



Department of Transportation  
Board of Directors  
Notice of Public Meeting  
1263 South Stewart Street  
Third Floor Conference Room  
Carson City, Nevada  
December 10, 2012 – 9:00 a.m.

## AGENDA

1. Receive Director's Report – *Informational item only.*
2. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
3. Approval of November 6, 2012 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. Approval of Contracts over \$5,000,000 – *For possible action.*
5. Approval of Agreements over \$300,000 – *For possible action.*
6. Contracts, Agreements, and Settlements – *Informational item only.*
7. Relinquishments – *For possible action.*
  - a. Disposal of NDOT property located along Interstate 80 at USA Parkway Interchange in Storey County, NV SUR 10-10
8. Review and Ratify the Selection of the Contractor for the I-80 Carlin Tunnels Construction Manager at Risk Project and Approve an Agreement with Q&D Construction Co., Inc. for Pre-Construction Services for this Project – *For possible action.*
9. Possible Acceptance of the FY 2012 Performance Management Report – *For possible action.*
10. Supplement to Request for Approval for Purchase of Sweepers – *For possible action.*
11. Briefing on Tahoe Transportation District Projects – *For possible action.*
12. Old Business
  - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
  - b. Monthly Litigation Report – *Informational item only.*
  - c. Fatality Report dated November 28, 2012 – *Informational item only.*
13. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
14. Adjournment – *For possible action.*

**Notes:**

- Items on the agenda may be taken out of order.
- The Board may combine two or more agenda items for consideration
- The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to the Department of Transportation at (775) 888-7440.
- This meeting is also expected to be available via video-conferencing, but is at least available via teleconferencing, at the Nevada Department of Transportation District One Office located at 123 East Washington, Las Vegas, Nevada in the Conference Room and at the District III Office located at 1951 Idaho Street, Elko, Nevada.
- Copies of non-confidential supporting materials provided to the Board are available upon request.

This agenda was posted at [www.nevadadot.com](http://www.nevadadot.com) and at the following locations:

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1263 South Stewart Street  
Carson City, Nevada

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123 East Washington  
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310 Galletti Way  
Sparks, Nevada

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1951 Idaho Street  
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Governor's Office  
Capitol Building  
Carson City, Nevada

Storey County  
26 South B Street  
Virginia City, Nevada

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Governor Brian Sandoval  
Lieutenant Governor Brian Krolicki  
Attorney General Catherine Cortez Masto  
Controller Kim Wallin  
Len Savage  
Tom Fransway  
Rudy Malfabon  
Bill Hoffman  
Dennis Gallagher

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Sandoval: Good morning, ladies and gentlemen. I will call the Department of Transportation Board of Directors meeting to order. We will begin with Item 1 of the Agenda, Director's report. Mr. Malfabon.

Malfabon: Good morning, Governor, Board members. I have a few items to go over on this momentous day. It's going to be a long day for some of you that are going to stay up late tonight. I'm going to try to get to bed by 11:00, but there's certain races that are gonna be very close today. I wanted to introduce our new pilot.

Krolicki: Our first disagreement of the day.

Malfabon: Oh, okay. Thank you Lieutenant Governor. There might be some assembly races, come on. I'd like to introduce our new pilot. Scott would you do the honors of introducing our new pilot?

Sisco: This is Shane Warner. He's our new Chief Pilot and I guess he actually started with us last week. We've got him in training. As the Controller said, he moved from (inaudible) and he started -- starts flying tomorrow --

Warner: Yes, sir.

Sisco: -- regular schedule.

Sandoval: Well, welcome aboard and pun intended.

Malfabon: Yes. That will definitely help us be more cost efficient in flight operations, and tomorrow is the safety summit in Las Vegas, so several of us will be traveling down to that event on the state plane. I want to report some good news. In the court case where Granite Construction challenged the rejection of all bids and asked the court to require NDOT to award the Snyder

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Avenue Bridge Contract on the Carson Freeway to Granite Construction. The judge ruled in our favor yesterday saying that because of the software glitch that occurred in the electronic (inaudible) system, that it was proper for NDOT to reject all bids and readvertise, so it wasn't arbitrary and capricious on our part to reject all bids.

- Sandoval: So, Mr. Director, what's going to happen now? What will be the process?
- Malfabon: Now we will prepare the summary of that decision, allow Granite's attorneys to look at that, and then they can decide whether they want to appeal to the State Supreme Court. Meanwhile, NDOT had postponed the bid two weeks, so it opens in about a week and a half.
- Sandoval: So will you -- will there be parallel processes then? So if you're going to open it up and also have a parallel court proceeding, couldn't that lead to contrary results?
- Malfabon: We just wouldn't be able to award the contract, and it would be something that would be brought to the Board anyway since it's over five million dollars. So there's time to -- we could open the bids and it wouldn't be against -- we just wouldn't be able to award, I believe.
- Gallagher: Governor, the District Judge denied the stay motion that was made after he rendered the decision, so NDOT is free to proceed.
- Sandoval: But my point being, you're free to proceed, you run down that process, award it, if Granite chooses to appeal to the State Supreme Court, and the State Supreme Court reverses the decision and says Granite should have been awarded the job, what happens then?
- Gallagher: It would probably depend on at what point in the process the Supreme Court would issue its order.
- Sandoval: Because like I said, I have some concern that if you go down one road, again, I'm full of puns today, and another contractor besides Granite were to receive that award, and then Granite were to be successful at the Supreme Court level, and the Supreme Court were to decide that Granite should have received the job, then what do we do then? Because then the other side might bring an action as well.
- Unidentified Man: Absolutely. And I think the director recognized this early on, that because of the software glitch, it was likely that NDOT would be sued by one party

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or another, and of course he evaluated the report he received from staff and made his decision to reject all bids which resulted in the filing of a lawsuit by Granite which was anticipated under the circumstances.

- Sandoval: Well, let me ask the question a different way. Is it prudent to go forward on putting this out to bid if it's still uncertain as to what the final rule of law is going to be?
- Gallagher: The option is not to put it out but that the process of it going to the Supreme Court, and the Supreme Court deciding it could take years and, you know, I guess that's a decision for NDOT as to whether or not it wants to proceed with the project with that possibility.
- Sandoval: Okay. Member Fransway?
- Fransway: Governor, and I understand your concern. I'm wondering if there is a deadline to the appellate process.
- Gallagher: Once the Judge enters his order, there will be a clock that starts for the parties to file an appeal. That appeal would need to be filed within 30 days of the entry of order which we hope will be next week. But that's just notice of an appeal. When the briefing schedule might result, and whether or not then the Supreme Court would hear arguments on it, that could be 18, 24 months off.
- Fransway: Okay. But doesn't Granite have to make a move to appeal within a certain amount of time?
- Gallagher: Yes. They'll have to make -- file a notice of appeal within 30 days of the District Court Judge entering his order.
- Fransway: So we could probably wait until they make their decision before we went out to bid, right?
- Malfabon: Just a correction, Member Fransway. The contract was readvertised, but in our process of awarding the contract, it will be within that time that we wouldn't have to make a determination or recommendation of the Board to award. We would still have our process which takes about 30 days to evaluate those bids, so we just would not proceed with recommending an award should that occur were Granite to file an appeal.

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Sandoval: I guess the last word would be I just don't want to be sitting here 18 months from now and Granite have successfully appealed this case and then us talking about a litigation with the new contractor who got the award.

Unidentified Man: Are there any (inaudible) rights with this?

Malfabon: We'll have to check. Thank you, Governor. Another item to report is that National Highway Traffic Safety Administration, they review the traffic safety laws of the states for compliance with federal policy on traffic safety, and on the open container law in Nevada, they found that our law is not in compliance in that the driver of a vehicle that's hired -- that's paid for transportation purposes such as a limousine or taxicab, there's no distinction in the NRS that would prevent the driver from having an open container in the vehicle. Obviously that wasn't the legislative intent, and then what NDOT will do is to -- in our bill draft request, we have a primary seatbelt law that's going forward to the legislature for consideration. The intent is for NDOT to request amendment of the open container law at the time when that bill is heard, in the proper committees and the legislature next session. The penalty to Nevada would be that we -- it doesn't take away funding, but we have to shift funding from highway projects to -- and our intent is to shift about seven million dollars is the percentage amount equivalent to shift that to traffic safety projects. So still keep construction dollars in the construction area so it creates jobs, but we will try to address that open container law next session to get it in compliance with federal policy. The next thing to report was the -- I had mentioned last time that due to the authorization bill that we're under right now from Congress which is called Map 21, the Transportation Authorization Bill, the Tahoe Metropolitan Planning Organization lost its status as an NPO, so although some good work in having all the planning functions consolidated into one organization up at Lake Tahoe, they did not meet the population requirements of \$50,000 -- 50,000 population threshold, so they lost that designation, and we will bring forward to the Governor's office, both from California perspective with Cal Trans, and the California Governor, as well as you, Governor, and from the Department of Transportation here, send letters to the appropriate people either in Congress and U.S. DOT to get that corrected, because we feel that the Tahoe NPO did serve a good function in collecting all of that planning information and submitting it to NDOT. For now though they have lost that status as an NPO, and hopefully Congress will correct that in a correction bill. The next item to report was -- it looks like our contractor, Meadow Valley Contractors, Inc. will open Meadow Wood Interchange

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before Black Friday, or on Black Friday have it open there for the mall and the shopping events there. It was -- it probably won't be complete with the entire project, but they will have it open to traffic. They've been doing some paving there, so it looks like they're gonna be on schedule for opening that, and that brings a great relief to everybody's mind that they've put in the effort to get that open to traffic before Black Friday. And that's what I had to report.

Sandoval: Thank you, Mr. Director. Any questions from Board members? All right. We will move on to Agenda Item Number 2, public comment. Is there any member of the public here in Carson City that would like to provide public comment? Yes, sir.

Price: Thank you Governor Sandoval and members of the Board. For the record, my name is Darren Price. I'm the General Manager for the Sun Valley General Improvement District. We are Nevada's largest general improvement district and I'm here to say thank you for a recent project that NDOT did in our community. Governor, with your permission, I'd like to read the resolution that's going to be presented by me on behalf of our Board of Trustees to the Board. Whereas the Sun Valley General Improvement District Board of Trustees as Sun Valley's local governing board whose vision statement is a commitment to our community by providing excellence in service in community provide, and whereas the vision of the Nevada Department of Transportation is to provide a better transportation system for Nevada through unified and dedicated efforts, and whereas the Sun Valley Boulevard Clear Acre Repaving Project in Sun Valley, Nevada was designed, contracted, installed, and finished expeditiously with dedication and professionalism, and whereas the Sun Valley Boulevard Clear Acre Repaving Project is very much deserving of recognition of a job well done, now, therefore, be it resolved by the Sun Valley GID to give special thanks to the NDOT, all agents involved, for their dedication and commitment to a better transportation system in our community. Thank you very much from the Sun Valley community to the Board of Directors. Thank you.

Sandoval: Thank you, Mr. Price. And Mr. Director, if you'd make sure that the team involved over there who is responsible for this, make sure that they know that they've received this recognition.

Malfabon: I definitely will.

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- Sandoval: And we really appreciate your coming here today and bringing this to your attention.
- Price: Thank you.
- Sandoval: Is there any other member of the public that would like to provide public comment to the Board? Anyone in Southern Nevada who would like to provide public comment to the Board?
- Martin: No one here, thank you.
- Sandoval: Thank you. We will move onto Agenda Number 3, approval of October 8, 2012 meeting minutes. Have all the members had an opportunity to review the minutes? Are there any changes? Hearing none, the Chair will accept a motion for approval.
- Wallin: Move to approve.
- Sandoval: We have a motion by Controller Wallin for approval. Is there a second?
- Savage: Second.
- Sandoval: Second by Member Savage. Any questions or discussion on the motion? Hearing none, all in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes. We will move onto Agenda Item Number 4, approval of agreements over \$300,000.
- Malfabon: Thank you, Governor. Assistant Director of Administration Scott Sisco will have this time.
- Sisco: Thank you, Governor, and Members of the Board. Real quick, just a note, there are no contracts over \$5 million for your approval this month, so we move onto Item Number 4 which is approval of agreements over 300,000. On Attachment A of that you'll note we have two agreements over 300,000. The first agreement is an amendment in the amount of 100,000. It's an amendment to ITIS Corporation, and it's the vendor who built the safety management system and basically provides programming costs to support the application that allows safety related access such as accident investigations and stuff throughout the state. The second agreement is for

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Chaplin Law Firm and its representation related to Project Neon. Do you have any questions?

Sandoval: Is this Contract Number 2 with the Chapman Law Firm a new contract?

Sisco: I'm gonna let Mr. Gallagher jump in on this one.

Gallagher: Yes, Governor. It is. Each case we enter into a separate contract with whatever outside counsel is involved.

Sandoval: And I know this is a very specialized area, but we have numerous contracts with Chapman Law Firm, do we not?

Gallagher: Yes, Governor. We -- I don't know the exact count, but later on in the litigation report you'll see the number of condemnation -- inverse condemnations related to Project Neon and the Chapman Law Firm has been rendering assistance on those cases.

Sandoval: And I guess the question is, are there other firms that do it, or is it a wise idea to have it all with one firm?

Gallagher: There are a few other firms that do it, Governor. Occasionally I receive an expression of interest, sometimes from even out-of-state counsel. Regrettably, a number of the firms represent the property owners and not the government, but there is only a handful of firms and we compete with other local government agencies as well as utilities in retaining outside counsel on these cases. So it is a very small marketplace.

Sandoval: Yeah. And this isn't any comment on the quality of legal services that are provided by the Chapman Law Firm. I'm just noticing that we are adding a lot of new cases with that firm, and obviously my preference is that we keep it with in-state law firms as well.

Gallagher: Understood. And Governor, we also keep in mind that we believe there are economies of scale, especially with utilizing one or two law firms on these major projects where they'll familiarize themselves with Neon and with the phases of it, and they become very familiar with the law firms that consistently represent the landowners. So we do believe it's in the State's best interest, and that we actually save money awarding these contracts to these law firms.

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- Sandoval: Thank you very much. Board members, do you have any further questions? Madam Controller.
- Wallin: Thank you, Governor. I have a question on the first contract, the ITIS. Especially since it's a sole-source contract, my question that I have here is we extended the termination date to allow for a completion of the project, and then gave them an extra hundred thousand dollars to, I guess, complete the project, and my other concern is, if this is a propriety system, are we locked into this vendor for the rest of our life? And second question, are we going and training our staff to be able to maintain the system so we can have some flexibility?
- Sisco: Okay. I'm going to ahead and bring Tom Greco up, our Assistant Director over planning.
- Greco: Thank you, Scott. Madam Controller, Governor, Members of the Board, good morning. For the record, Tom Greco, Assistant Director of Planning. And the answers are this is sole source. It is a needed maintenance effort with the software. In the meantime, NDOT's IT is developing a business intelligence plan. When that is in place, then this software is no longer needed.
- Sisco: Okay. You're welcome.
- Sandoval: Any further questions from Board members? Hearing none, the Chair will accept a motion for approval of the agreements over \$300,000 as described in Agenda Item Number 4.
- Wallin: Move to approve.
- Sandoval: There's a motion for approval by Madam Controller. Is there a second?
- Fransway: I will second, Governor.
- Sandoval: Second by Member Fransway. Any questions or discussion on the motion? Hearing none, all in favor please say aye.
- Group: Aye.
- Sandoval: Motion passes unanimously. We will move onto Agenda Item Number 5, contracts, agreements and settlements.

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- Malfabon: Thank you. Governor, real fast before I get into this one, we had a chance recently to go around and meet with a lot of the Board members about another item on the Agenda later, and I was asked to maybe explain -- one or more of the Board members asked me to explain this process real quick just to catch everybody up. As you all know, we have four sections, if you will, of the department. There's operations, there's planning, there's administration. I missed somebody. Engineering. I'm sorry. And each one of us assistant directors, we try to get all the information we can on ours. In this particular case for this month, we only have 80 to show you. I think last month we had somewhere in the neighborhood of 320 to show you because we had a couple months backed up. So we try to -- so that's why you kind of see the musical chairs up here, and I try to get as much information as I can on the ones I think you may have a special interest in, and then after that we try to have the people here. So that's kind of why you see a little bit of musical chairs, and I apologize if it takes a little bit extra, but we try to get your questions answered while we can here, so that we don't have to bring them back to you next month. But under Item Number 5, we have contracts that we've actually awarded under five million during the course of the last period. Agreements under 300,000, and then settlements, and then agreements under 300,000 also include some emergencies. So turning first to Attachment A on Page 4, we have a total of six contracts that were awarded under five million dollars under the course of the -- since we were before you last time. I was trying to remember, Governor, do you want me to go through each one of these or their --
- Sandoval: Excuse me. What I would prefer is to give an overall review, but allow each of the Board members to ask specific questions. You don't need to go through it.
- Malfabon: Okay. Okay. Again, there's six here, all of them were contracts awarded in a low-bid process under five million dollars, and if there's any questions on those, I'll be happy to do it. And again, we're on Page 4 is where Attachment A starts.
- Sandoval: Questions Board members? Please proceed.
- Malfabon: We move onto Attachment B starting on Page 8. We have a total of 80 agreements this month that were under \$300,000 to let you know about. There's three that I'd like to bring to your attention, and then we'll jump into all your questions. The first one is on Page Number 12, Item Number 23.

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This particular agreement with R.O. Anderson Engineering, this was expert witnesses for the Falcon Capital that we reported on the last time. Unfortunately, the arbitrator did not agree with our expert witnesses, and we just wanted to bring that one out in case somebody else wanted to bring that one out.

- Sandoval: Well, I don't know if he didn't agree. We never presented the evidence in that case, correct?
- Malfabon: I would have to defer to Mr. Gallagher. Okay. That's one. Item Number 2 here on Page Number 14, Item Number 27 actually, again, I believe the controller actually brought this up last time. This is the same discussion of the UNR contract. This is the other end of the state, the University state, and again, we are working towards building our own in-house expertise for developing of these cost benefit studies, but again, in the meantime, this handles the south end of the state. And the last of the items that we wanted to bring to your attention, Item No. 60 on Page 22 with Schindler Elevator Corporation. Again, these are for the escalators there on Las Vegas Boulevard, and a reminder we are looking to seeing if the Las Vegas Convention Center Authority can't use some of the AB 595 funds to replace these, and we're also in discussion with them with the Tropicana on taking care of -- taking over their own corner, and I'll turn it over to the Director in case he wanted to...
- Unidentified Man: Yes, Governor. We are having some conversations with the executives at the Tropicana Hotel and Resort. They're looking at revitalizing that corner of Las Vegas Boulevard and Tropicana, putting in some more retail space for their resort, and it would require them to move the location of the existing escalators -- there's four escalators on that corner, and they would, at their expense, relocate those at the -- the bridge doesn't relocate, but the escalators would be more in parallel with the existing sidewalk. So it would be their cost, and we'll have to negotiate an agreement with them, and it looks to be at least it would address one of the corners and the replacement of the escalators on one of the corners.
- Sandoval: Because it does beg the question, this is somewhat Groundhog Dog, because we've had this conversation for several meetings with regard to the ownership and maintenance of these escalators, and I know that it's been a constant debate. It was being debated when I was the Attorney General.

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This has gone on for several years, and I don't know -- this may provide some finality with regard to this one, but where are we with the others?

Malfabon: With the others, as the Assistant Director of Administration had mentioned, we are discussing with the Las Vegas Convention and Visitors Authority for the balance of their bonding. They sold the bonds for the I-15 South Design Build Project as well as the Express Lanes Project on I-15, and they have a balance left that we're asking them -- this would be in the resort corridor, it would be a good use of that available funding, and it would replace the escalators. A lot of tourists use those escalators to get around that intersection.

Sandoval: Because I think -- I believe the last conversation that we had was that they were looking for us to buy the new escalators then turn them over. Was that --

Malfabon: That was with Clark County, so we will have those discussions also with Clark County Public Works about taking over this and also looking at the roadway itself. The Tropicana is still an NDOT -- a Nevada State Route, so from the interchange with I-15, all the way to, I believe, to Nellis, or to Boulder Highway, that is a State Route, and we would look at what we have to do to improve that road and transfer it over to the county along with the pedestrian bridges and the escalators.

Sandoval: And I just am concerned that the longer it takes, the stronger their argument becomes that it needs to be replaced rather than just maintained, and I believe it was what, \$16 million is my vague recollection on replacement cost.

Malfabon: Yes.

Sandoval: Somewhere around there. Okay.

Unidentified Man: Governor, those are the three that we identified, that we've had previous discussions on and wanted to bring forth, and now we're available and have staff available here to answer questions on any of the others you all may have.

Sandoval: And this may be more of a comment than a question on 23 and 80, those are the Falcon Capital experts and, you know, at least from my rudimentary math, we paid \$217,500 for expert testimony that wasn't even used at the arbitration.

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- Gallagher: Governor, these consultants did testify. I think the reference that you're making is there was no testimony presented on behalf of the state as to the value of water rights, but there was a great deal of research done, and testimony concerning the water flow issues in Washoe Valley with the various creeks and watersheds.
- Sandoval: But they did provide an expert opinion as to the value -- their opinion on the value of the water rights which was zero.
- Gallagher: No, sir. There was --
- Sandoval: They did no?
- Gallagher: No. These consultants testified as to water issues, not value, but, you know, there was a great deal of discussion in the case that centered around whether or not there was a taking of the water, and these individuals from their various perspectives formulated their expert opinions and offered them in the arbitration regarding whether or not there was a taking. You are absolutely correct, none of these individuals offered an opinion as to the value of those water rights.
- Sandoval: But they couldn't have because their opinion was there was no taking.
- Gallagher: That was part of their opinion, yes, sir.
- Sandoval: Okay. Board members, do you have any questions on any of these contracts? Madam Controller?
- Wallin: Yes. I have a few here, and just a comment here. On the Page 8, Items 2 through 5, it would be nice to go and put down what project it is that we're working on. I mean, we have the Cactus Interchange on one, but then the rest we don't really know what it is that we're doing for the acquisitions and easements.
- Unidentified Man: Okay.
- Wallin: If we could do that, that would be helpful.
- Unidentified Man: Madam Controller, we can do that.
- Wallin: Okay. And then -- hang on here. Let me get to my next page here. All right. We covered that one. Okay. This is Page 17 -- did I skip too far? Page 17, Item Number 43, for Kimley-Horn and Associates, and that's

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talking about the statewide bicycle plan, and when I read here, it says that we're -- the reason why we're giving them an additional \$14,935 is to provide assistance in the development and implementation of a State Bicycle And Pedestrian Conference in Las Vegas. That just seems like a lot of money to pay to plan a conference.

Malfabon: Let me bring Mr. Greco up here to answer that one.

Taylor: Governor Sandoval, Madam Controller, Members of the Board, Dennis Taylor, Chief Transportation Multimodal Planning. In past years we formerly had two conferences and they were getting extensive in price. They were running about \$14,000 a piece. What we have done is we have decided to only run one conference a year, one in the south and then the following year, one in the north. So \$14,000 is the best we could negotiate for the costs, but this does come out of the 821 money which is the money that we get off the revenue from the license renewals.

Wallin: I still think that, I mean, if you're to hire a meetings planner to plan a conference, it might be cheaper, you know, than --

Taylor: Actually, Madam Controller and Governor, we did look at that, and it was not as cheap as we expected. These conferences are extremely, extremely well attended by members of the public school system as well as the bicycle and pedestrian advocacies, highway patrol, the general -- or the local police forces, and the primary impetus of the conference itself is to remote and educate on pedestrian and bicycle safety statewide.

Wallin: Okay. So are they paying for the meals and all that, or what are we getting for that \$14,000?

Taylor: We do get some meals, but it's based primarily on the number of attendees. We do negotiate for some additional and some free rooms like we do in any other conference. We get vendor space and of course the vendors actually have to pay the hotel for that space, so it works out quite well. We get a lot of bang for our buck actually.

Wallin. Okay. Thank you.

Taylor: You bet. Thank you.

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- Wallin: All right. (Inaudible) Page 18, Line Number 46, Link Technologies for database administrator. I know that we talked before that you can't get an in-house database administrator.
- Malfabon: Right. Yes.
- Wallin: How many hours are they providing there?
- Malfabon: On these MSA, Master Service Agreements, from state purchasing, we get -- that's a full one-year contract.
- Wallin: It's for however many hours for one year?
- Malfabon: Right. Yes.
- Wallin: So kind of like an on-call basis?
- Malfabon: Yes. Mm-hmm.
- Wallin: And then next question, Page 19, Item Number 50, CDM Smith, Wilbur Smith and Associates. We gave them another \$149,944. It says it's to increase and consultant services to keep pace with the accelerated schedule implemented by the design build contractor. Can you explain that one?
- Malfabon: It looks like Mr. Hoffman has pulled his microphone forward.
- Hoffman: Good morning, Governor, Madam Controller. What I'll do is, I received information from our project management division and I can share that with you. The amendment is necessary to the unanticipated level of effort that was required on I-80 Design Build Project. So -- and I think back, when I was involved with that project, there was a lot of work done during the winter. It was a light winter, so there was a lot more work done. There were a lot more hours spent on that project, hence the need for our consultant agreement to work more hours and help us monitor the quality of the contract that was being performed at that time. So I think it's a combination. We undershot a little bit on the estimate, but then there was an accelerated piece by Granite Construction who did a great job on that project, finished on time, but the acceleration during the winter I think put us a little bit behind in terms of the estimate.
- Wallin: Okay. All right. Thank you. That's all I have, Governor.
- Sandoval: Member Fransway.

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- Fransway: Governor, can I address something on that very same line item 50 as the Controller was just talking about?
- Sandoval: Yes, please.
- Fransway: And once again, I'm referring to Page 19. I noticed -- or I don't notice that Amendment 2 and Amendment 1 are incorporated on the spreadsheet, and Amendment 2 is an increase of \$2,224,908, and Amendment 3 is a \$500,000 increase. So if we look at this whole Item 50, are we excluding some pretty outstanding figures here? Do you see what I'm saying?
- Hoffman: Governor, if I could, to Mr. Fransway. This is -- we actually discussed the way that these contracts are put together during our construction working group meeting. What happens is there's two phases when we hire a consultant for design build oversight services. There's the Phase 1 where they come in and help us put an RFP together, and do that quality, you know, design build specification assembly, and then there's Phase 2 where they -- if we like the work that they're doing, they can move into Phase 2 and then actually come out and help us administer and provide oversight for the contract. So the Amendment 2 that you're seeing, that increase, is actually for the Phase 2 increase.
- Fransway: Okay. So am I correct by saying that we will see that amendment at some other time?
- Hoffman: Actually, it should have come through. It should have come through at a previous board meeting. I don't know exactly when that would have come through.
- Fransway: Oh.
- Hoffman: Specifically, but it would have been approved. The dollar amount would force it to be approved by the Transportation Board.
- Fransway: Okay. Then actually it should not have even been on -- mentioned here? Because that's confusing to me.
- Malfabon: We try to give you the -- all of the amendments so you have the history of the additional money added to those agreements.
- Fransway: Okay. So it would help me if you were to say, previously approved Amendment 2 and 1.

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- Malfabon: We'll do that in the future.
- Hoffman: We can certainly do that.
- Fransway: Okay.
- Hoffman: Okay.
- Fransway: Thank you. Thank you, Governor.
- Sandoval: Member Savage?
- Savage: Thank you, Governor. Mr. Hoffman, same concerns as Member Fransway and Madam Controller Wallin. The doubling of the amount from two million to a total four million eight is shocking to say the least. I understand the pre-construction services, and I know the contractor did an excellent job in finishing the job early, but it's just hard to swallow. And I think if the dates that the Board approved the different amendments would help, I believe in facilitating some of our concerns, but I think the staff and the department needs to be very careful with the Phase 1 and Phase 2, Phase 3 amounts, and remaining competitive with the consultants. Thank you, Mr. Hoffman. Thank you, Governor.
- Hoffman: Sure.
- Sandoval: Any further questions from Board members? Madam Attorney General, good morning. Do you have any questions?
- Cortez-Masto: No, I do not. Thank you, Governor.
- Sandoval: Okay. One last question. Back to my favorite subject, on the Falcon Capital case, has the State been presented with a bill of costs, fees, and interest?
- Malfabon: Governor, we've received the interest calculation, and late last week we received the proposed cost and fees. I've not yet seen it myself, so I don't know what the dollar amount is.
- Sandoval: Do you know the dollar amount on the interest piece?
- Malfabon: The interest piece was under five million. It was about 4.8.
- Sandoval: So if you would provide each of the Board members a tally for how much we're into this case for the water rights, the land piece, the attorneys' fees, the interest, and the costs.

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- Malfabon: Yes, Governor, I will.
- Sandoval: Thank you. Member Savage?
- Savage: Governor, I have two other items of comment. The first item would be Number 28 where the Department is paying an annual rent, and I believe this is under Project Neon, but I was wondering how close we might be to resolving transfer of the property?
- Malfabon: We're gonna bring up our Right-of-Way Manager.
- Saucedo: For the record, Paul Saucedo, Chief Right-of-Way Agent. Governor, and Members of the Board, I'll have to get back to you on that one. I'm sorry. I don't know exactly if we've actually taken that to the Board previously, or whether it's coming it shortly. I just don't recall at this point. So I can report that back to you at a later date if that works for you.
- Savage: Okay. That would be very good.
- Fransway: Governor, could I comment...
- Sandoval: Just one moment. Member Savage, did you ask both of your questions?
- Savage: No. I had one more question.
- Fransway: I have comments on the one he's talking about, 28.
- Sandoval: All right. Please proceed.
- Fransway: Okay. Thank you, Governor. Thank you, Mr. Savage. So I had -- 28 caught my eye also, and the way I read it is that we either purchase the property or are paying the right-of-way. Now, my question is, we are in the meantime, leasing this property at \$8700 a month plus. Is that lease -- is that a lease option to purchase, and so that that money will go toward the purchase price if in fact we do purchase it?
- Saucedo: No, sir. What it is, it's what we call a lease to hold vacant. And what that does is it -- we're in negotiations with the property owner and the property right now is vacant. So to keep it vacant so that we don't have to relocate subsequent tenants, we lease the property from the property owner. It would be something that they could probably get from us in a legal matter anyway because they would say well, no one's renting the property because, you know, you're buying it from us and we have to disclose that there's an

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acquisition happening. And so there's a -- it's kind of a relief that we're allowed through the federal rules to allow us to do this. So it's kind of a cost of doing business. It saves us money in the end without having to relocated subsequent tenants that might enter the property, and then it relieves the property owner from having that, you know, having a building vacant that they can't rent.

Fransway: If we are interested in purchasing the property, and we are leasing the property on a monthly basis, those lease payments should go toward the purchase of the property.

Saucedo: Well, in this case -- remember this is a condemnation. It's an acquisition on our part, so we're forcing the sale. There is some relief when we go to -- if we go to condemnation because there's a loss of business there for them, a loss of income so to speak because they can make the argument that our action is preventing them from leasing the property. And so there is an opportunity for them to recoup that cost whether it's through legal proceedings or through a lease to hold vacant if that makes sense.

Fransway: I can ask legal counsel, Dennis, does that make sense to you that these payments should these payments should go toward the purchase price? If we do, I mean, if we don't condemn it, and we purchase it anyway, then we're throwing money away unless it goes to the purchase price.

Gallagher: Board Member Fransway, first let me preface my comments by I'm not familiar with the particulars of this item, but I believe that the concept behind this is to keep the property owner whole during the negotiation periods for ultimately purchasing it or condemning the property, because under the circumstances, the property owner cannot rent it to any other third parties, and under the federal rules, my understanding is this is allowed and encouraged, again, to try to keep the property owner whole during the process of these negotiations that either could result in an agreement to purchase the property, or if we can't reach an agreement, we go to condemnation.

Fransway: I'm still --

Savage: If I may, Tommy, wouldn't not paying rent encourage the process of negotiation? We need to be fair. I mean, I absolutely get that's private property, they deserve to be made whole, but I don't understand the delay or the generosity of the State entering into a negotiation, and I'm sorry to

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interrupt, Tommy, but I think that's the spot you're at. I mean, is this a common practice?

- Saucedo: Yes, sir. It is a common practice. And basically a lot of time what will happen is we'll actually relocate the tenants before we actually own the property, and therefore, there's a loss of income at that point. And so -- this one isn't the case on this particular issue. This building is vacant right now, but a lot of them, you'll see that will actually -- the tenants will actually relocate prior to our acquisition of the property. Therefore there's a loss of income that the business -- the property owner would have had if it wasn't for our action.
- Savage: And what's the typical length of the negotiation process. I mean, every month we don't have a successful negotiation is rent being paid?
- Saucedo: Yeah. It varies. I mean, we try to complete these within 90 days, but, you know, I would imagine they go out 120, 180. We try to get these to the Board as soon as we can. Once we get Board approval for condemnation action, we file with the courts, get possession of the property at that point.
- Savage: So this courtesy to make a private landowner whole, which again is good practice. I mean, it's appropriate. These negotiations typically don't take longer than 90 or 180 days, something like that?
- Saucedo: Something like -- yeah. I would say that's correct.
- Savage: Thank you.
- Sandoval: And I think the confusion is that we're paying the landowner full rent for a vacant property.
- Saucedo: Right. But --
- Sandoval: Which is -- the logic of it is hard to --
- Saucedo: Yeah. It is -- it is, but you have to realize -- I guess the thing is that we're placing this, I don't want to say burden on the owner. We're actually coming out and, you know, acquiring the property from you. It's a forced sale, and...
- Sandoval: No. And I understand --
- Saucedo: ...some of our actions -- okay.

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- Sandoval: -- the policy reason is that when we begin the negotiations, that eliminates the landowner's ability to let the property because they're not going -- no one's going to want to come in and lease the property because they know it's in a negotiation with the State and they're going to have to move out in a few months anyway.
- Saucedo: Correct.
- Sandoval: But as I say, it's hard to get over that hump of the fact that when we -- before they even knew that we're going to go into that negotiation they had no tenants, and suddenly they're getting full pay for an empty commercial property.
- Saucedo: And that summarizes it appropriately.
- Sandoval: Any further -- you had another question, Member Savage?
- Savage: Yes. And just to close, so if we had the size of the building would be interesting, and also a list of other properties that we're renting would be helpful. Last item, Governor, would be Item Number 55 for the ice services for the Tahoe CMAR Project for Atkins North America. I understand what that ice contractor does -- estimator. It just seems excessively high to me personally for a cost estimate for the CMAR Project that we're to discuss later on, and I was wondering if that was -- other people had submitted their qualifications on that project, or if Atkins was selected solely.
- Malfabon: It is a professional services procurement, so other -- it's competitive. One thing that I've noticed and I've directed staff to address this, is that I notice that the fixed fee, which is added typically to consultant engineering contracts seemed a little bit too high for the -- there's little to no risk for the ice -- the independent cost estimator. They're not gonna have to build the job if they are lower than the contractor's bid, so it -- I've looked into that and asked staff to negotiate those a little bit tighter and lower the fixed fee.
- Savage: Thank you, Mr. Director.
- Krolicki: Governor, if I may. Aren't we getting -- we're receiving a presentation on the State Line to State Line Project soon?
- Malfabon: Yes.

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- Hoffman: Lieutenant Governor, next month Tahoe Transportation District will be in at the December Board Meeting to give you a 15 to 20 minute presentation, not only on the bike trail project, but also on all of the transportation efforts and initiatives they have up at Lake Tahoe.
- Krolicki: They paved over my riding trail, but it looks really nice.
- Sandoval: Further questions from Board Members on this agenda? Mr. Fransway.
- Fransway: Thank you, Governor. And I think probably this is mostly clarification. Items 9, 13, 14, 15, and 16, and I'll refer you to Page 10 for the last four that I referred to, I noticed the receivable amount, and then I look at the original agreement amount and the payable amount are the same, and then we receive a credit. So I'm wondering if that's -- the reason behind that is because the job was -- the cost was underestimated.
- Malfabon: These are transit agreements typically for, I believe this is Southern Nevada Transit Coalition. So they provide services for four areas that are indicated there, Boulder City to Las Vegas, and some other areas in Clark County, Laughlin. What I believe these are is that we -- there's still a local match for these federal grant funds from the Federal Transit Administration. So that's the receivable amount.
- Fransway: Okay. So the receivable amount is given back to us because of the match?
- Malfabon: Yes.
- Fransway: I see. Okay. Thank you.
- Sandoval: Any more questions? Thank you. We'll move onto Agenda Item Number 6.
- Sisco: Actually, Governor, we've still got --
- Sandoval: We have more?
- Sisco: -- two more items in here.
- Sandoval: I apologize.
- Sisco: If you turn to Page Number 28, I'll just pass the Attachment C cover. Again, just this is an emergency contract, emergency agreement for removing and replacing vandalized and damaged draining pipe under State Route 493. Again, anytime we have an emergency agreement where we have to bypass some of our normal procurement processes, we report that to the Board, so

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that's on that item there. And then the last item, Item Number D is an informational item on a settlement in a domain lawsuit if you have any questions on that.

