



Department of Transportation  
Board of Directors  
Notice of Public Meeting  
1263 South Stewart Street  
Third Floor Conference Room  
Carson City, Nevada  
April 8, 2013 – 9:00 a.m.

## AGENDA

1. Presentation of Retirement Plaques to 25+ Year Employees – *Informational item only.*
2. Presentation of Awards – *Informational item only.*
3. Receive Director's Report – *Informational item only.*
4. 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.*
5. Approval of March 11, 2013 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
6. Receive a Report on the Status of Project NEON – *Informational Item Only.*
7. Approval of Contracts over \$5,000,000 – *For possible action.*
8. Approval of Agreements over \$300,000 – *For possible action.*
9. Contracts, Agreements, and Settlements – *Informational item only.*
10. Relinquishments – *For possible action.*
  - a. Disposal of NDOT property located along portions of Flamingo Road (former route SR-592) at Las Vegas Boulevard in Clark County, NV SUR 11-17
  - b. Disposal of NDOT property located along US-50 at SR-305 (Austin/Battle Mountain Road) in the County of Lander, NV SUR 11-20
11. Approval of Amendments and Administrative Modifications to the FFY 2012-2015 Statewide Transportation Improvement Program (STIP) – *For possible action.*
12. Approval of the first Guaranteed Maximum Price (GMP) for the Carlin Tunnels Construction Manager at Risk (CMAR) project – *For possible action.*
13. 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 March 18, 2013 – *Informational item only.*

14. 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.*
15. 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:

Nevada Dept. of Transportation  
1263 South Stewart Street  
Carson City, Nevada

Nevada Dept. of Transportation  
123 East Washington  
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Nevada Dept. of Transportation  
310 Galletti Way  
Sparks, Nevada

Nevada Dept. of Transportation  
1951 Idaho Street  
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Governor's Office  
Capitol Building  
Carson City, Nevada

Clark County  
200 Lewis Avenue  
Las Vegas, Nevada

Lander County  
315 South Humboldt Street  
Battle Mountain, Nevada



1263 South Stewart Street  
Carson City, Nevada 89712  
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## MEMORANDUM

March 18, 2013

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** April 8, 2013, Transportation Board of Directors Meeting  
**Item # 2:** Presentation of Awards – Informational Item Only

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### **Summary:**

This item is to recognize the Department of Transportation and staff for awards and recognition received.

### **Background:**

#### **National Asphalt Pavement Association QUALITY IN CONSTRUCTION AWARD *U.S. 93 Overlay Project near Currie***

Pavement overlays are a vital part of NDOT's pavement preservation program. NDOT contractor Granite Construction recently received the National Asphalt Pavement Association's award for excellence in asphalt paving for a pavement overlay project in northeastern Nevada. The project used cold in-place recycling to resurface 19 miles of U.S. 93 near Currie.

The cold in-place recycle technique reuses the existing pavement surface and smoothes it back down as part of an improved roadway. Using existing road material not only saves the cost of new material, but also minimizes waste.

NDOT partnered extensively with Granite to successfully complete the project on time despite the area's high elevation and subsequently short paving season.

#### **Renown Children's Hospital THANK YOU LETTER *For Assistance with Medical Transport of Sick Infant***

NDOT receives many letters of thanks from citizens and various partner agencies. This thank you letter from Renown Children's Hospital was particularly special:

*"Our (medical) transport team was called to pick up a premature infant in respiratory distress in Quincy, California. REMSA arranged to have a snow plow meet the ambulance on highway 395 north. The ambulance followed the snow plow to the California/Nevada border where a Caltrans snow plow took over. We can't begin to thank each individual team member for their dedication and perseverance in providing safe transport for our very tiny patient. The baby has since been discharged home."*

## **NDOT PARTNERING PROGRAM AWARDS**

### **Gold and Silver Awards**

NDOT's Partnering Program establishes facilitated, structured partnering to build successful road projects without the cost and delay of construction-related claims. Through the Partnering Program, the state has greatly reduced road construction-related claims, and saved immeasurable amounts of money and staff time.

The Department recently recognized the following road projects in our third annual Partnering Program awards:

#### ***Gold Award – West Mesquite Interchange Design-Build***

NDOT's West Mesquite Interchange Design-Build Project utilized an innovative Accelerated Bridge Construction technique to build new I-15 bridges next to existing bridges. Each existing bridge was then demolished, and new bridges slid into place overnight, reducing bridge construction time by six months while still allowing interstate traffic to flow smoothly using exit and on-ramps.

The nationally-recognized project was a great success in part by closely involving and bringing together stakeholders and subcontractors to develop construction innovations and cohesion. Innovative project design changes also provided an improved, and more efficiently-constructed, project.

The project was substantially completed within 361 calendar days, or four days ahead of the advanced schedule and six months ahead of the original schedule.

#### ***Silver Award – U.S. 95 Improvement Project- Hawthorne/Walker Lake***

NDOT's project to mill and repave 20 miles of U.S. 95 from Hawthorne north, including ADA enhancements to improve and smoothen sidewalks and driveway entrances within Hawthorne and 14 miles of guardrail improvements, received the silver award.

Alongside Walker Lake, construction required diligent coordination of material delivery and maintenance of traffic. Meanwhile within Hawthorne, businesses played a key role by making suggestions on how to reduce impacts to their operations. Daily review and discussion of any construction issues and opportunities yielded improved quality and reduced construction traffic delays.

The quality project completed two months ahead of schedule, under budget, without any safety violations or incidents.

#### ***Silver Award – I-15 South Design-Build***

NDOT's I-15 South Design-Build Project widened and improved I-15 south of the Las Vegas Strip. New and reconstructed overpasses were built to help traffic flow and collector-distributor roads constructed to ease congestion and increase safety by taking merging traffic off of I-15.

Structured partnering was outlined in charter to closely involve NDOT, the contractor, subcontractors and multiple stakeholders such as LVCVA, Clark County, NV Energy, UPRR and others. The project also saw Nevada's first use of a self-propelled modular transporter and vital detours to help reduce impacts of long-term bridge construction road closures.

The award-winning project completed well under budget.

### **Silver Award – I-80 Design-Build**

NDOT's I-80 Design-Build project reconstructed Interstate 80 through the heart of Reno, including replacing concrete as much as 40 years old in areas. Additional lanes and signing, striping, ramp and other improvements were also made.

Daily meetings at many project levels, from project managers to trade and craft foremen, helped keep the project on schedule and readily identify potential innovations and improvements.

More than 250 stakeholders were involved in a collaborative effort to lessen construction impacts on local businesses, residents and commuters, including a business patronage program. The project opened to traffic 82 days ahead of schedule and completed with zero potential claims.

### **Silver Award – U.S. 95 Winnemucca-Area Repaving**

NDOT's partnering process also makes for more efficient, effective improvements to rural roadways. When an NDOT project milled and repaved rural U.S. 95 approximately 30 miles north of Winnemucca, core roadway samples were taken to ensure that paving would not delaminate, or separate, from the roadbase. The preventative measure saved an estimated \$148,000. Other potential project issues were identified and resolved at the most immediate and lowest level, often between project foremen and inspectors. Another example of collaboration: when the contractor's pilot car failed, NDOT stepped in to provide temporary pilot car service so work could continue uninterrupted.

The project was completed more than \$200,000 under cost, and the traveling public only experienced construction delays for 38 of the project's 60 working days.

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

This is an informational item only.

### **Attachments:**

None

### **Prepared by:**

Meg Ragonese, Public Information Officer

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

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Sandoval: I will call the Department of Transportation Board of Director's Meeting to order. I will begin with Item 1 on the Agenda, which is receive Director's Report. Director Malfabon, good morning.

Malfabon: Good morning, Governor, Members. Thank you. Last month as you recall we had some of the 25 year recognition from the AASHTO. And actually since Tracy is here today we're going to go ahead and take one more photo op. She was in Las Vegas last time, so we'll take a photo op with her for the 25-year award.

And we also have our annual award winner from our employee recognition program. And what that is, is that employee recognition program is funded through a grant from the Western Association of State Highway and Transportation Officials, WASHTO, so all the Western State DOTs. And we have the annual winner, Kendall Marlar, here from Elko. He works on a maintenance crew up there. But I wanted to mention to the Board before Kendall comes up for his photo op what he's won for. On March 9, 2012, Kendall was driving in his NDOT vehicle. He noticed that he was flagged down by somebody that needed assistance. He parked his equipment, got out to see what they needed, and he discovered that their friend was pinned against the business' entrance by his own vehicle, in which the individual had left in gear. Kendall was able to calm the situation down and then proceeded to try and place the vehicle in reverse to release the person pinned, but the truck would not go into reverse. At once, and without hesitation, he shut off the vehicle, placed it in neutral and rolled it back, releasing the person pinned. He had noticeable injuries, but his quick response helped saved this person from a more drastic fate as far as we know.

So we're very proud that he won that recognition, the annual award where all NDOT employees that receive recognition are judged. So with that, we'll do a couple of photo ops with the Board, and then we'll go on to the rest of Director's Report.

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Sandoval: Congratulations.

Fransway: Now all we need's another 25.

Malfabon: Thank you, Kendall and Tracy, and congratulations once again. Moving on with rest of the Director's Report, I wanted to give the Board an update on legislative matters. We've had our work session and hearing on the Construction Manager at Risk, CMAR, process for NDOT. We want to eliminate the two-year sunset clause. That went well. We had a lot of support from our contractors that have been involved in the process and have observed as well as worked on the process.

We also have -- this week we have hearings on the bridge weight limits bill that NDOT has submitted, and also the road relinquishments bill which we probably have a lot more work to do. It's been -- we've attempted to reach out to the League of Cities and Nevada Association of Counties, and it's something that it's getting to the point where it's not as effective as what the original intent of the bill was, but we've been trying to work out the differences. But that bill will be heard later this week. We also have our budget hearing planned for Thursday of this week. So Budget Director Jeff Mohlenkamp will also be present at our hearing since we are a substantial part of the State budget.

