

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)  
BOARD OF DIRECTORS MEETING**

**FRIDAY, DECEMBER 2, 2022**

**9:00 AM**

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

**SUMMARY MINUTES**

**Members Present**

Jose “Pepe” Diaz, Chairman  
Dennis C. Moss, Vice Chair  
Luz Weinberg Treasurer  
Josenrique Cueto, P.E.  
Jean Monestime  
Shelly Smith Fano

**Members Absent**

Stacy Miller, P.E.

**Staff**

Darlene M. Fernandez, P.E., Executive Director  
Carlos Zaldivar, General Counsel  
Marie T. Schafer, Director of Finance/CFO  
Juan C. Toledo, P.E., Director of Engineering  
MariaLuisa Navia Lobo, Board Secretary

**Consultants**

Kevin Brown, HNTB (GEC-A)  
Rick Crooks, EAC Consultants (GEC-B)  
Tere Garcia, B&A (GEC-A)  
Yvette Holt, Holt Communications (GEC-B)  
William Blend, CPA, MSL CPAs & Advisors

## **CALL TO ORDER & MOMENT OF SILENCE**

Chairman Diaz called the meeting to order. He asked for a moment of silence and asked Board Member Moss to lead in prayer.

## **PLEDGE OF ALLEGIANCE**

Board Member Cueto led in the Pledge of Allegiance.

## **ROLL CALL**

Ms. Navia Lobo called the roll and announced that a quorum of the MDX Board was present.

## **APPROVAL OF AGENDA**

Vice Chairman Moss moved to approve the agenda. Board member Smith Fano seconded the motion. The motion was unanimously approved.

## **DECLARATIONS OF VOTING CONFLICTS**

No conflict declared

## **CITIZEN COMMENT**

No Comments

## **REGULAR AGENDA**

A) Approval of Fiscal Year 2022 Audited Annual Comprehensive Financial Report (ACFR), Disposal of Fixed Assets and Contribution of Assets to Other Entities

Mr. Zaldivar read the agenda item for the record. Ms. Schafer informed members that the annual external audit of MDX financial statements for fiscal year 2022 was performed by MSL, P.A. in compliance with the Trust Indenture, as well as the applicable Florida Statutes. The audit result is an unmodified (clean) opinion of the financial statements. She introduced Mr. William Blend, external auditor who will present FY 2022 audited financial statements.

The second part of the Agenda item is part of the year-end process, the General Engineering Consultant is required to review and recommend fixed assets and construction in progress due to impairment or disposal. For fiscal year 2022, asset disposals totaled book value of \$1,804,933 comprised of uncompleted cost of land acquisitions and idle projects. In addition, there was one contribution of asset to Miami Dade County for a portion of parcel for wastewater treatment plant for \$142,441.

Ms. Schafer and Mr. Blend entertained questions from Members.

Treasurer Weinberg moved to approve the External Audited Annual Comprehensive Financial Report (ACFR), the Disposal of Fixed Assets and the Contribution of Assets to Other Entities. Board Member Cueto seconded the motion. The motion was unanimously approved.

[ACFR - Financial Section and Debt Coverage and the Management Compliance Report are filed with the Board Secretary]

B) MDX Procurement/Contract No.: RFP-23-03; Traffic and Revenue Consulting Services (\$2,500,000) (SB 10% / LB 0%)

- Approval to Advertise

Mr. Zaldivar read the agenda item for the record. Ms. Schafer introduced the item and explained staff is requesting Board approval to advertise a single-tier procurement process, Request for Proposal (RFP), for the selection of a qualified firm to provide Traffic and Revenue Consulting Services. Members appointed Board Member Cueto as the TEC oversight Member.

Board member Smith Fano moved to approve the advertisement and TEC composition. Vice Chair Moss seconded the motion. The motion was unanimously approved.

C) MDX Procurement/Contract No.: ITB-23-11; MDX Work Program No. 40056.060 SR 874 Construction Services for the SR 874 Dynamic Message Sign (DMS) Installation (Engineer's Estimate \$490,500) (SB 10% / LB 10%)

- Approval to Advertise

Mr. Zaldivar read the agenda item for the record. Board Member Monestime moved to approve the advertisement of ITB 23-11. Vice Chair Moss seconded the motion. The motion was unanimously approved.

