

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

MINUTES
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
BOARD MEETING
October 8, 2020

Location: Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Board Room

A. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Vice Chairman Dyer.

Vice Chairman Dyer announced that he is sitting in for Chairman Carey since she had to be out of town today.

Board Members Present:

Mayor Buddy Dyer, City of Orlando (Vice Chairman)
Commissioner Betsy VanderLey, Orange County (Treasurer)
Commissioner Brandon Arrington, Osceola County
Mayor Jerry Demings, Orange County
Andria Herr, Gubernatorial Appointment
Jay Madara, Gubernatorial Appointment
Commissioner Sean Parks, Lake County
Commissioner Curt Smith, Brevard County

Board Member Not Present:

Commissioner Brenda Carey, Seminole County (Chairman)

Staff Present at Dais:

Laura Kelley, Executive Director
Diego "Woody" Rodriguez, General Counsel
Mimi Lamaute, Recording Secretary

Non-Voting Advisor Not Present:

Nicola Liquori, Executive Director, Florida's Turnpike Enterprise

B. PUBLIC COMMENT

Verbal Comment

Vice Chairman Dyer explained CFX public comment procedures require that citizens requesting to provide public comment before the Board, submit public comment 5 minutes before the meeting starts.

There were no public comments.

Written Comment

Vice Chairman Dyer explained members of the public can also submit written comments on items of interest in advance of each Board meeting. The form to submit written public comment is located on CFX's website at CFXWay.com. Written comments should be sent 48 hours prior to the meeting.

There were no public comments.

C. APPROVAL OF SEPTEMBER 10, 2020 BOARD MEETING MINUTES

This item will be presented for approval at the November 12, 2020 Board Meeting.

(No Board action was taken.)

D. APPROVAL OF CONSENT AGENDA

The Consent Agenda was presented for approval.

ADMINISTRATIVE SERVICES

1. Approval of Fourth Contract Renewal with Rubin, Turnbull & Associates, Inc. for Advocacy and Consultant Services, Contract No. 001382 (Agreement Value: \$90,000.00)

CONSTRUCTION

2. Approval of Construction Contract Modifications on the following projects:
 - a. Project 599-524 Precision Contracting Services, Inc. (\$ 127,805.18)
 - b. Project 417-134 Hubbard Construction Co. \$ 360,578.11
 - c. Project 429-316A Jr. Davis Construction Co., Inc. (\$ 148,202.21)
3. Approval of Contract Award to KCCS, Inc. for Construction Engineering and Inspection Services for SR 417 Widening from Narcoossee Road to SR 528, Project No. 417-150, Contract No. 001637 (Agreement Value: \$7,500,000.00)
4. Approval of Contract Award to Greenfield Diversified, LLC d/b/a Consulex for Systemwide Coatings Consultant, Contract No. 001706 (Agreement Value: not-to-exceed \$1,500,000.00)

ENGINEERING

5. Approval of Supplemental Agreement No. 4 with TLP Engineering Consultants, Inc. for SR 417 Widening from International Drive to John Young Parkway – Post Design Services, Project No. 417-141, Contract No. 001312 (Agreement Value: not-to-exceed \$667,145.60)
6. Approval of Supplemental Agreement No. 4 with RS&H, Inc. for SR 417 Widening from John Young Parkway to Landstar Boulevard, Project No. 417-142, Contract No. 001313 (Agreement Value: not-to-exceed \$92,161.96)
7. Approval of Contract Award to DRMP, Inc. for Design Services for SR 516 Lake/Orange Expressway – Segment 3, Project No. 516-238, Contract No. 001671 (Agreement Value: \$9,200,000.00)
8. Approval of Contract Award to Southern Development & Construction, Inc. for SR 417 Pond Modifications North of Berry Dease Road & SR 528 and SR 417 Guardrail Upgrades, Project Nos. 417-162 & 528-166, Contract No. 001725 (Agreement Value: \$1,047,740.00)

FINANCE

9. Approval of Second Contract Renewal with Moore Stephens Lovelace P.A. for External Auditing Services, Contract No. 001241 (Agreement Value: \$81,900.00)