A little update on some other CMAR related issues. Carlin Tunnels Project is the CMAR project that the Board previously approved. We expect to have the next phase of the Board approval, which is the approval of the contractor's guaranteed maximum price for the Carlin Tunnels. It's actually going to be split in two elements because it's such a different variety of work on that project. So the roadway portion expected to be around the \$4 million range will be in the April Board meeting. So next month we'll have the guaranteed maximum price approval for that. And May is the conclusion of negotiations and presentation to the Board for the guaranteed maximum price for tunnel lighting and bridge, so the other elements that were a very distinctive part of that work in April.

On the Tahoe Bike Path project, we expect to have the guaranteed maximum price to the Board in June for your approval. And the reason that's taking a little bit longer is we have to get some environmental approvals for some additional areas that were not originally covered in the original concept, but we're working with one of the resource agencies up at Tahoe to get coverage of the bike path to an area that was previously not cleared environmentally.

On other news of national importance for DOTs, I did attend the AASHTO Washington briefing. It was actually the same week as -- you had a Governor's conference, and you had just left when I got into town. So we

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had good coverage that week in Washington. The issue of that week, as you know, Governor, was sequestration and the impacts of that to not only the transportation sector, but all of the sectors of the national economy. But in terms of what sequestration means for us as a Department of Transportation, it doesn't have huge impacts, but it did have some impacts. There's a program called Equity Bonus where a certain amount of the transportation funding is split out amongst the states. Nevada is a recipient of more federal funds that we put in. They collect from our state. So other states, Equity Bonus is more of an important issue to them, but it would cause a -- it's estimated to be a slight cut of about 400 to 450,000, that range, of funds from the federal government.

The other portion that could result in a slight funding cut is in the issue of continuing resolution. So Congress has not passed a budget. We're operating under a continuing resolution through March 27. The House of Representatives recently passed their version of a continuing resolution through the rest of the fiscal year, and we would get a cut of about \$2 million. So we've let our financial people know so that they could program the federal funds accordingly. They say that it's not going to cause a huge impact to our program, because we anticipate under the current authorization we get about \$320 million a year. So that, in total about two and a half million dollar cut between the sequestration, the equity bonus cut and the continuing resolution reduction, that it would not have a significant impact, but it does have a slight impact.

The other thing to report, we did meet with our delegation and told each member about the importance of having some assurance of receipt of those federal transportation funds. So the next action is the expiration of MAP-21 is about a year and a half away. So in terms of how much time they have to put into it to get something to pass, they have already started doing some hearings on how MAP-21 is being enacted, and they'll actually start on the reauthorization of that transportation bill soon, and the transportation committees will get that passed through Congress.

Also, I was named Chairman of the standing committee on highway traffic safety. It's a very important role in trying to work with all of the State DOTs and AASHTO to drive down the number of fatalities on our highways, as well as what we do in our own home State here in Nevada.

Some project updates for the Board. Meadowood Mall Interchange, we had mentioned that we're still shooting for this month to get the freeway lanes back to their original configuration, so get that portable rail out of the way, get the traffic shifted back to where they should be in the lanes, and hopefully get the speed limit back up to 65 miles per hour in that section.

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There will also be a little bit of work that's temperature dependent that should be done this spring still. And I had already reported to the Board that there is a claim or a request for compensation for 1.4 million on behalf of the drilling subcontractor related to use of a material called self-consolidating concrete. So the contractor was saying because NDOT required that, specified that, and we had trouble with it on the project, it's your fault NDOT, and NDOT obviously is reviewing their materials that they provided, but we disagree at that time. We understand that that's not the only issue involved in that project. There will be another claim for all the other issues that were either related to things that they encountered on the project that cost more money for them. But we're hearing that in terms of how much money, they're saying approximately five million which includes about the one and a half million for the drilling subcontractor. So a substantial amount of money that they're saying that they're owed, and time, so we'll work those issues out, but we are setting up the administrative process of a Claims Review Board here. It's not binding. In fact, the contractor could elect to go to court to get the money back that they feel they're owed, but we'll do our best to go through the administrative process of the Claims Review Board.

On Project NEON you'll see two contracts later on in the meeting before the Board for approval. But just as an update, we did go through the selection process for legal services and financial advisor services. So these legal and financial advisors will give us support as we go through the process of hiring a firm, a team that will finance and design and construct the Project NEON, and possibly look at operations and maintenance as well as elements of that contract.

One of the issues that we had to respond to recently was the hiring of the legal firm, Nossaman. Nossaman had been working with NDOT previously on development of our P3 program, and they were the successful selection this time around. But there was a lot of concern with the firms that were local Nevada firms that they didn't get the work. But the process was a fair process. It was -- we did use federal aid, so we can't have local preferences on federal aid contracts. But we had representatives from the Attorney General's Office from both NDOT and I think it was Public Works was the other agency that allowed us the use of their (inaudible). And the thing is, Governor and Board members, we don't have a lot of public-private partnership deals struck in Nevada, so there is not a lot of Nevada experience on that. So typically we expected to see that it would be an out-of-state firm teaming up with a local firm. I believe that Nossaman probably has a local office, but it's primarily the expertise is outside of the state of legal services at this time.

On the financial side, Ernst and Young beat out one of the firms that had been previously working for NDOT as financial advisor on the P3 program,

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but Ernst and Young, again, it was a fair process with several members on the team that they listened to the presentations, read the proposals, rank them accordingly. Those scores are collected by admin services, so there's not a lot of discussion while they're putting down their points on their scoring. So it's a fair process. And Ernst and Young was the successful provider that we are proposing today in a later Board item.

An update to the Board on Boulder City Bypass, we have the current project out for fencing and plant salvage. The next phase of the project is utility relocation and construction of the frontage road. We anticipate that it's going to advertise this fiscal year. As I mentioned previously to the Board, we're using federal earmarked for that construction. And I previously mentioned that there were some issues with eminent domain. Primarily one of the properties, Jericho Heights, I wanted to mention today that we received a counter-offer from them very recently, last week. We'll work at doing our due diligence on that counter-offer. But I just wanted to update the Board that we did receive that and we also are asking the court for more time to allow us to conduct discovery on that case for Jericho Heights.

You may see some reports because I believe that the counsel for the other party is going to reporters to try to pressure the State to settle on that. We don't feel that that's wise for us to just take their number and run with it, so we'll do our due diligence in investigating the feasibility of accepting that offer. But our outside counsel, I wanted to mention, Laura Fitzsimmons has been a great asset for us working for the State on this case, training our people on what to avoid and what to do to avoid these types of eminent domain cases in the future. And she's taking a well-needed vacation right now, too.

Later on this week, Governor, I'll be present tomorrow at the Board of Examiners meeting for the Blue Diamond RV Settlement. It was a property adjacent to Blue Diamond Road when we widened the freeway near the bridge over the railroad tracks. We had to elevate the road. And the property owner was saying that because we elevated the road, the height of the road, that it was a taking of their property. We settled -- we went to court on that and actually prevailed, but they filed an appeal and were going through the process of the appeal when we had a settlement conference with them. And we did have some negotiations in that and reached a settlement which I will present to the Board of Examiners tomorrow, along with Karissa Vero from the AG's Office (inaudible) that assisted us on that issue. And that concludes the Director's Report.

Sandoval: Thank you. Any questions from Board members for the Director?

Fransway: Governor?

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- Sandoval: Yes, Tom.
- Fransway: Yes, Governor. I do have some questions, but I think that they can wait until our fourth Agenda item.
- Sandoval: Okay. Frank, are you present in Las Vegas?
- Martin: Yes, sir.
- Sandoval: All right. Is the Attorney General present? No? Oh, yeah, there she is.
- Cortez Masto: Yes, Governor.
- Sandoval: All right. Good morning. We didn't have you on our screen, so I'm glad you're here. All right. We'll move on to Agenda Item No. 2, public comment. Is there any member of the public here in Carson City that would like to present comment to the Board? Is there anybody present in Las Vegas that would like to provide public comment to the Board?
- Martin: None here, sir.
- Sandoval: All right. Thank you. We will move on to Agenda Item No. 3, approval of February 11, 2013 Board minutes. Have all the members had an opportunity to review the minutes, and are there any changes?
- Savage: Yes, Governor, I have, and I do have one change. On Page 8, second paragraph it said "the Seymour Project." It should reflect the CMAR -- the acronym CMAR, Construction Management at Risk, for the Carlin Tunnel. That's the only correction I have, Governor. Thank you.
- Sandoval: Any other changes?
- Martin: I had one question. On Page 41, I believe it is, Rudy had made the statement about following up on projections -- let's see of his -- it starts on Page 40. "Governor, this is Kim. Just a follow up question. I think it was the November Board meeting, maybe October, I had asked Cole to get us a chart, when we settled one piece of property in Las Vegas that basically doubled value in a year. I said you can go back and tell us what you had estimated to settle it just so we can get a comfort level that our projections on these right-of-ways are going to come in with what we're estimating." And Rudy had made the statement that they would follow up on that this next month, and I didn't see it on the Agenda. So I'm wondering if that's going to be followed up on.
- Malfabon: Yes, Governor. In response to Member Martin's question, our anticipated process would be that we would have more thorough presentations to the Board on NEON on a quarterly basis, so we'll cover that item at that time. It would be -- next month would be the month where we actually have a

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more detailed presentation on NEON's status and we'll cover that item at that time.

Martin: Thank you.

Krolicki: Governor, I'd move for approval with the one edit on Page 8 that Member Savage pointed out, it's CMAR instead of Seymour.

Fransway: Second.

Sandoval: Thank you. We have a motion by the Lieutenant Governor for approval of the minutes with a change as referenced by Member Savage on Page 8, second by Member Fransway. Any questions or discussion on the motion? All in favor, please say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. We will move on to Agenda Item No. 4, approval of agreements over \$300,000.

