



AGENDA

Metro Transportation Engineering
& Construction Cooperative (MTECC)
Thursday, February 9, 2023, 11:00 a.m.
**100 West Cypress Creek Road,
6th Floor, Suite 650
Fort Lauderdale, FL 33309-2181**

REGULAR ITEMS

(All Items Open for Public Comment)

1. Call to Order
2. Approval of Agenda
3. Approval of Draft Minutes: December 8, 2022 MTECC Board Meeting.

ACTION ITEMS

1. **MOTION TO APPROVE:** Designation of MTECC Chair.
2. **MOTION TO APPROVE:** A Resolution of the Board of the Metro Transportation Engineering and Construction Cooperative (MTECC) adopting certain policies and procedures for the operation of MTECC and project implementation.
 - A. Budget Process
 - B. Payment Process
 - C. Multi-Year Project Plan
 - D. Professional Services Procurement
 - E. Prequalification Process
 - F. Project Oversight
 - G. Project Manager – Professional Services
 - H. Construction Engineering and Inspection (CEI)
 - I. Standards
 - J. Public Involvement
 - K. Annual Financial Report and Audit

NON-ACTION ITEMS

1. Local Agency Project (LAP) Program Administered by the Florida Department of Transportation (FDOT)
2. Draft List of Proposed MTECC Projects

3. MTECC Approach to Technical Services
4. Executive Director's Report
5. General Counsel's Report
6. Board Comments

NEXT MEETING: MARCH 9, 2023

***MOTION TO ADJOURN**

* Motion Requested

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Carl Ema, Title VI Coordinator at (954) 876-0033/0052 or emac@browardmpo.org (or via Florida Relay at 711) at least seven days prior to the meeting.

For complaints, questions or concerns about civil rights or non-discrimination please contact: Carl Ema, Title VI Coordinator at the numbers or e-mail above.



Regular Items 3.

Metro Trans Engineering & Construction Cooperative (MTECC)

Meeting Date: 02/09/2023

REQUESTED ACTION:

Approval of Draft Minutes: December 8, 2022 MTECC Board Meeting.

SUMMARY EXPLANATION/BACKGROUND:

ADDITIONAL INFORMATION/PREPARER:

Attachments

December Draft Minutes

DRAFT
MEETING MINUTES
METRO TRANSPORTATION ENGINEERING AND
CONSTRUCTION COOPERATIVE (MTECC)
100 WEST CYPRESS CREEK ROAD
6TH FLOOR, SUITE 650
FORT LAUDERDALE, FLORIDA 33309-2181
THURSDAY, DECEMBER 8, 2022, 11:00 A.M.

Members

Vice Chair Andrea McGee, Vice Mayor of Pompano Beach
Louis Reinstein, Councilmember of Plantation (via Zoom)
Caryl Shuham, Commissioner of Hollywood

Staff / Also Present

Lowell Clary, MTECC Executive Director
Matthew Pearl, MTECC Legal Counsel
Chris Bross, Staff
Bill Cross, Staff

REGULAR ITEMS

1. Call to Order

The meeting was called to order at 11:00 a.m.

2. Approval of Minutes – October 13, 2022

It was noted that the presence of two or more Cooperative members would constitute a quorum.

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve. In a voice vote, the **motion** passed unanimously.

3. Approval of Agenda

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve. In a voice vote, the **motion** passed unanimously.

ACTION ITEMS

- 1. MOTION TO APPROVE: A Resolution of the Board of the Metro Transportation Engineering and Construction Cooperative (MTECC), approving an Agreement with Wells Fargo Bank, N.A. for Treasury**

Management Services, designating authorized signatories, providing for implementation, providing for conflict, and an effective date.

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve.

MTECC Executive Director Lowell Clary explained that this Item establishes the Cooperative's bank and provides for the Executive Director, Chair, and Vice Chair as signatories.

In a voice vote, the **motion** passed unanimously.

- 2. MOTION TO APPROVE: The acquisition of MTECC General Liability and Public Officials Insurance and delegation to the Chair to approve the expenditure for obtaining the quoted policies.**

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve.

Mr. Clary advised that MTECC has applied for insurance, which is in process. The insurance will cover elected officials and general liability.

In a voice vote, the **motion** passed unanimously.

- 3. MOTION TO APPROVE: A Resolution of the Board of the Metro Transportation Engineering and Construction Cooperative (MTECC), adopting the Operating Budget for the 2022-2023 Fiscal Year, providing for implementation and an effective date.**

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve.

Mr. Clary recalled that MTECC's budget was presented at the first meeting. It includes funds contributed by member cities. There may be changes as other member cities join the Cooperative.

In a voice vote, the **motion** passed unanimously.

- 4. MOTION TO APPROVE: MTECC Policies**
 - A. Policy on Public Meetings**
 - B. Policy on Ethics**
 - C. Policy on Integrity in Procurement**
 - D. Policy on Lobbying**
 - E. Policy on Public Records**
 - F. Policy on Public Involvement**
 - G. Policy on Title VI / Non-Discrimination Program**
 - H. Policy on Equal Employment Opportunity**
 - I. Policy on Disadvantaged Business Enterprise (DBE) Utilization**

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve.

Mr. Clary stated that these policies were developed using multiple sources, including the Florida Department of Transportation (FDOT) as well as Broward County's Ethics Ordinance.

In a voice vote, the **motion** passed unanimously.

5. MOTION TO APPROVE: The Proposed 2023 MTECC Board Meeting Calendar

Mr. Clary noted that the MTECC meeting calendar is consistent with the MPO Board's meeting calendar. MTECC meetings will immediately follow Board meetings. The next MTECC meeting will be in February 2023.

Motion made by Commissioner Shuham, seconded by Vice Chair McGee, to approve. In a voice vote, the **motion** passed unanimously.

DISCUSSION ITEMS

1. Staff will be presenting for discussion a draft list of proposed MTECC projects.

Mr. Clary advised that the February 2023 meeting will include review of procurement procedures. The Cooperative will need to identify a program manager to oversee procurement documents and manage contracts. Mr. Cross noted that higher-level presentations on procurement and other issues will be presented at the next meeting.

Commissioner Shuham asked how cities will enter into agreements with one another and how costs would be reimbursed. Mr. Clary replied that there will be two agreements: one inter-local agreement between a city and MTECC, as well as individual agreements for each project. It has not yet been determined whether FDOT will contract directly with MTECC or if a tri-party agreement between MTECC, FDOT, and each city will be the best way to proceed.

Mr. Cross showed a presentation on proposed MTECC projects, explaining that these projects were selected from FDOT's Draft Tentative Work Program. The selected projects are typically funded with MPO-attributable dollars. The intent of MTECC is to work on smaller federally funded projects. The list will be presented again in February 2023, as more work must be done with FDOT to finalize these projects.

Mr. Cross recalled that two years ago, FDOT chose to no longer deliver projects on behalf of the MPO's member municipalities beginning in state fiscal year (FY) 2024, which runs from July 1, 2023 through June 30, 2024. For this reason, projects with a date of 2024 or later are good candidates for MTECC. In some cases, FDOT has agreed to build certain projects in 2024, as they have already completed design work on these projects. Projects

identified in the Work Program as Local Agency Program (LAP) projects are also candidates for MTECC. The goal is to have consultant resources in place prior to July 1, 2023.

Mr. Reinstein requested clarification that MTECC's candidate projects will already have been selected for inclusion in the Work Program. Mr. Cross confirmed that this will typically be the case, pointing out that by the time it reaches the design/build phase, a project will have gone through an MPO process, such as the Complete Streets and Other Localized Initiatives Program (CSLIP) or another competitive award program. The MPO also assists federally funded projects and makes decisions about the use of federal funds.

Mr. Cross advised that he would provide the members with a link to the Broward MPO's web page, which will include the MPO Board-adopted priority list that is submitted to FDOT each year. FDOT funds as many projects from this list as possible until all funds have been committed.

Vice Chair McGee requested additional information on a program that might cross municipal boundaries, such as a sidewalk resurfacing program that could use the same contractor at multiple locations. Mr. Clary replied that in this case, MTECC would hire multiple contractors and have them provide quick proposals as projects are identified. These are typically called "push-button" projects and are ready to go on short notice. This helps avoid the procurement process for multiple small projects.

There being no further business to come before the Cooperative at this time, the meeting was adjourned at 11:29 a.m.

NEXT MEETING DATE: February 9, 2023



Action Items 1.

Metro Trans Engineering & Construction Cooperative (MTECC)

Meeting Date: 02/09/2023

REQUESTED ACTION:

MOTION TO APPROVE: Designation of MTECC Chair.

WHAT THIS ACTION ACCOMPLISHES:

Approval of this item will designate the Chair position of the Metro Transportation Engineering and Construction Cooperative (MTECC).

SUMMARY EXPLANATION/BACKGROUND:

MTECC was created pursuant to Chapter 163.01 Fla. Stat. by Interlocal Agreement on May 31, 2022, as recorded with the Clerk of the Court for Broward County, Florida. A key element of MTECC is that it is a self-governing Board, self-funded by its members. The Chair position is currently vacant. At the February 9, 2023 meeting of the MTECC Board, the members are requested to designate the Chair for MTECC.

ADDITIONAL INFORMATION/PREPARER:

If you have any questions about this item, please contact Matthew Pearl at 954) 763-4242 or mpearl@wsh-law.com.



Metro Trans Engineering & Construction Cooperative (MTECC)

Meeting Date: 02/09/2023

REQUESTED ACTION:

MOTION TO APPROVE: A Resolution of the Board of the Metro Transportation Engineering and Construction Cooperative (MTECC) adopting certain policies and procedures for the operation of MTECC and project implementation.

- A. Budget Process
- B. Payment Process
- C. Multi-Year Project Plan
- D. Professional Services Procurement
- E. Prequalification Process
- F. Project Oversight
- G. Project Manager – Professional Services
- H. Construction Engineering and Inspection (CEI)
- I. Standards
- J. Public Involvement
- K. Annual Financial Report and Audit

WHAT THIS ACTION ACCOMPLISHES:

Approval of this item will establish MTECC Board procedures for the organization that will address the major operational areas of

- Budget Development
- Paying Bills
- Project Plan
- Procurement (professional services)
- Project Management
- Engineering Standards
- Financial Report and Audit

SUMMARY EXPLANATION/BACKGROUND:

As part of MTECC start-up operations, MTECC staff has prepared certain MTECC Board procedures that are attached to this item, for the Board to approve. These procedures were developed using established procedures and standards from the following sources:

- Budget Process – MTECC Member processes and Florida Statutes
- Payment Process – Florida Statutes for municipal entities.
- Project Plan – Consistent with MPO and FDOT processes
- Professional Services Procurement and Prequalification Process – FDOT rules, procedures and Florida Statutes
- Project Oversight, Project Manager – Professional Services and CEI – Primarily from FDOT procedures and processes

- Standards – FDOT standards
- Public Involvement – MPO processes
- Annual Financial Report and Audit – MTECC Member processes and Florida Statutes

MTECC STAFF RECOMMENDATION(S):

Staff recommends *approval* of this item.

ADDITIONAL INFORMATION/PREPARER:

If you have any questions about this item, please contact Lowell Clary at (850) 212-7772 or lowell.clary@claryconsulting.com

Attachments

Board Resolution 2023-01 MTECC Policies and Procedures
MTECC Budget Procedure
Payment Process Procedure
Multi-year Project Plan Procedure
Professional Services Procurement Procedure
Prequalification Procedure
Project Oversight Procedure
Project Manager - Professional Services Procedure
Construction Engineering and Inspection (CEI) Procedure
Standards Procedure
Public Involvement Procedure
Annual Financial Report and Audit

RESOLUTION NO. 2023-01

**A RESOLUTION OF BOAD OF THE METRO TRANSPORTATION
ENGINEERING AND CONSTRUCTION COOPERATIVE (“MTECC”)
ADOPTING CERTAIN POLICIES AND PROCEDURES FOR THE
OPERATION OF MTECC AND PROJECT IMPLEMENTATION;
PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

WHEREAS, MTECC was established for the purpose of administering both Federal Aid Projects and transportation projects completed without the use of federal funding; and

WHEREAS, as it is anticipated that MTECC will be implementing Federal Aid Projects, it is vital that MTECC operate in accordance with the regulations governing the implementation of Federal Aid Projects; and

WHEREAS, MTECC staff has developed the policies and procedures for the operation of MTECC in conformance with the regulations governing Federal Aid Projects, attached hereto as Exhibit A (collectively, the “Policies”); and

WHEREAS, the Board desires to adopt the Policies.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD METRO TRANSPORTATION ENGINEERING
AND CONSTRUCTION COOPERATIVE, AS FOLLOWS:**

Section 1. RECITALS ADOPTED.

That each of the above stated recitals is hereby adopted and confirmed.

Section 2. POLICIES ADOPTED.

That the Board hereby adopts the Policies in substantially the form attached hereto as Exhibit
A.

Section 3. IMPLEMENTATION.

That the Executive Director is hereby authorized to take any and all actions necessary to implement the purposes of this Resolution and the Policies. The Board further authorizes the Executive Director to amend the Policies as he may deem necessary to comply with regulations governing project implementation or to maximize MTECC's operational efficiency.

Section 4. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this _____ day of _____, 2023.

METRO TRANSPORTATION ENGINEERING AND
CONSTRUCTION COOPERATIVE

By _____
Chair

Attest:

By _____
Lowell Clary, Executive Director



MTECC Procedure 8.10.10

Approved: _____
Interim Executive Director

BUDGET DEVELOPMENT PROCEDURE

Introduction

The Metro Transportation Engineering and Construction Cooperative (MTECC) has a responsibility to appropriately plan for and strategically manage the funding provided by the members of the cooperative as well as any federal, state, and local funds. The annual budget and multi-year capital plan are effectively a plan of activities consistent with the strategic plans of the members and the resources required to achieve those goals.

Budgeting is a means of understanding the resources required for the MTECC to provide services necessary to provide for the administrative services and support the projects being delivered by MTECC on behalf of its members. At the top of the budget hierarchy, there are two major kinds of budgets, an operating budget, and a capital budget. Capital and operating budgets are developed through different processes and have different criteria for prioritizing and deciding spending needs, but they greatly affect one another. A carefully crafted budget is a powerful management tool that can help:

- Establish a sound fiscal framework for proper monitoring
- Create accountability and ensure transparency of the planned use of public funds
- Assist in prioritizing programs and service levels based on funding availability

Authority

- Chapter 163 Interlocal Agency Agreement
- Section 166.241, Florida Statutes

Budget Development Process - Operating

Preparing an operating budget gives the MTECC the ability to effectively manage its resources to ensure the proper mix of costs and services as well as the most effective and efficient use of its dollars. The annual operating budget will include the following key components:

Estimated Revenues:

- Carryover from the current year/prior years
- MTECC member contributions and annual dues.
- Other support
- Grant revenue supporting in-house and ongoing contracted resources that are project specific



MTECC Procedure 8.10.10

Prior Year Information:

- Calculating the end-of-year projection is critical to track the MTECC's end-of-year financial condition when making decisions for the upcoming fiscal year.

Forecasted Expenditures:

- Staff identified by FTE and table of organization
- Staff salaries, benefits and related expenses
- Travel
- Training
- Supplies
- Legal support
- Finance and Accounting
- Annual Financial Report and Audit
- Procurement
- Contract Management
- Insurance
- Office Rent
- General Engineering Support
- Other requirements

The end-of-year projections, together with the membership contributions/annual fees, are the major components from which MTECC develops the Proposed Budget. Accurate projections allow the MTECC to effectively manage the limited revenues and expenditures appropriately when making decisions on attaining strategic goals.

Budget Development Process - Capital

Starting The Capital Budget Development Process

The Capital budgets shall be accumulated from the first year of the Multi-Year Work Plan and linked to supporting grant funds for each project budget.

Budget Development Schedule

The MTECC Executive Director shall ensure that the proposed budget is ready for review by the MTECC Board no later than the end of May for the subsequent fiscal year beginning October 1.

The proposed budget will be presented to the MTECC Board in June for review, comment and follow up by the MTECC Executive Director. The Executive Director shall update the proposed budget and present to the MTECC Board for review and final adoption in their September meeting to be effective October 1.



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Budget Reporting

The MTECC Executive Director shall provide a Budget to Actual report to the MTECC Board at each meeting that includes the following information:

- Budgeted Revenues compared to actual revenues year to date for each major revenue source
- Budgeted Operating Budget compared to actual operating expenditures year to date for each major category
- Coordinate with the Multi-Year Project Plan for the current year and reporting for each project
- Explanations of any major deviations of actual revenues or expenditures compared to budget for each major revenue source or expenditure category



Budget Submission Checklist

- Did the MTECC Executive Director submit updated Tables of Organization (functional and staffing chart)?
- Did the MTECC Executive Director applied for grants supporting the operating and capital budget?
- Did the Executive Director submit any operating enhancements? Were these enhancements provided separately with appropriate justification?
- Did the Executive Director submit any operating reductions? Were these reductions provided separately? Is this considered a reduction or operating efficiency?
- If reductions in existing services are necessary, which services would be eliminated first? Which services would be scaled back? Which service, if scaled back, would become unproductive? What efficiencies can generate savings within existing services? Is there a performance impact as a result?
- Did the Executive Director overestimate and/or underestimate its revenues in the prior year? Were there any changes to its revenues and why?
- Did the Executive Director submit a complete capital budget that matches the Multi-Year Project Plan? If no, why not? Does the revenue source match its project budgets?
- Did the Executive Director present the proposed budget by May 31?
- Did the Executive Director update its operating/capital proposed budget based on input from the MTECC Board and present by July 31



MTECC Procedure 8.40.10

Approved: _____

Interim Executive Director

Payment Processing Procedure

Purpose:

The purpose of this procedure is to define the processes related to Agency payment processing.

Authority:

FS 215.422 Payments, warrants, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.

Scope:

This procedure is for use of MTECC representatives to determine compliance with all criteria related to the processing of payment request from MTECC.

Authority:

- Chapter 218, Florida Statutes, PART VII LOCAL GOVERNMENT PROMPT PAYMENT ACT
- Section 255.071, Florida Statutes – Payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects.
- Section 255.073, Florida Statutes – Timely payment for purchases of construction services. (Note this includes Sections 255.072 to 255.078, Florida Statutes, in the entirety related to payments of construction services)

Procedure:

The MTECC Executive Director shall ensure that through Agency staff or contracted support staff that the following legal requirements to the processing of MTECC Agency Payments are followed. The MTECC Executive Director and Legal Counsel shall review the Florida Statutes each year for any material changes and update this procedure based on the changes in law.

Prompt Payment – This first section of laws pertains to the prompt payment of payments by local governments for all items. Please pay special attention to Section 218.77, relating to the use of Federal funds in contracting and payments. The provisions of this section must be included in any project contract that relies on reimbursements from future payment.



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218.70 Popular name.—This part may be cited as the “Local Government Prompt Payment Act.”

218.71 Purpose and policy.—

(1) The purpose of this part is:

(a) To provide for prompt payments by local governmental entities and their institutions and agencies.

(b) To provide for interest payments on late payments made by local governmental entities and their institutions and agencies.

(c) To provide for a dispute resolution process for payment of obligations.

(2) It is the policy of this state that payment for all purchases by local governmental entities be made in a timely manner.

History.—s. 4, ch. 89-297.

218.72 Definitions.—As used in this part, the term:

(1) “Agent” means the project architect, project engineer, or other agency or person acting on behalf of the local governmental entity. The agent who is required to review invoices or payment requests must be identified in accordance with s. 218.735(1).

(2) “Construction services” means all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or other improvements to real property.

(3) “Contractor” or “provider of construction services” means the person who contracts directly with a local governmental entity to provide construction services.

(4) “County” means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution.

(5) “Local governmental entity” means a county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof.

(6) “Municipality” means a municipality created pursuant to general or special law and metropolitan and consolidated governments as provided in s. 6(e) and (f), Art. VIII of the State Constitution.

(7) “Payment request” means a request for payment for construction services which conforms with all statutory requirements and all requirements specified by the local governmental entity to which the payment request is submitted. Such requirements must be included in the contract for the project for which payment is requested.



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(8) “Proper invoice” means an invoice that conforms with all statutory requirements and all requirements specified by the local governmental entity to which the invoice is submitted. Such requirements must be included in the contract for the project for which the invoice is submitted.

(9) “Purchase” means the purchase of goods, services, or construction services; the purchase or lease of personal property; or the lease of real property by a local governmental entity.

(10) “Vendor” means any person who sells goods or services, sells or leases personal property, or leases real property directly to a local governmental entity. The term includes any person who provides waste hauling services to residents or businesses located within the boundaries of a local government pursuant to a contract or local ordinance.

History.—s. 4, ch. 89-297; s. 1, ch. 95-331; s. 1, ch. 2001-169; s. 2, ch. 2005-230; s. 1, ch. 2010-111.

218.73 Timely payment for nonconstruction services.—The time at which payment is due for a purchase other than construction services by a local governmental entity must be calculated from:

(1) The date on which a proper invoice is received by the chief disbursement officer of the local governmental entity after approval by the governing body, if required; or

(2) If a proper invoice is not received by the local governmental entity, the date:

(a) On which delivery of personal property is accepted by the local governmental entity;

(b) On which services are completed;

(c) On which the rental period begins; or

(d) On which the local governmental entity and vendor agree in a contract that provides dates relative to payment periods; whichever date is latest.

History.—s. 4, ch. 89-297; s. 2, ch. 95-331; s. 2, ch. 2001-169.

218.735 Timely payment for purchases of construction services.—

(1) The due date for payment for the purchase of construction services by a local governmental entity is determined as follows:

(a) If an agent must approve the payment request or invoice before the payment request or invoice is submitted to the local governmental entity, payment is due 25 business days after the date on which the payment request or invoice is stamped as received as provided in s. 218.74(1). The contractor may send the local government an overdue notice. If the payment request or invoice is not rejected within 4 business days after delivery of the overdue notice, the payment request or invoice shall be deemed accepted, except for any portion of the payment request or invoice that is fraudulent or misleading.

(b) If an agent need not approve the payment request or invoice submitted by the contractor,



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payment is due 20 business days after the date on which the payment request or invoice is stamped as received as provided in s. 218.74(1).

A local governmental entity shall identify the agent or employee of the local governmental entity, or the facility or office, to which the contractor may submit its payment request or invoice. This requirement shall be included in the contract between the local governmental entity and contractor, or shall be provided by the local governmental entity through a separate written notice, as required under the contract, no later than 10 days after the contract award or notice to proceed. A contractor's submission of a payment request or invoice to the identified agent, employee, facility, or office of the local governmental entity shall be stamped as received as provided in s. 218.74(1) and shall commence the time periods for payment or rejection of a payment request or invoice as provided in this subsection and subsection (2).

(2) If a payment request or invoice does not meet the contract requirements, the local governmental entity must reject the payment request or invoice within 20 business days after the date on which the payment request or invoice is stamped as received as provided in s. 218.74(1). The rejection must be written and must specify the deficiency and the action necessary to make the payment request or invoice proper.

(3) If a payment request or an invoice is rejected under subsection (2) and the contractor submits a payment request or invoice that corrects the deficiency, the corrected payment request or invoice must be paid or rejected on the later of:

(a) Ten business days after the date the corrected payment request or invoice is stamped as received as provided in s. 218.74(1); or

(b) If the local governmental entity is required by ordinance, charter, or other law to approve or reject the corrected payment request or invoice, the first business day after the next regularly scheduled meeting of the local governmental entity held after the corrected payment request or invoice is stamped as received as provided in s. 218.74(1).

(4) If a dispute between the local governmental entity and the contractor cannot be resolved by the procedure in subsection (3), the dispute must be resolved in accordance with the dispute resolution procedure prescribed in the construction contract or in any applicable ordinance, which shall be referenced in the contract. In the absence of a prescribed procedure, the dispute must be resolved by the procedure specified in s. 218.76(2).

(5) If a local governmental entity disputes a portion of a payment request or an invoice, the undisputed portion shall be paid timely, in accordance with subsection (1).

(6) If a contractor receives payment from a local governmental entity for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor, the contractor must



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remit payment due to those subcontractors and suppliers within 10 days after the contractor's receipt of payment. If a subcontractor receives payment from a contractor for labor, services, or materials furnished by subcontractors and suppliers hired by the subcontractor, the subcontractor must remit payment due to those subcontractors and suppliers within 7 days after the subcontractor's receipt of payment. This subsection does not prohibit a contractor or subcontractor from disputing, pursuant to the terms of the relevant contract, all or any portion of a payment alleged to be due to another party if the contractor or subcontractor notifies the party whose payment is disputed, in writing, of the amount in dispute and the actions required to cure the dispute. The contractor or subcontractor must pay all undisputed amounts due within the time limits imposed by this section.

(7) Each contract for construction services between a local governmental entity and a contractor must provide for the development of a single list of items required to render complete, satisfactory, and acceptable the construction services purchased by the local governmental entity.

(a) The contract must specify the process for developing the list, including the responsibilities of the local governmental entity and the contractor in developing and reviewing the list and a reasonable time for developing the list:

1. For construction projects having an estimated cost of Less than \$10 million, within 30 calendar days after reaching substantial completion of the construction services purchased as defined in the contract, or, if not defined in the contract, upon reaching beneficial occupancy or use; or

2. For construction projects having an estimated cost of \$10 million or more, within 30 calendar days, or, if extended by contract, up to 60 calendar days after reaching substantial completion of the construction services purchased as defined in the contract, or, if not defined in the contract, upon reaching beneficial occupancy or use.

The contract must also specify a date for the delivery of the list of items, not to exceed 5 days after the list of items has been developed and reviewed in accordance with the time periods set forth in subparagraphs 1. and 2.

(b) If the contract between the local governmental entity and the contractor relates to the purchase of construction services on more than one building or structure, or involves a multiphased project, the contract must provide for the development of a list of items required to render complete, satisfactory, and acceptable all the construction services purchased pursuant to the contract for each building, structure, or phase of the project within the time limitations provided in paragraph (a).

(c) The final contract completion date must be at least 30 days after the delivery of the list of



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items. If the list is not provided to the contractor by the agreed upon date for delivery of the list, the contract time for completion must be extended by the number of days the local governmental entity exceeded the delivery date. Damages may not be assessed against a contractor for failing to complete a project within the time required by the contract, unless the contractor failed to complete the project within the contract period as extended under this paragraph.

(d) The failure to include any corrective work or pending items not yet completed on the list does not alter the responsibility of the contractor to complete all the construction services purchased pursuant to the contract.

(e) Upon completion of all items on the list, the contractor may submit a payment request for all remaining retainage withheld by the local governmental entity pursuant to this section. If a good faith dispute exists as to whether one or more items identified on the list have been completed pursuant to the contract, the local governmental entity may continue to withhold up to 150 percent of the total costs to complete such items.

(f) All items that require correction under the contract and that are identified after the preparation and delivery of the list remain the obligation of the contractor as defined by the contract.

(g) Warranty items or items not included in the list of items required under paragraph (a) may not affect the final payment of retainage as provided in this section or as provided in the contract between the contractor and its subcontractors and suppliers.

(h) Retainage may not be held by a local governmental entity or a contractor to secure payment of insurance premiums under a consolidated insurance program or series of insurance policies issued to a local governmental entity or a contractor for a project or group of projects, and the final payment of retainage as provided in this section may not be delayed pending a final audit by the local governmental entity's or contractor's insurance provider.

(i) If a local governmental entity fails to comply with its responsibilities to develop the list required under paragraph (a) or paragraph (b) within the time limitations provided in paragraph (a), the contractor may submit a payment request for all remaining retainage withheld by the local governmental entity pursuant to this section; and payment of any remaining undisputed contract amount, less any amount withheld pursuant to the contract for incomplete or uncorrected work, must be paid within 20 business days after receipt of a proper invoice or payment request. If the local governmental entity has provided written notice to the contractor specifying the failure of the contractor to meet contract requirements in the development of the list of items to be completed, the local governmental entity need not pay or process any payment request for retainage if the contractor has, in whole or in part, failed to cooperate with the local governmental entity in the



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development of the list or to perform its contractual responsibilities, if any, with regard to the development of the list or if paragraph (8)(c) applies.

(8)(a) With regard to any contract for construction services, a local governmental entity may withhold from each progress payment made to the contractor an amount not exceeding 5 percent of the payment as retainage.

(b) This section does not prohibit a local governmental entity from withholding retainage at a rate less than 5 percent of each progress payment, from incrementally reducing the rate of retainage pursuant to a schedule provided for in the contract, or from releasing at any point all or a portion of any retainage withheld by the local governmental entity which is attributable to the labor, services, or materials supplied by the contractor or by one or more subcontractors or suppliers. If a local governmental entity makes any payment of retainage to the contractor which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor must timely remit payment of such retainage to those subcontractors and suppliers.

(c) This section does not require the local governmental entity to pay or release any amounts that are the subject of a good faith dispute, the subject of a claim brought pursuant to s. 255.05, or otherwise the subject of a claim or demand by the local governmental entity or contractor.

(d) The time limitations set forth in this section for payment of payment requests apply to any payment request for retainage made pursuant to this section.

(e) Paragraph (a) does not apply to construction services purchased by a local governmental entity which are paid for, in whole or in part, with federal funds and are subject to federal grantor laws and regulations or requirements that are contrary to any provision of the Local Government Prompt Payment Act.

(f) This subsection does not apply to any construction services purchased by a local governmental entity if the total cost of the construction services purchased as identified in the contract is \$200,000 or less.

¹(9) All payments due under this section and not made within the time periods specified by this section shall bear interest at the rate of 2 percent per month, or the rate specified by contract, whichever is greater.

History.—s. 3, ch. 95-331; s. 3, ch. 2001-169; s. 3, ch. 2005-230; s. 2, ch. 2010-111; s. 1, ch. 2020-173; s. 1, ch. 2021-124.

¹**Note.**—Section 10, ch. 2021-124, provides that “[t]his act applies to contracts executed on or after July 1, 2021.”



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218.74 Procedures for calculation of payment due dates.—

(1) Each local governmental entity shall establish procedures whereby each payment request or invoice received by the local governmental entity is marked as received on the date on which it is delivered to an agent or employee of the local governmental entity or of a facility or office of the local governmental entity.

