



STATE OF NORTH CAROLINA
TURNPIKE AUTHORITY

MICHAEL F. EASLEY
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER
EXECUTIVE DIRECTOR

**BOARD OF DIRECTORS MEETING
MINUTES**

Wednesday, October 18, 2006
Board Room, NCTA Offices

Members present in Board Room: Lyndo Tippet, Chairman
Perry Safran, Secretary/Treasurer
Allan Dameron
John Culbertson
Anthony Fox
Bob Spencer
Robb Teer

Also attending: David Joyner, Executive Director

Members Absent: Sang Hamilton, Sr.
Lanny Wilson, Vice-Chairman

Chairman Tippet called the meeting to order at 1:30 pm in the Board Room of the NCTA offices. He welcomed all to the meeting. Chairman Tippet read the Governor's ethics statement.

Chairman Tippet called on Secretary-Treasurer Perry Safran to present the August minutes. The minutes were approved as presented.

Executive Director Report: David Joyner stated that traffic and revenue studies for four of the seven projects were complete and with the re-evaluation of Gaston all four projects appear to financially viable. He said that the traffic and revenue study for the Cape Fear Skyway should be ready in December and the one for I-74 in Brunswick County should be ready early next year. Mr. Joyner said discussions were held last year concerning the section of I-540 called I-540P, and it was decided that the section would be included in the Western Wake Freeway project. In July, the legislature approved this and in August the NCTA received the needed approvals from CAMPO. On September 20, the FHWA approved applying for a 129 agreement and the DOT Board would consider it in November. The project-specific agreement for this project will be brought to the NCTA Board within the next few months for its review and approval. Mr. Joyner said that the project should be complete in 2010 or 2011.

Mr. Joyner stated that Bill Malley would provide information to the Board later in the meeting concerning the 6002 merger process. It is hope that using the 6002 merger process would expedite the environmental process in our projects.

Mr. Joyner announced that an agreement was reached with HNTB to move Anne Redmond and four other environmental engineers to work in the NCTA office to enhance communication between HNTB and the NCTA on our projects. He said that this change would occur November 1 and would remain in effect until the permitting process for the project is reached.

Mr. Joyner reported that the costs for engineering services provided by HNTB for the upcoming year was negotiated for 25% less than last year for local senior staff and for senior staff from other cities.

Mr. Joyner welcomed Chief Operating Officer Jim Eden and receptionist Julie Ryan to the NCTA.

Mr. Joyner reminded the Board that a new legislature would be elected next month and that they will need to be educated about the gap funding needed to build the projects. He continued by stating that he spoke with the rating agency and was informed that without funds to fill the gap that the NCTA would have to turn to the private sector for funding, which would be more costly.

Mr. Joyner called on Karen Hedlund who reviewed the draft policy on public-private partnerships (PPP). She said that the NCTA Board must adopt procedures for procurement, which is what the PPP policy entails, and that the policy statement in general covers solicited and unsolicited proposals, how to go about finding private partners, what proposals to accept and what information should be included in the request for proposals. She reviewed the guidelines and explained each section of the policy. The draft policy was provided to each board member for their review and approval.

Board member Anthony Fox asked if the policy needed to state that no rights are created for any proposer for anything submitted, to which Ms. Hedlund responded that this type of information is normally standard in the request for proposal (RFP). Mr. Fox also asked if there is a process for a disgruntled proposer in the bid process. Ms. Hedlund stated that an opportunity is provided but the time is limited for the proposer to protest the procedure itself, and once it gets to the proposal stage that it cannot be protested if the time to challenge the RFP has passed. Mr. Fox noted that the policy indicated that the contract would be awarded to the one providing the best value to the NCTA and asked if it should be amended to show that it is based upon knowledge and experience criteria. Ms. Hedlund said that it would be based on all of those items; however, it is a state requirement to follow the low bid process and must be cost effective for taxpayers as well. She added that the term "best value" would not be limited to cost only, but would expand to take other criteria into account. Mr. Fox was concerned that the policy appeared to be based on a quantitative measure and the NCTA should be cautious in using the best value approach, adding that the

disadvantaged business enterprise program did not seem to be part of the criteria. Ms. Hedlund responded that this was not exclusive, but it is required in the general statutes. Mr. Culbertson asked if an unsolicited proposal could be put together and delivered to the Executive Director, and if so, what would the process be. Mr. Joyner suggested that if this does occur, an ad hoc committee could be established to review the proposal.

Board member Robb Teer made a motion to adopt the PPP policy. Mr. Fox reiterated that he would like the DBE requirements spelled out in the policy and how to make the award the best value and have the RFP set up that way. The motion was withdrawn and deferred until next month pending further review.

Chairman Tippettt introduced Bill Malley who provided information on expediting environmental reviews for NCTA projects using Section 6002.

Committee Reports:

Executive Committee: Chairman Tippettt stated that the committee did not have a quorum so there was no formal action; however, new duties for the Personnel Committee were discussed. The new duties would include Operations.

Plans and Programs Committee: John Culbertson reported that the committee met and an update on the Monroe Connector was provided. The NCTA received a resolution from MUMPO asking that the Monroe Connector and the Monroe Bypass be combined for the purpose of conducting NEPA studies on the project. Mr. Culbertson made a motion to combine the Monroe Connector and the Monroe Bypass, which was seconded by Mr. Fox and unanimously approved.

Finance Committee: Bob Spencer stated that the Finance Committee met and had the following motions for the Board to consider:

- To adopt a resolution authorizing the filing of an application allowing local governments to sell revenue bonds for advance right-of-way acquisition. The motion was unanimously approved.
- To approve \$130,000 for a TIFIA grant letter of interest. Mr. Fox stated that Mr. Spencer recused himself from this vote. Chairman Tippettt said that Mr. Spencer would be recused from this vote. The motion was approved as presented.
- To grant the Executive Director the authority to execute the FHWA 129 Agreement after the agreement is approved by the NCDOT Board of Transportation. Mr. Teer seconded the motion, which was approved.
- To grant the Executive Director the authority to execute a contract with ECU for the Mid-Currituck Bridge project as presented, made by Mr. Safran, seconded by Mr. Teer, and unanimously approved.
- To approve the execution of a supplemental agreement with HNTB to undertake additional technical planning and engineering services in accordance with the current Annual Plan of Work with a not-to-exceed amount of \$3,000,000.00, made by Mr. Teer, seconded by Mr. Culbertson, and unanimously approved.
- To approve the execution of a contract with Mulkey Engineers to undertake additional environmental and engineering studies as anticipated in the NCTA

2007 Annual Plan of Work with a not to exceed amount of \$400,000.00, made by Mr. Culbertson, seconded by Mr. Safran and approved unanimously.

Personnel Committee: The Personnel Committee did not meet.

Chairman Tippet began the public input session. The following people addressed the Board:

Wayne Huffman, Snee Farm Homeowner's Association
Judy Huffman, Snee Farm Homeowner's Association

Mr. and Mrs. Huffman requested that the NCTA move the proposed junction point of the Cape Fear Skyway and the Wilmington Bypass with US 17 away from the Snee Farm Subdivision.

Joe Milazzo, Regional Transportation Alliance, who spoke in support of the Triangle Parkway and Western Wake toll projects and thanked the NCTA for its acceleration of these projects.

Chairman Tippet thanked the speakers for their comments.

Chairman Tippet adjourned the meeting at 3:21 pm.

Minutes prepared by: Jane Strickland