Sandoval: Well, I'm glad you brought this one up. Perhaps, I mean, I know the attorney general and I both obviously sit on the Board of Examiners, and there was this issue, and I think it would be beneficial to this Board to have a description of what happened in that case in terms of the doubling in value over a one-year period. So I don't know who is best equipped to take us through that.

Malfabon: What occurred in this case, is we had an appraisal of the subject property owned by Vegas Group, LLC, and there were -- the other parties had provided some newer comparable sales in that area. This parcel is located on Charleston Boulevard itself right next to the interstate, and the newer sales -- comparable sales, were more in that arts district and downtown. For those familiar with what's happening in downtown Las Vegas, a lot of revitalization with the movement of Zappos down to the old City Hall, a lot of vacant parcels and older facilities are being bought up and demolished for redevelopment. So those -- with consideration of the recent comparable sales, we did an appraisal of the property -- a newer appraisal, and so we were feeling that it was higher than the original appraisal that we had done for this subject parcel, and so we negotiated a settlement which went to the Board of Examiners for that, and part of the negotiations is to consider the risk of going to court on an eminent domain issue and, you know, negotiating not only the appraised value of the property, but also addressing the risk if -- should we go to court how much would be on the hook for should we not prevail in court.

Sandoval: In this case we have two separate appraisals. We have the one that was done the year before, and then we have a second one that essentially doubled the value, and, you know, I'm sure the Attorney General may have some comments, but I did vote for approval of this because I didn't want to see the state exposed anymore given that in a one-year period alone the property or the value had doubled. And my concern, and I've talked with the director privately about this, is -- are these appraisals and how perhaps we should start maybe getting more than one in the beginning of this process so that this doesn't keep happening to us in terms of these extreme increases in value over a short period of time. My other question is, is my recollection

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from Board of Examiners is this was not a final approval is that there was an easement --

Malfabon: There was a --

Sandoval: -- if I recall, and there was somebody --

Malfabon: There was a contingency --

Sandoval: -- who was seeking some money with regard to an easement, and counsel who was with the Chapman law firm who brought this issue up the day of the Board of Examiner's meeting and asked for a contingency on this resolution was that there was going to be a phone call or some effort at trying to resolve this easement issue, and I guess that's my question for today.

Malfabon: Thank you, Governor. And subsequent to that, about a week later that utility company withdrew their request for compensation for that easement. There were several utilities that had easements to the subject parcel and all but one didn't put any value to their easements. They withdrew those, and it was just that they had -- what I had was there was a new outside counsel for that particular utility company, Century Link I believe it was, and they -- eventually after they were communicated with some more, they withdrew that request for compensation. So in the future we would not take any kind of contingencies to the Board of Examiners on these types of settlements.

Sandoval: No. And I know that you were as surprised as anybody when that came up the day o the meeting, that you hadn't received any notice. So as we sit here today, is this the final final, have we resolved the case?

Malfabon: Yes. Yes.

Sandoval: All right. Any questions or comments from Board Members? Member Fransway?

Fransway: Thank you, Governor. Before we move onto the next one, Attachment C, Page 28, the emergency action. That emergency action, according to what I'm reading, became necessary because of vandalism, and we're talking about \$134,000 worth of vandalized stuff. And I'm wondering if there has been a report on it, and if it has been investigated?

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- Malfabon: In this case, Member Fransway, and Board Members, the -- it was a -- I believe it was a high-density polyethylene pipe, a drainage pipe, and what occurred, we believe was that homeless people were camping near the -- in the drainage channel, started a fire which caught the pipe on fire and the pipe burned back underneath the sidewalk and further back in, so that it was a dangerous situation, possible collapse of the sidewalk and part of the roadway, so that's why we had an emergency. We didn't feel that would be able to catch the culprits, but we felt that it was necessary to do an emergency contract to perform the repairs to the pipe.
- Fransway: Okay. Do we have some sort of insurance for that type of a situation, or are we just out of \$134,000 because someone set our pipe on fire?
- Malfabon: I think in this case we're out the 134,000. I know that in some cases, such as with driver's damaging our guardrails and such, improvements on the highways, we can get an insurance company for those types of expenses, but in this case, we don't submit a claim to the State since the State is self-insured. We just use our funds to repair that.
- Fransway: So basically, the taxpayers have been victimized?
- Malfabon: Yes.
- Fransway: Okay.
- Sisco: Governor, one last thing that I wanted to clarify on, on Page four at the very beginning we talked about the six contracts awarded under \$500,000. The very first one, again on Page 4, we originally awarded it to Southwest Civil Construction based on low bid, but they failed to execute within the time frame it allowed, and we ended up annulling that award and then awarding the contract to (inaudible), so I just wanted to put that on record. Thank you.
- Sandoval: Thank you. Any further questions or comments from Board Members on this Agenda item? Thank you, Mr. Sisco. We'll move onto Agenda Item Number 6, condemnation resolutions.
- Malfabon: Thank you, Governor. On Item Number 6, we have parcels associated with Project Neon. In the case of condemnation actions, we always try to do our best to negotiate a settlement with offers and counter offers with the owners, but in this particular case we feel that it's proper to request that the Board approve condemnation actions to proceed through the courts in order to finalize the acquisition of these parcels or temporary easements.

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- Sandoval: And these two items are a bit more complicated because they're both in bankruptcy.
- Malfabon: Yes. We -- they can get very complicated. I don't know what to -- if Paul Saucedo wants to add, but typically we have to deal with the people that receive the property as well as -- so it gets very complex.
- Saucedo: Paul Saucedo for the record, Chief Right-of-Way Agent. Governor, Members of the Board, essentially in these, the bankruptcy is causing some difficulty. Also the first ownerships, there's three different owners, and they're having trouble just meeting together to even agree on anything. So there's some very complicated issues in regard to -- and I think it really, like you noticed, it does go back to the bankruptcy on that issue.
- Sandoval: So it actually may provide some order to the chaos to get into this -- get this to a litigation mode?
- Saucedo: Yes, Governor. And those that are in bankruptcy, typically we have to go to the bankruptcy court first, get a lift stay before we can file in the state court for the condemnation.
- Sandoval: I have no further questions. Board Members any further questions? Okay. Hearing none, the Chair will accept a motion to approve the condemnation resolution as described in Agenda Item 6A, and that would be Condemnation Resolution Number 437.
- Fransway: So moved, Governor.
- Sandoval: We have a motion for approval by Member Fransway. Is there a second?
- Savage: Second.
- Sandoval: Second by Member Savage. Any questions or discussion on the Motion? Hearing none, all in favor, please say aye.
- Group: Aye.
- Sandoval: Motion passes unanimously. We will move onto Agenda Item Number 7, relinquishments.
- Malfabon: Thank you, Governor. The previous month we had a relinquishment to the property owners along what's indicated at Lake Mead Drive has actually been renamed by the City of Henderson to Lake Mead Parkway. The

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subject areas in this packet item are for the local streets that the City of Henderson will maintain, this portion that used to be along the state right-of-way. So we're giving that to the City of Henderson to maintain, and it's just the subject parcels are on the cross streets that connect to Lake Mead Parkway.

- Sandoval: And if you'll move onto 7B as well, please.
- Malfabon: On 7B, this is some property in Fernley along US 50A and US 95A, and it's property disposal through relinquishment. We've determined that through the surplus property process that it's no longer needed for the Department's needs.
- Sandoval: Is there any value to that property?
- Krolicki: It looks like it's commercial.
- Malfabon: Is this just an easement, Paul?
- Saucedo: Yes, sir. Yeah.
- Malfabon: So when we have an easement, it's only to be used for transportation purposes. We can't sell it for development.
- Sandoval: Any further questions from Board Members with regard to Agenda Item 7A and B?
- Fransway: Governor, would you like a motion for both?
- Sandoval: Yes, please.
- Fransway: Okay. Governor, I would move for approval of relinquishments Item A and B as described.
- Krolicki: Second.
- Sandoval: We have a motion for approval by Member Fransway, second by the Lieutenant Governor. Are there any questions or discussion on the Motion? All in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. Agenda Item Number 8, Quit Claim Deed.

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- Malfabon: Thank you, Governor. In this particular case, it's a corrective action required in the City of Ely for a parcel. We acquired this parcel originally from two property owners. In September of 1986, NDOT filed a resolution of abandonment releasing an easement for a 25-foot strip along US 50, US 93. For the areas held in easement, the resolution was binding. However, those areas held in fee, the resolution was invalid as it was in direct conflict with Nevada revised statutes 408.533, which doesn't allow for the abandonment of rights-of-way owned in fee. So following the filing of the resolution of abandonment, adjacent property owner recorded a map indicating that the resolution was valid. They're under the mistaken impression that they own those areas for which the resolution was not binding, so we're trying to clean up the issues created by the incorrect actions taken in 1986. We're preparing a quit claim deed for the Transportation Board's approval here. Prior to obtaining that approval, the staff had the quit claim deed signed and recorded on August 31, 2012. If there's any questions about that?
- Sandoval: Any questions from Board Members?
- Fransway: Governor, the quit claim deed would go to the city of Ely?
- Malfabon: Paul, could you answer that?
- Saucedo: Yes. For the record, Paul Saucedo, Chief Right-of-Way Agent. I believe it's going to a private property owner. I don't believe it's going to the city because it is a quit claim deed. Usually if it was going to the city it would be a --
- Fransway: Relinquishment.
- Saucedo: Relinquishment, yes.
- Sandoval: This essentially fixes something we should have done 26 years ago.
- Saucedo: Yes, sir.
- Krolicki: And not that it's terribly important, but I suspect it is to them, it's the Chachas family C-H-A-S.
- Saucedo: Okay.
- Krolicki: It's misspelled a lot.
- Sandoval: Any other questions?

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- Fransway: So Governor, are we being asked to validate the signature of August 31, 2012 then?
- Sandoval: Yeah. What specific action would you like the Board to take?
- Malfabon: Yes, sir. We had -- somebody made a mistake here is what happened, and so we're asking for the Board to approve this as surplus so that we can correct the mistake that was made which is filing the quit claim deed. We never should have done that. We should have waited for your approval before we moved forward with that action. So we're asking for, I guess, approval of that surplus action.
- Fransway: Okay. And that action was August 31 of this year, correct?
- Malfabon: That's -- yes, sir. Well, that's when the deed was recorded.
- Fransway: Okay. So you're asking for authorization of that signature?
- Malfabon: I guess authorization for the action.
- Saucedo: It was already signed, so this is something that should have been brought to the Board's attention. It was already -- the action was already performed, so now we're asking for Board approval for an action that was already performed. So we made an error in trying to correct this. It should have been brought to the Board's attention for approval for a property rights issue.
- Sandoval: So essentially you're seeking for us to validate a --
- Malfabon: A ratification, Governor.
- Sandoval: -- a ratification of the action that was already taken.
- Saucedo: That was taken to correct an error that occurred in 1986.
- Sandoval: Well, 1986 and August of this year.
- Saucedo: Two wrongs don't make a right.
- Sandoval: Two wrongs are gonna make a right.
- Krolicki: You know, again, we've been having some interesting choreography in our conversations the last two meetings. That would have been a great way to start this item in description knowing that we were fixing a problem of just a short while ago, and I appreciate Mr. Fransway's question on that, but to

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hear that at the end after a question is not the way I'd like to receive that information. And I know everyone's trying real hard, but that shouldn't be discovered in questioning, that should have been (inaudible).

Sandoval: Any further questions or comments from Board Members? Hearing none, the Chair will accept a motion.

Fransway: Okay. Governor, I'll stab at it. I would move to approve and validate quit claim deed signed and recorded on August 31 of 2012.

Sandoval: Member Fransway, perhaps if you'd use the word ratify.

Fransway: Didn't I say -- okay. Approve and ratify. I will amend the motion.

Sandoval: Board members, you've heard the motion. Is there a second?

Wallin: Second.

Sandoval: Second by Madam Controller. Any questions or discussion on the motion? All in favor, please say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. Agenda Item Number 9, review and ratify the selection of the contractor for the State Line to State Line Bikeway Phase 1C Construction Manager-at-Risk Project in Stateline, and a proven agreement with Q&D Construction Company, Inc. for preconstruction services for the project.

Hoffman: Governor, Bill Hoffman, Deputy Director. We had a presentation planned out for the Board this morning, and unfortunately our Project Manager is home ill with his family. So we apologize for that. I was hoping to just maybe read through some of the summary in the Board packet and answer any questions on the ratification of the scoring and the approval of the selection for the construction manager-at-risk. Now, we will be coming back as I said, next month with Tahoe Transportation District to talk about all that's going on up at Lake Tahoe including phases 1 and 2 of the Bike Trail Project up there. So with that said, this selection was made after a request for proposals was issued. Proposal were received and evaluated to determine a short list of best qualified firms, an invitation to interview was issued to short-listed firms. The procurement process was in accordance with the Departments pioneer program process, and you have the

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confidential evaluation and selection plan that you received approximately a week ago. So with that, I'll just kind of -- I'll wrap this up with background information on the bikeway project. It's 30 miles shared-use trail on the east side of Lake Tahoe. There is two phases. Phase 1, it's divided up into three separate phases, 1A, 1B, 1C. We're talking about 1C right now. Madam Controller?

Wallin: Yeah. I have a question. You said that we received a confidential evaluation plan a couple weeks ago, and --

Hoffman: There should be confidential --

Wallin: -- I have stuff in my material.

Hoffman: Okay.

Wallin: But I don't have any -- I didn't receive anything else.

Hoffman: No scoring information?

Wallin: No. Just what's in the Board packet. I didn't receive anything. I don't know if anyone else did.

Hoffman: Did the other Board Members receive --

Malfabon: I think typically that's handed out during the meeting, and then it becomes public information after the acceptance of the award. So apparently because the project manager is unavailable, that information didn't get here.

(Indistinct conversations)

Hoffman: We will -- let me go step back to the microphone. Madam Controller, we'll make sure to fix that problem. We're gonna need to figure out how to get you that information. So maybe we just --

Wallin: Well, you can send it to me -- when you have confidential stuff, just send it the old way, that's fine.

Hoffman: Sure, will do. Will do. So we apologize for that. So there were four contractors that were pre-qualified, and then there two that were shortlisted that went through the proposal evaluation process and through the interview process. And what you have are two sheets, one for the scoring of the proposals, and another scoring sheet for the actual interview with the final scoring and ranking. And with that, we have a beautiful picture of Lake

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Tahoe up on the board, and you can see very small red print, it says Phase 1C towards the bottom, and that's the project we're talking about. There was an agreement in for discussion earlier in Item 5 for agreements that were less than 300,000. This is the ice services is part of this project, and then the construction manager services would be part of that as well. And we do firmly believe that the cost of both the ice services and the pre-construction services will save the state money in the long run due to the efficiencies of having contractors help with the design process, especially up at Lake Tahoe. Environmental permitting -- environmentally sensitive area. It's a very difficult place to work.

- Sandoval: Board Members, do you have any questions with regard to Agenda Item Number 9? Member Savage?
- Savage: Governor, just one question. Mr. Hoffman, is there an estimate on the construction costs?
- Hoffman: Yes. The estimate I have, the most recent estimate, is \$3,410,000.
- Sandoval: And that is for Phase 1C?
- Hoffman: That is just for Phase 1C, yes.
- Sandoval: And how long is that segment?
- Hoffman: That segment is a mile long, 12 feet wide, through some pretty difficult terrain, you know, forest, and things like that. So it's a difficult area to work in.
- Sandoval: You start doing the math on 32 miles, and you're talking some real money here. But this is to get it going?
- Hoffman: Right. And there are federal funds, two million of the project cost -- construction costs are public land funding from the federal government that goes to the NPS, our metropolitan planning organizations for projects just like this.
- Sandoval: So this will be a bike path that all or part is not on the road itself, is that what we're trying to accomplish here?
- Hoffman: Yes, sir. Yes, Governor. Yes.

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- Unidentified Man: And Governor, the slope -- especially Round Hill, I mean, you're probably taking most of the verticality right there, and to get through the old abandoned part of Round Hill Beach, you know, the resort, but you've got the abandoned piece up there, it's coming around on the lake side, correct? That's I think what it --
- Hoffman: Do we have anybody from -- yes. Please. So if you could just state your name, and --
- Kirkland: Governor, and Members of the Board, Derek Kirkland with Tahoe Transportation District. I can help answer some of these questions. And yes, it is on the lake side of the Round Hill, kind of the west side right there. It skirts around and then basically what it does is extend -- 1B is under construction right now. It should be finished in December. So what 1C does is extend the bike trail -- and let me back up a little bit. 1B goes from (inaudible) Drive, we did some parking lot improvements there, you'll see a restroom going in there, some trailhead improvements, and then that skirts about one mile through (inaudible) Meadow area, and connects to the existing bike trail at Elks Point Road. 1C will connect from Elks Point Road around the west side of Round Hill all the way to around Hill Pines Beach, little pass around Hill Pines Beach and come out at US 50.
- Krolicki: I say this with gentleness. I mean, I appreciate what's happening, but it is a very massive footprint. When you have a 12-foot wide, you know, and the construction that's been going on, the locals use that are and have heavily for many years, you know. This is really providing just the biking access just for the record, there really is a heavy footprint and it changes the character of those areas tremendously that are currently in use. So now I have to get out of the way, and that's where people walk animals and things like that. So I know it's a welcome project to many, but not by all. Just I don't know how else to say that, but if you ever have the occasion to go up there, you should look at it, but I would hope that we can -- especially if you're going on the lake side of Elks Point, or of Round Hill itself. You know, that's pretty significant. Just saying. I don't know if I have a point other than the locals are not necessarily delighted with this new construction and what it will bring into those areas that have been not as heavily used. Thank you.
- Sandoval: And do we know as we sit here today whether the TRPA has approved any of this?

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- Kirkland: Yeah. The TRPA, what it is with the project is we have a project development team which consists of the forest service, it consists of NDOT, TRPA, some of the counties, and so everyone's been -- all this -- all Phase 1 has been approved and the environmental process by TRPA as well.
- Krolicki: Why was the existing bike trail that was on the east side of Highway 50, I mean, we've had that for some time. It just wasn't deemed to be adequate?
- Kirkland: I guess I'm not familiar with it.
- Krolicki: There are two bike trails now, because there's one on the Kingsbury side if you will, that goes from Kingsbury all the way down to Round Hill currently with the shopping corridor, you know, the commercial Round Hill. So this new bike trail is certainly a much bigger footprint, but it's duplicative, if you will. There already is a bike trail, and I think that was some of the complaint, and I know it's federal money, but this is a terribly expensive project, and I just think we really need to really be careful how we are spending federal tax dollars or our own, but I'm not saying it's something that shouldn't be done, but, you know, if we're being, you know, what is our role as Board in this project? We've not had a chance to see it, and we've already, as you said, made the completion between (inaudible) Drive and Elks Point Road.
- Kirkland: Elks Point Road, yeah.
- Krolicki: So I just, you know, this is just another item and, you know, I feel like we've been having this conversation, and I apologize, but we're as a Board, if I'm to have input as a Board member on these projects, it's already completed, or at least this first phase, which is probably the heaviest impact, because that's the residential area and the traditional use of Kale (ph) area and Round Meadow.
- Kirkland: Yeah. That whole Kale area is very heavily used through -- because it provides access to Nevada Beach,
- Krolicki: You've just opened it up extensively more, and remember there are campgrounds down there already, there's Nevada State Beach recreation ground campground.
- Sandoval: Mr. Hoffman, did you have a comment?

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- Hoffman: Well, I just wanted to -- Bill Hoffman, Deputy Director -- apologize to Lieutenant Governor that we hadn't gotten in before to share the project with you. Quite honestly, I thought we were just gonna have you guys seek -- well, we were seeking approval to have you guys approve the CMAR contract for construction, so I was unaware that there was such a lack of information regarding the bike trail, so I apologize.
- Krolicki: I'm sure if I ask questions it would, you know, information would be available, but in a transparent way, in the role of this Board, are we to, you know, were we ever to approve this project, or is something we would be, you know, shown later and just be apprised of the efforts going on by NDOT in conjunction with other parties?
- Malfabon: Typically to Lieutenant Governor and other Board Members, the Federal A projects are included -- in the case of Tahoe when they were an NPO, they were included in their TIP, Transportation Improvement Plan, which gets forwarded to NDOT for inclusion in the stip, which our Board approves. So you see the projects there, but it's not enough information to give you a total picture about the width, the location of the project, so we could take that into consideration. As Mr. Hoffman had indicated, Tahoe folks are going to -- Tahoe Transportation District is going to present some information next month, but that's obviously late for this series of projects, but I think that we'll take that into consideration, Lieutenant Governor, and look at the Board approval of projects and the information that you would receive, I think it would require not just the stip approval, but give you a lot more information on the projects. We do keep a website at NDOT that has a lot of the project information, but to maybe look at making that information available directly to the Board Members so that they have more specific project information location, what the scope of work is, the cost estimates and such to make that into a hard copy document that gives a lot more information. I think in the future that's something that we could look into.
- Sandoval: Oh, I'm sorry. Madam Controller.
- Wallin: Thank you. To follow up on Lieutenant Governor's comments. I have a concern when he says well, there already is a bike trail there, and we might be duplicating efforts here. I have a real concern that, I mean, you don't even -- you're not even aware of this other bike trail. What type of research do we do, and is, you know, I guess my point is, we should look to see if

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there really is a duplication, and do we really need to do this if we already have one there, or if maybe we need to do a smaller section just to link it.

Kirkland: Madam Controller, I should kind of back up too a little bit. This picture actually came from a feasibility study that was completed in 2011 and was very extensive. I mean, it went out to all the agencies, a lot of public -- there was a huge public involvement process as part of that. It kind of identified -- basically what it did is it kind of identified some preliminary alignments, where a trail should go, as far as environmental improvement, safety, just a lot of those kind of concerns. And then what it did is it established the demonstration projects, which Phase 1 is what we refer to as the South Demonstration Project. It kind of gives people an idea of what this -- the overall 30-plus-or-minus miles could look like, and then as well as Phase 2, which we refer to as the North Demonstration Project, extends the existing incline bike network to Sand Harbor. And those are the two most heavily used areas, so it's a good -- it establishes a good point to show people how this could work and how it could work for the entire east shore of Lake Tahoe as well as the vision that TRPA has and a lot of agencies share to have a bikeway that eventually will go all the way around the lake.

Krolicki: And Governor, if I may. You know, I'm absolutely comfortable that all of those venues existed. But now NDOT is being a partner in something, and this Board, that's my conversation, has not had really a viewing or a presentation to show what it is that NDOT would be partnering, despite, you know, all these other public, and, you know, the Tahoe Trust. I mean, there are many parties involved. But the impact is significant, you know, 12 foot wide paved bikeway changes the nature of being along the side of Lake Tahoe. You know, the ability to bike around the lake is a wonderful thing. We need to get people off their bikes on Highway 50 because it's terribly dangerous. You know, I know that. But, you know, my point is almost procedural. It's -- if we are partnering as NDOT with such a significant project with significant dollars with significant implications to the Tahoe area which, you know, is a sacred trust that we all have, you know, it is Lake Tahoe, more formal, more broad information prior to construction and NDOT's participation by this Board Member would be appreciated. Thank you.

Sandoval: And I think you're sensing the frustration is that the Board is the last to know about a project like this when there's been a series of public meetings. So again, as we move forward, if we could have Agenda items just so that

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we're, you know, we're basically put in a position where we can't say no because you're so far down the road, and we -- I think this Board, given the governing body of this department, would like to have the ability to have input prior to those decisions being made.

Malfabon: Thank you, Governor.

Sandoval: Member Fransway?

Fransway: Thank you, Governor, and a question for the presenter. Was there any question one funds applied for for this project?

Kirkland: Yes. Actually Phase 1B was -- the construction of that was funded with about 50 percent question one dollars, and I don't believe we're going to have any question one dollars in 1C, but we are looking for question one dollars for Phase 2A, but that's all kind of up in the air at this point.

Fransway: Do you know what the amount of the grant was?

Kirkland: For 1B I believe it was right around a million dollars in question one funds for construction.

Fransway: Okay. And that was for rec trails?

Kirkland: We also had for 1B, we also had federal funds in the amount of about 200,000 in federal rec trails.

Fransway: Okay. Thank you.

Sandoval: Any further questions? Okay. Hearing none, the Chair will accept a motion to ratify the selection of the contractor the Stateline to Stateline Bikeway Phase 1C Construction Manager-at-Risk Project, and Stateline and Improvement Agreement with Q&D Construction Company, Inc. for preconstruction services for this project. I don't think the Lieutenant Governor's going to make the motion. Is there a Member that will make a motion for approval on this? I'll make a motion then. I will move to ratify the selection of the contractor as described in Agenda Item Number 9. Is there a second?

Cortez-Masto: Governor, I'll second he motion.

Sandoval: Okay. We have a second by the Attorney General. Any questions or discussion on the motion? Hearing none, all in favor please say aye.

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- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously.
- Krolicki: Governor, I was going to -- the Attorney General beat me to it. I was going to second. I don't want to be argumentative or confrontational here. I just want to make sure we have a process that, you know, we are participating and we have oversight, that we have an ability to really understand, not part of the TIP program, what's about to happen, because it has a serious implication, you know, at the lake. Maybe that's not clear to folks. I have an emotional conflict of interest, because that's an area that I use really on a daily basis, and, you know, they're, you know, all the proper public input, all the proper forms, but, you know, this citizen of the Stateline's (inaudible) did not participate in those, and it just surprises me the size of what has gone in. I mean, the new bridge that was built across the wetland area. I mean, it's extraordinary. And those kind of things with that kind of visual impact, and the activity impact is important whether it's in Boulder City or wherever it's going to be, if this Board of NDOT is to be approving things, reviewing things, partnering with other folks for these kind of projects, please do it on the front end and not in process or, you know, after a lot of Tahoe Meadow has been paved. Thank you.
- Sandoval: Agenda Item 10, approval of development and RFP for Project Neon.
- Malfabon: Thank you, Governor. Deputy Director Bill Hoffman, and Assistant Director for Administration, Scott Sisco, will present this item.
- Hoffman: Okay. Good morning Governor, Members of the Board. Bill Hoffman, Deputy Director. So I'm back to talk about Project Neon. So back in June I presented this project. We were seeking approval for us to move forward with the development of a request for proposals, just that first step of request for proposals, and we got, I would say we received 15 to 20 questions at that Board meeting, and rightly so. We went back, the team -- the NDOT Neon Project team, including me, Scott Sisco, Cole Mortensen, poured through the meeting minutes and pulled out all of those questions that the Board had -- that you all had. We boiled them down into about seven questions. We tried to lump some together. A lot of them were along the same lines quite honestly, in terms of affordability, what are we doing, where are at with the project. So these are the seven questions that I'm going to walk the Board through this morning. So we've heard this issue before, how does this recommendation tie into those earlier proposals. Well, Neon is one of the

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State's highest transportation priorities. It's been around a while. We're trying to find a way to deliver an affordable version or phases of Project Neon, so the crash rate in this corridor is close to double that of the rest of the state, the highest traffic volumes in the state, and I have some graphics to show you. So on top is Project Neon compared to other major corridors throughout the state, and then at the bottom in the yellow are state average crash rates. That's -- those are state numbers. Washoe County average crash rates, so this is Washoe County, and then, of course, Clark County. The corridors that are in green, there's not been anything done with these corridors here. So Neon ranks very highly at the top of the list for those corridors statewide that need some attention.

Hoffman:

Oh, I'm sorry. The corridors in green are the corridors that have had work done recently, or within the last few years. So then if you move down to -- we have the traffic volume comparisons. So in red here we have the section of I-15 that would fall within this Neon Project limits. You see this dip here in 2009. We're thinking that was due to the Design Build North Project. People were finding their way around I-15 while we were building that project. But then other sections, US 95/515, I-215, Clark County, Beltway 215, I-5/80, I-80, so these are all stacked up, and of course Neon, again, is at the top of the list in terms of needs. Redevelopment down in southern Nevada. So we've got crash rate, we've got volume of traffic. Another big thing that -- very important thing that's going on in Southern Nevada right now is redevelopment, and you can see I-15 in red here. US-95 takes off in blue, and then you have Charleston Boulevard just to kind of give you guys a feel for where we're at exactly. But where are the stars are here located along I-15, these are Project Neon improvements that will improve access to all of this redevelopment. All of these ten major redevelopment areas just outside of Fremont Street, we've got the Symphony Park area here. So all of this, and then really what this also does is it improves with Phase 2, which is part of the City of Las Vegas, funding and design wise, they'll improve Charleston, that'll help improve access under I-15, get traffic from the west side to the east side, and then there's actually improvements in this area to connect the casino industry, the resort corridor with this redevelopment area. So it makes a lot of sense from a redevelopment and economic development standpoint. So still on the first question. We've heard this issue before, how does this recommendation tie into those earlier proposals. Funding continues to be an issue and it will continue to be an issue. It was an issue back in 2005 when the late Governor Kenny Guinn put together the Blue

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Ribbon Committee and the Transportation Task Force spun out of this Blue Ribbon Committee which really started the Pioneer Program. So all of that information out of that task force allowed the Pioneer Program, and those initiatives to come out of that Pioneer Program that included alternative financing, or P3s; Design Build, we're doing that right now; CMAR, we just started doing that; and, I mean, one of the main purposes today is to try to get closure on the unsolicited proposal that we've received that is kind of driving this process. So, the pay-as-you-go option is least desirable due to the years added to the project delivery. I've got a slide that will show this very clearly, but delivering Phases 1 and 3 as proposed reduces traffic impacts to the current 270,000 vehicles a day. Phasing is a possibility, but still adds substantial costs. So whenever you break something down into smaller components and try to build that, it's more expensive to do that. There's a lot of button-up or throw-away costs if you start splitting it up into manageable chunks, I guess. The availability payment concessions have become highly competitive and attractive. Presidio Parkway in San Francisco, there's other DOTs that are doing this availability payment project type of delivery method. NDOT received an unsolicited proposal, design, build, finance, operate, maintain for Phases 1 and 3. I think we've made that clear enough over the last several months. Contractor is responsible for operating and maintaining the project. So this is the issue -- the person that has to maintain it, you would have to think that in order to reduce their maintenance costs that they would actually put that extra quality in to building it initially. So this just reiterates where we were back in June, recommending to develop an RFP to move forward with the P3 availability payment. So there was -- Director Malfabon wanted us to be open. So all of these components, design, build, finance, operate, maintain, Director Malfabon wanted us to be open moving into the RFP process, and just see, you know, what would the cost be if we pulled the operate and maintain out of this from the concessionaire's responsibility, and we continued to operate and maintain. So we just wanted some options, stay flexible, see what those costs were. How does the tolling issue fit into Neon discussion? Tolling is not part of this proposal at all. Tolling is a revenue source, and is completely separate from this mortgage. Really what we're doing is we're finding a way to finance Phases 1 and 3 of the project, and that's really the finance or delivery piece. Tolling is completely separate. It could -- now, if we -- we do have a bill draft request in. We could get tolling authority, and wherever that tolling takes place statewide, those revenues could go towards other projects within the state that would leave more room for federal funds

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to cover the Neon Project availability payments, but really they're completely separate. Tolling and availability payments are completely separate. So would breaking apart the project into additional phases make a difference on your recommendations? It wouldn't. Breaking it up, as I spoke earlier, actually makes it more costly. So we have three sections here. We have as originally proposed, so I told you this project's been around for awhile. Design, bid, build was the traditional delivery model, and that's what existed several years ago when, you know, when we first started working on. So you have a project cost, oh, right around -- if you shoot in the middle here, about 300 million and about 250 million, that comes up to approximately 508 to 617 million. That's if you do the traditional standard delivery model. Now, these are today's construction costs. Today's construction costs. So the unsolicited proposal --

Hoffman: Sorry, year of expenditure costs. So it is, you know, they are -- there is inflation and so it's year of expenditure. I apologize about that. So you have the unsolicited here because of the cost savings in combining Phases 1 and 3, taking advantage of not having those throwaway costs by combining 1 and 3. You don't have to build temporary walls, you don't have to pave temporary ramps, that then will be taken out to build Phase 3 later. And then Director Malfabon wanted to see, okay, well, what would that look like if we broke this up into smaller chunks, or smaller phases, and it actually ends up costing a lot more because of those button-up and throw-away costs, and because the way it works with availability payments, you start paying when the facility becomes available to the public to use. So we wouldn't pay anything -- well, we'd pay very small amounts, possibly operate and maintain through this period, but, you know, for three-and-a-half or four years we would not pay anything. We would not pay those availability payments until we have approved the project as being built and full access to the traveling public. So by breaking it down even further here, you've got -- we're looking at it 2027, and a lot of these years in between would look like this with construction orange, construction signs as we're trying to build yet the next phase of the project. So increased temporary construction costs, that's if we go, you know, if we split it down even more. Additional engineering costs, longer impacts to traffic, larger reduction in yearly capital program safety issues due to added traffic.

Sandoval: Before you move on --

Hoffman: Yes, sir.

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Sandoval: -- will you go back to that previous slide?

Hoffman: Sure.

Sandoval: So where do the availability payments come from?

Hoffman: Where do they come from?

Sandoval: Yes.

Hoffman: What we're doing is mortgaging -- what funding revenue?

Sandoval: Well, you said the first payment isn't due for three or four years.

Hoffman: Right.

Sandoval: What is the source of that first payment? Would it be the State, would it be highway funds, or --

Hoffman: It would be -- well, at this point, we're planning on a small amount of state highway gas tax funds. We're looking at federal revenue, federal gas tax. So federal funds to pay back the availability payments.

Sandoval: And what if there's not enough of those? Where would the balance come from?

Hoffman: Well, and we'll let Mr. Sisco go. He's going to take one of these questions in terms of affordability. I think based on --

Sandoval: Okay. If that's coming later, we can save that question.

Hoffman: Yes. Right. Right.

Sandoval: And then on the unsolicited proposal --

Hoffman: Mm-hmm.

Sandoval: -- would we go -- what if there's more than one solicitor out there who wants -- who might be interested in this? Are we locked into this one unsolicited proposal, or would we make an RFP to see if there are others interested in doing that?

Hoffman: Well, that's exactly right, Governor. What we do is we would put together an RFP, send that out, and then everyone who's interested in that project would then have the opportunity to submit a proposal for that project.

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- Sandoval: Okay.
- Hoffman: So it would open the door to competition essentially.
- Sandoval: All right. Thank you.
- Hoffman: Sure. So we have the five phases of the project. Today we're here talking about Phases 1 and 3. We do have -- so the question is, what is the current status of Neon, including expenditures and right-of-way purchases. This is the funding, if this is blank then we haven't spent any money. Here what we had to do is go through the environmental process. We had to get environmental clearance for the project, and there is a minimal amount of preliminary engineering that you have to do, and you have to do that for all the phases, so that's why these boxes are filled in. So typically these costs run between, I don't know, six to ten percent. We're running at about two percent. Cole Mortensen has done a fantastic job of trying to trim the footprint from a right-of-way standpoint. I know that may be tough to see with all the right-of-way actions that we have come before the Board, but he has done a really good job of trimming the footprint and working with other, you know, his engineers and other staff and trying to really reduce the total cost of this project.
- Sandoval: And my understanding is we're still within budget despite this recent payment that we talked about today, we're still within budget on right-of-way?
- Hoffman: Yes, Governor, we are. We are. Well, for Phase 1 we've got 89.3 to 139.2 million. That's -- and I apologize for the ranges, but that's based on risk analysis and probability and statistics and things like that. But you can see that we're running under even the low estimate. Now, this is -- we're in the middle of this process, so --
- Sandoval: Yeah. That's -- I want to be careful there with the wasp.
- Hoffman: Thank you. That was (inaudible).
- Sandoval: But on this -- I mean, to be fair, to make sure that we're on track we might be under, but have we purchased 20 percent of the property, have we purchased 80 percent of the property? Where are we?
- Hoffman: So the parcels identified that we need for the project are 48 in total. We've acquired 19 parcels. The parcels referred to condemnation are eight, and the

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parcels in process are 21. So that's where we're at with the property acquisition. We foresee spending right-of-way and utilities, a total of 104 to \$161 million, and the cost to date for right-of-way and utilities is 54.2 million. That's all property at this point. We haven't expended anything in the utilities area.

Fransway: Governor?

Sandoval: Member Fransway.

Fransway: Thank you. As far as the parcels identified for NDOT to secure, and the ones that we have secured, how many of the ones that are in the fold now are in condemnation?

Hoffman: Eight.

Fransway: Okay.

Hoffman: Okay.

Fransway: Okay. So we have 13 left that are liable to come before this Board in some process, whether it be condemnation or whether they settle, right?

Hoffman: And we're hoping it's not condemnation --

Fransway: Right.

