

**Authority Board Meeting
June 6, 2002
Canaveral Port Authority
Board Room
200 George King Boulevard
Port Canaveral, Florida
Minutes:**

Call to Order: Chairman Frederick Dudley called the meeting of the Florida High Speed Rail Authority (FSHRA) to Order at 10:00 a.m. Members in attendance were: John P. Browning, Jr., Vice Chairman; Norm Mansour, Secretary; Heidi Eddins; C.C. "Doc" Dockery; William Dunn, P.E.; Skip Fowler, Esq.; Leila Nodarse, P.E.; and Transportation Secretary Tom Barry. Lee Chira, Treasurer was absent.

1. Welcome and Introductions

Chairman Dudley welcomed all attendees and recognized Ray Sharkey, Vice Chairman of the Canaveral Port Authority. Mr. Sharkey welcomed the Authority to Port Canaveral and briefed the Board regarding the expected lunchtime presentation and tour.

2. Meeting Minutes from May 8, 2002

The minutes from the previous meeting, held on May 8, 2002 were reviewed. On a motion made by Mr. Dunn and seconded by Mr. Fowler, the meeting minutes were approved unanimously without correction.

3. Old Business

A. Letters to Senator King and Representative Byrd

Mr. Nazih Haddad directed the Board members' attention to tab 3.a, which included separate letters from Chairman Dudley, the FHSRA Chairman to Senator Jim King and to Representative Johnnie Byrd, extending an invitation to each legislator to address the Board at an upcoming FHSRA meeting. Mr. Haddad commented that a response was received from Representative Byrd stating that he looked forward to addressing the Authority at an upcoming meeting. Brief comments were made regarding the locations of upcoming meetings with respect to the areas represented by these legislators.

Mr. Dockery commented that the Plant City Commission recently voted to oppose high speed rail running on CSX track through their historic down town. He stated that they also voted in support of using the I-4 corridor for future rail operations.

B. Letter to CSX

Mr. Haddad called the Board members' attention to tab 3.b, which included a letter from Chairman Dudley, the FHSRA Chairman to Mr. Randy Evans, Vice President of the CSX Corporation, thanking them for their previous correspondence pertaining to the use of CSX right-of-way (ROW) for high speed rail operations.

C. Letters to DCA, DEP and EOG

Chairman Dudley directed attention to the series of letters included under tab 3.c regarding the development of a conflict prevention, mitigation and resolution process. He stated in addition that he has sent previous correspondence to Secretary Seibert and Secretary Struhs regarding involvement of their respective agencies in the activities of the FHSRA. Chairman Dudley requested that Secretary Barry work with Mr. Haddad to arrange and encourage coordination between these agencies and the FHSRA to complete this process.

4. Procurement Rule Development Workshop

Chairman Dudley announced the beginning of the Procurement Rule Development Workshop at 10:15 a.m. He explained that the intent of the workshop is to help the Board members determine whether procurement rule making will be beneficial to future activities and, if so, to initiate that process.

A. Staff Presentation

Mr. Bottcher began by informing the audience that public comments are encouraged and that speakers will be recognized by the completion of a card expressing their desire to make comments. He continued on explaining that Florida Statutes give the FHSRA a unique opportunity to develop procurement options outside of those already established under law. Mr. Bottcher further explained that the FHSRA Board has the option to develop and utilize innovative, private sector procurement practices if they think it will improve efficiency by saving time or money or eliminating unnecessary paperwork.

Chairman Dudley questioned whether this rule would apply to the development of the Request for Proposal (RFP) that is currently being developed. Mr. Bottcher responded that it would not be applied to the RFP. He stated that it would, however, be available for consideration by firms in the development of their proposals in response to the RFP.

Chairman Dudley followed by asking whether adoption of a new rule would commit the FHSRA to using that practice or whether all of the existing procurement rules would still be available for use. Mr. Bottcher stated that all procurement rules would be available for use, and that adopting a new rule would simply expand the procurement options available to the FHSRA.

