

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)**

**BOARD MEETING  
TUESDAY, DECEMBER 9, 2014**

**4:00 PM**

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

**Members Present:**

Maritza Gutierrez, Chair  
Maurice A. Ferré, Vice Chair  
Gus Pego, P. E., District VI Secretary  
Alfredo L. Gonzalez, Esq.  
Louis V. Martinez, Esq.  
Rick Rodriguez Piña  
Shelly Smith Fano  
Javier L. Vázquez, Esq.

**Members Absent:**

Carlos R. Fernandez-Guzman, Treasurer  
Robert W. Holland, Esq.  
Luz Weinberg

**Staff:**

Javier Rodriguez, Executive Director  
Marie Schafer, Chief Financial Officer  
Steve Andriuk, Director of toll Operations  
Juan Toledo, P.E., Director of Engineering  
Carlos Zaldivar, General Counsel  
Helen Cordero, Manager of Procurement and Contracts Administration  
Ivan Del Campo, Chief Information Officer/Manager of ITS  
Mario Diaz, Public Information Manager  
Francine Steelman, Associate General Counsel  
Maria Luisa Navia Lobo, Board Secretary

**Consultants:**

Legal: Richard Weiss, WSH  
Matthew Pearl, WSH  
Finance: Randy Topel, First Southwest Co.  
  
Transportation: Albert Sosa, HNTB (GEC-A)  
Rick Crooks, EAC Consultants (GEC-B)  
Tere Garcia, Bermello Ajamil (GEC-A)

### **CALL TO ORDER & ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF AGENDA**

Chair Gutierrez requested a motion to approve the agenda and recommended addressing Action item IX. H “Approval of Multi-Axle Frequency Discount Policy” first.

Mr. Ferré moved to approve the agenda and Mr. Vazquez second the motion. The agenda was unanimously approved.

### **DECLARATIONS OF VOTING CONFLICTS**

Mr. Zaldivar asked Members if there were any voting conflicts regarding the items on the Board Agenda for this meeting. Mr. Vazquez declared a conflict with Agenda item IX. E – MDX procurement/Contract No. RFP 15-03 – Asset Maintenance Services.

[A copy of Mr. Vazquez’s conflict form is attached to these minutes]

### **CITIZEN COMMENT**

The following individuals addressed the Board.

- Carlos Garcia – 127<sup>th</sup> Avenue & Kendall Drive – rollbacktolls.com
- Lawrence Percival – 11945 SW 127<sup>th</sup> Avenue
- Jane Walker – 14250 SW 122 Street
- George Mason – 132 NW 136 Street
- Jorge Roviroso – Farovi Shipping Corp, and Port of Miami Terminal Operating Co. (POMTOC)
- Armando Varona - Seaboard Marine
- Juan Kuryla, Director, Port of Miami

### **APPROVAL OF SUMMARY MINUTES**

- Board Meeting of October 21, 2014

Mr. Martinez moved to approve the Summary Minutes corresponding to the October 21, 2014 meeting. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

### **EXECUTIVE DIRECTOR’S REPORT**

Mr. Rodriguez highlighted the year in review as follows:

- In October 2014 Chair Gutierrez challenged staff to look at new and innovative safety projects on the MDX highways – “3E’s” Engineering, Enforcement and Education
  - Enforcement – continue working with law enforcement

- Education
- Engineering
  - Reflective Striping
  - Introduced in-road reflective pavement markers that are solar powered and provide ground lighting on dark roads.
  - Reduction of fatalities
- Road Ranger Service 24/7 – handled over 17,000 events last year
- Asset Maintenance Contract – negotiated a better rate with new contractor; and achieved greater scheduling flexibility and additional optional services on an as needed basis.
- Pavement and Bridge Conditions exceed all the State and FTC criteria. These structures are maintained on an annual basis. Inspection reports are done in cooperation with FDOT.
- MDX Continues working with Miami-Dade County for transit buses on shoulders.
- Interchange improvements 87<sup>th</sup> Avenue – SR 836 will be let for construction next year
- MDX Project 83611 SR 836 to I-195 will be constructed in partnership with FDOT, with an anticipated project award in 2016
- MDX Strategic Plan – Midpoint Report scheduled for January 2015. Focusing on 3 elements:
  - Technology - How do we maximize and leverage Technology to enhance and efficiently move people, goods and services on the MDX expressways?
  - Projects - How do we interact with transit? How do we provide the infrastructure to make sure the community has options?
  - Finance – How can we maximize non-toll revenue?
- ORT go-live date for SR 836 and SR 112 was November 15, 2014 and the transition was smooth.
- Advantage Discount Program – Sign up period was extended for 90-days.
- Multi-Axle Frequency Policy – on the agenda for approval.

