

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)**  
**DELEGATION OF AUTHORITY POLICY**

**PURPOSE**

It is the policy of the Miami-Dade Expressway Authority to make appropriate and efficient delegations to the Executive Director, staff, and committees to facilitate the prudent and expedient operations of the Authority.

**SPECIFIC REQUIREMENTS**

1. Contracts, Purchases and Other Agreements Approval Authority:

a. Noise Wall and other similar agreements: Authority is hereby delegated to the Executive Director to negotiate, enter into, and execute on behalf of MDX, agreements with residents and/or businesses which agreements are incidental to and arise out of projects being undertaken by MDX, including but not limited to Noise Wall Agreements, provided that such agreements do not require the expenditure or payment of MDX funds in excess of Fifteen Thousand Dollars (\$15,000.00).

b. Approval Authority for Contracts and Supplemental Agreements:

i. For contracts of \$199,999 or less, the Executive Director has approval authority. All other Contracts shall be approved by the MDX Board.

ii. The Executive Director may approve Supplemental Agreements as follows:

Contract Amount: For a single Contract which is cumulatively less than or equal to 20% of the original Contract amount or \$2,000.000, whichever is less.

Contract Time: For Contract time that does not involve changes to the original Contract amount above the delegated authority set out herein.

Other Administrative Changes: For other contract changes that do not relate to changes in scope and or contract amount and the contract time. Changes to scope are not permitted by the Authority.

2. Emergency Actions Authority: Authority is hereby delegated to the Executive Director, notwithstanding any provisions of the Authority's Bylaws or other MDX policies, other than the MDX Procurement Policy, subject to the requirements of applicable law, to take such actions without Board approval as the Executive Director shall deem necessary and appropriate, which actions are of a nature ordinarily subject to approval by the Board, when the Executive Director has first determined in writing that: (i) an Emergency exists that requires immediate action; (ii) the nature of the Emergency and the action required to cope with it is such that there is no time or opportunity to convene a meeting of the Board to consider a response to the Emergency; and (iii) either the Chair, the Vice Chair, or the Treasurer, as required below, has in writing approved the action proposed to be taken.

As used in this delegation of authority, “Emergency” means a threat to public health, safety or welfare or an unforeseen breakdown, damage, destruction or obstruction of machinery, roadway, systems, or any other property owned, operated or used by the Authority, a threatened termination of essential service, the development of a dangerous condition, the development of a circumstance causing curtailment or diminution of an essential service or an opportunity to secure significant financial gain or avoid significant financial loss, through immediate or timely action.

Having due regard for public meetings laws, prior to making any such written determination and taking any such action, the Executive Director shall discuss the Emergency at hand and the proposed course of action with the Chair, Vice Chair and Treasurer of the Authority, or as many of them as shall be timely available under the circumstances. Prior to taking any such action, the Executive Director shall obtain the approval of the Chair for such action, or if the Chair shall be unavailable, the Executive Director shall obtain the approval of the Vice Chair for such action, or if the Chair and the Vice Chair shall be unavailable, the Executive Director shall obtain the approval of the Treasurer for such action. The Executive Director shall furnish a copy of the written determination of Emergency to each member of the Board and to the Authority Secretary as soon as practicable under the circumstances.

Authority is hereby delegated to the Chief Purchasing Officer to make Emergency Procurements when the Executive Director has determined in writing that an Emergency exists. This authorization extends to the procurement of commodities or services, without competition, necessary to address the Emergency. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. A copy of the written determination of Emergency shall also be furnished to the Chief Financial Officer with the voucher authorizing payment. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported.

### 3. Funds, Administration and Accounts Management Authority:

a. Authority is hereby delegated to the Executive Director and the Chief Financial Officer to act as MDX’s “Administrator” of deferred compensation plans and to execute such agreements and contracts, in compliance with applicable state and federal laws and regulations, as are necessary to implement deferred compensation programs in order to make deferred compensation plans available to current and future MDX employees, where such plans will result in no cost to MDX, other than the incidental expenses of collecting and disbursing the employee’s deferrals and other minor administrative expenses.

b. Management responsibility for the investment program is hereby delegated to the Executive Director and/or to the Chief Financial Officer (CFO) who shall be the primary Investment Officer of the Authority.

The Executive Director and Treasurer shall also be designated as Investment Officers of the Authority and shall be able to approve the purchase and sale of investments and manage the flow of funds in various money market accounts. The CFO may appoint additional staff members as Investment Officers, thereby granting them the authority to conduct investment transactions and initiate the movement of funds. The CFO shall be required to establish written procedures, as needed, for the operation of the investment program consistent with this Investment Policy. No person may engage in an investment transaction on behalf of the Authority except as provided under the terms of this Investment Policy. The Executive Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate Investment Officers.

4. Procurement Authority: Authority is hereby delegated to the Executive Director and to the Chief Procurement Officer to make Emergency, Small Purchase, Intermediate, Sole Source and Alternative of "Piggyback" purchases and Procurements as is authorized in the Authority's Procurement Policy.

5. Property Acquisition Authority: Authority is hereby delegated to the Executive Director, to (i) make purchase offers, to execute purchase agreements, and to negotiate, approve and conclude property purchase transactions on behalf of MDX; (ii) to make written offers of compensation to landowners pursuant to the provisions of Chapter 73, Florida Statutes; (iii) to enter into agreements or settlements with land owners for acquisition of property where the monetary value of such offers (excluding attorneys fees, other professional fees and costs) do not exceed the appraised value of the property, by more than twenty-five per cent (25%), or does not exceed the appraised value of the property by \$100,000, whichever is greater, the appraised value to be established by appraisal reports ordered by MDX; (iv) to pay the property owner's attorney's fees and other costs in accordance with the requirements of Chapter 73, Florida Statutes.

6. Signature Authority: Authority is hereby delegated, except as otherwise authorized by resolution of the Authority, to the Executive Director, the Deputy Executive Director, and the Chief Financial Officer, to sign all contracts, deeds and other instruments made by the Authority. Authority is hereby delegated, except as otherwise authorized by resolution of the Authority, to the Executive Director and Chief Financial Officer to, without limitation, to execute contracts and instruments pertaining to Authority indebtedness and obligations under derivative arrangements, and all other documents that concern the finances, funds or accounts of the Authority.

7. Capital Asset Disposal Authority: The Authority may dispose of capital assets by donating items to another governmental entity or to a not-for-profit organization or may sell the items to a third party. Any roadway/facility related capital asset that is to be disposed of and that was originally acquired via a Work Program project, will be determined and recommended by the Consulting Engineer. The Authority to dispose of capital assets is delegated as follows:

- a. Disposals up to and including a book value of \$100,000 to be approved by the Chief Financial Officer.
  - b. Disposals of a book value over \$1,500,000 to be approved by the Board.
8. Claims Resolution Authority: Authority is hereby delegated to:
- a. The Executive Director to resolve claims for payment made against MDX for uninsured damage to property where the settled amount does not exceed \$25,000.
  - b. The Operations Committee to resolve claims for payment made against MDX for uninsured damage to property where the settle amount does not exceed \$100,000.
  - c. The Executive director to resolve claims by MDX against others for damage to MDX property where the settled amount does not exceed \$150,000
  - d. The Operations Committee to resolve claims by MDX against others for damage to MDX property where the settled amount does not exceed \$500,000.

This policy shall be effective on the date on which it is adopted by the Governing Board and at such time this Policy rescinds all prior policies relating to Delegations of Authority.