

MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

**JOINT FINANCE, POLICY AND PLANNING AND OPERATIONS, EXTERNAL
COMMUNICATIONS AND INTER-GOVERNMENTAL
COMMITTEE MEETING**

**THURSDAY, OCTOBER 19, 2017
10:30 AM**

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

SUMMARY MINUTES

Attendees:

Present Committee Members:

Maritza Gutierrez, OECI Chair
Leonard Boord, Treasurer - *in attendance via phone*
Louis V. Martinez, Esq.
Arthur J. Meyer
Cliff Walters
Shelly Smith Fano, MDX Chair

Absent Members:

James Wolfe, P.E., Vice Chair
Audrey M. Edmonson
Carlos A. Gimenez

Staff:

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

Consultants:

Albert Sosa, HNTB (GEC-A)
Reynaldo Cortez, EAC, (GEC-B)

CALL TO ORDER

Ms. Gutierrez called the meeting to order. Ms. Navia Lobo called the roll and announced a quorum was not present.

DECLARATIONS OF VOTING CONFLICTS

Ms. Gutierrez asked if Committee Members had voting conflicts of interest to declare in regards to the agenda. Mr. Walters declared a conflict with the following agenda Items:

- **Agenda Item IV. F** - MDX Procurement/Contract Number RFP-11-02; MDX Work Program No. 83629.020; Design Engineering Services for the SR 836 Interchange Modifications at 87th Avenue (\$330,812.12)
- **Agenda Item IV. G** - MDX Procurement/Contract Number RFP-09-06; MDX Work Program No. 92407.011; Project Development and Environment (PD&E) Study Services for the SR 924 East Extension to I-95 (\$31,218.45)

Copies of Mr. Walters Conflict forms are attached to these Summary Minutes.

PUBLIC COMMENT

The following individuals gave Public Comment is regards to Agenda Item VI. E MDX Procurement/Contract Number ITB-18-01; MDX Work Program Nos. 30034.060, 40044.060 & 10021.060 Construction Services for SR 924 Gratigny Parkway Milling and Resurfacing (MP 0 to 1.2), Drainage Improvements and Speed Feedback Signs (\$2,368,312.00 Engineers Estimate)

- Daniel Halley–President, Halley Engineering Contractors - 8620 SW 48 Street Miami, FL
- Daniel Sanchez - General Asphalt - 4850 NW 72 Street Miami, FL
- Tina Pereira - Community Asphalt – 9675 NW 117th Ave, Miami, FL

Ms. Gutierrez recommended addressing the Discussion Items until a quorum was present.

DISCUSSION ITEMS

A) Draft FY 17 Financial Statements

Ms. Schafer informed Members that as customary, prior to the conclusion of the year-end audit, the Committee is presented with the FY 2017 Financial update, which includes the following:

- Statement of Revenues, Expenses & Changes in Net Position
- Revenue Bonds Outstanding
- Historical Financial results
- Frequent Driver Rewards Program projections and schedule.

Ms. Smith Fano stated the importance of giving back to the people that drive MDX roads and informing the driver with an education/awareness program. The Frequent Rewards Program was thoroughly discussed.

At the request of the Treasurer, Mr. Schafer informed the Committee that staff is evaluating the feasibility of implementing a flat rate monthly toll program. The potential for such program is being analyzed by the Traffic and Revenue consultant and will be presented by February 2018.

Mr. Rodriguez and Ms. Schafer entertained questions from Members.
The FY 2017 Financial Summary presentation is filed with the Board Secretary.

Ms. Gutierrez welcomed Mr. Meyer to the meeting, quorum was now present.

ACTION ITEMS

Approval of Summary Minutes:

- Policy & Planning Committee Meeting of March 22, 2017
- Operations Committee Meeting of June 22, 2017
- Budget & Finance Committee Meeting of June 27, 2017

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

B) Approval of Treasurer's Report

Ms. Schafer reported on the three month period of FY 2018- July, August, and September. In September, tolls were suspended for period of approximately 15 days due to Hurricane Irma. The year-to-date revenues were approximately \$50 million, \$4.5 million below the budget. In the budget, there was a \$3 million Hurricane reserve which was absorbed by the suspension of tolls. Fee revenue and Investment income were above the forecast by \$1.5 million, revenue is down \$3 million below the forecast. On the expense side, many initiatives such as the safety enhancements projects are in the development stage and have not started. Net revenues \$23.5 million or \$2.8 million below the forecast.

Mr. Boord explained that the potential monthly caps program will be presented as a comprehensive package to not only include the analysis but also the viability of the implementation.