### **MPO REPRESENTATIVE REPORT**

Mr. Rodriguez briefed Members on the items of interest at the last MPO Board meeting. FDOT presented their tentative Work Program. Krome Avenue Project was fully funded and included in FDOT's work program.

### **GENERAL COUNSEL'S REPORT**

Mr. Zaldivar informed Members of the following items:

- ETCC Litigation- six month postponement by ETCC
- Ethics training for MDX Board Members
- Annual Policy review will be scheduled.

### **TREASURER'S REPORT**

Treasurer's Report will be presented as part of Action Item IX. A

### **COMMITTEE REPORTS**

- A) Budget & Finance Committee, 11/19/14
- B) Operations Committee, 12/2/14
- C) Policy & Planning Committee, 12/5/14
- D) Inter-Governmental & Public Communications Committee, 12/5/14

The Committee Reports were waived.

### **CONSENT AGENDA**

A) Travel Approval:

- January 22-23, 2015, Trip to Orlando, Florida by Board Members and Executive Director Rodriguez to attend The TEAMFL/FTC Annual Joint Meeting
- February 8-10, 2015, Trip to Washington, DC by Executive Director Rodriguez to Participate in the IBTTA Leadership Academy

Mr. Ferré moved to approve the Consent agenda. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

### **REGULAR AGENDA**

H) Approval of Multi-Axle Frequency Discount Policy (Endorsed by the Policy & Planning Committee on 12/5/14)

Mr. Zaldivar read the item into the record. Mr. Rodriguez introduced the item and explained that commencing December 9<sup>th</sup> at midnight all multi-axle vehicles with a valid SunPass account in good standing will be charged a maximum of (3) three axle rate on all MDX roadways. It is a goal of MDX to serve as the conduit for the efficient and safe movement of freight between the Port of Miami, Miami International Airport and distribution centers throughout Miami-Dade County and southeast Florida. This action ensures that the frequency of freight movements on the MDX System is recognized and a multi-axle discount is given. Ms. Schafer informed Members that Staff checked with MDX Bond Counsel, and that they are comfortable with the language of this policy.

Ms. Smith Fano moved approve the Multi-Axle Frequency Discount Policy. Mr. Vazquez seconded the motion. The motion was unanimously approved.

A) Approval of Fiscal Year 2014 Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2014 (Endorsed by the Budget & Finance Committee on 11/1/9/14)

Mr. Zaldivar read the item into the record. Ms. Schafer introduced the CAFR, the report was audited by the Authority's independent external Auditors, Moore Stephens Lovelace, resulting in an unmodified (clean) opinion. The report is required under State Statutes, as well as SEC guidelines, which we file with the State of Florida under the Auditor General the Security Exchange Commission, because of the debt in the open market, The Florida Transportation Commission and the rating agencies. The Single Audit Report complies in all material respect with the requirements for State grant programs.

Ms. Schafer informed Members that the Popular Annual Financial Report (PAFR) was distributed at the meeting. This is a summary of the financials and will be posted on the MDX Website.

Ms. Schafer presented the financial highlights for the year that were presented at the Budget & Finance Committee Meeting.

- Call modification Series 2013B – MDX received \$3.7 million used primarily for debt FY 2014
- Issued new debt - Bond, Series 2014A - funding the Capital Program. Capital Program spent approximately \$125 million toward infrastructure in the fiscal year, of which \$16 million went toward small and local business organizations.
- Operating Revenue – \$130 million compared to prior year \$135 million – \$5 million lower than

last year that was expected due to the removal of the \$3.00 administration fee for toll-by-plate billing, which was discontinued at the beginning of the fiscal year 2013.

- Expenses FY Operations was \$23.5 million compared to FY 2013 the \$16.7 million, the differential was due to a one-time adjustment in FY 2013; there was a favorable Motion for a Summary Judgment related to the litigation for \$6.8 million.
- Maintenance FY 2014 was \$ 6.3 million, a \$500,000 increase from the prior year that is directly related to the expansion of the System.
- Administration – FY 2014 \$3.8 million compared to \$3.6 million in FY 2013, \$200,000 increase. Administration covers all salary, taxes and benefits, insurance cost and headquarters cost. The Authority filled vacant positions.
- Overall the Authority posted Senior Debt Coverage ratio for FY 2014 at 1.58 exceeding the Board Policy of 1.5

Ms. Schafer asked Mr. Topel to give an overview of the debt management practices in place.

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

Ms. Smith Fano moved to approve the CAFR and Asset Disposals. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

B) MDX Procurement/Contract No. RFQ-14-06, Municipal Financial Advisory Services (Endorsed by the Budget & Finance Committee on 11/19/14)

- Approval to select and enter into Contract Negotiations with the Number One Ranked Proposer

Mr. Zaldivar read the item into the record. Ms. Cordero introduced the item and explained MDX received four (4) Proposals in response to the Request for Qualifications (RFQ) from the following firms:

- Estrada Hinojosa & Company, Inc.
- First Southwest Company
- NW Financial Group, LLC
- Public Financial Management, Inc.