Hoffman: -- that we can reach a settlement, but in the best, you know, for the State, we're hoping to keep all costs down --

Fransway: And do you have a time estimate as to when you feel that these properties would be secured?

Hoffman: Do we have an estimate Paul? We're looking at 2014 to be completed with all property acquisitions.

Fransway: Okay. And have we secured all of the properties that we need to as far as Phases 1 and 3?

Hoffman: No. We're only working on Phase 1 right now. So the numbers you see are only for Phase 1. We haven't started on Phase 3 unless there was a property that needed to be taken for both Phases 1 and 3, and then we went ahead and acquired that property if it was needed in both phases.

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- Fransway: Okay. But aren't we being asked to approve RFPs for Phases 1 and 3?
- Hoffman: Well, for the project, Member Fransway, yes. So that's future work that we would have to do from a right-of-way standpoint. So we haven't done anything in the Phase 3 right-of-way area yet. Very minimal. So with the design builder coming on, we might have the opportunity or the option for this design build concessionaire team to help us acquire the property. That could be an option.
- Fransway: Okay. So how much of the project, relative to the phases, has the unsolicited proposal then brought forward?
- Hoffman: How much has the project --
- Fransway: Yeah. How much of the project has the unsolicited proposal been brought forward?
- Hoffman: I'm not understanding, Member Fransway. I'm sorry.
- Unidentified Man: I think the question is, how -- about what percentage, or how many parcels have been brought to the Board for approval for acquisition compared to what you need to acquire for what was --
- Hoffman: How many parcels. So how many parcels are there total in both phases, and then how much of that have we acquired? Is that the question?
- Fransway: Yes.
- Hoffman: Do you guys know how many parcels there are in three?
- Unidentified Man: We don't. Not off the top --
- Hoffman: We'll have to get that info to you, Member Fransway.
- Unidentified Man: We haven't proceeded with engineering enough yet on Phase 3 to --
- Fransway: Okay. Where I'm confused is --
- Hoffman: Okay.
- Fransway: -- we're being asked to approve the development of RFPs.
- Hoffman: Yes, sir.

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- Fransway: Have we got all of the properties that we need for the project to go forward with an RFP?
- Hoffman: We still need Phase 1 -- or Phase 3, I'm sorry. We have -- you saw the numbers for Phase 1. We still need to acquire Phase 3.
- Sandoval: And I think the question is --
- Hoffman: But it's part of the --
- Sandoval: -- is this, is if we -- why are we approving an RFP for Phase 1 and Phase 3 when we haven't acquired any of the property for Phase 3? Is that --
- Sisco: Governor, if I could just real fast. The way the availability payment is set up, we did the prework, including all the right-of-way engineering and stuff like that for Phase 1 prior to the availability payment. The availability payment we're going to be talking about here in a minute, includes the cost for the right-of-way as part of that. So while the first part was handled through our normal process, the second part of the right-of-way is going to actually be financed right in with the availability payment and the second part of it.
- Sandoval: If you'll go back a slide, does that -- go back -- forward there -- that 443 to 489, does that include the right-of-way purchased amount?
- Unidentified Man: Yes.
- Sisco: Yes, it does. For Phase 3.
- Sandoval: Okay.
- Sisco: The Phase 1 right-of-way we're paying prior to that.
- Sandoval: So that's only Phase --
- Unidentified Man: That's just Phase 3.
- Unidentified Man: Phase 3. It's Phase 1 and Phase 3 construction, and right-of-way for Phase 3.
- Hoffman: Does that make sense or not?
- Sandoval: It does not.
- Wallin: Well, yeah -- no. Can you go to that slide where you have the different phases and --

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- Hoffman: Yeah. There.
- Wallin: Yeah. That one.
- Hoffman: So the right-of-way -- let me come in here. So the right -- we're planning to acquire the right-of-way for Phase 1. Now, the Phase 3 right-of-way is part of this availability payment that we'll be paying to this concessionaire. The cost of acquiring Phase 3 right-of-way will be -- that'll be part of the availability payment. We're currently purchasing right-of-way now because we had already started down this path of traditional design, bid, build. So now we've changed gears to be flexible, to handle this, and to do -- actually handle the payments for right-of-way purchases and everything else in Phase 3.
- Sandoval: Again, I just want clarity on my question.
- Hoffman: Yeah.
- Sandoval: If you'll back up a slide please. Right there. What is loaded into that 443 to 489?
- Hoffman: Cole, do you want to talk about that?
- Unidentified Man: Versus the 116 that was on the last slide?
- Mortensen: Governor, Members of the Board, for the record my name is Cole Mortensen. When I put this comparison together, the one thing that isn't included in here is funding that we actually already have allocated and that we're already spending. And so it does not include the Phase 1 engineering, the Phase 1 right-of-way, or the Phase 1 utility costs that we're already currently expending, because that wasn't included as part of the unsolicited proposal that we analyzed. So I took that out of what we would have originally proposed to do for the bonding scenario as well as the package scenario down below. So what this number includes for the unsolicited proposal is remainder of the construction costs necessary for Phase 1, as well as all of the costs necessary for Phase 3 which would include that engineering, that right-of-way, the construction costs and the utility costs.
- Sandoval: And the same analysis would go for the green and the pink, I guess --
- Mortensen: Correct, absolutely.
- Sandoval: So it's apples to apples for all three.

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- Mortensen: Yes. Yes. Absolutely.
- Sandoval: All right. And then if you'd move forward a couple slides as well, one more, okay, back up. Sorry. On this one you've got estimated total costs for right-of-way and utilities 104 to 161, and then if you go back one more slide, it's 189 to 139. So then you add in the utilities to get to that 160?
- Mortensen: Yes. Yes, correct.
- Sandoval: Okay. Okay. And then -- no. I -- and then the last question is -- I keep saying last, they're not. I'm sorry. We've spent 54 million of -- get me to that slide with all the --
- Mortensen: With the right-of-way information, or --
- Sandoval: Yes. Right there. All right. So we have acquired 19 for 54 million. Do we have an estimate for what it's going to cost to get the rest of -- the remaining 29? In other words, we're going to have to get the other 29 for 110 million to stay within budget.
- Mortensen: Correct. Early on, to give the Board a level of comfort with the right-of-way process and what we've looked at, we anticipated the original cost of the right-of-way to be around the \$90 million. Now, that doesn't include the risks that we associated with that project and knowing that the results of the pistol law being enacted, which is also another reason why we haven't proceeded with any of the Phase 3 right-of-way, because we'd have to move forward with that within five years of acquiring that property, and at this point we haven't had a financial mechanism to move forward with Phase 3. With that being said, what I've done, given some of the properties that we've had to settle on, is I actually look back at the peak of the market values for the properties that we had anticipated acquiring for Phase 1 being right there, 2005, and about 2007, and the total value of those properties during that period of time would roughly put us in the 120 million ballpark which is actually still within that budget that we have allocated for the right-of-way acquisition. So at this point in time we still anticipate being within that budget.
- Sandoval: And I guess what I'm -- the reason why it's important for me, I'll speak for myself, is that we approve this RFP, we put it out for that amount in the slide -- one more, let's say we go with the unsolicited proposal, do an RFP for 489 million, and then suddenly the cost of the property go way up, above

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what we estimated, and then suddenly well, Board, well, State, well, Governor, our availability payments, we thought it was going to be X, but now it's going to be X plus Y, but we hadn't budgeted for that. So that's why I'm trying to get as much clarity now, so that we will now.

Mortensen: Absolutely. And that's something that as we move forward with this, you know, we're gonna still be continuing to put the same effort into the risk management that we have getting us to where we're at, and that's going to include making sure that we do keep an eye on those property values and what we anticipate those will be, and throughout this process, and we'll go over the schedule with you here in just a few more slides, but you'll see that by the time we come back to the Board with the actual RFP, that we'll have been able to tighten the estimates, not only for Phase 1, but for Phase 3, and keeping in mind those right-of-way costs as well and basically with the market and the interest rate so that we have more refined numbers and estimates to bring to you the next time we come before you.

Sandoval: And I guess it's just a little raw because of that settlement that we just said where property doubled in value in a year. And so I think you can appreciate, at least my concern --

Mortensen: Mm-hmm, absolutely.

Sandoval: -- when it comes to these estimates on property acquisition costs.

Mortensen: And currently we're maintaining an extremely high level of interest in those properties that we view as being potentially more problematic for us as we move forward with the acquisition process.

Sandoval: Madam Controller?

Wallin: Let me ask you this question so I can kind of get some comfort. That settlement that we just approved today, where the property doubled, I wish my house would double down there. The price that we settled on, and I don't know if you know this or not, is that price less than what the price would have been in the 2005/2006 prices when we were at the peak, or do you know?

Mortensen: Yeah. I don't really have any idea. We could look at that.

Wallin: Because I'm just kind of curious, because Cole you mentioned that the way you estimated the property values on the high side, you looked at what the

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values were before the recession hit when property was just sky high, correct?

Mortensen: Yes. That's something that we've done in looking back, and that's somewhat of how our risk values were identified when we're assigning those. It's an entire process that we go through, but yes, essentially we took a look back at those prices to try to give us a rough ballpark as to what sort of range we would anticipate.

Wallin: So this property we just settled on --

Mortensen: I would have to look to see where that actually was.

Wallin: I would like to see that.

Mortensen: Yeah.

Wallin: I would like to see that definitely.

Mortensen: And I'd be happy to provide you that information.

Wallin: Because that's my big fear is that we go out and all of a sudden the properties -- now we're paying more. I don't see Las Vegas getting that type of appreciation though. I'm shocked that that one property down in Las Vegas appreciated -- it doubled in a year. It's like, God, I should have bought some property there. So I just have some concerns that we're just paying the long dollar on a lot of these things just because they know that they can.

Sandoval: And as I said, I don't want to revisit that whole case again, it's done. But my understanding is we did a second appraisal. That second appraisal used comps in the area, and there was a partial next door that had just been sold, and that was the basis for the valuation of the property that we purchased, and it had gone up dramatically, the other parcel which affected this one, and again, we can speculate all day, but I do want to move on with this, but if you could get that information.

Hoffman: Sure. Will do, thank you. Okay. Well, here you go.

Sisco: Thank you. Governor, Members of the Board, again, Scott Sisco for the record. I'm over administration and kind of the Chief Financial Officer for the department. Question number five, how will Neon as an availability payment concession affect our overall program, and we heard this in a

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couple different ways. One was show us your cash flow projections for that time period. NDOT's a unique animal. I've been Chief Financial Officer for State agencies for 26 plus years, and quite frankly I can tell you better how to pay for forest fires than I can for roads at times, and for good reason. It's because we're very creative with maximizing our intake of those federal funds. Most state agencies get a grant for some type of project, and they have that money plus the required match, and that moves forward from year to year to year to year. NDOT actually, because of the way the federal funding (inaudible) is constantly moving things around in order to get the money into the silo that's going to do us the most good, and projects also slip on a regular basis and everything else. So we're constantly kind of actually overextending ourselves and moving things around to best maximize those federal funds. And again, NDOT gets, because of the amount of federal land in the state, we get 95 percent match, which mean the feds are paying for 95 percent of our roads which is unheard of for most other state agencies in regards to the match requirement. So we take advantage of that and we do a good job in that particular area. So figuring out exactly what our cash flow is going to be, you know, four of five years from now is a little bit difficult. So we went at it kind of at a different way. First of all, are the availability payments affordable, and I'm talking about the payments themselves, and the answer is yes, and I'm going to show you why here in just a second. What we did is, I went at this a different way to get to the information you needed. What we did is we extracted an average capital program for the years 2007 through 2011 and we went in and we removed everything that was one shot. We removed the federal stimulus, we removed the state stimulus, we removed the AB 595, and we removed, you know, pretty much everything that wasn't continuing and ongoing, and we discovered that our average capital program has been \$378 million a year expended. So that was the number that we were shooting for, if I did this right. So on this chart here -- by the way, I do need to put a caveat out there. This availability payment, this doesn't solve our financial problems. We still have financial problems. We've had to divert some money from the highway fund in order to help the state solve some problems. We've got, you know, gas taxes and everything else. This is strictly just talking about whether or not we can or cannot afford a payment, but it does not solve our financial problems either at a state or a federal level, but again, for all practical purposes, this train has left the station. We've got this out there. We need to move forward. It's one of the State's highest priorities, so if it looks at the best way to afford it. This particular chart here is like most of

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you may have become familiar, it's a typical state budget chart. It has revenues over the top with gas, special fuels, you know, everything that goes into the highway fund as well as our federal aid, and then on the bottom it talks about our expenditures, which coming out of the highway fund we have the NDOT capital program. Again, I told you this was the average 2007 through 2011, less the one shot, 378 million, other NDOT expenditures, our operating costs. Total NDOT expenditures, DMV and Department of Public Safety that takes money out of the highway fund, other appropriations and the bond seeking funds paying for our bonds, because we're paying for our bonds (inaudible), and it kind of -- and it gives us our average. And I've kind of highlighted the sections that I want to draw your attention to. So if we do this as availability payment, we go out here and start out in about 2017 is what I'm being told when they would be finished with the road and we would start making our mortgage payments. So again, I've taken this 378, we've added a modest three percent to it, \$390 million in 2017. To figure out where or whether or not we can afford it, what my warm and fuzzy is, is \$90 million in the highway fund. It takes us about one-and-a-half months worth of capital, and one month worth of operating costs to keep \$90 million in the fund in order to make our payments. And as you can see here along the bottom, this is where we would start our availability payments at \$36 million, and again, right above it, we're still making our bond payments, and starting in 2017 and beyond it keeps pretty much the \$90 million that I need to keep in the highway fund in order to pay our bills. So while I can't tell you exact what our expenditure will be, I can show you that we can keep an average capital program near \$378 million along the way and make our availability payments and still keep the \$90 million that we need in order to make our payments. And again, like I said, if you go back here and you kind of look at this year, 6279, we've had some tough times in this last couple years because of those diversions to the highway fund, but, you know, we're managing to bring federal money as fast as we can and everything else. But this does put our program out there, our capital program, along with availability payment, and you can also see above here the reason why we're starting to be able to increase (inaudible) is you can see that the bond payments that we're making are slowing starting to work their way down, and I believe it's just about a couple years past this that we're actually paying off the existing bonds that we have now. One of the things I want to mention is, once we start this here in 2017 where we start making it, we're building it in this four-year period before, but we're also doing our regular availability payment. So for the

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state's economic problems and job creation problems, we're kind of double dipping here, because we get to put our regular program out on the street, plus we're putting these 4100 jobs, I think is what the estimates were, out there, so during this period of time here, we're really stimulating the state's economy, and again, we start making our payment here in 2017.

- Krolicki: Scott, you said that in one breath. Bond sinking fund, is that actually the debt service (inaudible) or is that a defeasance account which would be a sinking fund? I mean, sinking fund to me means something very different than actual bond payment.
- Sisco: This is the -- correct me if I'm wrong but this is -- our bond payment. It is our bond payment.
- Krolicki: Sinking usually implies some kind of reserve.
- Olsen: Yeah. We transfer the money --
- Sisco: Yeah.
- Krolicki: And then use that sinking fund to make the debt service?
- Sisco: Pay it, right. I'm like you. The technical (inaudible). But again, like I say, it shows that we will be able to have an average capital program. We will be able to make the availability payments, and we will maintain the \$90 million that I need in order to make the monthly payment so to speak in there, and like I say, again, we can't emphasize enough that it creates, in addition to our normal program here, it creates the economic stimulus and everything else that goes along with a program of this size in the four to five years directly prior to that, which, of course, for this particular state right now is very critical to that whole effort.
- Fransway: Question, Governor.
- Sandoval: Member Fransway.
- Fransway: Thank you. Scott, are you comfortable with the 90 million if you figure in any inflation over the years?
- Sisco: Well, and you'll actually see that we did. We started figuring inflation in. Not only did we add the percentage to the NDOT capital program, but we also added it to the other expenses from some of these other agencies also. The total NDOT expenditures and other appropriations and stuff, and what's

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happening is the bond payments are going down, allowing us to put a little bit more up top here.

Fransway: Okay. So the answer is yes?

Sisco: The answer is yes.

Fransway: Okay.

Fransway: Not a lot and not like we've had in past years, but we are able to add a little bit of inflation as we go along.

Krolicki: The bonds that we are selling, are they still like a five year, ten year, or are you going out further on the (inaudible).

Sisco: 2022, is that when we pay them?

Krolicki: So you're doing ten-year bonds?

Sisco: Yeah.

Olsen: The maximum we can do is 20 years.

Krolicki: But you're not doing that. You're doing ten years (inaudible).

Sisco: Well, they were -- no. They were 20-year bonds and then we refinanced.

Unidentified Man: (Inaudible).

Cortez-Masto: Governor, this is Catherine. I would ask whoever speaking to get to the microphone so we could hear here in Las Vegas.

Sisco: Dave Olsen, our Chief Accountant, would you just reiterate what you just said?

Olsen: If we go with the availability payment option, we would not be issuing anymore bonds under the current scenario. But if we were to issue them, the most we could do would be 20 years. Does that answer your question?

Sisco: Moving onto the next slide --

Savage: Excuse me, Mr. Sisco, Governor.

Sisco: Okay. No problem.

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- Savage: Madam Controller, go ahead. I didn't -- one quick question. Did an outside independent third party review and discuss any of these numbers?
- Sisco: These numbers were actually created by an outside independent third party, one of our consultants. And again, what we're here today about is to put an RFP out on the street and basically there's two parts to that. There's hiring a financial consultant, and there's hiring a legal consultant. Ultimately when we come back to you next on this, that's where all of these numbers are going to be fine tuned, proved, or disproved, and you're going to have the ability at that point in time to determine what happens to this availability payment, can we afford it, are we going to move forward, or are we not. So -- but it actually was a third-party consultant that put this whole project together.
- Savage: Okay. And I do want to thank you and Cole as well as Mr. Hoffman to come by and discuss what we're discussing today. That was very beneficial, but I think it's very clear here that no member of the Board would like to see anyone come back to the well to ask for more money as to what is already published, because whatever we can afford is what we can afford --
- Sisco: Right.
- Savage: -- and nothing more. So I think that message is very clear today. Thank you, Governor.
- Sisco: One of the things I would like the mention is these availability payments that the consultant has worked out down where, 36 million, you know, and gradually increasing, those were based on the very original estimates for Phase 1 and Phase 3, and the project has been reengineered several times since, and we've dropped \$100 million out it?
- Unidentified Man: We've dropped \$300 million over the total project, and \$65 million out of Phase 1, so we would anticipate those numbers to reduce.
- Sisco: So for Las Vegas, we've dropped 300 million out and 61 million, so we're hoping that this is actually going to be a pleasant surprise in the other direction when we come back as a result of the RFP and we will see some dropping to this.
- Sandoval: Madam Controller.

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- Wallin: Okay. On these availability payments so how many years would we be paying the --
- Sisco: Right now the spreadsheet I got yesterday took it out 31 years. Originally it was estimated 35 years, and again, just a reminder, Mr. Hoffman mentioned that the new Director would like to see the RFP actually go out on the street for two options, either design, build, finance, operate, and maintain, and again, there's some advantage to that, because if they're going to operate and maintain it, they're going to do a better job building it so it will last longer, or just design build and finance, and based on that, you know, you will see what it does to the payments, because again, the interest rates that we're going to be paying and everything else, we'll want to tighten that up as much as we possibly can.
- Wallin: So this is for design, build, operate, maintain?
- Sisco: This right here now is for design, build, operate, maintain. If we end up going out to -- just to design, build, finance, we would anticipate that those would be must lower.
- Wallin: And then, you're talking about -- Cole, you said that of the total project, which is like 1.2 to 1.8 billion, right, that we've dropped off like 300 million off of that. So -- and Scott, don't go away -- so this availability payment here, is that for saying that we're going to go and do the whole entire project, spend 1.2, 1.8 billion, or is it for --
- Mortensen: No. This is still for Phase 1 and 3. The point of mentioning that in the past year that we've reduced the overall program costs for the project by 300 million is that we're taking the time to look at what's been done, look at what's been planned, and actually verify the decisions that have been made, and as I've mentioned, we've reduced the cost of Phase 1 by an anticipated \$65 million in just doing just that, and the numbers that you see before you were actually produced with the last cost risk assessment that we did, not the most recent one which actually shows that \$300 million savings. And so these numbers are conservative compared to what I would anticipate them being now had we rerun the entire analysis based on the most recent cost risk assessment that we've done.
- Wallin: Okay. Do you have -- since this includes operate and maintain, do you have an estimate of what those costs would be per year?

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- Mortensen: For the operation and maintenance costs?
- Wallin: Yeah.
- Mortensen: Our estimates for those preliminarily here roughly \$4.3 million a year is what we had had.
- Wallin: Okay.
- Mortensen: And that includes the yearly maintenance cost as well as the periodic larger maintenance cost averaged out.
- Wallin: Okay. All right. Thank you.
- Sisco: Any additional questions? I'll move onto the next slide. Okay. Again, still on the same question, kind of just summarizing, including availability payment, we're, you know, we're projected to maintain over the \$90 million (inaudible) and again, that's kind of my warm and fuzzy in order to make sure -- and also -- whoops, go back there. Also it shows here if we do operate, build, finance, operate, maintain, we should see some savings within the district costs for what they would have been doing and now the vendor is doing, and like I say, just kind of summarizing up, it meets our cash flow needs while maintaining an average (inaudible) of \$390 million. Now I'll turn it back over to Mr. Hoffman.
- Hoffman: Thank you. Okay. So Bill Hoffman, Deputy Director. So really the Board has three options. It can reject the unsolicited proposal. Rejecting the proposal ends the process and then we would have to wait to receive another unsolicited proposal. We'd have to go through our process, and that could easily delay us a year, year and a half, easily, by going through that process. Accept the unsolicited proposal. That's certainly an alternative, but what we're pushing for today is to solicit for competitive proposals. We're recommending that just because of competitive process, want to see who's really interested. We want to open up the door certainly to in-state contractors and in-state work force. So we would -- and, of course, the unsolicited proposal team does have in-state contractors in labor force, but this would just -- this would allow the group that submitted the unsolicited proposal to actually submit through a competitive process with all the other contractors and firms that would want, you know, to try to propose on this project. So what are the risks and rewards in moving forward with RFP development? The primary risk is that if we're allowed to move forward

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today with putting together an RFP, that's going to cost us \$3 million, and there could, I mean, there could be that opportunity, or that chance, when we get to the end -- we're going to come to you very often. We're going to come to you monthly, give you updates, plus there's a process that will actually require us -- that requires us to come ask for approval before we move to the next step. But there is that risk. We might get to that point and your, or NDOT telling you, might say hey, this isn't good. We feel very strongly that we're going to come back and say we got a good deal, we want to continue on. But in order to do that, in order to evaluate the proposals, we don't have that expertise and that -- those resources needed to do that. We don't have that internally. We need groups -- we need consultants that have done this throughout the country that know how to do this, help us put together design build specifications, the whole entire package, plus the financial piece. We need \$3 million to do that, one and a half per legal and financial -- yes. Yes, sir?

Krolicki: I'm sorry, Governor.

Hoffman: No problem.

Krolicki: And where does that \$3 million bogie come from?

Hoffman: The three million -- well, what we did --

Krolicki: It just seems high for this development stage, and I --

Hoffman: Well, good question. Good question. What we did was we checked with other states throughout the country, Florida, some other state DOTs, and just kind of ballparked how many hours are put in when they hire their financial and legal consultants. So we just kind of ballparked it. Cole, I don't know, is that about right?

Mortensen: Correct. Yes.

Hoffman: So we, I mean, we will not exceed three million. I promise you that right now. We will not exceed that.

Krolicki: (Inaudible) done on a contingency basis?

Hoffman: Yes. Yes.

Sandoval: What do you mean by contingency basis?

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- Krolicki: (Inaudible).
- Hoffman: Oh, oh, oh, oh , I'm sorry. I thought you meant contingent upon the work that they do.
- Krolicki: (Inaudible) pay people, and I understand they're real costs and that we do that -- this -- NDOT does it all the time and I understand that there are costs incurred, and it's a fair way to do it. But, you know, I would think some of the participants in this could potentially do it on a contingency basis upon the successful moving forward of the proposal. That's how they get paid. Is there any kind of hybrid here, or three million is three million?
- Sisco: There's been nothing in all of the -- and P3 -- one of the sites you saw earlier, they're getting very competitive and there's more and more of them. So there's a lot of companies out there, and we hope to see, of course a lot of bids. But there's nothing in that arena yet. One of the promising things that is coming out of Map 21, unfortunately it's going to be a little slow to help us, is one of the federal requirements are that they're going to set up the contracts in the future for P3s, you know, availability payments and whatnot, and I had an opportunity on a webinar to make a suggestion that they also did the RFP process, because most governmental entities, you know, flow their, you know RFPs right into their contracts. Unfortunately, it doesn't meet our timelines, and the feds are going to be working on that. But right now, every state's different, every one of these deals is different, and you pretty much have to have somebody come in and customize it to meet your need.
- Hoffman: I'm sorry, Lieutenant Governor, I thought you meant contingent upon the work that they do, not contingent upon moving forward. So I apologize for that. Okay. So primary -- actually, I'd like to just step back. So there is a risk, three million. There is a huge reward though too with job creation, economic boost, the redevelopment that I talked about, crashes, congestion. All of those costs taken into account, I think it's a -- and of course we're going to manage this to the T. Cole's already, I mean, he's already discussed and shared examples with you all about how diligent he's been about managing this project. Three hundred million trimmed off right away, footprint way, way pulled back, so we will manage this to a T. The first step as I said is just taking this first RFP step, \$3 million, we won't spend more than that. The reward is really to take that next step, but also to find out, you know, where -- we have a pretty -- we have a very good idea

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financially. Scott talked about it. We'd like to see where those availability payments would go based on the conservative estimates we've made. So some of that expertise that can be pulled in, we're very interested to see how innovative we can get and if we can drive the cost of the project down even further. So that would be another reward. So the anticipated schedule, there is Stage 1, and that's what I was talking about here. We would come back monthly, we'd give you updates. What's going on, what are we doing, come make individual trips out to update Board Members on the information that we're gathering, and the analyses that we're doing. So this is the schedule for Stage 1, and this is what we would get for Stage 1. There's a lot of work involved with putting together an RFQ, RFP, design build specifications, the whole thing. There's a lot of work involved there, and we want people that are qualified and can handle this task. So that's Stage 1, so that gets us just up to advertising the RFP, okay? And what we wanted to make sure that you understood that there's a Stage 2. You have every, I mean, you're going to have the opportunity on a monthly basis to oversee what we're doing. We'll come and give you reports, but there is this last step here. Before we move into this next step, or into Stage 2, and before we march down the Stage 2 process, you'll get a chance for approval as part of our process. And here's -- if we do move into that second stage, there will be most costs involved. I just want to be up front and honest with you from a consultant standpoint, because now we're going to actually -- so we've put the documents together, and now that we're going to come back and evaluate those proposers that want to be part of this project. We're going to have to do that and, again, we're going to need legal and financial experts to help us close the deal that's standard practice around the county.

Sandoval: And then that last stipend number is to pay the proposers to submit their response?

Hoffman: Yes, Governor. So it takes quite a bit of money to put a proposal together. Probably way more than what's shown here. So that would just, you know, that ensures --

Sandoval: Well, I know we've approved those before.

Hoffman: Yes. Yes. On design build projects.

Sandoval: Then --

Hoffman: Yeah.

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- Sandoval: And what is the advantage of doing it this way versus just the traditional bond?
- Hoffman: Well, this actually -- I should probably let the financial expert talk about this, but there's the program -- our program, Pavement Preservation and other projects throughout the state, makes it more affordable over the long run. Over the long term there's more room for our current program. But I'll let Scott talk about that.
- Sisco: It kind of goes back to this one here. You can kind of see this period of time in here. We have to literally break it apart because we do -- in order to not get our bond payments over a hundred million dollars a year, we would have to literally have about a five-year period in here in which we'd have to wait before we could sell bonds again in order to do it at this point. And again, this is an interesting proposal because it's kind of like how the roads go. If we build it this way, the roads actually get built this way and this way, and then later on have to be torn apart and brought together as compared to down here where we build it all as one and we're building a single road instead of two that are actually not lining up together, and one has to be torn down and put back together. But that's kind of the difference is, in order to keep our bond payments where we can afford them, we have to big gap in between it, and then we have, you know, 20 years out here. We drop the payments down low enough so we could start adding to them, and then they go out.
- Sandoval: Madam Controller, you have a question?
- Wallin: Yeah. I was just -- for clarification, Phase 2, that would be the City of Las Vegas there?
- Sisco: Yeah. Phase 2 is totally to be funded by the City of Las Vegas.
- Wallin: And our doing Phase 1 and 3, say the City of Las Vegas doesn't have money to go and do Phase 2, it's not going to affect Phase 1 and Phase 3?
- Mortensen: That's correct. At this point in time, the local facilities that we have in part of Phase -- or in Phase 2 have independent utility from what we'd be doing with Phases 1 and 3. Really, the two phases of the project that would have some sort of relationship interdependently is that we would have to build Phase 3 before we can build Phase 5. And so we're really not worried about

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that at this point. But yes, Phase 2 has independent utility from Phases 1 and 3.

Sandoval: And then just for my clarification, we can't afford bond payments, but we can afford availability payments?

Sisco: Well, again, it's not that we can afford bond payments, but it's the timeframe, because we can only bond, as Mr. Olsen mentioned earlier, we can only bond for a maximum of 20 years out. We can take availability payments out to the life of the project because again, it's kind of like a mortgage -- we keep using that same analogy, a mortgage on a house, you know, goes longer.

Sandoval: Tom, please proceed.

Fransway: Thank you. Would there be any consequence to the entire project if the City of Las Vegas for some reason opted out of funding Phase 2?

Mortensen: Boy, as I mentioned earlier, Phase 2 really can be built at any time, and so that would be something where I would imagine that an agreement would have to be met with the City of Las Vegas and the RTC in the south as far as, you know, how that project would be funded and to move forward. It is a part of the overall project, and the facilities that Phase 2 provides are important facilities to the area, but really, each phase of the project has the same impact, you know. They're all important to the project, and really, all five phases are the final outcome, and so that would be something that would have to be addressed in the future.

Fransway: Okay. But the figures that we're being shown on Page 7 do not reflect Phase 2 because there are being --

Mortensen: We anticipate it being -- correct.

Fransway: -- funded by the City of Las Vegas. If that does not materialize, then NDOT is going to held holding the bag. And I'm not saying that's going to happen. I'm just saying it's out there.

Mortensen: That would be -- as I said, I believe that would be something that would just have to be addressed in the future as --

Fransway: Okay.

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- Mortensen: -- as it becomes an issue. That's all right. It's a part of the project, but the Phase 2 facilities are local facilities, and as I've mentioned, they really don't necessarily impact the I-15 work that we'd be doing and the ramps that we'd be changing as part of the project.
- Fransway: Okay.
- Mortensen: What ends up happening, to take a step back, maybe to help provide a little bit more clarification, is when we come into an area like this, and we say okay, well, we want to do Project Neon, we have to go out, if we're following the federal guidelines for the NIPA (ph) process, we have to go out to local agencies and say what other projects do you have in the area, so that we actually make that full study, the environmental impact, so we have an understanding of all the projects, not just NDOT projects, which is how local projects, local streets, can end up in a project like Project Neon, and we can turn around say well, Phase 2 is really a city-funded project or a city facility. And so it's a part of the overall project, but really the bulk of the -- the benefit to that project is city funded.
- Fransway: Okay.
- Hoffman: Okay. You guys ready for the last slide?
- Sandoval: Member Savage.
- Savage: Governor, Deputy Director, Mr. Hoffman, at the CWG meeting last month, there was discussion about the stipend as to either NDOT discussing the stipend, or the possible proposer coming up with what their reimbursement might be. Was there any further thought and discussion on that issue?
- Hoffman: Member Savage, Bill Hoffman, Deputy Director, there was. We did. We brought that concept back and we're still thinking about the impact that might have on the DOT. Without knowing kind of where the numbers would come in at, we might have to pay quite a bit more than we're currently set up in our pioneer program for stipends, but we do want to be fair. We want to make sure that contractors are getting their stipend amounts that are commensurate with the proposal work that they do. So we're just -- we're trying to figure out what the out -- what would happen if we did that, because that would be a major step in an area that I'm not sure a lot of other state DOTs have gone. So we've actually talked about that internally.

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Savage: Because it was two ways. I mean --

Hoffman: Right.

Savage: -- the fairness question --

Hoffman: Yes.

Savage: -- is a huge issue because the department always wants to be fair.

Hoffman: Yes.

Savage: But the suggestion was, does department dictate what that stipend, or would each individual proposer dictate that amount of stipend in their proposal, possibly saving the state money? That was the discussion.

Hoffman: Right. Well, and I can just say that we've had internal discussions and we're still thinking through that.

Savage: Okay.

Hoffman: And it's going to require even more additional thought, but we just want to be -- we just want to make the right decision.

Savage: Okay.

Hoffman: But we will certainly keep you in the loop on that, but we have had internal discussions, yes.

Savage: And one last question. The accounting firm that came up with these numbers was, remind me again?

Hoffman: KPMG.

Savage: KPMG, thank you. Thank you, Governor.

Hoffman: Okay.

Sandoval: Any further questions? Okay. Please proceed.

Hoffman: Okay. Last slide. So today we're recommending to the Board approval to proceed with the development of procurement documents for Phases 1 and 3 for Project Neon. So --

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- Savage: Question Governor, if I may. Bill, does it also require rejection of the unsolicited proposal as part of that? It's a given that we are not accepting that, right, or the Board is not accepting --
- Hoffman: No. No.
- Savage: So we would actually have to --
- Hoffman: So moving forward with the development of an RFP would really set the process in a different direction. So as far I know, we can certainly check on that.
- Savage: Just wondering if the Board action would be rejection of the unsolicited proposal as well as approving --
- Unidentified Man: No.
- Hoffman: No. No. I think what we want to do is just -- I don't think we want to do both.
- Savage: Okay. So the unsolicited proposal stays out there?
- Hoffman: No. I think this brings closure in that now the process has changed paths now. So it's either rejected, accepted, or we put out an RFP. So I'm afraid to do two things with the action item. I'm 99 percent sure that this is within our purview to move forward as stated. Cole, correct me if I'm wrong.
- Mortensen: I believe rejecting the proposal would eliminate to move forward.
- Hoffman: Yeah. I don't think we want to reject -- well, but that's a decision of the Board. If you would like to move forward to develop RFPs, we should not be rejecting the proposal -- the unsolicited proposal. I hope that's clear. Is that clear? We don't want to do two actions.
- Sandoval: I think what you're saying is you're going to consolidate the unsolicited proposal with this RFP.
- Hoffman: Yes.
- Gallagher: Governor, if I may. The Board's action would be limited by what's on the Agenda, which is consideration for approval of the RFP. So it would not an appropriate action item for the Board to reject the unsolicited proposal.

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- Sandoval: And that would mean that the accepting of unsolicited proposal would also be off the table.
- Gallagher: Unless you wanted to put it on a future Board Agenda.
- Krolicki: I mean, this really -- again, you're contracting and RFPing is very different from where I've had my experience, but can you really -- could this Board accept it, I mean, without an RFP process? You know, the only time in the State procurement you can do these things if it's, you know, sole source, or some unique ability, but, you know, there are others who could do it. We didn't solicit it, but the capacity to do this exists with other contractors and things, but we really would have the option to accept it if we wished?
- Hoffman: Yes. Yeah.
- Sandoval: Well, I guess at this point for a future Agenda let's have this question answered whether we have to formally accept or reject this unsolicited proposal. But I don't believe our action today will any way complicate that issue.
- Gallagher: That is correct, Governor.
- Sandoval: And then my last question before I take a motion, unless there are any other questions, I mean, just stepping back from this, is it fair to say we're building Neon, but we are trying to figure out the best way to get that done. And is it, you know, as you say, the traditional process as originally proposed, the unsolicited proposal, or that package deal as you've described it here. But we're, I mean, we've been spending months acquiring property and so we're moving forward.
- Hoffman: Yes, Governor. So yes. That was the decision that was made a few years ago to start purchasing right-of-way, so for all practical purposes --
- Sandoval: And that's what I had (inaudible) trying to put this all in perspective for this Board, is that --
- Hoffman: Right.
- Sandoval: -- this is a process of determining what is the best way to pay for a project that we've already essentially approved and are moving forward with.
- Hoffman: Yes. So the most affordable way to move forward, and the most efficient and effective way to move forward as well.