Sisco: Thank you. Good morning, Governor, members of the Board. Scott Sisco, for the record, Assistant Director over Administration. Item No. 4 are approval of agreements over \$300,000. Moving to Page 3 of 28, we have four agreements this month for your approval. The first agreement is from Volt Delta Resources. That particular agreement is to operate and maintain Nevada's 511 system in the amount of \$1,920,000. The second agreement is -- and by the way, these first three are all new agreements, and the last one is an amendment, and the second one is from Nossaman, LLP. It's legal advisory for Project NEON, which the Director mentioned. And the third one is the financial advisory for Project NEON with Ernst and Young. Nossaman was \$1.4 million, Ernst and Young \$1,397,957, and then the fourth agreement over \$300,000 for your approval today, Samaritan Incorporated, with Freeway Service Patrol and amendment to cover the Las Vegas area as we get the final RFP out on the street. I'm happy to answer any questions or at least get the right people up here to answer any questions.

Sandoval: Thank you. I'll go to Member Fransway. He had some questions, I understand.

Fransway: Thank you, Governor. I hope that you don't regret that. But I did have time to -- some things caught my eye on this Agenda item. Particularly the first one looks like it was a cost savings of \$391,000, and I believe that had something to do with your leadership, Governor. Appreciate that. Question on two and three, and the Director talked about that earlier. My first question is, are these amounts for the life of the agreement? One agreement

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is for a four-year agreement, and Line Item 3 is for a year and a half plus. And they're about the same amount.

- Sisco: Mr. Fransway, real quick, I'll jump in here, and then if I don't quite answer your questions, we'll get some additional. These two agreements, as you will recall when we gave you the various NEON presentations, these were the two that took us to get to that point with RFP, where we could actually get the RFP out on the street, evaluated, and get them out on the street. The legal agreement goes a little bit longer than the other one. We put extra time in there because that one's going to take a lot longer. It'll probably actually be evaluated into the period in which we're putting that contract together, whereas we hope the financial agreement will be finalized by the time that we are ready to actually put the contract out on the street. So there's a little bit of a time difference, but these are both real close to the 1.5 million estimate that we originally estimated it would take us to get that RFP out on the street on these two.
- Fransway: Okay. And my question was will that be for the life of the agreement?
- Sisco: The life of this particular agreement. Now, there may be additional scope of work as we go in and we evaluate the actual contract that we're going to put together, and the actual work that we're going to put together in that contract, but both of these, this is the total scope of work for getting that RFP out onto the street, and then getting them back in and getting the -- to the point of starting the contract preparation and negotiations.
- Fransway: So the likelihood of further amendments is not likely over a four-year period?
- Sisco: You know, I feel like I'm dancing around here, and I don't mean to be. For this particular scope of work, yes. Again, this is pretty much Nevada or NDOT's first public-private partnership that we're putting out there. We've taken and we've studied a lot what the other states have done in order to get that RFP on the street. We feel, and I know Mr. Hoffman guaranteed you, but we feel -- I'm going to put that out there, Bill, before you guarantee something else. We feel that this is what we need based on everything that we've watched these other states. And fortunately we're down far enough having watched other states do it where we feel this is good. Again, though, you just don't know. We're watching the changes that MAP-21 and some of these other things have done to the whole process. But based on everything to get this RFP on the street, we feel there will not be amendments for this scope of work.
- Fransway: Okay. And I am aware that over a four-year period there may be some issues that arise that may warrant an amendment, but I'm hoping that over that four-year period they won't be substantial.

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- Sisco: Okay. Well, I do want to remind you that in that last presentation where we put these out, we did indicate that there may be the possibility that we use either -- one or more of these as advisors as we negotiate agreement and move forward with the actual agreement. But for this particular scope of work, to get that RFP on the street, we do not believe that there should be any additional amendments to this.
- Fransway: Thank you, Scott. Thank you, Governor.
- Martin: I have a couple of questions too.
- Sandoval: Please proceed.
- Martin: And along those lines, Scott, about the amendments and so on, in my world of vertical construction with the State Public Works Department, there is a point when you reach a 10 percent of the original contract value where there is a trigger. That trigger invokes certain requirements as far as going further with the contract. In other words, you got a \$1,400,000, so in my world, at \$140,000 worth of amendments, there is a trigger that happens where there's an audit and there's a few other things. Does that same kind of situation exist within DOT?
- Sisco: Mr. Hoffman, you want to jump in on that one?
- Hoffman: Good morning, Governor, Transportation Board members. I'm not aware that we have anything like that at NDOT. I'm not sure that there's a trigger that starts audit processes or anything like that. We can look into that certainly.
- Sisco: And, again, one of the things that I'll remind you of is these two particular consultations agreements, they are strictly for putting together an RFP. Most of the additional work is going to come in negotiating that contract and moving forward from that contract beyond. So we feel that the scope of work for these particular things, we shouldn't see any cost overruns. So we made it clear in the negotiations with these two consultants that Mr. Hoffman guaranteed that there weren't going to be any.
- Martin: Okay. I understand that part, but I echo Member Fransway's concerns that one of the things that's created some of the most discussion in some of the meetings I've attended is the consistent amendments to consultant's agreements and which seem to be ongoing all the time. And I have a concern because these are significant agreements, significant amounts of money, and on a significant project. So I have a concern that that's what we're going to see here. It'll just be an ongoing situation amendment after amendment.

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- Sisco: One of the things we can do here as we had promised before is we can continuously monitor these and bring in the Director's Report an update on where we're at on these contracts as we move towards getting those RFPs out on the streets so that you'll all know ahead of time if there's anything coming. But, again, we don't believe that for this scope of work there should be, but we can make sure that we add that to the Agenda each month as we bring these RFPs out to the street.
- Martin: Okay. And I don't know if the rest of the Board feels a need to know on a quarterly basis, an update on where we are with these budgets, so that by knowing how much we billed and what the potential cost to complete is, that's kind of the same -- I think Member Savage uses that same kind of report in his business, to anticipate where it's going to come out in the end. So I don't know if the rest of the Board -- that's something maybe for another discussion. On the Ernst and Young contract, where is that managed from, what office?
- Sisco: Their San Francisco office is their closest office where their expertise for the public-private partnerships is. Now, they have one of their members, because they ended up having a last minute consultant change, is coming from New York, but we negotiated with them to make sure we weren't going to pay any difference in their travel costs or their time costs from their San Francisco exchange out.
- Martin: Okay. You asked -- you answered one question, because in the number here undoubtedly is travel and per diem, and I'm wondering how they could be even close in the financial side of it to a firm that's located say in Las Vegas or -- well, not Las Vegas, but in Reno where it's working directly with, or maybe in Las Vegas. I know when I hire a subcontractor here locally that comes from Austin, Texas, there's a huge difference in cost.
- Sisco: Yes. And, again, they did include their travel costs in this. And, again, for the expertise that we were looking for in putting together a public-private partnership RFP, that was pretty close for us for this particular -- in particular this financial advisor. I think our -- I'm trying to remember where other competitors were from, and I think San Francisco was about as close as we were getting.
- Martin: Okay. Who else proposed?
- Sisco: Our current -- our previous consultant which was KPMG and we had two others. And I'm trying to remember...
- Hoffman: If I could, Scott?
- Sisco: Yes.

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- Hoffman: Bill Hoffman, for the record. It was Claret was a financial advisor, KPMG and Ernst and Young were the three that interviewed. And then if you guys want to know the legal advisors, those three that interviewed were Nossaman, Armstrong Teasdale and Ballard Spahr.
- Martin: Okay. And on the legal side, where were the other two firms located? Obviously Nossaman is out of town as well, out of state.
- Hoffman: I'll go ahead and answer that question. Again, Bill Hoffman, for the record. It was interesting with both the legal and financial advisors in that they teamed up with P3 experts from across the country. They tried as much as they could to tie themselves into Las Vegas or Reno offices, but for the most part, those that held the most experience and most expertise were from outside of the State of Nevada. We had Philadelphia, New York, San Francisco, Los Angeles. They were -- those experts that we felt we needed did not have local presence in Nevada.
- Martin: Okay. Thank you.
- Sandoval: I have a question on that legal. Are we going to be paying, or was it negotiated, are we going to be paying 500 bucks on hour for lawyers to be flying on airplanes and things of that nature?
- Hoffman: Bill Hoffman. We want to try to minimize that as much as we can. There were some very good, I believe, negotiations made. Travel costs, there were other things that we tried to take into consideration to reduce the overall cost of their services, but I think, unfortunately, we're going -- in some instances we'll be paying those hourly rates for them to travel.
- Sandoval: And who is going to be responsible for reviewing the timesheets and the billings for this firm?
- Hoffman: That'll be the responsibility of the project team. I don't want to promise anything for Dennis, but I'm sure that our AG's Office would like to get a look at those. And we have a project manager that will be looking -- that's their sole purpose is to look for scope, schedule and budget. And certainly the consultant services, that's their job is to look over those costs every time those invoices come in. So it'll be a joint effort between those experts, the legal experts. Dave Olsen in our financial management group will also be involved, but it'll be the project manager's sole purpose to look over those and make sure that the costs that have been billed are those costs actually incurred.
- Sandoval: And what is the hourly rate? I just threw out 500, but I'm curious. Do you know?

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Hoffman: I wouldn't want to say without having the detail behind that. I'm not quite sure what those costs are.

Malfabon: This is Rudy Malfabon. It was noted that they had negotiated a five percent reduction in the hourly rates, but I don't know what the actual rate was.

Sandoval: Five percent of what?

Malfabon: Yeah. Lou? Lou Holland from the AG's Office.

Holland: Governor and members of the Board, the rates for the Nossaman firm vary depending upon the particular attorney involved. Corey Boock will be one of the primary attorneys involved. His rate is \$605 an hour. We have other attorneys at lesser rates. There's Geoff Petrov out of Houston who occasionally supports the effort. He's at about \$450 an hour. So there's a range.

Sandoval: But I -- yeah, and I don't know -- I haven't had an opportunity to look at the scope of work, but if this is advisory in nature and not appearance in nature, I would imagine it wouldn't be necessary for them to travel to Nevada very often.

Holland: That's true. We try to minimize their travel as much as we can. We do a lot of telephone conferences when necessary. And, you know, there are times that we have them here to do training our folks, those kind of things, NDOT staff. They do some training and some risk management type meetings. We get together for those. But we try to minimize travel. Everybody's very conscious about the budget constraints that we have here in the State.

