

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

**TUESDAY, OCTOBER 11, 2022
3:00 PM
(Rescheduled from September 27, 2022)**

**WILLIAM M. LEHMAN MDX BUILDING
3790 NW 21ST 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)

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

Mr. Zaldivar informed members of the additions and changes to the agenda as follows:

I.G Special Award Presentation

II. A. 2 – Frequent Driver Rewards Program – Sponsored by Chairman Diaz (previously Discussion Item IV. A)

Vice Chairman Moss moved to approve the agenda as amended. Treasurer Weinberg seconded the motion. The motion was unanimously approved.

DECLARATIONS OF VOTING CONFLICTS

No conflict declared

CITIZEN COMMENT

The following individuals addressed the Board:

- Ms. Katya Temprano – 14968 SW 60 Street Miami FL 33193 – Re. ITB 23-02

Ms. Temprano asked to distribute documents for Board Members.

[Distributed documents are filed with the Board Secretary]

SPECIAL AWARD RECOGNITION

Ms. Fernandez presented Tony Caba, MDX Field Technician, with a special plaque in recognition of his act of kindness and unwavering support to help our residents and the community. Ms. Fernandez thanked Tony for his contribution to the community and for always going above and beyond for all of us.

REGULAR AGENDA

A) MDX Frequent Driver Rewards Program

1. Approval of the FY 2022 Frequent Driver Rewards to Eligible Customers (\$2.1 million)
2. Temporary Frequent Driver Discount Program – Sponsored By Chairman Diaz

Mr. Zaldivar read the agenda item for the record and recommended taking the items separately

Ms. Schafer presented the FY 2022 Frequent Driver Reward Program. Ms. Schafer explained that based on Board Policy, Staff is recommending for FY 2022 FDRP a 15% Rebate to be paid to eligible customers' who transponders are registered in the FDRP and paid an annual minimum of SunPass tolls of \$100 during the period of July 1, 2021 to June 30, 2022. In order to increase the

efficiency of the customer receiving the benefit, Staff is recommending automating the rebate by electronically crediting back to their customer's SunPass account. In addition, Staff is also recommending any outstanding or re-issue checks from previous years be credited back to the customer's SunPass account.

Ms. Schafer informed that registered customers will be notified by email of their SunPass credit. The FDRP is a component of MDX's customer value initiative that promotes ongoing equitable tolling and lowers the customer's effective toll rates. FY 22 FDRP rebate is approximately \$2.1 million and included in FY 22 Budget. Ms. Schafer entertained questions from Members and further.

Vice Chairman Moss moved to approve the FY 2022 FDRP rebate. Board Member Cueto seconded the motion. The motion was unanimously approved.

- Temporary Frequent Driver Discount Program – Sponsored By Chairman Diaz

Ms. Schafer presented part two of the item which is the Temporary Frequency Driver Discount Program sponsored by Chairman Diaz.

Ms. Schafer gave a short history of the four MDX rewards program currently in place which were intended to benefit the frequent users and the daily commuters. MDX has paid out over \$25 million to the customers since inception in 2015.

In addition, there is the Multi Axle Vehicle Program that is intended to benefit commerce, a very unique program, MDX is the only agency that caps the toll rates for the trucking industry with an enormous benefit because the cab is charged the toll rate, and the trailers are free of charge. This program has saved the trucking industry over \$51 million since inception in 2015.

The military discount program which is a more recent program provides active military a discount on toll rates of 15%.

The free SunPass mini transponder program. MDX goes out to the community and gives out free SunPass transponders to customers. Depending upon budget availability, there is a \$10 credit on the transponder to assist in the registration process.

The Temporary Discount Program is a monthly program that does not require registration. The temporary discount program is not based on dollar amounts it's based on transactions. If a customer occurs 40 transactions during the month on each transponder will qualify for the temporary program with a 20% SunPass discount credited back to the customer account during the subsequent month. The temporary discount program will be retroactive to October 1, 2022 and run through February 2023.

Ms. Schafer further explained the financial impact of the Temporary Discount Program. Staff looked at different data sets, and on average, the monthly costs is approximately \$1.4 million or total \$7 million dollars for the five month period

Ms. Schafer referred to agenda item II. K "Sale of SR 112 Surplus Parcels" that's afforded MDX a one-time income stream of \$10 million dollars that will be utilized towards the temporary discount program.

Any program that is beyond the five month period, Staff's recommendation is to reevaluate the financial forecast to look at the financial strategy to make sure any permanent program would have

on an overall impact. Ms. Schafer informed Member that overall, the temporary discount program is financially feasible.

Treasurer Weinberg moved to approve the Temporary Frequency Driver Discount Program. Vice Chairman Moss seconded the item. He item was unanimously approved.

- B) MDX Procurement/Contract No.: ITB-23-10; Purchase of Aesthetic Lighting for the SR 836/SR 826 Interchange (Engineers Estimate \$400,000) (SB 0% / LB 0%)
- Approval to Advertise

Mr. Zaldivar read the agenda item on the record.