Mr. Bottcher went on to explain the material presented in section 4 of the handout, which included a draft of Rule 14C-1. He stated that sections 001 and 002 include standard information regarding the purpose of the rule and definitions, respectively. He then went on to detail the information included in section 003 regarding the alternative procurement methods that could be authorized for use by a Procurement Officer upon approval of this rule. Chairman Dudley questioned who would be authorized as a procurement officer? Mr. Bottcher replied that the FHSRA has great latitude in making this determination. He went on to explain that the methods include:

- Using a limited bid process for procurement of goods and services less than \$100,000;
- Procurement using a sole source provider;
- Electronic solicitations of commodities and services (using the Internet);
- Open solicitations using a reverse auction style of procurement;
- Arranging an exchange of goods and services (bartering);

Continuation of a business arrangement based on exemplary value;
Entering a joint purchasing alliance with another entity.

Mr. Bottcher explained that an additional suggestion has been offered by a procurement officer that involves strategic partnering for the development of new products or services. He did not offer any explanation regarding this procurement method.

Chairman Dudley asked if the Authority would have to select one of these procurement methods on a bid-by-bid basis each time the Authority wanted to procure something. Mr. Bottcher responded affirmatively and stated that this is intended to give the Authority more options for procuring goods and services. He went on to discuss briefly section 004 pertaining to Service Contracts. Mr. Bottcher then explained that section 005 of the draft procurement rule deals with Ethical Considerations of procurement. He explained that the Code of Ethics for Public Officers and Employees, currently included in the Florida Statutes, does not apply to independent contractors. He further stated that this draft rule being proposed would apply the existing ethical standards to the "contractual agents of the Authority to the same extent as if such persons were employees." Mr. Bottcher added that this section also prevents any person who participates in the development or drafting of a solicitation or procurement specification from selling a commodity dealing with the same specific subject matter. He further recommended adding "close relative" to this section as well.

Mr. Dunn questioned whether this would pertain only to people who are paid to be involved in these processes or to volunteers in the process as well. Mr. Bottcher replied that there should be no differentiation between the two. Mr. Dunn stated that he believes this introduces an immediate conflict because many of the expected responders to the RFP have been very involved in the development of the RFP as well as this rule making workshop. Mr. Bottcher conceded that this may introduce a conflict and suggested adding some language to address this.

Chairman Dudley commented that he was concerned about the impact this restriction would have on activities that are currently underway. Mr. Share stated that he believes it is the responsibility of staff to ensure that the input received thus far in no way creates a bias for or against any responders to the RFP. Mr. Bottcher added that the rule could specify "material" participation or primary participants as those prevented from responding to a procurement solicitation.

Mr. Dunn explained that the close working relationship between Amtrak and Bombardier helped in the design of the Acela. He stated that he would not want to discourage the DBOM contractor from working closely with the Authority in writing the necessary specifications needed for a successful system. Mr. Dunn suggested that the rule include only those participants who are actually paid consultants, hired by the Authority to assist in the development process.

Mr. Dockery asked whether this section is so broadly worded that we are extending the code of ethics to apply to contractors who will be participating in the construction of high speed rail infrastructure. Mr. Bottcher stated that this rule would apply to all independent contractors and subcontractors doing business with the Authority or another entity that is doing business with the Authority. Mr. Dockery stated that he thinks this extends too far. He stated that it would introduce issues regarding enforcement and questioned whether there was adequate precedence for implementing such a rule.

Ms. Nodarse stated that the purpose of this section is to prevent a contractor from influencing the procurement process in a way that would create an unfair advantage. She went on to question whether that is a possibility given the current contractors involved. Mr. Bottcher replied that FDOT is the only staff authorized at this point.