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- Sandoval: Right. And as you say, today we're approving a contract for \$3 million to get more specific information so that we can make an informed decision of the best way to finance this project.
- Hoffman: That's exactly right, Governor.
- Sandoval: And again, to put the pieces on the table, and by putting it in a holistic approach, or blending phases together, there's, you know two, \$300 million, I mean, there are hundreds of millions of dollars in potential savings by doing so. There's an acceleration of the economic development for this three million of --
- Hoffman: Yes.
- Sandoval: And there are merits and demerits to each, and that's why I want the best information possible. That's why I'm going to support this motion today that we're going to spend \$3 million perhaps to save tens of millions of dollars down road. I mean, I think, and correct me if I'm wrong, this will be the largest public works project in the history of our state.
- Hoffman: Yes.
- Krolicki: In current dollars.
- Sandoval: So we, you know, I do believe that it's prudent for this Board to spend this \$3 million now. I think it's prudent for this Board to open it up to many contractors who may have an interest in this, rather than going to this, but by the same token, it may be that based on the information that we get on this \$3 million expenditure that we may determine we can't afford to do this payment over 35 years, that we may have to go to an alternative that costs more, but what we can afford. So these are all outstanding questions that this Board will have an opportunity to review and consider. Member Fransway?
- Fransway: Okay. A fundamental question to me, and I think the Governor hit it when he said what we're doing today is we are approving the \$3 million to proceed with an RFP. But we will still get the opportunity to approve or reject individual RFPs. My question is, how can we proceed with an RFP when we have not secured all of the right-of-way that we will need to go for the project? When those RFPs come before us, and we have a project going and we're sitting next to somebody's property with a bulldozer idling, are we

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not going to be held hostage for any inflated price that he has on his private property?

Sandoval: Well, let me stop you there, because I want to make sure I don't -- we are not approving an RFP today.

Hoffman: No.

Sandoval: We're approving --

Fransway: The three million.

Sandoval: -- the three million to get the information whether we -- to determine whether we want to go the RFP route. That's what we're doing today. We're not binding ourselves to go to an RFP process whatsoever. We're getting -- we're paying for the information that we will need to determine whether we're going to RFP at all.

Hoffman: Right. So we'll be -- and Governor, just to make sure we're clear. The RFP documents will be being put together through that process, but there's -- as we showed in this step, right, I mean, before we actually advertised the RFP, and you're absolutely right. I just wanted to make sure that we will be developing an RFP. This information will be gleaned from that that you're talking about.

Sandoval: Right. Understood. You're preparing an RFP, but we're not approving that RFP.

Hoffman: You're exactly right.

Sandoval: And it may come back that you say, oh, sorry Board, the availability payments are going to be double than what we thought, so this may not be -- I'm saying that hypothetically, but we don't have that information as we sit here today. And as I said, I'm trying to simplify this to exactly what we're approving here.

Hoffman: Right.

Sandoval: And as I said -- or I should synthesize, not simplify.

Hoffman: Right.

Sandoval: To the fact that we are spending three million to get a consultant, to get some financial advice so that we know we have the exact information so that

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we can decide whether we want to put out an RFP at all to the university of contractors who may be interested.

Hoffman: Yes, sir.

Fransway: So, Governor, could we incorporate into the motion the figure of \$3 million?

Sandoval: Well, and I heard you say, Mr. Hoffman, that that's all it's going to take.

Hoffman: You can hold me to it.

Sandoval: All right.

Hoffman: I'll be accountable for that.

Fransway: And I can tell you that it is going to be imperative to me as a Board Member to make sure that we have secured the property necessary to complete the project before we proceed by saying okay, let's go for it.

Hoffman: Right. Well, in -- I'll just give you a little quick answer, and hopefully this will help satisfy your question. The FHWA process forces us to have to make sure that we've -- everything's cleared environmentally and all the right-of-way properties are acquired or cleared or something. So there are federal and state NRS and CRFs that require us to do that, Member Fransway. Okay?

Sandoval: Before I take a motion, Board Members, do any of you have any further questions? Hearing none, the Chair will accept a motion. Will you put that last slide on there so I have the form correct?

Hoffman: Yeah.

Sandoval: To approve to proceed with the development of procurement documents for Phases 1 and 3 for project Neon to be limited to a maximum amount expenditure of \$3 million.

Fransway: That's correct. And I would, Governor, if I may state that according to Stage 1 of this Page 15, that's what we're paying \$3 million for is Stage 1, correct?

Hoffman: Yes, sir.

Fransway: Okay. If we could incorporate that into the motion?

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- Sandoval: Well, I just was giving the form of the motion. If -- you may make any motion you like.
- Hoffman: I'm not sure if that last part's necessary.
- Fransway: I would move, Governor, that the Board approves the development of an RFP for Project Neon as described in Stage 1 of Page 15 of your documentation at a cost estimated at \$3 million, or do you want to me to say not exceed.
- Sandoval: You're the one who wanted it -- the not to exceed three million.
- Fransway: Okay. Not to exceed \$3 million.
- Sandoval: Counsel, I see you're reaching for your microphone.
- Gallagher: I just want to make sure that all the Board Members as they look at Stage 1 they recognize the qualifies that are around there, anticipated schedule, estimated completion dates as to whether or not you as individual Board Members accept those as being fluid, or expect those to be hard dates.
- Fransway: What I was referring to, Governor and Board Members, is the task.
- Gallagher: But your question, sir, is because of his inclusion of the Stage 1 language, is that why?
- Fransway: And the referenced to this particular slide.
- Sandoval: I'm not sure if we need that Stage 1 language though, Tom. I just want to make sure we don't make this so tight that we cause problems that we never envisioned. I mean, this is about developing, in house, with consultants, not to be for distribution, you know, this RFP for Project Neon. And, I mean, I think --
- Fransway: What if I was --
- Unidentified Man: And not to exceed \$3 million.
- Fransway: What if I was to state in my motion that it includes the tasks on Stage 1. That doesn't include the duration or the estimated (inaudible) completion. To me, that's where the \$3 million came from is those four tasks in Stage 1.
- Sandoval: And does that, Mr. Hoffman, limit, and again, I -- this is the law of unintended consequences ,and I want to make sure that we don't put a --

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after all this work and all this time, that we don't have a motion today that accidentally limits your ability to perform all the functions --

Hoffman: Right.

Sandoval: -- that you need to do. I don't want you to come back after you've spent that three million and because of our motion we didn't get everything that we needed or wanted.

Hoffman: Right. This is out of our pioneer program guidelines, the process, so I don't know. Honestly, I think the Governor's motion would be fine, Tom. I know you want more detail in there, and that provides a vehicle to hold us accountable, I understand that. We need some flexibility to --

Fransway: Okay. Well, I would be comfortable with just removing Stage 1 out of my motion.

Hoffman: Okay.

Sandoval: And Madam Controller, you have a comment?

Wallin: No. I was just going to say I think that your motion really made more sense, and we're giving them three million, they really can't spend it on Stage 2 before we've done Stage 1, so --

Sandoval: Right. So if you would go back to that slide and just for clarity of the record, I'd ask Member Fransway to rephrase or remake his motion, please.

Fransway: Okay. I withdraw my original motion. I would move to approve the development of an RFP for Project Neon not to exceed \$3 million.

Wallin: Can I add Phases 1 and 3 to your motion, because we want to be clear that we're only developing an RFP --

Fransway: Yes.

Wallin: -- for Phases 1 and 3.

Fransway: For Phases 1 and 3 of the project.

Sandoval: So we have a motion from Member Fransway to approve the development of procurement documents for Phases 1 and 3 for Project Neon.

Fransway: Correct.

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- Sandoval: Is there a second?
- Wallin: I'll second.
- Fransway: At \$3 million.
- Sandoval: Oh, excuse me, yes. At a maximum amount of \$3 million. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Any questions or discussion on the motion? Hearing none, all in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We will move onto Agenda Item Number 11, supplement to request for approval of light fleet purchase.
- Malfabon: Thank you, Governor. This is supplemental to provide some information to the Board that was not submitted back in May when we received the Board's approval of a light fleet purchase. Several vehicles meet the mileage and age requirements for replacement, so we had requested replacement of 66 light fleet vehicles. One of the pieces of information that was not provided to the Board at that time was lease information for one-ton dump trucks or one-ton trucks. These trucks are typically used for survey crews and for maintenance crews to perform their duties on the state highways. So we had equipment division obtain the lease information for the one-ton trucks, and this is in order to be in compliance we Nevada Revised Statutes 408.389, which states that we have to provide that lease information so that the Board is informed of that before they make those determinations to purchase. So we did provide the one-ton truck lease information in this Agenda item. The other portion of this item is to request four additional vehicles for District 2. They came back with a reassessment of what they felt were high priority vehicles to replace that met age and mileage requirements. We reduced that to four vehicles and we're providing that to the Board for approval to add to that previously approved 66 vehicles. So in total it would be another additional \$92,000 estimated based on the state purchasing contracts with the State of Nevada vendors in that vehicle purchase program.

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- Sandoval: Questions from Board Members? Just a simple question, I mean, the replacement criteria is 150,000 miles and/or eight years, and I see, you know, some of these trucks we're getting 150,000 miles more than others.
- Malfabon: Yes.
- Sandoval: And so I don't know, is this 150,000 just this number when whereas we could perhaps be getting more life out of these vehicles?
- Malfabon: In some cases, some vehicles will perform better even at the high mileage. We try to maintain all our vehicles properly, but just some vehicles are more apt to break down, more prone to break downs than others. But we try to use them as often as we can, even in excess of that mileage criteria.
- Sandoval: I guess my question, more specifically, is that I don't want it to be the arbitrary number. We've hit 150,000, time to get a new truck. If it's running properly, and the cost of maintenance isn't high, do we continue to use it?
- Malfabon: Yes, we do. And that was -- the entire purpose of asking the districts to identify what were the vehicles they wanted to classify as high priority for replacement, that was to look at how often do these break down, not just that they met that replacement criteria.
- Sandoval: Okay. Any other questions from Board Members? Okay. The Chair will accept a motion.
- Savage: Governor, I'll make a motion to approve the purchase of the additional four vehicles.
- Sandoval: Motion by Member Savage to approve the purchase of the addition four vehicles. Is there a second?
- Wallin: I second.
- Sandoval: Second by Madam Controller. Any questions or discussion on the motion? Hearing none, all those in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. Agenda Item Number 12, old business.
- Malfabon: Thank you, Governor. On old business we have a report on outside counsel costs on open matters. Obviously in certain cases where -- if you look at

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also the monthly litigation report, there may be some cases that are still active, and because of confidentiality of attorney-client issues and privilege, we are providing the information and in general we can respond to some general questions, but we couldn't really get into the details of the merits of the case or the state's strategy in defending in some of these cases. Also provided, Governor and Board Members, is a report on fatalities on our state highways. As you can see, we're a bit higher than we were. This report is dated October 23, but we're a bit higher than compared to last year. As I mentioned in the Director's Update, we are going to be putting on a safety summit this week with law enforcement participating, as well as emergency responders, engineers, and the folks that work in safety education. We hope that through the efforts of our strategic highway safety program will drive those numbers down to meet our goals in improving highway safety, but it is necessary to report that unfortunately we are a bit higher than last year on our number of fatalities.

Sandoval: And most of that is occurring in Clark County, and do we --

Malfabon: Yes. We've had some horrible accidents down there.

Sandoval: Yeah. Just horrific. And do we have any type of relationship with local law enforcement? I know they've tried to do some programming to try to reduce the amount of these types of fatalities and accidents.

Malfabon: Yes. Particularly we're working with the local law enforcement in collaboration with the Nevada Highway Patrol on the law enforcement side. So we're dealing with Washoe County, Clark County, sheriff's offices, and other law enforcement agencies around the state to drive those numbers down.

Sandoval: Yeah. Because we've almost doubled, and most of which is in Clark County, and as I said, I don't know -- I wish I had the answer sitting here today, but I know that they're very cognizant of that in Clark County. But I guess there's just no way to explain why it's happening.

Malfabon: Unfortunately, often it's cases of impaired drivers. As you may have heard the report of the driver that ran into the bus stop and killed several people there in Clark County. It's unfortunate. You know, people make dumb decisions and drive impaired and put other people's lives at risk, as well as their own, but we will continue, and one of the efforts in the Strategic

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Highway Safety Program is impaired driving. So we will double our efforts in that area.

Sandoval: But didn't we, in a previous agenda, we spent some money on advertising campaign. We have been investing in that piece of it, have we not?

Malfabon: Yes.

Sandoval: And that is ongoing as we speak as well?

Malfabon: Yes.

Sandoval: Okay. Any questions from Board Members with regard to Agenda Item Number 12?

Fransway: Governor?

Sandoval: Yes. Member Fransway.

Fransway: Just an observation. I look at Lyon County and it's been incredible improvement on crashes and fatalities, and I'm wondering if any of that could be attributed to the improvement and the widening of the road between Fernley and Silver Springs. That was a tough stretch.

Malfabon: We often look back and try to attribute what efforts we've done in the past, and it's obviously difficult to have a direct linkage, but we can look into that Member Fransway, and see if the numbers have gone specifically on that highway, because that would be good news. That's what the intent of those widening projects is, is to improve traffic safety so we don't want to have those head on collisions.

Fransway: Thank you.

Sandoval: Move onto to Agenda Item Number 13, public comment. Is there any member of the public that would like to provide comment to the Board?

Madole: Good afternoon, Governor, Board Members. John Madole, the AGC in northern Nevada. I would just like to briefly comment regarding Item Number 10, Project Neon. And perhaps I think we've kind of got caught in the same trap as maybe the rest of the country. We're tending to plan in two-year budget cycles, and I think your own presentation on Project Neon said that this is one of the most important projects in the state, and yet we're not treating in the context of -- your probably managing tens of billions of

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dollars worth of transportation network, and we don't get to see how it all fits together. I think what you need that seems to be missing in my opinion is a long-term comprehensive plan that fits all this in together, and it seemed to me like perhaps that was even a little bit of the confusion as you dealt with the issue is we don't see how all this comes together. A \$1.8 billion project is obviously -- your own webpage refers to it as essential, and I'm sure we would all agree it needs to be built, but you're managing resources and trying to figure out where to direct those resources, and you're isolating it on just one project. I think what you need is to make some sort of a long-term plan that says, this is what we need, this is how it's going to be paid for, and it'll be better -- speaking as a member of the public, it would certainly be better for the rest of us to try to understand those things. Thank you.

Sandoval: Thank you, Mr. Madole. Any further question -- or, excuse me, any comments from Board Members? I mean, from the public. It's been a long day. All right. We'll move to southern Nevada. Is there any member of the public that would like to provide public comment to the Board?

Terry: No. There is no one here.

Sandoval: We'll move onto Agenda Item 14, adjournment. Is there a motion for adjournment?

Krolicki: So moved.

Sandoval: Motion by the Lieutenant Governor. Is there a second?

Wallin: Second.

Sandoval: Second by Madam Controller. All in favor, please say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes. Thank you. This meeting is adjourned.

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Secretary to the Board

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Preparer of Minutes



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## MEMORANDUM

December 3, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item #4:** Approval of Contracts Over \$5,000,000 – For Possible Action

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### **Summary:**

The purpose of this item is to present to the Board a list of construction contracts over \$5,000,000 for discussion and approval.

### **Background:**

The Department contracts for services relating to the construction, operation and maintenance of the State's multi-modal transportation system.

The attached construction contracts constitute all contracts over \$5,000,000 for which the bids were opened and the analysis completed by the Bid Review and Analysis Team and Contract Compliance section of the Department from October 19, 2012 to November 16, 2012.

### **Analysis:**

These contracts have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

### **List of Attachments:**

- A) State of Nevada Department of Transportation Contracts Over \$5,000,000, October 19, 2012 to November 16, 2012

### **Recommendation for Board Action:**

Approval of all contracts listed on Attachment A.

**Prepared by:** Scott K. Sisco, Assistant Director - Administration

# Attachment A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION**  
**CONTRACTS OVER \$5,000,000**  
**October 19, 2012 to November 16, 2012**

1. October 25, 2012 at 1.30 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3525, Project Nos. BR-080-4(083) and IM-080-4(084). The project is a dowel bar retrofit, profile grind, saw and seal joints, seismic retrofit and rehabilitation of structures and scour mitigation of structure, on I-80 from 0.771 miles East of the trailing edge of I-883 to the beginning of asphalt, 0.846 miles West of Emigrant Pass Interchange and on I-80 Near Dunphy, Eureka County.

Road and Highway Builders LLC .....	\$14,222,222.00
Granite Construction Company .....	\$14,998,998.00.
Penhall Company.....	\$16,669,395.84
Gerber Construction, Inc. ....	\$16,698,132.97
Q & D Construction, Inc. ....	\$16,795,958.60
W.W. Clyde & Co. ....	\$17,120,016.91
Wadsworth Bros. Construction Company, Inc. ....	\$17,156,329.68
Chester Bross Construction Company .....	\$57,806,631.15

The Director recommends awarding the contract to Road and Highway Builders LLC in the amount of \$14,222,222.00.

Engineer's Estimate: \$14,386,015.57

2. November 1, 2012 at 2.00 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3524, Project Nos. BR-080-3(061), IM-080-3(062), and SPI-080-3(033). The project is rubblizing, plantmix bituminous surface with open-grade, and seismic retrofit and rehabilitation of structures on I-80 from beginning of PCCP, 0.112 miles East of Pershing/Humboldt county line to 0.345 miles East of the edge of H-1256 at the West Strip Grade Separation, and at various locations in Humboldt County.

Granite Construction Company .....	\$32,106,106.00
Road and Highway Builders LLC.....	\$32,222,222.00
Q & D Construction, Inc.....	\$34,937,000.00
W.W. Clyde & Co. ....	\$35,485,532.90
A & K Earth Movers, Inc. ....	\$36,473,000.00
Sierra Nevada Construction, Inc.....	\$38,448,007.00

The Director recommends awarding the contract to Granite Construction Company in the amount of \$32,106,106.00.

Engineer's Estimate: \$34,493,342.11

# Line Item 1



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7070  
Fax: (775) 888-7101

## MEMORANDUM

### Administrative Services

November 19, 2012

**To:** John Terry, Assistant Director - Engineering  
Richard Nelson, Assistant Director - Operations  
Rudy Malfabon, Director

**From:** Christi Thompson, Admin. Services Officer *CT*

**Subject:** Approval to Award Contract No. 3525, Project No. IM-080-4(084), BR-080-4(083), I-80 from 0.771 Miles East of the Trailing Edge of I-883 to the Beginning of Asphalt, 0.846 Miles West of Emigrant Pass Interchange and on I-80 Near Dunphy, Multiple Structures, Eureka County, described as Dowel bar retrofit, profile grind, saw and seal joints, seismic retrofit and rehabilitation of structures and scour mitigation of structure., Engineer's Estimate \$14,386,015.57.

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This memo is to issue approval to award the subject contract.

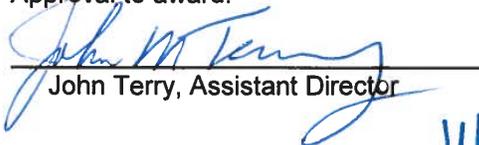
Bid proposals were opened on October 25, 2012. Road and Highway Builders, LLC is the apparent low bidder at \$14,222,222.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Granite Construction Company with a bid of \$14,998,998.

The project is federally funded, required 8% DBE participation, and is not subject to State Bidder Preference provisions.

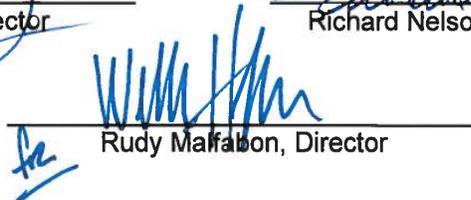
The subcontractor listing documentation and DBE information submitted by the two lowest bidders have been reviewed and certified by the Contract Compliance Officer. The bid is within the Engineer's Estimate Range, and a copy of the Unofficial Bid Results report is attached for your reference. The BRAT Chairman has provided their concurrence to award, and their report is attached.

Your approval to award this contract by endorsement hereon is respectfully requested. Please return the approved copy to this office. Upon receipt a contract will be sent to the lowest bidder for signature.

Approval to award:

  
\_\_\_\_\_  
John Terry, Assistant Director

  
\_\_\_\_\_  
Richard Nelson, Assistant Director

  
\_\_\_\_\_  
*RM*  
Rudy Malfabon, Director

Attachments:  
Contract Compliance Memo  
Unofficial Bid Results Report  
BRAT Review Report

**Nevada Department of Transportation  
Unofficial Bid Results**

October 25, 2012

<b>Contract Number:</b> 3525	<b>Bid Opening Date and Time:</b> 10/25/2012 1:30 pm
<b>Designer:</b> JEFFREY JOHNSON	<b>Liquidated Damages:</b> \$6,300
<b>Senior Designer:</b> JOHN BRADSHAW	<b>Working Days:</b> 230
<b>Estimate Range:</b> R31 \$13,500,000.01 to \$16,500,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> BR-080-4(083), IM-080-4(084)	

**County:** EUREKA

**Location:** I-80 from 0.771 Miles East of the Trailing Edge of I-883 to the Beginning of Asphalt, 0.846 Miles West of Emigrant Pass Interchange and on I-80 Near Dunphy, Multiple Structures

**Description:** Dowel bar retrofit, profile grind, saw and seal joints, seismic retrofit and rehabilitation of structures and scour mitigation of structure.

Apparent Low Bidder	<u>Road and Highway Builders LLC</u>	<u>\$14,222,222.00</u>
Apparent 2nd	<u>Granite Construction Company</u>	<u>\$14,998,998.00</u>
Apparent 3rd	<u>Penhall Company</u>	<u>\$16,669,395.84</u>

<b>Bidders:</b>	<b>Actual Bid Amount</b>
1     Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570- (775) 852-7283	\$14,222,222.00
2     Granite Construction Company P.O. Box 50085 Watsonville, CA 95077-5085 (775) 358-8792	\$14,998,998.00
3     Penhall Company P.O. Box 4609 Anaheim, CA 92803- (714) 772-6450	\$16,669,395.84
4     Gerber Construction, Inc. 815 East 675 South Lehi, UT 84043- (801) 407-2000	\$16,698,132.97

**Nevada Department of Transportation  
Unofficial Bid Results**

**October 25, 2012**

<b>Contract Number:</b> 3525	<b>Bid Opening Date and Time:</b> 10/25/2012 1:30 pm
<b>Designer:</b> JEFFREY JOHNSON	<b>Liquidated Damages:</b> \$6,300
<b>Senior Designer:</b> JOHN BRADSHAW	<b>Working Days:</b> 230
<b>Estimate Range:</b> R31 \$13,500,000.01 to \$16,500,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> BR-080-4(083), IM-080-4(084)	

**County:** EUREKA

**Location:** I-80 from 0.771 Miles East of the Trailing Edge of I-883 to the Beginning of Asphalt, 0.846 Miles West of Emigrant Pass Interchange and on I-80 Near Dunphy, Multiple Structures

**Description:** Dowel bar retrofit, profile grind, saw and seal joints, seismic retrofit and rehabilitation of structures and scour mitigation of structure.

Apparent Low Bidder	<u>Road and Highway Builders LLC</u>	<u>\$14,222,222.00</u>
Apparent 2nd	<u>Granite Construction Company</u>	<u>\$14,998,998.00</u>
Apparent 3rd	<u>Penhall Company</u>	<u>\$16,669,395.84</u>

<b>Bidders:</b>	<b>Actual Bid Amount</b>
5      Q & D Construction, Inc. P.O. Box 10865 Reno, NV 89510- (775) 786-2677	\$16,795,958.60
6      W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$17,120,016.91
7      Wadsworth Brothers Construction Company, Inc. 1350 East Draper Parkway Draper, UT 84020- (801) 576-1453	\$17,156,329.68

**Nevada Department of Transportation**  
**Unofficial Bid Results**

October 25, 2012

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<b>Contract Number:</b> 3525	<b>Bid Opening Date and Time:</b> 10/25/2012 1:30 pm
<b>Designer:</b> JEFFREY JOHNSON	<b>Liquidated Damages:</b> \$6,300
<b>Senior Designer:</b> JOHN BRADSHAW	<b>Working Days:</b> 230
<b>Estimate Range:</b> R31 \$13,500,000.01 to \$16,500,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> BR-080-4(083), IM-080-4(084)	

**County:** EUREKA

**Location:** I-80 from 0.771 Miles East of the Trailing Edge of I-883 to the Beginning of Asphalt, 0.846 Miles West of Emigrant Pass Interchange and on I-80 Near Dunphy, Multiple Structures

**Description:** Dowel bar retrofit, profile grind, saw and seal joints, seismic retrofit and rehabilitation of structures and scour mitigation of structure.

Apparent Low Bidder Road and Highway Builders LLC \$14,222,222.00

Apparent 2nd Granite Construction Company \$14,998,998.00

Apparent 3rd Penhall Company \$16,669,395.84

<b>Bidders:</b>	<b>Actual Bid Amount</b>
8 Chester Bross Construction Company P.O. Box 430 Hannibal, MO 63401- (573) 221-5958	\$57,806,631.15

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**MEMORANDUM  
November 1, 2012**

**To:** Christi Thompson, Administrative Services Officer

**From:**  Dana A. Olivera, Contract Compliance

**Subject:** NDOT Bidder Subcontractor Information  
Contract No. 3525

I-80 from 0.771 Miles East of the Trailing Edge of I-883 to the Beginning of Asphalt, 0.846 Miles West of Emigrant Pass Interchange and on I-80 Near Dunphy, Multiple Structures.

DOWEL BAR RETROFIT, PROFILE GRIND, SAW AND SEAL JOINTS, SEISMIC RETROFIT AND REHABILITATION OF STRUCTURES AND SCOUR MITIGATION OF STRUCTURE.

The DBE goal of 8% has been met with a 8.25% DBE commitment by the apparent low bidder Road and Highway Builders LLC, and a 9.68% commitment by the apparent second low bidder, Granite Construction Company, to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Division.

DAO



**MEMORANDUM**  
**Roadway Design Division**

October 31, 2012

**TO:** Rudy Malfabon, Director  
**FROM:** John Bradshaw, Senior Designer *JB*  
**SUBJECT:** Contract #3525 Dowel Bar Prequalification per Section 102.02

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Specification Section 102.02 "Prequalification of Bidders" indicates that the "Contractor or Subcontractor personnel selected to perform the Retrofit Dowel Bar operation shall supply qualifications and experience for the performance of this operation when submitting project bid for review and approval. Provide past history of successful projects as references representing a minimum of 13 lane miles completed." Pursuant to NDOT's Administrative Services e-mail request dated October 30<sup>th</sup>, 2012 we have reviewed the attached prequalification information submitted by Road and Highway Builders (RHB) with their bid.

The three subcontractors submitted, Randy Cole of Cole Concrete Cutting, Inc., Diamond Surface Inc. of Rogers, Minnesota, and Interstate Improvement, Inc. of Faribault, Minnesota (after careful review between myself and Shawn Howerton of the Constructability Section) have ascertained that all three meet and generally exceed the minimum qualification requirement called for. Therefore, we recommend award based upon the prequalification submitted. One of the subcontractors (Interstate Improvement of Faribault, MN.) has recently finished doing the dowel bar retrofit operation and profile grinding (etc) on two NDOT projects, one in Las Vegas, and one in Battle Mountain. They all have fairly extensive experience and work history in doing this dowel bar retrofit work, as well as profile grinding for quite a few State DOTs (Wyoming, Utah, Missouri, North Dakota, Washington, California, Oklahoma, Arkansas, Minnesota, etc). Depending upon which subcontractor is actually chosen to do the work, it appears they have the requisite skills, abilities, qualifications, and experience to complete the work according to our (NDOT) specifications and requirements.

Should you have any questions or require more information, please do not hesitate to contact me at your convenience.

JB:sv

Copies to: Paul Frost, Chief Road Design Engineer  
Jennifer Eyerly, Administrative Services



1283 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7490  
Fax: (775) 888-7401

## Memorandum

November 19, 2012

**TO: Christi Thompson, Administrative Services Officer**  
**FROM: Paul Frost, Chief Roadway Design Engineer**  
**SUBJECT: BRAT Summary Report for Contract #3525**

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The Bid Review and Analysis Team met on 11/14/12 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance:

Shawn Howerton, Construction  
Paul Frost, Chief Roadway Design Engineer  
Jeff Shapiro, Chief Construction Engineer  
John Bradshaw, Senior Design Engineer

The Price Sensitivity Report (attached), as prepared by the Administrative Services Division showed no items were overly sensitive to the quantity estimates.

Several significant bid items are mathematically unbalanced. The majority of the plan quantities were verified and no errors were found (please see attached quantity item verification and discussion). The proposal bid prices were evaluated and determined to be reasonable.

The apparent low bid is 99 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award

  
\_\_\_\_\_

Date 11/19/12

cc: attendees  
Pierre Gezelin, Legal  
Attach.

## Price Sensitivity Report

October 29, 2012

Contract No: 3525

Project Nos.: IM-080-4(084), BR-080-4(083)

Project ID/EA Nos.: 73546, 73615

County: Eureka

Range: R31 \$13,500,000.01 to \$16,500,000

Working Days: 230

Engineer's Estimate	Road and Highway Builders	Granite Construction	Diff. Between Low & 2nd	Diff. Between EE & Low	Low Bid % of EE
14,386,015.57	14,222,222.00	14,998,998.00	776,776.00	-163,793.57	99%

Item No.	Quantity	Description	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Chg in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2020125	1.00	REMOVAL OF PORTION OF BRIDGE	275,630.00	250,000.00	650,000.00	n/a	n/a	90.70%	No	EE is reasonable, Qty checked OK
2020310	2,500.00	REMOVAL OF CONCRETE SLAB	65.00	100.00	90.00	77677.60	3107.10%	153.85%	Yes	EE is little low, Qty checked OK
2020475	37,783.00	REMOVAL OF GUARDRAIL	2.50	1.00	2.60	-485485.00	-1284.93%	40.00%	Yes	EE is reasonable OK, RHB is low, Qty OK
2021290	108,000.00	REMOVE PAVEMENT MARKINGS	0.50	0.05	1.18	-687412.39	-636.49%	10.00%	Yes	EE is little low, RHB way low, Qty OK
2030140	25,488.00	ROADWAY EXCAVATION	13.00	1.50	5.00	-221936.00	-870.75%	11.54%	Yes	EE is somewhat high, RHB way low, Qty OK
2030160	4,570.00	DRAINAGE EXCAVATION	17.00	12.00	15.00	-258925.33	-5665.76%	70.59%	Yes	EE is little high, Qty checked OK
2030230	16,150.00	BORROW EMBANKMENT	12.00	2.00	8.00	-129462.67	-801.63%	16.67%	Yes	EE is somewhat high, Qty checked OK
2030460	126.00	RESHAPE ROADWAY SLOPES	1,250.00	500.00	650.00	-5178.51	-4109.93%	40.00%	Yes	EE is reasonable OK, RHB is low, Qty OK
3020130	9,824.00	TYPE 1 CLASS B AGGREGATE BASE	20.00	15.00	10.50	172616.89	1757.09%	75.00%	No	EE is little high, Qty checked OK
3070100	80,664.00	SHOULDERING MATERIAL	10.00	3.00	5.00	-388388.00	-481.49%	30.00%	Yes	EE is little high, RHB is low, Qty OK
4020190	2,691.50	PLANTMIX SURFACING (TYPE 2C)(WET)	130.00	55.00	135.00	-9709.70	-360.75%	42.31%	Yes	EE is little high, Qty checked OK
4090120	54,390.00	RETROFIT DOWEL BAR	32.00	65.00	35.00	25892.53	47.61%	203.13%	Yes	EE is reasonable OK, Qty checked OK
4090360	344,470.00	SAW AND SEAL TRANSVERSE WEAKENED PLANE JOINTS	1.25	3.00	1.30	456927.06	132.65%	240.00%	Yes	EE is reasonable OK, RHB is high, Qty OK
4090370	271,936.00	SAW AND SEAL LONGITUDINAL WEAKENED PLANE JOINTS	1.25	0.50	1.30	-970970.00	-357.06%	40.00%	Yes	EE is reasonable OK, RHB is low, Qty OK
4090375	400.00	SPALL REPAIR	200.00	50.00	300.00	-3107.10	-776.78%	25.00%	Yes	EE is somewhat low, RHB way low, Qty OK
4090610	2,500.00	CONCRETE PAVING MISCELLANEOUS AREAS (9-INCHES)	120.00	150.00	200.00	-15535.52	-621.42%	125.00%	No	EE is little low, Qty checked OK
4090680	573,970.60	GRIND CONCRETE PAVEMENT	3.00	2.00	2.00	n/a	n/a	66.67%	Yes	EE is little high, Qty checked OK
4090715	30,000.00	CRACK SEALING	2.00	1.00	4.75	-207140.27	-690.47%	50.00%	Yes	EE is little low, Qty checked OK
4960130	1,720.00	BRIDGE DECK PREPARATION AND CONCRETE PLACEMENT	50.00	200.00	120.00	9709.70	564.52%	400.00%	Yes	EE is low, RHB is high, Qty checked OK
4960160	375,056.00	POLYMER CONCRETE AGGREGATE	0.25	0.05	0.25	-388388.00	-1035.55%	20.00%	Yes	EE is OK, RHB is way low, Qty OK
4960170	45,012.00	POLYMER CONCRETE RESIN	3.00	0.05	3.00	-263313.90	-584.99%	1.67%	Yes	EE is reasonable OK, Qty checked OK
5020170	13,949.00	CONCRETE BARRIER RAIL (TYPE FA)	40.00	80.00	55.00	31071.04	222.75%	200.00%	Yes	EE is little low, RHB is high, Qty OK
5020450	1.00	SEISMIC RETROFIT OF COLUMNS	120,000.00	80,000.00	82,500.00	n/a	n/a	66.67%	Yes	EE is reasonable OK, Qty checked OK
5020990	510.00	CLASS DA CONCRETE, MODIFIED (MAJOR)	1,300.00	1,000.00	1,800.00	-970.97	-190.39%	76.92%	No	EE is reasonable OK, Qty checked OK
5021010	595.00	CLASS EA CONCRETE, MODIFIED	1,000.00	1,000.00	675.00	2390.08	401.69%	100.00%	No	EE is reasonable, Qty checked OK
5050100	59,319.00	REINFORCING STEEL	1.00	1.00	1.20	-388388.00	-6547.45%	100.00%	No	EE is reasonable, Qty checked OK
5050110	22,987.00	REINFORCING STEEL (DOWELED)	4.00	1.00	5.80	-161828.33	-704.00%	25.00%	Yes	EE is reasonable, RHB low Qty checked OK
5050120	72,830.00	REINFORCING STEEL (EPOXY COATED)	2.00	2.00	1.88	6473133.33	8888.00%	100.00%	No	EE is reasonable OK, Qty checked OK
5050130	2,859.00	REINFORCING STEEL (EPOXY COATED) (DOWELED)	8.00	20.00	6.00	55484.00	1940.68%	250.00%	Yes	EE is reasonable OK, Qty checked OK
5060530	1.00	REPAIR BEARINGS	55,000.00	50,000.00	45,000.00	n/a	n/a	90.91%	No	EE is reasonable OK, Qty checked OK
5060800	1,864.00	PEDESTRIAN RAIL, TYPE V	85.00	30.00	80.25	-15458.23	-829.30%	35.29%	Yes	EE is reasonable OK, RHB is low, Qty OK
6080170	19.00	EMBANKMENT PROTECTOR, TYPE 5-2G	2,750.00	2,500.00	1,100.00	554.84	2920.21%	90.91%	No	EE is little high, Qty checked OK
6080350	1,043.00	12-INCH DOWNDRAIN PIPE	65.00	150.00	40.00	7061.60	677.05%	230.77%	Yes	EE is reasonable OK, RHB is high, Qty OK

## Price Sensitivity Report

October 29, 2012

Item No.	Quantity	Description	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Chg in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
6100170	579.00	RIPRAP (CLASS 150)	55.00	250.00	110.00	5548.40	958.27%	454.55%	Yes	EE is low,RHB is high,Qty checked OK
6100200	3,600.00	RIPRAP (CLASS 400)	35.00	40.00	80.00	-19419.40	-539.43%	114.29%	No	EE is little low, Qtys checked OK
6180120	3,882.00	GUARDRAIL BLOCKS	12.00	18.00	13.00	155355.20	4001.94%	150.00%	No	EE is little low, Qtys checked OK
6180350	20.00	GUARDRAIL TERMINAL (FLARED)	2,500.00	3,000.00	2,550.00	1726.17	8630.84%	120.00%	No	EE is reasonable OK,RHB is high,Qty OK
6180550	27,558.00	GALVANIZED GUARDRAIL (TRIPLE CORRUGATION)	20.00	20.00	27.25	-107141.52	-388.79%	100.00%	No	EE is reasonable OK, Qty checked OK
6240140	230.00	TRAFFIC CONTROL SUPERVISOR	500.00	2,000.00	780.00	636.70	276.83%	400.00%	Yes	EE is little low, RHB way high,Qty OK
6250490	1.00	RENT TRAFFIC CONTROL DEVICES	938,000.00	400,000.00	550,000.00	n/a	n/a	42.64%	Yes	EE is reasonable OK,RHB is low,Qty OK
6280120	1.00	MOBILIZATION	813,103.31	438,670.40	1,241,127.67	n/a	n/a	53.95%	Yes	n/a
6320940	32.75	EPOXY PAVEMENT STRIPING (8-INCH SOLID WHITE)	2,400.00	500.00	2,200.00	-456.93	-1395.20%	20.83%	Yes	EE is little high,RHB is low,Qty OK
6321030	32.75	EPOXY PAVEMENT STRIPING (8-INCH SOLID YELLOW)	2,400.00	500.00	2,200.00	-456.93	-1395.20%	20.83%	Yes	EE is little high,RHB is low,Qty OK
6370170	1.00	RIVER DIVERSION	100,000.00	20,000.00	25,000.00	n/a	n/a	20.00%	Yes	EE is correct, others low, Qty OK
6460120	58,441.00	BRIDGE DECK PREPARATION	1.50	1.00	0.03	800800.00	1370.27%	66.67%	Yes	EE is reasonable OK, Qtys checked OK
Additional Comments:										

# Line Item 2



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7070  
Fax: (775) 888-7101

**MEMORANDUM**  
**Administrative Services**

November 20, 2012

**To:** John Terry, Assistant Director - Engineering  
Richard Nelson, Assistant Director - Operations  
Rudy Malfabon, Director

**From:** Christi Thompson, Admin. Services Officer *CT*

**Subject:** Concurrence in Award for Contract No. 3524, Project No. BR-080-3(061), SPI-080-3(033), IM-080-3(062), I-80 from Beginning of PCCP, 0.112 Miles East of Pershing/Humboldt County Line to 0.345 Miles East of the Edge of H-1256 at the West Strip Grade Separation and on I-80, Humboldt County, Various Locations, HUMBOLDT County, described as Rubblizing, Plantmix Bituminous Surface with Open-Grade and Seismic Retrofit and Rehabilitation of G-863, I-862, H-865 East/West, I-1255, H-1256 East/West, I-868, H-869 East/West, I-871 East/West and G-872 East/West/Ramp, Engineer's Estimate \$34,493,342.11.

