

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)  
OPERATIONS COMMITTEE MEETING**

**TUESDAY, SEPTEMBER 22, 2015  
10:00 AM**

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

**SUMMARY MINUTES**

**Present Committee Members:**

Maritza Gutierrez, Chair  
Gus Pego, P.E., Vice Chair  
Rick Rodriguez Piña

**Absent Committee Members:**

Robert W. Holland, Esq.  
Arthur J. Meyer

**Present MDX Board Members:**

Louis V. Martinez, Esq., MDX Chair  
Shelly Smith Fano, MDX Vice Chair in attendance via phone  
Jose "Pepe" Cancio  
Maurice A. Ferré  
Alfredo L. Gonzalez, Esq.  
Javier L. Vázquez, Esq.  
Cliff Walters

**Staff:**

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

**Consultants:**

Albert Sosa, HNTB (GEC-A)  
Rick Crooks, EAC Consulting, (GEC-B)  
Richard Glass, Glass Land Acquisitions (GEC-A)

## **CALL TO ORDER**

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

## **DECLARATIONS OF VOTING CONFLICTS**

- Potential Conflict of Interest Report

Ms. Steelman asked if any of the Committee Members had a Conflict of Interest to declare regarding the Committee's agenda. No conflicts were declared.

## **PUBLIC COMMENT**

No Public Comment

## **OPERATIONS ACTION ITEMS**

A) Approval of Summary Minutes:

- Operations Committee Meeting of August 18, 2015

Ms. Gutierrez referred to the Summary Minutes corresponding to the August 18<sup>th</sup> meeting.

Mr. Martinez moved to approve the Summary Minutes. Mr. Pego seconded the motion. The motion was unanimously approved.

B) MDX Procurement/Contract Number RFQ-12-02; MDX Work Program No. 10019.050; Construction Engineering and Inspection (CE&I) Services for System-wide Implementation of Dynamic Message Signs (DMS) (\$553,833.08)

- Endorsement of Supplemental Agreement No. 1

Ms. Steelman read the agenda item into the record. Mr. Toledo briefed Members on the project and explained the Design Build Firm (DBF) for the Project is World Fiber Technologies, Inc. Due to multiple factors; the DBF has fallen behind schedule on this Project, and has already been provided with one contract time extension running to July 17, 2015. The DBF will be assessed Liquidated Damages for all work completed after July 17, 2015. According to the DBF's latest schedule, the anticipated completion of this Project will be January 26, 2016. Based on this anticipated completion date, the DBF will be assessed 193 calendar days of Liquidated Damages, which amounts to \$ 590,001.00 in total.

The CE&I Contract fees should be increased to cover the staffing required up to and including project final acceptance and the final project closeout, which are estimated to be through January 26, 2016 and February 19, 2016 respectively.

It is recommended that the CE&I Contract "limiting amount" be increased by the amount of \$553,833.09 and the new "limiting amount" will be \$1,961,739.28. The additional CE&I costs will be offset by the DBF Liquidated Damages assessed against the DBF.

Mr. Martinez moved to endorse Supplemental Agreement No. 1. Mr. Pego seconded the item. The item was unanimously endorsed.

C) MDX Procurement/Contract Number ITB-15-02: Customer Service Center Personnel (\$3,800,000)

- Reconsideration of Item

Ms. Steelman read the agenda item into the record. Ms. Cordero informed Members that at the August 18, 2015 Operations Committee meeting, Staff presented a recommendation to award the contract to Faneuil, Inc. as the lowest, responsive and responsible Bidder to provide the Customer Service Center Personnel. The Committee did not accept Staff's recommendation and directed Staff to cancel the procurement and re-advertise for the Services because of the low dollar amount (\$1,500.00/year) dedicated to small businesses (SB) under the contract. The low SB Participation Requirement was a result of the industry's appeal to MDX after the ITB had been released with a 10% SB Participation Requirement.

To address the Committee's concern, Staff recommends removing the SB Participation Requirement in its entirety from this contract. This recommendation does not provide a competitive advantage as all Bidders bid on the same requirements and the lowest Bidder was determined based on those same requirements. This change does not affect the bid amount.

Staff is requesting Committee's reconsideration of the award of the contract to Faneuil, Inc. as the lowest, responsive and responsible Bidder with no SB Participation Requirement.

Mr. Martinez moved to endorse the recommendation to award the contract to Faneuil as the lowest responsive Bidder with no SB participation requirement. Mr. Pego seconded the motion. The motion was unanimously endorsed.