Mr. Dunn suggested that the Authority consider adopting a method similar to the “value engineering” concept and incorporate language that requires full disclosure. Mr. Bottcher responded that value engineering applies to responses to solicitations while this rule applies to the actual development of the solicitation. Mr. Dunn stated that he thinks the concept could be applied and Mr. Bottcher agreed to work on it.

Mr. Fowler questioned how this would apply if there were a staff change. For example, he asked, what if a current staff member went to work for Bombardier in ten years, would this rule prevent that company from responding to future solicitations. Mr. Bottcher stated that under the proposed language, that would be correct. Mr. Fowler objected and stated that time limitations should be added to the language. Chairman Dudley further commented that time limits are common and reasonable. Discussion continued and Mr. Dunn reminded the Authority that the purpose of the workshop is to iron out the details regarding a procurement rule. Mr. Fowler concurred with Mr. Dunn and questioned the role of the DBOM contractor. Mr. Bottcher replied that this rule does not apply to the DBOM contractor. Chairman Dudley commented that section 006 specifically refers to the DBOM contractor. Mr. Bottcher clarified that the rule does not apply to the Authority’s selection of the DBOM contractor, but that it would apply to all procurement after the selection of the DBOM.

Mr. Bottcher briefly mentioned section 007 and explained that 008 implements controls over the communications between Authority members and independent contractors. He explained that this would apply during the solicitation period and ensures that all information out in the open and available to all interested bidders. Chairman Dudley questioned whether the Authority really wants a so-called “gag” rule for Authority members. Mr. Fowler responded negatively. Chairman Dudley explained that the exchange of information from lobbyists and others benefits the process and the intent of the Authority has been to gather as much information as possible.

Mr. Dunn commented that he found the restriction of communication to be a handicap during the early phases of the Boards activities and emphasized the benefits realized by the Authority in recent weeks due to consultations with industry representatives.

Ms. Eddins stated that she strongly favors a gag rule and does not want to be lobbied by the vendors. She further stated that all discussions should be handled openly, during the FHSRA meetings. Chairman Dudley commented that a Board member simply needs to let it be known that they don’t prefer to be lobbied and the vendors will not approach them. He stated that it is not their intent to burden the FHSRA members.

Mr. Dunn questioned whether a gag rule is still in effect from the ITP phase. Mr. Bottcher commented that the rule did not carry over into the selection phase. Chairman Dudley stated that this issue would be handled under the discussion of “old business.” He then questioned the remaining membership for comments on the section of the procurement rule pertaining to restricted communications.

Mr. Fowler commented that he has benefited from the open discussions that have occurred recently and he would not be in favor of any rule that limited that exchange of information.

Mr. Mansour explained that the approach used during the selection of the DBOM&F contractor is going to be different than the procurement process that will be implemented later. He continued by stating that the learning curve is such that the Authority members need an open exchange of ideas regarding high speed rail. Ms. Eddins responded that this creates an un-level playing field for contractors who do not get to hear and be involved in all of the discussions of the Board.

Chairman Dudley concurred with Ms. Eddins but added that the Board members can help eliminate this concern by being very open about their decision-making and the rationale that supports each of their decisions. He added that it would not be unreasonable for a Board member to request that all contact be in written form rather than verbal so that it may be made a part of the public record.

Mr. Bottcher went on to discuss section 010 pertaining to Case By Case Procurement and 011 regarding Emergency Procurement. Chairman Dudley opened the floor for public comments.

Mr. Tom Lewis, citizen, addressed the Board regarding subsection 005(1) pertaining to the Code of Ethics. He commented that extending the code to apply beyond actual public employees to include contractors is a very broad expansion of current law and he cautioned the Authority about the implications of such an expansion. Chairman Dudley asked if he specifically objected to the last sentence in subsection (1). Mr. Lewis responded that that is specifically the language that he is cautioning them about. He further commended the Board for their efforts in considering flexible procurement practices.

Chairman Dudley thanked Mr. Lewis for his comments and asked for additional comments. Hearing none, he closed the workshop to public comments and invited further comments from Board members.