The Treasurer Report was unanimously approved as presented.

C) Endorsement of the Fiscal Year 2017 Payment for Customers Registered in the Frequent Driver Rewards Program

Mr. Martinez moved the item for discussion. Ms. Smith Fano seconded the motion. Mr. Rodriguez introduced the item and explained that in Fiscal Year 2017, 182,000 individuals registered for this program. However, only 80,000 registrations are eligible to review payment. The recommendation for Fiscal Year 2017 reward payment is 22% of the eligible tolls paid during July 1, 2016 through June 30, 2017. The total payment for all rewards for Fiscal Year 2017 is approximately \$5.6 million.

Mr. Martinez moved to endorse the FY 2017 payment for eligible customers registered in the Frequent Driver Rewards Program and begin open enrollment on December 1, 2017. Ms. Smith Fano seconded the motion. The motion was unanimously endorsed.

D) MDX Procurement/Contract Number RFQ-17-02; MDX Work Program Nos. 30034.051, 40044.051 & 10021.051 Construction Engineering and Inspection (CE&I) Services for SR 924 Gratigny Parkway Milling and Resurfacing (MP 0 to 1.2), Drainage Improvements and Speed Feedback Signs (Not to Exceed \$767,131)

- Endorsement of Contract Award

Mr. Martinez moved the item for discussion. Ms. Smith Fano seconded the motion.

Ms. Cordero introduced the item and explained proposals were received from the following four (4) firms:

- A & P Consulting Transportation Engineers Corp.
- Metric Engineering, Inc.
- Pinnacle Consulting Enterprises, Inc.
- Pontifex Consulting Engineers, Inc.

Staff performed compliance review of the proposals and found all four (4) proposals responsive to the requirements of the RFQ. The contract includes a 25% Small Business Participation Requirement and a 10% Local Business Participation requirement. The Technical Evaluation Committee (TEC) met on August 29, 2017, to evaluate and score the proposals and forwarded a recommendation to select and enter into contract negotiations with the number one ranked Proposer Pinnacle Consulting Enterprises, Inc.

Mr. Martinez moved to endorse the TEC recommendation to select the number one ranked proposer; and that Staff negotiate and enter in to a contract for a not to exceed contract amount. Ms. Smith Fano Seconded the motion. The motion was unanimously endorsed.

E) MDX Procurement/Contract Number ITB-18-01; MDX Work Program Nos. 30034.060, 40044.060 & 10021.060 Construction Services for SR 924 Gratigny Parkway Milling and Resurfacing (MP 0 to 1.2), Drainage Improvements and Speed Feedback Signs (\$2,368,312.00 Engineers Estimate)

- Endorsement of Contract Award, Pending Bid Analysis and Compliance Review

Mr. Martinez moved the item for discussion. Ms. Smith Fano seconded the motion.

MDX released an Invitation to Bid (ITB) seeking bids from qualified contractors to provide construction services for SR 924/Gratigny Parkway Milling and Resurfacing (MP 0 to 1.2), Speed Feedback Signs and Drainage Improvements.

On August 15, 2017, Bid Packages were received in response to the ITB from the following bidders:

1. Community Asphalt Corp. (“CAC”)
2. General Asphalt Co., Inc. (“General”)
3. Halley Engineering Contractors, Inc. (“HEC”)
4. JVA Engineering Contractor, Inc. (“JVA”)
5. Lead Engineering Contractors, LLC (“Lead”)
6. Weekley Asphalt Paving, Inc. (“Weekley”)

Bidders were required to separate their Bid Packages in two (2) separate sealed parts and submit

them at the same time. The ITB required that Part 1 contain the Prerequisite Documentation; and that Part 2 contain the Bid, which together make up the Bid Package. MDX held a pre-Bid meeting to go over the requirements of the ITB, including among other things: the Cone of Silence requirements and the mandatory nature of compliance with the Prerequisite Criteria contained in Part 1. It was also explained that failure to comply with the Prerequisite Criteria would lead to a non-responsive determination or disqualification.

As outlined in the ITB, Part 1 was opened after the deadline to submit the Bid Package. A review was performed to determine if the Bidders were Compliant with the ITB Prerequisites. Part 2 of the Bid Packages would only be opened for Part 1 Compliant Bidders. This two-step process allows MDX to only consider Bids from Bidders that meet the minimum requirements of qualification and all other prerequisite requirements of the ITB, which includes compliance with the Cone of Silence.