Sandoval: And I think you can appreciate that this is going to be watched very closely with regard to these contracts. And, again, I share the sentiment of some of the other Board members as we approve these now and they're four years, and then two or three years down the road we start to see the amendments, and this is a lot of money. And I understand that we have to get the best attorneys out there. I obviously have -- would like to see Nevada firms get the work. But if in the judgment of the committee that reviewed this that the Nevada firms didn't have the expertise like this Nossaman firm did, again, I'm not going to interfere with that, but at the same time, we have to consider the travel, these expenses and those things.

But I think I agree with Member Martin. I would, I guess, take it at face value today that we're going to have a quarterly update as to where we are on these things. I think the suggestion of Member Martin in terms of how we monitor them was an excellent one as well. But I just -- I guess it's one of those things, at least in my little over two years on the Board, we've seen this happen quite a bit where we have an amount of money and then we start to have these extensive amendments, particularly in the legal area. And we

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just want to make sure that we stay within the boundaries of the original agreement.

Holland: Governor, Lou Holland once again. One of the things that we have done is create a very close budgeting of the legal firms that we watch, I personally watch, where we monitor the expenses versus the budget. We have broken out the budget in particular tasks off the scope of work. We track each of those to find out how we're doing on a month-to-month basis as we get invoices in, and closely monitor it.

Also to add onto something that Bill Hoffman said a while ago, the Armstrong Teasdale firm had one attorney with P3 experience. He was based -- I take that back. Armstrong Teasdale had two attorneys based in St. Louis that had P3 experience, and Ballard Spahr had one attorney based in Philadelphia with P3 experience. So we're looking at outside the State for P3 experience in all of the firms that were interviewed.

Sandoval: And then just, you know, I'm sure -- I don't know if it's going to be you, Mr. Holland, or whoever, but just make sure that we don't have one partner, three associates and two paralegals all billing on the same meeting and doing the same things.

Holland: We watch that very closely, Governor.

Martin: I have one more question. How many trips was actually anticipated for someone in the 600 or even the \$450 range to come to Reno and/or Las Vegas?

Holland: This is Lou Holland once again. I'm not sure of that number. Perhaps someone from project management might know that.

Martin: And the reason that I ask -- and a little bit later we're going to be asked to approve an amendment to an existing contract because quote/unquote, "There were more site visits required than was anticipated." And I can see that maybe following forward. So I was just wondering what -- if it was established how many site visits was within the \$1.4 million.

Malfabon: Rudy Malfabon. In response, Governor and Board members, in task four of the backup on page 20 of 28, it says that there were anticipated to be two meetings per month in the first three months, and then one per month for in person key meetings. So we would try to get the key individual or individuals from those firms typically at the -- this is on the financial side, but I'm assuming that it's the same team meetings with the legal side. And so initially we'll have more frequent meetings, but then we'll try to -- once everybody's up to speed on the project team on the NDOT side with the outside advisors, we'll try to concentrate on a more cost effective teleconferences or video conferences.

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- Martin: That page 20 of 28 was for Ernst and Young, Rudy.
- Malfabon: Yes.
- Martin: And I was asking about the attorney because I'm assuming that the accountant side isn't \$600 an hour.
- Malfabon: In response to Member Martin, it would be the same meetings, the same team meetings typically for the -- because we're going to get the NDOT team together will be a larger group, and we'll get the financial and legal folks and technical folks present at those same team meetings, Frank.
- Martin: Okay.
- Sisco: And, again, just confirming with the project managers, yeah, we're looking at the same things. Similar at the beginning, but we hope to -- again, both of the teams have very senior level people with their companies in them that will be involved in the very beginning, and be weaned off as their project management from their side takes over and we start dealing with the lower level employees, if you will.
- Malfabon: And we will commit to the quarterly updates, the first one being next month, where the project manager, Cole Mortensen, will give more detailed information as far as status of right-of-way acquisition, budget and the legal and financial services contracts.
- Sandoval: Board members, any further questions with regard to Agenda Item 3? Member Fransway.
- Fransway: Before we (inaudible) if I could address Line Item 4. And a lot of this may be resolved in just clarification, but for this particular amendment, it appears to me that the 801,000 for Samarantania is relative to District 1. Now, their whole contract is for District 1 and District 2, I would assume.
- Malfabon: No. I'll respond to that, Member Fransway. That contract is for District 1 because we put out an RFP for both districts separately. And it's a good point to make is that Rick Nelson had the Freeway Service Patrol vehicle that we're going to self-perform for three months or so -- is it three months? It's actually parked downstairs, so if the Board members...
- Sandoval: Yeah, I saw that.
- Malfabon: ...on the way in and the way out could, you know, take a look at that vehicle. But our intention is have this amendment cover that lag in time between getting the new vendor onboard for Freeway Service Patrol services in District 1 in Las Vegas, and in the meantime for that lag in District 2, we're going to self-perform the service and see how we compare with the vendor that responds to the RFP for District 2.

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- Fransway: Okay. So far it looks to me like we're into this \$9,000,558. Now, is that District 1 only?
- Malfabon: I believe they were separate contracts, so District 1 -- is that correct, Rick? On the amendment, these were usually separate contracts with Samaratania. Okay. Rick Nelson.
- Ina: Good morning. Denise Ina, Traffic Operations. We have to clarify Member Fransway's question. Currently we have one agreement for the entire Freeway Service Patrol program in the State. A portion of the service in Las Vegas, a portion of the service in Reno. So that nine and a half million dollar total is for all of the service throughout the State. We're only adding additional funds on for Las Vegas to keep service through the new -- or the successful firm that will be providing the FSP service in the future.
- Fransway: Okay. Thank you for that, but the way I see the whole service is that it was authorized to commence in September of 2007 at a cost of 5.7 million plus. And that was for a four-year period, which equals about 1.4 million per year. Now, over the last two years there's been four amendments and they've averaged about 2 million per year. And so that's 600,000 more. And I'm just trying to figure that out. Because if you look at the CPI, that's way high.
- Ina: Part of the reason the costs have -- say the cost per month, if you will, has increased is not because they're charging us more. They're still charging us the same hourly rate as when we first initiated the agreement. But what we have done over the years is we've changed the hours and the routes of the service, particularly in Las Vegas. So the coverage, if you will, has expanded, and that's what's costing more money.
- In this last amendment for Las Vegas, as Member Savage is well aware of, because we've been talking to him in great detail about our program, we have actually refined the routes and the hours. We did investigation based on crash data, on traffic volumes, so the routes have slightly shrunk in Las Vegas, because we really want to make sure that we're getting the most response for that service, that, you know, we're putting it in the most -- the more highly congested areas where it's going to make the biggest difference, and reduce congestion, improve reliability, those sorts of things.
- So that's why the cost seems to have gone up. It's because our routes expanded. But we've actually trimmed that back slightly. But we do have - - for example, we do have more vans in the program than we did originally in 2007.
- Fransway: Okay. So in your view then the expanded routes are seeing positive results?

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- Inda: Yes and no. We had expanded those routes in the past with significant input from the Highway Patrol. And what we have done is we've actually looked at the numbers and we've tweaked those routes slightly. So we are contracting the routes a little bit in Las Vegas, because even though Highway Patrol and, you know, most everyone would like us to have service on every road 24/7, we know that we don't have the money to provide that service, and that there's not the same benefit 24/7 everywhere. So we've contracted the routes and adjusted them to where we think that the public is going to receive the most benefit -- the most value.
- Fransway: Okay. So hopefully NEON will fix that.
- Inda: NEON is a capacity project and it will provide additional capacity in the area. And as we are doing now, and we will do every time a project goes through, we do evaluate what the needs are in that area, and we can and will adjust the routes and the hours accordingly. We certainly will do that.
- Malfabon: Just to add to Member Fransway's comment. Project NEON will definitely improve the flow of traffic in that area on I-15, but we will still need Freeway Service Patrol services, because the same drivers kind of cruise the entire network, so they go on all the major freeways during the peak time that we have them contracted out to provide that service.
- Fransway: Thank you, Governor. Thank you.
- Sandoval: Member Savage.
- Savage: Thank you, Governor. Just a couple comments on Item No. 4, and a couple questions, because I do, again, thank Mr. Nelson and Ms. Inda for stopping by the office almost on a monthly basis to update myself on FSP concerns. And I think it's a great opportunity for this pilot program up here in the north. We've asked for substantiation documents from the current provider for some months and weeks worked over this past year. But, Mr. Nelson, if you could please update us on the pilot program to begin here April 1 in the northern section of the State, number one. And number two, the question on Page 26 of 28, the comment, "cannot go on a federal fiscal year cycle per April," if you could answer those two questions for me, I'd appreciate that.
- Nelson: For the record, Rick Nelson, Assistant Director of Operations. As to the update, the proposals have been received from those firms competing for the Freeway Service Patrol program both north and south, and they're being evaluated right now. We anticipate bringing a recommendation to the Board for approval to the August Board meeting.
- So the pilot program for the Freeway Service Patrol will provide coverage in the Reno/Sparks area from the time the agreement expires at the end of March through when the successful vendor -- when that contract is

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approved, if we choose to approve it. So really we're looking at about a six-month pilot program to get us towards the end of September. And this amendment, in fact, will expire at the end of September. So we need to know what we're going to do by then.

We scheduled a mid-period evaluation of our pilot program where we're self-performing the Freeway Service Patrol duties in the Reno area. So we want to follow that closely to see how much it's costing us per assist, and how much the program is benefiting the region. So that's really where we stand.

And as Director Malfabon mentioned, one of the Freeway Service Patrol trucks that we plan to use to self-perform this service in Reno is parked out front. We'll have an operator there at the end of Board meeting who can open up the doors and you can see the kind of equipment and gear that is typically contained there. For your second question, Member Savage, on Page 28, I think I lost you on that one. Where are we at?

Savage: There's a comment at the bottom, if you could explain that. It was a handwritten comment, "cannot go on federal fiscal year cycle."