(2) The payment due date for a local governmental entity for the purchase of goods or services other than construction services is 45 days after the date specified in s. 218.73. The payment due date for the purchase of construction services is specified in s. 218.735.

(3) If the terms under which a purchase is made allow for partial deliveries and a payment request or proper invoice is submitted for a partial delivery, the time for payment for the partial delivery must be calculated from the time of the partial delivery and the submission of the payment request or invoice in the same manner as provided in s. 218.73 or s. 218.735.

(4) All payments, other than payments for construction services, due from a local governmental entity and not made within the time specified by this section bear interest from 30 days after the due date at the rate of 1 percent per month on the unpaid balance. The vendor must invoice the local governmental entity for any interest accrued in order to receive the interest payment. Any overdue period of less than 1 month is considered as 1 month in computing interest. Unpaid interest is compounded monthly. For the purposes of this section, the term “1 month” means a period beginning on any day of one month and ending on the same day of the following month.

History.—s. 4, ch. 89-297; s. 4, ch. 95-331; s. 4, ch. 2001-169.

218.75 Mandatory interest.—No contract between a local governmental entity and a vendor or a provider of construction services shall prohibit the collection of late payment interest charges allowable under this part.

History.—s. 4, ch. 89-297; s. 5, ch. 2001-169.

218.76 Improper payment request or invoice; resolution of disputes.—

(1) If an improper payment request or invoice is submitted by a vendor, the local governmental entity shall, within 10 days after the improper payment request or invoice is received, notify the vendor, in writing, that the payment request or invoice is improper and indicate what corrective action on the part of the vendor is needed to make the payment request or invoice proper.

(2)(a) If a dispute arises between a vendor and a local governmental entity concerning payment of a payment request or invoice, the dispute shall be finally determined by the local governmental entity pursuant to a dispute resolution procedure established by the local governmental entity. Such procedure must provide that proceedings to resolve the dispute are commenced within 45 days



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after the date the payment request or proper invoice was received by the local governmental entity and concluded by final decision of the local governmental entity within 60 days after the date the payment request or proper invoice was received by the local governmental entity. Such procedures are not subject to chapter 120 and do not constitute an administrative proceeding that prohibits a court from deciding de novo any action arising out of the dispute. If the dispute is resolved in favor of the local governmental entity, interest charges begin to accrue 15 days after the local governmental entity's final decision. If the dispute is resolved in favor of the vendor, interest begins to accrue as of the original date the payment became due.

¹(b) If the local governmental entity does not commence the dispute resolution procedure within the time required, a contractor may give written notice to the local governmental entity of the failure to timely commence its dispute resolution procedure. If the local governmental entity fails to commence the dispute resolution procedure within 4 business days after such notice, any amounts resolved in the contractor's favor shall bear mandatory interest, as set forth in s. 218.735(9), from the date the payment request or invoice containing the disputed amounts was submitted to the local governmental entity. If the dispute resolution procedure is not commenced within 4 business days after the notice, the objection to the payment request or invoice shall be deemed waived. The waiver of an objection pursuant to this paragraph does not relieve a contractor of its contractual obligations.

(3) In an action to recover amounts due under this part, the court shall award court costs and reasonable attorney's fees, including fees incurred through appeal, to the prevailing party.

History.—s. 4, ch. 89-297; s. 6, ch. 2001-169; s. 34, ch. 2002-1; s. 3, ch. 2010-111; s. 8, ch. 2021-124.

¹**Note.**—Section 10, ch. 2021-124, provides that “[t]his act applies to contracts executed on or after July 1, 2021.”

218.77 Payment by federal funds.—A local governmental entity which intends to pay for a purchase with federal funds shall not make such purchase without reasonable assurance that federal funds to cover the cost thereof will be received. Where payment or the time of payment is contingent on receipt of federal funds or federal approval, any contract and any solicitation to bid shall clearly state such contingency.

History.—s. 4, ch. 89-297.

218.78 Report of interest.—If the total amount of interest paid during the preceding fiscal year exceeds \$250, each local governmental entity shall, during December of each year, report to the board of county commissioners or the municipal governing body the number of interest payments made by it during the preceding fiscal year and the total amount of such payments made under this part.



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History.—s. 4, ch. 89-297; s. 5, ch. 95-331.

218.79 Repeal of conflicting laws.—All laws and parts of laws in conflict with this part are repealed.

History.—s. 4, ch. 89-297.

218.80 Public Bid Disclosure Act.—

(1) This section may be cited as the “Public Bid Disclosure Act.”

(2) It is the intent of the Legislature that a local governmental entity shall disclose all of the local governmental entity’s permits or fees, including, but not limited to, all license fees, permit fees, impact fees, or inspection fees, payable by the contractor to the unit of government that issued the bidding documents or other request for proposal, unless such permits or fees are disclosed in the bidding documents or other request for proposal for the project at the time the project was let for bid. It is further the intent of the Legislature to prohibit local governments from halting construction to collect any undisclosed permits or fees which were not disclosed or included in the bidding documents or other request for proposal for the project at the time the project was let for bid.

(3) Bidding documents or other request for proposal issued for bids by a local governmental entity, or any public contract entered into between a local governmental entity and a contractor shall disclose each permit or fee which the contractor will have to pay before or during construction, the dollar amount or the percentage method or the unit method of all permits or fees which may be required by the local government as a part of the contract, and a listing of all other governmental entities that may have additional permits or fees generated by the project. If the request for proposal does not require the response to include a final fixed price, the local governmental entity is not required to disclose any fees or assessments in the request for proposal. However, at least 10 days prior to requiring the contractor to submit a final fixed price for the project, the local governmental entity shall make the disclosures required in this section. Any of the local governmental entity’s permits or fees that are not disclosed in the bidding documents, other request for proposal, or a contract between a local government and a contractor shall not be assessed or collected after the contract is let. No local government shall halt construction under any public contract or delay completion of the contract in order to collect any permits or fees which were not provided for or specified in the bidding documents, other request for proposal, or the contract.

(4) This section does not require disclosure in the bidding documents of any permits or fees imposed as a result of a change order or a modification to the contract. The local government shall disclose all permits or fees imposed as a result of a change order or a modification to the contract prior to the date the contractor is required to submit a price for the change order or modification.



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History.—s. 1, ch. 93-76; s. 1, ch. 2020-154.
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Note that this section pertains to engineering and construction services and there may be overlap with the prior section. Where there is overlap the prior section should take precedence.

255.072 Definitions.—As used in ss. [255.073-255.078](#), the term:

- (1) “Agent” means project architect, project engineer, or any other agency or person acting on behalf of a public entity.
- (2) “Construction services” means all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvements to real property. The term “construction services” does not include contracts or work performed for the Department of Transportation.
- (3) “Contractor” means any person who contracts directly with a public entity to provide construction services.
- (4) “Payment request” means a request for payment for construction services which conforms with all statutory requirements and with all requirements specified by the public entity to which the payment request is submitted.
- (5) “Public entity” means the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, but does not include a local governmental entity as defined in s. [218.72](#).
- (6) “Purchase” means the purchase of construction services.

255.073 Timely payment for purchases of construction services.—

- (1) Except as otherwise provided in ss. [255.072-255.078](#), s. [215.422](#) governs the timely payment for construction services by a public entity.
- (2) If a public entity disputes a portion of a payment request, the undisputed portion must be timely paid.
- (3) When a contractor receives payment from a public entity for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor, the contractor shall remit payment due to those subcontractors and suppliers within 10 days after the contractor’s receipt of payment. When a subcontractor receives payment from a contractor for labor, services, or materials furnished by subcontractors and suppliers hired by the subcontractor, the subcontractor shall remit payment due to those subcontractors and suppliers within 7 days after the subcontractor’s receipt of payment. This subsection does not prohibit a contractor or subcontractor from disputing,



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pursuant to the terms of the relevant contract, all or any portion of a payment alleged to be due to another party if the contractor or subcontractor notifies the party whose payment is disputed, in writing, of the amount in dispute and the actions required to cure the dispute. The contractor or subcontractor must pay all undisputed amounts due within the time limits imposed by this subsection.

¹(4) All payments due for the purchase of construction services and not made within the applicable time limits shall bear interest at the rate of 2 percent per month.

History.—s. 7, ch. 2005-230; s. 3, ch. 2021-124.

¹**Note.**—Section 10, ch. 2021-124, provides that “[t]his act applies to contracts executed on or after July 1, 2021.”

255.074 Procedures for calculation of payment due dates.—

(1) Each public entity shall establish procedures whereby each payment request received by the public entity is marked as received on the date on which it is delivered to an agent or employee of the public entity or of a facility or office of the public entity.

(2) If the terms under which a purchase is made allow for partial deliveries and a payment request is submitted for a partial delivery, the time for payment for the partial delivery must be calculated from the time of the partial delivery and the submission of the payment request.

(3) A public entity must submit a payment request to the Chief Financial Officer for payment no more than 20 days after receipt of the payment request.

History.—s. 8, ch. 2005-230.

255.075 Mandatory interest.—A contract between a public entity and a contractor may not prohibit the collection of late payment interest charges authorized under s. 255.073(4).

History.—s. 9, ch. 2005-230; s. 9, ch. 2021-124.

¹**Note.**—Section 10, ch. 2021-124, provides that “[t]his act applies to contracts executed on or after July 1, 2021.”

255.076 Award of court costs and attorney’s fees.—In an action to recover amounts due for construction services purchased by a public entity, the court shall award court costs and reasonable attorney’s fees, including fees incurred through any appeal, to the prevailing party, if the court finds that the nonprevailing party withheld any portion of the payment that is the subject of the action without any reasonable basis in law or fact to dispute the prevailing party’s claim to those amounts.

History.—s. 10, ch. 2005-230.



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255.077 Project closeout and payment of retainage.—

(1) Each contract for construction services between a public entity and a contractor must provide for the development of a list of items required to render complete, satisfactory, and acceptable the construction services purchased by the public entity. The contract must specify the process for the development of the list, including responsibilities of the public entity and the contractor in developing and reviewing the list and a reasonable time for developing the list, as follows:

(a) For construction projects having an estimated cost of less than \$10 million, within 30 calendar days after reaching substantial completion of the construction services purchased as defined in the contract, or, if not defined in the contract, upon reaching beneficial occupancy or use; or

(b) For construction projects having an estimated cost of \$10 million or more, within 30 calendar days, unless otherwise extended by contract not to exceed 60 calendar days, after reaching substantial completion of the construction services purchased as defined in the contract, or, if not defined in the contract, upon reaching beneficial occupancy or use.

(2) If the contract between the public entity and the contractor relates to the purchase of construction services on more than one building or structure, or involves a multiphased project, the contract must provide for the development of a list of items required to render complete, satisfactory, and acceptable all the construction services purchased pursuant to the contract for each building, structure, or phase of the project within the time limitations— provided in subsection (1).

(3) The failure to include any corrective work or pending items not yet completed on the list developed pursuant to subsection (1) or subsection (2) does not alter the responsibility of the contractor to complete all the construction services purchased pursuant to the contract.

(4) Upon completion of all items on the list, the contractor may submit a payment request for all remaining retainage withheld by the public entity pursuant to s. 255.078. If a good faith dispute exists as to whether one or more items identified on the list have been completed pursuant to the contract, the public entity may continue to withhold an amount not to exceed 150 percent of the total costs to complete such items.

(5) All items that require correction under the contract and that are identified after the preparation and delivery of the list remain the obligation of the contractor as defined by the contract.

(6) Warranty items may not affect the final payment of retainage as provided in this section or as provided in the contract between the contractor and its subcontractors and suppliers.

(7) Retainage may not be held by a public entity or a contractor to secure payment of insurance premiums under a consolidated insurance program or series of insurance policies issued to a public entity or a contractor for a project or group of projects, and the final payment of retainage as provided



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in this section may not be delayed pending a final audit by the public entity's or contractor's insurance provider.

(8) If a public entity fails to comply with its responsibilities to develop the list required under subsection (1) or subsection (2), as defined in the contract, within the time limitations provided in subsection (1), the contractor may submit a payment request for all remaining retainage withheld by the public entity pursuant to s. 255.078. The public entity need not pay or process any payment request for retainage if the contractor has, in whole or in part, failed to cooperate with the public entity in the development of the list or failed to perform its contractual responsibilities, if any, with regard to the development of the list or if s. 255.078(3) applies.

History.—s. 11, ch. 2005-230; s. 3, ch. 2020-173.
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255.071 Payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects.—

¹(1) Any person, firm, or corporation who receives a payment from the state or any county, city, or political subdivision of the state, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall pay, in accordance with the contract terms, the undisputed contract obligations for labor, services, or materials provided on account of such improvements. A person, firm, or corporation who knowingly and intentionally fails to make the payment required under this subsection commits a misapplication of construction funds, punishable as provided in s. 713.345.

(2) The failure to pay any undisputed obligations for such labor, services, or materials within 30 days after the date the labor, services, or materials were furnished and payment for such labor, services, or materials became due, or within the time limitations set forth in s. 255.073(3), whichever last occurs, shall entitle any person providing such labor, services, or materials to the procedures specified in subsection (3) and the remedies provided in subsection (4).

(3) Any person providing labor, services, or materials for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work improvements to real property may file a verified complaint alleging:

(a) The existence of a contract for providing such labor, services, or materials to improve real property.

(b) A description of the labor, services, or materials provided and alleging that the labor, services, or materials were provided in accordance with the contract.

(c) The amount of the contract price.



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- (d) The amount, if any, paid pursuant to the contract.
 - (e) The amount that remains unpaid pursuant to the contract and the amount thereof that is undisputed.
 - (f) That the undisputed amount has remained due and payable pursuant to the contract for more than 30 days after the date the labor or services were accepted or the materials were received.
 - (g) That the person against whom the complaint was filed has received payment on account of the labor, services, or materials described in the complaint and, as of the date the complaint was filed, has failed to make payment within the time limitations set forth in s. 255.073(3).
- (4) After service of the complaint, the court shall conduct an evidentiary hearing on the complaint, upon not less than 15 days' written notice. The person providing labor, services, or materials is entitled to the following remedies to the extent of the undisputed amount due for labor or services performed or materials supplied, and upon proof of each allegation in the complaint:
- (a) An accounting of the use of any such payment from the person who received such payment.
 - (b) A temporary injunction against the person who received the payment, subject to the bond requirements specified in the Florida Rules of Civil Procedure.
 - (c) Prejudgment attachment against the person who received the payment, in accordance with each of the requirements of chapter 76.
 - (d) Such other legal or equitable remedies as may be appropriate in accordance with the requirements of the law.
- (5) The remedies specified in subsection (4) must be granted without regard to any other remedy at law and without regard to whether or not irreparable damage has occurred or will occur.
- (6) The remedies specified in subsection (4) do not apply:
- (a) To the extent of a bona fide dispute regarding any portion of the contract price.
 - (b) In the event the plaintiff has committed a material breach of the contract which would relieve the defendant from the obligations under the contract.
- (7) The prevailing party in any proceeding under this section is entitled to recover costs, including a reasonable attorney's fee, at trial and on appeal.
- (8) The provisions of this section shall also apply to any contract between a subcontractor and a sub-subcontractor or supplier and any contract between a sub-subcontractor and supplier on any project for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work.

History.—s. 1, ch. 93-141; s. 5, ch. 2005-230; s. 2, ch. 2021-124.

¹**Note.**—Section 10, ch. 2021-124, provides that “[t]his act applies to contracts executed on or after July 1, 2021.”



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Forms and Checklists:

The MTECC Executive Director shall ensure that agency staff and contracted support develop appropriate forms and checklist to ensure these requirements are met and followed by all those that are involved in developing contracts, reviewing invoices and processing payments for MTEC projects, contracts and expenses.



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Approved: _____

Interim Executive Director

MTECC Multi-Year Project Plan Procedure

Purpose:

The purpose of this procedure is to define the processes and procedures related to the development and delivery of the MTECC five-year project plan.

Authority:

MTECC Interlocal Agreement

Section 339.135, Florida Statutes related to FDOT Five-Year Work Program.

Section 339.175, Florida Statutes related to the Broward Metropolitan Planning Organization Transportation Improvement Plan

Scope:

This procedure is to provide guidance on the development, implementation and monitoring of the MTECC Multi-Year Project Plan.

Developing the MTECC Multi-Year Project Plan

Federal and State Funded Projects through the Florida Department of Transportation (FDOT) in partnership with the Broward Metropolitan Planning Organization (Broward MPO)

Broward MPO Transportation Improvement Plan (TIP)

The Broward MPO under Section 339.175, Florida Statutes and Federal laws and regulations, develops and updates the five-year Transportation Improvement Plan for the Broward County area that includes projects and project phases included in the prior TIP and adds new projects for the new 5th year and adjustments in the four years from the prior TIP based on the available forecasted revenues. The TIP must be financially feasible meaning that projects in the TIP must be matched to forecasted revenues. The TIP is developed in partnership with cities, Broward County, FDOT, and other partners with public hearings and input from the general public.

The Broward MPO TIP is presented to FDOT for consideration as the local priorities in developing and updating the FDOT Five-Year Work Program.

FDOT Five-Year Work Program



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- Tentative Work Program: A document prepared pursuant to Chapter 339, F.S., displaying project detail in each program area for the next 5-year period after the current fiscal year. It is balanced to forecasted revenues and legal and policy requirements for program allocations. It is submitted to the Legislature. The Tentative Work Program is developed in partnership with the Broward MPO and other partners.
- Adopted Work Program: The 5-Year Work Program adopted by the Department as provided in Subsection (5) of Section 339.135, F.S.
 - The Adopted Work Program may include only those projects submitted as part of the Tentative Work Program developed under the provisions of Subsection (4) of Section 339.135, F.S., any projects which are separately identified by specific appropriation in the General Appropriations Act and any Roll Forward approved pursuant to Paragraph (6)(c) of Section 339.135, F.S.
 - Any project phases in the previous Adopted Work Program not certified forward under the provisions of Section 216.301(2)(a), F.S., shall be available for roll forward into the first fiscal year of the new Adopted Work Program. Spending authority associated with such project phases may also be rolled forward to the first fiscal year of the new Adopted Work Program. The detailed procedures utilized in the roll forward process are outlined in Procedure No. 360-030-005, Roll Forward.
 - Immediately after the close of the fiscal year, the Department publishes the Adopted Work Program for the five ensuing fiscal years.

MTECC Sources of Projects

MTECC is a project development and implementation entity. The identification and planning for the projects will be provided by the Broward MPO, FDOT, cities and other transportation partners. Based on this the best sources for the proposed projects in the MTECC Multi-Year Project Plan is the FDOT Tentative and subsequent Adopted Five-Year Work Program for federal and state funded projects.

The MTECC Executive Director will coordinate with the Broward MPO and FDOT to review the FDOT Five-Year Work Program in the spring to summer of each year. This coordination will result in proposed projects for development and implementation by MTECC. The Executive Director will focus on proposed projects over the entire FDOT Five-Year work Program to identify proposed projects for MTECC.

The MTECC Executive Director will prepare a list of proposed projects and finalize this with the Broward MPO and FDOT.

Development and Updating the MTECC Multi-Year Project Plan

The MTECC Executive Director shall develop the MTECC Multi-Year Project Plan based on the coordination with the Broward MPO and FDOT. The level of detail for each project shall be broken into



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project phases consistent with the FDOT Five-Year Work Program. For MTECC these project phases would normally include:

- Project design phase – this includes the engineering design for the proposed project that provides engineering plans to deliver the project plans.
- Project construction phase – this includes the construction of the project based on the engineering plans provided by the design phase.
- Project design-build phase – this is for a project that combines the design and construction in one delivery approach.
- Project utility phase – some projects will require utility coordination with the various utilities that may occur ahead of the construction phase to allow the construction phase to move forward or may be concurrent and part of the construction.
- Project right of way phase – in the majority of projects being implemented by MTECC the local city that is part of the MTECC entity will own and provide the required right of way for the project. In select instances there may be limited right of way needed and if so, there would be a right of way phase.

The MTECC Multi-Year Plan will be at the project phase level of detail and for each project phase include a budget consistent with the FDOT Five-Year Work Program.

The MTECC Executive Director will develop the MTECC Multi-Year Plan for the project phases and budget by year for five years consistent with the FDOT Five-Year Work Program. The MTECC Multi-Year Plan will be updated annually in the spring to summer to present the proposed MTECC Multi-Year Project Plan for adoption by the MTECC Board no later than September 30 for the year starting October 1 each year. For the first year of the MTECC Multi-Year Project Plan the Executive Director shall provide a more detailed schedule for implementation in the year starting October 1. This schedule shall identify proposed start times for each project phase during the first year of the Multi-Year Plan in quarters and more detail if desired. The schedule for these project phases shall also identify planned activities that will require MTECC Board action such as approving the selection of consultants or contractors after a procurement process.

The MTECC Executive Director will present the draft MTECC Multi-Year Plan to the MTECC Board for review and approval. The MTECC Executive Director will follow up on any proposed changes recommended by the MTECC Board and follow up with the MTECC Board.

Implementation and Monitoring of the MTECC Multi-Year Project Plan

Upon approval by the MTECC Board, the MTECC Executive Director will implement the first year of the Multi-Year Project Plan. This includes all project phases included in this fiscal year. The Executive Director will coordinate with all project partners as required to ensure timely implementation of the project phases in the fiscal year.

The MTECC Executive Director will provide a monthly monitoring report on the actual compared to scheduled implementation for the current fiscal year. This will be included on the MTECC public website and reported at each MTECC Board meeting. The monitoring report will also report on project phases



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that started in prior years that are active in the current fiscal year. Key information to be reported include:

- Project Name and Phase
- Status and Key Information such as:
 - Initial Project Schedule and Action Item such as
 - “Begin Procurement”,
 - “Select Consultant/Contractor”,
 - “Contract Executed”,
 - “Work Commences and Scheduled Time” (show at intervals such as 90 days consumed and work on schedule or 90 days consumed and behind by X days),
 - “Work Complete”
- Project Phase Budget at Key stages
 - Estimated Budget
 - Contracted Costs and Contingency
 - Contract Costs Consumed and Remaining, and Contingency
 - Contract Close out Cost
- Any noted obstacles or concerns and plans to address these.

MTECC Multi-Year Project Plan System

The MTECC Executive Director shall ensure that key information as discussed above are included in an electronic system and posted timely on the MTECC website for public viewing. The Multi-Year Project Plan system will maintain historical and current information in a format that is functional and easy to access and develop timely reports as needed. In the beginning this may be a spreadsheet or similar system and as the project phases grow to be updated to more robust systems as needed.



Approved: _____

Interim Executive Director

Professional Services Procurement Procedure

I. STATEMENT OF PROCEDURE

This procedure defines how the Metro Transportation Engineering and Construction Cooperative (hereinafter called the “MTECC”) will procure qualified professional architectural; engineering; landscape architectural; surveying and mapping; planning; and right of way services, otherwise known as professional services, in compliance with state and federal requirements. The details of implementation shall be in accordance with the Florida Department of Transportation (FDOT) Professional Services Procurement Manual. This procedure is not intended to replace the procurement policies of any of the Municipal Members, but rather to supplement those policies as necessary for the projects to be delivered by the MTECC as agreed upon in the Interlocal Agreement to ensure compliance with the requirements of the FDOT Local Agency Program (LAP) Manual and CFR Title 23 PART 172 - Procurement, Management, And Administration of Engineering and Design Related Services. It is also the intent of the MTECC to adopt the procurement policies and procedures of the Municipal Members except as otherwise noted in this procedure document.

II. CONFLICT OF INTEREST

The MTECC and its Municipal Members will adhere to the FDOT Conflict of Interest procedure and procedure as outlined in Procedure No. 375-030-006.

III. AUTHORITY

The Interlocal Agreement for the creation of the Metro Transportation Engineering & Construction Cooperative is the legal instrument that authorizes this procedure.

Section 287.055, Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

IV. OBJECTIVE

This procedure shall provide the governing principles that establish the basic philosophies upon which the procurement functions of the MTECC must operate. To achieve the aforementioned objective, all persons authorized to commit MTECC funds for the purchase of supplies and services shall:

1. Ensure the uninterrupted flow of the services by obtaining and ensuring delivery of acceptable quality of supplies and services, at the right time and the most cost efficient price.



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2. Comply with all applicable federal, state and local laws, statutes, ordinances and regulations governing local government procurement. Special emphasis shall be placed on ensuring procurement actions comply with Chapter 112, Florida Statutes relating to ethical behavior in the acquisition of supplies and services, the LAP Manual, CFR Title 23 PART 172 - Procurement, Management, And Administration of Engineering and Design Related Services, and Consultant Competitive Negotiation Act (CCNA) procedures as provided in Chapter 287.055 Florida Statutes and any applicable federal requirement.
3. Provide fair and equitable treatment of all vendors who participate in procurement activities.
4. No person or business shall be excluded from participation in, denied benefits of, or otherwise be discriminated against in connection with procurement activities on the grounds of race, color, religion, sex, and any protections offered by Title VI of the Civil Rights Act of 1964 or those further established by the Municipal Members.

V. SCOPE AND APPLICABILITY

The procedure outlined herein shall apply to the MTECC and all employees referenced in the Interlocal Agreement involved in any activities associated with the procurement of supplies or services for, or on behalf of, the MTECC and related MTECC projects.

VI. DEFINITION

- a. **FDOT** means and refers to the Florida Department of Transportation, an agency of the State of Florida created pursuant to Section 20.23, Florida Statutes.
- b. **Federal Aid Project** means and refers to transportation related projects funded by FDOT through a Local Agency Program (“LAP”) Agreement.
- c. **Fiscal Year** means and refers to the federal fiscal year commencing October 1st and concluding September 30th.
- d. **LAP Agreement** means and refers to a Local Agency Program Agreement between FDOT and the MTECC for the planning, design, construction and/or completion of a Federal Aid Project.
- e. **Local Projects** means and refers to any transportation related project that does not utilize federal funding and/or is not undertaken pursuant to a LAP Agreement. Projects funded exclusively by the local government.
- f. **LOI** means Letter of Interest from interested firms.
- g. **MTECC** means and refers to Metro Transportation Engineering and Construction Cooperative.
- h. **MTECC Consultants** means and refers to private contractors engaged by MTECC.
- i. **Proposal/Response** means the submittal from a firm in response to a Request for Proposal.



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- j. **RFQ** means Request for Qualifications issued by MTECC.
- k. **RFP** means Request for Proposals issued by MTECC.
- l. **Statement of Qualifications** means a firm response to a Request for Qualifications.

VII. ROLES AND RESPONSIBILITIES

All Employees of and contracted support for the MTECC, in accordance with the requirements of their positions, shall be responsible for:

1. Complying with all adopted purchasing procedures within the parameters of their position responsibilities, except as otherwise noted.
2. Providing timely information to the procuring entity, be that the MTECC or a supporting organization by agreement (hereafter "MTECC Procurement"), the required information for the project.
3. Providing necessary information and working with the MTECC Procurement. The Executive Director shall ensure that grantor agencies and the city where the project is located are consulted and made a part of the process for the development of the procurement documents with the final issuance of the documents being the Executive Director of MTECC:
 - a) Assisting with bids and specification
 - b) Assist with the evaluation criteria
 - c) Evaluating proposer responses to solicitations for completeness and compliance.
 - d) Evaluating proposer past performance. Note that FDOT past performance for proposers may be used.
 - e) Resolving proposer and contracted professional services issues and grievances.
 - f) Identifying MTECC procurement needs.
 - g) Providing purchasing and proposers with necessary technical assistance. .
 - h) Identifying alternative goods and services
 - i) Contract documents
4. Ensuring that MTECC Procurement is made aware of all communications with proposers and contracted professional services concerning:
 - a) Letter of Interests (LOI)
 - b) Request for Qualifications (RFQ)
 - c) Requests for Proposals (RFP)
 - d) Schedule dates, including proposal due and opening dates
 - e) Responses to LOI, RFQ, and RFP that have been received and opened
 - f) List of potential contract documents

The MTECC Procurement shall provide for the acquisition of materials, supplies and services for projects, in accordance with this procedure. These responsibilities include the following:



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1. Following Section 287.055, Florida Statutes, “The Consultants Competitive Negotiation Act, FDOT rule 14-75, Florida Administrative Code and FDOT procedures 375-030-XX series related to prequalification process, advertisement, and competitive selection of professional services consultants based on qualifications, followed by negotiations to establish a fair, competitive and reasonable fee for the desired services.
2. Assisting in the development of LOI, RFQ, and RFP.
3. Assist in the development, administration and management of contracts. .
4. Assist with conducting the inventory of purchased goods.
5. Preparing and responding to LOI, RFQ, and RFP in accordance with this Procedure and related administrative procedures.
6. Making a final determination and/or recommendation, in conjunction with MTECC staff, as authorized by the Interlocal Agreement.
7. Providing appropriate procedures for ensuring proposer protests of competitive sealed proposals, competitive negotiations and requests for quotations are treated in a fair and objective manner.
8. Processing professional service contract payments in accordance with the Local Government Prompt Payment Act, Section 218.70, Florida Statutes and the prompt payment provisions of Title 49 subsection 26.29.
9. Resolving complaints between the MTECC and professional service contractor regarding purchases of services.
10. Recommending the rejection of all proposals received in response to a particular solicitation, when deemed appropriate by the MTECC.
11. Authorizing the termination of professional service contract relationships.
12. Maintaining professional service contractor performance records.
13. Verifying a professional services contractor is on the Federal System for Award Management (SAM) List.
14. Providing procedures for the evaluation of professional service contractors including suspension and debarment.

The MTECC Executive Director shall designate an evaluation team for each professional services procurement. The Executive Director shall ensure the City where the project is located has a participant on the evaluation team and for FDOT District 4 to have a participant to monitor the evaluation and selection if desired. The evaluation team shall score the professional services proposals and rank these in order 1, 2, 3, etc. The MTECC Procurement team will accumulate the scores and present these to the MTECC Executive Director. The MTECC Executive Director may request clarifications from the evaluation team on elements of the evaluation team scores and ranking, but may not change the scores and overall



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ranking without majority concurrence from the evaluation team. The MTECC Executive Director presents the ranking to the MTECC Board for concurrence or adjustment as the Board deems appropriate with an independent price evaluation and maximum budget for the project. Upon direction from the Board, the Executive Director and the MTEC Procurement Team will negotiate with the top ranked proposal for a fair, competitive and reasonable fee for the desired services within the maximum budget for the project. If the negotiation is unsuccessful, the Executive Director may move to the second ranked proposer and so forth until reaching an agreement.