Part 1 of Bid Package submitted by Lead was fully compliant and did not require clarifications. Part 1 of the Bid Package submitted by Weekley contained Minor Irregularities that did not provide a competitive advantage and were cured consistent with prior practices and as allowed by both the Solicitation Documents and the MDX Procurement Policy. Therefore, Part 1 of the Bid Packages for both Lead and Weekley were deemed Compliant.

One of the Prerequisite Criteria is for the Bidders to identify a Project Manager (PM) who must have a minimum of five (5) years of specific work experience providing construction management on limited access highway facilities. To verify this Prerequisite, Bidders were required to submit Personnel Reference Form(s) completed by current and/or past clients. In addition, Bidders were required to submit a resume for the PM. The following three (3) Bidders did not comply with this requirement:

- Community Asphalt Corp. No PM was identified and no references or resume were submitted.
- General Asphalt Co., Inc. No PM was identified and no references or resume were submitted.
- JVA Engineering Contractor, Inc. The PM was identified but does not possess the required years of experience.

The failure to identify or provide a qualified PM is materially non-Compliant with the Prerequisites.

The ITB instructs Bidders on how to obtain references from persons covered by the Cone of Silence. Halley Engineering Contractors, Inc. (“HEC”) violated the Cone of Silence when they submitted a reference form completed by a MDX Representative for a MDX project. Halley’s direct contact with the MDX Representative was a direct violation of the Cone of Silence and grounds for disqualification of HEC’s Bid Package in accordance with the ITB and the MDX Procurement Policy.

Part 2 of the Bid Packages have not been opened due to this pending action by the Committee on Staff’s recommendations.

Mr. Walters expressed concern with the non-responsiveness by four of the six bidders. He also stated that in his opinion, the Cone of Silence had no impact on the selection process.

Members thoroughly discussed the item. Staff recommended the following:

- Approval to deem non-Responsive the Bid Packages submitted by CAC, General, and JVA to the requirements of the Invitation to Bid (ITB); and
- Approval to disqualify HEC and reject its Bid Package for violation of the Cone of Silence

Mr. Martinez moved to approve to deem non-Responsive the Bid Packages submitted by CAC, General, and JVA to the requirements of the Invitation to Bid. Ms. Smith Fano seconded the motion. Mr. Walters opposed the motion. The motion was approved.

Mr. Martinez moved to disqualify HEC and reject its Bid Package for violation of the Cone of Silence. Ms. Smith Fano seconded the motion. Mr. Meyer and Mr. Walters opposed the motion.

Ms. Gutierrez called for a roll call. Ms. Navia Lobo called the roll:

M. Gutierrez – aye
L. Martinez –aye
A Meyer –nay
C. Walters –nay
L. Boord –aye
S. Smith Fano -aye

The motion was approved.

Mr. Rodriguez informed Members that the Bid Package will now be opened pending compliance review and Bid analysis. Ms. Gutierrez recommended moving on to the next item while Ms. Cordero opened the Bid Packages.

F) MDX Procurement/Contract Number RFP-11-02; MDX Work Program No. 83629.020; Design Engineering Services for the SR 836 Interchange Modifications at 87th Avenue (\$330,812.12)

- Endorsement of Supplemental Agreement No. 6

Mr. Martinez moved the item for discussion. Mr. Meyer seconded the motion.

Mr. Toledo introduced the item and explained that the purpose of the Supplemental Agreement is to alleviate congestion in the westbound direction of SR 836. The new improvements will significantly improve the congestion currently originating from the westbound lanes that must merge back down to the existing four (4) lanes, and facilitate the existing and future volume of traffic exiting to NW 107th Avenue.

- Continuation of the envelope proposed for the future special use lane providing five (5) through lanes under the existing gantry just west of NW 97th Avenue;
- Widening the existing shoulder that will accommodate transit on the shoulder; and
- Providing a (two) 2 lane exit to NW 107th Avenue (NORTH), currently this a one (1) lane exit.

The Supplemental Agreement also takes into consideration a contract credit in the amount of \$52,633.90 for unused design services.

Mr. Toledo entertained questions from Members.

Mr. Martinez moved to endorse Supplemental Agreement No. 6. Mr. Meyer seconded the motion. Mr. Walters abstained. The motion was unanimously approved.

Ms. Gutierrez recommended going back to Agenda Item IV. E – ITB 18-01.