Mr. Dunn stated that the primary motivation behind a Code of Ethics is due to potential conflicts of interest issues that arise. He stated that he believes it is reasonable to adopt language that prevents a conflict of interest, but he suggested that this might be incorporated into the solicitation documents. Discussion continued and Mr. Bottcher affirmed that this is appropriate language for each procurement contract. Mr. Mansour reminded the Board that this is not for the selection of the DBOM contractor but rather to develop standards for the procurement activities that will be undertaken over many years. He further stated that it would be burdensome to have to revisit the issues each time the FHSRA wanted to procure minor items such as office supplies.

Secretary Barry stated that under typical circumstances, an agency will pass a rule and then will immediately identify a restriction that the rule has created that is problematic. He further stated that a great deal of procurement activity is undertaken at the present time under the existing rules. Given this, he recommended that the FHSRA delay their decision-making on this issue until they determine that it is necessary to develop an innovative or flexible practice that is not established under current law.

Mr. Bottcher explained that action is not necessary at this time. He stated that the Board is merely considering the procurement rule making process. Ms. Nodarse questioned whether there was a limited window of opportunity for adopting these rules. Mr. Bottcher responded that there is no time restriction, but stated that the purpose of this workshop was to identify practices that firms may consider during their development of responses to the RFP.

Ms. Nodarse offered a motion to table the rule making activities until such time that the FHSRA deems it necessary to revisit. Ms. Eddins seconded the motion.

Mr. Dunn questioned whether this motion would table the entire discussion or just a portion of the rule. Chairman Dudley stated that the motion would indeed stop the rule making process at this time.

The motion failed on a tied roll call vote.

Mr. Fowler offered a motion to delete sections 005, 007, and 008 with the provision that an amended section 005 would be re-introduced. Mr. Browning seconded the motion and minor discussion continued.

Ms. Eddins called attention to the opening section of the rule regarding "fair and open competition" and clarified that the gag rule would not apply to the communications and learning process prior to the issuance of a solicitation but that it would apply once the solicitation has been issued. Chairman Dudley stated that he interprets the purpose clause to support open communications during all phases.

The motion was adopted by the FHSRA with Ms. Eddins dissenting.

Mr. Fowler offered another motion to direct Mr. Bottcher to rewrite section 005(2) to require disclosure of potential conflicts of interest. Mr. Browning seconded the motion and the Board passed it on a unanimous vote.

Chairman Dudley questioned whether section 006 should be clarified to specify that these rules do not apply to the DBOM&F. Ms. Nodarse agreed and commented that she interpreted this rule as applying to ancillary items only. Chairman Dudley stated that there is no dollar limit on procurements beyond the obvious budgetary constraints. He further stated that this section appears to apply to the selection of the DBOM contractor. Mr. Bottcher stated that this is not the intent and that he would add clarification on this.

Mr. Dunn offered a motion to direct staff to rewrite section 006 in two versions for further review and discussion at the next FHSRA meeting. The first version would include language that applies to DBOM&F contractors and the second version would not apply to the DBOM&F contractor. Mr. Fowler seconded the motion and it passed unanimously.

Mr. Dunn also requested that the Authority consider revisiting a discussion on section 005 (1) to identify the appropriate disclosure language that should be included. Chairman Dudley suggested that Mr. Dunn present recommended language regarding conflict of interest at the next meeting.

Mr. Dockery questioned what entity would be responsible for enforcing the code of ethics if it is adopted 1) for the FHSRA, and 2) for the contractor. Chairman Dudley stated that it's his understanding that the Commission on Ethics would enforce the code for the FHSRA and the FHSRA would likely have enforcement responsibility for any additional entities it includes in this rule. Mr. Dockery stated that this authority has not been granted to the FHSRA and that it would likely be objected to by the legislature. Mr. Bottcher explained that this would merely be a term of the contract. Discussion continued and Chairman Dudley suggested that it would be appropriate to handle through the contracting process rather than in the rule.