MAINTENANCE

10. Approval of First Contract Renewal with Infrastructure Corporation of America for Facilities Maintenance Services, Contract No. 001150 (Agreement Value: \$2,207,407.21)
11. Approval of Turtle Infrastructure Partners LLC as a Subcontractor for Infrastructure Corporation of America for SR 429/SR 414 Roadway and Bridge Maintenance Services, Contract No. 001152
12. Approval of Volkert, Inc. as a Subconsultant for Kisinger Campo & Associates, Corporation for Systemwide Bridge Inspection Services, Contract No. 001527
13. Approval of Second Contract Renewal with Chapco Fence LLC for Fence Repair Services along the Poinciana Parkway, Contract No. 001556 (Agreement Value: \$30,000.00)

TECHNOLOGY/TOLL OPERATIONS

14. Approval of Purchase Order to SHI International Corp. for Microsoft Dynamics and Power BI Licenses (Agreement Value: not-to-exceed \$440,300.94)
15. Approval of Purchase Order to SHI International Corp. for Checkmarx Licenses (Agreement Value: not-to-exceed \$64,243.62)

16. Approval of First Contract Renewal with Cygilant, Inc. for Security Monitoring Services, Contract No. 001626 (Agreement Value: \$73,948.50)

TRAFFIC OPERATIONS

17. Approval of RS&H, Inc. as a Subconsultant for AECOM Technical Services, Inc. for General Systems Consultant Services, Contract No. 001215

Consent Agenda Items #6 and #7 were pulled for a separate vote. Commissioner VanderLey abstained from voting on these items due to a CFX Code of Ethics conflict of interest with DRMP, Inc. (Form 8B, Memorandum of Voting Conflict Form is attached as **Exhibit "A"**).

A motion was made by Commissioner VanderLey and seconded by Ms. Herr to approve the Consent Agenda except for items #6 and #7. The motion carried unanimously with all eight (8) board members in attendance voting AYE by voice vote. Commissioner Carey was not present.

A motion was made by Mr. Madara and seconded by Commissioner Arrington to approve Consent Agenda items #6 and #7. The motion carried unanimously with seven (7) members present voting AYE by voice vote. Commissioner VanderLey abstained from voting. Commissioner Carey was not present.

E. REPORTS

1. CHAIRMAN'S REPORT

Vice Chairman Dyer announced the following:

- In recent months, CFX was recognized and received five awards for excellence. Encompassing financial reporting, project design and construction - including the 2020 Best in Construction Award for the recently completed SR 408/417 interchange.
- The next CFX Board meeting is on November 12, 2020.

2. TREASURER'S REPORT

Commissioner VanderLey reported that as of August toll revenues year-to-date were \$70,127,965, which is 59.7% over projections and 17.1% under prior year.

Total Operations, Maintenance and Administration expenses were \$7,549,708 million year-to-date, which is 9.5% under budget.

3. EXECUTIVE DIRECTOR'S REPORT

Ms. Kelley provided the Executive Director's Report in written form.

In addition, Ms. Kelley expanded on the following:

- Details of the September 25 technical tour for Orange County Public School representatives, facilitated by CFX staff;
- Chief Financial Officer, Lisa Lumbard and her team, were awarded the Certificate of Achievement for Excellence in Financial Recording for the 15th consecutive year; and
- Director of Engineering, Will Hawthorne, was named as one of Orlando's "40 under 40 Honoree" by the Orlando Business Journal.

F. REGULAR AGENDA ITEMS

1. MONTHLY COVID-19 FINANCIAL ASSESSMENT

Lisa Lumbard, Chief Financial Officer, explained how CFX's revenue and expenses are tracking as a result of COVID-19, because of the real time information provided some of the amounts are estimates and not the final numbers. She detailed the following: revenue variance over prior year; COVID impact by month; CFX strengths; construction projects approved to be paid out of the construction fund as of October 2020. Ms. Lumbard explained that the Poinciana Parkway Widening Project was the only project added since the September board meeting. She detailed the estimated budget vs actual as of the end of September 2020.

Ms. Lumbard noted that she continues to approve all construction projects prior to the procurement process to ensure sufficient funds are available to complete construction projects before they begin.

(This item was presented for informational purposes. No Board action was taken.)