She further explained one of the proposers Estrada Hinojosa & Company, Inc. was deemed non-responsive to the requirements of the RFQ by the Budget & Finance Committee. The rest of the proposers were evaluated by the TEC. The tabulation sheet was included in the agenda package. The Successful Proposer was First Southwest Co. Staff will negotiate the method compensation with the Successful Proposer and present a negotiated contract for consideration by both the Budget and Finance Committee and the Board in January 2015.

Ms. Smith Fano moved to approve the TEC recommendation and enter into contract negotiations with First Southwest Co. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

C) MDX Procurement/Contract Number RFP-11-03; Traffic & Revenue Consulting Services (Endorsed by the Operations Committee on 12/2/14)

- Approval of Contract Extension with CDM Smith, Inc. (f/k/a Wilbur Smith Associates, Inc.)

Mr. Zaldivar read the item into the record. Mr. Toledo introduced the item and explained the

renewal of the Contract is for the maximum renewal term of one (1) year with CDM, extending the Term of the Contract through February 13, 2016, based on the excellent quality of work provided; the Consultant Performance Evaluation resulted in a rating of Outstanding Performance.

Mr. Ferré moved to extend the contract with CDM Smith,, Inc. Mr. Pego seconded the motion. The motion was unanimously approved.

D) MDX Procurement/Contract Number RFQ-15-02; MDX Work Program No. 83628.050; Construction Engineering & Inspection Services for the Design-Build Project of SR 836 Operational, Capacity and Interchange Improvements (Endorsed by the Operations Committee 12/2/14)

- Approval of Technical Evaluation Committee's Recommendation to select the number one ranked Proposer and direct Staff to negotiate and enter into a contract for a not-to-exceed contract amount of \$12,612,466.00.

Mr. Zaldivar read the item into the record. Ms. Cordero informed Members that three Proposals were received in response to the RFQ from the following firms:

- American Engineering Group, Inc.
- New Millennium Engineering, Inc.
- Parsons Brinckerhoff, Inc.

The TEC met on November 25, 2014, to evaluate and score the Proposals then forwarded a recommendation to the Operations Committee to select and enter into contract negotiations with the number one ranked Proposer, New Millennium Engineering, Inc. This contract includes 15% Small Business Participation Requirement and 15% Local Business Participation Requirement. The contract term will concur with the design-build project duration, currently estimated for 1640 Calendar Days, plus a 60 calendar days project closeout period.

Ms. Cordero further explained that Staff would negotiate and enter into a contract with the selected firm for a contract amount not to exceed the Engineer's Estimate of \$12,612,466.00. If the negotiated contract amount exceeds the Engineer's Estimate, the negotiated contract will be brought back to the Operations Committee and Board for approval.

E) MDX Procurement/Contract Number RFP-15-03; Asset Maintenance Services (\$46 million) (Endorsed by the Operations Committee 12/2/14)

- Approval to select and enter into a Contract with the Number One Ranked Proposer - Florida Drawbridge, Inc, dba FDI Services

Mr. Zaldivar read the item into the record. Ms. Cordero introduced the item explained that the scope of services for this RFP includes roadway and facilities maintenance and repairs, Rapid Incident Scene Clearance (RISC), supervisory staff at Traffic Management Center, as well as optional services for Road Ranger Services, Roadway Lighting Monitoring System Enhancements, and temporary maintenance and operations of the MIC, if necessary.

The following four (4) firms submitted Technical Proposals on October 17, 2014, and Price Proposals on November 20, 2014 in response to the RFP:

- DBI Services, LLC
- Florida Drawbridge, Inc., dba FDI Services

- IIPL-SYMX, LLC
- Infrastructure Corporation of America (ICA)

Staff reviewed the Technical Proposals and found all four (4) Proposals were Responsive. Proposers needed to receive a minimum Technical Score 750 points in order for their Price Proposal to be opened. All four Proposers' Price Proposals were opened at the TEC meeting. The Technical Scores were weighted at 40% and the Price Proposals at 60% of the Final Score.

As established in the RFP, the Price Proposal amount for evaluation purposes excluded the cost for the Optional Services of Road Rangers and the Roadway Lighting Monitoring System Enhancements. The number one ranked Proposer with the highest Technical Score and the lowest Price Proposal was FDI Services with a score of 904 points out of 1000 points and the lowest price proposal of \$7,653,966.55. The lowest price proposal was 1.9% below the Engineer's Estimate of \$7,800,427.06.

The Price Proposal for the Optional Services were substantially higher than the Engineer's Estimate, therefore Staff is recommending not exercising those options at this time. However, Staff recommends keeping the Optional Services in the Contract to be exercised at MDX's sole discretion in the future should the then current prices be more in line or higher than those proposed under this contract.