Ms. Nodarse requested clarification regarding the future actions regarding the rule making process. Mr. Bottcher stated that he would incorporate the appropriate changes to the proposed rule based on the input provided during this workshop. He continued on to explain that the procurement rule making would be an agenda item for the next FHSRA meeting.

5. General Consultants Report

Mr. Share began by reminding the FHSRA members that a great deal of work is underway and that it is being completed at a very fast pace. He cautioned that members might overlook some activities if they do not actively participate in the work that occurs outside of these meetings. Chairman Dudley responded by offering additional meetings as necessary to ensure that members are adequately informed and involved.

A. Progress Report on RFP Development

Mr. Share explained that there is a group of members overseeing this process including Mr. Dockery, Mr. Haddad and Mr. Bottcher among others. He went on to identify the key issues affecting the RFP development. These include:

- The Procurement Rule Making Process;
- Station Development – Site Programming of Candidate Locations;
- Scheduling – Especially as it impacts ROW issues;
- Expansion of the System – fitting the RFP to PD&E Termini;
- Bonding and Insurance Issues;
- The RFP Process – vendor apprehensions over the process.

Mr. Dunn commented that several potential vendors have voiced their concerns over the lack of funding, the lack of political support and the open-ended nature of the ITP process. He explained that vendors must dedicate significant financial resources in order to respond to an RFP. He continued to say that some vendors are suggesting that they may be unable or unwilling to pursue this project under the current open-ended policy for ITP responses. Chairman Dudley stated that this topic will require further discussion and suggested that it be taken up during the afternoon session. The FHSRA broke for lunch at noon and received a lunch hour presentation regarding an update of the Master Plan for the Spaceport by Matt Taylor of ZHA. The Authority also received a short tour of the Port. The FHSRA reconvened at 1:40 pm.

Mr. Share wrapped up his discussion on the RFP by stating that the first draft will be available for review in July 2002, providing ample time for vendor input. He further suggested adding an additional date, outside of the FHSRA meeting for an RFP workshop. Discussion on possible scheduling of a workshop continued. Mr. Dunn requested that Mr. Share give the Board members an idea of the anticipated size and complexity of the RFP document that will be presented at the workshop. Mr. Share stated that it will be a draft and will include the proposed information that will be included in each section rather than all of the detailed language that will be incorporated into the final version. Discussion continued and Chairman Dudley directed staff to arrange an extended meeting of the FHSRA in July lasting from 8:00 a.m. until 4:00 p.m. to accommodate the RFP workshop. Mr. Share added that the final version of the RFP would be issued in October 2002.

B. Investment Grade Ridership Study Progress Report

Mr. Tom Biggs addressed the Authority regarding the investment grade ridership studies from Tampa to Orlando and from Orlando to Miami. He explained that a steering committee has been assembled as discussed previously and he requested guidance from the FHSRA regarding the appropriate level of involvement for Amtrak representatives with regards to the steering committee activities. Mr. Biggs stated that the current membership of the steering committee recommends including Amtrak as a participant in providing information.

Ms. Eddins commented that the participation of Amtrak will benefit the results of these studies, however she stopped short of recommending their participation as an actual member of the committee. Mr. Biggs suggested that he could contact Amtrak and simply ask them to express what level of participation they would like to partake. Mr. Bottcher questioned whether a conflict would be introduced if they were added as a voting member of the committee. Mr. Biggs responded that this is a collaborative process and that there is no voting per se. Mr. Haddad commented that Amtrak expressed some reservation regarding their level of participation due to their current budgetary restrictions.

Chairman Dudley suggested that the FHSRA request participation by Amtrak on the steering committee and let them limit their involvement if they so choose. Authority members concurred with this.