Inda: Denise Inda, Traffic Operations. That was a comment made by April Pogue in our financial management section. We've worked that through with her. Essentially she is making -- it's an issue that deals with bookkeeping and accounting. Because FSP utilizes federal funds, their office would have a problem if we had this agreement go into effect during the month where they're closing out the federal fiscal year. And so we've verified with their office that this agreement will be awarded prior to that, and the agreement will be in effect prior to the closing of the federal fiscal year. So there's not an issue on their part at all. And then the work will be able to commence once the contractor is up and running and mobilized for the next service. So it was just kind of an internal bookkeeping comment that we've verified that there's not an issue and no problems with.

Savage: And what's the federal fiscal year?

Inda: The federal fiscal year ends September 30. And so they have accounting and working through between the Department and the FHWA. And it's a very busy time for that office and they wanted to make sure that the money could properly be allocated.

Savage: Right.

Fransway: Question.

Sandoval: Member Savage, do you have any more questions?

Savage: I'm fine, thank you, Governor.

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- Sandoval: Okay. Member Fransway.
- Fransway: So -- thank you, Governor. So the last sentence of the first paragraph on Page 26 then is referring to federal fiscal year, not state fiscal year. Okay.
- Inda: Yes, that's accurate.
- Fransway: Okay. Now I got it.
- Sandoval: I actually have -- I think I -- you may have answered this question, Mr. Nelson, but this isn't 100 percent federal funded program, correct?
- Nelson: That is correct.
- Sandoval: And so the State pays for five percent of it?
- Nelson: That's correct.
- Sandoval: And then that federal money, is it specified only for this purpose, or is this money that could be spent on other things?
- Nelson: No, it's (inaudible) mitigation -- no? Oh, you better come up, Denise.
- Inda: Denise Inda. The funding is federal funding, and it's NHS funding, and so there are a variety of uses for this kind of money. And the Department over the years has determined that this is how it will be spent.
- Sandoval: So what would be other alternatives for how we would spend this money?
- Malfabon: In response, Governor and Board members, the NHS money goes to the National Highway System. That's the old category. Now it's called the National Highway Performance Program. But it's primarily the major routes, so interstate U.S. highways that carry a lot of the traffic.
- Sandoval: So this, for example, and I'm not suggesting or referring to anything, but this \$10 million could have been spent perhaps on a construction project?
- Nelson: Rick Nelson, for the record. That's correct.
- Sandoval: Okay. Thank you. Any further questions from Board members? And we won't have any more amendments for more money?
- Male: Mr. Hoffman's guarantee.
- Malfabon: Our guaranter.
- Nelson: We believe that through the series of amendments that's taken place and the attempts to solicit an RFP, that we think we've got the kinks worked out of this, and we have every faith that this will be the last amendment for this current contract.

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- Sandoval: Yeah, I don't think the next one will go real well. All right. If there are no -- do you have any further presentation, Mr. Sisco?
- Sisco: No. Just the Director recommends approval of all items under Item No. 4.
- Sandoval: So if there are no further questions, the Chair will accept a motion for approval of agreements over \$300,000 as described in Agenda Item No. 4.
- Savage: So moved, Governor.
- Sandoval: We have a motion for approval by Member Savage. Is there a second?
- Fransway: Second.
- Sandoval: Second by Member Fransway. Are there any questions or discussion on the motion? If there are none, all in favor of the motion, please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We will move on to Agenda Item No. 5, contracts, agreements and settlements.
- Sisco: Thank you. Governor, today we have three items under this. We have contracts under \$5 million that have been awarded, we have agreements under \$300,000 executed between January 19 and February 15, and we have one settlement entered by the Department which was presented to the Board of Examiners. Moving to Page 4 of 11, we have the two contracts awarded under 500,000. We have Contract No. 810-12 which was an HVAC system for the lab building and equipment shop at the Las Vegas Maintenance Station in Clark County. The engineer's estimate was \$760,062, and the Director awarded the contract January 23 to U.S. Mechanical LLC in the amount of \$802,700. Upon approval from (inaudible) we will enter into contract with the firm.
- Item No. 2 is Contract Number 814-12. The project is for the tenant improvements for the newly constructed Roop Street annex building out here behind our complex. Engineer's estimate was \$1,480,100. The Director awarded the contract on February 5, 2013 to Sheehan Beauchamp Builders in the amount of \$1,147,500. And again, upon approval of bond from the contractors, the State will enter into the contract with the firm. Those are the two contracts that we've awarded under \$5 million.
- If no questions, I'll move on to the next item which is Attachment B which is contract amendments and settlements under \$300,000. I do not believe we've identified any that we need to jump out at, so we'll just kind of jump right into your questions on those.
- Sandoval: Questions from Board members?

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- Martin: I have one on Number 5.
- Sandoval: Please proceed.
- Martin: Here, again, it's an amendment to increase engineering fees from 2.7 million to 2.9 million, round numbers. And I'm just kind of not understanding why these amendments keep flowing through, specifically on engineering costs. So I just need a little bit of explanation on -- I mean, this was relocation of existing facilities. You walk out, take a look at the existing facilities, it goes from Point A to Point B. Engineering costs ought to be fairly simple, and yet we still are facing an amendment for \$150,000.
- Malfabon: And in response, Governor, I'll try to do that, and John Terry is available also. This is Rudy Malfabon. In the Boulder City Bypass Project, we typically enter in with a utility company to cover their expenses including engineering costs of -- these ones are for Western Area Power, WAPA, so they have significant towers, structural steel towers to design. And when we enter into our agreement, they do their best to estimate it, but then as they get more defined in the actual costs of engineering, that comes into play. So I think that's what occurred in this case. And I don't know if John has anything to add to that, but it's typically where we have an agreement that says that we'll pay the actual costs for the relocation, including the engineering costs. And I guess the additional engineering expense is just related to the design of those steel towers for -- there are a significant number of towers that some are new and some are just relocating existing towers. Mr. Terry?
- Sandoval: Does that satisfy your question, Member Martin?
- Martin: Yeah, I think basically what Rudy is saying in a roundabout way is that it's the federal government telling us how much money we've got to pay them.
- Malfabon: It is the federal -- WAPA is a federal, so -- but typically since our agreement says actual cost, we're open to pay what their expenses are.
- Terry: John Terry, Assistant Director of Engineering. I mean, in this case, this is, yes, the federal government or a major utility. We enter into an agreement. Frankly, we enter into those utility agreements for that engineering cost pretty early in the process so we can cover their engineering costs, and as those actual costs of actual engineering develop, we process amendments so they can continue to do the design.
- Martin: Okay. Thank you.
- Malfabon: And just to add for Member Martin and the Board, we do enter into these agreements to cover engineering expenses so they can get on it right away, start their design and be assured that they're going to receive

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reimbursement. Obviously at some point when the design is done, then they start their acquisition of the materials for the relocation expenses. But it is a method that we use to try to save time is to get that agreement first and assure them that we're doing to reimburse them and then they do their work to relocate.

- Martin: It's a good deal. How would you like one like that, Member Savage?
- Savage: No comment.
- Sandoval: Are there any further questions with -- or do you still have more presentation?
- Sisco: No.
- Savage: Just let it go.
- Sisco: Yeah, let it go.
- Sandoval: If you want to keep going -- no?
- Sisco: I know when to stop.
- Sandoval: Any further questions from Board members with regard to Agenda Item No. 5? We'll move on to...
- Martin: I have one more.
- Sandoval: Oh, all right. Member Martin.
- Sisco: And there is a settlement also, an Item C on that.
- Martin: On Item No. 27, G.C. Wallace, there's an amendment. Is this contract for both architectural and civil services, or just civil services?
- Sisco: Mr. Terry?
- Terry: John Terry again. And the short answer, it is both.
- Martin: Okay. Thank you.
- Malfabon: And with respect to the settlement in Attachment C, that was previously approved by the Board of Examiners, and it had to do with an unfortunate event involving one of our drivers that resulted in some fatalities on two people.
- Sandoval: Any questions, Board members, with regard to the settlement? Truly a tragedy. All right then. Mr. Sisco, anything else?
- Sisco: No, that's it for Item No. 5.

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Sandoval: All right. Then we'll move on to Agenda Item No. 6, resolution requesting the State Board of Finance to issue highway revenue refunding bonds.

Sisco: Thank you. Again, for the record, Scott Sisco, Assistant Director over Administration. We get to do something fun here, save a little money instead of spend some. With me today is Dave Olson, our Chief Accountant, and also Lori Chatwood from the State Treasurer's Office, and in the Las Vegas office is Marty Johnson, NDOT's financial advisor in case any of the Board members have questions for them. Item No. 6 is a request for a resolution to be signed by the Chairman of the Board to be forwarded to the State Board of Finance requesting an issuance of highway refunding bonds of the State of Nevada.

As you will recall, we appeared before you approximately one year ago and refinanced a 2004 series bond resulting in an overall savings to the Highway Fund in the amount of \$5,701,393. In working with the State Treasurer's Office, an opportunity has once again been identified to refund some of our outstanding 2005 and 2006 series bonds resulting in savings to future bond payments of about \$7 million. If authorized, bonds will be sold by the State Treasurer with the proceeds put into an escrow account. The escrow account will then make the required interest payments on the bonds. And then on or about December 1, 2016, the payments that would have been made in the years 2017 to 2020 totaling \$65,130 will be made out of escrow account for the 2005 series bonds. And then on or about December 1, 2017, the payments that would have been made in the years 2019 through 2023, totaling \$58,340,000 will be made out of escrow account for the 2006 series bonds.

The reason for placing the funds in escrow and paying the bonds off at this particular time is due to the conveyance on those particular bonds preventing their early payoff prior to December of 2015 for the series 2005 bonds, and December of 2016 for the series 2006 bonds. The difference between the proceeds of approximately 143 million and 123 million bonds to be paid off is interest on the original bonds for the period of time between the refunding transaction and the bonds -- and when the bonds are refunded and the costs of the bonds refunding transaction. The anticipated net result of this transaction in dropping our current interest rate of 4.7 percent down to approximately 1.89 percent, again, resulting in an estimated overall savings to Nevada taxpayers of approximately \$7 million. Ultimately, the actual savings will be dependent upon the interest rate on the day of the actual bond sale, as well as final costs associated with processing the transaction.