---

This memo is to confirm concurrence in award of the subject contract.

Bid proposals were opened on November 1, 2012. Granite Construction Company is the apparent low bidder at \$32,106,106.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Road and Highway Builders LLC with a bid of \$32,222,222. Road and Highway Builders, LLC filed a bid protest alleging Granite Construction Company would not be able to meet the DBE goals. The protest was rejected and the documentation regarding the protest is attached.

The project is Federally funded, required 8% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by the two lowest bidders have been reviewed and certified by the Contract Compliance Officer. The bid is below the Engineer's Estimate Range, and a copy of the Unofficial Bid Results report is attached for your reference. The BRAT Chairman has provided their concurrence to award, and their report is attached.

Your concurrence in award of this contract by endorsement hereon is respectfully requested. Please return the approved copy to this office. Upon receipt a packet will be prepared to obtain Transportation Board approval of the award at the next available meeting.

Concurrence in award:

*John M. Terry*  
\_\_\_\_\_  
John Terry, Assistant Director

*Richard Nelson*  
\_\_\_\_\_  
Richard Nelson, Assistant Director

*Rudy Malfabon*  
\_\_\_\_\_  
Rudy Malfabon, Director

*fa*

Enclosures:  
Contract Compliance Memo  
Unofficial Bid Results Report  
BRAT Review Report

**Nevada Department of Transportation  
Unofficial Bid Results**

November 01, 2012

<b>Contract Number:</b> 3524	<b>Bid Opening Date and Time:</b> 11/1/2012 2:00 pm
<b>Designer:</b> BILLY EZELL	<b>Liquidated Damages:</b> \$5,000
<b>Senior Designer:</b> JOHN BRADSHAW	<b>Working Days:</b> 250
<b>Estimate Range:</b> R36 \$34,000,000.01 to \$41,000,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> BR-080-3(061), IM-080-3(062), SPI-080-3(033)	

**County:** HUMBOLDT

**Location:** I-80 from Beginning of PCCP, 0.112 Miles East of Pershing/Humboldt County Line to 0.345 Miles East of the Edge of H-1256 at the West Strip Grade Separation and on I-80, Humboldt County, Various Locations

**Description:** Rubblizing, Plantmix Bituminous Surface with Open-Grade and Seismic Retrofit and Rehabilitation of G-863, I-862, H-865 East/West, I-1255, H-1256 East/West, I-868, H-869 East/West, I-871 East/West and G-872 East/West/Ramp

Apparent Low Bidder Granite Construction Company \$32,106,106.00

Apparent 2nd Road and Highway Builders LLC \$32,222,222.00

Apparent 3rd Q & D Construction, Inc. \$34,937,000.00

<b>Bidders:</b>	Actual Bid Amount
1 Granite Construction Company P.O. Box 50085 Watsonville, CA 95077-5085 (775) 358-8792	\$32,106,106.00
2 Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570- (775) 852-7283	\$32,222,222.00
3 Q & D Construction, Inc. P.O. Box 10865 Reno, NV 89510- (775) 786-2677	\$34,937,000.00
4 W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$35,485,532.90

**Nevada Department of Transportation**  
**Unofficial Bid Results**

November 01, 2012

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<b>Contract Number:</b> 3524	<b>Bid Opening Date and Time:</b> 11/1/2012 2:00 pm
<b>Designer:</b> BILLY EZELL	<b>Liquidated Damages:</b> \$5,000
<b>Senior Designer:</b> JOHN BRADSHAW	<b>Working Days:</b> 250
<b>Estimate Range:</b> R36 \$34,000,000.01 to \$41,000,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> BR-080-3(061), IM-080-3(062), SPI-080-3(033)	

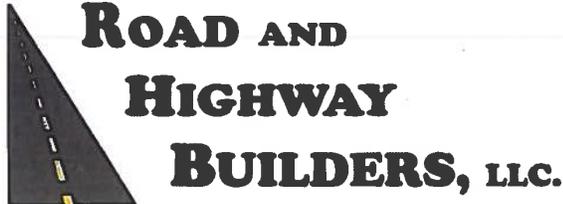
**County:** HUMBOLDT

**Location:** I-80 from Beginning of PCCP, 0.112 Miles East of Pershing/Humboldt County Line to 0.345 Miles East of the Edge of H-1256 at the West Strip Grade Separation and on I-80, Humboldt County, Various Locations

**Description:** Rubblizing, Plantmix Bituminous Surface with Open-Grade and Seismic Retrofit and Rehabilitation of G-863, I-862, H-865 East/West, I-1255, H-1256 East/West, I-868, H-869 East/West, I-871 East/West and G-872 East/West/Ramp

Apparent Low Bidder	<u>Granite Construction Company</u>	<u>\$32,106,106.00</u>
Apparent 2nd	<u>Road and Highway Builders LLC</u>	<u>\$32,222,222.00</u>
Apparent 3rd	<u>Q &amp; D Construction, Inc.</u>	<u>\$34,937,000.00</u>

<b>Bidders:</b>	<b>Actual Bid Amount</b>
5     A & K Earth Movers, Inc. PO Box 1059 Fallon, NV 89407-1059 (775) 423-6085	\$36,473,000.00
6     Sierra Nevada Construction, Inc. P.O. Box 50760 Sparks, NV 89435-0760 (775) 355-0420	\$38,448,007.00



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Tuesday November 6, 2012

Rudy Malfabon, P.E. Director  
Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, NV 89712

**Subject: Protest of the Apparent Low Bid Proposal on Contract 3524**

Dear Mr. Malfabon:

Please consider this correspondence a formal bid protest against the apparent low bid proposal on Contract 3524.

The apparent low bidder listed Dixon Trucking, a DBE company, to perform \$2,375,000.00 of trucking on this project. After conversations with DBE trucking firms, both before and after the bid, confirmed that there is no way possible to meet this goal. In order to obtain the listed dollar amount goal, the apparent low bidder would have to achieve approximately 80 hours of trucking for every 250 working day on the project. An analysis by NDOT will confirm that that this goal cannot be met. It is not possible given the scopes of work to be performed on the project. Even if the apparent low bidder figured to haul Rap from another location to incorporate into the Plantmix, the haul would off-set the asphalt cement savings.

It is obvious that the apparent low bidder worked backwards at the last minute to meet the very difficult DBE goal needed for the project. This is evident on the "List of Subcontractors and Suppliers Bidding on NDOT Contracts" form that was submitted by the apparent low bidder. The apparent low bidder marked "No" in the used column for Dixon Trucking that was listed to perform \$2,375,000.00 of trucking. This alone is grounds for rejection of the bid. This form is part of the bid documents and must be completed correctly. By awarding this contract to the apparent low bidder, NDOT is negating the form and allowing the contractors to use any subcontractor or supplier whether they are listed as used or not used. In addition, now the apparent low bidder is not obligated to use Dixon Trucking, the DBE Company for the project.

Although Road and Highway Builders (RHB) is not the apparent low bidder, RHB did list a goal that will be met for the project. RHB was proactive prior to the bid contacting numerous DBE companies knowing the DBE goal of 8% would not be possible with only trucking. Awarding this contract to the current apparent low bidder will make a mockery of the current DBE program, and it will allow future DBE goals to be listed in the bid knowing the goal will never be met. Meeting the DBE goal increased RHB's bid amount. If RHB chose to take the route that the apparent low bidder took, RHB would have been the apparent low bidder.

In summary, RHB feels that the apparent low bidder did not ethically meet the DBE goal for this project and took advantage of Dixon Trucking, knowing the goal could not be met. In addition, the bid documents turned in by the apparent low bidder stated that Dixon Trucking listed to perform 7.4% of the DBE goal was not to be used. Therefore, the apparent low bidder did not meet the DBE goal and must be deemed non-responsive, and as the second low bidder, RHB should be deemed the lowest responsive and responsible bidder.

Should you have any questions, or if I can be of further assistance, please feel free to contact me at (775) 852-7283 or (775) 772-6623.

Sincerely,  
Road and Highway Builders



Stephen D. Blakely  
Vice President

cc. Carl M. Hebert, Esq.



Granite Construction Company  
1900 Glendale Avenue  
Box 2087  
Sparks, NV 89431

T 775 358 8792  
F 775 358 0372

graniteconstruction.com

November 14, 2012

Christi Thompson  
Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, NV 89712

**RE: NDOT Contract #3524**

**Subject: Protest Response**

Dear Ms. Thompson,

Granite Construction Company (Granite) has reviewed Road and Highway Builders' (RHB) bid protest of November 6, 2012, regarding the above referenced contract, and believes it is without merit. Granite's use of Dixon Trucking, a DBE company, per Section 102.16 of the Project Special Provisions will result in a DBE value of \$2,375,000.

In its protest letter RHB incorrectly contends that there is "no way possible" to meet this contract's DBE goal using DBE trucking firms. Granite does not presume to know what each of the other bidder's means and methods are and neither should RHB. RHB's letter borders on libel considering RHB's unsupported claims that Granite's actions are unethical. This outrageous claim exposes RHB's severe prejudice and lack of factual basis. For those reasons alone, RHB's protest should be ignored. Regardless of that determination, the information provided hereunder is sufficient for NDOT to reject RHB's protest and to support an award to Granite.

First, Granite listed four (4) DBE Subcontractors/Suppliers which demonstrates that it was not relying solely on DBE trucking. Next, Granite has confirmed with Dixon Trucking that it will utilize them for \$2,375,000 and provided such documentation to NDOT; see enclosed copies of DBE confirmation and additional DBE use information. Lastly, two (2) other bidders listed a similar amount in DBE trucking; see enclosed. While not determinative, other contractors' similar use shows the reasonableness of Granite's DBE component of its bid.

Considering Granite's work strategy, there are more than enough trucking hours on this project to meet this goal. Granite intends to haul Recycled Asphalt Product (RAP) from another location to the project and this action alone results in \$600,000.00 of DBE trucking. The remaining \$1,775,000.00 of DBE trucking is primarily in transportation of offhaul, aggregate and hot mix asphalt, as well as water trucks. RHB's assertion that this haul strategy would off-set the asphalt cement savings is unsupported and erroneous. Granite's strategy results in asphalt product savings and overall project savings of approximately \$200,000.00.

RHB's reference to Granite marking "no" in the used column for Dixon trucking on the subcontractor listing is merely a minor informality, which is not material to Granite's bid. Granite listed Dixon Trucking on the Departments DBE Information page, which was submitted prior to the bid opening. This alone clearly demonstrates Granite's intention to "use" Dixon Trucking. In addition Granite provided a DBE confirmation letter on the following business day and Granite has since provided NDOT with further Dixon Trucking information in a letter dated November 9, 2012.

11/14/2012

NDOT #3524 - Protest Response - 2012.docx

Courts have ruled that unless an irregularity affects the substance of the bid, it is not material. "Material requirements include those affecting price, quantity, quality, or delivery of the solicited products." *Tel-Instrument Elecs. Corp. v. United States*, 56 Fed. Cl. 174 (2003). *Furniture By Thurston v. United States*, 103 Fed.Cl. 505 (2012) ("A solicitation term is 'material' if failure to comply with it would have a non-negligible effect on the price, quantity, quality, or delivery of the supply or service being procured.") Similar to our case, a federal court ruled filling in a form in error should be considered an immaterial informality, and waived. *Northeast Construction Company v. George Romney, Secretary of Housing and Urban Development*, 485 F.2d 752 (Ct. App. 1973) ("Northeast's failure to fill in the blanks on 'Appendix A' was a 'Failure to furnish required information concerning the number of bidder[s] employees.' Such a failure is set forth in the procurement regulations as an example of a minor informality.")

While Nevada courts have not explored the specific issue before us, it is generally accepted that a bid irregularity must be waived as inconsequential and immaterial if the bidder does not gain a competitive advantage. *Bud Mahas Constr., Inc. v. Clark County School District*, 767 F. Supp. 1045 (D. Nev. 1991) ("minor variations from the specifications are not a basis to reject the bid, and that variations are only substantial if they give a bidder a substantial advantage or benefit not enjoyed by other bidders.") The irregularity in Granite's bid does not affect its competitiveness and thus must be waived. Moreover, Granite remains committed to using Dixon Trucking as indicated, satisfying the intent of the bid instructions.

Finally in Nevada, the bidding "statutes are deemed to be for the benefit of the taxpayers and not the bidders, and are to be construed for the public good." *Gulf Oil Corp. v. Clark County*, 575 P.2d 1332 (Nev.1978). It is in the benefit of the tax payers to award the contract to Granite, the responsive and responsible low bidder. As such, RHB's protest should be dismissed.

If you have any questions or require additional information please contact me at your convenience.

Sincerely,



Chris Burke  
Chief Estimator  
Granite Construction Company - Nevada Region  
Direct 775.352.1938 | Cell 775.813.0907 | Fax 775.358.0372

Enclosed: Dixon Trucking DBE Confirmation Letter (1 pg.)  
Granite DBE Information Letter (1 pg.)  
Dixon Trucking DBE Truck Use Letter (1 pg.)  
Examples of DBE Trucking used by other bidders (7 pgs.)



State of Nevada  
Department of Transportation  
Contract Compliance Division  
1263 South Stewart Street  
Carson City, NV 89712

**MEMORANDUM**  
November 19, 2012

**To:** Christi Thompson, Admin Services  
**From:**  Dana Olivera, Contract Compliance  
**Subject:** Response to Bid Protest and Subcontractor non-licensing issue #3524

The basis for certification and capacity of a trucking company in the Disadvantaged Business Enterprise Program is the number of power units or tractors that a company owns. To my knowledge Dixon Trucking owns five tractors, but they own numerous trailers of different types (end dumps or belly dumps) that they lease out to non-DBE trucking firms. The rule for DBE truckers is that for each truck (tractor trailer combination) that the DBE owns they can hire one non-DBE truck and that amount can be credited toward the DBE goal on a project. Other non-DBE trucks that might be pulling trailer combinations owned by the DBE cannot be credited toward the DBE goal.

A work plan has been requested from Granite explaining how Dixon expects to satisfy their DBE working commitments for the bid in question (#3524), in addition to other NDOT work for the year 2013, for example #3435, with their inventory of equipment (see attached).

Dixon's work plan indicates they "...will provide at least one owned, insured and operated truck at all required times for each job and any other DBE trucking in order to satisfy the needs of both jobs." In a follow-up phone conversation with Chris Burke (Granite Construction) he clarified that Dixon would have 5 side dumps that they own and operate, lease 5 other DBE trucks and/or 5 other owner/operator trucks if necessary to meet the DBE requirements for this project.

Given the issues in this bid, it is critical that the sanctions language in 103.08 be expressly included in this contract should the decision be made to award to Granite.

Additionally, should Dixon Trucking be unable to perform a commercially useful function on this contract Granite may be required to substitute another DBE firm in their place or document the good faith effort they have made to replace that firm with another DBE firm.

Finally, it should be noted that Granite listed one subcontractor, Myers & Sons that is not licensed with the Nevada State Contractors board as required in the Standard Specifications for Road and Bridge Construction 2001. Pursuant to NRS 338.1387 and the Standard Specifications for Road and Bridge Construction 2001, Granite will be required to provide an acceptable subcontractor prior to the award of the contract.

Based on these requirements and Granite's commitment, Contract Compliance recommends award of contract #3524 to Granite Construction.



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

RUDY MALFABON, P.E., Director

In Reply Refer to:

Contract No. 3524

November 20, 2012

A070  
Mr. Steve Blakely, Vice President  
Road and Highway Builders, LLC  
P.O. Box 70846  
Reno, NV 89570

Dear Mr. Blakely:

This is in response to your company's bid protest on Contract 3524 submitted to the Nevada Department of Transportation (Department) on November 6, 2012. Your bid protest requests the Department reject the low bidder as nonresponsive and substitute Road and Highway Builders, LLC (RHB) as the lowest responsive and responsible bidder. The Department carefully reviewed your company's protest by considering and weighing all documentation your company and Granite Construction Company provided.

Your protest alleges the DBE Company listed by the low bidder cannot perform the level of work needed to meet the project's DBE goal. A work plan was requested from the low bidder and the submitted work plan was evaluated by our Contract Compliance Division. Should the DBE subcontractor be unable to perform all the work, the low bidder may be required to substitute another DBE firm or submit good faith effort documentation. Granite Construction Company will also be subject to the provisions of Section 103.08 of the Standard Specifications for Road and Bridge Construction. If they do not meet the DBE goal they are subject to sanctions.

The failure to check the appropriate box on the "List of Subcontractors and Suppliers Bidding on NDOT Contracts" form is a technicality as the appropriate supporting documentation for the subcontractor was submitted.

Accordingly, the Department finds your bid protest without merit and it has been denied.

Sincerely,

A handwritten signature in blue ink that reads "Christi Thompson".

Christi Thompson  
Administrative Services Officer

c: Granite Construction Company



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7490  
Fax: (775) 888-7401

## Memorandum

November 19, 2012

**TO: Christi Thompson, Administrative Services Officer**  
**FROM: Paul Frost, Chief Roadway Design Engineer**  
**SUBJECT: BRAT Summary Report for Contract #3524**

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The Bid Review and Analysis Team met on 11/13/12 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance:

Shawn Howerton, Construction  
Paul Frost, Chief Roadway Design Engineer  
Jeff Shapiro, Chief Construction Engineer  
John Bradshaw, Senior Roadway Design Engineer

The Price Sensitivity Report (attached), as prepared by the Administrative Services Division showed some items are sensitive to the quantity estimates. These items were checked and the plan quantities are correct.

Several significant bid items are mathematically unbalanced. The majority of the plan quantities were verified and no errors were found (please see attached quantity item verification and discussion). The proposal bid prices were evaluated and determined to be reasonable.

The apparent low bid is 93 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award

  
\_\_\_\_\_

Date 11 / 19 / 12

cc: attendees  
Pierre Gezelin, Legal  
Attach.

# Price Sensitivity Report

November 7, 2012

Contract No: 3524

Project Nos: BR-080-3(061), SPI-080-3(033) and IM-080-3(062)

Project ID/EA Nos: 73694, 73695 and 60543

County: Humboldt

Range: R36 \$34,000,000.01 to \$41,000,000

Working Days: 250

Engineer's Estimate	Granite Construction	Road and Highway	Diff. Between Low & 2nd	Diff. Between EE & Low	Low Bid % of EE
34,493,342.11	32,106,106.00	32,222,222.00	116,116.00	-2,387,236.11	93%

Item No.	Quantity	Description	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Chg in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2020120	110,805.00	REMOVAL OF PORTION OF BRIDGE DECK	3.00	1.50	2.00	-232,232.00	-209.59%	50.00%	Yes	EE little high, Granite little low, Qtys checked OK
2020125	1.00	REMOVAL OF PORTION OF BRIDGE	267,856.28	185,000.00	200,000.00	n/a	n/a	69.07%	Yes	EE little high, Granite little low, Qtys checked OK
2020160	2,822.00	REMOVAL OF EXPANSION JOINTS	75.00	35.00	20.00	7,741.07	274.31%	46.67%	Yes	EE high, Qtys checked OK
2020935	37,970.00	REMOVAL OF COMPOSITE SURFACE	35.00	20.00	70.00	-2,322.32	-6.12%	57.14%	Yes	EE is reasonable OK, Granite little low, Qtys OK
2020985	3,910.00	REMOVAL OF BITUMINOUS SURFACE (SPECIAL)	15.00	2.99	8.00	-23,176.85	-592.76%	19.93%	Yes	EE is reasonable OK, Granite little low, Qtys OK
2030670	66,280.00	NON-WOVEN GEOTEXTILE	2.00	1.00	1.00	n/a	n/a	50.00%	Yes	EE is little high, Qtys checked OK
2060110	4,098.00	STRUCTURE EXCAVATION	25.00	23.00	40.00	-6,830.35	-166.68%	92.00%	No	EE is reasonable OK, Qtys checked OK
2070110	3,646.00	GRANULAR BACKFILL	25.00	15.00	50.00	-3,317.60	-90.99%	60.00%	Yes	EE is reasonable OK, Granite little low, Qtys OK
2120045	8,406.00	PAINTING	10.00	16.90	18.00	-105,560.00	-1255.77%	169.00%	Yes	EE is low, Qtys checked OK
3020130	42,730.00	TYPE 1 CLASS B AGGREGATE BASE	12.00	8.00	15.00	-16,588.00	-38.82%	66.67%	Yes	EE is reasonable OK, Granite little low, Qtys OK
3070100	101,448.00	SHOULDERING MATERIAL	10.00	4.00	4.00	n/a	n/a	40.00%	Yes	EE is high, Qtys checked OK
4020190	179,290.00	PLANTMIX SURFACING (TYPE 2C)(WET)	70.00	75.00	52.00	5,048.52	2.82%	107.14%	No	EE is reasonable OK, Qtys checked OK
4020200	40,530.00	PLANTMIX SURFACING (TYPE 3) (WET)	75.00	75.00	60.00	7,741.07	19.10%	100.00%	No	EE is reasonable OK, Qtys checked OK
4030110	21,940.00	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	100.00	100.00	110.00	-11,611.60	-52.92%	100.00%	No	EE is reasonable OK, Qtys checked OK
4060110	670.00	LIQUID ASPHALT, TYPE MC-70NV	600.00	500.00	0.01	232.24	34.66%	83.33%	No	EE is reasonable OK, Qtys checked OK
4100170	472,210.00	RUBBLIZE CONCRETE PAVEMENT	2.50	2.25	1.00	92,892.80	19.67%	90.00%	No	EE is little high, Qtys checked OK
4960130	16,605.00	BRIDGE DECK PREPARATION AND CONCRETE PLACEMENT	50.00	25.00	20.00	23,223.20	139.86%	50.00%	Yes	EE is high, Qtys checked OK
4960140	7,656.00	BRIDGE DECK PREPARATION	15.00	4.97	10.00	-23,084.69	-301.52%	33.13%	Yes	EE is high, Qtys checked OK
4960160	1,314,499.00	POLYMER CONCRETE AGGREGATE	0.35	0.30	1.00	-165,880.00	-12.62%	85.71%	No	EE is reasonable, Qtys checked OK
4960170	193,995.00	POLYMER CONCRETE RESIN	3.00	2.34	6.00	-31,725.68	-16.35%	78.00%	No	EE is reasonable OK, Qtys checked OK
4960180	7,656.00	MULTILAYER POLYMER CONCRETE OVERLAY	35.00	36.55	10.00	4,373.48	57.12%	104.43%	No	EE is reasonable OK, Qtys checked OK
5020520	80.00	ISOLATION BEARING	10,000.00	5,000.00	5,000.00	n/a	n/a	50.00%	Yes	EE seems high, Qtys checked OK

# Price Sensitivity Report

November 7, 2012

Item No.	Quantity	Description	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Chg in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
5020950	913.00	CLASS AA CONCRETE, MODIFIED (MAJOR)	750.00	1,050.00	700.00	331.76	36.34%	140.00%	No	EE is reasonable OK, Qtys checked OK
5021010	469.00	CLASS EA CONCRETE, MODIFIED (MAJOR)	700.00	550.00	1,000.00	-258.04	-55.02%	78.57%	No	EE is reasonable OK, Granite little low, Qtys OK
5030130	1.00	PRESTRESSING CAST-IN-PLACE CONCRETE	20,000.00	50,000.00	80,000.00	n/a	n/a	250.00%	Yes	EE is little low, Qtys checked OK
5050100	155,062.00	REINFORCING STEEL	1.00	1.50	1.00	232,232.00	149.77%	150.00%	Yes	EE is reasonable OK, Qtys checked OK
5050110	46,518.00	REINFORCING STEEL (DOWELED)	4.00	8.50	1.50	16,588.00	35.66%	212.50%	Yes	EE is reasonable OK, Qtys checked OK
5050120	72,123.00	REINFORCING STEEL (EPOXY COATED)	1.60	1.50	3.00	-77,410.67	-107.33%	93.75%	No	EE is reasonable OK, Qtys checked OK
5050130	11,660.00	REINFORCING STEEL (EPOXY COATED) (DOWELED)	6.00	4.00	15.00	-10,556.00	-90.53%	66.67%	Yes	EE is a little high, Qtys checked OK
5060570	184.00	MODIFY CONNECTION (TYPE I)	400.00	820.00	100.00	161.27	87.65%	205.00%	Yes	EE is reasonable OK, Granite is high, Qtys OK
5060600	1.00	JACK GIRDERS	300,000.00	550,000.00	100,000.00	n/a	n/a	183.33%	Yes	EE is reasonable OK, Granite is high, Qtys OK
5060670	4.00	STEEL JACKET	75,000.00	50,000.00	30,000.00	n/a	n/a	66.67%	Yes	EE is reasonable OK, Qtys checked OK
6140100	26,720.00	REPAINTING EXISTING STRUCTURAL STEEL, TYPE 1	25.00	17.66	2.00	7,414.81	27.75%	70.64%	Yes	EE is reasonable OK, Qtys checked OK
6140120	98,410.00	REPAINTING EXISTING STRUCTURAL STEEL, TYPE 2	8.00	3.62	1.00	44,319.08	45.04%	45.25%	Yes	EE is reasonable OK, Qtys checked OK
6180550	4,275.00	GALVANIZED GUARDRAIL (TRIPLE CORRUGATION)	26.00	28.51	50.00	-5,403.26	-126.39%	109.65%	No	EE is reasonable OK, Qtys checked OK
6231140	1.00	COMMUNICATION SYSTEM	40,000.00	78,172.59	10,000.00	n/a	n/a	195.43%	Yes	EE is reasonable OK, Qtys checked OK
6250490	1.00	RENT TRAFFIC CONTROL DEVICES	650,000.00	250,000.00	1,545,933.50	n/a	n/a	38.46%	Yes	EE is reasonable OK, Granite is low, Qtys OK
6270190	4,052.40	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	65.00	71.28	80.00	-13,316.06	-328.60%	109.66%	No	EE is reasonable OK, Qtys checked OK
6280120	1.00	MOBILIZATION	1,949,958.03	1,991,302.16	3,000,000.00	n/a	n/a	102.12%	No	n/a
6320940	26.70	EPOXY PAVEMENT STRIPING (8-INCH SOLID WHITE)	2,500.00	2,509.04	3,500.00	-117.18	-438.86%	100.36%	No	EE is reasonable OK, Qtys checked OK
6321030	26.51	EPOXY PAVEMENT STRIPING (8-INCH SOLID YELLOW)	2,600.00	2,509.04	3,500.00	-117.18	-442.00%	96.50%	No	EE is reasonable OK, Qtys checked OK
Additional Comments:										



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201

## MEMORANDUM

December 3, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item #5:** Approval of Agreements Over \$300,000 - For Possible Action

---

### **Summary:**

The purpose of this item is to provide the Board a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. This list consists of any design build contracts and all agreements (and amendments) for non-construction matters, such as consultants, service providers, etc. that obligate total funds of over \$300,000, during the period from October 19, 2012 to November 16, 2012.

### **Background:**

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements, new task orders on existing agreements, and all amendments which take the total agreement above \$300,000 during the period from October 19, 2012 to November 16, 2012.

### **Analysis:**

These agreements have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures. They represent the necessary support services needed to deliver the State of Nevada's multi-modal transportation system.

### **List of Attachments:**

- A) State of Nevada Department of Transportation Agreements over \$300,000, October 19, 2012 to November 16, 2012.

### **Recommendation for Board Action:**

Approval of all agreements listed on Attachment A.

**Prepared by:** Scott K. Sisco, Assistant Director - Administration

# Attachment

# A

**State of Nevada Department of Transportation  
Agreements for Approval  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
1	14811	00	01	PK ELECTRICAL INC	EVALUATE CARLIN TUNNEL LIGHTS	N	\$ 110,000.00	\$ 349,000.00	\$ 459,000.00	\$ -	15-Feb-12	1-Apr-14	10-Dec-12	Service Provider	AMD 1 12-10-12: TO INCREASE AUTHORITY BY \$349,000.00 TO \$459,000.00 TO COMPLETE FINAL DESIGN AND PREPARATION OF CONSTRUCTION PLANS ASSOCIATED WITH THE FINDINGS OF THIS CARLIN TUNNEL LIGHT PROJECT. TO BE CONSTRUCTED AS A CMAR PROJECT, AND PK ELECTRICAL TO COMPLETE DESIGN OF WORK STARTED BEFORE CMAR WAS PROCURED. 2-15-12: EVALUATE EXISTING CARLIN TUNNEL LIGHTING AND RECOMMEND NECESSARY CHANGES. INCLUDES NATIONAL 511 BEST PRACTICES REPORT, CONCEPT OF OPERATION, PUBLIC AFFAIRS, DATA INVENTORY & REQUIREMENTS. ELKO COUNTY. NV B/L#: NV19961128650
2	47612	00	00	CHAPMAN LAW FIRM	LEGAL SERVICES FOR PROJECT NEON EMINENT DOMAIN ACTION	N	\$ 449,575.00	\$ -	\$ 449,575.00	\$ -	16-Nov-12	30-Nov-15	N/A	Service Provider	PROVIDE LEGAL SERVICES FOR EMINENT DOMAIN ACTION REGARDING THE CATELLO FAMILY TRUST. PROPERTY TO BE ACQUIRED IN CLARK COUNTY FOR PROJECT NEON. NV B/L#:NV20011462722

# Line Item 1

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**MEMORANDUM**

**DATE:** October 3, 2012

**TO:** Richard J. Nelson, P.E., Assistant Director Operations

**FROM:** Rodney D. Schilling, P.E., Project Manager

**SUBJECT:** Negotiation Summary for **AMENDMENT NO. 1 TO CARLIN TUNNEL LIGHTING PROJECT P148-11-016**

A negotiation meeting was held at 1301 Old Hot Springs Traffic Operations Conference Room 112 in Carson City on September 13, 2012, with Karen Purcell and Eric McGill of PK Electrical, Inc., Rod Schilling and Tom Moore of Traffic Operations of NDOT in attendance.

Traffic Operations Division contracted with PK Electrical, Inc., a Nevada based company, on February 15, 2012 for a detailed assessment/summary of the existing lighting system, an evaluation of the current lighting technologies and preliminary design (30%) for replacement of the existing lighting system. It was the intent from the onset of the RFP for the Department to reserve the right (at its sole discretion) to amend the agreement with the selected engineering firm to include the final design and preparation of construction plans associated with the findings of this Carlin Tunnel Lighting Project. This project was underway prior to the selection for the Construction Manager At Risk (CMAR) process in August, 2012. Since work had been accomplished prior, it was decided not to assimilate this work into the CMAR team's scope, but to have PK Electrical, Inc. provide continued services to complete the final design and preparation of construction plans using an expedited schedule to the CMAR team with an estimated construction phasing spanning through FY15. The scope of the services was provided by PK Electrical, Inc. They were reviewed and agreed upon by both parties with minor changes made to the Scope of Services (see Attachment A – Modification to Scope of Services). Task 1 – 6 remain the same as in the original agreement. Tasks 7 – 12 were added to define the work required to design the project to completion. This set of documents also includes:

1. Breakdown of Costs provided in Attachment B.

The schedule was agreed to by both parties in accordance with the Contractor Management at Risk (CMAR) process, but because of uncertainty due to the early stages of the CMAR process, the schedule may need to be modified.

Key personnel who will be dedicated to this project are as follows:

Principal Engineer	Karen Purcell
Project Manager	Eric MacGill
Senior Designer	Eric MacGill
Designer	Cory Hembree
CAD Support	Savina Gonzalez
Administration	Marcia Hallett

The proposal was reviewed by NDOT. Refer to the attached table for comparison of man-hours for the original PK Electrical, Inc. estimate and the final hours agreed upon. The PK Electrical Inc. original estimate was \$410,000.00; including direct labor (4101 man-hours of work

by the prime consultant), overhead at 107.23%, an 11% fee and direct expenses at \$7,387.85 (Including subconsultant expenses). The overhead rate of 107.23% was provided by the Internal Audit Division.

The negotiation yielded the following:

- 1) There will be 3463 total man-hours allotted to PK Electrical, Inc. throughout the course of this agreement at a direct labor cost of \$148,325.00. This includes a prorated amount for anticipated raises that will take effect over the term of the agreement. The DBE goal for this agreement has been established at zero (0%) percent.
- 2) Based upon the direct labor costs and an overhead rate of 107.23%, the overhead amount will be \$158,038.00.
- 3) A fee of eleven (11%) percent was agreed to by both parties and will be \$33,597.00 for this agreement based upon direct labor costs and an overhead rate of 107.23%.
- 4) The direct expenses agreed to total \$9,040.00 for subconsultants, reproduction, communication, travel and per diem. There will be no direct compensation for computer time. Subconsultant work will include structural work by Hyytinen Engineering.
- 5) The total negotiated cost for this agreement, including direct labor, overhead, fee and direct expenses will be \$349,000.00.

RDS

cc: Denise M. Inda, P.E., Chief Traffic Operations Engineer  
Tom Moore, P.E., Assistant Chief Traffic Operations Engineer  
Doug R. Benamati, Program Officer Admin Services

Attach.

**Attachment B  
Original Project Budget**

<b>Task #</b>	<b>Task Name</b>	<b>Budget</b>
Task 1	Document Existing System	\$5,060.49
Task 2	Detailed Assessment	\$10,179.00
Task 3	Evaluation of Lighting Technologies	\$21,772.96
Task 4	Recommendations	\$26,213.27
Task 5	Preliminary Design	\$36,578.47
Task 6	Project Management	\$10,195.81
	<b>Total</b>	<b>\$110,000.00</b>

**Amendment 1 Project Budget**

<b>Task #</b>	<b>Task Name</b>	<b>Budget</b>
Task 7	60% Design Documents	\$93,098.79
Task 8	90% Design Documents	\$95,769.95
Task 9	100% Bid Documents	\$25,092.13
Task 10	Bid Phase Services	\$16,289.96
Task 11	System Integration and Testing	\$82,252.39
Task 12	Project Management	\$36,496.78
	<b>Total</b>	<b>\$349,000.00</b>



# Attachment A

Modification  
Scope of Work

I-80 Carlin Tunnel Lighting



**PK Electrical, Inc.**

October 3, 2012

**Attachment A**  
**Scope of Work**  
**Modification/Extension**  
**Date: October 3, 2012**

**General**

NDOT has indicated that the Carlin Tunnel is problematic to the Department due to high power usage, an outdated lighting system, and various operational issues. The existing tunnel lighting was last replaced in 1995. The Carlin Tunnel is located between Mileposts IR 080 EL 7.78 to 8.05.

This project is to provide the construction documents for the replacement of the existing lighting system with Project ID 73684.

This work is to follow-on to the work performed earlier under this agreement.

PK Electrical and its subs have not had core samples completed and all structural information regarding the existing tunnel is to be provided by others.

