



## Interoffice Memorandum

### Minutes

### Florida Mall

### Special Roadway Agreement Committee

October 2, 2008

Members Present: Renzo Nastasi – Transportation Planning Division

County Staff Present: Robin Hammel – Engineering Division  
Heather Brownlie – Transportation Planning Division  
Brian Sanders – Transportation Planning Division  
Linda Medeiros – Fiscal and Administration Division  
Ray Walls – Office of Management and Budget  
Jose Hernandez – Orange County Utilities  
Allen Erickson – County Attorney's Office  
Roberta Alfonso – County Attorney's Office  
Ghulam Qadir – Engineering Division  
Luis Alvan – Engineering Division

For Applicant: Scott Thompson – Lowndes, Drosdick, Doster, Kantor & Reed  
John Albright – Florida Mall (Simon Properties) [By Teleconference]  
Mike Adler – Florida Mall (Simon Properties) [By Teleconference]

### Florida Mall

The meeting was called to order at 1:10 p.m.

Mr. Nastasi outlined the process for funding:

- prior to bid all funding must be in place in the CIP
- FDOT funds available only on a reimbursable basis
- Orange County will advance funds for the FDOT dollars and pay itself back

Mr. Albright stated Florida Mall's position that they want to hold onto the funding if they are paying the bills, or in the alternative remain in possession of their contribution amount.

Ms. Hammel explained that FDOT will only provide funds to reimburse Orange County.

Ms. Medeiros added that Orange County cannot pay the contractor directly.

Mr. Thompson explained that Florida Mall is reluctant to contribute their funds and then wait to get reimbursed for their own money.

Mr. Albright was willing to specify in the bid that payment would be within 45 days.

Mr. Thompson asked that the FDOT funds be the first portion of money spent.

Mr. Albright asked that the DRI funds should be allocated first.

Mr. Nastasi explained that when invoice #1 is generated it would be received and Florida Mall would pay the invoice and then get reimbursed.

Ms. Hammel suggested a separate meeting with the Orange County Comptroller to arrive at a funding model which takes these various sources of funding into account.

A discussion of M/WBE Bidding requirements was held and it was decided that Ms. Hammel and Ms. Alfonso would discuss this matter with Orange County Purchasing.

Mr. Alvan reminded everyone that FDOT bidding requirements would also need to be met and in many cases their requirements are more stringent than Orange County requirements.

Ms. Hammel stated that any time Orange County dollars are being expended for a project the bidding requirements would be applicable.

Mr. Nastasi asked that prior to bid selection a letter be sent confirming the amount of funding held in escrow for the project by the developer.

Mr. Thompson explained that URS will serve as the Construction Manager and receive CEI in the amount of 6%.

Utilities will have a separate agreement for their Utilities contract.

FDOT is requiring payment and performance bonds and will require insurance as well.

The Roadway Portion of the Meeting ended at 1:57 p.m.

#### Utilities Discussion

Mr. Thompson met with Mr. Hernandez and Mr. Erickson to review the specific Utilities issues pertaining to the separate Utilities agreement.

Mr. Albright was not pleased with the idea of fronting all the funding for the Utilities contract and waiting on reimbursement from Orange County Utilities.

Mr. Hernandez assured Mr. Albright that the funding has already been allocated and that the budget is posted to the website.

A discussion of retainage issues followed.

In order to waive the retainage requirement, Mr. Erickson would need a proposal to bring to Orange County Utilities staff for further review.

The Utilities discussion ended at approximately 2:35 p.m.