If the negotiations are concluded within the maximum budget the Executive Director shall execute the professional services agreement for the project. Before doing so, the Executive Director must provide a procurement summary sheet that includes the following items for FDOT's review and concurrence:

1. Project scope
2. Summary of the procurement steps and dates
3. Name of proposers received
4. Ranking of the proposals by the evaluation team
5. Name for the select proposer and the negotiated project amount
6. Any other key items of note
7. Request for FDOT review and concurrence

The roles and authorities are summarized below:

1. MTECC Board shall approve a project plan for the year of proposed procurement of professional services at the start of each fiscal year as part of the MTECC multi-year project plan. This plan may be amended by the MTECC Board during each year. The MTECC Board will also approve Disadvantage Business Enterprise (DBE) proposed goals for each proposed professional services procurement.
2. The MTECC Executive Director shall develop a proposed schedule of proposed professional services procurements for each fiscal year based on the approval list of projects by the MTECC Board.
3. The MTECC Executive Director is responsible for the timely initiation of project procurements from the list approved by the MTECC Board in accordance with the proposed schedule of procurements.
4. The MTECC Board approves the ranking of proposals with a maximum project budget amount and delegates the negotiation to the Executive Director for finalization and execution of the professional services agreement within the maximum project budget.
5. The MTECC Executive Director is responsible for appointing an evaluation team to review and recommending all procurement rankings. The MTECC Executive Director is responsible for reviewing the rankings and passing this to the MTECC Board for consideration.



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6. The MTECC Executive Director shall appoint a Contracting Officer for MTECC for each contracted professional services project.
7. The MTECC Executive Director may approve extensions to the term with no dollar impacts of professional services agreements. The Executive Director may approve contract price increases up to ten percent of the original professional services contract amount provided the price increase is within the maximum project amount approved by the MTECC Board.
8. The MTECC Board shall approve any professional services contract price increase above ten percent of the original professional services contract amount or that exceed the maximum project amount.
9. The MTECC Executive Director shall execute all documents, including contracts and change orders, approved by the MTECC.
10. The MTECC Executive Director shall ensure contracts are executed and disseminated to the appropriate parties.
11. The MTECC Contract Office shall tracking the professional services agreement deliverables.
12. The MTECC Executive Director shall ensure the safekeeping all procurement and contract performance security instruments, including without limitation bonds, cashier or certified checks, letters of credit, and assignments of certificates of deposit, submitted to the Agency.
13. The MTECC Executive Director shall ensure the completion and submittal of the Local Agency Program Checklist for Federally Funded Professional Services Contracts (form 525-010-49).
14. The MTECC Executive Director shall handle concerns and issues relative to responding to requests for documents per Chapter 119, Florida Statutes also known as the "Public Records Law." The MTECC Attorney, as legal advisor with regards to procurement activities, shall be responsible for the following; Advising personnel on procurement matters that arise as a result of Agency operations.
 - A. Advising personnel on procurement issues that arise as a result of Agency operations.
 - B. Reviewing of contract documents prior to contract award for legal sufficiency and completeness.
 - C. Endorsing and approving each procurement agreement for form and correctness.
 - D. Defending, for, and on behalf of the Agency, all complaints, suits, and controversies in which the Agency is a party to that arise as a result of procurement activities, in consultation with the Agency Board Attorney and/or City/County Attorney Offices.

VIII. COMPETITIVE SELECTION PROCESS

For professional services procurements, the MTECC shall utilize a competitive qualifications-based selection (QBS) process. All applicable projects will be publicly advertised in accordance with Florida law, on each occasion when professional services are required and the fee is in excess of the threshold amount



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of Category Two, Section 287.017, F.S., except in the case of a valid public emergency declared by the Governor of the State.

The MTECC Executive Director and Procurement team shall maintain procurement and contract records documenting the professional services procurement process, in compliance with applicable state and federal laws. These records shall be maintained for 10 years, in accordance with General Records Schedule GS1-SL for State and Local Government Agencies. Only Consultants qualified in accordance with FDOT Procedure No. 375-030-001, Professional Services Consultant Qualification, may respond to professional services solicitations (i.e., submit Letters in response to a professional services advertisement). Unless the selection method is final ranking directly from Letter submittals (as specified in the project advertisement), the selection process will include the following steps: public advertisement; prequalified Consultants submit Letters; longlist by the evaluation team; shortlist recommendation by evaluation team of no less than three firms (where available), Request for Proposals (RFP); written technical proposals/interviews/oral presentations submitted by the shortlisted Consultant firms; technical evaluation scoring by evaluation team deemed to be the most highly qualified. Consultant availability may be considered as a tie breaker. If fewer than three Consultants respond to the advertisement, the MTECC will extend the advertisement, if the contract schedule permits. The minimum formal advertisement period will be 14 calendar days. For Federal-Aid Highway Program (FAHP) funded projects, FDOT approval must be obtained to shorten the advertisement period to less than 14 days. A scope of services or a project concept report will be provided with the advertisement. The advertisement shall specify requirements for submittals. Pursuant to Section 287.055, F.S., and the Federal Brooks Act, price shall not be an evaluation criterion during the advertisement and selection phase for professional services procurements. Where multiple Consultants are needed for projects with similar requirements, one advertisement and one selection process may be used where practical. The advertisement for such projects will include a statement indicating the exact number of contracts intended for award. Criteria for selection shall be included in the advertisement or RFP, as applicable.

IX. EVALUATION CRITERIA FOR SHORT/LOGLIST; RECOMMENDATIONS AND SELECTION COMMITTEE SHORTLISTING

The following factors will be considered by the evaluation team in developing the longlist and shortlist recommendations: a) Past performance evaluations; b) Staff capabilities; c) Local presence- The location of the Consultant in relation to the work to be performed, for projects where Consultant proximity to project location is pertinent and adds value to the quality and efficiency of the project (e.g., Construction Engineering Inspection (CEI) project). If a Consultant from outside the locality area indicates that it will satisfy the local presence criterion by establishing a local office, that commitment shall be considered to have satisfied the local presence criterion. However, local preferences, i.e., State or local requirements that limit competition, are not permissible; d) Any qualification restrictions; e) Availability of proposed Consultant personnel; f) Technical approach, innovation, and any other information contained in the Letter. The Selection Committee will shortlist no less than three Consultants, if available. Where multiple contracts will be awarded with one advertisement, at least two more Consultants than number of contracts awarded will be shortlisted.



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Factors to be considered by the Selection Committee when making the shortlist decision include but are not limited to: a) Past performance evaluations; b) Workload, as evidenced by the number of similar projects the Consultant is shortlisted on that have not had a final selection, as well as the residual fees remaining to be paid to the Consultants on active agreements; c) Balancing the needs of the project to the abilities of the Consultants; d) Consultant's working relationship/experience on previous projects; e) General and specific information used to longlist the Consultants; f) Proposed subconsultant teaming (also applicable for projects advertised with Disadvantaged Business Enterprise (DBE) and Small Business goals; and g) Detailed Consultant Analysis Report, where available.

X. REQUIRED FORMS AND NOTICES (INCLUDING FEDERAL FORMS) -

Certification Forms to be included in the RFP: Professional Services DBE or Small Business Commitment Form, Form No. 375-030-83 (for non-Fixed Capital Outlay projects), and Truth in Negotiation Certification, Form No. 375-030-30. The RFP should encourage use of DBE, no evaluation points will be provided for their use. Vendor Certification Regarding Scrutinized Companies Lists: Vendor Certification Regarding Scrutinized Companies Lists, Form No. 375-030-60, shall be required in the RFP for professional services contracts. Federal Certification Forms: If the project is anticipated to include federal funds, a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Form, No. 375-030-32 as required by 49 CFR, Section 29; and Certification for Disclosure of Lobbying Activities, Form No. 375-030-33 and Disclosure of Lobbying Activities, Form No. 375-030-34 as required by 49 CFR, Section 20 will be included in the RFP and are required to be submitted with the proposal. Conflict of Interest/Confidentiality Certification No. 375-030-50 shall be completed in accordance with the instances noted in the form. Notice of Restrictions: For all contracts, the advertisement shall include notice that persons or entities convicted of public entity crimes may not submit bids.

XI. ESTABLISHING THE METHOD OF COMPENSATION

The method of compensation to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. Compensation for professional services agreements will involve one or more of the following methods: LUMP SUM: A firm fixed price not subject to adjustment due to the actual cost experience of the Consultant in the performance of the contract. COST REIMBURSEMENT: The Consultant is reimbursed the actual costs incurred in the performance of the contract. FHWA only participates in cost reimbursement contracts in which the Consultant's operating margin is a lump sum or "fixed fee." In such instances, partially loaded hourly rates paid in conjunction with fixed fee shall exclude compensation for operating margin. COST PER UNIT OF WORK: A negotiated unit rate for a repetitive task or deliverable product is established and paid for each unit produced. SPECIFIC RATES OF COMPENSATION: Billing rates are established for units of time, usually per hour. These rates normally include wages, overhead, estimated expenses and operating margin. The MTECC shall utilize the lump sum method of payment for basic design services, where appropriate and where the level of effort and scope can be reasonably determined. The MTECC is responsible for converting Consultant rate information into fixed hourly rates. In accordance with 23 USC 112; and 23 CFR 172.11(d), cost and rate data (audit information) shall be confidential and shall not be accessible or provided, in whole or in part,



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to another individual, firm, or to any government agency which is not part of the group of agencies sharing cost data, except by written permission of the audited firm

XII. NEGOTIATING CONTRACT FEES

After final ranking, negotiations will begin with the number one ranked Consultant. At that time, the Consultant will be requested to submit a detailed staff hour estimate and Fee Proposal with support information to the MTECC. Staff hour estimates will be submitted in the manner prescribed by the MTECC. Contract negotiations shall be conducted in accordance with the FDOT Negotiation Handbook, available on the FDOT Procurement website. MTECC shall perform a detailed cost analysis of all firms (prime, subconsultants, subcontractors, and sub-vendors) on a professional services contract, to ensure the proposed compensation costs are fair, competitive, reasonable, accurate and allowable, pursuant to 23 CFR 172.7, and 2 CFR 200.333. Compensation means the amount paid by the Agency. Arbitrary or across the board limitations on direct salary/wage rates which do not consider the factors prescribed in the Federal Acquisition Regulation (FAR) cost principles are contrary to the requirements of the Federal Brooks Act, 40 U.S.C. 1104(a), which requires fair and reasonable compensation considering the scope, complexity, professional nature, and value of the services to be rendered, as required in 23 U.S.C. 112(b)(2). Additionally, if limitations or benchmarks on direct salary rates and total compensation are too low, they may limit the number of Consultants and the qualifications of the Consultants who submit proposals to perform work on projects. Furthermore, direct labor limitations or benchmarks not supported by the FAR cost principles create associated disallowed indirect costs which effectively limits the calculated indirect cost rate, contrary to 23 U.S.C. 112(b)(2)(D) and 23 CFR 172.11(b)(1). Arbitrary reduction or capping of indirect cost rates is not permitted under Federal laws and regulations.

XIII. PERFORMANCE EVALUATIONS

For professional services contracts, the MTECC will follow the FDOT's procedure for performance evaluation, Procedure No. 375-030-007, Professional Services Consultant Work Performance Evaluation.



Approved: _____
Interim Executive Director

PREQUALIFICATION PROCEDURE

Introduction

The Metro Transportation Engineering and Construction Cooperative (MTECC) has a responsibility to appropriately plan for and strategically manage the projects being developed and implemented by the Agency in accordance with Federal, state and local laws, regulations, rules, ordinance and related guidance.

In delivering these projects MTECC must ensure that professional services firms and contractors are prequalified to deliver these services for each project before considering these firms and contractors for a project.

Authority

- Chapter 163 Interlocal Agency Agreement
- Section 255.20, Florida Statutes
- Section 287.055, Florida Statutes

Prequalification Process

The Florida Department of Transportation (FDOT) over many years has developed well established and accepted prequalification processes for professional services firms and contractors. MTECC will be delivering projects primarily in a partnership with FDOT for funding and under a grant/partnership agreement.



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Architect and Engineering Professional Services

Prequalification Process

FDOT follows a prescribed process to prequalify architect and engineering (A/E) professional services firms in Rules of Florida and FDOT procedures. This includes qualification of the types of services and appropriate certifications for each firm. The reference to these processes are included below.

- A/E Professional Services Prequalification Process
<https://www.fdot.gov/procurement/Prequalification-Applications.shtm>
- Applicable Rules https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/procurement/pdf/rule-14-75.pdf?sfvrsn=bd0ba56d_8
- Instructions for Firms Applying https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/procurement/pdf/instructionsforthequalificationform.pdf?sfvrsn=350b3e62_12

FDOT Prequalified Firms

FDOT has a searchable database of prequalified A/E professional services firms. The MTECC Executive Director will ensure that any A/E professional services firms are included in the FDOT list of prequalified firms for the type of services being proposed for a MTECC project.

- FDOT Searchable Database of Prequalified A/E Professional Services Firms
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/procurement/pdf/groupxunlim.pdf?sfvrsn=d292aa89_106

FDOT also includes other key information such as grades on A/E Professional Services Firms on prior FDOT work activities. Consultant grades can be searched at <https://ssrs.fdot.gov/Reports/report/PDA%20Reports/Public%20Reports/ConsultantGradesHistory>

Other relevant FDOT information is also available at <https://www.fdot.gov/procurement/internetreports.shtm>



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Road and Bridge Contractors

The MTECC Executive Director shall ensure that road and bridge contractors are prequalified for the type of work being proposed prior to submitted a proposal to the MTECC.

Prequalification Process

FDOT follows a prescribed process to prequalify road and bridge contractors in Rules of Florida and FDOT procedures. This includes qualification of the types of services and appropriate certifications for each contractor. The reference to these processes are included below.

- Contractor prequalification process <https://www.fdot.gov/contracts/prequal-info/prequalified.shtm>
- Instructions for Contractors to apply for prequalification <https://www.fdot.gov/contracts/prequal-info/cpq/cpq-app-instructions.shtm>
- List of prequalified work classes https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/contracts/prequal-info/prequalification-work-classes.pdf?sfvrsn=7cf3c108_2
- Applicable Rules <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=14-22>

FDOT Prequalified Road and Bridge Contractors

FDOT has a searchable database of prequalified road and bridge contractors. The MTECC Executive Director will ensure that any road and bridge contractors are included in the FDOT list of prequalified contractors for the type of work planned for the project prior to making a proposal for a MTECC project.

- FDOT Searchable Database of prequalified road and bridge contractors <https://fdotwp1.dot.state.fl.us/contractorprequalification/public/PrequalifiedVendorSearch.aspx>

For any work that is not prequalified by FDOT, MTECC will rely upon other reliable sources such as Broward County and Miami-Dade County for services such as transit work and products. The MTECC Executive Director will document the prequalification source and type of work and products prior to the contractor proposing on a MTECC project.



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Approved Products

FDOT also has an extensive list of products used for transportation projects that have been evaluated and approved for use on FDOT projects. The MTECC Executive Director should use the FDOT approved products list when applicable for MTECC projects and ensure that MTECC contractors follow the FDOT approved products list.

- FDOT Product Evaluation
<https://www.fdot.gov/programmanagement/productevaluation/default.shtm>
- Approved Products List <https://fdotwp1.dot.state.fl.us/ApprovedProductList/Specifications>
- Innovative Products List
<https://fdotwp1.dot.state.fl.us/ApprovedProductList/Specifications?IsDevSpec=True>



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Approved: _____

Interim Executive Director

MTECC Project Oversight Procedure

STATEMENT OF PROCEDURE

This procedure defines how the Metro Transportation Engineering & Construction Cooperative (hereinafter called the “MTECC”) will manage projects through their various phases. The Project Manager will follow a disciplined project management process to achieve quality, time, and budget requirements in development and delivery of all MTECC projects. The Project Management Procedures identified in Table 1 of this procedure are for use on all transportation projects as indicated. The procedure and procedures are directed to the project manager as the person who either “accomplishes the task” or “ensures others accomplish the task.” The project manager has overall responsibility for guiding the project through the development and delivery process. This procedure is intended to bring clarity in establishing responsibility, authority and accountability in the development and delivery of a project.

AUTHORITY

The Interlocal Agreement for the creation of the Metro Transportation Engineering & Construction Cooperative is the legal instrument that authorizes this procedure

PROCEDURE IMPLEMENTATION

This procedure may be supplemented by best practices from the Project Management Body of Knowledge (PM Bok) or the Florida Department of Transportation (FDOT) Project Management Handbook, as necessary. Project Managers should also consult the specific rules of each funding agency’s specific project management requirements and review the MTECC Contract Management Policy and Procedure.

The Project Manager will implement the mandatory requirements and actions specified for each milestone and the requirements of Table 1. The specific situation of each project, based on project manager’s knowledge of the project, may justify an adjustment to the policies and procedures as necessary to meet previously established commitments for that project. Each Project Manager shall meet with the MTECC Executive Director, Project Development Engineer and/or Design Engineer to determine the extent and application of the policy and procedures to project work in progress. Any deviation in these policy and procedures must be documented in the project file. This policy and procedures also apply to contractor, consultant, or professional services that are used in the development and delivery of transportation projects. The requirements will be included in appropriate contract documents. This policy and procedures also apply to projects such as Design-Build and SEP-14 if applicable.



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All MTECC transportation projects will have a project manager assigned from “cradle-to-grave” as part of the project development and delivery process. For some projects, the project manager is not the same person throughout the life cycle of a project. The MTECC Executive Director is responsible for assigning the proper project manager according to the life cycle of the project. For identifying and assigning the project manager for a project, the life cycle of a typical project can be separated into four phases as described below.

Initiation Phase – This is the initial life cycle phase for all projects. The Project Sponsor guides the project through the initiation phase. During this phase, the concept of the project is defined, decisions are made regarding funding sources, and the project is prioritized in relation to other projects competing for the same funds. In many cases this stage may be provided by another agency such as a local government or FDOT. MTECC may be consulted during this Phase and if so, the Executive Director will assign a project manager if requested by and funded by the project sponsor. The initiation phase is complete when Preliminary Engineering is authorized.

Development Phase – This life-cycle phase aligns with the Preliminary Engineering and Right-of-Way Acquisition phase of a project. The Development phase begins with authorization of Preliminary Engineering and definition of the project scope. It includes development of all documents necessary to construct the project. Right-of-Way is cleared and utilities are relocated as part of this phase. The Development phase is complete when the construction contract is awarded. The transitional “handoff/pass the torch” in Project Manager responsibility from Development to Delivery occurs prior to the Pre-Construction Conference. The Right-of-Way will be provided by another agency such as a local government or FDOT under agreement with the MTECC. MTECC will provide Engineering services for a project when requested by and funded by the project sponsor. The Executive Director will assign a project manager for the Engineering.

Delivery Phase – This life-cycle phase begins with the Preconstruction Conference and includes the construction of the project. The Delivery phase includes all necessary construction close out procedures including, but not limited to finalizing payment to contractor, reviewing, and verifying records, reviewing any claim data, applying all necessary contract adjustments, etc. The Delivery phase is complete when the project is final accepted by MTECC and any applicable Municipal Member. MTECC will provide Construction for a project when requested by and funded by the project sponsor. The Executive Director will assign a project manager for the Construction, which may be the same project manager as for the Engineering for the same project.

Closeout Phase – The Project Closeout phase begins when the project has been final accepted. This is the period in the life cycle when construction is completed, but there are potentially a number of outstanding administrative issues such as the resolution of outstanding claims. The Project Closeout phase is complete when the project is closed, all outstanding issues are resolved, and the project enters maintenance. The MTECC project manager will certify all elements are complete and partner with the project sponsor in the close out and transfer agreement from the MTECC to the project sponsor for the Operating Phase of the transportation facility.

APPLICATION



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Effective and successful project development and delivery requires the application and utilization of procedures/guidelines and tools such as forms or checklists as a means of controlling and executing work as well as documenting key project information.

Experience also indicates that certain but not all procedures and tools are not necessarily applicable or required across the board for all sizes and types of projects. It may not be practical for projects of less technical complexity or smaller contract value to require the same procedures and tools as projects of greater technical complexity and significant contract value.

However, project managers may benefit from a greater use of procedures and tools in larger complex projects as a way of documenting assumptions and risks associated with development and delivery.

Application and requirements related to the use of project management procedures, tools, and forms by project type/complexity is documented in Table 1. For Project Managers, Table 1 includes the required procedures/actions that they are responsible for and that must be documented as part of the project file. The letter "R" in a box indicates that these actions and the accompanying procedure are required or mandatory. The letter "C" indicates a procedure of value for a project that should be considered for use where applicable. Table 1 includes the project manager procedures/actions and associated forms/checklists that are required for different categories of projects. The broad category descriptions are included below to determine the complexity and application of procedure requirements.

Category Descriptions:

Category I – No Plan projects, small, simple, and short duration projects.

Category II – Minimum Plan projects, simple, single season construction projects.

Category III – Full C-Plan projects, multi-season construction projects of medium complexity.

Category IV – Very large complex C-Plan projects (>\$10M), multi-season construction projects of large complexity.

Category V – Major Projects and multi-contract projects where seamless interaction among contractors is necessary.



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Table 1					
Project Management Activity	Project Category				
	I	II	III	IV	V
Initiate Project Scope	R	R	R	R	R
Final Project Scope	R	R	R	R	R
Project Development Schedule	R	R	R	R	R
Project Development Budget /Estimate	R	R	R	R	R
Public Involvement Team Meeting	C	C	R	R	R
Public Hearing	C	C	R	R	R
Final Production Team/Pass the Torch Meeting	C	C	R	R	R
Pre-Advertisement Conference/ Prepare for Advertisement and Contract Execution	C	C	R	R	R
Construction Bid Analysis and Recommendation for Award	R	R	R	R	R
Preconstruction Conference	R	R	R	R	R
Progress Meetings	C	C	R	R	R
Final Construction Inspection	R	R	R	R	R
Project Closeout Meeting	R	R	R	R	R
R = Required C = Consider					

Project Scope and Team meetings – The Project Manager is responsible for refining and finalizing the project scope. The Project Manager coordinates with all appropriate project team members, functions, and Municipal Members to arrange and conduct the scoping meeting.

Project Schedules – The Project Manager is responsible for developing, maintaining, and monitoring the project schedule. Every project regardless of size should have a project schedule. The Project Manager works with appropriate project team members to develop the project tasks and durations to include in the schedule.

Project Budget and Estimates – The Project Manager is responsible for developing, maintaining, and monitoring the project budget and estimate. The Project Manager coordinates with the appropriate team members to attain information and develop the estimate.

Project Procurement Activities – The Project Manager for each respective phase is responsible for assisting the MTECC procurement staff in the scoping, advertisement, technical documents, evaluation, negotiation, and documenting for final selection for the procurement of engineering and construction phases of each project under the direction of the Executive Director.

Project Contract Management – The Project Manager for each respective phase is responsible for the management of engineering and construction contracts under the direction of the Executive Director.

Final Production Team/Pass the Torch Meeting - The Project Manager is responsible for ensuring that all required documents are completed and submitted for advertisement. The Project Manager coordinates with team members and MTECC Procurement to prepare for advertisement. At this point



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the project and all required documentation is transitioned to the construction project manager, which may be the same project manager at the engineering phase.

Pre-Construction Conference – The Project Manager is responsible for scheduling and conducting the conference.

Progress Meetings– The Project Manager is responsible for managing the construction schedule in accordance with contract specifications. Periodic progress meetings should be conducted to ensure that the project is progressing as scheduled and budgeted. Any needed changes should be documented and approved by the MTECC Engineer or Record, Municipal Member and FDOT or other funding agency.

Project Closeout Meetings – The project manager is responsible for ensuring that all project documentation is filed and that the project is final accepted and closed out in the MTECC project management system. The close out meeting should include a discussion of post project audits and the operation and maintenance responsibilities. The project manager is responsible for coordinating with the project sponsor on project closeout to ensure a timely and smooth transition of the completed project to the project sponsor for the operation and maintenance phase.



Project Management Procedure Professional Services Contracts

PURPOSE: To establish general guidelines for contracts and outline the responsibilities and guidelines for MTECC Project Managers in the management of the project and related professional services contracts. The development, awarding, and management of a contract should be consistent with the MTECC Professional Services Procurement Procedures (Number 50-20-10), Florida Statute 287 and the where applicable the Florida Department of Transportation (FDOT) **Local Agency Program Manual Procedure 525-010-300**.

DEFINITIONS:

- (1) **Amendment**, where used herein, refers to a change, addition, alteration, correction, or revision to a contract document.
- (2) **Assignment**, where used herein, refers to a contractor assigning its responsibilities or interests in a contract (e.g., sale, acquisition, or merger of a MTECC contractor's business) to, or with another vendor.
- (3) **Breach of Contract**, where used herein, refers to a failure of a party to a contract to abide by the terms or conditions of the contract.
- (4) **Conflict of Interest Questionnaire**, where used herein, refers to a questionnaire completed by those individuals involved in the selection criteria and/or evaluation of a Request for Qualifications (RFQ) Request for Proposal (RFP), Invitation to Bid (ITB), Invitation to Negotiate (ITN), and contracts, who attest they have no conflict of interest with the project.
- (5) **Consultant**, where used herein, refers to a person or company that provides professional services to the MTECC **Contract**, where used herein, refers to a legal written agreement between two or more entities for the rendering of services.
 - (a) **Professional Services Contract**, where used herein, refers to a written contract primarily for qualified professional architectural; engineering; landscape architectural; surveying and mapping; planning; and right of way services, otherwise known as professional services, in compliance with state and federal requirements.
 - (b) **Cost Reimbursement Contract**, where used herein, refers to a type of contract through which the MTECC reimburses the contractor for actual expenditures incurred in accordance with a line-item budget.
 - (c) **Fixed-Price/Rate Contract**, where used herein, refers to a method of payment used when the service provided can be broken down into a unit cost(s) (e.g., hours, client days) or for an established fee known as a fixed fee (payment based on delivery of a completed service).
- (6) **Contract Closeout**, where used herein, refers to the final process or final steps to be taken upon completion or termination of a contract. Contract closeout encompasses both administrative and programmatic activities.
- (7) **Contract Extension**, where used herein, refers to an increase in the time allowed for the completion of a contract for commodities or contractual services. In accordance with section 287.057 (12), F.S., this increase may be granted one time only and must not exceed six months. There should be only



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one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the contractor's control.

- (8) **Contract Renewals**, where used herein, refers to the renewal of an existing contract, beyond its original term in accordance with section 287.057 (13), F.S., for commodities or contractual services. The Contract renewal period may not exceed 3 years or the term of the original contract, whichever is longer. Contract renewal is subject to the same terms and conditions as the original contract and any written amendments signed by the parties, contingent upon satisfactory contractor performance and the availability of funding. Emergency or single source procured contracts may not be renewed. A contract resulting from a competitive procurement cannot be renewed unless the competitive solicitation (RFP, ITB, or ITN) provided a contract renewal provision.
- (9) **Contractor**, where used herein, refers to a person or firm who, under contractual obligation, agrees to furnish goods or services to the Department for a certain price.
- (10) **Corrective Action Plan (CAP)**, where used herein, refers to a contractor's plan for the correction of a non-compliant issue(s) within a specified timeframe.
- (11) **MTECC Project Manager**, where used herein, refers to the person designated in the contract and by the MTECC to be responsible for contractor performance oversight and performing administrative functions of the contract. This may involve carrying out the preparations for contracting and negotiating amendments under the contract. The MTECC Project Manager may delegate certain functions such as, monitoring the contractor's performance, approving invoices for payment, and monitoring activities.
- (12) **Financial Consequences**, where used herein, refers to the monetary amount required to satisfy a loss resulting from a breach of contract (e.g., failure to comply with the terms and conditions of the contract, including performance measures). Financial consequences shall allow the state to withhold payment or recover money paid. Funds recovered from the contractor for financial consequences may only be used in direct support of the program in which the contract originated.
- (13) **Invoice**, where used herein, refers to a written account of services provided, merchandise shipped or sent to a purchaser, consignee, etc., with the value or prices and charges assessed.
- (14) **Method of Payment**, where used herein, refers to the compensation section in a contract that specifies the total or maximum dollar amount of the contract, the manner contractors submit invoices, the frequency invoices will be submitted to the MTECC, and any conditions pertaining to the payment of contract invoices.
- (15) **Non-Compliant Issue**, where used herein, refers to any event in which the contractor does not adhere to the terms and conditions of the contract.
- (16) **Performance Measure**, where used herein, refers to standards or goals for performance (qualitative and/or quantitative) by which the MTECC evaluates the acceptability of the contractor's delivery of services. Failure to meet performance measures will expose the contractor to financial consequences and/or penalties, if applicable.
- (17) **Scope of Work**, where used herein, refers to a narrative describing what services are to be provided, how the services are to be provided, measurable objectives, products to be delivered, and schedules of performance.
- (18) **Settlement Agreement**, where used herein, refers to a legal document setting forth the amount of compensation which is agreed upon by the Department and the contractor for services rendered or goods received, generally without the benefit of a purchase order or contract. This document allows



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MTECC and the Department to reimburse to make payment to a contractor for commodities or services rendered to the Department.