We should note we are still examining the benefits of adding or subtracting maturities to this transaction. We may refund additional maturities if the rates drop, or subtract maturities if the rates increase. We will continue to

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monitor the interest rates, and ultimately the actual savings will be dependent upon the rates on the day of the bond sales. The most recent analysis as of last Friday is showing slightly more savings than the analysis that is included in your bond package. I believe you're showing 7.1, and as of Friday it was 7.9 million in potential savings.

There are two notable risks associated with such a transaction. First, similar to the risk any of us might face in locking in interest rates as part of a mortgage process, is the possibility that the rates change shortly afterwards, leaving one wishing they had waited longer or locked in earlier. But, again, we're looking at dropping the interest rates we're paying at 4.7 percent down to approximately 1.89 percent. It's hard to have too much buyer's remorse. The second, and although more costly risk, but also less likely, is the possibility that the conditions changed so substantially the interests rates we will ultimately pay, that the transaction becomes no longer cost effective. Should that occur after the bond rating companies have completed their work and the sale must be postponed or canceled, the costs incurred up to that point are estimated to be approximately \$100,000, a cost that would be the responsibility of the Department.

Ultimately the Department, the State Treasurer's Office and the State's financial advisor feel that this transaction is in the best interests of the State of Nevada, and subsequently the State taxpayers. Further, the Department will continue to seek out such opportunities for our 2008 series bonds, and as marketing conditions provide any similar opportunities, we anticipate bringing those requests forward in the future. The Department requests that the Board authorize the Chairman to sign the resolution found under Tab 6 authorizing the refunding of the highway bonds as described. And we'll be happy to answer any questions at this time. And we did provide the preliminary official statement to the State Treasurer, or former State Treasurer, and only a former State Treasurer would ever want to read that thing, but you're all welcome to a copy if you'd like.

Sandoval: Thank you, Mr. Sisco. And the Lieutenant Governor does have questions. Please proceed.

Krolicki: Just because I feel paternity on this, because I think I issued these bonds with Lori once upon a time. Thank you for the preliminary official statement, Scott, and, you know, I'm not sure if we'll have opportunity under my watch to do this again, but I would appreciate in the future doing this. And I understand the sequence is very tight, this just came out on Friday, you've got a Board of Finance meeting tomorrow, but it would be nice to have that, if possible.

A couple questions if I may, and Scott, you sound like a financial advisor, but maybe Lori or Marty Johnson or Dave would like to answer some of

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these things. Certainly with the risks, you know, I had an old boss who told me you never lose money taking a profit, so I will take that first risk of being even a better refunding opportunity off the table. The rating agencies, I don't recall that being a standard risk. I mean, it's almost a contingency fee if we issue. I believe they rated these bonds -- we did a refunding last year and some of this data should be fresh. Some of the issues, since they're not GO bonds, they're just revenue bonds, you know, the federal government risk should be clear, so I'm not quite sure, and I think the State issued bonds recently, so why are we paying -- it just seems a little high for me on the rating agency costs. Lori?

Chatwood: Thank you. Lori Chatwood, Deputy Treasurer for the State Treasurer's Office. The rating agencies, as you're aware, rate each bond issue that we take out. We have not been before them for the revenue bonds for a year since we refunded prior. If they go and issue a rating for us, we may have to pay those fees, if it does not result in an actual bond issuance. However, I would have to defer to Marty, but I believe we would have at least six months that that rating would be good. So if we only delayed the bond issuance, we would not be paying that again. However, if we totally canceled the bond issuance because the markets did not hold out, we may have to pay their fee. It's also based on the par amount. So we have asked in this resolution up to 200 million in bonds to be refunded to give us the flexibility as the markets may improve, that we could put additional maturities on that would best refund at this time. So it's a matter of the par that's actually issued and the timing of which the bond issuance actually takes place.

Krolicki: And, Lori, it's a pleasure to hear you and see you doing this, but there is an extent, there's a window that these ratings would be good for, so, again, I think the risk is mitigated. Lori, don't go far away. Scott, you mentioned that additional bonds may be tossed into the sale, and that was my question. If we look at what's outstanding, we've got the Series 2004 and 5 outstanding. Those coupons don't make at this point to put them in the refunding?

Chatwood: Correct. The efficiencies are not there presently. In some of our larger scenarios that we have run, some of the 16 and the 17 -- the 16 on the 2005 and the 17 on the 2006 for another approximately \$20 million or so could make sense. The efficiencies -- we have opportunity in the future to advance refund those possibly for savings. So by doing them now, I believe they're in the three percent range or some...

Krolicki: And that was the question, so -- and just for the Board, it's always been about five percent.

Chatwood: Correct.

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- Krolicki: So certainly these bonds more than qualify, but thank you for sharing that. So they are a bit off to be right.
- Chatwood: And, again, it depends if the market moved in our favor and we saw it reduce by, you know, five or ten basis points, they may be back in. But currently they are not.
- Krolicki: And the advanced refunding, the defeasance will be done in escrow with slugs?
- Chatwood: As long as the window is open, which is currently is, yes.
- Krolicki: Okay. Thank you. That's all my questions, Governor. It's fun to play State Treasurer every once in a while. These are my babies. I'm sending them out of the house now.
- Sandoval: Any further questions from Board members? Any further presentation, Mr. Sisco?
- Sisco: No, no, Governor. Again, the Director recommends that you approve the resolution and we have the resolution here for you to sign.
- Sandoval: Given that, the Chair will accept a motion to approve the resolution as described in Attachment C in Agenda Item No. 6, and also authorize the Chairman of the Board to sign the resolution.
- Krolicki: Governor, if I may, I would like to move that the resolution be approved and the Governor be authorized as Chairman to sign the resolution.
- Sandoval: We have a motion by the Lieutenant Governor. Is there a second?
- Fransway: Second, Governor.
- Sandoval: Second by Member Fransway. Any questions or discussion on the motion? All in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. Thank you very much.
- Sisco: Thank you.
- Sandoval: Agenda Item No. 7, condemnation resolution.
- Malfabon: Governor, previously on the I-15 South design-build project we required a condemnation action on this Wykoff property. It's located along Warm Springs and it was for the purpose of utility relocations along Warm Springs, the power line, and also a communications company. In looking at the property, we realized that we needed an additional approximately a little

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bit less than two feet additional width of easement, so that's why we're asking for an amendment to the condemnation resolution.

Sandoval: Board members, any questions with regard to Agenda Item No. 7? If there are none, the Chair will accept a motion for approval of the condemnation resolution as described therein.

Fransway: Question, Governor.

Sandoval: Okay. We have a question from Member Fransway.

Fransway: Rudy, the State has revised their initial offer upwards. Has there been any movement on the other side at this time?

Malfabon: I believe that we anticipate that we might have to go to court on this one. I don't know if Paul has anything to add, but we feel that there are some other issues involved. The owner was substantially higher, I thought, they were in the several millions of dollars range. Paul Saucedo from Right-of-Way.

Saucedo: Governor, Members of the Board. Yeah, there's been a counter-offer presented that's significantly higher than what our original offer was, and I know there's been discussions back and forth with legal counsel, but we remain, at this point, real far apart. It's not looking real good at this time.

Malfabon: Now we think that we'll have to go to court on this one.

Sandoval: Any further questions? Is there a member who's willing to make a motion for approval?

Savage: I'll make a motion to approve, Governor.

Sandoval: Motion for approval by Member Savage. Is there a second?

Martin: Second.

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

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. Agenda Item No. 8, old business.

Malfabon: Thank you, Governor. The standing items that we present on a regular basis, the outside counsel costs report. I wanted to note that we are spreading the work around with local firms -- local legal firms, and I think a blessing and a curse. We need a lot of legal support for some of these significant issues that we're facing. We did also have to present the Board with an actual hard copy because the reproduction cut off. It cut off part of

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the information, so we gave you a handout. Hopefully the Board members in Las Vegas have received that handout for outside counsel contracts. Any...

- Martin: We have.
- Malfabon: Any questions, Dennis Gallagher from Attorney General's Office is here to respond to them.
- Sandoval: Questions from Board members?
- Martin: I only had one. Most of these cases seem to be the right-of-ways, and a lot of them have to do with Project NEON. I only find three with disputes with contractors, and it's Primary Peak and Williams Brothers. But when I go to another report, there seems to be more disputes than just those. You have two disputes with Peak and one with Williams Brothers, and they're not on this listing. Why is that? Or has counsel not been hired for the others?
- Gallagher: For the record, Dennis Gallagher from the Attorney General's Office. Board Member Martin, the Peak and Williams Brothers are reflected on the outside counsel contracts. We've retained the firm of Snell and Wilmer to assist on those.
- Martin: Right.
- Gallagher: And then any other construction claims we have not yet retained outside counsel, and may or may not depending on the amount of the claim and/or the complexity of the claim.
- Martin: Okay. So the -- because I think Meadow Valley has one pending, and then the people that's doing the Meadowood Mall thing have got one pending. So you've not retained outside counsel at all on those two?
- Gallagher: That is correct, Board Member.
- Martin: Okay. And you didn't retain outside counsel on Capriotti?
- Gallagher: We have not.
- Martin: Okay. But Rudy, one point of clarification, or Rick, I think Capriotti settled out, right, 100 percent?
- Malfabon: In response, Capriotti is the contractor working on Contract 3409, which is the U.S. 95 widening from around the Rainbow Curve there up to Ann Road and a little bit beyond there. They submitted a request for 3.8 million approximately. It had to do with the drilled shafts. The request was escalated at headquarters, but we resolved that portion. So the lion's share of Capriotti's issues were dealt with and a change order will be processed

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for that. But there was a portion that was denied (inaudible). It was about an \$112,000 issue and we're presenting that to a Contract Claims Review Board.

There was also another issue that's pending, Member Martin. It has to do with electrical work. And we have denied it for lack of justification, but we're still negotiating that item. It's approximately a \$600,000 item, and it has to do with keeping the intelligent transportation system hardware and the system functioning during the construction of the project. So we have different devices out there that help us to manage traffic, but when it's under construction and you're widening, you have to move a lot of stuff out of the way, and the contractor had to keep it temporarily operational, so he's requesting additional compensation for that effort. And we're still negotiating on that item pending additional justification and documentation from the contractor, Capriotti.