Mr. Biggs went on to explain the data collection process including: origin and destination surveys, stated preference surveys, airport access surveys, population and land use data collection and field surveys. He also reviewed the formation of the Peer Panel Review Team and explained that there would be four peer panel reviews.

Mr. Biggs discussed the status of the ridership studies including the vendor/investor workshops (not currently scheduled). He also stated that the Orlando-Miami Corridor work started in May and is expected to be completed in November. Discussion continued and Mr. Share explained that they would like to consider integrating the Orlando-Miami ridership information in the RFP, however the logistics of this have not been worked out yet. He explained that FRA currently opposes the inclusion of this segment in the RFP. Chairman Dudley commented that he would like to see this presented as an incentive to vendors for future expansion.

Mr. Dunn commented that in addition to the incentives aspect, he would like to see the additional route incorporated into the performance rating for responders to the RFP. He explained that a proposed system should be rated on its performance over the entire system not just its performance on one segment.

Ms. Nodarse asked about the details surrounding the specific objections that were expressed by FRA with regards to this issue. Mr. Biggs responded that their objections include issues of independent utility and logical termini. Mr. Dunn added that he would like to see the Authority extend their vision beyond these two segments and begin taking more of a system-wide approach.

C. Program for the Strategic Planning Retreat

Mr. Biggs discussed the location and scheduling for the strategic planning retreat. In addition, he cautioned the Board that, due to the aggressive schedule of activities, their time would be in great demand during the month of September. Discussion regarding this topic occurred and Chairman Dudley suggested that the General Engineering Consultant use their discretion to make all of the necessary arrangements.

D. Marketing and Information Plan

Mr. Biggs updated the Board members regarding the progress of the marketing strategies being developed. He detailed these strategies as follows:

FHSRA Web Site – A domain name has been registered, the URL is <http://www.floridahighspeedrail.org> and a preview of the site will be presented in late June with the site available for public viewing in early July. HSR Brochure – The brochure will explain the benefits of high speed rail and will provide general factual information concerning High Speed Rail. Initial printing will include 5000 copies and a copy will be available for review in July. A mock-up of the brochure was passed around for Board members to review.

A HSR Summary is being developed for use as an educational tool (not a promotional tool).

An Informational Video – A brief video demonstrating HSR and explaining the benefits of rail systems.

Mid-Year Report – This report is intended to inform political candidates regarding the activities of the FHSRA. A handout of the preliminary document was provided.

Chairman Dudley explained that the report would be an important tool for legislators to help inform and to possibly encourage some dialogue on this subject. Ms. Nodarse commented that she favored the general content of the draft mid-year report distributed by Mr. Biggs. Mr. Fowler expressed his preference to have the document be limited to two pages and Mr. Dunn added that he would like to see the report include reference to a statewide vision. Mr. Dunn further stated that the video should include the longer term vision as well. Mr. Fowler commented that many people have expressed objections to HSR, however they are not aware of what the system might really be like and what impacts it would have. He suggested that the video emphasize operational aspects of HSR. Lengthy discussion continued regarding the possible partners in creating this video and it's final content.

Mr. Biggs acknowledged the comments and suggestion made by the Board members and concluded his presentation by mentioning that media coverage and PSA's will also be used as marketing tools. Mr. Dockery commented that a representative from WESH-TV stated that they thought the FHSRA had a duty to inform the public via print advertising and video PSA's. Mr. Share addressed the Board regarding the PD&E oversight. He requested that the Board grant authority to the Chairman to approve a task order prior to the next FHSRA meeting regarding the geotechnical work and surveys that will be required in the very near future. He estimated that these task orders might be \$400,000 and \$1.2 million respectively, but emphasized that in order to meet the aggressive schedule approval is necessary.

Mr. Dunn offered a motion to have Ms. Nodarse review these task orders from a technical point of view and provide a recommendation to Chairman Dudley prior to his approval. Mr. Dockery seconded the motion and it was approved without objection.