D) MDX Procurement/Contract No.: ITB-23-08; Systemwide Signing & Pavement Markings Maintenance (\$3,573,466.34 Engineer's Estimate) (SB 10% / LB 0%)

- Reject all bids and Re-Advertise

Mr. Zaldivar read the agenda item for the record Mr. Toledo introduced the item and explained four (4) Bid Packages were received in response to the 1TB

Staff performed compliance/responsiveness reviews of the apparent lowest bidder Safety Systems Barricades, Corp. and found the Bidder non-responsive due to non-compliance with the pre-requisite criteria of the Contract. Staff performed compliance/responsiveness reviews of the apparent second lowest bidder APP&C Services, Inc. and found the Bidder non-responsive for failure to provide a Bid Bond in the Bid Package as required in the Contract documents. The bids for the final two bidders were significantly higher than the referenced non-responsive low bidders and exceeded engineer's estimate. Staff recommends:

Reject all bids and cancel MDX Procurement/Contract No. ITB-23-08 for Systemwide Signing and Pavement Markings Maintenance.

Approval to re-advertise an Invitation to Bid (ITB) for Systemwide Signing and Pavement Markings Maintenance.

Board Member Smith Fano moved to Reject all bids and cancel MDX Procurement/Contract No. ITB-23-08 for Systemwide Signing and Pavement Markings Maintenance, and the approval of the Re-advertisement of an Invitation to Bid (ITB) for Systemwide Signing and Pavement Markings Maintenance. Board member Monestime seconded the motion. The motion was unanimously approved.

E) MDX Procurement/Contract No.: RFQ-23-01; MDX Work Program No. 83618-009.020 Design Engineering Services for the Widening of SW 137th Avenue from SW 8th Street to SW 26th Street (Not to exceed \$799,850) (SB 15% / LB 15%)

- Approval of Contract Award with a "Not-to-Exceed" amount of \$799,850

Mr. Zaldivar read the agenda item for the record. Board Member Cueto moved to approve the technical Evaluation recommendation to select and enter into a contract with Ribbeck Engineering, Inc for a not to exceed amount of \$799,850. Vice Chair Moss seconded the motion. The motion was unanimously approved.

F) Litigation between MDX v. K&B Investments Corporation (\$2,243,400)

Mr. Zaldivar asked to defer the item until January 2023. He informed Members that at this point, the actual documents for the settlement are not completed. He asked to postpone the shade meeting till January 24, 2023, to hopefully have a completed Settlement Agreement.

G) MDX Procurement/Contract No.: ITB-23-13 Systemwide Maintenance of Traffic (MOT) Services (\$3,213,892.96) (SB 15% / LB 0%)

- Approval to Advertise

Mr. Zaldivar read the agenda item for the record. Board Member Cueto moved to approve the advertisement of an invitation to bid for Systemwide Maintenance of Traffic Services. Board Member Monestime seconded the motion. The motion was unanimously approved.

H) Miami-Dade Transportation Planning Organization Financial Participatory Contribution (\$44,444.00) - Requested by Board Member Monestime

- Approval of Payment

Mr. Zaldivar read the agenda item for the record. Board Member Smith Fano thanked Board Member Monestime for bringing the item forward. For the record Board Member Smith Fano stated that MDX has worked very closely with the TPO and has contributed over close to \$15 million to the Smart Plan. She looks forward to participating at the TPO.

Board Member Monestime moved to approve the TPO participatory contribution for Fiscal years 2022 and 2023 in the amount of \$44,444.00. Vice Chair Moss seconded the motion. The motion was unanimously approved.

### **APPROVAL OF SUMMARY MINUTES**

- Board Meeting of October 11, 2022

Treasurer Weinberg moved to approve the October 11, 2022 Summary minutes. Board Member Cueto seconded the motion. The motion was unanimously approved.

### **DISCUSSION ITEMS**

A) Customer Service Outreach Update

Mr. Escobar introduced the MDX Marketing and Communications Team from EAC and HNTB General Engineering Teams. Ms. Yvette Holt and Ms. Tere Garcia presented the Communications Report.