SPECIFIC PROCEDURES:

(1) **SPECIFIC RESPONSIBILITIES FOR MTECC PROJECT MANAGERS:** The MTECC Project Managers will:

- (a) attend training conducted by the Florida Department of Transportation (FDOT) or others pursuant to the **Local Agency Program Manual Procedure 525-010-300**, section 215.971, and section 287.057, F.S.
- (b) develop and prepare a performance-based scope of work in accordance with section 287.058, F.S., prior to completing the DC2-525 and submitting it to the MTECC Procurement Team. At a minimum, the scope of work shall:
 1. establish all tasks the consultant is required to perform;
 2. include quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the Project Manager before payment. Each deliverable must be directly related to the scope of work and specify a performance measure;
 3. specify the criteria and the final date by which such criteria must be met for completion of the contract;
 4. specify the financial consequences that the agency must apply if the consultant fails to perform in accordance with the contract;
- (c) serve as the liaison between the MTECC and the FDOT, and/or the consultant;
- (d) ensure appropriate grant or funding program requirements are met and conveyed to the applicable consultant;
- (e) foster communications with the FDOT, and/or the consultant to address contractual responsibilities and resolve contract issues or concerns;
- (f) ensure performance issues are identified and exercise applicable remedies, as appropriate, when a consultant's performance is deficient in a timely manner;
- (g) initiate or coordinate actions related to the contract, which includes negotiations, administrative, financial, and operational activities;
- (h) coordinate with the MTECC Procurement Team for managing and documenting any changes to the contract through the amendment process including processing contract amendments, renewals, and terminations;
- (i) ensure subcontract agreements are approved and documentation is maintained in the MTECC Project Manager's file;
- (j) approve contractor's request for assignment prior to the new consultant rendering services;



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- (k) ensure the consultant(s) meet all contractual terms and conditions during the contract;
- (l) ensure proper close outs are administered for fiscal accountability and integrity;
- (m) participate in solicitation development, negotiating contracts and contract renewals, with the MTECC Procurement Team as needed;
- (n) process, inspect, review, and approve the contractor's invoice payments to ensure compliance with budget allocations, design and applicable standards and construction specifications;
- (o) ensure contractor's compliance with the CAP resulting from contract monitoring and inspections;

(2) **OTHER DUTIES OF THE MTECC PROJECT MANAGER:**

- (a) **Cost Analysis:** The Project Manager shall ensure that a cost analysis is conducted, as applicable.
 - 1. **Contract Amendments:** If it is determined a contract amendment would change the scope of work, contract time or change the compensation, the Project Manager will complete a cost analysis that justifies the change and seek Executive Director and FDOT District approval for the change regardless of dollar value. A significant change in the scope of work after a competitive procurement may not be appropriate and may need to be reviewed in consultation with the MTECC General Counsel. Generally, services can be added or deleted from a scope of work (if the work is within the original scope), but completely changing the scope may need to be reviewed.
- (b) **Payments:** The Project Manager will:
 - 1. process, inspect, review, and approve the consultant's invoice for payment;
 - 2. review, verify, and approve the consultant's invoices as to the frequency and to whom invoices should be submitted for payment;
 - 3. monitor the rate of expenditure and approval of invoices to ensure that invoice requests do not exceed the contracted dollar amount throughout the term of the contract/grant;
 - 4. route the invoice(s) to the MTECC Finance and Accounting for approval/payment; and
- (c) **Non-Compliant Issues:** The MTECC Project Manager will be responsible for addressing non-compliant issues with the consultant by:
 - 1. ensuring that when issues of significant non-compliance are identified in a monitoring report the consultant submits a CAP in writing within ten calendar days of receipt of the monitoring report or as indicated within the contract.
 - 2. approving or disapproving the CAP;
 - 3. conducting a follow-up visit within the agreed upon days of the original monitoring visit if necessary or as indicated within the contract to ensure non-complaint issues are resolved;
 - 4. ensuring that if any performance measures are tied to financial consequences, appropriate action will be taken as outlined within the contract terms and conditions.



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(3) **SPECIFIC PROCEDURES - FORMAL CONTRACTS:**

- (a) The procurement of professional services must be evidenced by a written contract document.
- (b) **Cooperation with Inspector General:** Where applicable, MTECC contracts should incorporate the following language: “In accordance with section 20.055(5), F.S., the contractor, and any subcontractor, understands and will comply with its duty to cooperate with the Department Inspector General in any investigation, audit, inspection, review, or hearing.”
- (c) **Local Agency Program (LAP) Checklist for Federally Funded Professional Services Contracts Federal and State Requirements (Form 525-010-49):** The MTECC Project Manager and MTECC Procurement Team will complete this checklist and ensure that the applicable terms are including and/or excluding from the applicable contract as required.
- (d) **LAP Terms for Federal Aid Professional Services Contracts (Form 375-040-84):** The MTECC Project Manager and or MTECC Procurement Team will ensure that this form is attached to each professional services contract.

(7) **EXEMPT CONTRACTS**

Purchases of professional services for a project where the basic construction cost is estimated to be less than the threshold amount of Category Five (\$325,000) as referenced in s. 287.017, F.S., are exempt from competition. For federal-aid projects, the additional limiting constraint is that the contract fee may not exceed the simplified acquisition threshold of \$150,000 established in 48 CFR 2.101. Contracts involving studies or activities not associated with a construction project are exempt from competition where the total professional services fee is less than Category Two threshold (\$35,000). For work under the referenced thresholds, at least three qualified Consultants should be considered, ranked in order of preference, and negotiations initiated with the number one ranked Consultant. If this process is not followed, the contract file will be documented as to the reasons for the selection.

(8) **CONTRACT AMENDMENTS, RENEWALS, EXTENSIONS, ASSIGNMENTS:**

- (a) **Contract Amendments/Change Orders:** Contract Amendment/Change Order requests must be submitted by the MTECC Project Manager to the Executive Director and FDOT District for approval prior to execution to consultant. The Project Manager will file the FDOT approval and provide FDOT with a copy of the executed amendment, once it has been signed by both parties. Amendments must follow the guidelines as stated below:
 - 1. Once a contract has been signed by the consultant and the MTECC, it becomes a legally binding document committing both parties to very specific actions within well-defined time frames. Any changes to the contract including modifications, renewals, extensions, and terminations must be in the form of a written amendment, unless otherwise specified in the contract. Once a contract has been executed, the dollar amount may not be increased unless there is a corresponding increase in the scope of work.
 - 2. Amendments will not constitute a change of the original contract number.



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3. All terms and conditions of the contract and any related amendment will be strictly adhered to by applicable parties.
- (b) **Contract Renewals:** Contract Renewal requests must be submitted by the MTECC Project Manager to the Executive Director and FDOT District for approval prior to execution. The Project Manager will provide a copy of the executed renewal to the FDOT once it has been signed by both parties. Any request to renew a contract must include documentation that the consultant has performed satisfactorily and must allow sufficient time to develop the contract renewal (amendment) and allow for review, approval, and signatures. Renewals must follow the guidelines as stated below:
1. The MTECC has the option to renew contracts (if the renewal option is available) after the initial contract period, upon the same terms and conditions and at the renewal prices indicated in the contract.
 2. Exercise of the renewal option is at the MTECC's sole discretion and shall be conditioned, at a minimum, on the contractor's performance of the contract and subject to the availability of funds.
 3. The MTECC must provide written notice to the consultant of its intent to renew no later than 30 calendar days prior to the contract expiration date.
 4. The renewal term shall be considered separate and shall require exercise of the renewal option should the MTECC choose to renew the contract.
 5. Contracts may be renewed for a period that may not exceed three years or the term of the original contract, whichever period is longer.
- (c) **Contract Extensions:** Contract Extension requests must be submitted to the Executive Director and FDOT District for review and approved by FDOT prior to execution. The Project Manager will provide a copy of the executed extension to the FDOT. Any request to extend a contract must include documentation that the consultant has performed satisfactorily and must allow sufficient time to develop the contract extension (amendment) and allow for review, approval, and signatures. Extensions must follow the guidelines as stated below:
1. Pursuant to section 287.057(12) F.S., extension of a contract for contractual services shall be in writing for a period not to exceed six months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion is due to events beyond the control of the contractor.
 2. Final extensions are contingent upon funding appropriations.
- (d) **Contract Assignments:** The consultant must provide the Project Manager with written notification when an assignment is being contemplated, requesting approval prior to assigning its responsibilities or interests. The MTECC Project Manager will consult with the Executive Director and FDOT District regarding any assignments prior to approving the assignment. The Project Manager will provide written notification of acceptance of assignment to the consultant. This written acceptance will accompany the assignment amendment throughout the approval process and the assignment will become effective upon execution of the amendment.



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- (8) **USE OF SUBCONTRACTOR:** A consultant is fully responsible for all work performed under its contract. A consultant may enter into written subcontract(s) for the performance of certain functions under its contract. To enter a subcontract:
- (a) The subcontract must contain the applicable federal aid terms required by the **Local Agency Program Manual Procedure 525-010-300** and the associated LAP checklist.
 - (b) All payments to subcontractors shall be made by the consultant.
 - (c) The consultant will pay the subcontractor within seven business days after receipt of full or partial payment from MTECC in accordance with section 287.0585, F.S.
 - (d) MTECC Project Managers must verify that invoices requesting payments are generated by the consultant and not a subcontractor.
 - (e) If an invoice was generated by a subcontractor, the invoice should be denied and a proper invoice requested from the consultant.
- (9) **CONTRACT TERMINATION:** A contract may be terminated for any of the following reasons:
- (a) **Termination at Will/Convenience:**
 - 1. both parties agree to cancel (mutual consent);
 - 2. if “at-will” cancellation is used, the contract may be cancelled within the time frames stated in the contract (i.e., 30-day notice for the MTECC/60-day notice for consultant) via certified letter to the consultant, etc. or on a date agreed upon by both parties; and/or
 - 3. if the contract is terminated at will, documentation should be provided by the party terminating the contract.
 - (b) **Termination for Cause:** The MTECC may terminate the contract upon 24 hours written notice to the consultant. If termination is for cause, sufficient evidence that the contract terms are not being met, or that the consultant is in default, the MTECC Project Manager should document and maintain this information within the contract files. Examples include, but are not limited to:
 - 1. the consultant fails to allow public access to all documents associated with the contract; or
 - 2. the consultant fails to perform as required or in any way breaches the contract (documentation of such breach must be maintained in the contract file).
 - (c) **Termination for Unauthorized Employment:**

NOTE: All contract terminations (other than termination by mutual agreement) will have prior review and approval from the Executive Director, MTECC General Counsel, and FDOT District. If approved, the termination notice will be delivered by express mail overnight delivery or may be hand-delivered with at least a 24-hour notice, by the MTECC Project Manager.



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(9) TRAINING

Required training will be based upon the training requirements specified by the **Local Agency Program Manual Procedure 525-010-300** and those needed to maintain licensure and/or required by F.S. 287.

(10) FORMS

A list of forms related to this procedure can found in the **Local Agency Program Manual Procedure 525-010-300**.



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Approved: _____
Interim Executive Director

CONSTRUCTION PROJECT ADMINISTRATION PROCEDURE (CEI)

Introduction

The Metro Transportation Engineering and Construction Cooperative (MTECC) has a responsibility to appropriately monitor the engineering and inspection for construction projects being implemented by the Agency in accordance with Federal, state and local laws, regulations, rules, ordinance and related guidance.

In delivering these projects MTECC must ensure that professional services firms are prequalified with FDOT to deliver these services for each project before considering firms for a project and procured in accordance with the Agency Procurement Procedures.

Construction administration includes the following activities required to oversee the construction of a Federal-aid project:

- Construction project inspection,
- Project administration and recordkeeping,
- Materials acceptance testing and verification, and
- Federal contract compliance.

Authority

- Chapter 163 Interlocal Agency Agreement
- Section 302 of Title 23 U.S.C., requires that adequate construction personnel are provided to ensure that quality highways are constructed under the federal-aid highway program.
- 23 CFR 635 Subpart A, Contract Procedures

Construction Project Administration Process

The Florida Department of Transportation (FDOT) over many years has developed well established and accepted Construction Project Administration Manual, bulletins and related guidance for staff, professional services firms and contractors in delivering construction projects primarily in a partnership with FDOT for funding and under a grant/partnership agreement.

The MTECC Executive Director shall ensure that staff and professional services firms are trained and prequalified to provide Construction Project Administration in accordance with FDOT requirements. The MTECC Executive Director shall ensure that Construction Project Administration follows the requirements



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established by FDOT in the Construction Project Administration Manual and bulletins shown at: <https://www.fdot.gov/construction/manuals/cpam/cpammanual.shtm> and also the Local Programs Manual, Chapter 21, Construction Administration for Local Projects located at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/lap/manual/final_ch-21_2017-06-23.pdf. The MTECC Construction Project Administration Team shall be aware of FDOT Director of Construction Memoranda that might apply for a project that are located at: <https://www.fdot.gov/construction/memos/current-memo/currentmemos.shtm>

For items that are unique to FDOT systems that may not be available to the MTECC, the MTECC Executive Director shall work with the staff and professional services firm to establish like kind systems or if not cost effective, for paper systems to record information as required to meet the requirements of the CPAM.

MTECC Construction Reporting

The MTECC Executive Director shall develop a construction report that is provided monthly by the Construction Project Administration Team for use by FDOT, MTECC Board and the applicable city where the project is located. This report shall include at a minimum the following information for each project reported on a monthly basis by the Construction Project Administration Team.

- Name
- Number (MTECC and FDOT)
- Location
- General Description of the Work
- Completion of the Work
 - Original Contract Work Days
 - Change in Work Days by Type of Increase of Decrease (breakout any new changes in days during the month)
 - Amended Contract Work Days
 - Number of Work Days Used
 - Percent Work Complete
 - Work Days Ahead/Behind Schedule
- Contract Budget to Actual
 - Original Contract Amount
 - Amendments To Date (breakout any new amendments during the month)
 - Amended Contract Amount
 - Contract Payments to Date
 - Retainage Withheld
 - Contract Amount Remaining
- Summary of Work Activities
 - Summary of key work during the last period
 - Summary of planned key work for the next period
 - Identification of any items of concern in the work activities
- Contract Claims or other items of note
- MTECC Project Manager and contact information



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Approved: _____

Interim Executive Director

Environmental, Design, Utility and Related Standards

Purpose:

The purpose of this procedure is to outline the procedure for the MTECC in following the appropriate standards for all MTECC projects as established in Federal law and regulations, Florida Statutes and rules, Department of Transportation manuals and procedures and local government requirements.

Authority:

Chapter 163 Interlocal Agency Agreement

Related to FDOT granted projects:

Sections 20.23(3)(a) and 334.048(3), Florida Statutes.

Various Project Grant Agreements

Scope:

This procedure provides guidance for the MTECC Executive Director and teams supporting the design and construction of projects being implemented by MTECC.

Procedure:

Standards and Procedures

The initial projects being considered by the MTECC are projects granted through the Florida Department of Transportation (FDOT) that are mostly through Federal funding for Federal eligible roads that are owned by local governments. This will require the application of FDOT standards and procedures late to the following areas. The MTECC Executive Director is responsible for ensuring that MTECC designs and constructs projects in accordance with the applicable standards and procedures.

Please note this list is intended to be representative and the MTECC Executive Director and experts shall determine the applicable standards, manuals, guidelines, and related items based on the project scope, location, and other key information specific to each project.

The below are from the Florida Department of Transportation.

Environmental:



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- Culture Resources Management Handbook
<https://www.fdot.gov/environment/pubs/cultmgmt/cultmgmt1.shtm>
- NPDES Stormwater - <https://www.fdot.gov/maintenance/npdes-stormwater.shtm>
- Mitigation Payment Handbook <https://www.fdot.gov/maintenance/npdes-stormwater.shtm>
- Public Involvement Handbook <https://www.fdot.gov/planning/policy/publicinvolvement/index>
- Protected Species and Habitats <https://www.fdot.gov/environment/protected-species-and-habitat>
- NEPA Assignment Program/Quality Assurance/Quality Control
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/approved-fdot-oem-qaqc-plan_2016-1222.pdf?sfvrsn=f95dcb67_0
- PD&E Manual <https://www.fdot.gov/environment/pubs/pdeman/pdeman-current>
- Federal section 4(f) de minimis process
[https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/4\(f\)/final-de-minimis-procedure-for-fdot.pdf?sfvrsn=4d690fbb_6](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/4(f)/final-de-minimis-procedure-for-fdot.pdf?sfvrsn=4d690fbb_6)
- Section 106 process - https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/environment/pubs/etdm/amendments/executed-amendment-to-section-106-pa.pdf?sfvrsn=739b4aaf_0
- Traffic Noise Modeling - https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/final-practitioners-handbook---december-2018-version.pdf?sfvrsn=95bb91d6_2
- FDOT Environmental Management Bulletins and Guidance -
<https://www.fdot.gov/environment/oem-bulletins.shtm>
- This list was not intended to be all inclusive as MTECC is not designed to be planning and environmental lead for projects – for additional information see
<https://www.fdot.gov/environment/publications.shtm>

Design:

- FDOT Design Manual <https://www.fdot.gov/roadway/fdm>
- FDOT Plans Preparation Manual and Standards
<https://www.fdot.gov/roadway/ppmmanual/ppm.shtm>
- Traditional Neighborhood Development Handbook
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/floridagreenbook/tnd-handbook.pdf?sfvrsn=70cd8341_4
- Florida Greenbook <https://www.fdot.gov/roadway/floridagreenbook/fgb.shtm>
- Temporary Traffic Control (Maintenance of Traffic)
<https://www.fdot.gov/roadway/ttc/default.shtm>
- Drainage Manuals and Handbooks -
<https://www.fdot.gov/roadway/drainage/manualsandhandbooks.shtm>



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- Pavement Management <https://www.fdot.gov/roadway/pm/publications.shtm>
- Quality Assurance
 - Training <https://www.fdot.gov/roadway/qa/training.shtm>
 - Help Tools <https://www.fdot.gov/roadway/qa/tools.shtm>
 - Help Links <https://www.fdot.gov/roadway/qa/links.shtm>
- Accessibility/ADA <https://www.fdot.gov/roadway/ada/adaforms.shtm>
- Value Engineering
- CADD Manual <https://www.fdot.gov/cadd/downloads/publications/publications.shtm>
- Structures Manual
<https://www.fdot.gov/structures/structuresmanual/currentrelease/structuresmanual.shtm>
- Soils and Foundation Handbook
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/structures/manuals/sfh.pdf?sfvrsn=e6e1db62_2
- Mechanically Stabilized Earth Wall (MSE) Handbook
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/structures/manuals/mse.pdf?sfvrsn=fc159878_0
- Various Bulletins and Memoranda <https://www.fdot.gov/design/publicationslist.shtm>
- Basis of Estimates Manual
<https://www.fdot.gov/programmanagement/utilities/buyamerica.shtm>
- Standard Specifications for Road and Bridge Construction
<https://www.fdot.gov/programmanagement/specs.shtm>
- Design-Build Specifications
<https://www.fdot.gov/programmanagement/implemented/designbuild/default.shtm>
- Local Agency Program Specifications
<https://www.fdot.gov/programmanagement/implemented/lap/default.shtm>
- Push Button Specifications
<https://www.fdot.gov/programmanagement/otherfdotlinks/pushbutton/default.shtm>
- Surveying and Mapping Handbook
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/geospatial/documentsandpubs/surveying-and-mapping-handbook.pdf?sfvrsn=593bb55c_18
- Geographic Information Systems
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/it/oitmanual/chapter22gisinfotechnologyresourceusersmanual.pdf?sfvrsn=f01067ce_0



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Construction and Inspection:

- Construction Project Administration Manual
<https://www.fdot.gov/construction/manuals/cpam/cpammanual.shtm>
- Construction Training & Qualification Manual
<https://www.fdot.gov/construction/manuals/ctqm/ctqm.shtm>
- Review and Administration Manual
<https://www.fdot.gov/construction/manuals/ctqm/ctqm.shtm>
- QA/QC Guidelines <https://www.fdot.gov/construction/constadm/guidelist/guideindex.shtm>
- Fuel & Bituminous Average Price Index <https://www.fdot.gov/construction/fuel-bit/fuel-bit.shtm>
- Materials Price Adjustment (MPA) Index <https://www.fdot.gov/construction/material-price-adjustment>
- Basis of Estimates Manual
<https://www.fdot.gov/programmanagement/utilities/buyamerica.shtm>
- Cost Trends Reports
<https://www.fdot.gov/programmanagement/estimates/documents/costtrendreports>
- Monthly Estimates <https://www.fdot.gov/construction/estimates/ftpestimates.shtm>
- Final Estimates <https://www.fdot.gov/construction/finalestimates/fehome.shtm>
- Wage Rates <https://www.fdot.gov/construction/wage.shtm>
- Suspended Contractors List <https://www.fdot.gov/construction/legal/newsuspension.shtm>
- Prequalified Contractors List (search)
<https://fdotwp1.dot.state.fl.us/contractorprequalification/public/PrequalifiedVendorSearch.aspx>
[X](#)
- Approved Products List <https://fdotwp1.dot.state.fl.us/ApprovedProductList/Specifications>
- Innovative Products List
<https://fdotwp1.dot.state.fl.us/ApprovedProductList/Specifications?IsDevSpec=True>
- Program Office Bulletins <https://www.fdot.gov/programmanagement/publications.shtm>
- FDOT Materials Office (materials testing and approved sites) <https://www.fdot.gov/materials>

Utilities:

- Utility Accommodation Manual https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/programmanagement/utilities/docs/uam/uam2017.pdf?sfvrsn=d97fd3dd_0
- Utility Procedures Manual https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/utilities/docs/uam/700-030-001-adopted.pdf?sfvrsn=5c101b2c_14



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- Wireless Facilities https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/utilities/docs/general/wireless-rule-14-46-005-f-a-c1766235796.pdf?sfvrsn=8435a7ca_4
- Buy American Guidance for Utilities <https://www.fdot.gov/programmanagement/utilities/buyamerica.shtm>

Traffic Engineering and Operations:

- Florida Highway Guide Sign Program <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=14-51>
- Guide to Highway Vulnerability Assessment for Critical Asset Identification and Protection <https://trid.trb.org/view/718608>
- Manual on Intersection Control Evaluation <https://www.fdot.gov/traffic/trafficservices/intersection-operations.shtm>
- Manual on Uniform Traffic Control Devices (MUTCD) <https://www.fdot.gov/traffic/trafficservices/mutcd.shtm>
- Manual on Uniform Traffic Studies <https://www.fdot.gov/traffic/trafficservices/studies/muts/muts.shtm>
- Roundabouts: An Informational Guide https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/traffic/doc_library/pdf/nchrp_rpt_672.pdf?sfvrsn=7220b035_0
- Speed Zoning for Highways, Roads, and Streets in Florida <https://www.fdot.gov/traffic/speedzone/Speed-Zone-Manual.shtm>
- Traffic Engineering Manual <https://www.fdot.gov/traffic/trafficservices/studies/tem/tem.shtm>
- Leading Pedestrian Interval Programming https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/doc_library/leading-pedestrian-interval-programming-version-1-0.pdf?sfvrsn=d03e7395_2
- ITS Integration Guidebook https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/traffic/doc_library/pdf/its_integration_guidebook.pdf?sfvrsn=6ab3abe_0
- Connected & Automated Vehicles, Arterial Management, Wrong-Way Driving, and Managed Lanes <https://www.fdot.gov/traffic/doc-library/doc-library.shtm>



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Approved: _____
Interim Executive Director

Public Involvement Procedure

Introduction

Public Involvement (PI) is an integral process with a goal to involve all persons in a community, regardless of race, color, national origin, sex, age, disability, family or religious status, being affected positively or negatively by a future transportation project. PI is two-way communication stream aimed at incorporating the views, concerns, and issues of the public into the transportation decision making process, which is on-going in all phases of a project. It allows the general public to be informed and to be heard.

Public involvement is needed through all phases of a transportation project, from the early planning stages to operations and maintenance. The public involvement effort should be scaled to match the magnitude or complexity of the project, including the potential issues or challenges of a project, such as right-of-way acquisition, relocations, access modifications, or providing a new type of transportation service.

All public involvement efforts should be flexible and updated as the project progresses in response to changing conditions, as well as the effectiveness of the involvement activities. Oftentimes, what seems like a straightforward project evolves into a more complex one and the involvement effort should be adjusted to reflect this. Further, transportation professionals should remain cautious about prejudging the level of public involvement needed based on their own perceptions of the project's complexity. What seems like a beneficial project to a planner or engineer may be perceived as a burden by the community. Early public involvement provides insight about potential controversy.

It is also important to understand who constitutes the public. It is in the best interest of the project to examine the different types of groups that will be involved and the most appropriate strategies for engaging each of them. The public can be considered anyone outside of the immediate project team, including other agencies, local governments, elected officials, business owners, and residents.

This Public Involvement Plan (PIP) is a dynamic document that, as per 23 CFR 450.316(1), "defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the transportation planning process."

Public Involvement Legislation

Transportation projects can greatly impact the economics and social structure of a society, which is why public participation is extremely important. There are many instances from the past when public



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involvement did not receive the attention it deserved in the process. In order to assure the equal treatment of individual neighborhoods and ensure environmental justice in transportation projects, state and local transportation agencies have begun to utilize PI.

Through PI, affected communities as well as transportation planners and decision-makers are made aware of the likely benefits and consequences of a project. In order to conduct successful public involvement outreach, the following regulations and programs have been incorporated into the MTECC's PIP:

Intermodal Surface Transportation Efficiency Act

The establishment of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991 changed the role of PI in the field of transportation planning and programming. With the implementation of the ISTEA, transportation planning began to assume a performance measure approach to PI. This ensures that PI commences in the initial phases of a project and that agencies customize their PIP in response to local conditions, attitudes, and needs.

The Transportation Equity Act for the 21st Century

The Transportation Equity Act for the 21st Century (TEA-21) enacted on June 9, 1998, outlines PI participation by mandating that "an annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available for public review. The listing shall be consistent with the categories identified in the transportation improvement program."

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU retained all of the public involvement language from the previous acts and added new requirements. The new requirements included the development of a Public Participation Plan (PPP) in consultation with interested parties, the addition of bicycle and pedestrian facilities users and the disabled as interested parties, public meetings held at convenient times and accessible locations, and the use of electronic methods and visualization techniques to provide information to the public.

Moving Ahead for Progress in the 21st Century Act (MAP-21)

H.R. 4348, the "Moving Ahead for Progress in the 21st Century Act" (MAP-21) was passed in the Congress on June 29, 2012 and signed into law (Public Law No: 112-141) by the President on July 6, 2012. MAP-21 continued the major PI guidelines from SAFETEA-LU (Title 23, 450.316) that states the PPP "shall be developed in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

- Providing adequate public notice of public participation activities and time for public review and comment at key decision points;
- Providing timely notice and reasonable access to information about transportation issues and processes;
- Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
- Holding any public meetings at convenient and accessible locations and times;
- Seeking out and considering the needs of those traditionally underserved by existing transportation



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systems, such as low-income and minority households, who may face challenges accessing employment and other services;

- Coordinating with the statewide transportation planning, public involvement, and consultation processes under subpart B of this part; and
- Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.”

Fixing America’s Surface Transportation (FAST) Act

On December 4, 2015, the Fixing America’s Surface Transportation Act, or “FAST Act”, was signed into law by the President of the United States. Overall, the FAST Act largely maintains current program structures and funding shares between highways and transit. It is a down-payment for building a 21st century transportation system. The law also makes changes and reforms to many Federal transportation programs, including streamlining the approval processes for new transportation projects, providing new safety tools, and establishing new programs to advance critical freight projects.

State of Florida Statutes

Chapter 286, F.S., commonly known as “The Sunshine Law”, addresses public access to governmental proceedings at the state and local level. The Sunshine Law requires that meetings of boards or commissions be open to the public, reasonable notice of such meetings be given, and minutes taken and made available to the public in a timely manner.

Title VI of the Civil Right Act, 42 – U.S.C. 2000

This act provides in section 601 that: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance.”

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

This order was created in 1994 in response to the concerns raised in Title VI. It explains the federal government’s commitment to promote environmental justice, which means that everyone within the United States deserves equal protection under the country’s laws. The order states “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP)

This Executive Order stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or



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encounter. It reads in part that “Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”



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ELEMENTS FOR SUCCESSFUL PUBLIC INVOLVEMENT

The MTECC adheres to the following objectives to ensure that the transportation improvement satisfies the community's needs:

- Achieve active engagement and on-going feedback for transportation related projects by providing timely and reliable information to the public.
- Create a process tailored to local circumstances.
- Establish an adequate mechanism to evaluate the openness, fairness, and responsiveness of the process.
- Solicit informed public input to effectively develop transportation plans and programs.

Carefully considering these elements before a project begins helps ensure a proactive approach when deciding which PI techniques and strategies to implement in a project, program, or study. Successful PI activities can be included, if appropriate, for the specific project or proposal, and noted deficiencies should be addressed and improved upon.

Transportation Partners

The MTECC works collaboratively with its transportation partners to effectively reach out to the community. Partners include, but are not limited to the following:

- Florida Department of Transportation
- The various Metropolitan Planning Organizations and Cooperative Members
- Florida's Turnpike Enterprise
- South Florida Regional Transportation Authority/Tri-Rail

Public Involvement Process

The MTECC strives to implement successful PI strategies for programs and required documents by applying the following procedures:

Setting Goals and Objectives

In order to design and implement an effective PI Program, the goals and objectives of each project, study, or required document will be clearly defined. Specific project goals and objectives should also coincide with the main goals and objectives of the MTECC public involvement mission statement.

Review of Previous Public Involvement Plans

To develop the best possible PI program, past projects and case studies from other agencies and organizations will be considered as valuable reference resources. The previous success or failure of the application of PI tools and strategies can help when creating a unique PI program and deciding which tools to utilize. Project and program evaluation reports should be considered before and during the development of a plan, project, or program. This will aid in setting milestones and will contribute to the creation of a successful PI program.

Selecting the Most Appropriate Outreach Strategy

The goals and objectives, community characteristics, and lessons learned from previous projects should be considered when selecting the most appropriate outreach strategy for a specific project, study, or required document. When feasible, the final project document should include



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information about specific PI activities such as:

- Number and types of public involvement strategies that were conducted
- Number of individuals that attended public meetings
- Type of materials developed thought to be effective or ineffective
- Languages made available for outreach materials
- Total number of comments received
- Total amount of funds dedicated to the public outreach effort

This will maintain effective and proactive PI programs and ensure that resources are used in the most efficient way possible. The outreach strategy applied in each special project or required document is unique and depends upon the selection and combination of PI techniques applied. The ability to choose from a variety of outreach activities is essential for ensuring community participation in a dynamic environment.