D) MDX Work Program No. 83611; SR 836/I-95 Interchange Improvements

- Endorsement of Eminent Domain Parcel Resolutions 15-18 through 15-27

Ms. Steelman read the agenda item into the record.

Mr. Toledo informed Members that on December 9, 2014 the MDX Board adopted Resolution No. 14-04, which declared that construction of Project 83611 (SR 836 / I-95 Interchange Improvements) would serve a public purpose by improving operational conditions, correcting safety deficiencies, increasing capacity, and enhancing access to the adjacent local street network. MDX, through its staff and consultants, is currently negotiating with the property owners of the listed parcels. Should negotiations fail, and in order to ensure the construction of MDX Project 83611 is not delayed, MDX shall begin eminent domain proceedings on those parcels that are not acquired through a negotiated conveyance. The Eminent Domain Parcel Resolution is required as part of the eminent domain process.

Mr. Pego moved to endorse MDX Resolutions 15-18 through 15-27. Mr. Rodriguez Pina seconded the motion. The motion was unanimously endorsed.

E) MDX Work Program No. 87410; SR 874 Ramp Connector to SW 128<sup>th</sup> Street

- Endorsement of Eminent Domain Parcel Resolution 15-28

Ms. Steelman read the agenda item into the record. Mr. Toledo informed Members that on December 9, 2014 the MDX Board adopted Resolution No. 14-06, which declared that construction of Project 87410 (SR 874 Ramp Connector to SW 128<sup>th</sup> Street) would serve a public purpose by providing additional mobility and transportation connectivity options in the southeast corner of West Kendall, an area that endures traffic congestion and limited access to expressways via the existing arterial roadway network. MDX, through its staff and consultants, is currently negotiating with the property owner of the listed parcel. Should negotiations fail, and in order to ensure the construction of MDX Project 87410 is not delayed, MDX shall begin eminent domain proceedings on the listed parcel should it not be acquired through a negotiated conveyance. The Eminent Domain Parcel Resolution is required as part of the eminent domain process.

Mr. Pego moved to endorse MDX Resolution No, 15-28. Mr. Rodriguez Pina seconded the motion. The motion was unanimously endorsed.

F) MDX Work Program No. 87410; SR 874 Ramp Connector to SW 128<sup>th</sup> Street

- Endorsement of Purchase of Parcel 114 Resolution 15-29

Mr. Toledo informed Members that on December 9, 2014 the MDX Board adopted Resolution No. 14-06, which declared that construction of Project 87410 (SR 874 Ramp Connector to SW 128<sup>th</sup> Street) would serve a public purpose by providing additional mobility and transportation connectivity options in the southeast corner of West Kendall, an area that endures traffic congestion and limited access to expressways via the existing arterial roadway network. The MDX Property Acquisition Policy requires a Board Resolution for the acquisition of parcels with a purchase price of \$500,000 or greater. MDX's initial offer for this parcel was \$539,100.00 (\$16/SF) based on MDX's approved Independent Appraisal. After extensive negotiations, the Property Owner's counteroffer was \$593,000.00 (\$17.59/SF), a \$53,900.00 (10%) increase. Should MDX decide to pursue Eminent Domain to acquire this parcel, the estimated litigation costs are \$170,000.00 and an additional \$116,100.00, for other trial related expenses, for an approximate total of \$825,200.00 (appraiser market price of \$539,100.00 plus additional Eminent Domain expenses). Since the Property Owner's counteroffer was \$53,900.00 more than appraised value, Staff recommends that MDX accept the Property Owner's counteroffer and approve the final purchase price of \$593,000.00.

Mr. Martinez moved to endorse MDX resolution No. 15-29. Mr. Pego seconded the motion. Ms. Gutierrez opposed the motion. The motion was endorsed.

### **INFORMATIONAL ITEMS**

- A) MDX Work Program Monthly Status Report – August 2015
- B) HNTB SBE/LB Utilization Report
- C) MDX Contingency Release History Report
- D) Procurement Report

The informational items were not addressed.

Mr. Martinez encouraged Members to attend the groundbreaking ceremony for MDX Project 83628 on September 28, 2015.

### **ANNOUNCEMENTS**

- Budget & Finance Committee Meeting 9/24/15 at 10:00a.m., William M. Lehman MDX Building – Board Room
- Inter-Governmental & Public Communications Committee Meeting 9/24/15 at 11:30a.m., William M. Lehman MDX Building – Board Room
- Board Meeting 9/29/15 at 4:00 p.m., William M. Lehman MDX Building – Board Room

### **ADJOURNMENT**

The meeting was adjourned by Ms. Gutierrez  
Minutes prepared by Maria Luisa Navia Lobo, Board Secretary