Members thanked the Communications team for the presentation. Mr. Escobar and the Communications team entertained questions from Members.

[Mr. Escobar's comments and the MDX Communications Report are filed with the Board Secretary]

## **INFORMATIONAL ITEMS**

### A) Procurement Report

## **REPORTS**

### A) Treasurer's Report

Treasurer Weinberg reported an extremely healthy and very strong report. She stated that month over month, traffic has been up 16% and overall revenue is up 14%. Expenses were up slightly approximately 11%. Treasurer Weinberg commended the Executive Director and the CFO for meeting with the credit rating agencies and maintaining dialogue and sharing with them the strength of the organization. She made reference and read an excerpt of the September 16, 2022 Fitch report. *Moving MDX up from a negative to stable outlook and a BBB plus or B2 plus, the outlook revision reflects Fitch's view despite the ongoing litigation, the authority has adapted to the limitations on tolerate setting and funding access by effectively managing operations while maintaining a solid financial profile. MDX continues to demonstrate flexibility in managing the systems asset maintenance and has reprioritize its capital plan to ensure healthy fiscal metrics and liquidity balances are maintained. The strong post pandemic traffic and revenue performance supports future cash flow generation.*

Treasurer Weinberg made reference to the Moody's initial report on November 22, 2022, she read an excerpt from the report. *An A3 rating and back to stable from negative outlook. A3 rating reflects MDX is strong market position as a well-established primarily commuter toll roads system that provides vital transportation links in a major economic center. And the excess rating also reflects its narrowing financial profile, which has been impacted by toll rate reductions through 2019. And the Coronavirus outbreak. Despite that, they note however, traffic and revenue have recovered to pre pandemic levels being 6.9% and 11.2% above fiscal year 2019 levels for fiscal year 2022.*

### **B) Executive Directors Report**

Ms. Fernandez reported on the following topics of interest since the last Board Meeting.

- Frequent driver rewards program for fiscal year 22, closed out at \$2.1 million. The credits, which were approved back in October 2022 were credited on the SunPass accounts of our users in early November 2022. She further reported on the Board approved temporary program for fiscal year 2023; for October the total rebate was \$1.3 million. For November the rebate was \$ 1.1 million on track with the estimate.
- 83611 approximately 67% work is completed it is anticipated the project will be completed December 2026.
- Kendall Parkway, Overall, closed on 44 parcels to date, the cost to date is \$13.5 million. Currently 20 parcels under contract and the total appraised value is \$3.9 million.
- Florida automated vehicles Summit, in Jacksonville, December 14 through the 16th.

- Congratulated Yolanda Cash Jackson with Becker, who was just elected chair of the Beacon Council and was also named as Florida Trend's 2022 Floridian of the year. Yolanda has represented MDX in Tallahassee for many years.
- Recognized Mr. Gary Walsh, who is retiring. Mr. Toledo informed Member that Gary has been working in the industry for 45 years, he started working at HNTB in 1979 and on the MDX program for the last 17 years. All congratulated Gary on his retirement.
- MDX Workshop – update – evaluation of the procurement policy, aesthetics manual update. Looking to schedule in February 2022. Members requested scheduling early February.

### **CHAIR'S COMMENTS**

Chairman Diaz thanked Board Members and staff for their hard work throughout the years and during difficult times. He wished all a Happy Holidays.

### **ANNOUNCEMENTS**

- Board Meeting, 1/24/2023, 4:00 PM, William M. Lehman MDX Building - Board Room

Board Member Cueto shared with the Board that the Tamiami Park and Ride opened this past week. The 836 Express bus service which runs on MDX's red lanes along the 836 is now active. The facility is located on Tamiami Trail at Southwest 147 Avenue. So for those commuters out west to have an opportunity to go to the airport to downtown on the service,

### **ADJOURNMENT**

Board Members moved to adjourn the meeting.

Summary Minutes prepared by MariaLuisa Navia Lobo, Board Secretary.

*Minutes are in summary form. For an electronic copy of the meeting recording please contact [boardsecretary@mdxway.com](mailto:boardsecretary@mdxway.com)*