Getting the General Public Involved

It is important that the general public get involved in the transportation planning process and that their suggestions on how to improve their transportation system is considered and studied, if deemed implementable. To ensure their participation, the general public is informed at meetings, workshops, outreach events, and within collateral materials that they can get involved with the process by mailing, phoning, faxing, emailing, or by visiting the following:

Working with Limited English Proficiency Persons

Limited English Proficiency (LEP) plays an integral role in the transportation planning process to ensure all persons are appropriately reached in the community. As defined in the 2010 United States Census, an LEP person is any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “not well” or “not at all”. The production of multilingual publications and documents, and/or interpretation at meetings or events are provided to the degree that funding permits, based on current laws and regulations.

Title VI and ADA Compliance

No person shall, on the basis of race, color, national origin, sex, age, disability, family, or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and the Florida Civil Rights Act of 1992, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

Public meetings are held in locations that comply with ADA regulations to ensure the participation from all persons with disabilities.

Working with Environmental Justice (EJ) Populations

EJ populations encompass minority and low-income persons who experience adverse effects from a transportation related project. A minority population is “any readily identifiable group or groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/ transient persons”, and a low-income population is “any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons”.

Adverse effects include “totality of effects on human health or environment and denial of,



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reduction in, or significant delay in receipt of benefits, and disproportionately high and adverse effect on human health or the environment of EJ populations. An adverse effect that is predominantly borne by a minority population and/or a low-income population or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.”

To ensure that minority and low-income populations do not experience adverse effects, the MTECC adheres to the following EJ principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Meaningful public engagement allows potentially affected community members to have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health, the public’s contribution to influence the regulatory agency’s decision, the concerns of all participants involved to be considered in the decision-making process, and the decision-makers to seek out and facilitate the involvement of those potentially affected.

OPPORTUNITIES FOR THE GENERAL PUBLIC TO GET INVOLVED

Public Involvement during the Decision- Making Process

The transportation decision-making process includes the following phases:

- Planning
- Project Development and Environment
- Design
- Construction

The first phase starts with “big picture” discussions regarding policy and moves towards more detailed systemwide planning. Once a project is selected or programmed to receive funding, it moves into the preparatory phases including environmental studies and preliminary and final design. The last step involves the physical implementation of the project, otherwise known as construction, operations, and maintenance. An alternative project delivery phase may be used, which includes Design-Build activities, as well as public private partnerships (PPP/P3), and occurs before construction, operations, and maintenance. In most instances the planning phase and most or all of the Project Development and Environment phase will be completed prior to the project being presented to the MTECC for consideration. Even so, it is critical that the MTECC be aware of the prior phases and continue the public involvement process for the subsequent phases.



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Public involvement is essential throughout each major phase, as well as the individual steps and processes. The entire transportation decision-making process can take many years, and since the implementation step involves many ongoing activities, some form of public involvement should always occur.

Understanding these phases is vital for an accurate understanding of the complex processes that are undertaken by FDOT, MPOs, and other agencies to move an idea or plan to reality. The public and project stakeholders can benefit from awareness and knowledge of the process to better understand when and where to become involved, and what constraints are faced by state, regional, and local agencies in making decisions during the various phases. Practitioners can benefit from understanding phases of the project in which they are not directly involved and how they can collaborate and partner with the public and fellow practitioners at each phase of the transportation decision-making process.

Public Involvement during Planning

Public involvement during planning brings diverse viewpoints and values to the surface early in the decision-making process and consists of activities and actions that both inform and involve the public so they can help influence decisions that affect their lives. There are generally three types of plans that are completed during this phase: policy, systemwide, and corridor plans.

Public Involvement during PD&E

Public involvement activities are most extensive during the project development phase, which is also referred to as the environmental, or NEPA, process. FDOT refers to the NEPA phase as the PD&E phase. This phase is critical because it links the planning process with the actual project location, design, and eventual construction and operation.

For federally funded projects, FDOT, on behalf of either the FHWA or Federal Transit Administration (FTA), addresses and assesses compliance with more than 40 laws related to safety and the environment. These laws cover social, economic, and environmental concerns ranging from cohesion with the community to the impact on threatened and endangered species. FDOT works closely with other federal agencies; state, local, and tribal governments; public and private organizations; and the public to understand the potential impacts of the project. This process requires a delicate balance between many important factors, including:

- Mobility needs,
- Economic prosperity,
- Health and environmental protection,
- Community and neighborhood preservation, and
- Quality of life for present and future generations.

At the conclusion of the PD&E study, any commitments and recommendations made to the public should be documented in the environmental document and carried forward into the design phase for implementation. Those commitments and recommendations should be tracked and monitored for adherence and for building community trust.

Public Involvement during Design

For federally funded projects, when Location and Design Concept Acceptance (LDCA) is received, the next step in the process is the design phase. When the design phase begins, it is important to keep in mind that not all projects have gone through an ETDM screening or PD&E study. Projects



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such as resurfacing, sidewalks, and other enhancements generally do not go through the PD&E process or do not require an ETDM screening. If the project had a PD&E phase, the design team should meet with the PD&E team to collect useful information such as mailing lists, issues that arose during public meetings or with local officials, and commitments made.

Public Involvement during Construction

During construction, public involvement takes on more of a public information role, informing people about lane closures, median changes, business access impacts, work hours and work zones, detours, and grand openings.

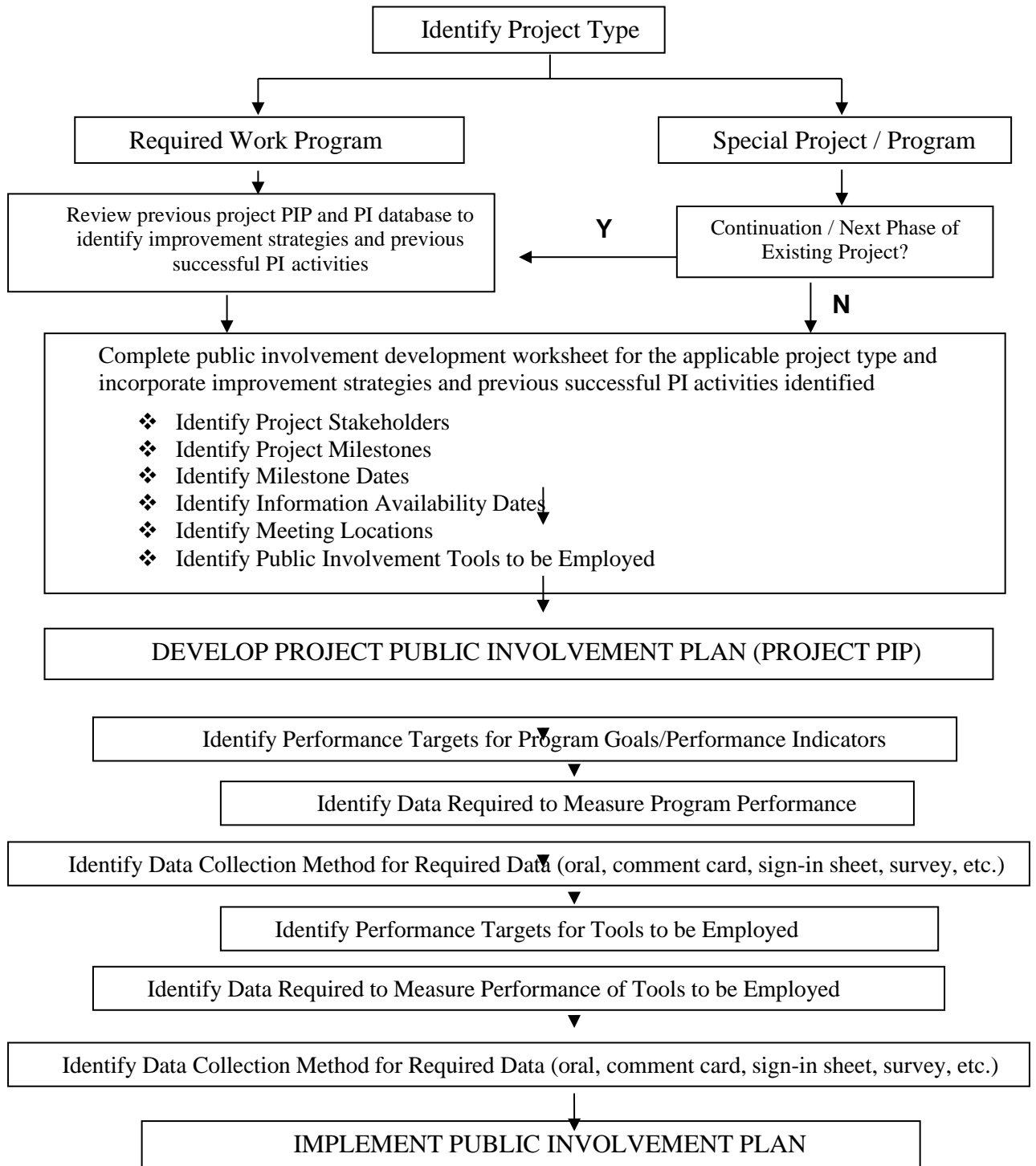
The public's ability to influence the overall construction phase is limited, but the MTECC is responsible for engaging with the public to provide up-to-date information and solicit concerns in order to minimize the disruption to businesses and residents during the construction phase.

In addition to traditional public information meetings, some projects may benefit from other methods such as one-on-one meetings, an up-to-date project website, and social media. Variable message signs (VMS) are routinely used to communicate lane closures and changes in access.



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DEVELOPMENT OF A PUBLIC INVOLVEMENT PLAN





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Working with the Media

Utilizing media sources is the most effective way to communicate and provide updates on transportation projects. While one theory is that “all news is good news,” that is not always the case, especially when news relates to large investments of public funds. Achieving positive media exposure requires a certain degree of knowledge and expertise in tailoring messages that are factual and meet the media’s standards for newsworthiness. It is important to formulate a clear, uniform message for the media from the onset of the project to reduce the chance that misinformation will be spread.

Establishing a professional, one-on-one relationship with key reporters and editors who cover the transportation or government sectors is one of the best ways to enhance the chances of getting positive media coverage.

Another key to positive media coverage is the content of the message. The media is more likely to pick up a story if it is simple to report, easy to understand, contains personal experiences, and is linked to a current or enduring theme, such as creating jobs, preserving the environment, or moving people and goods. We can be so involved in the details of a project that it can be challenging to take a step back and remember the bigger picture. Personal experiences from members of the public or local government officials are effective for explaining, in general terms, the need for the project and the benefits the project may bring to the community.

Press Kits/Press Releases

Reporters typically look for ways to get a story out quickly and appreciate press releases and other prepared materials about the project. If appropriate, a press kit should include facts about the project, a press release with quotations from key agency representatives, information on future public involvement activities, whom to contact for more information, and photographs, graphics, or videos of the project. All materials provided to the press should be carefully proofread, double checking that the dates, times, locations, and contact person(s) are correct. Incorrect information will diminish the credibility of the MTECC with the media.

Issuing press releases at milestones is common in major long-term transportation projects. In general, press releases should address the five “W’s”:

- **Who:** Identify the agency sponsoring the project and provide a contact name and phone number.
- **What:** Describe what is currently happening either with the project or at the public event.
- **When:** Indicate the timeline of the subject announced. If the press release is announcing a public meeting or workshop, be sure to include start and end times.
- **Where:** Identify the location of the public involvement activity, including the full street address with city, state, and zip code.
- **Why:** Explain why the public involvement activity or project milestone is taking place.

Formatting tips for a press release include using an easy-to-read font, leaving at least one and a half spaces between each line of text, providing a concise headline that captures the essence of the release, including the date of the release, and including the required nondiscrimination language. It is important to include a sentence or two describing the project, its background, and its purpose or goal. If the project is being conducted in coordination with other agencies, these agencies should be recognized in the press release. This standard format for a press release can



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be used for a variety of media sources.

Media Sources

While the majority of Americans have access to the Internet, media resources should be selected for their ability to reach all affected communities and people and groups who may have an interest in the project. Understanding the community characteristics and needs in the affected area is essential to inclusive public outreach.

To involve traditionally underserved communities, additional effort may be required to identify community-specific and/or community-based media sources. Working with a community leader to identify these media sources may be necessary.

In developing a media strategy, the following questions should be asked:

- What is the appropriate level of involvement effort that should be used for the particular project?
- How will people react to the particular media source?
- How many people can be reached by that source?
- How implementable is the media strategy, from a resource and complexity perspective?

All media sources have different deadlines. Knowing these deadlines may influence the decision to include a particular source in the overall strategy. It is important to respect media deadlines to maintain a positive relationship. There may be preferences for how the information is received (e.g., email or a website form). Print/digital quality standards may be applicable. All this information should be compiled and included as part of the media list. The following are examples of different media sources that can be utilized for transportation projects.

Print Media

Print media should be considered for more than posting a legally required advertisement about an upcoming public meeting. There are several types of print media outlets for promoting public involvement activities. These include general circulation newspapers, community-specific newspapers, organizational newsletters or bulletins, community-based magazines, and school-based publications. While advertising in a general circulation newspaper is both a requirement and a reliable resource for delivering project news and updates, additional options can broaden the potential audience and promote participation by traditionally underserved communities. It is important to consider using print media provided in non-English languages or oriented to specific communities (e.g., El Sentinel, the Spanish version of the Sun Sentinel, or the Caribbean Voice, a newspaper in Broward County whose large readership includes the South American and Caribbean populations); homeowner association newsletters, special interest publications, or business organization newsletters or bulletins; and school-based publications such as student newspapers at local universities.

Some communities have lifestyle or other types of magazines that are distributed on a monthly or quarterly basis to inform residents about recent and upcoming events. These publications can be useful for projects that have longer time frames or involve large geographic areas. Including meetings in the community calendar of events in newspapers and newsletters is also effective. Volunteer-coordinated publications usually welcome prepared articles about topics of community interest.



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Print media also includes any project-generated materials, such as fact sheets, newsletters, business cards or palm cards, brochures, and flyers. After obtaining necessary permission, these materials can be:

- Delivered to a project mailing list
- Posted at local gathering spots such as grocery stores, government offices, libraries, parks, community centers, or places of worship
- Distributed to transit riders by public involvement teams at transit stops or on transit vehicles
- Delivered to residences using door hangers
- Sent to property managers of rental communities and major employers for distribution
- Sent home with school children

Radio and TV

Even with the advent of streaming services, radio and television remain powerful media sources that capture a local audience. News channels may conduct newsworthy interviews which could be an effective way to distribute project information. Additionally, public service announcements (PSAs) are often used as a formal method of announcing meetings, workshops, and milestones. Local television channels, which cost significantly less than paid network advertising, are particularly useful for reaching and relating to a local audience. Local cable channels offer news clips and interviews that can specifically cater to a project. Local TV and radio stations often have community calendars announcing local events such as public meetings.

Web-Based Media

Social media has become a cornerstone of effective communication in the past decade. Facebook pages and Twitter feeds are examples of social media platforms used for online project communication. Mobile device applications (apps) are also increasingly being used to communicate project news.

Stakeholders and team members can spread project information through links on personal and professional social media feeds (e.g., LinkedIn). Special interest groups also may be willing to share updates and notifications about the project on their social media platforms. Another way that social media can be used is for gauging public interest in the project through social media engagement, commentary, and analytics.

Websites are an effective method of communication that can provide a central, consistent source of updates on the project. Websites are also useful for keeping track of public interest in the project through website tracking analysis tools. Web surveys and polls can be conducted through the project website at critical milestones to efficiently gauge public opinion during the decision-making process. Websites can provide ways to sign up for an email list, submit a comment, or request a presentation. Depending on the complexity of the project, a project website may not be required. For projects that do not have a website, posting information about the project and public meetings on websites of partner agencies or affected municipalities can be an effective means of notification.

Use of web-based media is an integral part of modern public engagement. Our challenge is to learn about the appropriate way to interact with web-based media, how it can be used to spread information quickly and efficiently, and its time and cost-saving advantages over traditional means of disseminating information and involving the public. Social media and related tools



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present considerable savings where they make sense; and is vital to how Public Information Officers communicate with the public. Simple to setup and largely free to use, social media is an effective way to share information in a range of formats (e.g., video) with the public.

A diversified public engagement strategy, including digital and print information, and ability for people to speak to project representatives in person can expand the reach of our public involvement activities. It is important to keep in mind there will always be people who feel most comfortable with in-person interaction or media that does not require Internet connectivity.



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Evaluation Methodology

To assess existing and future PI activities, the MTECC shall utilize various evaluation methods to gauge the level of success for each strategy and ensure compliance with state and federal agency regulations. To maintain an up-to-date and effective public involvement program, the MTECC must continuously evaluate the effectiveness of its PI strategies.

When evaluating a strategy, it is suggested to refer to the approach depicted within the Florida Department of Transportation's (FDOT) "Public Involvement Handbook" that recommends:

- Identifying applicable performance measures and targets for each strategy that are should either be measurable, verifiable, or cost effective.
- Utilizing evaluation methods such as surveys in the form of face-to-face, email, mail, and phone calls.
- Utilizing statistical analysis to determine the effectiveness of a strategy.
- Engage in staff debriefings, especially after a study has been completed.
- Improvements to the Public Involvement Program should be made to increase public awareness and to improve the quantity and quality of information provided to the public.

As per the FDOT's "Public Involvement Handbook", examples are shown that "...illustrate various public involvement techniques, criteria for success, and methods to achieve the public involvement goals. For the purposes of this table, performance measures are not specifically identified because these are usually determined at the planning stage of each public involvement activity. By being aware of the goals of public involvement, and knowledgeable of the project, quantifiable performance measures can be determined."



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Conclusion

Public involvement incorporates the general public into the transportation decision-making process that can potentially affect their neighborhood. It ensures that MTECC activities provide an equal opportunity for all individuals to participate and comply with Title VI specifications. Feedback is highly valued by the MTECC, and public opinion is an integral part of the decision-making process.

The MTECC collects feedback through general outreach activities and with applicable comments and suggestions channeled to the appropriate transportation agency where the concern can be further investigated. Also, feedback can result in the undertaking of a new study or project, or the termination or modification of an ongoing project or program.

Individuals know the intricacies of their community better than anyone else. It is for this reason that the early involvement of affected neighborhoods is essential in the transportation planning process. It is also for this reason that careful and continuous application of PI strategies throughout the life of a transportation project, program, or study can ensure proper participation and a successful PI process for all.



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Approved: _____

Interim Executive Director

Annual Financial Report and Audit Procedure

Purpose:

The purpose of this procedure is to outline the procedure for the MTECC Annual Financial Report and Audit under requirements as established in Florida Statutes and within applicable Federal and State laws, rules and regulations.

Authority:

Section 218.32, Florida Statutes, annual financial reports; local governmental entities.

<https://www.myfloridacfo.com/Division/AA/LocalGovernments/default.htm>

Chapter 10.550, Florida Rules of the Auditor General, Local Governmental Entity Audits, (Contains Florida Single Audit Act Information) https://flauditor.gov/pages/pdf_files/10_550.pdf

Federal OMB Circular A-133, codifies into one set of uniform regulations located in part 200 of Title 2 of the Code of Federal Regulations related to grantees that receive and/or administer Federal grant funds.

https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A133/a133_revised_2007.pdf

2 CFR PART 200, APPENDIX XI COMPLIANCE SUPPLEMENT https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A133/2017/Compliance_Supplement_2017.pdf

Scope:

This procedure provides guidance for the MTECC Board and Executive Director for developing, reporting and audit of MTECC Annual Financial Reports.

Procedure:

Annual Financial Report

Under Section 218.32 (1)(a), Florida Statutes, Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.012, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the Florida Department of Financial Services (Chief Financial Officer.) The chair of the governing body and the chief financial officer of each local



MTECC Procedure 8.50.10

governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report.

Each local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the Department of Financial Services a copy of its audit report and an annual financial report for the previous fiscal year in a format prescribed by the Department of Financial Services.

Each local governmental entity that is required to provide for an audit must submit a copy of the audit report and annual financial report to the Department of Financial Services within 45 days after the completion of the audit report but no later than 9 months after the end of the fiscal year.

The annual financial report filed by a dependent special district or an independent special district shall specify separately:

- a. The total number of district employees compensated in the last pay period of the district's fiscal year being reported.
- b. The total number of independent contractors to whom nonemployee compensation was paid in the last month of the district's fiscal year being reported.
- c. All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency.
- d. All compensation earned by or awarded to nonemployee independent contractors, whether paid or accrued, regardless of contingency.
- e. Each construction project with a total cost of at least \$65,000 approved by the district that is scheduled to begin on or after October 1 of the fiscal year being reported, together with the total expenditures for such project.

The annual financial report of a dependent special district or an independent special district amending a final adopted budget under s. 189.016(6) must include a budget variance report based on the budget adopted under s. 189.016(4) before the beginning of the fiscal year being reported.

If the Department of Financial Services does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee and the Special District Accountability Program of the Department of Economic Opportunity of the entity's failure to comply with the reporting requirements.

Each local governmental entity's website must provide a link to the Department of Financial Services website to view the entity's annual financial report submitted to the Department pursuant to this section. If the local governmental entity does not have an official website, the county government's website must provide the required link for the local governmental entity.



MTECC Procedure 8.50.10

If the Chief Financial Officer deems the work products adequate, all local governmental financial statements for fiscal years ending on or after September 1, 2022, must be filed in XBRL format and must meet the validation requirements of the relevant taxonomy. A local government that begins filing in XBRL format may not be required to make filings in Portable Document Format.

The Department of Financial Services may request additional information from the local governmental entity. The information requested must be provided to the department within 45 days after the request. If the local governmental entity does not comply with the request, the department shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2).

The Department of Financial Services shall notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not reported any financial activity for the last 4 fiscal years. Such notice must be sufficient to initiate dissolution procedures as described in s. 165.051(1)(a). Any special law authorizing the incorporation or creation of the municipality must be included within the notification.

The guidance for the Department of Financial Services is located at <https://www.myfloridacfo.com/Division/AA/LocalGovernments/default.htm>

Federal Annual Financial Report Requirements

When the MTECC receives and administers Federal grant funds there are additional requirements that include items such as:

- Federal general and grant specific requirements for allowable and unallowable costs.
- Federal Cost Principles
- Federal grant reporting elements unique to each grant.

The MTECC Executive Director shall ensure that MTECC staff and support organizations or consultants are aware of and responsible for meeting the financial reporting requirements for use of Federal funds. Reference should be made to key documents including:

- a. 2 CFR PART 200, APPENDIX XI COMPLIANCE SUPPLEMENT, located at https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A133/2017/Compliance_Supplement_2017.pdf
- b. Allowable Cost/Cost Principles
 - a. 2 CFR part 225/OMB Circular A-87
 - b. 2 CFR part 220/OMB Circular A-21
 - c. 2 CFR part 230/OMB Circular A-122
- c. Federal grant specific requirements included in the grant award documents and agreements.



MTECC Procedure 8.50.10

Audit Requirements

The MTECC Board shall hire an independent auditor to annually audit the MTECC Annual Financial Report and records. The independent auditor shall have a minimum of five or more years of experience in local government audits that meet the requirements of Section 218.32, Florida Statutes, Rules 10.550, Florida Auditor General, and Federal OMB Circular A-133 when Federal funds are including in the Annual Financial Report.

The MTECC Executive Director shall ensure that the Annual Financial Report and records are available for the independent auditor hired by the MTECC Board as required for the annual audit and facilitate the availability of these records in a timely manner to ensure the audit is completed timely under the requirements of Section 218.32, Florida Statutes.

The independent audit shall meet all Federal and state requirements of Rules 10.550, Florida Auditor General and Federal OMB Circular A-133 when Federal funds are included in the Annual Financial Report.

The MTECC independent auditor shall report their draft findings to the MTECC Executive Director, who shall respond to any concerns noted by the independent auditor in writing to the independent auditor no later than 20 days after receipt of the draft findings. The MTECC independent auditor shall finalize the audit report including the response of the MTECC Executive Director on any concerns noted in the audit report and provide a report to the MTECC Board at their open public meeting.

The MTECC Executive Director shall file the MTECC Annual Financial Report and Audit Report with the Florida Department of Financial Services in a timely manner as required in Section 218.32, Florida Statutes. In addition, the MTECC Executive Director shall file the MTECC Annual Financial Report and Audit Report with any other organizations as required under Federal or state grant agreements.

In the subsequent annual independent audit, the auditor shall audit and report to follow up on any concerns noted in the prior year audit report and include the update on these concerns in the current year independent audit report.



**Metro Trans Engineering & Construction
Cooperative (MTECC)
Meeting Date: 02/09/2023**

1.

Local Agency Project (LAP) Program Administered by the Florida Department of Transportation (FDOT)

SUMMARY EXPLANATION/BACKGROUND:

The Federal highway system consists primarily of highways owned and operated by FDOT such as expressways and major arterials (such as Broward Blvd., Commercial Blvd, US-1, etc.). Certain local roads owned by counties and municipalities are also part of the Federal highway system. These local roads that are part of the Federal highway system are eligible for Federal grant funds. The Federal grant funds are normally requested by the Broward MPO and included in the FDOT Five-Year Work Program.

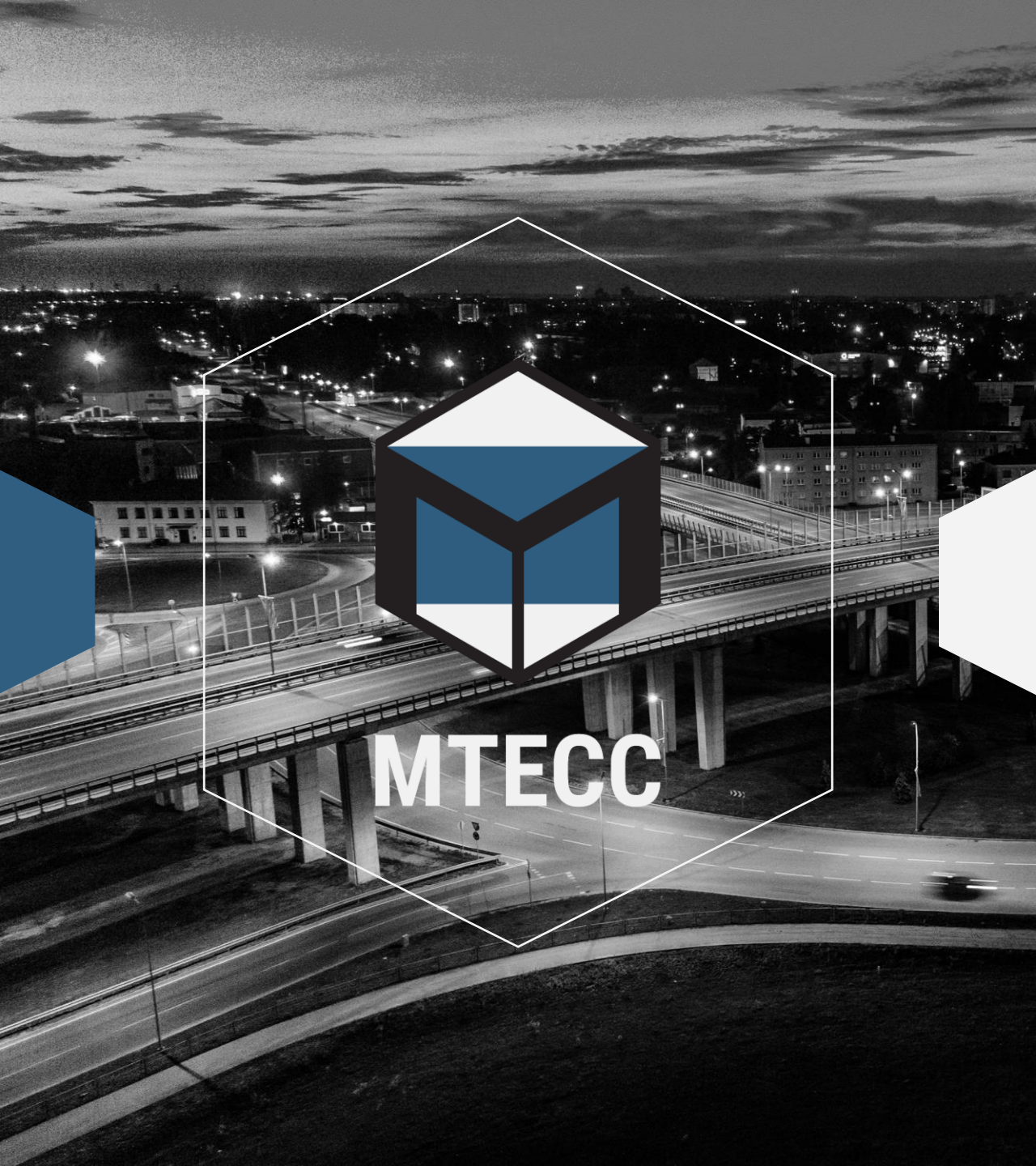
FDOT may agree through the LAP program to “delegate” the implementation of the Federal grant normally for design/engineering and construction to the local government/governments (when it crosses government boundaries) through a “certification process.” FDOT is responsible under Federal law for ensuring the Federal grant funds are implemented in accordance with Federal requirements and provides oversight through the LAP program.

ADDITIONAL INFORMATION/PREPARER:

A presentation is attached that will be discussed at the MTECC Board meeting. Please contact Lowell Clary at (850)212-7772 or lowell.clary@claryconsulting.com for more information.

Attachments

LAP Overview Presentation



METRO TRANSPORTATION ENGINEERING & CONSTRUCTION COOPERATIVE

Overview FDOT Local Agency Program

Lowell Clary
Interim Executive Director

February 9, 2023

Federal Aid Eligibility Map BROWARD COUNTY - FLORIDA

January 3, 2023

Nationwide approximately 75% or 2.9 million of the 3.9 million total miles of roadway are owned and operated by local public agencies. The Local Agency Program or "LAP" provides sub-recipient towns, cities and counties funds to develop, design, and construct transportation facilities with federal funds.

