with this Investment Policy. No person may engage in an investment transaction on behalf of the Authority except as provided under the terms of the Investment Policy. The Executive Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate Investment Officers.

2.4 PROCUREMENT AUTHORITY

Authority is hereby delegated to the Executive Director and to the Chief Procurement Officer to make all types of purchases pursuant to the requirements of the MDX Procurement Policy.

2.5 PROPERTY ACQUISITION AUTHORITY – See *Property Acquisition Policy*

2.6 SIGNATURE AUTHORITY

Authority is hereby delegated, except as otherwise authorized by resolution of the Authority and subject to the required approvals, to the Executive Director, the Chair,



Vice Chair, and Treasurer to sign all contracts, deeds and other instruments made by the Authority.

The Executive Director may delegate this specific authority, provided herein, to any Deputy Director or designee.

Authority is hereby delegated, except as otherwise authorized by resolution of the Authority and subject to the required approvals, to the Executive Director and Chief Financial Officer to, without limitation, execute contracts and instruments pertaining to Authority indebtedness and obligations under derivative arrangements, and all other documents that concern the finances, funds or accounts of the Authority.

2.7 CAPITAL ASSET DISPOSAL AUTHORITY

The Authority may dispose of capital assets by donating items to another governmental entity or to a not-for-profit organization or may sell the items to a third party.

Any roadway/facility related capital asset that is to be disposed of and that was originally acquired via a Work Program project will be determined and recommended by the Consulting Engineer.

Roadway/facility related capital assets that are disposed of as a result of impacts from the implementation of other Work Program projects need only be reported to the Board upon completion of the project. The Authority to dispose of capital assets is delegated as follows:

- a) Disposals of assets with a book value up to and including \$100,000 to be approved by the Chief Financial Officer.
- b) Disposals with a book value over \$100,000 to be approved by the Board.

2.8 CLAIMS RESOLUTION AUTHORITY

Authority is hereby delegated to resolve and settle claims as follows:

- A. Executive Director:
 - Claims against MDX for uninsured damage to property where the settled amount does not exceed \$25,000; and
 - Claims by MDX against others for damage to MDX property where the settled amount does not exceed \$150,000.



B. Operations Committee:

- Claims against MDX for uninsured damage to property where the settled amount does not exceed \$100,000.
- Claims by MDX against others for damage to MDX property where the settled amount does not exceed \$500,000.

Claims resolved pursuant to this delegation shall be reported to the Board by the next scheduled Board meeting. The authority to settle matters that are not specifically set out herein rests with the Governing Board.

3. EFFECTIVENESS AND CONTINUAL REVIEW OF POLICY

This Policy shall become effective as of the date it is approved by the MDX Board. The Policy and Planning Committee of MDX shall review this Policy as necessary, and shall make such recommendations with respect thereto to the MDX Board as it shall see fit. The MDX Board may revise this Policy from time to time at its sole discretion.

This Policy is intended to work in concert with other MDX policies related to specific authorities provided for herein. In the case of conflict between this Policy and other MDX policies, the MDX policy reviewed and approved by the MDX Board last shall take precedent.