Ms. Cordero read the bid amounts from the two Compliant Bidders as follows:

- Lead Engineering Contractors \$2,998,577.00
- Weekley Asphalt Paving \$3,064,074.43

Ms. Cordero announced the lowest Bidder was Lead Engineering Contractors, pending compliance review and Bid analysis. Mr. Martinez stated both bids were above the Engineer's estimate of \$2,368,312.00 and, as a result, he did not feel comfortable supporting the item. Members discussed the time frame for re-procuring the item. Mr. Rodriguez stated the item is pending the required bid analysis, and asked Members to endorse the item pending a compliance review and bid analysis. Members agreed to proceed with the item endorsement pending compliance review and bid analysis. Ms. Cordero explained that should the Board decide to re-procure the project, the bid packages will remain sealed.

Mr. Martinez moved to endorse the Contract Award to the lowest Responsive and Responsible Bidder, pending bid analysis and compliance review of Part 2 of the Bid Packages. Ms. Smith Fano seconded the motion. The motion was unanimously endorsed.

G) MDX Procurement/Contract Number RFP-09-06; MDX Work Program No. 92407.011; Project Development and Environment (PD&E) Study Services for the SR 924 East Extension to I-95 (\$31,218.45)

- Endorsement of Supplemental Agreement No. 8

Mr. Martinez moved the item for discussion. Mr. Meyer seconded the motion.

Mr. Toledo introduced the item and explained Supplemental Agreement No. 8 is required to account for additional efforts to complete the PD&E Study. The Florida Department of Transportation (FDOT) has requested that a Lane Elimination Study be conducted for the reduction of the number of lanes along NW 119th Street. The study will be conducted using the information already prepared as part of the PD&E Study.

Mr. Toledo further explained the Contract included a 30% SB Participation Requirement, which to-date has been met by the Consultant. Supplemental Agreement No. 8 increases the Contract Amount by \$31,218.45. Staff recommends that the full amount of the additional funds for Supplemental Agreement No. 8 (\$31,218.45) be excluded from the Contract Amount for purposes of calculating the SB Participation Requirement for the Agreement. This exclusion will not affect compliance with the Policy as the overall SB participation in this Contract exceeds 10%.

Mr. Martinez moved to endorse Supplemental agreement No 8. Mr. Meyer seconded the motion. Ms. Walters abstained. The motion was unanimously endorsed.

H) MDX Work Program No. 83618; SR 836 Southwest Extension (\$781,500)

- Endorsement of Initial Offer on Parcel 100

Mr. Martinez moved the item for discussion. Mr. Meyer seconded the motion.

Mr. Toledo introduced the item and explained that acquisition of Parcel 100 would serve a public purpose and is necessary for the construction of MDX Project 83618 as all current alternatives go through Parcel 100. Staff recommends MDX move forward with the advance acquisition of this

parcel and make an initial offer of \$781,500. The purchase of Parcel 100 is required for the construction of the SR 836 Southwest Extension Project. Acquiring the property by advance acquisition would be a cost savings of approximately \$200,000.00, which represents the fees and costs associated with the eminent domain process.

Mr. Rodriguez reminded Members that an Alternatives Workshop Public Hearing for the *83618 project is scheduled for October 30, 2017. Mr. Martinez moved to endorse the initial offer on Parcel 100. Mr. Meyer seconded the motion. The motion was unanimously endorsed.

I) MDX Work Program No. 92404; SR 924 Extension West to the HEFT (\$924,500)

- Endorsement of Initial Offer on Parcel 101

Ms. Smith Fano moved the item for discussion. Mr. Martinez seconded the motion.

Mr. Toledo introduced the item and explained acquisition of Parcel 101 would serve a public purpose and is necessary for the construction of MDX Project 92404 along the preferred route and at the recommended location. The purchase of Parcel 101 is required for the construction of the SR 924 Extension West to the Homestead Extension of the Florida Turnpike Project. Acquiring the property by advance acquisition would be a cost savings of approximately \$200,000.00, which represents the fees and costs associated with the eminent domain process.

Ms. Smith Fano moved to endorse the initial offer on Parcel 101. Mr. Martinez seconded the motion. The motion was unanimously approved.

DISCUSSION ITEMS

B) MDX FY 2019-2023 Work Program

Ms. Gutierrez deferred the discussion of this item to the next Board Meeting.

INFORMATIONAL ITEMS

- A) MDX Work Program Monthly Status Report – September 2017
- B) HNTB SBE/LB Utilization Report
- C) EAC SBE/LB Utilization Report
- D) MDX Contingency Release History Report
- E) Procurement Report

ANNOUNCEMENTS

- Board Meeting 10/24/17, 4:00 PM, William M. Lehman MDX Building – Board Room

ADJOURNMENT

The meeting was adjourned by Ms. Gutierrez

Minutes prepared by Maria Luisa Navia Lobo, Board Secretary.