Certain local roadways owned by local public agencies are also part of the Federal highway system, making those facilities eligible for federal funds.

Federal Aid Eligible

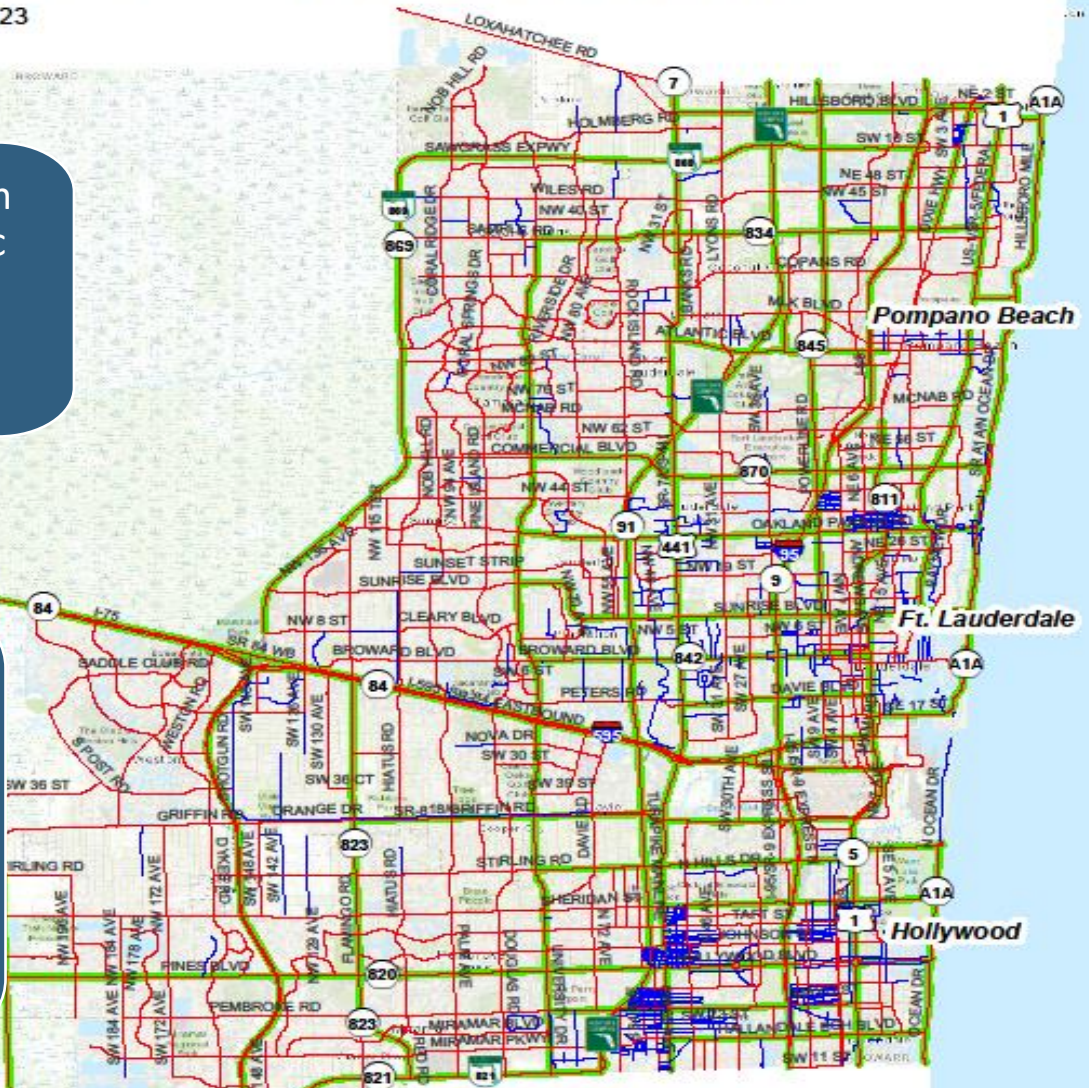
- On State Highway System
- Not on State Highway System

Not Federal Aid Eligible

- Eligible for FEMA compensation

Interstate
 State Hwy
 US Hwy
 Toll Road
 Turnpike

0 1.25 2.5 5 7.5 Miles



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



FLORIDA DEPARTMENT OF TRANSPORTATION
Transportation Data & Analytics

Any public road NOT shown as Federal Aid Eligible, whether on this map or not, is eligible for FEMA (Federal Emergency Management Agency) funds.

Benefits of the LAP Program



Increased availability of Federal funds for local agencies to perform transportation projects

Federal-aid is also available for use on local roads that are not part of the State Highway system

Local Agencies retain control of day-to-day project management

Projects maintain the priorities and objectives of the Local Agency

Overview of LAP Project Selection



FDOT is the steward of the federal funds and is responsible for oversight of funded projects on behalf of the Federal Highway Administration (FHWA).

LAP agencies prioritize and fund local projects through the MPO and are then eligible for reimbursement for the services provided to the traveling public through compliance with applicable Federal statutes, rules and regulations.

FDOT includes key LAP projects prioritized by the MPO in their Five-Year Work Program to the extent federal funds are available.

LAP “Certification”



To participate in the Local Agency Program local agencies must become ‘Certified’ by FDOT.

Local agencies are required to perform a series of assessments to ensure financial and staffing capability, as well as ability to comply with Federal and state regulations.

Local Agencies may be certified in the following areas:

Planning

Design

Construction

LAP FDOT Certification Types



Project Specific Certification

For Local Agencies that will perform an inconsistent number of projects

Certification applies for the life of the project, must re-certify for next project

Step-by-Step oversight by FDOT Staff

Mandatory training requirements



Full Certification

For Local Agencies that will perform a consistent number of projects

Certification applies for 3 years

Increased delegation of oversight from FDOT to local agency based on performance

Mandatory training requirements

Key Requirements

MUST Follow Federal Requirements – such as:

- “N.E.P.A.” (environmental/project development review)
- “Buy America”
- “Davis-Bacon” (wage rates)
- Land acquisition requirements
- Disadvantage Business Enterprise Program
- Procurement regulations
- Oversight requirements (FDOT oversight and independent CEI)
- Engineering standards

MUST partner with and follow guidance of FDOT as Federal designated oversight agency

Additional Lap Resources



FDOT Local Agency Programs Website

<http://www.fdot.gov/programmanagement/LAP/Default.shtm>

FHWA Federal-Aid Essentials for Local Agencies

<http://www.fhwa.dot.gov/federal-aidessentials/>

District 4 LAP Coordinator - Mya Williams – (954) 777-4608



THANK YOU

Lowell Clary
Interim Executive Director
Lowell.clary@claryconsulting.com

Please contact Christopher C. Bross, CPPO
at brossc@browardmpo.org or (954) 876-0064 to learn more about
MTECC and what they are working on in your community.



**Metro Trans Engineering & Construction
Cooperative (MTECC)**
Meeting Date: 02/09/2023

2.

REQUESTED ACTION:

Draft List of Proposed MTECC Projects

SUMMARY EXPLANATION/BACKGROUND:

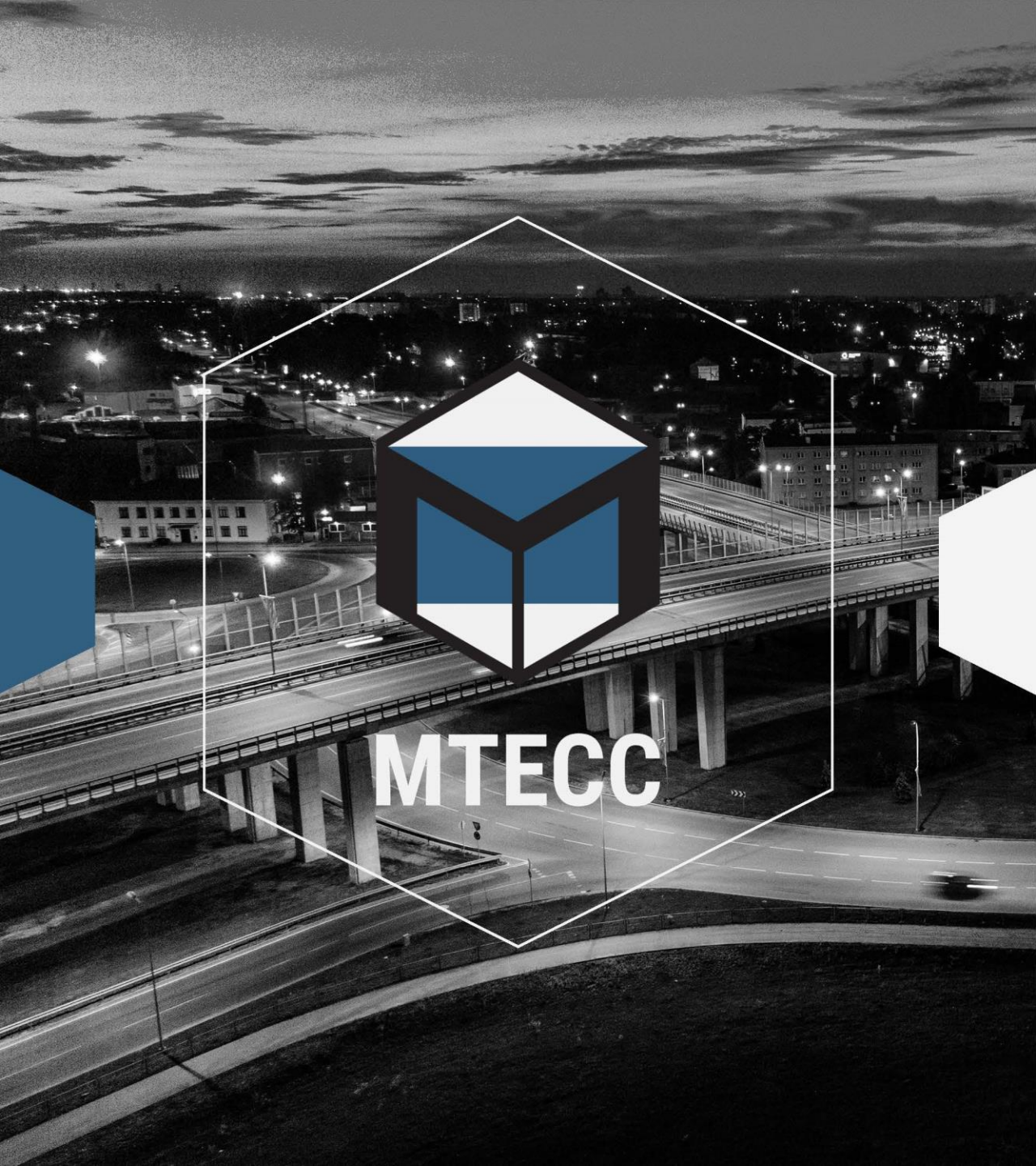
A presentation shall be prepared by staff.

ADDITIONAL INFORMATION/PREPARER:

A presentation is attached that will be discussed at the MTECC Board meeting. Please contact William L. Cross at (954) 876-0056 or crossw@browardmpo.org for more information.

Attachments

LAP Projects Presentation
LAP Projects By Municipality



METROPOLITAN TRANSPORTATION ENGINEERING & CONSTRUCTION COOPERATIVE

William L. Cross
Deputy Executive Director
Planning and Programming

February 9, 2023



LOCAL AGENCY PROGRAM (LAP) PROJECTS

Local Agency Program (LAP) Projects

in the 2024-2028 Draft Tentative Work Program



FM#	Project Description	Type of Work	Responsible Agency
4455191	NW 19TH STREET FROM NW 31ST AVENUE TO POWERLINE ROAD	MEDIAN MODIFICATION	MANAGED BY BROWARD COUNTY
4455281	CITY OF COCONUT CREEK VARIOUS LOCATIONS	BIKE PATH/TRAIL	MANAGED BY CITY OF COCONUT CREEK
4455311	NORTHWEST 39TH STREET FROM CORAL RIDGE DRIVE TO NORTHWEST 110TH AVENUE	BIKE LANE/SIDEWALK	MANAGED BY CITY OF CORAL SPRINGS
4495591	ROYAL PALM BLVD FROM UNIVERSITY DRIVE TO RIVERSIDE DRIVE	PEDESTRIAN SAFETY IMPROVEMENT	MANAGED BY CITY OF CORAL SPRINGS
4439491	NW 1ST ST FROM BRYAN ROAD TO SR-5/US-1	BIKE LANE/SIDEWALK	MANAGED BY CITY OF DANIA BEACH
4455291	CITY OF DEERFIELD BEACH VARIOUS LOCATIONS	BIKE LANE/SIDEWALK	MANAGED BY CITY OF DEERFIELD BEACH
4439781	SHADY BANKS AND TARPON RIVER NEIGHBORHOOD VARIOUS LOCATIONS	BIKE LANE/SIDEWALK	MANAGED BY CITY OF FORT LAUDERDALE
4455271	NORTHWEST 3RD STREET FROM NORTHWEST 6TH AVENUE TO DIXIE HIGHWAY	BIKE LANE/SIDEWALK	MANAGED BY CITY OF HALLANDALE BEACH
4439441	CITY OF HOLLYWOOD BEVERLY PARK VARIOUS LOCATIONS	SIDEWALK	MANAGED BY CITY OF HOLLYWOOD
4497171	NEW SIDEWALKS VARIOUS LOCATIONS IN HOLLYWOOD'S GRACEWOOD NEIGHBORHOOD	SIDEWALK	MANAGED BY CITY OF HOLLYWOOD
4439761	CITY OF HOLLYWOOD VARIOUS LOCATION	BIKE LANE/SIDEWALK	MANAGED BY CITY OF HOLLYWOOD
4455181	JOHNSON STREET FROM NORTH 35TH AVENUE TO NORTH 14TH AVENUE	BIKE LANE/SIDEWALK	MANAGED BY CITY OF HOLLYWOOD
4455341	CITY OF HOLLYWOOD - VARIOUS LOCATIONS	SIDEWALK	MANAGED BY CITY OF HOLLYWOOD
4507901	TYLER ST FROM NW 21 AVE TO N YOUNG CIRCLE	BIKE LANE/SIDEWALK	MANAGED BY CITY OF HOLLYWOOD
4439511	CITY OF LAUDERDALE LAKES TRAFFIC CALMING VARIOUS LOCATIONS	MISCELLANEOUS CONSTRUCTION	MANAGED BY CITY OF LAUDERDALE LAKES
4497161	CITYWIDE SIDEWALK IMPROVEMENTS IN LAUDERDALE LAKES	SIDEWALK	MANAGED BY CITY OF LAUDERDALE LAKES
4507831	CITY OF LAUDERHILL VARIOUS LOCATIONS	BIKE LANE/SIDEWALK	MANAGED BY CITY OF LAUDERHILL

Local Agency Program (LAP) Projects

in the 2024-2028 Draft Tentative Work Program



FM#	Project Description	Type of Work	Responsible Agency
4439771	CITY OF MIRAMAR COMPLETE STREETS PHASE IV	SIDEWALK	MANAGED BY CITY OF MIRAMAR
4455351	SHERMAN CIRCLE FROM JODI LANE TO JODI LANE	BIKE PATH/TRAIL	MANAGED BY CITY OF MIRAMAR
4465521	A.C. PERRY K-8 SCHOOL - MULTIPLE LOCATIONS	SIDEWALK	MANAGED BY CITY OF MIRAMAR
4439451	MIRAMAR COMPLETE STREETS PHASE III	SIDEWALK	MANAGED BY CITY OF MIRAMAR
4377951	MIRAMAR BIKE AND PEDESTRIAN MOBILITY IMPROVEMENTS	BIKE LANE/SIDEWALK	MANAGED BY CITY OF MIRAMAR
4482901	HONEY HILL DR FROM FLAMINGO RD TO SW 55 ST	BIKE PATH/TRAIL	MANAGED BY CITY OF MIRAMAR
4482891	SW 81 AVE FROM MCNAB ROAD TO C-14 GREENWAY- CITY OF NORTH LAUDERDALE	BIKE PATH/TRAIL	MANAGED BY CITY OF NORTH LAUDERDALE
4381161	NE 34 COURT BEGINING AT NE 12 TERRACE TO NE 16 AVENUE	BIKE LANE/SIDEWALK	MANAGED BY CITY OF OAKLAND PARK
4449981	NE 13TH IMPROVEMENTS VARIOUS LOCATIONS - CITY OF OAKLAND PARK	BIKE LANE/SIDEWALK	MANAGED BY CITY OF OAKLAND PARK
4497181	NE 12TH TERR ROADWAY IMPROVEMENTS	SIDEWALK	MANAGED BY CITY OF OAKLAND PARK
4496901	PEMBROKE RD FROM SW 145TH AVE TO FLAMINGO ROAD	BIKE LANE/SIDEWALK	MANAGED BY CITY OF PEMBROKE PINES
4455331	NORTHWEST 94TH AVENUE FROM NORTHWEST 44TH STREET TO 57TH STREET	BIKE LANE/SIDEWALK	MANAGED BY CITY OF SUNRISE
4482881	CITY OF WESTON VARIOUS LOCATIONS	SIDEWALK	MANAGED BY CITY OF WESTON
4455321	SADDLE CLUB ROAD FROM WEST OF LAKEVIEW DRIVE TO WESTON ROAD	BIKE LANE/SIDEWALK	MANAGED BY CITY OF WESTON
4439521	BONAVENTURE BLVD. FROM INDIAN TRACE TO SR-84	BIKE LANE/SIDEWALK	MANAGED BY CITY OF WESTON
4439501	ORANGE DRIVE FROM SW 92ND AVENUE TO SW 62ND AVENUE	BIKE LANE/SIDEWALK	MANAGED BY TOWN OF DAVIE
4482871	PEMBROKE PARK VARIOUS LOCATIONS	BIKE LANE/SIDEWALK	MANAGED BY TOWN OF PEMBROKE PARK



THANK YOU

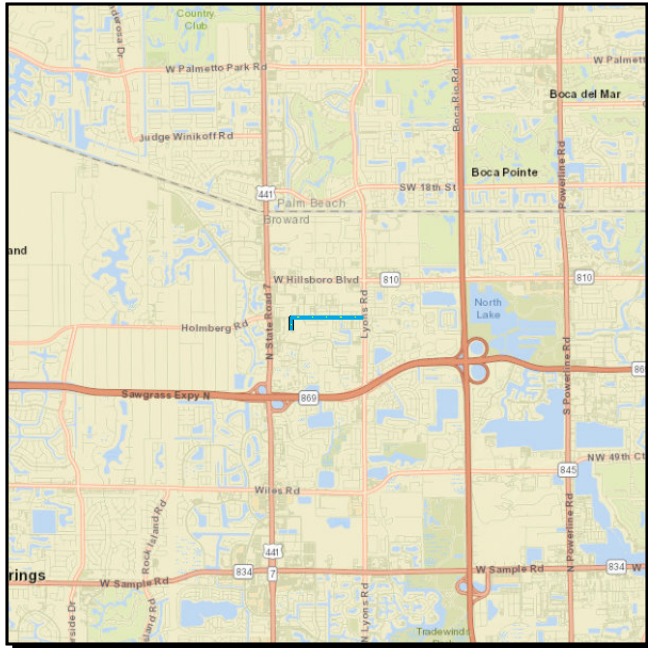
William L. Cross
Deputy Executive Director
Planning and Programming
crossw@browardmpo.org

Please contact Christopher C. Bross, CPPPO at
brossc@browardmpo.org or (954) 876-0064 to learn more about
the Broward MPO and what they are working on in your community.

COCONUT CREEK

4455281 CITY OF COCONUT CREEK VARIOUS LOCATIONS

Non-SIS



Work Summary: BIKE PATH/TRAIL **From:**

To:

Lead Agency: Coconut Creek, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	204,437	0	0	0	0	204,437
PE	TALU	5,000	0	0	0	0	5,000
CST	TALT	0	0	568,103	269,332	0	837,435
CST	TALU	0	0	143,654	0	0	143,654
Total		209,437	0	711,757	269,332	0	1,190,526

Prior Year Cost:

Future Year Cost:

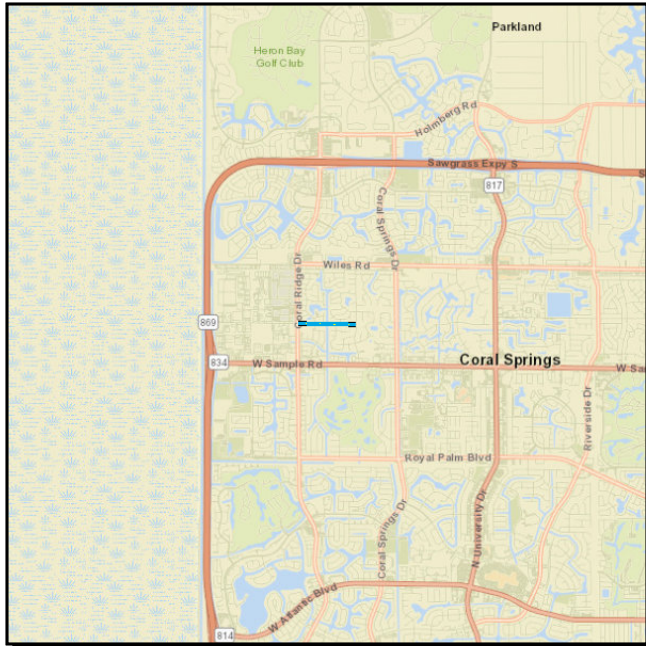
Total Project Cost: 1,190,526

Project Description: 2021 MPO CSLIP PRIORITY #16 LAP WITH CITY OF COCONUT CREEK VARIOUS LOCATIONS: JOHNSON ROAD FROM EAST OF US-441/SR-7 TO LYONS ROAD; PARK SCHOOL ROAD FROM LAKESIDE PARK TO JOHNSON ROAD

CORAL SPRINGS

4455311 NORTHWEST 39TH STREET FROM CORAL RIDGE DRIVE TO NORTHWEST 110TH AVENUE

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: Coral Springs, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	5,000	0	0	0	5,000
PE	TALU	0	323,940	0	0	0	323,940
CST	SU	0	0	0	1,930,634	0	1,930,634
Total		0	328,940	0	1,930,634	0	2,259,574

Prior Year Cost:

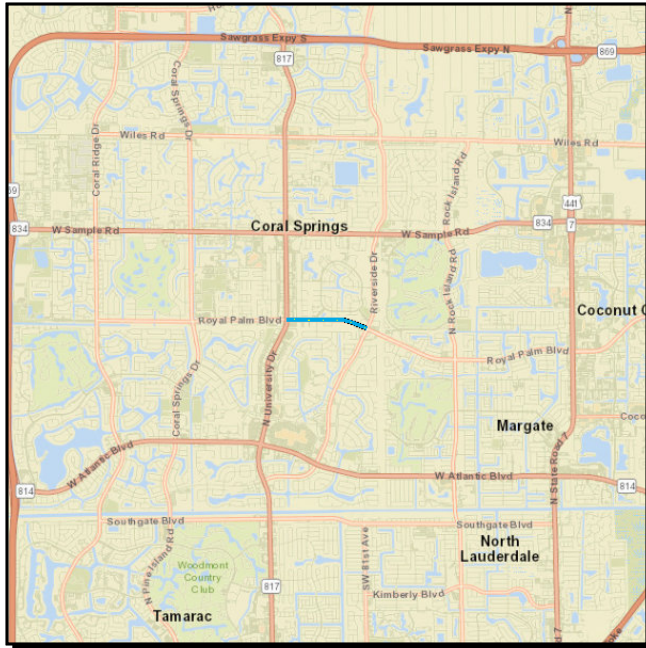
Future Year Cost:

Total Project Cost: 2,259,574

Project Description: 2021 MPO CSLIP PRIORITY #18 LAP WITH CITY OF CORAL SPRINGS

4495591 ROYAL PALM BLVD FROM UNIVERSITY DRIVE TO RIVERSIDE DRIVE

Non-SIS



Work Summary: PEDESTRIAN SAFETY IMPROVEMENT
From:
To:
Lead Agency: City of Coral Springs

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	SU	0	0	905,000	1,000,000	0	1,905,000
Total		0	0	905,000	1,000,000	0	1,905,000

Prior Year Cost:

Future Year Cost:

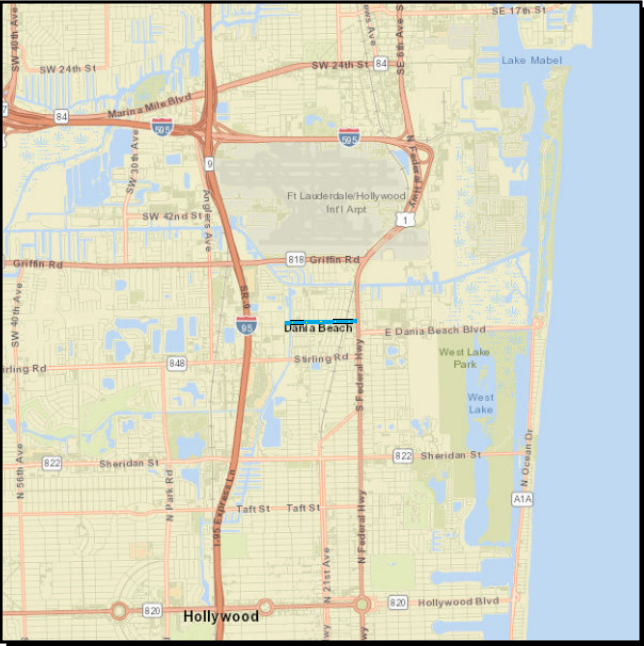
Total Project Cost: 1,905,000

Project Description: SAFETY IMPROVEMENTS VARIOUS LOCATIONS LAP W/ CORAL SPRINGS NO R/W NEEDED

DANIA BEACH

4439491 NW 1ST ST FROM BRYAN ROAD TO SR-5/US-1

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:
Lead Agency: Dania Beach, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	365,264	0	0	0	0	365,264
CST	TALT	0	0	72,050	0	0	72,050
CST	SU	0	0	2,646,937	0	0	2,646,937
Total		365,264	0	2,718,987	0	0	3,084,251

Prior Year Cost:

Future Year Cost:

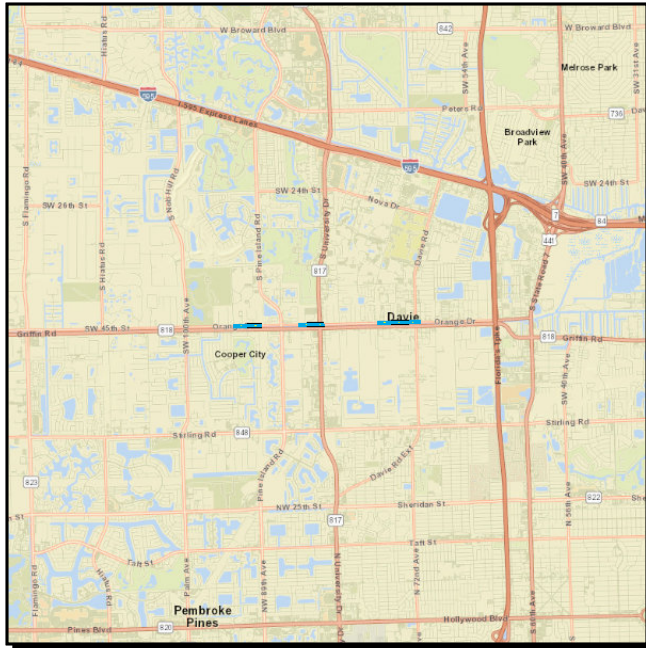
Total Project Cost: 3,084,251

Project Description: 2021 MPO CSLIP PRIORITY #1 LAP WITH CITY OF DANIA BEACH PROVIDE WIDER SIDEWALKS, BIKE LANES, ON-STREET PARKING, TRAFFIC CALMING, ENHANCED CROSSWALKS AND LIGHTING AND PEDESTRIAN CROSSING OF THE FEC RR ON NW 1ST FROM BRYAN BRYAN RD. TO SR-5/US-1

DAVIE

4439501 ORANGE DRIVE FROM SW 92ND AVENUE TO SW 62ND AVENUE

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	247,094	0	0	0	0	247,094
CST	SU	0	0	807,367	0	0	807,367
Total		247,094	0	807,367	0	0	1,054,461

Prior Year Cost:

Future Year Cost:

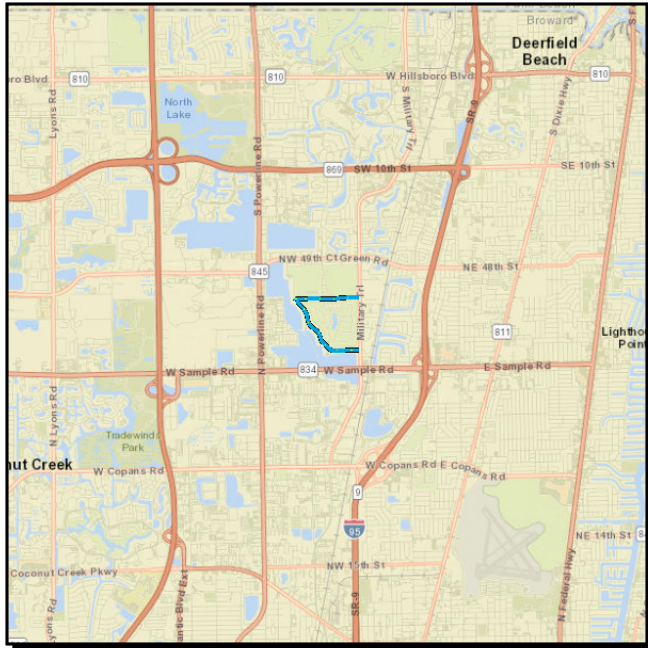
Total Project Cost: 1,054,461

Project Description: 2021 MPO CSLIP PRIORITY #2 LAP WITH THE TOWN OF DAVIE PROVIDE 5 FT SIDEWALKS TO FILL IN EXISTING GAPS IN NETWORK CROSSWALKS, ADA CURB RAMPS AND PEDESTRIAN BRIDGE INCLUDED

DEERFIELD BEACH

4455291 CITY OF DEERFIELD BEACH VARIOUS LOCATIONS

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: Deerfield Beach, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	5,000	0	0	0	0	5,000
PE	TALU	389,088	0	0	0	0	389,088
CST	SU	0	0	0	2,339,520	0	2,339,520
Total		394,088	0	0	2,339,520	0	2,733,608

Prior Year Cost:

Future Year Cost:

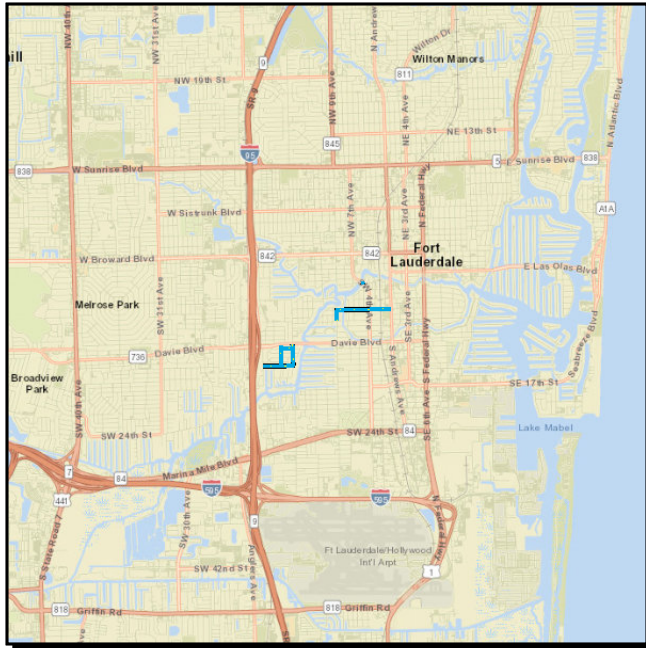
Total Project Cost: 2,733,608

Project Description: 2021 MPO CSLIP PRIORITY #17 LAP WITH CITY OF DEERFIELD BEACH VARIOUS LOCATIONS: NW 45TH STREET FROM NW 18TH TERRACE TO MILITARY TRAIL; CRYSTAL LAKE DR. FROM NW 45TH STREET TO MILITARY TRAIL.