Martin: Okay. I was aware of both those claims. I just didn't know if we had hired outside counsel or not. So thanks for the clarification.

Malfabon: Not at this time.

Sandoval: Member Fransway.

Fransway: Thank you, Governor. Are all these outside counsel providers -- do they all go through the RFP process?

Malfabon: These ones are hired directly through the Attorney General's Office. When we have advisors for NEON we went through the RFP process, but typically these ones are through the Attorney General's Office through our Chief Deputy Attorney General, and with my approval.

Gallagher: Dennis Gallagher from the Attorney General's Office. Board Member Fransway, some of these firms are selected based upon not a formal RFP process. There are a small number of firms in the State of Nevada that do condemnation, inverse condemnation work. So what we've done is we've identified approximately ten of those firms and asked them for an expression of interest. Everything from hourly rates to resources, et cetera. And through an interview process, those firms were selected.

Fransway: Okay. The reason for my question was there are a lot of firms out there, and I just wanted to make sure that our search is broad enough to make sure that we get the best qualified for the best cost.

Gallagher: That's our goal too, Board Member Fransway. And as I pointed out, there are really a small number of firms that do this kind of work. And we compete with other government agencies, utilities, as well as private landowners for those services. So the pool is relatively small, but we

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believe we've gotten the best legal representation that we can, keeping in mind cost and the processes that are involved. Every time you pass, for example, a condemnation resolution, a clock starts by which we have to file, and the District Court's, because by statute these matters get precedent in trial settings, they set the trials pretty much within a two-year period which leads us to almost a criminal calendar type of stack system. And so that's one of the reasons too. We've been exploring trying to spread this out because we don't want to be faced with the likelihood of having three cases go to trial within a month and have the same firm involved in them and inadequately be prepared for a trial. So we will continue to explore and try to retain qualified counsel with experience in these various areas.

- Fransway: Thank you, Mr. Gallagher, and thank you, Governor.
- Sandoval: I guess we'll revisit my favorite case, this Falcon Capital. I don't know -- I know this information's been presented in different forms, and I haven't quite seen it (inaudible).
- Malfabon: And, Governor, we anticipate that next month we will have the summary of the costs associated with Falcon Capital, including right-of-way and legal.
- Sandoval: But right now, at least according to this chart, our offer was \$8,167, and the owner's demand was \$33.5 million, and the settlement was over \$20 million.
- Malfabon: That was the binding arbitration decision.
- Sandoval: Yes. And that doesn't include our fees and costs which you said you're going to gather. But that 20 million, does that include the interest?
- Gallagher: Yes, Governor. That's all in.
- Sandoval: Okay. So it'd be helpful to me when you present the fees and costs on top of that if we could break down that \$20.7 million so I can understand better where that, you know, when you say all in, what -- how many chips are in there and what each one of those are. And the other, I guess, issue that I notice is the gap between our offers and the demands. And I know that the defendants in these cases will inflate their demands, but it just seems like we've been paying closer to what their demands are than what our offers have been. And I don't know if it's avoidable or not, but I guess I'm more making a statement than asking a question that we'll be watching how those things are going, because, like I said, the -- you know, I just don't remember when I was on this Board, and perhaps it's just become more of a specialty within the law with these law firms, but we're spending an incredible amount of money on these things.

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- Gallagher: Governor, if I may very briefly, the initial offer in this case, and you'll see it probably in a couple other cases, are based upon an appraised value and for a portion of the property owner's property, and that's what happened in this particular case. NDOT really just needed a small portion of it. The property owners then take the view that there had been a total taking of their property, and thus the numbers skyrocket. And then in this case, and we'll provide all the detail to the Board, we had both the total taking allegations of the real property, and then allegations of a total taking of their water rights. We've seen that in a few other cases. However, the Las Vegas cases we don't get a claim with water rights attached to them. But some of the other cases that are out here, if you notice a huge discrepancy between NDOT's offer and the landowners, typically what those are, the NDOT offer is based upon a condemnation action for a portion of their real property. The property owners' claim back is typically for an inverse condemnation wherein they allege that their entire property has been taken by NDOT.
- Sandoval: And we, in our last Agenda, hired consultants to value those water rights, so I also would like to see where we are in terms of the value of those water rights so that we can at least recapture a piece of this. And I understand, Director Malfabon, that the federal government has reimbursed us for some of this; is that right?
- Malfabon: Yes. We submitted some of these costs and have been reimbursed.
- Sandoval: So at some point, as this evolves, I'd like to see just a spreadsheet of exactly the entire history, at least physically, of the evolution and the closure of this case.
- Malfabon: And we hope to have that next month, Governor.
- Sandoval: Okay. Any further questions from Board members? Member Fransway.
- Martin: I have...
- Sandoval: Oh, let me go to Member Martin, and then I'll go back to you, Member Fransway. Member Martin.
- Martin: So in this instance, did we take possession of the 3,000 acre feet of water and the entire parcel of ground, or did we only take up possession of that portion that we wanted in the first place?
- Gallagher: Board Member Martin, for the record, Dennis Gallagher, the Attorney General's Office. The water rights and the real property were bifurcated into two proceedings. NDOT purchased the 31 acres of real property as part of a settlement conference that was conducted by Judge Adams in Washoe County. They paid approximately \$10 million for that 31 acres. The water issue went to binding arbitration. And the arbitrator found that there was a

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total taking of 1,300 and some odd acre feet and awarded the costs for that plus interest on that. Right now we're in the process of getting those water rights conveyed to the State. We're having them appraised so we can present that to the Transportation Board.

Krolicki: To offset that \$20 million dollar, I mean, there's an asset that we now own with beneficial use and you will perfect that water right and that will be -- that asset will be indicated, is it sellable?

Gallagher: We certainly hope so, Lieutenant Governor. In addition, you know, we do have now 31 acres of land in the north end of Washoe Valley. What NDOT may ultimately do with that land, I'm sure they're exploring their options. But in addition to the real estate itself, which would probably be an ideal location for the Lieutenant Governor's mansion, there is a substantial amount of water rights, again, over 1,300 acre feet that will be conveyed to the State of Nevada.

Sandoval: But we paid 3 million an acre for at least the real property, correct? Yes?

Gallagher: Yes, Governor. I'm sorry. I'm trying to do the math in my head.

Sandoval: Okay. I'm sorry. Any further questions, Member Martin?

Martin: I think the math -- and I'm just a contractor, but I think the math is like \$300,000 an acre.

Sandoval: Or 300,000.

Gallagher: Yes.

Sandoval: Okay. I'm off...

Martin: Yeah, \$330,000 an acre.

Sandoval: I'd rather be wrong in that direction, I assure you.

Martin: Okay. And so the water rights, once they're deeded to -- they'd be deeded to the State, and then water rights become a salable -- and water rights was the other \$12 million, is that what I'm hearing, or the other 10 million?

Gallagher: Board Member Martin, Dennis Gallagher. Yes, it was 12 million plus the interest and fees on it, which took it up to about 20 million, but, yes, that is about the rough math. However, I'm somewhat reluctant to make that representation after I just made the mistake of saying 3 million instead of 300,000 an acre.

Sandoval: Well, that was my mistake. That was Governor math there.

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- Malfabon: We did try to get the interest reduced, but the decision of the arbitrator was that he would not reduce that substantial...
- Martin: When you do a break out of this settlement, you're going to break the interest out separately, right?
- Malfabon: Yes.
- Martin: Thank you.
- Sandoval: The challenge, Member Martin, here is that the arbitrator in the water right hearing found that the water rights had no value, and that's why we had to pay that amount of money.
- Martin: Wow. Amazing.
- Sandoval: We're hoping that this expert that we retain may perhaps find something differently.
- Martin: Okay. Thank you.
- Sandoval: I guess I should correct that. He found that they had value, but they weren't marketable, is a better way to put that.
- Gallagher: Yes. They couldn't be severed from the real property.
- Sandoval: All right. Any further question -- oh, Member Fransway, you have any questions?
- Fransway: Two questions, Governor. First one, if NDOT acquires the rights of -- or the water rights through the settlement, are we not subject to proving beneficial use? And if we are, is there a possibility of losing those water rights?
- Gallagher: Board Member Fransway, Dennis Gallagher from the Attorney General's Office. Excellent questions. We can research that, but I believe that once we get title to the water rights, the State will be able to utilize them and put them up for sale as well as use them down there, take the water, irrigate the 31 acres it acquired, et cetera.
- Fransway: Okay. So the answer is, yes, we will have to prove beneficial use. Obviously we will, everybody else does. And my second question is, are these cases remanded to State District Court or Federal Court or both?
- Gallagher: In this particular case, Board Member Fransway, it was commenced in State District Court in Washoe County. The initial filing was the State suing for condemnation of a portion of that 31 acres. And the real estate portion of it, or the real property portion of it, was resolved at a settlement conference with the Second Judicial District Court Judge, Judge Adams. The parties agreed that the water portion of the claim would go to binding arbitration,

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and so an arbitrator was retained for purposes of the water rights aspect of the case.

Fransway: Okay. So the condemnation cases in general, do they mostly go to State District Courts?

Gallagher: All of the condemnation cases are filed in State District Court, Board Member Fransway.

Fransway: Okay. Thank you. Thank you, Governor.

Sandoval: Any further questions with regard to Agenda Item No. 8?

Malfabon: Just to mention, Governor, on the fatality record, we have been seeing a good trend there with a reduction compared to this time last year. There were some crashes resulting in fatalities in Las Vegas over the weekend. One in particular was just ill timed with -- tragic, but right after the race was over, the NASCAR event, affected because with -- when there is a fatality on a highway, we have to work with local law enforcement and the county coroner has to come out and look at the site and deal with the fatality. So it did create some delays in traffic as a result. But on the amount of fatalities compared to last year, it is a good trend downward.

I wanted to also mention that we were previously discussing the Wykoff case. And on Page 1 of the monthly litigation report, you can see what the owner's offer is compared to the NDOT offer, \$10 million versus about 1.3 million. Unless there's any other questions, that is Item No. 8.

Sandoval: Hearing no further questions, we'll move on to Agenda Item No. 9, public comment. Is there any member of the public here in Carson City that would like to provide public comment to the Board?