6. Staff Director's Report

A. Revised Two-Year Budget

Mr. Haddad directed Board members' attention to tab 6.a, which included an updated table that explained the \$12 million in funding that has appropriated to the FHSRA thus far. He went on to

explain that the next table outlines the three-year budget beginning July 1, 2001 and extending to July 30, 2004. He stated that this budget totals \$ 18 million, which includes a requested appropriation from the Florida Legislative Delegation of \$6 million.

B. Authority's Expenditures

Mr. Haddad briefly reviewed the expenditures outlined in tab 6.b of the handout.

C. HNTB Task Order #6 (RFP Development)

Mr. Haddad stated that Task Order #6 was approved at the previous meeting and is simply included here as an informational item for the FHSRA.

E. Advertisement for the Financial Auditor

F.

Mr. Haddad called the Board members' attention to tab 6.d, which included a copy of the advertisement seeking a financial auditor for FHSRA activities. He stated that letters of interest are due on June 11, 2002 and will be subsequently reviewed by Mr. Chira and FHSRA staff.

E. Future Board Meeting Schedule

Mr. Haddad briefly reviewed the upcoming meeting schedule provided in the agenda package. Minor discussion occurred, however no changes were made to the current schedule.

7. PD&E Consultant Report

Mr. Howard Newman addressed the Board briefly to outline the content of the PD&E Consultant Report and then he introduced Sharon Phillips and asked her to provide the details of the work to the FHSRA members.

A. Preliminary Corridor Analysis

Ms. Phillips began by explaining the history of HSR including previous studies, current HSR studies underway and the selection of the I-4/CSX Corridors. She explained the meaning of logical termini and cumulative impacts. In addition, she described in detail the selection process used to select/eliminate certain parts of the corridor. The steps included:

- Advance notification – sent to interested \agencies and elected officials;
- Scoping meeting – meetings with federal state and local reviewing agencies;
- Design Criteria – included development of typical sections & conceptual design;
- Segmentation of the Corridors – used to establish a means for comparing defined portions of the each corridor;
- Data Collection Process – included the collection of data with detailed attention to the coding, documentation & mapping of information for the public record;
- Application of Evaluation Criteria – involved aggregating the data and applying an evaluation criteria for each segment identified;
- Segment Elimination – areas with certain characteristics were eliminated (i.e. historical and recreational areas or areas with prohibitive ROW costs). Ms. Phillips explained that the completion of this process indicates that certain segments of the I-4 corridor and the CSX corridor are preferred (details regarding these alignments were illustrated visually on handouts provided at the meeting).

B. PD&E Public Involvement Meetings

Ms. Phillips went on to review the public involvement meetings that have occurred. She stated that the PD&E Consultant initiated some of these presentations and some were conducted at the request of interested organizations such as historical preservation societies. She also commented that a residential community in Orlando was very vocal in their opposition to alignments proximate to their community.

C. PD&E Activities Progress Report

Mr. Howard Newman addressed the Board regarding specific alignments in the Tampa and Orlando areas. He recapped some of the discussions and agency requests regarding specific concerns they have encountered during this process and explained the detail provided on the presentation maps illustrating the proposed HSR corridors (these display maps were available for review at the meeting). Mr. Newman commented further on the public involvement activities and the organized opposition encountered by the residents of the Hunters Creek Home Owners Association.

Mr. Dockery asked whether the opposition expressed by the Hunters Creek homeowners is to the high speed rail project in general or to high speed rail specifically in the corridor running near their community. Mr. Newman stated that they are opposed to the selection of a corridor near or within their community.

Chairman Dudley suggested re-visiting Mr. Dunn's earlier request regarding a future cut-off date for the ITP. Mr. Dunn suggested that based on comments he has received from potential vendors, he would like the Authority to consider specifying a cut-off date for firms entering the RFP process. He did not have a suggestion regarding what that date should be. Mr. Haddad commented that it would be the responsibility for the FHSRA to provide ample worldwide notification of this type of change in the selection process.