2. POINCIANA PARKWAY WIDENING DESIGN/BUILD PROJECT

Will Hawthorne, Director of Engineering, provided the history of the Poinciana Parkway and corridor features. He described the process for the contractor/designer selection and cited the bids received.

The Board asked questions which were answered by Mr. Hawthorne.

Commissioner VanderLey abstained from voting on this item due to a CFX Code of Ethics conflict of interest with DRMP, Inc. (Form 8B, Memorandum of Voting Conflict Form is attached as **Exhibit "A"**).

A motion was made by Commissioner Arrington and seconded by Mayor Demings for award of the contract to The Lane Construction Corporation for design/build services for the SR 538 Poinciana Parkway Widening from Ronald Reagan Parkway to Cypress Parkway in the amount of \$92,628,420.00. The motion carried unanimously with seven (7) members present voting AYE by voice vote. Commissioner VanderLey abstained from voting. Commissioner Carey was not present.

3. MAINTENANCE UPDATE

Don Budnovich, Director of Maintenance, provided an update and overview of the CFX Maintenance program which includes 24/7 operation, roadway and bridge asset maintenance, landscape maintenance, facilities maintenance and miscellaneous asset maintenance.

(This item was presented for informational purposes. No Board action was taken.)

4. SUPPLIER DIVERSITY PROGRAM UPDATE

Iranetta Dennis, Director of Supplier Diversity, provided an update on the CFX Supplier Diversity program. She described the three programs promoted, who participates, FY 19 & 20 Disadvantaged/Minority/Women Business Enterprise contract awards, community partners, community engagement and ongoing initiatives.

The board asked questions which were answered by Ms. Dennis.

(This item was presented for informational purposes. No Board action was taken.)

G. BOARD MEMBER COMMENT

There was no board member comment.

H. ADJOURNMENT

Vice Chairman Dyer adjourned the meeting at 9:42 a.m.



Mayor Buddy Dyer
Vice Chairman
Central Florida Expressway Authority



Mimi Lamaute
Recording Secretary
Central Florida Expressway Authority

Minutes approved on Nov. 12., 2020.

Pursuant to the Florida Public Records Law and the CFX Records & Information Management Program Policy, audiotapes of all Board and applicable Committee meetings are maintained and available upon request to the Custodian of Public Records at (407) 690-5326, PublicRecords@CFXway.com, or 4974 ORL Tower Road, Orlando, FL 32807. Additionally, videotapes of Board meetings are available at the CFX website, www.CFXway.com.

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, Betsy Kay VanderLey, hereby disclose that on October 8, 2020:

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

- 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 DRMP, INC., by whom I was retained, by _____, or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling 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:

At the October 8, 2020 Board Meeting of the Central Florida Expressway Authority (CFX) there are three items related to an entity named DRMP, Inc. which is a potential conflict of interest for me based on the CFX Code of Ethics. A Limited Liability Corporation which I manage had been providing business development services to DRMP, Inc., until recently. While the provisions in Chapter 112, Florida Statutes, regarding abstention from voting on actual conflicts, no longer apply because there is no current business relationship, CFX has adopted a Code of Ethics which requires that a Board Member disclose and abstain from a vote that "will benefit any person with whom the Board Member knowingly was a business associate in the previous two-year period." As such I am abstaining from the following items:

Item F2 is on the Regular Agenda in which the Board is to award a contract to the Lane Construction Corporation for design/build services for the SR 538 Poinciana Parkway Widening in the amount of \$92,628,420.00. DRMP, Inc., has been named as a sub-consultant partner in the proposed low bid.

Item 6 on the Consent Agenda is for the Approval of a Supplemental Agreement No. 4 with RS&H, Inc. for SR 417 Widening Project No. 417-142, Contract No. 001313 (Agreement Value: not-to-exceed \$92,161.96). DRMP, Inc., has been included as a sub-consultant.

Item 7 on the Consent Agenda is for the Approval of a Contract Award to DRMP, Inc. for Design Services for SR 516 Lake/Orange Expressway - Segment 3, Project No. 516-238, Contract No. 001671 (Agreement Value: \$9,200,000.00).

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

10/8/2020

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.