Mr. Toledo presented the item and explained the existing system is not currently operating due to damages caused by lightning strikes and power surges within the area of the interchange. Staff conducted a field assessment of the damages and participated in demos of similar products with different vendors. The new system will be procured using technical specifications for proper functionality. The technical specifications will include compliance with the photometric criteria for proper illumination of the bridge components, remotely programmable controller features, connection to the MDX fiber backbone, real-time failure notification.

The procurement process will also include an onsite demo by the successful bidder prior to installation and requirements for a minimum of five (5) years for the warranty of the system.

Once acquired by the Agency, the new system will be installed by MDX's Roadway Lighting Contractor. The funds for the work have been identified in the MDX Operations Budget for FY 2023.

Vice Chairman Moss moved to approve the advertisement of an Invitation to Bid for the purchase of an Aesthetics Lighting System for SR 836/SR 826 Interchange. Board Member Smith Fano seconded the motion the motion was unanimously approved.

[The Aesthetics Lighting presentation is filed with the Board Secretary]

- C) MDX Procurement/Contract Nos.: RFP-23-02 (A & B); General Engineering Consultant Services – (GEC-A) and (GEC-B) (not to exceed \$50 million per contract) (SB 15% / LB 15%)
- Approval to Advertise (GEC-A) and (GEC-B) Requests for Proposals

Mr. Zaldivar read the agenda item on the record.

Mr. Toledo introduced the item and explained staff is requesting Board approval to advertise a Request for Proposal (RFP) soliciting qualified firms to provide General Engineering Consulting (GEC) services for Work Program/Production and Construction Management services as detailed in the Scope of Services.

Staff is recommending that this procurement follow the evaluation process as described to select the top two (2) consultants for the GEC contracts. Board Member Monestime was appointed as the Oversight TEC Board Member

Vice Chairman Moss moved to approve the advertisement of RFP-23-02 (A & B) for General Engineering Consultant Service. Board Member Cueto seconded the motion. The motion was unanimously approved.

D) MDX Procurement/Contract No.: ITB-23-04; Personnel Services Contract (\$105,000 FY 23)
(SB 10% / LB 10%)

- Approval to Advertise

Mr. Zaldivar read the agenda item on the record.

Board Member Monestime moved to approve the advertisement of ITB 23-04, Personnel Service Contract. Vice Chairman Moss seconded the motion. The motion was unanimously approved.

E) MDX Procurement/Contract No.: ITB-22-09; Systemwide Drainage Inspection and Maintenance (\$1,302,821.00) (SB 10% / LB 0%)

- Approval of Contract Award

Mr. Zaldivar read the agenda item on the record.

Vice Chairman Moss moved to approve the Contract Award to the lowest responsible bidder Flotech Environmental, LLC, for Systemwide Drainage Inspection and Maintenance. Board member Cueto seconded the motion. The motion was unanimously approved.

F) MDX Procurement/Contract No.: ITB-23-01; Construction Services for the MDX Headquarters Roof Replacement (\$475,056.50) (SB 0% / LB 0%)

- Approval of Contract Award

Mr. Zaldivar read the agenda item on the record.

Board Member Smith Fano moved to approve the contract award to the lowest responsible bidder, Fullcover Roofing Systems, Inc. Treasurer Weinberg seconded the motion. The motion was unanimously approved.

G) MDX Procurement/Contract No.: ITB-23-02; Systemwide Guardrail and Fencing Maintenance (\$4,209,341.00) (SB 10% / LB 0%)

- Approval to deem bidder non-responsive and to reject the bid
- Approval of Contract Award

Mr. Zaldivar read the agenda item on the record.

Mr. Toledo introduced the item and explained that the item was re-advertised due to the pool of bidders that submitted last time did not have the State prequalification that were required.

On August 30, 2022, three (3) Bid Packages were received in response to the ITB from the following Bidders:

- APP&C Services, Inc.
- Guaranteed Fence, Corp.
- Southeast Highway Guardrail & Attenuators, LLC

The Engineer's Estimate for this Contract is \$5,435,395.00. A bid analysis was performed by the

GEC for all Bidders. The analysis showed that APP&C Services, Inc. is the lowest Bidder, their Bid is approximately 47% below the Engineer's Estimate. The significant discrepancy in this particular pay item would create an unbalanced bid.

Staff recommends deeming the Bid from APP&C Services, Inc. unbalanced and non-responsive and to reject the bid and awarding the Contract to the lowest Responsive and Responsible Bidder, Southeast Highway Guardrail & Attenuators, LLC.

Ms. Buitrago, MDX Procurement Manager, stated that the solicitation document states if a bid is unbalanced more than 20% they are deemed non-responsive.

The item was thoroughly discussed.

Treasurer Weinberg moved to deem the Bid from APP&C Services, Inc. non-responsive and reject the bid and award the contract to the lowest responsive and responsible bidder, Southeast Highway Guardrail & Attenuators, LLC. Vice Chairman Moss seconded the motion. The motion was unanimously approved.