The Contract term is five (5) years and 5 months with options to be renewed for up to two terms of 2 years each, at MDX's discretion. The Price Proposal remains in effect with no escalation for the Contract Term and any renewal terms exercised by MDX. The Contract also includes a 15% Small Business Participation Requirement and an additional 15% Local Business Participation Requirement. Staff recommends that the not-to-exceed Contract amount be \$46 million.

Mr. Martinez moved to approve the contact award to Florida Drawbridge, Inc. dba FDI Services. Mr. Ferré seconded the motion. The motion was unanimously approved.

F) MDX Procurement/Contract No.: RFQ 14-01 Advertising Services

(Endorsed by the Inter-Governmental and Public Communications Committee on 12/5/14)

- Approval to assign the Contract with Machado Garcia-Sierra, LLC (MGS) for Advertising Services to PCH Communications, LLC.

Mr. Zaldivar read the item into the record. Ms. Smith Fano asked staff if the Public Communications quarterly budget report was available. Ms. Schafer informed Members that part of the Treasurer's report includes the Communications budget. Expenses are broken down year to date and comparison with previous FY budgets. She further explained the Communications budget is \$19,000 below the Budget. Mr. Rodriguez recommended that a comprehensive Communications Report be added on a monthly basis as an Informational Item on the Board agenda.

MDX received notification that the firm Machado Garcia-Serra LLC merged with 3 other firms and is now a new entity "PCH Communications, LLC d/b/a Commonground/MGS." As such, the Contract requires an assignment to the Commonground/MGS.

Mr. Rodriguez Pina moved to approve the contract assignment. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

G) MDX Project Resolutions in support of the MDX Right of Way Program (Endorsed by the Operations Committee 12/2/14)

- Approval of Resolution No. 14-04 for MDX Work Program Project No. 83611; SR 836/ I-95 Interchange Improvements

- Approval of Resolution No. 14-05 for MDX Work Program Project No. 83628; SR 836 Operational, Capacity and Interchange Improvements
- Approval of Resolution No. 14-06 for MDX Work Program Project No. 87410; SR 874 Ramp Connector to SW 128th Street

Mr. Toledo introduced the resolutions and explained that the current FY 2015-2019 Work Program includes three projects that require the acquisition of real property in order to complete their Construction. The three Projects are MDX Work Program Project No. 83611, SR 836 / I-95 Interchange Improvements; MDX Work Program Project No. 83628, SR 836 Operational, Capacity and Interchange Improvements; and MDX Work Program Project No. 87410, SR 874 Ramp Connector to SW 128th Street. In order for MDX to acquire the real property necessary to construct these Projects, the MDX Board must pass and record the Project Resolutions, which document the fact that the Project will serve a public purpose and that it is necessary to acquire the real property for the respective projects. The Project Resolutions will be used during the Eminent Domain phase to assist in documenting the public necessity of the real property for the Projects.

Mr. Martinez moved to approve Resolutions No. 14-04, 14-05 and 14-06. Mr. Pego seconded the motion. The motion was unanimously approved.

### **INFORMATIONAL ITEMS**

- Procurement Report

The Informational Items were not addressed.

### **CHAIR'S COMMENTS**

Ms. Gutierrez recommended scheduling the Strategic Master Plan Workshop and a Policy Review Workshop.

Mr. Ferré thanked Mr. Richard Weiss for his help and service to MDX and recommended passing a resolution. Mr. Gonzalez seconded the motion. The motion was unanimously approved.

Mr. Ferré recommended passing a resolution of gratitude for Secretary of Ananth Prasad for his exceptional four years of service to the State of Florida. Mr. Pego seconded the motion. The motion was unanimously approved.

### **ANNOUNCEMENTS:**

- Board Meeting 1/27/15, 4:00 p.m., William M. Lehman MDX Building – Board Room

### **ADJOURNMENT**

Chair Gutierrez adjourned the Meeting.

Summary Minutes prepared by Maria Luisa Navia Lobo, Board Secretary



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>VAZQUEZ, JAVIER L.</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>MDX</b>
MAILING ADDRESS <b>1450 BRICKELL AVE, SUITE 1900</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <b>MIAMI      DADE</b>	NAME OF POLITICAL SUBDIVISION: <b>ST. OF FLA.</b>
DATE ON WHICH VOTE OCCURRED <b>DECEMBER 9, 2014</b>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, JAVIER L. VAZQUEZ, hereby disclose that on DECEMBER 9, 20 14:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of MY FIRM by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ACTION ITEM IX.E - MDX PROCUREMENT/CONTRACT NUMBER RFP-15-03; ASSET MAINTENANCE SERVICES. - ARAZOZA BROTHERS - WIS AJAMIL

1/20/15  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.