This project will be utilizing the CMAR process. Our efforts will focus on supporting and working in conjunction with the CMAR. PK Electrical, Inc. will be ineligible to participate in any contract work or any sub consultant design work within the CMAR.

**Task 7: 60% Design Documents**

Based on the 30% design documents and decisions made in the review meetings, a 60% design of the recommended option which will include drawings of the lighting and lighting control system, location of electrical panels, types of fixtures, updated one line drawing, and control details per zone. Project phasing, electrical service modifications and preliminary specifications will be provided. The design will ensure the system is compatible with remote monitoring through a telemetry system.

To address this task, PK Electrical, Inc. will:

- Develop 60% level drawings that will include lighting fixture locations, circuiting, box locations, lighting control system details, location of point of service, power service upgrades/modifications, and one line drawings;
- Develop 60% level specifications;
- Develop 60% level quantities;
- Develop 60% level cost statement;
- The 60% design shall meet NFPA 70 National Electrical Code, IESNA Recommended Practices for Tunnel Lighting (RP-22-11), and NDOT General Tunnel Lighting Requirements;

- Develop 60% structural engineering documents (outside consultant to PK) with lighting fixture mounting details and electrical rack system support details. The structural engineering scope of work assumes that the scratch coat on all surfaces will remain;
- Participate in monthly meetings with CMAR in Reno or Carson City;
- One review meeting with NDOT project staff in Elko; and,
- Perform quality assurance / quality control reviews of all deliverables.

*Task 7 Deliverables: 60% Design  
60% Specifications  
60% Quantities  
60% Cost Statement  
Meeting Minutes (as it applies to electrical only)*

### **Task 8: 90% Design Documents**

Based on the 60% design documents and decisions made in the review meeting, a 90% design of the tunnel lighting will be provided which will include drawings of the lighting and lighting control system, location of electrical panels, types of fixtures, one line drawing, schedules, and control details per zone. Project phasing, electrical service modifications and specifications will be provided. The design will ensure the system is compatible with remote monitoring through a telemetry system.

To address this task, PK Electrical, Inc. will:

- Develop 90% level drawings that will include lighting fixture locations, circuiting, box locations, lighting control system details, location of point of service, power service upgrades/modifications, electrical schedules and one line drawings;
- Develop 90% level specifications;
- Develop 90% level quantities;
- Develop 90% level cost statement;
- The 90% design shall meet NFPA 70 National Electrical Code, IESNA Recommended Practices for Tunnel Lighting (RP-22-11), and NDOT General Tunnel Lighting Requirements;
- Develop 90% structural engineering documents (outside consultant to PK) with lighting fixture mounting details and electrical rack system support details. The structural engineering scope of work assumes that the scratch coat on all surfaces will remain;
- Participate in monthly meetings with CMAR in Reno or Carson City;
- One review meeting with NDOT project staff in Elko; and,
- Perform quality assurance / quality control reviews of all deliverables.

*Task 8 Deliverables: 90% Design  
90% Specifications  
90% Quantities*

*90% Cost Statement  
Meeting Minutes (as it applies to electrical only)*

**Task 9: 100% Bid Documents**

Based on the 90% design documents, PK Electrical will develop complete bidding documents.

- Finalize drawings;
- Finalize specifications;
- Finalize quantities;
- Finalize cost statement;
- Participate in monthly meetings with CMAR in Reno or Carson City; and
- Perform quality assurance / quality control reviews of all deliverables.

*Task 9 Deliverable: Bid Documents*

**Task 10: Bid Phase Services**

Provide assistance with the bidding process.

To address this task, PK Electrical Inc. will:

- Respond to RFI's;
- Issue Addenda as needed;
- Attend one pre-bid meeting;
- Participate in monthly meetings with CMAR in Reno or Carson City; and
- Perform quality assurance / quality control reviews of all deliverables.

*Task 10 Deliverables: Addenda  
Meeting Minutes (as it applies to electrical only)*

**Task 11: System Integration and Testing**

Provide required support for the installation and operation of the lighting control system.

To address this task, PK Electrical Inc. will:

- Respond to RFI's;
- Review shop drawings and submittals of the control system;
- Work with the manufacturer to ensure the control system is designed to operate as intended and indicated on the drawings;

- Conduct an initial site visit prior to the installation of the control system to review and confirm operation;
- Conduct 1 site visit for the commissioning of the first bore control system;
- Conduct 1 site visit for the commissioning of the second bore control system;
- Conduct 1 site visit for final acceptance testing;
- Conduct 1 site visit for system training which will include one full day of training at the tunnel and another full day of testing at the District III control room; and
- Perform quality assurance / quality control reviews.

*Task 11 Deliverables: Site Visit Reports*

**Task 12: Project Management**

Careful project management is critical to the development and delivery of a successful project. And careful project management necessitates that NDOT be kept up-to-date on the development of the project, at every stage. A consistent approach to project management necessitates a regular schedule of meetings and conference calls, the development and distribution of meeting minutes, and the regular updating of the overall project schedule status. To address the project management needs for this project, PK Electrical Inc. will:

- Begin the project with a baselined schedule that illustrates milestones and dates of all deliverables for electrical and our subs only;
- Conduct weekly project status meetings (via conference call) as well as any miscellaneous meetings that are identified as necessary for electrical and our subs only;
- Attendance at weekly design meetings in Carson City (does not include weekly meetings during construction in Carson City); and,
- Prepare and deliver monthly progress reports for electrical and our subs only.

*Task 12 Deliverables: Project Schedule*

*Meeting Minutes for Weekly Project Status Meetings*

*Monthly Progress Reports*

# Line Item 2

RECEIVED  
NOV 8 2012

DIRECTOR'S OFFICE

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

RECEIVED

NOV 07 2012

FINANCIAL MANAGEMENT

November 5, 2012

**TO:** 1. Jaimarie Dagdagan, Budget Section  
2. Elaine Martin, Project Accounting *ds for CM*  
3. Rudy Malfabon, P.E., Director

**FROM:** Dennis Gallagher, Chief Deputy Attorney General, Legal Division

OFFICE OF THE ATTORNEY GENERAL  
CARSON CITY, NEVADA

**SUBJECT:** REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL  
FOR AGREEMENT NO. \_\_\_\_\_  
RE: THE CHAPMAN LAW FIRM, P.C.  
IN THE MATTER OF STATE OF NEVADA vs. CARMINE V. CATELLO  
FAMILY TRUST; KAREN RYAN; PREMIER TRUST, INC., et al.  
PARCEL NO. I-015-CL-041.500  
CONDEMNATION - PROJECT NEON

NOV 13 2012

BUREAU OF GOVERNMENT AFFAIRS  
TRANSPORTATION DIVISION

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Due to the necessity of obtaining the services of outside legal counsel to assist the Legal Division in prosecuting an inverse condemnation complaint in the matter of the *Carmine V. Catello Family Trust, Karen Ryan, Premier Trust, Inc., et al. vs. State of Nevada*; to be filed in the Eighth Judicial District Court of the State of Nevada (the "Lawsuit"). This Lawsuit is related to Project Neon.

The scope of services will be to provide legal services to represent the Department pertaining to the Lawsuit. The outside legal counsel shall provide litigation status reports to the Department's Chief Counsel or his designee quarterly and shall also provide the same when so requested by the Department. The outside legal counsel, when requested, shall also provide copies of all memoranda, pleadings, briefs, reports, studies, photographs, negatives or other documents or drawings prepared by outside legal counsel in the performance of its obligations under the agreement at Department's sole costs and expense. Copies shall be the exclusive property of the Department. The outside legal counsel agrees to work closely with the Attorney General's Office staff and include such staff, as the staff deems appropriate, in strategy discussions, discovery, motion practice, trial practice, appellate work, and such other matters as they may arise.

The estimated cost for the services projected through trial, including any post trial motions, if any, is \$324,575 (plus certain related normal and customary expenses). This figure does not include costs associated with the case. The exact amount to be spent each fiscal year has yet to be determined.

Assistant Attorney General, Keith Munro has previously received a briefing on use of outside counsel in these types of lawsuits.

Subject: New Agreement with Michael G. Chapman, Attorney at Law, P.C.  
Re: State of Nevada vs. Carmine V. Catello Family Trust; Karen Ryan; Premier Trust, Inc., et al.

November 5, 2012

Page 2

Approval of this memo by the Project Accounting Section and the Budget Section indicates funding authority is available for consulting services for Budget Category 06, Object 814R, Organization A004. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Director's Office authorizes this request.

Approved:



Director

Approved



Budget Section

COMMENTS:

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## MEMORANDUM

December 3, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item # 6:** Contracts, Agreements, and Settlements – Informational Item Only

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### **Summary:**

The purpose of this item is to inform the Board of the following:

- Construction contracts under \$5,000,000 awarded October 19, 2012 to November 16, 2012
- Agreements under \$300,000 executed October 19, 2012 to November 16, 2012
- Settlements entered into by the Department which were presented for approval to the Board of Examiners October 19, 2012 to November 16, 2012

Any emergency agreements authorized by statute will be presented here as an informational item.

### **Background:**

Pursuant to NRS 408.131(5), the Transportation Board has authority to “[e]xecute or approve all instruments and documents in the name of the State or Department necessary to carry out the provisions of the chapter”. Additionally, the Director may execute all contracts necessary to carry out the provisions of Chapter 408 of NRS with the approval of the board, except those construction contracts that must be executed by the chairman of the board. Other contracts or agreements not related to the construction, reconstruction, improvement and maintenance of highways must be presented to and approved by the Board of Examiners. This item is intended to inform the Board of various matters relating to the Department of Transportation but which do not require any formal action by the Board.

The Department contracts for services relating to the construction, operation and maintenance of the State’s multi-modal transportation system. Contracts listed in this item are all low-bid per statute and executed by the Governor in his capacity as Board Chairman. The projects are part of the STIP document approved by the Board. In addition, the Department negotiates settlements with contractors, property owners, and other parties to resolve disputes. These proposed settlements are presented to the Board of Examiners, with the support and advisement of the Attorney General’s Office, for approval. Other matters included in this item would be any emergency agreements entered into by the Department during the reporting period.

The attached construction contracts, settlements and agreements constitute all that were awarded for construction from October 19, 2012 to November 16, 2012 and agreements executed by the Department from October 19, 2012 to November 16, 2012. There were no settlements during the reporting period

**Analysis:**

These contracts have been executed following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

**List of Attachments:**

- A) Transportation Board Report – Contracts Awarded, October 19, 2012 to November 16, 2012
- B) State of Nevada Department of Transportation Executed Agreements – Below \$300,000, October 19, 2012 to November 16, 2012

**Recommendation for Board Action:** Informational item only

**Prepared by:** Scott K. Sisco, Assistant Director - Administration

# Attachment

# A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION**

**CONTRACTS AWARDED - UNDER \$5,000,000**

**October 19, 2012 to November 16, 2012**

1. September 27, 2012 at 2:00 p.m. the following bid was opened and read related to Department of Transportation Contract No. 3517, Project Nos. NH-395-1(025). The project is for demolition of the NDOT Landmark building on US 395, Carson City Freeway, at South Carson Street and the Junction of US 50, Carson City.

Facilities Management, Inc. ....	\$103,000.20
Empire Contractors, Inc. ....	\$128,201.00
Capriati Construction Corp., Inc. ....	\$172,106.80
Gerhardt & Berry Construction, Inc. ....	\$182,264.20
West Coast Contractors of Nevada, Inc. ....	\$186,534.00
A & K Earth Movers, Inc. ....	\$327,000.00

The Director awarded the contract October 23, 2012 to Facilities Management, Inc. in the amount of \$103,000.20. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$125,883.82

2. October 4, 2012 at 2:00 p.m. the following bid was opened and read related to Department of Transportation Contract No. 3522, Project Nos. SI-0032(107). The project is installation of advanced warning signals on 3 railroad crossings at US 93 South of Wells, Montello Road, and US 95 Lovelock Cutoff, Churchill and Elko Counties.

Titan Electrical Contracting, Inc. ....	\$249,301.00
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The Director awarded the contract October 31, 2012 to Titan Electrical Contracting, Inc. in the amount of \$249,301.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$260,602.50

3. October 11, 2012 at 1:30 p.m. the following bid was opened and read related to Department of Transportation Contract No. 3529, Project Nos. SI-0032(104). The project is a signal system modification - systemic replacement of 5 section protective/permissive heads to 4 section protective/permissive head (utilizing flashing yellow arrow) at multiple intersections in District I (City of Las Vegas) Package 1, Clark County.

Transcore ITS LLC .....	\$1,753,671.20
LAM Contracting LLC .....	\$2,272,643.50
Sequoia Electric LLC.....	\$2,360,349.60
Las Vegas Electric, Inc.....	\$2,611,185.00
Acme Electric .....	\$3,300,212.00
Fast-Trac Electric .....	\$3,489,874.00

The Director awarded the contract November 13, 2012 to Transcore ITS LLC in the amount of \$1,753,671.20. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$1,337,515.83

4. October 18, 2012 at 2:30 p.m. the following bid was opened and read related to Department of Transportation Contract No. 3526, Project Nos. CM-015-1(152). The project is to construct Intelligent Transportation System (ITS) elements on I-15 North, Part 2 Package B, Las Vegas from Craig Road to Speedway, Clark County.

Transcore ITS LLC .....	\$4,850,856.00
Las Vegas Electric, Inc.....	\$5,283,579.59
LAM Contracting LLC .....	\$5,322,928.50
Sequoia Electric LLC .....	\$5,411,375.60
Aggregate Industries SWR, Inc .....	\$6,557,463.35
Eagle View Contractors .....	\$7,328,707.00

The Director awarded the contract November 14, 2012 to Transcore ITS LLC in the amount of \$4,850,856.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$6,381,891.70

# Attachment B

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
1	45712	00	00	PARADISE RANCH, LLC	ACQ PARCEL: U-093-CL-016.276	Y	\$ 190,000.00	\$ -	\$ 190,000.00	\$ -	29-Oct-12	31-Oct-15	NULL	Acquisition	10-29-12: TO ACQUIRE PARCEL: U-093-CL-016.276, 5,627 SQUARE FEET OF LAND FOR US93 BOULDER CITY BYPASS, PHASE I, CLARK COUNTY. NV B/L#: NV20041170675
2	46912	00	00	CITY OF BOULDER CITY	BOULDER CITY LAND TRANSFER	N	\$ -	\$ -	\$ -	\$ -	23-Oct-12	31-Mar-13	NULL	Coop	10-23-12: TO ACCEPT A LAND TRANSFER FROM THE CITY OF BOULDER CITY FOR THE US93 BOULDER BYPASS PROJECT IN CLARK COUNTY. NV B/L: EXEMPT
3	46612	00	00	STATE PUBLIC WORKS B&G	SHARED FIRE WATERLINE	N	\$ -	\$ -	\$ -	\$ -	7-Nov-12	1-Jan-15	NULL	Coop	11-07-12: REPAIR, REPLACEMENT, AND MAINTENANCE REPOSNSIBILITIES COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT AND STATE PUBLIC WORKS, BUILDINGS AND GROUNDS DIVISION FOR A SHARED FIRE WATERLINE SYSTEM. WASHOE COUNTY NV B/L#: EXEMPT
4	31611	00	01	USGS - WATER RESOURCES	FLOOD MONITORING OF CREST	N	\$ 300,000.00	\$ -	\$ 286,119.00	\$ -	1-Jul-11	30-Jun-13	30-Oct-12	Coop	AMD 1 10-30-12: DECREASE AUTHORITY FROM \$300,000.00 TO \$286,119.00 BECAUSE OF CHANGE IN USGS OVERHEAD RATE. 7-1-11: JOINT FUNDING AGREEMENT. FLOOD MONITORING OF CREST-STAGE GAGING SITES AT VARIOUS LOCATIONS STATEWIDE. NV B/L#: EXEMPT
5	45112	00	00	CITY OF ELKO	MOUNTAIN CITY HWY IMPROVEMENTS	N	\$ 1,365,285.00	\$ -	\$ 1,365,285.00	\$ 68,264.00	23-Oct-12	30-Nov-14	NULL	Coop	10-23-12: MOUNTAIN CITY HIGHWAY STREET ENHANCEMENTS IN ELKO COUNTY. NV B/L# : EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
6	43312	00	00	CART	FFY 2012 5311 FUNDS/NV-18-X034	Y	\$ 392,800.00	\$ -	\$ 392,800.00	\$ 104,653.00	1-Oct-12	30-Sep-13	NULL	Grantee	10-1-12: FFY 2012 5311 FUNDS GRANT NV-18-X034. ENHANCE ACCESS OF PEOPLE IN SMALL URBAN AND RURAL AREAS TO ACTIVITIES. CHURCHILL COUNTY. NV B/L#: EXEMPT
7	43412	00	00	PLACER CO PUBLIC WORKS (TART)	TART FFY 2013 5311	Y	\$ 463,194.00	\$ -	\$ 463,194.00	\$ 177,952.00	1-Oct-12	30-Sep-13	NULL	Grantee	10-1-12: PLACER COUNTY PUBLIC WORKS DEPARTMENT, TAHOE AREA REGIONAL TRANSIT(TART), WASHOE COUNTY PUBLIC TRANSPORTATION SERVICES - FFY 2013 5311FUNDS - GRANT NV-18-X032. WASHOE COUNTY. NV B/L#: EXEMPT
8	44912	00	00	CARSON CITY HEALTH AND HUMAN SERVICES	SAFE ROUTES TO SCHOOL PROGRAM	Y	\$ 253,060.00	\$ -	\$ 253,060.00	\$ -	1-Sep-12	31-Aug-14	NULL	Grantee	9-1-12: SAFE ROUTES TO SCHOOL PROGRAM, NON-INFRASTRUCTURE - REGIONAL COORDINATOR AND PROGRAMS IN CARSON CITY, DOUGLAS, LYON, AND STOREY COUNTIES. NV B/L#: EXEMPT
9	34609	14	00	KEYSTONE AERIAL SURVEY	AERIAL PHOTO FLGT LPN 1252/1268	N	\$ 9,500.00	\$ -	\$ 9,500.00	\$ -	24-Oct-12	4-Dec-12	NULL	Independent Contractor	10-24-12: AERIAL PHOTO FLIGHT WITH ABGPS: LPN 1252 - US 95 AND LPN 1268 IN PAHRUMP, NYE AND ESMERALDA COUNTIES. NV B/L#: NV20111313643
10	34309	57	00	HAS IMAGES INC	SCAN FILM LPN 1252 /LPN 1268	N	\$ 1,660.00	\$ -	\$ 1,660.00	\$ -	24-Oct-12	18-Dec-12	NULL	Independent Contractor	10-24-12: SCAN FILM FOR LPN 1252 - US 95 AND LPN 1268 PAHRUMP, NYE AND ESMERALDA COUNTIES. NV B/L#: NV20111322690
11	41812	00	00	GCR, INC.	AIRPORT SAFETY DATA PROGRAM	Y	\$ -	\$ -	\$ -	\$ 9,100.00	18-Oct-12	31-Dec-13	NULL	Service	10-18-12: THE DEPARTMENT SHALL UNDERTAKE AND COMPLETE AIRPORT SAFETY INSPECTIONS. STATEWIDE. NV B/L#: EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
12	25111	05	01	HDR ENGINEERING INC	MOANA LN DIV. DIAMOND	N	\$ 57,471.84	\$ -	\$ 50,136.03	\$ -	19-Mar-12	28-Jun-13	24-Oct-12	Service	AMD 1 10-24-12: EXTEND TERMINATION DATE FROM 12/20/2012 TO 06/28/2013 TO ALLOW FOR COMPLETION OF THE PROJECT. ***MEMO TO FILE TO DECREASE TASK ORDER AMOUNT TO ACTUAL AMOUNT EXPENDED*** 3-19-12: PERFORMING RISK MANAGEMENT FOR MOANA LANE DIVERGING DIAMOND INTERCHANGE AND THE TAHOE BIKE PROJECTS. STATEWIDE. NV B/L#: NV19851010291
13	45312	00	00	NICHOLS CONSULTING ENGINEERS	EVAL PERVIOUS CONC MIXES	Y	\$ 45,500.00	\$ -	\$ 45,500.00	\$ -	24-Oct-12	31-May-14	NULL	Service Provider	10-24-12: TO CONDUCT A RESEARCH PROJECT TITLED "EVAL. OF PERVIOUS CONC. MIXES" IN AREAS SUBJECT TO SNOW PLOW OPERATION & ABRASIVE & SALT APPLICATION, DOUGLAS COUNTY. NV B/L#: NV19891040686
14	23411	11	00	KINLEY-HORN	RSA ON SR 593 TROPICANA	Y	\$ 30,988.00	\$ -	\$ 30,988.00	\$ -	15-Nov-12	8-Apr-13	NULL	Service Provider	11-15-12: ROAD SAFETY AUDIT ON SR 593, TROPICANA AVENUE FROM DEAN MARTIN TO BOULDER HIGHWAY. CLARK COUNTY. NV B/L#: NV19911015458
15	25811	15	00	PARSONS TRANSPORTATION GROUP	RSA FROM SR 431 TO US 395	Y	\$ 33,708.00	\$ -	\$ 33,708.00	\$ -	6-Nov-12	30-Apr-13	NULL	Service Provider	11-6-12: ROAD SAFETY AUDIT ON VIRGINIA STREET FROM SR 431 TO US 395 PANTHER VALLEY INTERCHANGE, WASHOE COUNTY. NV B/L#: NV19781009263
16	47112	00	00	UPRR	SAFETY IMPROV/WYOMING AVE	Y	\$ 15,000.00	\$ -	\$ 15,000.00	\$ -	16-Aug-12	31-Dec-13	NULL	Service Provider	8-16-12: PE FOR SERVICE SAFETY IMPROVEMENTS AT WYOMING AVE RAILROAD CROSSING (DOT 804-209T) CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation**  
**Executed Agreements - Under \$300,000**  
**October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
17	03610	00	02	DINTER ENGINEERING CO	HVAC REPAIRS LV LAB BLDG	N	\$ 18,900.00	\$ -	\$ 24,900.00	\$ -	25-Aug-10	30-Jun-13	14-Nov-12	Service Provider	AMD 2 11-14-12: EXTEND TERMINATION DATE FROM 12/31/12 TO 06/30/13 TO PROVIDE MECHANICAL ENGINEERING DESIGN SERVICES OF THE HVAC REPAIRS AND UPGRADES. AMD 1 4-22-11: INCREASE AUTHORITY BY \$6,000.00 FROM \$18,900.00 TO \$24,900.00 AND TO EXTEND TERMINATION DATE AND ADD PHASING AND PIPING TO SCOPE OF SERVICES. 8-25-10: DESIGN HVAC REPAIRS AND UPGRADES FOR THE LAS VEGAS LAB BLDG, CLARK COUNTY. NV B/L#: NV19861016365
18	14711	00	01	STANTEC CONSULTING INC.	LANDSCAPE ARCH FOR MOANA INTERCHANGE	Y	\$ 79,998.00	\$ 13,700.00	\$ 93,698.00	\$ -	9-Mar-12	31-Jan-13	19-Oct-12	Service Provider	AMD 1 10-19-12 : INCREASE AUTHORITY BY \$13,700.00 FROM \$79,998.00 TO \$93,698.00 DUE TO THE NEED FOR ADDITIONAL SOIL TESTING AND TEST PLOT MONITORING DURING THE CONSTRUCTION PHASE. 3-9-12: LANDSCAPE ARCHITECTURE DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE I-580 AT MOANA INTERCHANGE. WASHOE COUNTY NV B/L#: NV19971283743

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
19	20512	00	01	ATKINS	ASSISTANCE DEPLOYING 511	N	\$ 91,183.00	\$ 49,764.00	\$ 140,947.00	\$ -	2-Apr-12	30-Sep-14	30-Oct-12	Service Provider	AMD 1 10-30-12: TO INCREASE AUTHORITY BY \$49,764.00 FROM \$91,183.00 TO \$140,947.00 TO PROVIDE SIX MONTHS OF CRITICAL SUPPORT, OVERSIGHT, AND TRAINING THROUGH THE INITIAL LAUNCH OF THE MAINTENANCE AND OPERATIONS PHASE FOR NEVADA'S NEXT GENERATION 511 TRAVELER INFORMATION SYSTEM. 4-2-12:TO PROVIDE DEVELOPMENT AND DEPLOYMENT ASSISTANCE FOR NEVADA'S NEXT GENERATION 511 TRAVELERS INFORMATION SYSTEM. STATEWIDE. NV B/L#: NV19981347315
20	45711	00	01	FOUR D ENTERPRISES LLC	SNOW REMOVAL SOUTH ANNEX	N	\$ 9,600.00	\$ 14,760.00	\$ 24,360.00	\$ -	19-Oct-11	31-Oct-15	13-Nov-12	Service Provider	AMD 1 11-13-12: INCREASES AUTHORITY BY \$14,760.00 FROM \$9,600.00 TO \$24,360.00, TO INCLUDE NDOT HEADQUARTERS, CARSON CITY. 10-19-11: SNOW REMOVAL AT THE NDOT SOUTH ANNEX. \$9,600.00 FOR FOUR (4) YEARS. \$120.00 PER TRIP. CARSON CITY NV B/L#: NV20101238823

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
21	02810	00	01	GML ARCHITECTS	REMODEL OF HQ EAST ANNEX BLDG	N	\$ 60,000.00	\$ 17,500.00	\$ 77,500.00	\$ -	24-Feb-12	30-Jun-14	14-Nov-12	Service Provider	AMD 1 11-14-2012: INCREASE AUTHORITY BY \$17,500.00 FROM \$60,000.00 TO \$77,500.00 DUE TO A STRUCTURAL DEFICIENCY MAKING IT NECESSARY TO INCLUDE THE DESIGN ENGINEERING TO SEISMICALLY STRENGTHEN THE EXISTING BUILDING TO PRESERVE LIFE SAFETY OF THE BUILDING OCCUPANTS INCLUDING STRUCTURAL REPAIRS, STRENGTHENING, AND SEISMIC RETROFIT. 2-24-12: TO PROVIDE ARCHITECTURAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE REMODEL OF THE HQ EAST ANNEX BUILDING. CARSON CITY NV B/L#: NV19981053945
22	07711	00	02	JACOBS ENGINEERING GROUP INC	PROGRAM MANAGER FOR PROJECT MG	N	\$ 3,500,000.00	\$ -	\$ 3,500,000.00	\$ -	4-Apr-11	31-Dec-13	24-Oct-12	Service Provider	AMD 2 10-24-12: EXTEND TERMINATION DATE FROM 12/28/2012 TO 12/31/2013 TO ALLOW FOR COMPLETION OF THE PROJECT. AMD 1 8-23-11: ADD TASK ORDER LANGUAGE TO AGREEMENT. UPDATE INDIRECT COST RATE. UPDATE LANGUAGE FOR REIMBURSEMENT COSTS. 4-4-11: PROGRAM MANAGER TO ASSIST PROJECT MANAGEMENT WITH SCOPING AND DESIGN TEAMS, STATEWIDE. NV B/L#: NV20081035082

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
23	43812	00	00	LAS VEGAS PAVING	REPLACE SOUND WALL ON I-515	N	\$ 167,603.00	\$ -	\$ 167,603.00	\$ -	23-Oct-12	31-Mar-13	NULL	Service Provider	10-23-12: Q1-003-13 TO REPLACE DAMAGED SOUNDWALL ON I-515 IN CLARK COUNTY. INSURANCE CLAIM WILL BE MADE AGAINST INSURANCE COMPANY OF PARTY THAT CAUSED DAMAGE. NV B/L#: 19581000658
24	43912	00	00	ACHA CONSTRUCTION	SALT SAND PAD	N	\$ 249,999.00	\$ -	\$ 249,999.00	\$ -	23-Oct-12	31-Dec-12	NULL	Service Provider	10-23-12: Q3-007-12 TO CONSTRUCT A SALT SAND PAD ON US93 IN ELKO COUNTY. NV B/L#: 20091375725
25	44012	00	00	J C BUILDING MAINTENANCE	SCHELLBOURNE REST AREA SERVICE	N	\$ 52,999.76	\$ -	\$ 52,999.76	\$ -	23-Oct-12	30-Apr-15	NULL	Service Provider	10-23-12: Q3-018-12 TO PROVIDE JANITORIAL SERVICES AT THE SCHELLBOURNE REST AREA IN WHITE PINE COUNTY. NV B/L#: NV20111472128
26	44812	00	00	J C BUILDING MAINTENANCE	LATHROP WELLS WEED CONTROL	N	\$ 110,400.00	\$ -	\$ 110,400.00	\$ -	23-Oct-12	31-Dec-16	NULL	Service Provider	10-23-12: Q1-005-13 TO PROVIDE WEED CONTROL AT LATHROP WELLS REST AREA IN NYE COUNTY. NV B/L#: 20111472128
27	43712	00	00	CITY OF NORTH LAS VEGAS	CHEYENNE MLK IMPROVEMENTS	Y	\$ 567,800.00	\$ -	\$ 567,800.00	\$ -	23-Oct-12	31-Dec-15	NULL	Stewardship	10-23-12: CONSTRUCT A DEDICATED RIGHT TURN LANE FROM EASTBOUND CHEYENNE AVE TO SOUTHBOUND MLK BLVD IN CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
28	19211	00	01	CITY OF LAS VEGAS	ADDITION TO NEON MUSEUM	Y	\$ 807,039.00	\$ -	\$ 1,008,779.00	\$ 201,760.00	21-Apr-11	31-Dec-13	23-Oct-12	Stewardship	AMD 1 10-23-12: EXTENDING THE TERMINATION DATE FROM 12/31/12 TO 12/31/13 TO ALLOW COMPLETION OF PROJECT. 4-21-11: TO AUTHORIZE THE CITY OF LAS VEGAS TO ADVERTISE, AWARD AND ADMINISTER A CONTRACT TO REMODEL THE EXISTING STRUCTURE AND TO CONSTRUCT A 2277 SQUARE FOOT ADDITION IN CLARK COUNTY. NV B/L#: EXEMPT
29	23410	00	01	CLARK COUNTY PUBLIC WORKS	LANDSCAPE CASINO DR IN LAUGHLI	Y	\$ 684,211.00	\$ -	\$ 684,211.00	\$ 34,211.00	23-Aug-10	31-Dec-14	23-Oct-12	Stewardship	AMD 1 10-23-12: EXTENDING THE TERMINATION DATE FROM 12/31/12 TO 12/31/14 TO ALLOW COMPLETION OF PROJECT. 8-23-10: LANDSCAPING IMPROVEMENT TO CASINO DRIVE IN CLARK COUNTY. NV B/L#: EXEMPT
30	09310	00	02	CITY OF LAS VEGAS	PEDESTRIAN IMPROVEMENTS SCHOOL	Y	\$ 1,871,963.00	\$ -	\$ 1,871,963.00	\$ -	14-May-10	31-Dec-13	23-Oct-12	Stewardship	AMD 2 10-23-12: EXTENDING THE TERMINATION DATE FROM 12/31/12 TO 12/31/13 TO ALLOW COMPLETION OF PROJECT. AMD 1 4-22-11: TO CHANGE THE SCOPE OF WORK TO ELIMINATE A SECTION OF THE SHARED USE PATH ALREADY COMPLETED BY LAS VEGAS AND TO CHANGE THE SCOPE OF WORK ON ONE SEGMENT FROM A SHARED USE PATH TO BIKE LANE STRIPING. 3-30-10: PEDESTRIAN IMPROVEMENTS AT SCHOOLS IN CLARK COUNTY NV B/L#: EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
31	34508	00	02	CITY OF LAS VEGAS	MEDIAN ISLANDS SR159	N	\$ 1,000,000.00	\$ -	\$ 1,000,000.00	\$ 500,000.00	4-Dec-08	31-Dec-14	23-Oct-12	Stewardship	AMD 2 10-23-12: EXTENDING THE TERMINATION DATE FROM 12/31/12 TO 12/31/14 TO ALLOW COMPLETION OF PROJECT. AMD 1 12-3-10: TO EXTEND TERMINATION DATE TO 12/31/12 DUE TO DELAYS IN CLARK COUNTY. 12-4-08: AUTHORIZE THE CITY OF LAS VEGAS TO ADVERTISE, AWARD, AND ADMINISTER A CONTRACT TO CONSTRUCT LANDSCAPED MEDIAN ISLANDS ON CHARLESTON BLVD. (SR 159) FROM LV BLVD. TO MARYLAND PARKWAY IN CLARK COUNTY. NV B/L#: EXEMPT
32	06009	00	02	CITY OF LAS VEGAS	INT IMPROV CHARLESTON/LAMB	Y	\$ 2,105,263.00	\$ -	\$ 5,429,368.00	\$ 271,468.00	16-Mar-09	31-Dec-15	23-Oct-12	Stewardship	AMD 2 10-23-12: EXTENDING THE TERMINATION DATE FROM 12/31/12 TO 12/31/15 TO ALLOW FOR COMPLETION OF PROJECT. AMD 1 9-17-10: TO INCREASE THE AMOUNT AS CITY WAS AWARDED ADDITIONAL CMAQ FUNDING AND WILL ALSO EXTEND TIME OF PROJECT TO DECEMBER 31, 2012. 3-16-09: AUTHORIZE THE CITY OF LAS VEGAS TO ADVERTISE, AWARD, AND ADMINISTER A CONTRACT TO CONSTRUCT INTERSECTION IMPROVEMENTS ON CHARLESTON AT LAMB IN CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
33	07009	00	02	LANDER COUNTY	LONELIEST HWY VISITOR CTR	N	\$ 648,865.00	\$ 105,263.00	\$ 716,422.00	\$ 37,706.00	30-Mar-09	31-Dec-13	23-Oct-12	Stewardship	AMD 2 10-23-12: INCREASING AUTHORITY BY \$105,263.00 FOR ADD'L ROW ACQUISITION BRINGING AGREEMENT TOTAL TO \$754,422.00. AMD 1 2-7-11: TO ADDRESS RIGHT-OF-WAY ACQUISITION ACTIVITIES AND TO EXTEND THE AGREEMENT TERMINATION DATE. 3-30-09: TO AUTHORIZE LANDER COUNTY TO ADVERTISE, AWARD AND ADMINISTER A CONTRACT TO CONSTRUCT A VISITOR'S CENTER. NV B/L#: EXEMPT
34	06109	00	02	CITY OF LAS VEGAS PUBLIC WORKS	INT IMPRV CHARL/ DURANGO RANCHO	Y	\$ 3,157,895.00	\$ -	\$ 3,157,895.00	\$ 157,895.00	16-Mar-09	31-Dec-14	23-Oct-12	Stewardship	AMD 2 10-23-12: TO EXTEND THE TERMINATION DATE FROM 12/31/12 TO 12/31/14 TO ALLOW COMPLETION OF THE PROJECT. AMD 1 12-3-10: TO EXTEND THE DATE TO 12/31/12 DUE TO DELAYS 3-16-09: AUTHORIZE THE CITY OF LAS VEGAS TO ADVERTISE, AWARD, AND ADMINISTER A CONTRACT TO CONSTRUCT INTERSECTION IMPROVEMENTS ON CHARLESTON AT DURANGO AND CHARLESTON AT RANCHO IN CLARK COUNTY. NV B/L#: EXEMPT

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
October 19, 2012 to November 16, 2012**

Line No	Agreement No	Task No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Note
35	18908	00	03	CARSON CITY PUBLIC WORKS	CC FREEWAY LANDSCAPING	Y	\$ 2,210,945.00	\$ 38,530.00	\$ 3,094,255.00	\$ 801,042.00	26-Jun-08	31-Dec-13	9-Nov-12	Stewardship	<p>AMD 3 11-9-12: TO INCREASE AUTHORITY BY \$38,530.00 BRINGING THE TOTAL TO \$3,094,255.00 TO PERFORM ADDITIONAL POTHOLING &amp; BORING ON US50 AT COLLEGE &amp; ARROWHEAD.</p> <p>AMD 2 10-26-11: TO INCREASE THE FUNDING BY \$293,738.00 BRINGING THE TOTAL TO \$3,055,725.00.</p> <p>AMD 1 6-15-10: TO INCREASE THE SCOPE OF WORK, THE FUNDING AND TO EXTEND THE AGREEMENT TERMINATION DATE FOR THE CARSON FREEWAY LANDSCAPING PROJECT.</p> <p>6-26-08: DELEGATE AUTHORITY TO THE CITY TO DESIGN, ADVERTISE, AWARD, AND ADMINISTER A CONTRACT TO LANDSCAPE INTERCHANGES AND GRADE SEPARATIONS ALONG THE CARSON CITY FREEWAY FROM CARMINE GRADE SEPARATION TO N CARSON STREET INTERCHANGE IN CARSON CITY.</p> <p>NV B/L#: EXEMPT</p>



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201  
(Use Local Information)

## MEMORANDUM

Right-of-Way Division

November 26, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item # 7a:** Disposal of NDOT property located along Interstate 80 at USA Parkway Interchange in Storey County, NV. SUR 10-10 – For possible action

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### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Relinquishment. The two parcels to be relinquished are located along Interstate 80 at USA Parkway Interchange in Storey County, NV. Parcel I-080-WA-032.800 XS1 is vacant property consisting of 55,033 sq. ft. as depicted on the attached sketch map marked Exhibit "A". Parcel I-080-WA-032.872 XS1 is vacant property consisting of 12,558 sq. ft. as depicted on the attached sketch map marked Exhibit "A".