H) MDX Procurement/Contract No.: ITB-23-03; Systemwide Power Generators Maintenance (\$1,000,000.00) (SB 0% / LB 0%)

- Approval of Contract Award

Mr. Zaldivar read the agenda item on the record.

Treasurer Weinberg moved to approve contract award to the lowest responsive and responsible bidder, TAW Power Systems, Inc. Vice Chairman Moss seconded the motion. The motion was unanimously approved.

I) MDX Procurement/Contract No.: RFP-15-02; MDX Work Program No. 87410.030 Design-Build Services for the SR 874 Ramp Connector to SW 128th Street (\$6,000,000) (SB 15% / LB 15%)

- Approval of Supplemental Agreement No. 10

Mr. Zaldivar read the agenda item on the record.

Vice Chairman Moss moved to approve Supplemental Agreement No. 10 of the Design Build Contract with the DeMoya Group. Board Member Cueto seconded the motion. The motion was unanimously approved.

J) Procurement/Contract No.: RFP-16-01; Inspection & Reporting Services for MDX Structures (Not-to-Exceed \$650,000 per Contract) (SB 15% / LB 15%)

- Approval of Contract RFP-16-01 (A) TranSystems Corporation Consultants Renewal for two (2) Years
- Approval of Contract RFP-16-01 (B) Marlin Engineering, Inc. Renewal for two (2) Years

Mr. Zaldivar read the agenda item on the record.

Board Member Smith Fano moved to approve Supplemental No. 2 to RFP 16-01 (A) and 16-01 (B) for a two year contract renewal. Treasurer Weinberg seconded the motion, the motion was unanimously approved.

K) Sale of SR 112 Surplus Parcels (\$10,157,800 Revenue)

- Approval to Sell Surplus Parcels 169A and 169 B to Miami-Dade County Aviation Department

Mr. Zaldivar read the agenda item on the record.

Treasurer Weinberg moved the approval to Sell Surplus Parcels 169A and 169 B to Miami-Dade County Aviation Department. Board Member Cueto seconded the motion. The motion was unanimously approved.

APPROVAL OF SUMMARY MINUTES

- Board Meeting of July 22, 2022

Board Member Smith Fano moved to approve the July 22, 2022 Summary Minutes. Board Member Cueto seconded the motion. The motion was unanimously approved.

DISCUSSION ITEM

A) Frequent Driver Rewards Program – Sponsored By Chairman Diaz

The Discussion Item was moved to Action Item **II. A.2**

INFORMATIONAL ITEMS

A) Procurement Report

Treasurer Weinberg moved to accept the procurement report. Board Member Monestime seconded the motion. The report was unanimously accepted.

REPORTS

A) Treasurer's Report

Treasurer Weinberg reported for the three month period, above forecast by approximately \$4.3 million, traffic also came in higher at 17% above the forecast. She stated its perfect timing with some of the changes to the rewards program, which we're anticipating will be very hefty and a great thing for the community. So we continue to be very, very strong as an Agency. Treasurer Weinberg further stated that she is very proud to be serving as MDX's Treasurer at a time like this.

EXECUTIVE DIRECTORS REPORT

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

- MDX's Fitch Credit rating was BBB+ affirm but received an upgrade to stable outlook from

negative.

- Conference of Minority Transportation Officials - COMTO – Air, Land and Sea Partners in Transportation Business Engagement Symposium on October 12 at Port Miami.
- The Cuban American Association of Civil Engineers has awarded MDX Project of the Year Award for SR 874 project 87410, which is our ramp to South was 128 Street.
- Summit/Workshop – update – evaluation of the procurement policy, aesthetics manual update. Looking to schedule in January 2022
- Introduced Brittany Perets, Senior Development Manager for the American Cancer Society. Executive Director Fernandez was the Chairwoman of the American Cancer Society's Making Strides for Cancer Miami.

Ms. Perets thanked Ms. Fernandez for the Making Strides Campaign initiatives with MDX and the awareness going pink.

GENERAL COUNSEL REPORT – Request for Attorney Client Privileged Meeting – Shade Meeting – Regarding MDX v. K&B Investment Corp (Eminent Domain Matter)

Mr. Zaldivar informed Member that Pursuant to the Sunshine Act, he's requesting a shade meeting. Florida Statutes state that the Attorney for an Agency needs to advise the Board that they desire advice regarding pending litigation pursuant to the statute and therefore announcing that he required advice regarding the case of *MDX vs KB Investment Corp*. The meeting will play take place during the next board meeting, which is scheduled for 12/2. The individuals that can be present are the attorney for the agency, which is myself, a court reporter whose name has not been determined outside counsel, which would be Mitch Bernstein, and Darlene Fernandez as the executive director and all board members present for the meeting.

ANNOUNCEMENTS

- Board Meeting, 12/2/2022, 9:00 AM, William M. Lehman MDX Building - Board Room

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