

DRAFT
MEETING MINUTES
BROWARD METROPOLITAN PLANNING ORGANIZATION
METRO TRANSPORTATION ENGINEERING AND
CONSTRUCTION COOPERATIVE (MTECC)
100 WEST CYPRESS CREEK ROAD
6TH FLOOR, SUITE 650
FORT LAUDERDALE, FLORIDA 33309-2181
THURSDAY, MAY 11, 2023, 11:00 A.M.

Members

Chair Andrea McGee, Vice Mayor of Pompano Beach
Vice Chair Caryl Shuham, Commissioner of Hollywood
Tim Fadgen, Councilmember of Plantation

Staff / Also Present

Lowell Clary, MTECC Interim Executive Director
Matthew Pearl, MTECC Legal Counsel
Christopher Bross, MTECC Staff Support
William Cross, MTECC Staff Support
Oscar Nelson, MTECC Staff Support
Gerry O'Reilly, FDOT District 4 Secretary
John Krane, FDOT District 4 Planning and Environmental Administrator
Sabrina Aubery, FDOT District 4 Program Administration Engineer
Christine Fanchi, WSP USA Inc.

REGULAR ITEMS

1. Call to Order

The meeting was called to order at 12:15 p.m.

Due to the length of the Broward MPO Board Meeting and late start for the MTECC Board Meeting, Mr. Clary requested a re-order of the agenda, to allow for he and Mr. Gerry O'Reilly, FDOT District 4 Secretary to present the proposed LAP approach. Mr. O'Reilly had an afternoon commitment.

NON-ACTION ITEMS

1. Proposed LAP Approach Presentation:

- **Status Update – Draft City / MTECC Agreement**
- **FDOT Coordination**

Mr. Clary and Mr. O'Reilly briefly reviewed the process by which potential Local Agency Program (LAP) projects are brought forward. He emphasized that cities must ask for MTECC's assistance with the LAP process. MTECC will provide resources for this process, such as program management or oversight of the design/consulting team, that will be part of the certification.

Mr. Clary noted that the Florida Department of Transportation (FDOT) will release its Transportation Improvement Program (TIP) in June 2023. In July, FDOT will reach out to the cities whose projects are included in the TIP to let them know if the LAP process will be necessary and to determine if they will undertake that process themselves. Mr. Clary also noted that FDOT has asked and MTECC has agreed not to undertake any construction projects until the next year so there will be time to work with FDOT and the cities to determine how this can be done.

Mr. Clary clarified that LAP certification is effectively a checklist provided by FDOT which shows a city has certain design capabilities, as well as a point of contact for the project. He also noted that MTECC can manage construction of a project. They have not yet procured an entity that can perform construction engineering or inspection at this time, but can hire this type of firm if that is the city's desire.

Mr. Clary continued that Staff is in the process of finalizing an agreement between MTECC and its member cities, which will be shared with FDOT and with the Board once it is complete.

Mr. Clary noted that because there is no significant cash flow within MTECC, cities may advance the collective a portion of the funds for a project. He is discussing this possibility with FDOT to determine if they are willing to cover these types of advances on behalf of participating cities.

Vice Chair Shuham asked if cities would need to hire MTECC in the capacity of an agent to oversee construction of a project, and whether or not this would require more than an indemnity agreement. It was clarified that a number of mechanisms must still be worked through to ensure that FDOT is comfortable with this process. Mr. Clary added that the biggest issue is expertise, as most MPO Staff experience is with procurement of planning and design services rather than with construction services. They will continue to work through these discussions over the next six months to ensure that both parties have a level of comfort with the processes.

2. Approval of Minutes

Motion made, and duly seconded, to approve. In a voice vote, the **motion** passed unanimously.

3. Approval of Agenda

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

4. Public Comments

None.

CONSENT ITEMS

1. **MOTION TO APPROVE: Payment to Interim Executive Director for services on behalf of MTECC. This payment is within budget and for services that total \$45,960 as outlined in the attached invoice.**

Motion made by Vice Chair Shuham, seconded by Councilmember Fadgen, 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 Collective (MTECC) to approve Agreement No. 23-01 between the Metro Transportation Engineering and Construction Collective (MTECC) and WSP USA Inc., for General Program Management services, for up to a five (5) year term, in the Not to Exceed ceiling amount of five million dollars (\$5,000,000.00) for the full five year term of the Agreement.**

Motion made by Vice Chair Shuham, seconded by Councilmember Fadgen, to approve.

Mr. Clary pointed out that the contract does not provide itemized dollar amounts, instead providing a “not to exceed” figure. Tasks are expected to be small and general, and to primarily support Board meetings, MTECC’s website, and other basic services. All other tasks will be project-specific: cities would need to notify MTECC by letter that they are submitting a project, at which time preliminary work may begin. An agreement with the city is necessary before any dollars can be committed to a project.

Vice Chair Shuham asked about the general terms and conditions Indemnity provision, to clarify that the MTECC Board is indemnified. Matt Pearl, MTECC General Counsel agreed to modify the language of the provision to clearly state that the MTECC Board members are indemnified. Vice Chair Shuham **withdrew** her previous motion, to allow for a revised motion to approve the Agreement with the modified language.

Motion by Vice Chair Shuham, seconded by Councilmember Fadgen, to adopt subject to the addition of language. In a voice vote, the **motion** passed unanimously.

NON-ACTION ITEMS

2. Potential LAP Projects Presentation.

None.

3. Staff will be presenting for discussion the budget planning and payment approval processes that will be incorporated into the Payment Procedure as an update.

Mr. Clary stated that the proposed payment approval process would allow the Chair and Executive Director to approve payments for general and administrative items of up to \$15,000. Any items outside of a contract and above this amount would come to the Board for approval. He did not anticipate that this would become a regular occurrence. MTECC's agreements with cities would include the ability to charge hourly rates for project-specific expenses.

Chair McGee noted that MTECC will need to develop a library of services from contractors. She added that if cities have specific trusted contractors they have used in the past, MTECC may be able to reach out to those firms directly. Mr. Clary stated that prospective firms have already been pre-certified to provide LAP services.

4. Approve Municipal Member(s) MTECC Project Request(s) (If Applicable)

None.

5. Executive Director's Report

None.

6. General Counsel's Report

None.

7. Board Comments

There being no further business to come before the MTECC Board at this time, the meeting was adjourned at 12:59 p.m.

NEXT MEETING DATE: June 8, 2023