### **Background:**

The Department originally acquired these parcels on April 26, 1957, in fee, for the construction of a new interchange on Interstate 80 at USA Parkway.

The construction of the USA Parkway Interchange is now complete and operational and the Department has determined that this surplus property is no longer needed for the project. The Department has received a request from Storey County to relinquish these parcels for the purpose of a highway.

### **Analysis:**

On November 13, 2012, the Storey County Board of Commissioners signed a Resolution Consenting to Relinquishment and Land Transfer Agreement accepting the relinquishment of these parcels. The release of NDOT's interest in these parcels is being made in accordance with N.R.S. 408.527. The Department owns these parcels in fee simple. Therefore, as per N.R.S. 408.527, if the purpose of the County's use of these parcels ceases to exist, all interest reverts back to the Department.

### **Recommendation for Board Action:**

Approval of disposal of NDOT property located along Interstate 80 at USA Parkway Interchange in Storey County, NV.

**To: Department of Transportation Board of Directors  
November 15, 2012**

**List of Attachments:**

1. Location Map
2. Sketch Maps marked Exhibit "A" and Exhibit "B"
3. Copy of Resolution of Relinquishment with attached sketch maps marked Exhibit "A" and Exhibit "B"
4. Copy of Resolution Consenting to Relinquishment and Land Transfer Agreement with attached sketch maps marked Exhibit "A" and Exhibit "B"
5. Environmental Approval
6. FHWA Approval
7. N.R.S. 408.527

**Prepared By: Paul A. Saucedo, Chief R/W Agent**



## LOCATION MAP



**SUR 10-10**

**DESCRIPTION: ALONG INTERSTATE 80 AT USA PARKWAY  
INTERCHANGE**

**ATTACHMENT 1**

PARCEL NO. PREFIX: I-080-WA-

EXHIBIT "A"

PROJECT: SPI-080-1 (047)  
E.A.: 72802

T. 20 N., R. 22 E.  
M.D.M.

WASHOE COUNTY  
STOREY COUNTY

TRUCKEE RIVER

NDOT P/L  
ORDINARY HIGH WATER LINE

NDOT P/L

032.872 XS1

12,558 SQ.FT.

ORDINARY HIGH WATER LINE

I-80 R/W

"FR" ☺

I-80 R/W

P/L

P.O.B.

P.O.B.

"USA" ☺  
SEE INSET "A"

USA PARKWAY INTERCHANGE

032.800 XS1

55,033 SQ.FT.

STOREY COUNTY R/W

SURPLUS 09-02

SE1/4 SW1/4 SECTION 26

SECTION 35 NE1/4 NW1/4

WA-84

SUR 10-10

STATE OF NEVADA

Dept. of Transportation

R/W Division

Date: MAY 12, 2011

Sketch Map

Approved:

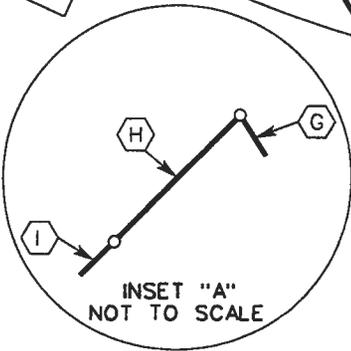
*[Signature]*  
for *[Signature]* Manager, R/W Engineering HDS

Scale: 1" = 100'

Sheet 1 of 2 Sheet

TRACED: WTG CHECKED:

Date of last revision: \_\_\_\_\_



INSET "A"  
NOT TO SCALE

PARCEL NO. PREFIX: I-080-WA-  
EXHIBIT "B"

032.800 XS1

P.O.B. - 50.00' LT. "FR" 93+29.69 P.O.T.  
TIE: N. 87° 35' 18" W. - 3,464.97' FROM THE  
SOUTHEAST CORNER OF SECTION 26,  
T. 20 N., R. 22 E., M.D.M.

(A)	S. 65° 44' 40" E. - 25.12'
(B)	Δ = 52° 37' 26" R = 550.00' L = 505.15'
(C)	N. 61° 37' 54" E. - 22.72'
(D)	S. 22° 41' 10" E. - 100.49'
(E)	S. 61° 37' 54" W. - 12.77'
(F)	Δ = 44° 03' 56" R = 650.00' L = 499.91'
(G)	N. 32° 26' 19" W. - 108.01'
(H)	S. 44° 40' 47" W. - 1.54'
(I)	Δ = 30° 46' 08" R = 100.00' L = 53.70'
(J)	N. 24° 15' 20" E. - 77.93'

032.872 XS1

P.O.B. - 37.91' LT. "FR1" 12+32.13 P.O.C.  
TIE: N. 85° 09' 09" W. - 3,396.29' FROM THE  
SOUTHEAST CORNER OF SECTION 26,  
T. 20 N., R. 22 E., M.D.M.

(K)	N. 22° 00' 59" E. - 22.72'
(L)	N. 39° 51' 54" E. - 23.10'
(M)	N. 57° 56' 15" E. - 52.17'
(N)	N. 49° 25' 18" E. - 25.20'
(O)	N. 55° 50' 31" E. - 44.23'
(P)	N. 54° 53' 11" E. - 20.35'
(Q)	Δ = 29° 12' 26" R = 310.00' L = 158.03' T.B. = N. 89° 32' 34" E.
(R)	S. 76° 30' 51" W. - 277.50'
(S)	S. 52° 41' 27" W. - 27.22'

CENTERLINE STATIONING

- ① - "FR" 92+67.02 P.O.T. - "FR1" 10+00.00 P.C.
- ② - "FR" 93+84.82 P.C.
- ③ - "FR" 99+05.89 P.T.
- ④ - "FR" 99+23.64 P.O.T.
- ⑤ - "FR1" 10+60.72 P.T.
- ⑥ - "FR1" 12+02.27 P.C.
- ⑦ - "FR1" 15+89.01 P.T.
- ⑧ - "FR1" 17+16.05 P.C.

TRACED: WTG      CHECKED:

Date of last revision: \_\_\_\_\_

ST-81

STATE OF NEVADA

SUR 10-10

Dept. of Transportation

R/W Division

Date: MAY 12, 2011

Sketch Map

Approved:

*[Signature]*  
for Manager, R/W Engineering HDS

Scale: 1" = 100'

Sheet 2 of 2 Sheet

APN: Ptn. of Assessor's Book and Page 05-04  
Control Section: WA-84  
Route: IR-80 Former Route: US-40  
Surplus No.: SUR 10-10  
Project: SPI-080-1(047)  
E.A.: 72802  
Parcels: I-080-032.800 XS1  
          I-080-032.872 XS1

AFTER RECORDING RETURN TO:  
NEVADA DEPT. OF TRANSPORTATION  
RIGHT-OF-WAY DIVISION  
ATTN: STAFF SPECIALIST, PM  
1263 S. STEWART ST.  
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:  
HALANA D. SALAZAR  
NEVADA DEPT. OF TRANSPORTATION  
RIGHT-OF-WAY DIVISION  
1263 S. STEWART ST.  
CARSON CITY, NV 89712

**RESOLUTION OF RELINQUISHMENT  
OF A PORTION OF STATE HIGHWAY RIGHT-OF-WAY**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds a fee simple interest in that certain right-of-way for a portion of USA Parkway Interchange lying within the County of Storey, State of Nevada, extending from Washoe County milepost 032.800, to Washoe County milepost 032.872, a distance of approximately 0.11 of a mile; and

WHEREAS, said right-of-way is delineated and identified as Parcels 032.800 XS1 and 032.872 XS1 on EXHIBITS "A" through "B", inclusive, attached hereto and made a part hereof; and

WHEREAS, as set forth in NRS 408.527, the Nevada Department of Transportation may, by resolution of the board, relinquish to cities and counties any portion of any state highway

which has been superseded by relocation or which the Department determines exceeds its needs; and

WHEREAS, said right-of-way is of no further contemplated use by the Department due to that portion of IR-80 being superseded by relocation; and

WHEREAS, the County of Storey has requested the relinquishment of aforesaid portion of highway for the purpose of a transportation facility; and

WHEREAS, the County of Storey has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of IR-80 together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way; and

WHEREAS, the County of Storey entered into an agreement with the Department on November 13<sup>th</sup>, 2012, to accept the hereinafter described designated road as a part of the County of Storey system; and

WHEREAS, the Board of County Commissioners of Storey County, State of Nevada, consented by resolution passed and adopted on November 13<sup>th</sup>, 2012, to the Department relinquishing the aforesaid portion of said road to the County of Storey; and

WHEREAS, NRS 408.527 provides that the Department of Transportation may relinquish any portion of a state highway which has been superseded by relocation or which the Department determines exceeds its needs after the Department and the city or county have entered into an agreement and the city or county legislative body has adopted a resolution consenting thereto.

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation, State of Nevada, that the following described right-of-way and incidents thereto, being all that land, delineated and identified as Parcels 032.800 XS1 and 032.872 XS1 on EXHIBITS "A" through "B", inclusive, attached hereto and made a part hereof,

is hereby relinquished to the County of Storey of the State of Nevada. Said right-of-way is described as follows:

...situate, lying and being in the County of Storey, State of Nevada, and more particularly described as being a portion of that certain deed from Dushan S. Nickolich, filed in Book 64 at Page 108 as File No. 23760, in the Official Records of Storey County, Nevada, and further described as being portions of the SW 1/4 of the SE 1/4 of Section 26 and the NE 1/4 of the NW 1/4 of Section 35, T. 20 N., R. 22 E., M.D.M., and the individual parcels more fully described by metes and bound as follows, to wit:

PARCEL I-080-WA-032.800 XS1

COMMENCING at the southeast corner of Section 26, T. 20 N., R. 22 E., M.D.M., shown and delineated as a "FOUND 5/8" REBAR / ALUM CAP, PLS 8421" on that certain Parcel Map for "ROCK WEST, LLC", recorded as File No. 3547866, as Map 4794, in the Records of Washoe County, Nevada; thence N. 87°35'18" W. a distance of 3,464.97 feet to the POINT OF BEGINNING; said point of beginning being on the northerly right-of-way line of the frontage road to the Eagle Pitcher Station, 50.00 feet left of and at right angles to Highway Engineer's Station "FR" 93+29.69 P.O.T.; thence along said northerly right-of-way line of the frontage road the following three (3) courses and distances:

- 1) S. 65°44'40" E. – 25.12 feet;

2) from a tangent which bears the last described course, curving to the left with a radius of 550.00 feet, through an angle of 52°37'26", an arc distance of 505.15 feet;

3) N. 61°37'54" E. – 22.72 feet;

thence leaving said north right-of-way line, S. 22°41'10" E. a distance of 100.49 feet to the southerly right-of-way line of said frontage road; thence S. 61°37'54" W., along said southerly right-of-way line, a distance of 12.77 feet; thence from a tangent which bears the last described course, curving to the right along said southerly right-of-way line, with a radius of 650.00 feet, through an angle of 44°03'56", an arc distance of 499.91 feet; thence leaving said southerly right-of-way line, N. 32°26'19" W. a distance of 108.01 feet; thence S. 44°40'47" W. a distance of 1.54 feet; thence from a tangent which bears the last described course, curving to the right with a radius of 100.00 feet, through an angle of 30°46'08", an arc distance of 53.70 feet; thence N. 24°15'20" E. a distance of 77.93 feet to the point of beginning; said parcel contains an area of 55,033 square feet (1.26 acres).

PARCEL I-080-WA-032.872 XS1

COMMENCING at the southeast corner of Section 26,  
T. 20 N., R. 22 E., M.D.M., shown and delineated as a "FOUND 5/8"  
REBAR / ALUM CAP, PLS 8421" on that certain Parcel Map for "ROCK  
WEST, LLC", recorded as File No. 3547866, as Map 4794, in the

Records of Washoe County, Nevada; thence N. 85°09'09" W. a distance of 3,396.29 feet to the POINT OF BEGINNING; said point of beginning being on the north boundary line of the Nevada Department of Transportation parcel that abuts the Truckee River, also being the southerly ordinary high water line for the Truckee River, 37.91 feet left of and measured radially to Highway Engineer's Station "FR1" 12+32.13 P.O.C.; thence along said north boundary line and said ordinary high water line of the Truckee River the following six (6) courses and distances:

- 1) N. 22°00'59" E. – 22.72 feet;
- 2) N. 39°51'54" E. – 23.10 feet;
- 3) N. 57°56'15" E. – 52.17 feet;
- 4) N. 49°25'18" E. – 25.20 feet;
- 5) N. 55°50'31" E. – 44.23 feet;
- 6) N. 54°53'11" E. – 20.35 feet;

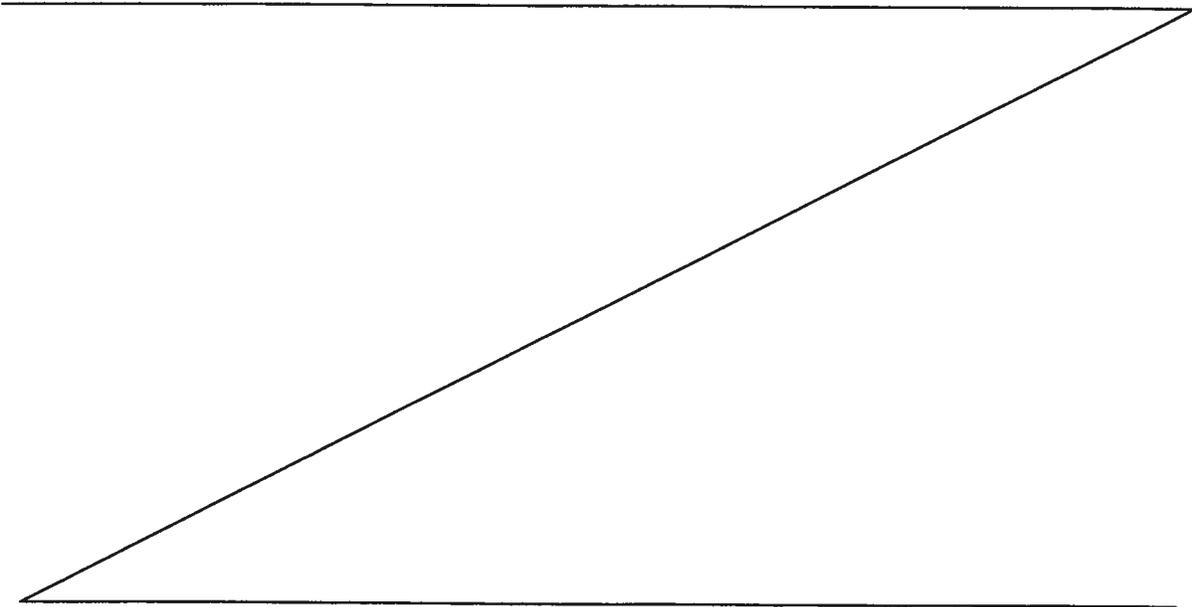
thence leaving said north boundary line and ordinary high water line, from a tangent which bears N. 89°32'34" E., curving to the right along the left or northeasterly right-of-way line of the USA Parkway Interchange, with a radius of 310.00 feet, through an

angle of  $29^{\circ}12'26''$ , an arc distance of 158.03 feet to the southerly Nevada Department of Transportation property line of said Nickolich parcel; thence S.  $76^{\circ}30'51''$  W. a distance of 277.50 feet; thence S.  $52^{\circ}41'27''$  W., continuing along said southerly Nevada Department of Transportation property line, a distance of 27.22 feet to the point of beginning; said parcel contains an area of 12,558 square feet (0.29 of an acre).

Said parcels are delineated and identified as Parcels I-080-WA-032.800 XS1 and I-080-WA-032.872 XS1 on EXHIBITS "A" through "B" attached hereto and made a part hereof.

SUBJECT TO any and all existing utilities whether of record or not.

The Basis of Bearings for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, West Zone, as determined by the State of Nevada Department of Transportation.



It is the intent of the Department to relinquish to the County of Storey all of the Department's right, title and interest in and to the aforesaid described right-of-way as shown on EXHIBITS "A" through "B", inclusive, attached hereto and made a part hereof. If the purpose for which it is relinquished is abandoned or ceases to exist, then all right, title and interest of the county reverts back to the Department.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

APPROVED AS TO LEGALITY AND FORM:

ON BEHALF OF STATE OF NEVADA,  
DEPARTMENT OF TRANSPORTATION  
BOARD OF DIRECTORS

\_\_\_\_\_  
Dennis Gallagher, Deputy Attorney General

\_\_\_\_\_  
Brian Sandoval, Chairman

ATTEST:

\_\_\_\_\_  
William Hoffman, Secretary to the Board



PARCEL NO. PREFIX: I-080-WA-  
EXHIBIT "B"

CENTERLINE STATIONING

- ① - "FR" 92+67.02 P.O.T. = "FR1" 10+00.00 P.C.
- ② - "FR" 93+84.82 P.C.
- ③ - "FR" 99+05.89 P.T.
- ④ - "FR" 99+23.64 P.O.T.
- ⑤ - "FR1" 10+60.72 P.T.
- ⑥ - "FR1" 12+02.27 P.C.
- ⑦ - "FR1" 15+89.01 P.T.
- ⑧ - "FR1" 17+16.05 P.C.

032.800 XS1	
P.O.B. = 50.00' LT. "FR" 93+29.69 P.O.T. TIE: N. 87° 35' 18" W. - 3,464.97' FROM THE SOUTHEAST CORNER OF SECTION 26, T. 20 N., R. 22 E., M.D.M.	
Ⓐ	S. 65° 44' 40" E. - 25.12'
Ⓑ	Δ - 52° 37' 26" R - 550.00' L - 505.15'
Ⓒ	N. 61° 37' 54" E. - 22.72'
Ⓓ	S. 22° 41' 10" E. - 100.49'
Ⓔ	S. 61° 37' 54" W. - 12.77'
Ⓕ	Δ - 44° 03' 56" R - 650.00' L - 499.91'
Ⓖ	N. 32° 26' 19" W. - 108.01'
Ⓗ	S. 44° 40' 47" W. - 1.54'
Ⓘ	Δ - 30° 46' 08" R - 100.00' L - 53.70'
⓵	N. 24° 15' 20" E. - 77.93'

032.872 XS1	
P.O.B. = 37.91' LT. "FR1" 12+32.13 P.O.C. TIE: N. 85° 09' 09" W. - 3,396.29' FROM THE SOUTHEAST CORNER OF SECTION 26, T. 20 N., R. 22 E., M.D.M.	
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Ⓝ	N. 49° 25' 18" E. - 25.20'
Ⓞ	N. 55° 50' 31" E. - 44.23'
Ⓟ	N. 54° 53' 11" E. - 20.35'
Ⓠ	Δ - 29° 12' 26" R - 310.00' L - 158.03' T.B. = N. 89° 32' 34" E.
Ⓡ	S. 76° 30' 51" W. - 277.50'
Ⓢ	S. 52° 41' 27" W. - 27.22'

TRACED: WTG CHECKED: *WTS*

Date of last revision: \_\_\_\_\_

ST-81 SUR 10-10

STATE OF NEVADA

Dept. of Transportation R/W Division

Date: OCTOBER 8, 2012

Sketch Map

Approved: *Alana Salazar*  
Manager, R/W Engineering

Scale: 1" = 100'

Sheet 2 of 2 Sheet

Control Section: WA-84  
Route: IR-80  
Surplus No.: SUR 10-10  
Project: SPI-080-1(047)  
E.A.: 72802  
Parcel: I-080-WA-032.800 XS1  
I-080-WA-032.872 XS1

12-355

**RESOLUTION CONSENTING TO RELINQUISHMENT  
AND LAND TRANSFER AGREEMENT**

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish a portion of USA Parkway Interchange lying within the County of Storey, State of Nevada, extending from Washoe County milepost 032.800 to Washoe County milepost 032.872, a distance of approximately 0.11 of a mile, said right-of-way is delineated and identified as Parcels 032.800 XS1 and 032.872 XS1 on EXHIBITS "A" through "B", inclusive, attached hereto and made a part hereof; and

WHEREAS, the Board of County Commissioners of the County of Storey, State of Nevada, desires that the aforesaid portion of said highway be relinquished to the County of Storey; and

WHEREAS, the County of Storey has requested the relinquishment of aforesaid portion of highway for highway purposes; and

WHEREAS, the County of Storey has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of USA Parkway Interchange together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way.

NOW THEREFORE be it resolved that the Board of County Commissioners of the County of Storey, does in consideration of the actions of the Department as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the County of Storey, that portion of USA Parkway Interchange lying within the County of Storey, State of Nevada, extending from Washoe County milepost 032.800 to Washoe County milepost 032.872 a distance of approximately 0.11 of a mile, being all that right-of-way delineated and identified as Parcels 032.800 XS1 and 032.872 XS1 on EXHIBITS "A" through "B", inclusive, attached hereto and made a part hereof.

The parties acknowledge that no relinquishment can occur until the Department of Transportation, Board of Directors approves of this relinquishment.

IN WITNESS WHEREOF the parties hereto have executed this agreement dated this 13<sup>th</sup>  
day of November, 2012.

ATTEST:

Vanessa Dubois  
\_\_\_\_\_  
, Clerk

BOARD OF COUNTY COMMISSIONERS

[Signature]  
\_\_\_\_\_  
, Chairman

REVIEWED AND RECOMMENDED BY:

\_\_\_\_\_  
Paul A. Saucedo, Chief Right-of-Way Agent

APPROVED FOR LEGALITY AND FORM:

\_\_\_\_\_  
Dennis Gallagher, Chief Deputy Attorney General,  
Chief Counsel, Department of Transportation

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STATE OF NEVADA acting by and through its  
Department of Transportation

\_\_\_\_\_  
Susan Martinovich, P.E., Director

STATE OF NEVADA  
CARSON CITY

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, the undersigned,  
a Notary Public in and for Carson City, State of Nevada, \_\_\_\_\_ personally  
known (or proved) to me to be the \_\_\_\_\_ Director of the Department of Transportation of the State of  
Nevada who subscribed to the above instrument for the Nevada Department of Transportation under  
authorization of Nevada Revised Statutes, Chapter 408.205; that he/she affirms that the seal affixed to said  
instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of  
Transportation freely and voluntarily and for the uses and purposes therein mentioned.

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IN WITNESS WHEREOF I have hereunto  
set my hand and affixed my official seal the day  
and year in this certificate first above written.

\_\_\_\_\_



PARCEL NO. PREFIX: I-080-WA-  
EXHIBIT "B"

CENTERLINE STATIONING

- ① - "FR" 92+67.02 P.O.T. - "FR1" 10+00.00 P.C.
- ② - "FR" 93+84.82 P.C.
- ③ - "FR" 99+05.89 P.T.
- ④ - "FR" 99+23.64 P.O.T.
- ⑤ - "FR1" 10+60.72 P.T.
- ⑥ - "FR1" 12+02.27 P.C.
- ⑦ - "FR1" 15+89.01 P.T.
- ⑧ - "FR1" 17+16.05 P.C.

032.800 XS1	
P.O.B. - 50.00' LT. "FR" 93+29.69 P.O.T. TIE: N. 87° 35' 18" W. - 3,464.97' FROM THE SOUTHEAST CORNER OF SECTION 26, T. 20 N., R. 22 E., M.D.M.	
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032.872 XS1	
P.O.B. - 37.91' LT. "FR1" 12+32.13 P.O.C. TIE: N. 85° 09' 09" W. - 3,396.29' FROM THE SOUTHEAST CORNER OF SECTION 26, T. 20 N., R. 22 E., M.D.M.	
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Ⓡ	S. 76° 30' 51" W. - 277.50'
Ⓢ	S. 52° 41' 27" W. - 27.22'

TRACED: WTG      CHECKED:

Date of last revision: \_\_\_\_\_

ST-81      SUR 10-10

STATE OF NEVADA

Dept. of Transportation      R/W Division

Date: MAY 12, 2011

Sketch Map

Approved: 

Scale: 1" = 100'      Sheet 2 of 2 Sheet



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7013  
Fax: (775) 888-7104

## MEMORANDUM

Environmental Services Division

September 27, 2012

**To:** Jessica Biggin, Staff Specialist, Right-of-Way

**From:** Steve M. Cooke, PE, Chief, Environmental Services *SMC for*

**Subject:** Environmental Clearance for Transportation Board  
Surplus No.: SUR 10-10  
Project No.: SPI-080-1(047)  
PIN: 72802  
Parcels: I-80-WA-032.800 XS1 & I-080-WA-032.872 XS1  
I-80 and USA Parkway Interchange, Washoe County, NV  
Disposal by Relinquishment

---

The Environmental Services Division (ESD) reviewed the requested action and found it clear of any documented environmental concern. A Categorical Exclusion was approved by the FHWA on September 27, 2012, for this action.

**C:** R. Borrelli, Surplus Property Committee, Chair  
H.D. Salazar, Surplus Property Committee, Vice-Chair  
Project File

ATTACHMENT 5



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

BRIAN SANDOVAL  
Governor

October 3, 2012

RUDY MALFABON, P.E., Director

In Reply Refer to:

SUSAN KLEKAR DIVISION ADMINISTRATOR  
ATTN HUGH HADSOCK R-W PROGRAM MGR  
FEDERAL HIGHWAY ADMINISTRATION  
705 NORTH PLAZA STREET SUITE 220  
CARSON CITY NV 89701

**Disposal by Relinquishment**  
Surplus No.: SUR 10-10  
Project: SPI-080-1(047)  
E.A.: 72802  
Parcels: I-080-WA-032.800 XS1 &  
I-080-WA-032.872 XS1  
Description: Disposal of NDOT  
property located along I-80 at USA  
Parkway Interchange

Dear Ms. Klekar:

Enclosed are Exhibit "A" and Exhibit "B" (sketch maps) and a location map depicting the areas of surplus property, proposed to be relinquished, pursuant to N.R.S. 408.527 and 408.533. It has been determined that the property is no longer needed by NDOT. The aforementioned properties are located in Storey County, Nevada.

The proposal has been reviewed and it has been determined that:

1. The subject properties right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The right-of-way being retained is adequate under present day standards for the facility involved;
3. The release will not adversely affect the Federal-aid Highway facility or the traffic thereon;
4. The parcels to be relinquished are not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, Section 302-305 (Highway Beautification Act of 1965);
5. The parcels to be relinquished have been cleared through the Environmental Division in accordance with CEQ regulations 40 CFR 1508.4 and 23 CFR 771.117(d);
6. The relinquishment of these parcels is being made in accordance with N.R.S. 408.527 and N.R.S. 408.533.

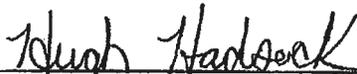
SUSAN KLEKAR DIVISION ADMINISTRATOR  
ATTN HUGH HADSOCK R-W PROGRAM MGR  
October 3, 2012

Your concurrence in the proposal is requested.

Sincerely,

*for*   
Paul A. Saucedo  
Chief Right-of-Way Agent

CONCUR:

  
\_\_\_\_\_  
Hugh Haddock, Right-of-Way Program Manager

  
\_\_\_\_\_  
Date

pas/jb/jm  
Enclosures

cc: H. Salazar, Manager Right-of-Way Engineering  
J. Biggin, Staff Specialist

**NRS 408.527 Procedure for relinquishment of portion of state highway.**

1. Whenever the Department and the county or city concerned have entered into an agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the board may relinquish to the county or city any portion of any state highway which has been deleted from the state highway system by legislative enactment. The Department may likewise relinquish any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

3. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

4. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

5. If the Board relinquishes property pursuant to subsection 4, and the purpose for which the property was relinquished is abandoned or ceases to exist, then:

(a) If the interest of the Department in the property before it was relinquished was held in fee simple, all right, title and interest of the county, city or Division reverts to the Department.

(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.

6. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

(Added to NRS by 1960, 68; A 1983, 338; 1987, 1102, 1812; 1989, 1308; 1991, 1173)



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201

## MEMORANDUM

December 3, 2012

**To:** Department of Transportation Board of Directors  
**From:** Rudy Malfabon, Director  
**Subject:** December 10, 2012 Transportation Board of Directors Meeting  
**Item #8:** Review and Ratify the Selection of the Contractor for the I-80 Carlin Tunnels Construction Manager at Risk Project and Approve an Agreement with Q&D Construction Co., Inc. for Pre-Construction Services for this Project – *For Possible Action*

---

### **Summary:**

The Department of Transportation is seeking approval of the selection of the Construction Manager to perform pre-construction services for the I-80 Carlin Tunnels Construction Manager at Risk (CMAR) Project. Q&D Construction Co., Inc. was selected as the Construction Manager for this CMAR Project. The selection was made after a Request for Proposals (RFP) was issued, proposals were received and evaluated to determine a short list of best qualified firms, an Invitation to Interview was issued to short listed firms, and an interview of these firms was conducted to determine the most qualified. The procurement process was in accordance with the Department's Pioneer Program Process for CMAR as approved by the Board on December 12, 2011 (Attachment A); a confidential evaluation and selection plan; and in accordance with applicable sections of Nevada Revised Statute 338.

### **Background:**

The Nevada Department of Transportation proposes to extend the service life of Interstate 80 (I-80) in Elko County from milepost EL-7.5 to milepost EL-9.33. The project is located approximately seven (7) miles east of Carlin, Nevada. This section of I-80 carries eastbound and westbound traffic through a local canyon and over the Humboldt River. To address existing roadway deficiencies, the project includes the following elements;

- Reconstructing the concrete pavement;
- Rehabilitating and seismic retrofitting eight (8) bridges on I-80 near the Carlin Canyon Tunnels; and
- Repairing the Carlin Tunnels, including improvements to the existing lighting and integrating new Intelligent Transportation System (ITS).

The Department issued a RFP using the Construction Manager at Risk (CMAR) delivery method to assist in pre-construction design by minimizing risk, improving construction schedule, and incorporating innovations to meet or exceed project goals.

In an effort to continue to be open and transparent, the Construction Industry and FHWA were invited to observe NDOT's procurement process in the selection of the CMAR for the project. The following representatives observed the review of proposals and attended the interview evaluations:

- Construction Industry – Greg Hunt, Aggregate Industries
- Construction Industry – Boyd Martin, Immediate Past President AGC Las Vegas
- Construction Industry – Bryce Clutts, Secretary/Treasurer AGC Las Vegas
- Construction Industry – Joanna Jacob, Ferrari Public Affairs
- FHWA – Greg Novak
- FHWA – Dale Wegner
- FHWA – Jin Zhen
- FHWA – Andrew Soderborg

### **Analysis:**

The Department issued a RFP for CMAR Pre-Construction Services on August 28, 2012 for this project. A mandatory pre-proposal meeting was held on September 6, 2012. Proposals were evaluated by a panel consisting of Department staff. Five (5) firms responded with proposals and are listed below in alphabetical order as follows:

- Granite Construction
- Las Vegas Paving
- Q & D Construction Co., Inc.
- Road and Highway Builders
- W.W. Clyde

Three (3) of the five (5) proposers were short listed based on their qualifications. The Director approved the Evaluation Panel's recommendation on October 11, 2012 (Attachment B). Listed below, in alphabetical order, are the firms selected for the short list from the proposals.

- Granite Construction
- Las Vegas Paving
- Q & D Construction Co., Inc.

The Department released an Invitation to Interview to the short listed firms on October 15, 2012. These firms were interviewed on October 24 and October 25, 2012. The evaluation panel for the interview included the same individuals that served as evaluators on the proposal. As specified in the RFP and in accordance with the NRS, final selection of the most qualified firm was based 100% on scoring of the interview process. Evaluations of the proposals and interviews were conducted in strict adherence to detailed and confidential evaluation and selection criteria. During the solicitation process and prior to the interview, proposers were afforded the opportunity to submit written questions to the Department and responses were provided.

Based on the evaluation criteria for the interview, the Evaluation Panel recommended Q&D Construction Co., Inc. to the Director as the most qualified firm.

The Director approved the Evaluation Panel's recommendation on October 25, 2012 (Attachment C) and a Notification of Intent to Award to Q&D Construction Co., Inc. was provided to all proposers on October 25, 2012. Pursuant to the Board approved Pioneer Program CMAR process, FHWA has reviewed the selection as well and issued their concurrence on November 16, 2012 (Attachment D).

The Department has followed all requirements of NRS 338.169 to 388.16985, inclusive and has successfully negotiated an Agreement for the CMAR Pre-Construction Services with Q&D Construction Co., Inc. in the amount of \$265,500.00 which will be executed based upon approval of the Transportation Board. Please refer to the Summary of Contract Terms & Conditions (Attachment E). The conformed contract will be available for your review and approval at the Board meeting on December 10, 2012.

The construction cost for the project is estimated to be \$20,000,000 to \$23,000,000 (R33). In addition to the CMAR pre-construction services cost of \$265,500, the cost of the Independent Cost Estimator (ICE) services is \$271,700.

**List of Attachments:**

- A. Pioneer Program CMAR Process (flowchart)
- B. Director's Approval of Short Listing (CONFIDENTIAL)
- C. Director's Selection Approval Memo (CONFIDENTIAL)
- D. FHWA Concurrence with Selection (CONFIDENTIAL)
- E. Summary of Contract Terms & Conditions

**Recommendation for Board Action:**

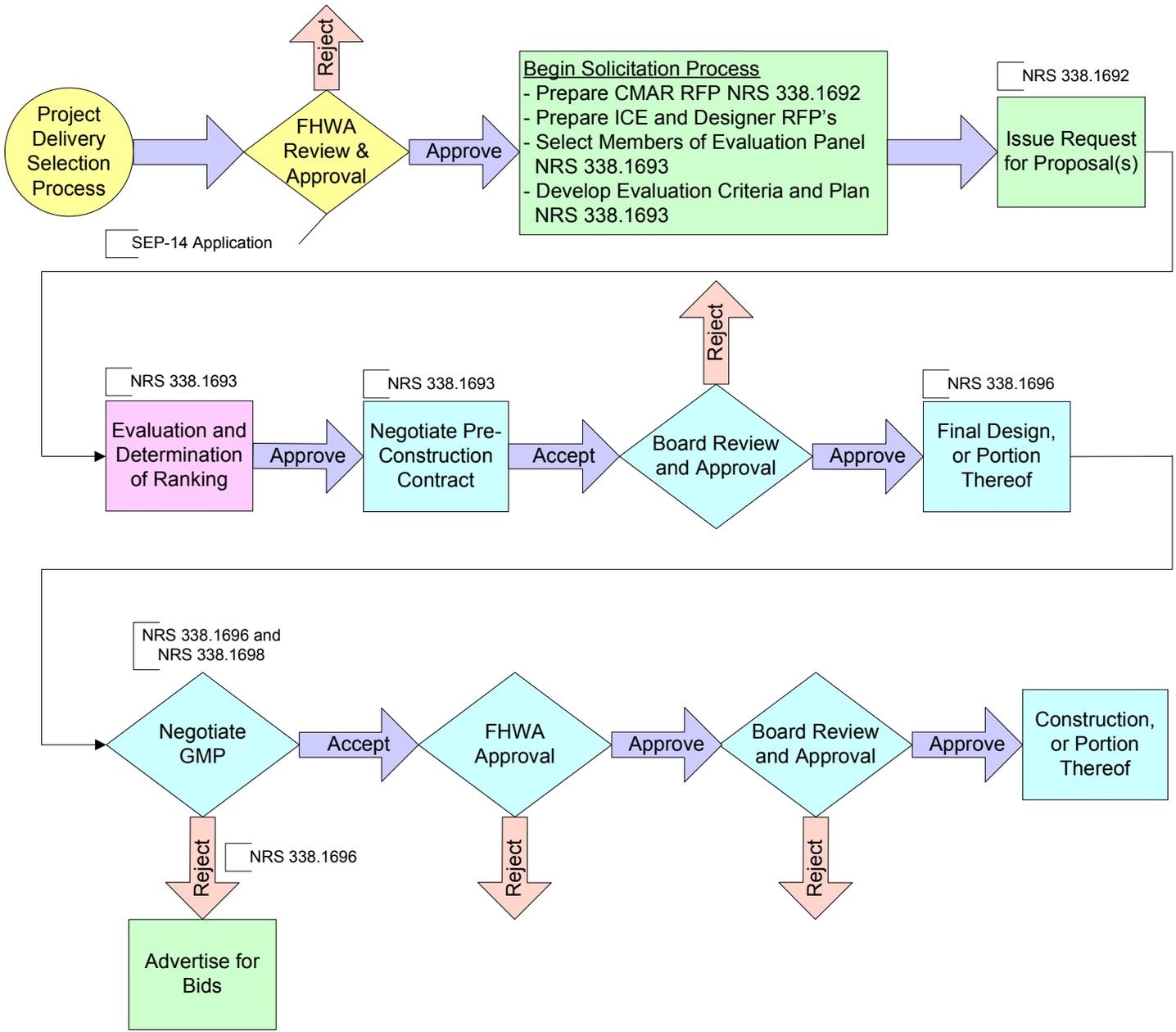
1. Ratify the Selection of Q&D Construction Co., Inc. as CMAR provider for the I-80 Carlin Tunnels Project.
2. Approve a Pre-Construction Services Agreement with Q&D Construction Co., Inc.