FORT LAUDERDALE

4439781 SHADY BANKS AND TARPON RIVER NEIGHBORHOOD VARIOUS LOCATIONS

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:
Lead Agency: City of Fort Lauderdale

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	312,681	0	0	0	0	312,681
CST	TALT	0	0	567,949	1,100,000	0	1,667,949
CST	SU	0	0	183,131	0	0	183,131
Total		312,681	0	751,080	1,100,000	0	2,163,761

Prior Year Cost:

Future Year Cost:

Total Project Cost: 2,163,761

Project Description: 2021 MPO CSLIP PRIORITY #7 LAP WITH THE CITY OF FORT LAUDERDALE CITY TO PROVIDE LAP OVERSIGHT CONSUTLANT AT CITY COST PROVIDE SIDEWALK TO FILL IN MISSING LINKS, PEDESTRIAN LIGHTING, TRAFFIC CALMING, AND ADA-COMPLIANT RAMPS IN VARIOUS LOCATIONS.

4455191 NW 19TH STREET FROM NW 31ST AVENUE TO POWERLINE ROAD

Non-SIS



Work Summary: MEDIAN MODIFICATION **From:**

To:

Lead Agency: BROWARD COUNTY

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	LF	0	135,643	0	0	0	135,643
CST	SU	0	1,536,533	0	0	0	1,536,533
Total		0	1,672,176	0	0	0	1,672,176

Prior Year Cost:

Future Year Cost:

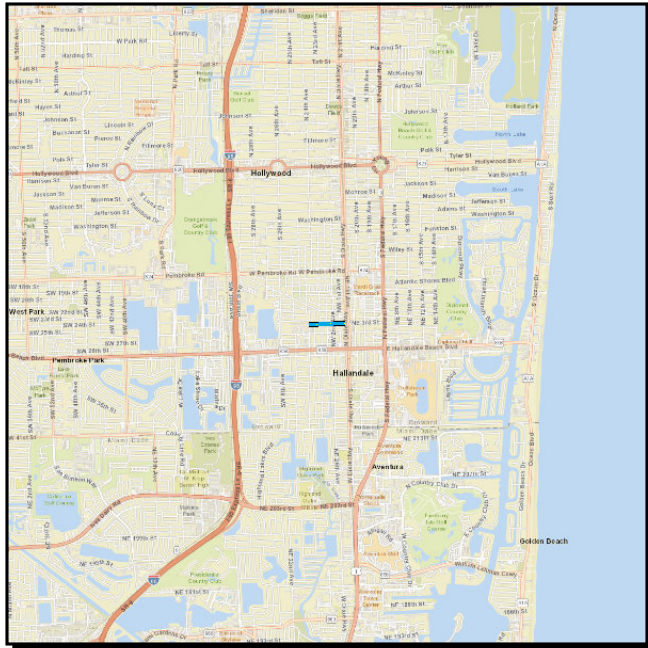
Total Project Cost: 1,672,176

Project Description: 2021 MPO CSLIP PRIORITY #9 LAP W/BROWARD COUNTY

HALLANDALE BEACH

4455271 NORTHWEST 3RD STREET FROM NORTHWEST 6TH AVENUE TO DIXIE HIGHWAY

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: City of Hallandale Beach

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	569,995	0	0	0	0	569,995
CST	SU	0	0	623,694	2,141,740	0	2,765,434
Total		569,995	0	623,694	2,141,740	0	3,335,429

Prior Year Cost:

Future Year Cost:

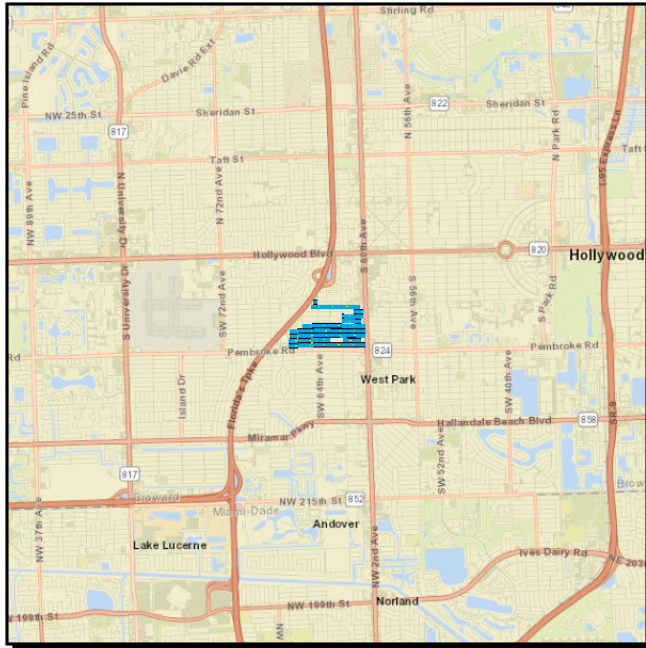
Total Project Cost: 3,335,429

Project Description: 2021 MPO CSLIP PRIORITY #15 LAP WITH CITY OF HALLANDALE BEACH

HOLLYWOOD

4439441 CITY OF HOLLYWOOD BEVERLY PARK VARIOUS LOCATIONS

Non-SIS



Work Summary: SIDEWALK **From:**

To:

Lead Agency: Hollywood, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	TALT	606,718	0	0	0	0	606,718
CST	SU	1,537,609	0	0	0	0	1,537,609
CST	TALU	525,344	0	0	0	0	525,344
Total		2,669,671	0	0	0	0	2,669,671

Prior Year Cost:

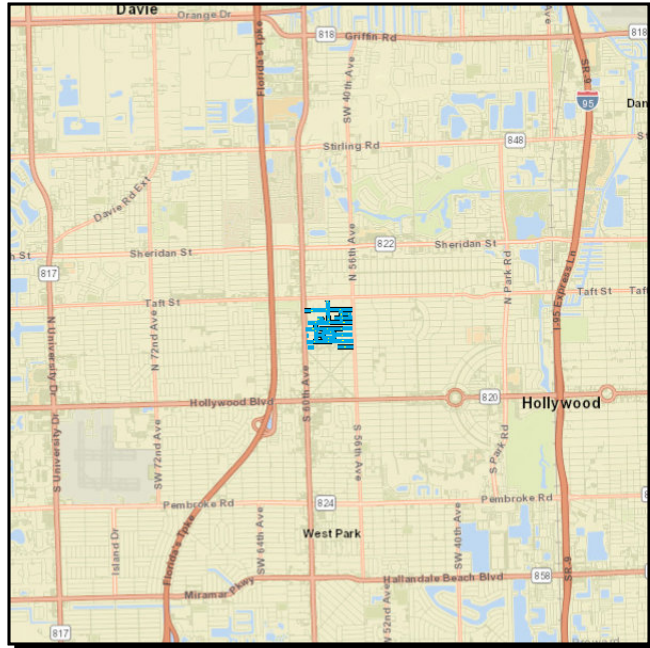
Future Year Cost:

Total Project Cost: 2,669,671

Project Description: 2020 MPO CSLIP PRIORITY #3 LAP WITH CITY OF HOLLYWOOD-DESIGN AND CONSTRUCTION PROVIDE NEW 5FT SIDEWALK WITH CURB RAMPS TO FILL-IN AND PROVIDE CONNECTIVITY THROUGHOUT THE NEIGHBORHOOD *SEE WP45*

4439761 CITY OF HOLLYWOOD VARIOUS LOCATION

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:
Lead Agency: Hollywood, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	SU	1,822,670	0	0	0	0	1,822,670
CST	TALU	447,890	0	0	0	0	447,890
Total		2,270,560	0	0	0	0	2,270,560

Prior Year Cost:

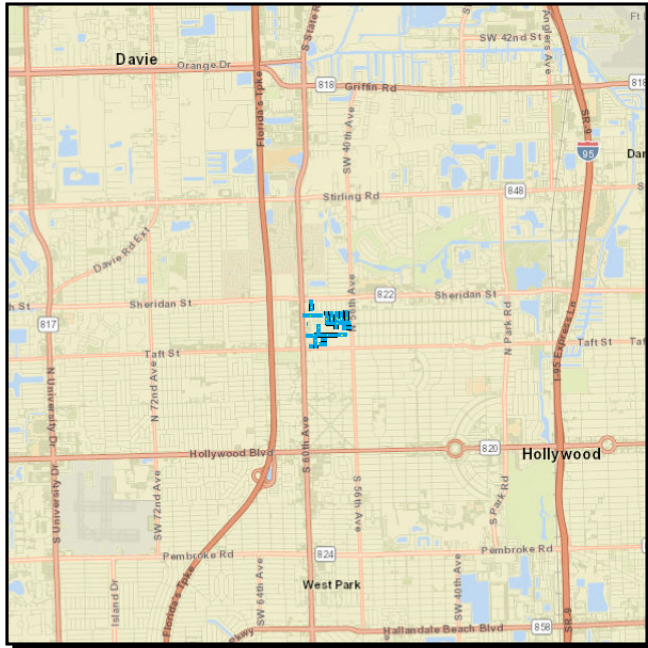
Future Year Cost:

Total Project Cost: 2,270,560

Project Description: 2021 MPO CSLIP PRIORITY #5 LAP WITH THE CITY OF HOLLYWOOD-DESIGN AND CONSTRUCTION COMPLETE SIDEWALK NETWORK: PROVIDE NEW 5FT SIDEWALK WITH CURB RAMPS TO FILL-IN THE NEIGHBORHOODS OF HOLLYWOOD BEACH HEIGHTS AND HOLLYWOOD COUNTRY ESTATES. SHARROWS INCLUDED

4455341 CITY OF HOLLYWOOD - VARIOUS LOCATIONS

Non-SIS



Work Summary: SIDEWALK
From:
To:
Lead Agency: Hollywood, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	276,902	0	0	0	276,902
PE	TALU	0	5,000	0	0	0	5,000
CST	SU	0	0	0	160,312	0	160,312
CST	TALU	0	0	0	1,506,098	0	1,506,098
Total		0	281,902	0	1,666,410	0	1,948,312

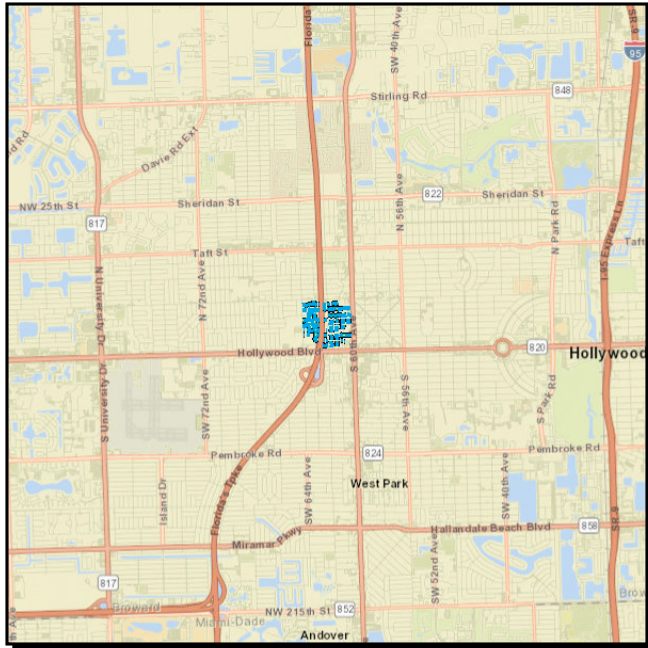
Prior Year Cost:

Future Year Cost:

Total Project Cost: 1,948,312

Project Description: 2021 MPO CSLIP PRIORITY #21 LAP WITH CITY OF HOLLYWOOD SR7 SHERIDAN PARK AND HWY ACRES SIDEWALK PROJECT; PROVIDE SIDEWALK CONNECTIVITY AT APPROX. 24 LOCATIONS

4497171 NEW SIDEWALKS VARIOUS LOCATIONS IN HOLLYWOOD'S GRACEWOOD NEIGHBORHOOD Non-SIS



Work Summary: SIDEWALK

From:

To:

Lead Agency: Hollywood, City of

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	TALU	0	0	338,850	0	0	338,850
Total		0	0	338,850	0	0	338,850

Prior Year Cost:

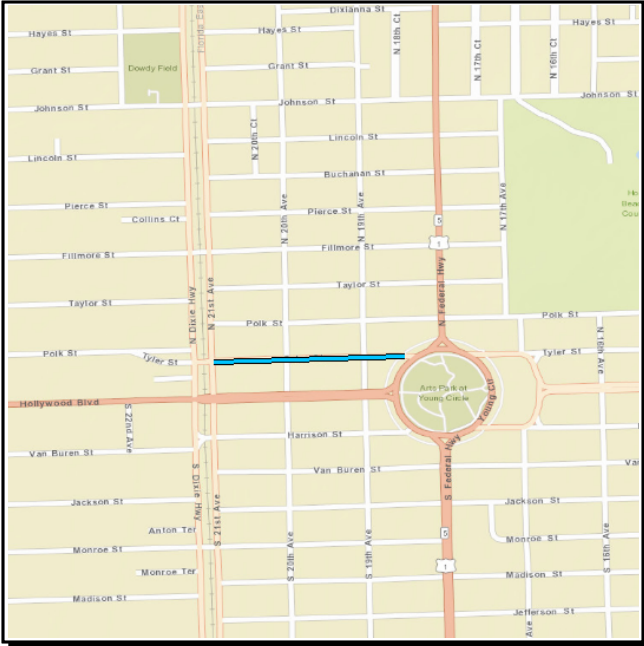
Future Year Cost:

Total Project Cost: 338,850

Project Description: 2022 MPO CSLIP PRIORITY #23 CYCLE 5.CONSTRUCT NEW 5'-0" WIDE CONCRETE SIDEWALK WITH CURB RAMPS TO FILL-IN AND CONNECT TO EXISTING SIDEWALKS WITHIN THE GRACEWOOD NEIGHBORHOOD. PROPOSED SIDEWALKS WILL BE INSTALLED AT VARIOUS LOCATIONS WITHIN THE BOUNDARIES

4507901 TYLER ST FROM NW 21 AVE TO N YOUNG CIRCLE

Non-SIS



Work Summary:

From:

To:

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	0	0	0	299,052	299,052
Total		0	0	0	0	299,052	299,052

Prior Year Cost:

Future Year Cost:

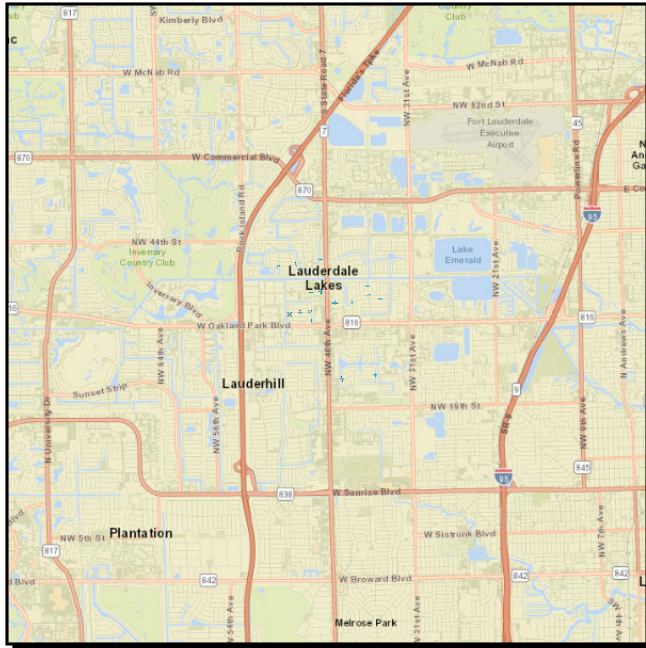
Total Project Cost: 299,052

Project Description:

LAUDERDALE LAKES

4439511 CITY OF LAUDERDALE LAKES TRAFFIC CALMING VARIOUS LOCATIONS

Non-SIS



Work Summary: MISCELLANEOUS CONSTRUCTION
From:
To:

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	442,143	0	0	0	0	442,143
CST	SU	0	0	1,453,817	0	0	1,453,817
Total		442,143	0	1,453,817	0	0	1,895,960

Prior Year Cost:

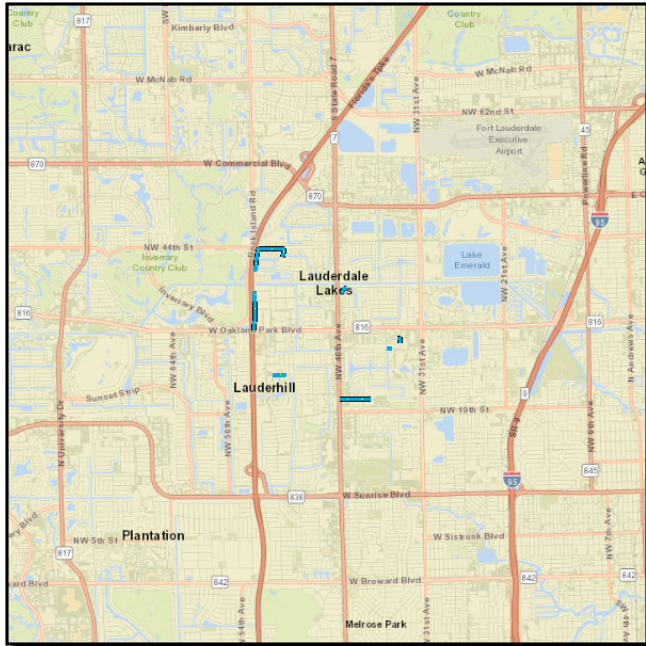
Future Year Cost:

Total Project Cost: 1,895,960

Project Description: 2021 MPO CSLIP PRIORITY #3 LAP WITH CITY OF LAUDERDALE LAKES PROVIDE TRAFFIC CALMING DEVICES SUCH AS DECORATIVE PAVERS, SPEED BUMPS, PAVER CROSSWALKS, ISLAND AND ROUNDABOUT IN SEVERAL LOCATIONS THROUGHOUT THE CITY **SEE WP45**

4497161 CITYWIDE SIDEWALK IMPROVEMENTS IN LAUDERDALE LAKES

Non-SIS



Work Summary: SIDEWALK **From:**

To:

Lead Agency: CITY OF LAUDERDALE LAKES

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	0	305,890	0	0	305,890
Total		0	0	305,890	0	0	305,890

Prior Year Cost:

Future Year Cost:

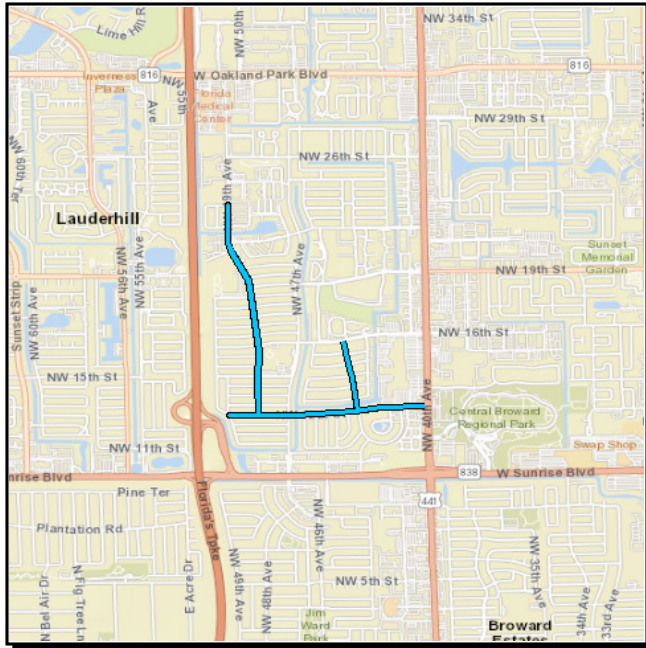
Total Project Cost: 305,890

Project Description: 2022 MPO CSLIP PRIORITY #22 CYCLE 5. CONSTRUCTION OF ADA COMPLIANT NEW SIDEWALKS AT NW 52 AV FRM OAKLAND PARK BLVD TO NW 36 ST;NW 43 CT. FRM NW 41 ST TO NW 48 AVE;NW 21ST ST FRM SR-7 TO WILLIE WEBB PARK;NW 33 AVE AT VARIOUS LOCATIONS; NW 37 ST AT VARIOUS L

LAUDERHILL

4507831 CITY OF LAUDERHILL VARIOUS LOCATIONS

Non-SIS



Work Summary:

From:

To:

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	0	0	0	150,190	150,190
Total		0	0	0	0	150,190	150,190

Prior Year Cost:

Future Year Cost:

Total Project Cost: 150,190

Project Description:

MIRAMAR

4377951 MIRAMAR BIKE AND PEDESTRIAN MOBILITY IMPROVEMENTS

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:

Lead Agency: City of Miramar

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	SU	3,652,588	0	0	0	0	3,652,588
Total		3,652,588	0	0	0	0	3,652,588

Prior Year Cost:

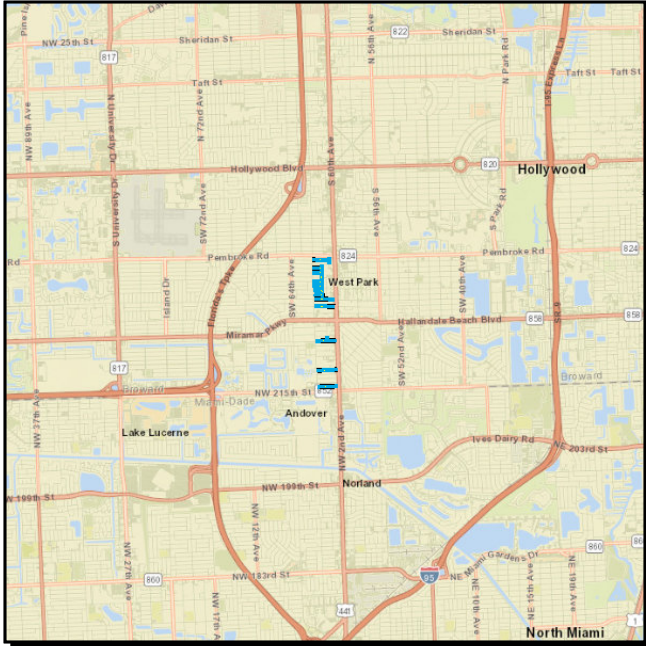
Future Year Cost:

Total Project Cost: 3,652,588

Project Description: BROWARD MPO MOBILITY 2015 - MPO PRIORITY #2 LOCATIONS: MIRAMAR PKWY FROM COMMERCE PKWY TO DOUGLAS ROAD; SW 68TH AVENUE FROM MIRAMAR PKWY TO SW 27TH COURT; SW 25TH STREET FROM SW 68TH AVENUE TO SW 62ND AVENUE; SW 148TH AVENUE FROM SW 48TH COURT TO MIRAMAR

4439451 MIRAMAR COMPLETE STREETS PHASE III

Non-SIS



Work Summary: SIDEWALK
From:
To:
Lead Agency: City of Miramar

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	TALT	0	1,158,725	0	0	0	1,158,725
CST	LF	0	194,436	0	0	0	194,436
CST	SU	0	1,421,748	0	0	0	1,421,748
Total		0	2,774,909	0	0	0	2,774,909

Prior Year Cost:

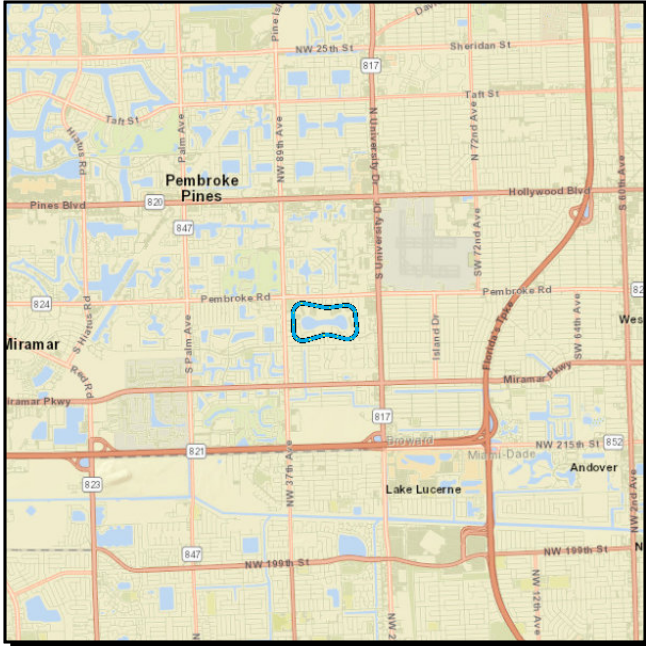
Future Year Cost:

Total Project Cost: 2,774,909

Project Description: 2020 MPO CSLIP PRIORITY #4 LAP WITH CITY OF MIRAMAR-DESIGN AND CONSTRUCTION PROVIDE 5FT SIDEWALK ON ONE SIDE, ADA-COMPLIANT RAMPS AND PEDESTRIAN LEVEL LIGHTING. PROJECT LIMITES: SW 18TH ST FROM SW 62ND AVE TO SR-7. SW 20TH ST FROM SW 62ND AVE TO SW 61ST A

4455351 SHERMAN CIRCLE FROM JODI LANE TO JODI LANE

Non-SIS



Work Summary: BIKE PATH/TRAIL
From:
To:
Lead Agency: City of Miramar

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	347,401	0	0	0	347,401
CST	SU	0	0	0	2,059,405	0	2,059,405
Total		0	347,401	0	2,059,405	0	2,406,806

Prior Year Cost:

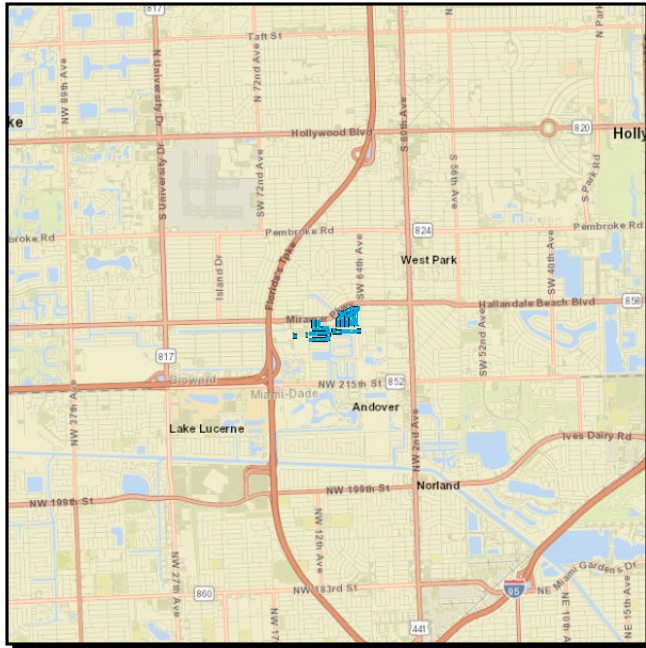
Future Year Cost:

Total Project Cost: 2,406,806

Project Description: 2021 MPO CSLIP PRIORITY #22 LAP WITH CITY OF MIRAMAR SHERMAN CIRCLE BEGIN AND END AT THE SAME POINT

4465521 A.C. PERRY K-8 SCHOOL - MULTIPLE LOCATIONS

Non-SIS



Work Summary: SIDEWALK
From:
To:
Lead Agency: City of Miramar

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	SR2T	0	1,048,025	0	0	0	1,048,025
Total		0	1,048,025	0	0	0	1,048,025

Prior Year Cost:

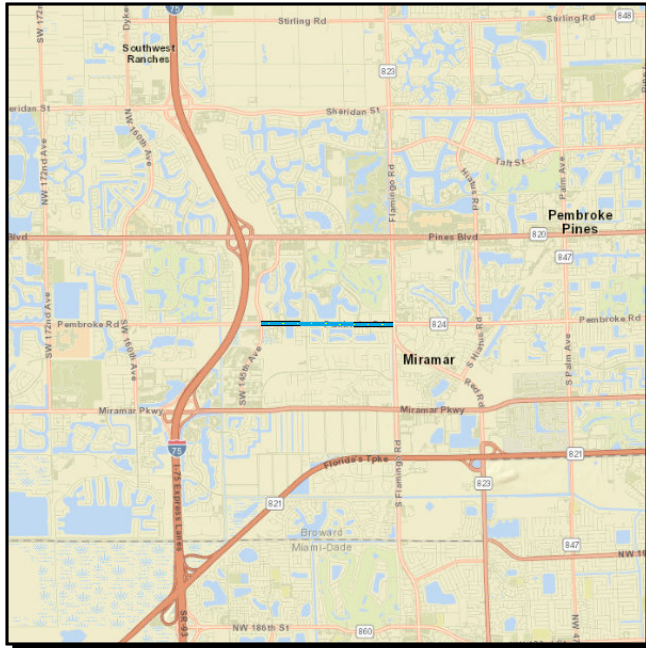
Future Year Cost:

Total Project Cost: 1,048,025

Project Description: SAFE ROUTE TO SCHOOL; LAP WITH THE CITY OF MIRAMAR **SEE WP45 FOR LOCATIONS**

4496901 PEMBROKE RD FROM SW 145TH AVE TO FLAMINGO ROAD

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:
Lead Agency: City of Pembroke Pines

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	253,948	0	0	0	253,948
PE	TALU	0	711,337	0	0	0	711,337
CST	SU	0	0	0	0	7,495,223	7,495,223
Total		0	965,285	0	0	7,495,223	8,460,508

Prior Year Cost:

Future Year Cost:

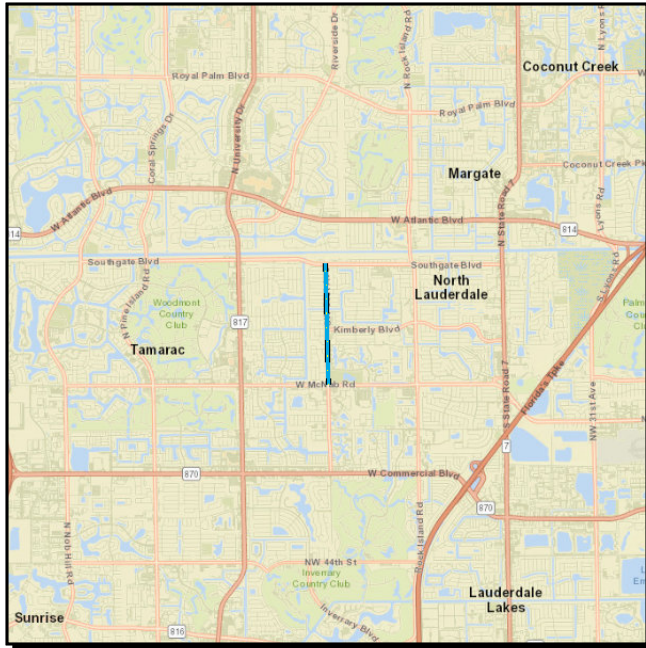
Total Project Cost: 16,921,016

Project Description: 2022 MPO CSMP PRIORITY #10 PROTECTED BICYCLE LANES AND WIDER SIDEWALKS LAP PROJECT WITH PEMBROKE PINES

NORTH LAUDERDALE

4482891 SW 81 AVE FROM MCNAB ROAD TO C-14 GREENWAY- CITY OF NORTH_LAUDERDALE

Non-SIS



Work Summary: BIKE PATH/TRAIL **From:**

To:

Lead Agency: CITY OF NORTH LAUDERDALE

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	454,037	0	0	0	454,037
CST	TALT	0	0	0	0	73,690	73,690
CST	LF	0	0	0	0	521,627	521,627
CST	SU	0	0	0	0	1,768,036	1,768,036
Total		0	454,037	0	0	2,363,353	2,817,390

Prior Year Cost:

Future Year Cost:

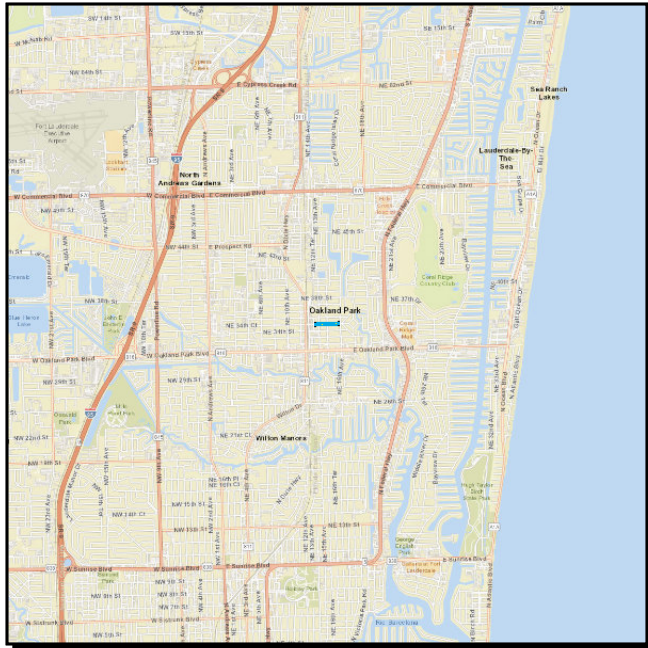
Total Project Cost: 2,817,390

Project Description: 2022 MPO CYCLE 4 PRIORITY #20; LAP W/ CITY OF NORTH LAUDERDALE SIDEWALK REMOVAL; CONSTRUCTION OF 10FT SHARED USE PATH 2 TRAFFIC CIRCLES; LIGHTING POLES AT ROUNDABOUTS

OAKLAND PARK

4381161 NE 34 COURT BEGINING AT NE 12 TERRACE TO NE 16 AVENUE

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: CITY OF OAKLAND PARK

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	CARM	114,331	0	0	0	0	114,331
CST	SM	350,458	0	0	0	0	350,458
CST	SU	689,621	0	0	0	0	689,621
CST	TALU	729,993	0	0	0	0	729,993
Total		1,884,403	0	0	0	0	1,884,403

Prior Year Cost:

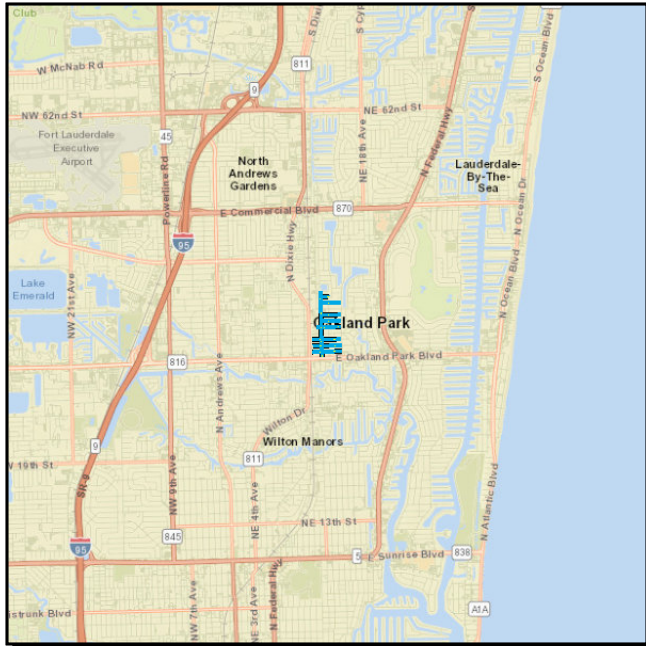
Future Year Cost:

Total Project Cost: 1,884,403

Project Description: 2015 MPO PRIORITY #3 BROWARD MPO LOCAL INITIATIVE PRIORITY PROJECT IN CITY OF OAKLAND PARK 2015; ADDING NEW SIDEWALKS, BIKE LANES, AND PEDESTRIAN LIGHTING; LAP WITH CITY OF OAKLAND PARK-DESIGN AND CONSTRUCTION

4449981 NE 13TH IMPROVEMENTS VARIOUS LOCATIONS - CITY OF OAKLAND PARK

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: CITY OF OAKLAND PARK

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	CARM	0	117,079	0	0	0	117,079
CST	SM	0	97,154	0	0	0	97,154
CST	LF	0	4,077,759	0	0	0	4,077,759
CST	SU	0	1,271,939	0	0	0	1,271,939
Total		0	5,563,931	0	0	0	5,563,931

Prior Year Cost:

Future Year Cost:

Total Project Cost: 5,563,931

Project Description: 2019 MPO CSLIP PRIORITY; LAP WITH CITY OF OAKLAND PARK; NE 13TH AVENUE FROM OAKLAND PARK BLVD TO 40TH PLACE; NE 32ND STREET FROM NE 12TH AVE TO NE 16TH AVE; NE 33RD STREET FROM NE 12TH AVE TO NE 16TH AVE; NE 34TH ST FROM NE 12TH AVE TO NE 16TH AVE; NE 35T

4455191 NW 19TH STREET FROM NW 31ST AVENUE TO POWERLINE ROAD

Non-SIS



Work Summary: MEDIAN MODIFICATION **From:**
To:

Lead Agency: BROWARD COUNTY

Phase	Fund Source	2024	2025	2026	2027	2028	Total
CST	LF	0	135,643	0	0	0	135,643
CST	SU	0	1,536,533	0	0	0	1,536,533
Total		0	1,672,176	0	0	0	1,672,176

Prior Year Cost:

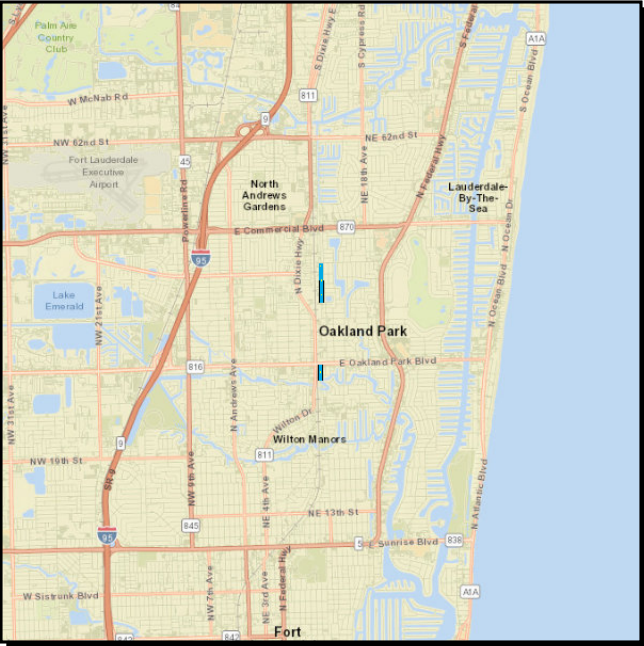
Future Year Cost:

Total Project Cost: 1,672,176

Project Description: 2021 MPO CSLIP PRIORITY #9 LAP W/BROWARD COUNTY

4497181 NE 12TH TERR ROADWAY IMPROVEMENTS

Non-SIS



Work Summary: SIDEWALK
From:
To:

Lead Agency: CITY OF OAKLAND PARK

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	TALT	0	0	494,929	0	0	494,929
Total		0	0	494,929	0	0	494,929

Prior Year Cost:

Future Year Cost:

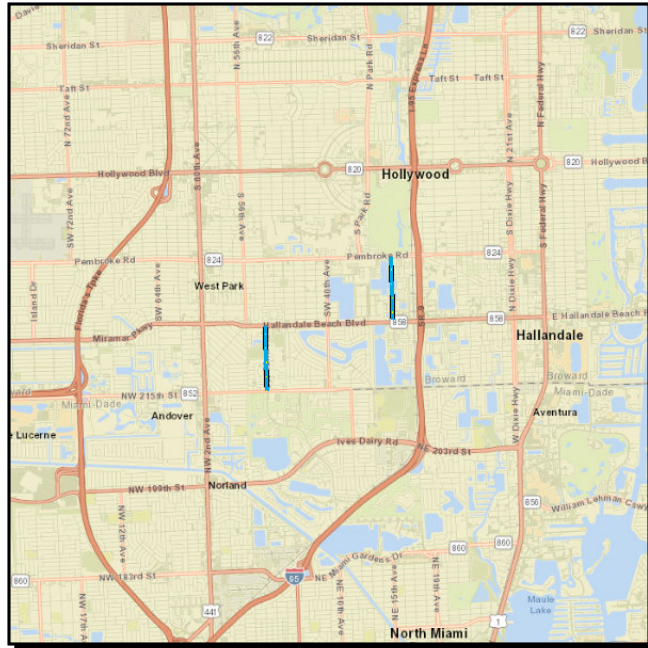
Total Project Cost: 494,929

Project Description: 2022 MPO CSLIP PRIORITY #25 CYCLE 5. CONSTRUCT PEDESTRIAN FACILITIES AS WELL AS WIDENING FOR THE INSTALLATION OF BICYCLE FACILITIES ALONG NE 12TH TERRACE FROM FLORANADA ROAD TO NE 40TH PLACE AND OAKLAND PARK BOULEVARD TO CITY LIMITS/ MIDDLE RIVER.

PEMBROKE PARK

4482871 PEMBROKE PARK VARIOUS LOCATIONS

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: TOWN OF PEMBROKE PARK

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	403,155	0	0	0	403,155
CST	SU	0	0	0	2,584,825	0	2,584,825
Total		0	403,155	0	2,584,825	0	2,987,980

Prior Year Cost:

Future Year Cost:

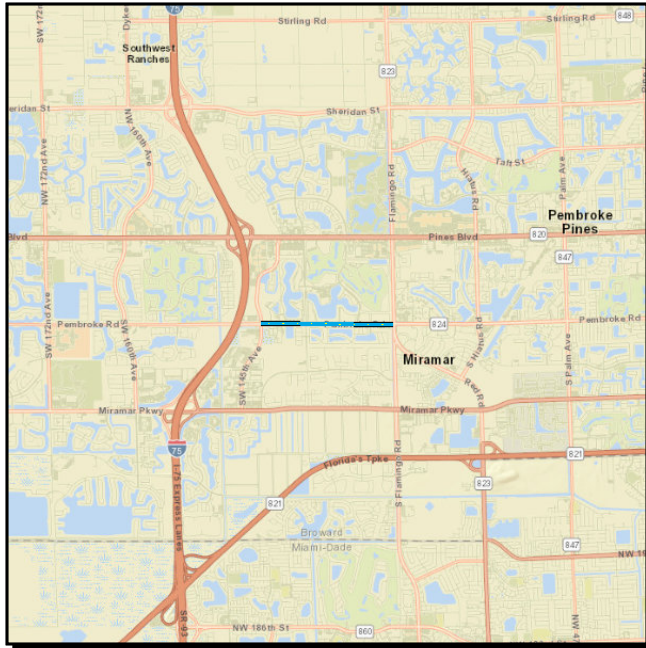
Total Project Cost: 5,975,960

Project Description: 2022 MPO CYCLE 4 PRIORITY #18; LAP W/ TOWN OF PEMBROKE PARK SW 52ND AVE FROM COUNTY LINE TO WEST HALLANDALE BEACH BLVD AND SOUTH PARK RD FROM HALLANDALE BEACH BLVD TO PEMBROKE RD ADDITION OF BIKE LANES, CONSTRUCTION OF MISSING SIDEWALK, MILLING AND RESURF

PEMBROKE PINES

4496901 PEMBROKE RD FROM SW 145TH AVE TO FLAMINGO ROAD

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**
To:
Lead Agency: City of Pembroke Pines

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	253,948	0	0	0	253,948
PE	TALU	0	711,337	0	0	0	711,337
CST	SU	0	0	0	0	7,495,223	7,495,223
Total		0	965,285	0	0	7,495,223	8,460,508

Prior Year Cost:

Future Year Cost:

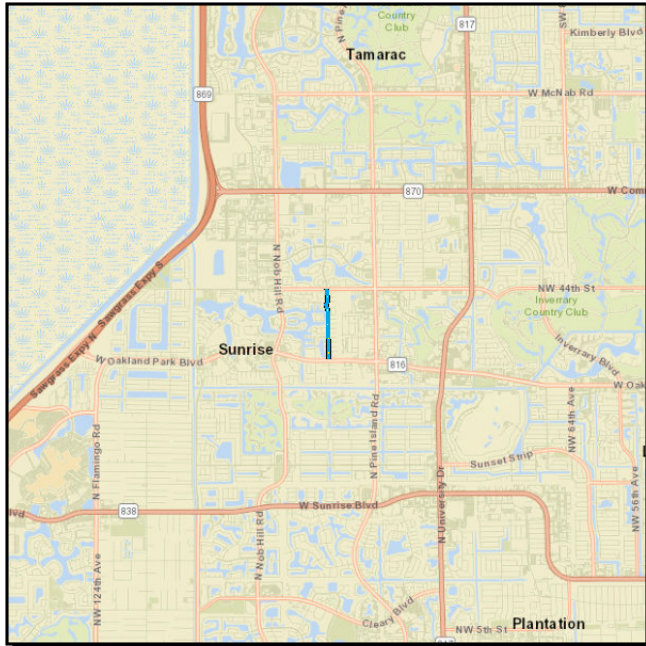
Total Project Cost: 16,921,016

Project Description: 2022 MPO CSMP PRIORITY #10 PROTECTED BICYCLE LANES AND WIDER SIDEWALKS LAP PROJECT WITH PEMBROKE PINES

SUNRISE

4455331 NORTHWEST 94TH AVENUE FROM NORTHWEST 44TH STREET TO 57TH STREET

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: CITY OF SUNRISE

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	365,152	0	0	0	365,152
PE	TALU	0	5,000	0	0	0	5,000
CST	SU	0	0	0	808,125	0	808,125
CST	TALU	0	0	0	521,855	0	521,855
Total		0	370,152	0	1,329,980	0	1,700,132

Prior Year Cost:

Future Year Cost:

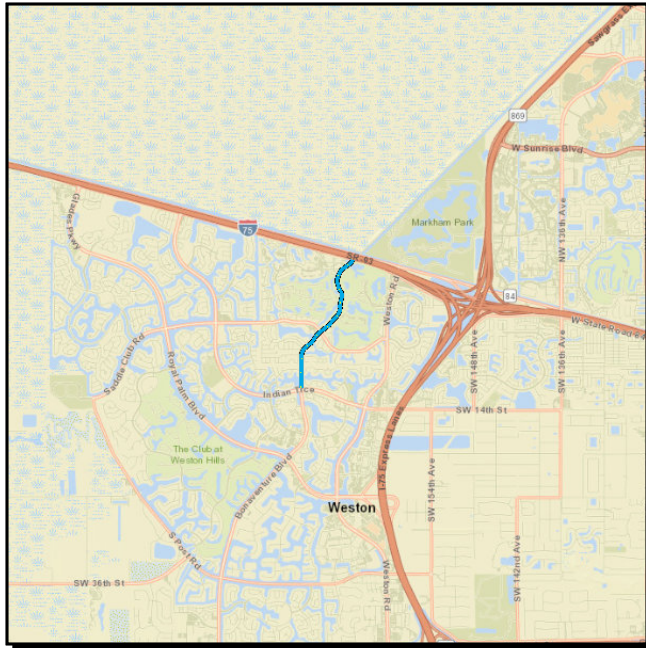
Total Project Cost: 1,700,132

Project Description: 2021 MPO CSLIP PRIORITY #20 LAP WITH THE CITY OF SUNRISE OR CITY OF TAMARAC

WESTON

4439521 BONAVENTURE BLVD. FROM INDIAN TRACE TO SR-84

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: CITY OF WESTON

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	446,031	0	0	0	0	446,031
PE	SA	5,000	0	0	0	0	5,000
CST	SU	0	0	2,681,189	0	0	2,681,189
Total		451,031	0	2,681,189	0	0	3,132,220

Prior Year Cost:

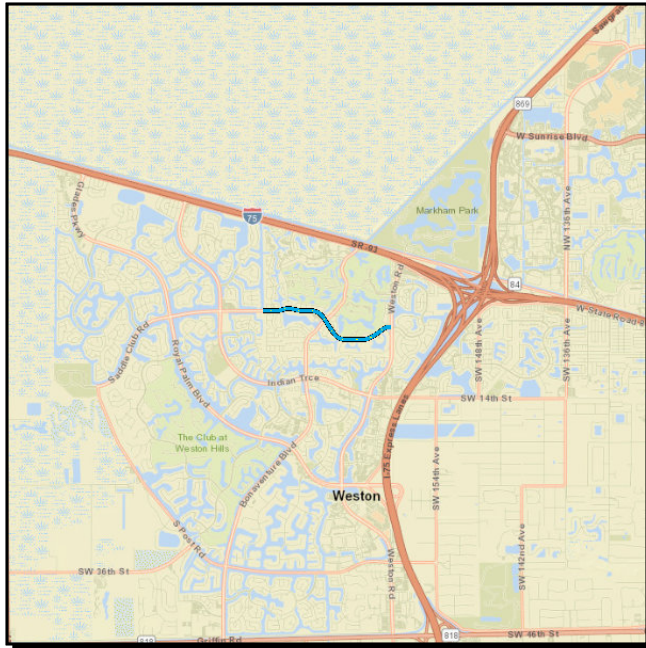
Future Year Cost:

Total Project Cost: 3,132,220

Project Description: 2021 MPO CSLIP PRIORITY #4 LAP WITH CITY OF WESTON PROVIDE 4'-5' WIDE BIKE LANES

4455321 SADDLE CLUB ROAD FROM WEST OF LAKEVIEW DRIVE TO WESTON ROAD

Non-SIS



Work Summary: BIKE LANE/SIDEWALK **From:**

To:

Lead Agency: CITY OF WESTON

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	TALU	0	387,503	0	0	0	387,503
CST	SU	0	0	0	2,300,022	0	2,300,022
Total		0	387,503	0	2,300,022	0	2,687,525

Prior Year Cost:

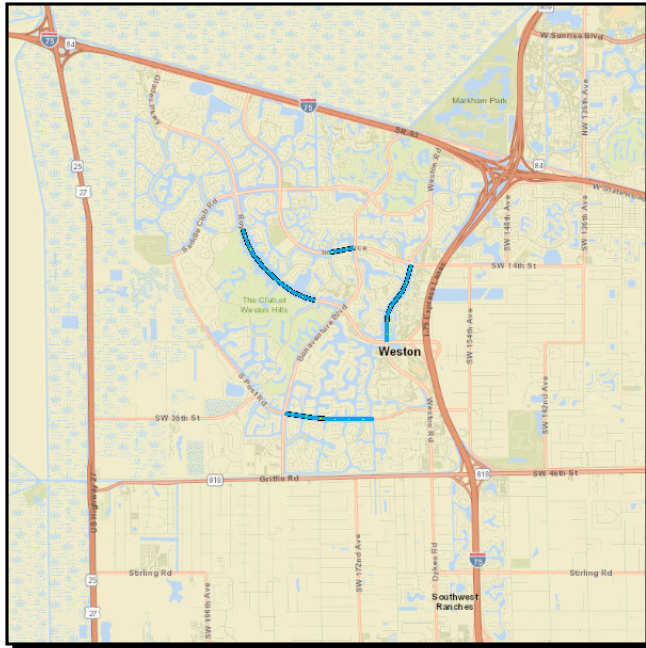
Future Year Cost:

Total Project Cost: 2,687,525

Project Description: 2021 MPO CSLIP PRIORITY #19 LAP WITH CITY OF WESTON

4482881 CITY OF WESTON VARIOUS LOCATIONS

Non-SIS



Work Summary: SIDEWALK **From:**

To:

Lead Agency: CITY OF WESTON

Phase	Fund Source	2024	2025	2026	2027	2028	Total
PE	SU	0	0	790,381	0	0	790,381
Total		0	0	790,381	0	0	790,381

Prior Year Cost:

Future Year Cost:

Total Project Cost: 790,381

Project Description: 2022 MPO CYCLE 4 PRIORITY #19; LAP W/ CITY OF WESTON INDIAN TRACE FROM TOWN CENTER BLVD TO BONAVENTURE BLVD; ROYAL PALM BLV. FROM WESTON HILLS DR TO TOWN CENTER BLVD; WESTON RD. FROM INDIAN TRACE TO ROYAL PALM BLVD; SOUTH POST RD. FROM BONAVENTURE BLVD TO



**Metro Trans Engineering & Construction
Cooperative (MTECC)**
Meeting Date: 02/09/2023

3.

MTECC Approach to Technical Services

SUMMARY EXPLANATION/BACKGROUND:

MTECC is created to provide the design/engineering and construction of member agency projects that are through the LAP program for the implementation of the Federal grant to the local government/governments (when it crosses government boundaries) through a “certification process.” FDOT is responsible under Federal law for ensuring the Federal grant funds are implemented in accordance with Federal requirements and provides oversight through the LAP program.

MTECC may also provide other services beyond the LAP projects as well.

Staff will present an approach for the Technical services to provide technical program management, project design/engineering and project construction engineering and inspection of the construction.

ADDITIONAL INFORMATION/PREPARER:

A presentation is attached that will be discussed at the MTECC Board meeting. Please contact Lowell Clary at (850)212-7772 or lowell.clary@claryconsulting.com for more information.

Attachments

Summary of MTECC Technical Support Services



MTECC



**METRO TRANSPORTATION
ENGINEERING & CONSTRUCTION
COOPERATIVE**

**Program Management and Project
Professional Services Approach**

Lowell Clary
Interim Executive Director

Program Management and Project Professional Services Approach

The Metro Transportation Engineering & Construction Cooperative (MTECC) is a public interlocal agency created by interlocal agreement pursuant to Section 163.01, Florida Statutes, among various cities in Broward County (the “Member Cities”).

MTECC shall provide for an open, transparent, and secure public procurement process that helps ensure the most efficient and effective procurements of engineering and construction services. The public procurement process will meet applicable federal, state and local laws, regulations, rules and ordinances. Projects are identified in phases such as engineering or construction. These each are termed a “project phase.”

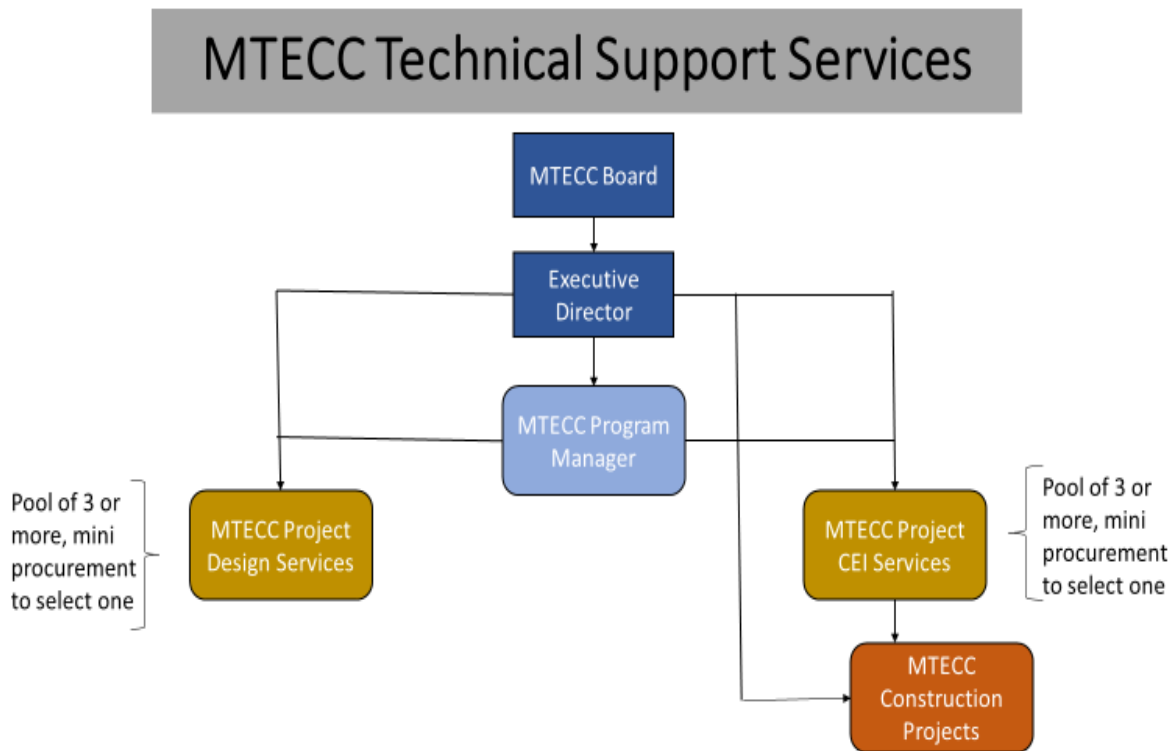
MTECC will provide oversight and project delivery for engineering services that include the following:

- **Program Management Services** – a procurement will be provided for professional services in early 2023 that will select one prime firm to deliver program management services for MTECC. The program management services will include the following major categories to be scoped and delivered on a task order basis:
 - Project planning and data analysis
 - Project development
 - Procurement technical support
 - Project/contract management
 - Right-of-way analysis
 - Engineering services
 - Public involvement/Media Relations
 - Traffic operation analysis and studies
 - Disadvantage Business Entity (DBE) program support
 - Technical support and compliance

Project Design/Engineering Services – a procurement will be provided in early Spring 2023 to qualify at least three firms to provide project design/engineering services on MTECC projects. These firms will deliver project engineering services such as project phase design plans. A “mini-procurement” will be

- provided once project is ready to move forward at MTECC where all selected firms (at least three) will be provided a project scope and requested to provide an approach, staffing and estimated hours to be evaluated and one firm selected per project.
- **Project Construction Engineering and Inspection Services** - – a procurement will be provided in mid Spring 2023 to qualify at least three firms to provide project construction engineering and inspection services on MTECC project construction phases. A “mini-procurement” will be provided once project is ready to move forward at MTECC where all selected firms (at least three) will be provided a project scope and requested to provide an approach, staffing and estimated hours to be evaluated and one firm selected per project.

A graphic presentation of the technical approach is shown below.





THANK YOU

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Please contact Christopher C. Bross, CPP0 at
brossc@browardmpo.org or (954) 876-0064 to learn more about
MTECC and what they are working on in your community