Chairman Dudley requested comments from the FHSRA legal counsel regarding the necessary steps to follow if the Board decided to establish a cut-off. Mr. Bottcher replied that the FHSRA would be required to re-issue the ITP and follow the same steps in the process as completed already in order to short list applicants. Mr. Dunn stated that he was not suggesting a short-listing process. Mr. Bottcher stated that he use of the term "short list" was referring to the pre-qualifying process. He further stated that this is a legal process that would have to be followed all over again prior to the issuance of the RFP.

Mr. Fowler questioned what would be accomplished by going through this process again. Given the time frame, he suggested that this process is nearing a "shut-off" as it is. Mr. Share commented that the FHSRA did not preclude late entries in its previous actions. Mr. Bottcher replied that this is correct and further emphasized that no firm is barred from entering the process at this point in time. Discussion continued.

Mr. Dunn further clarified that he is not suggesting a change to any decisions that have been made by the Board thus far. He stated that he is recommending that the door be closed to additional entrant sometime prior to October 1, 2002 so that the FHSRA will not have to advertise the RFP to worldwide competitors. He continued to say that they will know with certainty what firms are interested in participating and that it will present some level of justification for those who have participated and responded early in the process. Mr. Dunn continued to say that the current process is presenting an unfair advantage to late entries.

Mr. Dockery commented that he understands the requests that have been made by the firms that have participated in this process and that they are legitimate requests from the perspective of the competing firms. Mr. Fowler added that he understands as well, however the decision was made several months ago and he believes that it is too late to try and change it now. Discussion continued and Mr. Dunn reiterated his stance that a cut-off should be established to bar late entries from responding to the RFP. Chairman Dudley responded by asking what if a late entrant offered the best proposal. Mr. Dunn replied that it would only be the best because they had an advantage over the other firms who have participated already.

Mr. Mansour stated that proposers have an opportunity to withdraw their participation at any point if they choose. He concurred with the Chairman's statement that the FHSRA has a responsibility to keep the process open in an effort to identify the best opportunity for implementing high speed rail in the state of Florida. He stated that he would not support a motion to limit the field.

Ms. Nodarse concurred with the comments of Mr. Fowler and Mr. Mansour and added that she does not believe that this will be a true concern. She stated that the complexity of a project such as this would naturally preclude late entries from this process. Mr. Share added that the real concern may actually be that leaving the door open will introduce the risk of alienating a candidate that is currently involved in the process and that may ultimately provide the best bid.

Chairman Dudley asked Mr. Dunn if he would like to offer a motion on this topic or present any additional arguments. Mr. Dunn declined and the floor was opened for general discussion. Ms. Eddins requested an explanation from the PD&E consultant regarding the elimination of corridors merely based on the need to incorporate elevated rail. She explained that the design goal was to use at-grade crossings, however this was not meant to eliminate corridors where it could not be achieved. Mr. Newman explained that the preliminary engineering evaluation required certain grade separations. He continued to explain that these requirements when combined with other operating requirements dictated that many of the crossings required elevated corridors.

Mr. Dunn requested some guidance regarding the arrangements for the Euro Speed 2002 conference. Chairman Dudley stated that he has received an invitation by the Korean government to visit their country to experience their HSR system. He continued to state that this offer along with any others would be reviewed on a legal and ethical basis and travel plans will be determined as these factors evolve. Discussion continued and Mr. Bottcher explained that this type of offer is allowable providing that the trips are being conducted for legitimate business benefiting the state. Chairman Dudley requested that Mr. Dunn work with Mr. Bottcher to continue making travel arrangements as necessary.

8. Public Comments

Chairman Dudley opened the floor to public comments. Mr. Ray Sharkey addressed the Board and thanked them for attending a meeting in Port Canaveral. Chairman Dudley asked for additional comments and hearing no further business, adjourned the meeting at 3:00 p.m.