**Prepared by:**

Dale Keller, Project Manager

# NDOT CMAR Process

December 5, 2011



## Legend



= Identification Phase



= Evaluation Phase



= Solicitation Phase



= Award/Implementation Phase

### Terminology

RFP = Request for Proposal

GMP = Guaranteed Maximum Price

Item 8 Attachment B

**CONFIDENTIAL**

Item 8 Attachment C

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Item 8 Attachment D

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## **Summary of Contract Terms & Conditions I-80 Carlin Tunnels Project – Preconstruction Services**

### **Scope of Work:**

The scope of work is for preconstruction services in development of the I-80 Carlin Tunnels Project. These improvements include reconstructing the roadway pavement, rehabilitating and seismic retrofitting the Carlin Canyon Bridges, and repairing and upgrading the Carlin Tunnels. Major project elements during preconstruction include full and active collaboration with the Department's design team on the following items:

- Cost estimation coordination to establish agreed upon methods for quantification and communication of scope and quantities
- Risk management, including identification, quantification and mitigation strategies
- Detailed and continuous design and constructability review to achieve a higher quality final design and more certain construction cost.
- Open Book Cost Estimates to discuss assumptions and cost allocations with the Department.
- Detailed construction schedule estimates to analyze the impacts of design elements and opportunities for improvement
- Provide a Guaranteed Maximum Price (GMP) for construction services.

### **Schedule:**

The schedule for these preconstruction services as estimated by the Department includes a single GMP in spring 2013. The Construction Manager will participate in milestones, such as plan reviews and Opinion of Probable Construction Costs (OPCC) meetings, with the Department to develop the final plans and GMP. The anticipated start of construction is summer 2013.

### **Price:**

The negotiated agreement price for preconstruction services is \$265,500.00.

### **Major Terms & Conditions:**

Strong contractual controls have been placed on the work to be conducted during cost development and negotiation of GMP. Detailed information is required to be provided as to assumed production rates, overhead and profit rates, risk assumptions, and contingencies. If the Department is not in agreement with the GMP, the Department has the opportunity to elect to advertise the construction contract competitively.

**Prepared by: Dale Keller, Project Manager**



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**MEMORANDUM**

**November 19, 2012**

**TO: Department of Transportation Board of Directors**  
**FROM: Rudy Malfabon, Director**  
**SUBJECT: December 10, 2012 Transportation Board of Directors Meeting**  
**Item # 9: Possible Acceptance of the FY 2012 Performance Management Report – For Possible Action**

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**Summary:**

Pursuant to NRS 408.133 requirements, the Nevada Department of Transportation (NDOT) has developed the updated FY 2012 Performance Management Report. NDOT worked with the Governor's office to refine our performance measures for a realistic performance-budgeting and decision making process to be in-line with the Governor's State-wide strategies and objectives to move Nevada forward. The major components of the report include,

- Department Mission, Vision, and Goals
- Performance Management Executive Summaries
- Detailed Performance Management Data
- Major Projects Annual Status Report
- State Highway Fund Annual Revenue and Expenditure Report
- Benefit-Cost Analysis of Major Capacity Projects
- Performance Management Plan

In fiscal year 2012, NDOT continued to monitor, track, and evaluate its 15 performance measures. Targets for some of the performance measures were not fully met: namely, roadway pavement condition, employee satisfaction, employee training, work place accidents, project delivery, and fleet maintenance. The performance management dashboard and the detailed data trends sections of the report provide further detailed information regarding each of the 15 performance measures and the Performance Management Process. The report also includes status reports of the major projects including project description, schedule, budget, risks, benefits, change in status, and key financial points - assumptions.

**Background:**

The Governor of Nevada directed the creation of a true performance-based budgeting and decision making process to allocate resources optimally, create new jobs, attract investors, and move Nevada forward as an economically stable place for doing business. NDOT worked with the Governor's office and with other state agencies to refine the existing and develop new realistic, measurable, and achievable performance measures. Most of NDOT's performance measures have been aligned with the state-wide strategies. Monitoring, tracking, and reporting of the refined and re-aligned performance measures will begin in the first quarter of 2013.

The new federal transportation bill – MAP 21, which is a 2-year \$101 Billion funding authorization for transportation, requires all DOTs to develop a strategic performance based decision-making process to help develop and achieve the targets. NDOT has collaborated with

federal and other state agencies to develop performance measures that are meaningful, repeatable, measurable, and implementable.

The 2007 Nevada Legislative Assembly Bill 595 requires that NDOT develop a performance management plan for measuring its performance. The specific requirements of Assembly Bill 595 are:

1. Section 47.2 – Annual Report on Performance Measures and General Project Information.
2. Section 47.3 – Annual Report on Benefit-Cost Analysis for projects that cost at least \$25 million.
3. Section 55.3 – Report on projects funded by the Las Vegas Convention and Visitors Authority.
4. Section 55.5 – Quarterly Report on General Project information for the Blue Ribbon Task Force projects and any proposed super and mega (major) highway projects.

NDOT's performance management program is a collaborative process in which all major divisions of the Department are involved in monitoring the annual and ultimate performance targets. Performance management is a dynamic and evolving process and improvements are incorporated into it as needed. NDOT's performance management plays a vital role in the performance-based decision making process; it 1) ensures investment accountability and transparency, 2) tracks and monitors system performance, 3) helps identify and implement efficient and cost-effective programs, 4) links projects to the mission, vision, and goals and objectives of the department, 5) helps align performance targets with customer expectations, and 6) helps in delivering high quality projects.

The performance management process focuses on the critical aspects of a cohesive, integrated, and performance-driven approach. NDOT's senior management is actively involved in the performance management process by conducting quarterly performance management updates to help guide the various program areas in meeting their targets. The process is guided by comprehensive input from 1) our customers (the public) in the form of surveys and direct two-way communications, 2) the State Legislature and decision makers, 3) leadership, commitment, and support from NDOT top management, and 4) collaborative team support from the major divisions and program areas of NDOT.

### **Analysis:**

The performance management is an evolving process, and NDOT continues to make progress in improving the performance management process. NDOT management and performance measure champions meet quarterly to discuss, track, and monitor each performance measure. These quarterly meetings are essential and very useful in resolving any issues and concerns related to the performance measures, and providing timely direction, when needed.

The executive summary of each performance measure is provided in the "Performance Management Dashboard- Executive Summaries" section of the enclosed Performance Management Report. Detailed graphs and information regarding each performance measure is provided in the "Detailed Performance Management Data Trends" section of the report. Detailed information on the description, status, schedule, and budget of the major projects is provided in the "Major Projects Status Report" section of the enclosed report.

**Recommendation for Board Action:**

It is recommended that the Transportation Board accept the FY 2012 Performance Management Report.

**List of Attachments:**

FY 2012 Performance Management Report

**Prepared by:**

Alauddin Khan, Chief Performance Analysis Engineer



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## MEMORANDUM

November 19, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rodolfo Malfabon, Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item # 10:** Supplement to Request for Approval for Purchase of Sweepers – For Possible Action

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### **Summary:**

Pursuant to NRS 408.389, approval of the Transportation Board is required for the purchase of equipment that exceeds \$50,000. Assembly Bill 374 (2011 legislative session) modified sections of NRS 408.389 to include the following requirements: the Department shall: (a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with: (1) purchasing, operating and maintaining the same item of equipment; (2) leasing, operating and maintaining the same item of mobile equipment; or (3) contracting for the performance of the work which would have been performed using the mobile equipment; and (b) Justify the need for the purchase based on that analysis.”

Accordingly, the Department of Transportation hereby requests approval to purchase the following equipment:

1. Five PM10 sweepers – These roadway sweepers capture Particulate Matter (PM) with a diameter of 10 micrometers or less. The budgeted amount combined is \$1,350,000 and is funded with federal aid.

Department staff have conducted the required financial analysis noted above and determined that the purchase of this equipment is the most cost-effective way to accomplish department goals.

### **Background:**

#### Five PM10 sweepers:

The Department of Transportation's legislatively-approved budget included the purchase of five PM10 sweepers funded with Congestion Mitigation and Air Quality (CMAQ) funding. The federal CMAQ program provides funding to state and local governments to support projects and programs that help improve air quality and reduce traffic congestion in areas that do not meet the National Ambient Air Quality Standards (NAAQS). These areas are known as non-attainment areas. CMAQ funds also support air quality improvement programs in areas that have returned to attainment and are required to develop and implement a maintenance plan. Truckee Meadows is a non-attainment area and the Tahoe Basin is an environmentally-sensitive area, with water clarity being a major issue.

This equipment will be purchased as part of a comprehensive air quality improvement plan in joint development by NDOT, the Washoe District Health - Air Quality Management Division, and the Departments of Public Works for the cities of Reno and Sparks, and Washoe County.

The department has obligated federal funding for this project and has been given the authorization by the Federal Highway Administration (FHWA) through Federal-Aid Project Agreement No: CM-0031(094) to provide 100% reimbursement for this specialized equipment (Attachment 1).

Actual costs may vary from budgeted amounts based on current market prices. Please refer to Attachment 2 for FY2011 expenditures and the current CMAQ project balance. All acquisitions will be made within existing spending authority, therefore no additional funding is requested to address these cost variances.

### **Cost Benefit Analyses:**

#### Five PM10 sweepers:

A Cost and Benefit Analysis (Attachment 2) was performed for the PM10 Sweepers and the calculated average costs per curb mile swept (ACPCMS) are as follows:

1. Purchasing, operating and maintaining the same item of equipment was calculated via two scenarios. The ACPCMS was projected to be: **\$40.16** with amortization that does not take full federal reimbursement into account. **This is the lowest actual cost to NDOT.**

Sweepers also assist in the following tasks besides the routine sweeping task (Maintenance Management System – Task133) that was used for the calculation of the above stated cost:

- Emergency Response (average 20 times a year)
- Removing Debris
- Maintain Rest Areas
- Repair Slopes
- Cleaning Roadside Ditches and Drop Inlets
- Doing Flush/Scrub/Slurry Seals
- Clean up from mixing Sand/Salt
- Repairing Guard Rail and Impact Attenuators

2. Leasing, operating and maintaining the same item of mobile equipment resulted in an ACPCMS of \$76.83.
3. Contracting for the performance of the work that would have been performed using the mobile equipment resulted in an ACPCMS of \$47.95.

### **Recommendation for Board Action:**

The Department recommends approval of the requested mobile equipment purchases.

### **List of Attachments:**

- 1) PM10 Sweeper General Information
- 2) Cost and Benefit Analysis

### **Prepared by:**

Anita Bush, Chief Maintenance and Asset Management Engineer

## December 10, 2012 Transportation Board of Directors Meeting

### NDOT MOBILE EQUIPMENT PURCHASE REQUEST - PM10 Sweeper General Information

A PM10-efficient street sweeper is a street sweeper that is certified by the South Coast Air Quality Management District (SCAQMD) as meeting the testing and performance standards set forth in SCAQMD Rule 1186.



The federal Congestion Mitigation and Air Quality (CMAQ) program provides funding to state and local governments to support projects and programs that help improve air quality and reduce traffic congestion in areas that do not meet the National Ambient Air Quality Standards (NAAQS). These areas are known as non-attainment areas. CMAQ funds also support air quality improvement programs in areas that have returned to attainment and are required to develop and implement a maintenance plan. Truckee Meadows is a non-attainment area and the Tahoe Basin is an environmentally-sensitive area, with water clarity being a major issue. This equipment will be purchased as part of a comprehensive air quality improvement plan in joint development by NDOT, the Washoe District Health - Air Quality Management Division, and the Departments of Public Works for the cities of Reno and Sparks, and Washoe County. The department has obligated federal funding for this project and been given the authorization by the Federal Highway Administration (FHWA) to issue a notice to proceed upon approval of this decision unit by the 2011 Legislature.

The purchase and use of high efficiency sweepers will result in a reduction of fine sediment particles and nutrient loading from urban roadways and reduce the amount of fine sediment particles that can become airborne. This will result in direct benefits and contribution to the Environmental Improvement Program (EIP) goals of reducing the pollutants that impact air quality and water quality. Additionally the reduction in fine sediment from the roadways will result in reduced Best Management Practices (BMP) maintenance needs over time from less pollutant generation.

The Pollutant Reduction Opportunity Report (2008) estimates that paved roads contribute 44.1% of the total annual fugitive dust emissions, further heightening the importance of controlling this source of atmospheric pollutants. Increasing the number of sweepers operated in the Truckee Meadows will allow for increased sweeping frequency and will increase removal of fine sediment and nutrient amounts.

It is imperative that NDOT purchase these sweepers with reimbursement from the federal CMAQ funds at this time. While we currently have PM10 compliant sweepers, these sweepers have exceeded their useful service life and are frequently out of service for repairs. Washoe County Air Quality Management Division requires NDOT to sweep up anti-icing chemicals and abrasives with 72 hours after a snow storm. If our current sweepers are out of service, we are unable to meet this requirement. During the winter of 2010, NDOT District II was forced to rent two sweepers at a cost of \$7,500 per month per sweeper (for a total of \$30,000 for two months). Additionally, District II had to borrow and transport a third sweeper from District I in Las Vegas.

## December 10, 2012 Transportation Board of Directors Meeting

**NDOT MOBILE EQUIPMENT PURCHASE REQUEST - COSTS AND BENEFITS ANALYSIS**

Equipment	Quantity	Price	Total Costs
PM-10 Compliant Sweepers Total Purchase Price	5 Units	\$ 270,000	\$ 1,350,000
Federal Reimbursement	5 Units	\$ 270,000	\$ 1,350,000

**(1) Costs for Purchasing Equipment, Operating and Maintaining****WASHOE COUNTY PICKUP BROOM SWEEPING COSTS PER YEAR (w/ PM-10 Compliant Sweepers) :**

Item	Description	Rate	Total Costs
1	Equipment Cost (assuming 6 years Depreciation)		\$ 45,000
2	Other Equipment used for the Task (Impact attenuator, garbage truck, etc.)		\$ 10,638
3	Equipment Maintenance, Insurance, and Fuel Costs		\$ 31,027
4	Labor Costs related to the Task (from MMS)		\$ 16,222
	Department Labor Overhead	62.83%	\$ 10,192
5	Materials Disposal for the Task		\$ 4,943
	Total		\$ 118,022

6	Administration Cost	Added 30%	\$ 153,428
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Equipment Costs are from the Equipment Division.

3,821 Curb Miles

Average Cost per Curb Mile = **\$40.16****(2) Costs for Leasing, Operating and Maintaining****COSTS FOR LEASING THE EQUIPMENT TO DO THE SWEEPING :**

Item	Description	Quantity	Rate	Total Costs
1	PM-10 Compliant Street Sweepers (Annual lease rate includes all maintenance & insurance costs)	1 Unit	\$ 180,000	\$ 180,000
2	Other Equipment used for the Task (Impact attenuator, garbage truck, etc.)			\$ 10,638
3	Fuel Cost			\$ 3,805
4	Labor Costs Related to the Task			\$ 16,222
	Department Labor Overhead		62.83%	\$ 10,192
5	Materials Disposal for the Task			\$ 4,943
	Total			\$ 225,800

6	Administration Cost	Add 30%	\$ 293,540
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Average Cost per Curb Mile = **\$76.83****(3) Costs for Contracting for the Performance of the Work which would have been Performed using the Mobile Equipment.****COSTS FOR CONTRACTING OUT THE SWEEPING :**

Item	Description	Quantity	Rate	Total Costs
1	All Inclusive Street Sweeping (Average from 2 NDOT contracts)	3821 Curb Miles	\$ 43	\$ 164,747
2	Department Contract Administration:			
	Procurement and Contract Management	200 Man Hours	\$ 40	\$ 8,000
	Payables Management	24 Man Hours	\$ 31	\$ 744
	Quality Management	104 Man Hours	\$ 25	\$ 2,600
3	Department Labor Overhead		62.83%	\$ 7,127
	Total			\$ 183,220

Average Cost per Curb Mile = **\$47.95**



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## MEMORANDUM

December 10, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item # 11:** Briefing on Tahoe Transportation District Projects – For Possible Action

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### **Summary:**

Over the past four years, the Tahoe Transportation District (TTD) has taken the lead on the planning and implementation of various transportation projects in and around the Lake Tahoe Basin. The plan includes a comprehensive, multi-modal, multistate plan affecting all parts of the basin, including access to and from the basin to adjacent Nevada communities. This effort brought together traditional and nontraditional partners including, but not limited to DOT's (NDOT, CalTrans and Federal Lands and Highways), MPOs (CAMPO, Washoe RTC and TTD), State Parks, U.S Forest Service, TRPA and other local and state agencies.

This plan has already resulted in the completion of the following projects in 2012. The first phases of the Americans with Disabilities Act and American Association of State Highway Transportation Officials compliant Nevada Stateline to Stateline Bikeway - South Demonstration Phase 1B bike trail and Nevada transit shelter project and the gateway roundabout at SR 28 and SR 431 in Incline Village. Additionally, the TTD operates the South Shore Transit System and recently implemented the East Shore Express from Incline Village to Sand Harbor to address years of on-going safety, capacity, access, and environmental degradation.

There are two more significant projects to be completed on the Nevada side of Lake Tahoe and 3 more on the California side which include the Stateline to Stateline North Demonstration Project, Phase 1C of the South Shore Demonstration Project, US 50/South Shore Community Revitalization Project, a bi-state project located in South Lake Tahoe, CA and Stateline, NV. In addition to these projects, the TTD is also the lead for the Lake Tahoe Waterborne Ferry Project, the Meeks Bay to Sugar Pine Point Bike Trail and the SR 89/Fanny Bridge Community Revitalization Project.

Carl Hasty, District Manager TTD, will be updating the Board on the progress and next steps of TTD related projects. Many of the TTD projects have been in the planning stage for last few years and now coming to the construction phase. The time frame for projects in the Lake Tahoe Basin are often longer than other projects due the rigorous regulations, constrained construction season, and limited funding.

### **Background:**

In 1969, California and Nevada legislators agreed to a unique Compact for sharing Lake Tahoe resources/responsibilities. The U.S. Congress amended the Compact in 1980, with public law 96-551, which also established the Tahoe Transportation District (TTD). The agency is responsible for facilitating and implementing safe, environmentally positive, multi-modal transit

plans, programs and projects.

Specific tax revenue to support transit and transportation facilities can be allotted to the District. TTD may also acquire, own and operate public transportation systems and parking facilities serving the Tahoe region and provide access to convenient transportation terminals outside of the region.

### **Analysis:**

As discussed at the November 2012 NDOT Board meeting, the TTD Nevada Stateline to Stateline Bikeway - South Demonstration – Phase 1C multi-use path demonstration was selected as one of three northern Nevada CMAR projects. This has secured NEPA and TRPA environmental clearance and is currently under design with construction scheduled for the 2013 Tahoe construction season (May 1 – October 15). This 1 mile path will complement the recently completed 1 mile Phase 1B section by providing a continuous separated Americans with Disabilities Act and American Association of State Highway Transportation Officials compliant multi-use trail connecting the Stateline area to Round Hill Pines Beach Resort. This is a very heavily traveled area of US 50 and is often a very dangerous place for cyclists and pedestrians to travel. The completion of this project will dramatically increase the safety for cyclist, pedestrians, and vehicles.

The entire Nevada Stateline to Stateline Bikeway has been developed as a cooperative effort and includes a formal Working Group established in 2007 consisting of NDOT, Washoe County, Incline Village General Improvement District, Carson City, Douglas County, United States Forest Service, Tahoe Regional Planning Agency, Tahoe Metropolitan Planning Organization, Tahoe Transportation District, and the Washoe Tribe of California/Nevada. Prior to final design and construction of the Phase 1B segment, the TTD completed the following milestones to guide the project:

- Concept, Vision, Design Principles, and Objectives Report
- Opportunities and Constraints Report
- Desired Designed Parameters Report
- Feasibility Report
- Alternatives Alignment Evaluation Summary Report
- South Demonstration Project Joint TRPA/NEPA Environmental Assessment
- South Demonstration Project Baseline Noxious Weed and Recreation Monitoring Report

These documents can be found on the following TTD website: <http://tahoetransportation.org/>.

The other project occurring in Nevada is the proposed realignment of the US 50 in Stateline. This is a multijurisdictional project that has been discussed for well over 20 years and is currently being vetted through facilitated public workshops. Over the years there have been several alternatives considered however no actions implemented. TTD completed the Caltrans required Project Study Report in May 2010 which was approved by Caltrans District 3 in June 2010. Environmental scoping for a joint TRPA/NEPA/CEQA environmental analysis was initiated in November 2012.

The District is pursuing the collaboration of all state and local and federal partners to assist in addressing transportation deficiencies, connectivity, and overall environmental improvement by working toward the reduction of sediment which up to 70% of has been attributed to the transportation system and urban environment causing a reduction in the clarity of Lake Tahoe. This is going to be accomplished by improved transportation coordination of projects for vehicles, transit operations and overall multimodal options.

**Recommendation for Board Action:**

Information item only

**Prepared by:**

Bill Hoffman, Deputy Director



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## MEMORANDUM

November 30, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** December 10, 2012 Transportation Board of Directors Meeting  
**Item #12:** Old Business

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### **Summary:**

This item is to provide follow up and ongoing information brought up at previous Board Meetings.

### **Analysis:**

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*  
Please see Attachment A.
- b. Monthly Litigation Report - *Informational item only.*  
Please see Attachment B.
- c. Fatality Report dated November 28, 2012 - *Informational item only.*  
Please see Attachment C.

### **List of Attachments:**

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated November 28, 2012 - *Informational item only.*

### **Recommendation for Board Action:**

Informational item only.

### **Prepared by:**

Rudy Malfabon, Director

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF 11/16/2012						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Watt, Tieder, Hoffar & Fitzgerald	Construction Claims of Fisher Sand & Gravel Contract #3292 (I-580 Mt. Rose Hwy to Bowers Extension) NDOT Agmt No. P267-07-004	02/01/07 - 02/01/13	2/1/2007	\$ 15,000.00		
		Amendment #1	7/1/2008	\$ 35,000.00		
		Amendment #2	11/24/2008	\$ 100,000.00		
		Amendment #3	3/23/2009	\$ 200,000.00		
		Amendment #4	11/20/2009	\$ 50,000.00		
		Amendment #5	7/8/2011	Extension of Time	\$ 400,000.00	\$ 19,250.49
Nossaman, LLP	Pioneer Program Legal and Financial Planning NDOT Agmt No. 282-09-002	9/23/09 - 7/1/13	9/23/2009	\$ 125,000.00		
		Amendment #1	2/23/2010	\$ 80,000.00		
		Amendment #2	10/6/2010	\$ 30,000.00		
		Amendment #3	10/26/2010	\$ 30,000.00		
		Amendment #4	8/31/2011	\$ 365,000.00	\$ 630,000.00	\$ 231,864.39
Chapman Law Firm	NDOT vs. Ad America 8th JD - 4 Eminent Domain Cases Project Neon - Las Vegas NDOT Agmt No. P301-11-004	6/14/2011 - 8/31/13	6/14/2011	\$ 281,675.00		
		Amendment #1	8/30/2012	Expansion of Scope	\$ 281,675.00	\$ 178,959.66
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 150,000.00	\$ 150,000.00	\$ 57,837.88
Snell & Wilmer, LLP	Peek Construction vs. NDOT 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 150,000.00	\$ 150,000.00	\$ 19,329.29
Snell & Wilmer, LLP	Construction Claims Williams Brother, Inc. Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 30,000.00	\$ 30,000.00	\$ 28,422.50

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF 11/16/2012						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	NDOT vs. Blue Diamond R.V. and Storage 8th JD A610962 RE: Work Order 20359000 NDOT Agmt No. P155-12-004	4/24/2012 - 4/24/14	4/24/2012	\$ 82,425.00		
		Amendment #1	8/30/2012	\$ 88,250.00	\$ 170,675.00	\$ 23,461.88
Chapman Law Firm	NDOT vs. Vegas Group, LLC 8th JD A-12-661241-C Project Neon - Las Vegas NDOT Agmt No. P156-12-004	4/24/12 - 4/24/14	4/24/2012	\$ 416,800.00	\$ 416,800.00	\$ 327,860.12
Chapman Law Firm	NDOT vs. Carrie Sanders 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 416,800.00	\$ 416,800.00	\$ 411,643.69
Chapman Law Firm	NDOT vs. Gendall 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 416,800.00	\$ 416,800.00	\$ 407,920.25
* BH Consulting Agreement	Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.	6/30/12 - 6/30/16	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 77,750.00

\* Pass Through - Federally mandated 800 MHz rebanding project fully reimbursed by Sprint Nextel.

**Monthly Litigation Report to the Nevada Department of Transportation - November 16, 2012**

Case Name	Jurisdiction and Case Number	Nature of Case
<b><u>Condemnations / Inverse Condemnations</u></b>		
AD America, Inc. vs. NDOT	8th JD A-653502-C	Inverse condemnation, Plaintiff seeks just compensation (I-15) Cactus
AD America, Inc. vs. NDOT	8th JD A-10-631520	Inverse condemnation, Plaintiff seeks just compensation (Project NEON)
Blue Diamond RV & Storage vs. NDOT	8th JD A610962	Inverse condemnation, Plaintiff seeks just compensation, Blue Diamond Road, LV
MLK-ALTA vs. NDOT	8th JD A-11-649541-C	Inverse condemnation, Plaintiff seeks just compensation
NDOT vs. 2.5 Acres @ Dean Martin, LLC	8th JD A-12-666425-C	Per Resolution 434, NDOT Board authorized acquisition by condemnation
NDOT vs. AD America, Inc.	8th JD A-12-666482-C	Per Resolution 434, NDOT Board authorized acquisition by condemnation (I-15) Cactus
NDOT vs. AD America, Inc. (NEON)	8th JD A-640157	Eminent domain action to condemn parcels for Project NEON
NDOT vs. Bawcom, David and Tammy	4th JD CV-C-09-1122	Eminent domain action for reconstruction of intersection on SR227
NDOT vs. Falcon Capital	2nd JD CV06-01306	Eminent domain action to condemn parcels for construction of I-580
NDOT vs. Gendall Trust, Alexander and Lilly, et al.	8th JD A-666487-C	Eminent domain action to condemn parcels for Project NEON
NDOT vs. I-15 and Cactus, LLC	8th JD A-12-664403-C	Per Resolution 433, NDOT Board authorized acquisition by condemnation
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	8th JD A-12-664693-C	Eminent domain action regarding US-95/I-515 Interchange
NDOT vs. Jericho Heights, LLC	8th JD A-665909-C	Eminent domain action for realignment and reconstruction of portion of US-93
NDOT vs. K & L Dirt Company, LLC	8th JD A-12-666050-C	Eminent domain action for realignment and reconstruction of portion of US-93
NDOT vs. Khoury Leasing, LLC	4th JD CV-C-09-1123	Eminent domain action for reconstruction of intersection on SR227
NDOT vs. KP & TP, LLC, Roohani, Khusrow, et al.	8th JD A-12-664405-C	Eminent domain action regarding the I-15 and Warm Springs interchange
NDOT vs. MLK-ALTA	8th JD A-12-658642-C	Per Resolution 427, NDOT Board authorized acquisition for I-15 reconstruction
NDOT vs. Railroad Pass Investment Group	8th JD A-12-665330-C	Eminent domain action for realignment and reconstruction of portion of US-93
NDOT vs. Spring Creek Association	4th JD CV-C-09-1121	Eminent domain action for reconstruction of intersection on SR227
NDOT vs. Union Pacific Railroad Co.	7th JD CV0833009	Eminent domain action for reconstruction of SR 317
NDOT vs. Vegas Group, LLC	8th JD A-12-661241-C	Eminent domain action to widen and reconstruct I-15
NDOT vs. Wall Street Nevada, et al.	8th JD A-11-650260-C	Per Resolution 424, NDOT Board authorized acquisition by condemnation
NDOT vs. Woodcock, Jack, et al.	8th JD A-12-664399-C	Eminent domain action regarding the I-15 and Warm Springs interchange
NDOT vs. Wykoff Newberg Corporation	8th JD A-12-656578-C	Eminent domain action re I-15 Freeway from Blue Diamond to Tropicana Ave.
P8 Arden, LLC vs. NDOT	8th JD 591048 C	Inverse condemnation, Plaintiff seeks just compensation
Robarts 1981 Decedents Trust vs. State, NDOT	8th JD A-12-665880-C	Inverse Condemnation regarding Project NEON - just compensation
Rural Telephone Company vs. Dorsey Ln, NDOT	4th JD CV-C-12-517	Public utility seeks permanent easement

Monthly Litigation Report to the Nevada Department of Transportation - November 16, 2012		
Case Name	Jurisdiction and Case Number	Nature of Case
<b><u>Torts</u></b>		
Armstrong, Connie; Estate of Armstrong vs. State	3rd JD 35277	Plaintiff alleges negligence and wrongful death
Austin, Renee vs. State, NDOT	2nd JD CV11-03584	Plaintiff alleges negligence causing personal injury
Calkins, Allan Bruce vs. Baptista, et al. v. NDOT	8th JD A574277	Plaintiff alleges negligence action for personal injury (3rd party complaint)
Chadwick, Estate of Lonnie Joe vs. NDOT	8th JD P-22090, PC-1	Estate alleges transfer of property without court order
Ewasko, Damon and Suzanne vs. State, NDOT	2nd JD CV11-02130	Plaintiff alleges negligence in design of roadway truck ramp
Garza, Gilbert, et al. vs. NDOT	1st JD 12 TRT 00054 1B	Plaintiff alleges negligence causing wrongful death
Harper, Kenneth J. vs. NDOT	8th JD A538914	Plaintiff alleges negligence causing personal injury and wrongful death
Marshall, Charles v. State, NDOT	8th JD A-12-662932-C	Plaintiff alleges NDOT responsible for personal injury
State Farm Fire and Casualty Company, et al. vs. NDOT	RJC 2012 077030	Plaintiff alleges negligence in failure to maintain roadway
NDOT vs. Tamietti, Bill and Vicki	1st JD CV19994	NDOT seeks injunctive relief to prevent closing NDOT's access to VC maintenance station
Tefft, Timothy and Shirley v. State, NDOT	8th JD A-09-604-575-C	Plaintiff's allege breached duty in construction of median in Las Vegas
<b><u>Contract Disputes</u></b>		
Granite Construction Company	1st JD 12OC 00350 1B	Plaintiff alleges NDOT improperly required resubmittal of bids for contract
Peek Construction vs. State, NDOT	1st JD 12OC 00030 1B	Plaintiff alleges NDOT responsible for delays on Contract 3377, SR 207
Peek Construction vs. State, NDOT	1st JD 12OC 00032 1B	Plaintiff alleges NDOT responsible for delays on Contract 3407, US-93
Pacific Coast Steel vs. State, NDOT	2nd JD CV12 02093	Plaintiff alleges delays and incomplete design on I-580 Galena Bridge
<b><u>Personnel Matters</u></b>		
Akinola, Ayodele v. State, NDOT	USDC 3:11-cv-00681	Plaintiff alleges 14th Amendment violation - discrimination
Cooper, Jennifer v. State, NDOT	9th USCA 11-17957	Plaintiff alleges decrimination and retaliation, appealing trial verdict
Lau, Stan v. State, NDOT	NSC 59580	Plaintiff is appealing termination

11/28/2012

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR,  
NDOT TRAFFIC ENGINEERING, FHWA, LVMPD, RENO PD.

FROM: THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)

SUBJECT: FATAL CRASHES AND FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

	CURRENT		SAME DATE LAST YEAR			# CHANGE		
	Yesterday	Crashes	Fatals	Yesterday	Crashes	Fatals	Crashes	Fatals
11/27/2012		1	1	11/27/2011	1	1	0	0
MONTH		15	15	MONTH	18	19	-3	-4
YEAR		209	229	YEAR	205	225	4	4

CRASH AND FATAL COMPARISON BETWEEN 2010 AND 2011, AS OF CURRENT DATE.

COUNTY	2011 Crashes	2012 Crashes	% CHANGE	2011 Fatalites	2012 Fatalities	% Change	2011 Alcohol Crashes	2012 Alcohol Crashes	% Change	2011 Alcohol Fatalities	2012 Alcohol Fatalities	% Change
CARSON	2	1	-50.0%	3	1	-66.7%			0.0%			0.0%
CHURCHILL	7	2	-71.4%	12	2	-83.3%	2		-100.0%	2		-100.0%
CLARK	103	138	34.0%	108	152	40.7%	41	25	-39.0%	44	28	-36.4%
DOUGLAS	12	5	-58.3%	12	7	-41.7%	4	2	-50.0%	4	4	0.0%
ELKO	13	9	-30.8%	17	10	-41.2%	4	2	-50.0%	4	2	-50.0%
ESMERALDA	2	2	0.0%	2	2	0.0%			0.0%			0.0%
EUREKA	2	1	-50.0%	2	1	-50.0%			0.0%			0.0%
HUMBOLDT	2	5	200.0%	2	5	200.0%	1	1	0.0%	1	1	0.0%
LANDER	3	4	33.3%	3	4	33.3%		1	100.0%		1	100.0%
LINCOLN	3	2	-33.3%	3	2	-33.3%			0.0%			0.0%
LYON	11	3	-72.7%	15	6	-60.0%	4		-100.0%	5		-100.0%
MINERAL	1	2	100.0%	1	2	100.0%			0.0%			0.0%
NYE	14	7	-50.0%	15	7	-53.3%	3		-100.0%	3		-100.0%
PERSHING	2	1	0.0%	2	1	-50.0%	1	1	0.0%	1	1	0.0%
STOREY			0.0%			0.0%			0.0%			0.0%
WASHOE	26	26	0.0%	26	26	0.0%	9	3	-66.7%	9	3	-66.7%
WHITE PINE	2	1	-50.0%	2	1	-50.0%			0.0%			0.0%
YTD	205	209	2.0%	225	229	1.8%	69	35	-49.3%	73	40	-45.2%
TOTAL 11	223	----	-6.28%	246	----	-6.91%	70	----	-50.00%	74	----	-45.95%

2011 AND 2012 ALCOHOL CRASHES AND FATALITIES ARE BASED ON PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2011 AND 2012, AS OF CURRENT DATE.

COUNTY	2011 Vehicle Occupants	2012 Vehicle Occupants	% Change	2011 Peds	2012 Peds	% Change	2011 Motor-Cyclist	2012 Motor-Cyclist	% Change	2011 Bike	2012 Bike	% Change	2011 Other	2012 Other
CARSON	2		-100.0%			0.0%	1	1	0.0%			0.0%		
CHURCHILL	11	2	-81.8%			0.0%			0.0%	1		-100.0%		
CLARK	57	88	54.4%	27	37	37.0%	22	22	0.0%	1	3	200.0%	1	4
DOUGLAS	8	5	-37.5%	1	1	100.0%	1	1	0.0%	1		-100.0%		1
ELKO	11	9	-18.2%	2		-100.0%	2	1	-50.0%			0.0%	1	
ESMERALDA	2	2	0.0%			0.0%			0.0%			0.0%		
EUREKA	2	1	-50.0%			0.0%			0.0%			0.0%		
HUMBOLDT	2	3	50.0%		1	100.0%		1	100.0%			0.0%		
LANDER	1	3	200.0%			0.0%	2	1	-50.0%			0.0%		
LINCOLN	2	2	0.0%			0.0%	1		-100.0%			0.0%		
LYON	13	5	-61.5%	1		-100.0%		1	100.0%			0.0%	1	
MINERAL	1	2	100.0%			0.0%			0.0%			0.0%		
NYE	12	5	-58.3%		1	100.0%	3		-100.0%		1	100.0%		
PERSHING	2	1	-50.0%			0.0%			0.0%			0.0%		
STOREY			0.0%			0.0%			0.0%			0.0%		
WASHOE	9	9	0.0%	9	9	0.0%	6	5	-16.7%	1		-100.0%		1
WHITE PINE	1		-100.0%	1		-100.0%		1	100.0%			0.0%		
YTD	136	137	0.7%	41	49	19.5%	38	34	-10.5%	4	4	0.0%	3	6
TOTAL 11	152	----	-9.87%	47	----	4.26%	40	----	-15.00%	4	----	0.00%	3	

Total 2011 246