Malfabon: Governor, I would like to mention in the public comment, Dennis Taylor is actually trying to sneak out. This is his last Board meeting. He is going to be retiring, and we'll definitely have his retirement ceremony at a future Board meeting, but he lives in Carson City, so he'll be around. But I wanted to wish him the best. He's been leading our Planning Division for several years now and we will miss him sorely. We wish you the best, Dennis.

Sandoval: Dennis, thank you.

Fransway: Governor, if I may.

Sandoval: Member Fransway.

Fransway: Dennis, I wish you well. Dennis and I have gotten know each other very well over the past several years with my stint as a County Commissioner. And I can tell you that NDOT was well suited to have Dennis come up and

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talk as one of the representatives of NDOT. And, Dennis, I'm going to miss you and I wish you well.

Taylor: Thank you. I appreciate it.

Sandoval: We do appreciate your dignity, class, effort, everything on behalf of the people of the State of Nevada. You've done a great job. I'll miss traveling with you as well. But, Dennis, thank you, personally for everything that you've done for the State of Nevada. Thank you. Any public comment from Las Vegas?

Martin: None here, sir.

Sandoval: Is there a motion for adjournment?

Krolicki: So moved.

Sandoval: Motion by the Lieutenant Governor, second by Member Fransway.

Fransway: Second.

Sandoval: All in favor, please say aye.

Group: Aye.

Sandoval: Motion passes. This meeting is adjourned. Thank you, ladies and gentlemen.

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Secretary to the Board

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Preparer of Minutes



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## MEMORANDUM

March 18, 2012

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** April 8, 2013 Transportation Board of Directors Meeting  
**ITEM #6:** Receive a Report on the Status of Project NEON – Informational item only

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### **Summary:**

This item is a follow up discussion from the June 25, 2012 and November 6, 2012 Board Meetings.

### Right of Way

Phase 1 Right of Way acquisitions are continuing, and are anticipated to be under budget.

### P3 Advisors

The project team has been identified and the legal and financial advisor's agreements were approved during the March board meeting. CH2M Hill's contract as P3 Technical Advisor has been negotiated and is part of the approvals for this board meeting.

### P3 RFP Development

The project team has developed a schedule to guide the Request for Proposal (RFP) development process. A major step is a high level project delivery type analysis comparing different Public-Private-Partnership delivery types to bonding. Once the analysis is complete, a recommendation will be made to the Board for approval in June or July Board Meeting. As a result, the schedule has been extended by two months.

### **Background:**

The purpose of this agenda item is to provide an update on Project NEON progress.

### **Analysis:**

#### Phase 1 Right of Way

As of March 25, 2013, 24 out of 48 parcels have been acquired, for a total expenditure of \$64 million of the \$118 million budgeted. Current projections indicate the total costs for Right of Way will be 10%-15% under budget.

As the project team continues to acquire Right of Way, anticipated dates for the acquisition process are being coordinated with Financial Management so that the balance of the Highway Fund can continue to be accurately predicted.

### P3 Advisors

The current agreement with CH2M Hill includes scope to complete final design for Phase 1 as a Design Bid Build project. A new agreement was required to include the P3 Technical Advisor scope of work, therefore, the previous agreement was amended to reduce the scope and cost. As a result, an overall cost savings of \$1,251,891.76 was realized.

### P3 RFP Development

I have directed the project team to analyze several delivery options, specifically Design Build Finance (DBF), Design Build Finance Operate and Maintain (DBFOM), and bonding. This is to ensure the most feasible, efficient and cost effective delivery model will be selected. The results of the analysis and a recommendation for approval will be presented to the Board in June or July 2013.

The project team, with the input of the legal, financial and technical advisors have reviewed and updated the delivery schedule to include the time required for the delivery option analyses. The team anticipates submitting the draft RFP for board approval in February 2014, in lieu of December 2013 as presented in November 2012.

The following table shows the anticipated change to the schedule.

Task	Updated Duration	Original Schedule	Updated Schedule	
Procure Legal and Financial Advisors	4 months	02/2013	02/2013	Stage 1
Prepare RFQ	5 months	05/2013	07/2013	
Advertise RFQ and Short List Proposals/Prepare Draft RFP	4 months	09/2013	11/2013	
Industry Review (Draft RFP)*	3 months	12/2013	02/2014	
Advertise RFP, evaluate proposals, and select finalist*	5 months	05/2014	07/2014	Stage 2
Contract Negotiations and Award*	3 months	08/2014	10/2014	

\*Transportation Board Approval Needed to Advance

### **The Next Steps:**

The project team will continue to develop the information necessary to perform the delivery option analysis, and will have a recommendation to the Transportation Board in the June or July 2013 Board Meeting.

The anticipated delivery of the project is broken out below in terms of stages.

- Stage 1 – RFP Development
- Stage 2 – Selection, Negotiation, and Contract Execution
- Stage 3 – Construction Contract Administration
- Stage 4 – Operations and Maintenance Administration (possibly)

At this time, the Department has chosen to contract with the legal, financial, and technical advisors for the work necessary to complete only Stage 1. If the Transportation Board approves the project to continue to move forward, the project team will have to amend the advisor agreements to include the scope and costs necessary to complete Stage 2. The project team will continue this approach with subsequent stages of the process.

**List of Attachments:**

None

**Recommendation for Board Action:**

Informational item only.

**Prepared by:**

Cole Mortensen, Senior Project Manager



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## MEMORANDUM

April 1, 2013

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** April 8, 2013 Transportation Board of Directors Meeting  
**Item # 7:** 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. Contracts listed in this item are all low-bid per statute.

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 February 16, 2013 to March 18, 2013.

### **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, February 16, 2013 to March 18, 2013.

### **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**  
**February 16, 2013 to March 18, 2013**

1. February 21, 2013 at 1:30 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3532, Project No. STP-015-1(151). The project is to re-open F Street to Traffic under I-15, in Las Vegas, Clark County.

Las Vegas Paving Corporation.....	\$13,600,000.00
Capriati Construction Corp., Inc. ....	\$13,815,900.34
Meadow Valley Contractors, Inc.....	\$14,392,869.82

The Director recommends awarding the contract to Las Vegas Paving in the amount of \$13,600,000.00.

Engineer's Estimate: \$12,124,268.14

2. February 21, 2013 at 2:30 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3533, Project No. IM-080-4(086). The project is 2.0 Inch Mill, 1 Inch Plantmix Bituminous Overlay (Type 3), 3 Inch Plantmix Bituminous Surface (Type 2C) with 0.75 Inch Open Graded Wearing Course, Paved Crossover, Chain Up Areas, and Work at Beowawe Interchange on I 80 from the Beginning of Asphalt Pavement, 0.846 Miles West of Emigrant Pass Interchange to 1.097 Miles East of the Eureka/Elko County Line.

Q & D Construction, Inc.....	\$14,283,000.00
Sierra Nevada Construction, Inc.....	\$15,248,007.00
Road and Highway Builders LLC.....	\$15,494,494.00
Granite Construction Company .....	\$15,959,959.00
Staker Parson Companies.....	\$17,527,449.89
W.W. Clyde & Co. ....	\$17,651,471.17

The Director recommends awarding the contract to Q & D Construction, Inc. in the amount of \$14,283,000.00

Engineer's Estimate: \$15,568,077.03

3. March 14, 2013 at 12:00 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3537, Project No. STP-BR-080-4(092). The project is coldmilling and placing plantmix bituminous surface, paving crossovers, and purchasing lighting fixtures, on 1-80 at the Carlin Tunnels (Carlin Tunnels CMAR GMP #1).

Q & D Construction, Inc. (CMAR).....	\$2,818,944.00
Stanley Consultants (ICE) .....	\$2,757,822.30

The Director recommends awarding the contract to the CMAR, Q & D Construction, Inc. in the amount of \$2,818,944.00

Engineer's Estimate: \$2,725,002.13

# Line Item 1



**MEMORANDUM**

**Administrative Services**

March 14, 2013

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

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

**Subject:** Concurrence in Award for Contract No. 3532, Project No. STP-015-1(151), I 15, Las Vegas, at F Street, Clark County, described as Reopen F Street Under 1-15 to Traffic, Engineer's Estimate \$12,124,268.14.

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

Bid proposals were opened on February 21, 2013. Las Vegas Paving Corporation is the apparent low bidder at \$13,600,000.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Capriati Construction Corporation, Inc with a bid of \$13,815,900.34.

The project is Federally funded, required 10% 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 above 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. The City of Las Vegas has provided their concurrence to award, and their approval letter 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 Terry, Assistant Director

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

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

Enclosures:  
Unofficial Bid Results Report  
Contract Compliance Memo  
BRAT Summary Report  
City of Las Vegas Concurrence Letter

# Nevada Department of Transportation

## Unofficial Bid Results

February 21, 2013

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<b>Contract Number:</b> 3532	<b>Bid Opening Date and Time:</b> 2/21/2013 1:30 pm
<b>Designer:</b> DAVID PATTERSON	<b>Liquidated Damages:</b> \$4,900
<b>Senior Designer:</b> VICTOR PETERS	<b>Working Days:</b> 335
<b>Estimate Range:</b> R30 \$11,500,000.01 to \$13,500,000	<b>District:</b> DISTRICT 1
<b>Project Number:</b> STP-015-1(151)	

**County:** CLARK

**Location:** I 15, LAS VEGAS, AT F STREET

**Description:** RE-OPEN F STREET UNDER I 15 TO TRAFFIC

Apparent Low Bidder	<u>Las Vegas Paving Corporation</u>	<u>\$13,600,000.00</u>
Apparent 2nd	<u>Capriati Construction Corp., Inc.</u>	<u>\$13,815,900.34</u>
Apparent 3rd	<u>Meadow Valley Contractors, Inc.</u>	<u>\$14,392,869.82</u>

<b>Bidders:</b>	<b>Actual Bid Amount</b>
1 Las Vegas Paving Corporation 4420 South Decatur Boulevard Las Vegas, NV 89103- (702) 251-5800	\$13,600,000.00
2 Capriati Construction Corp., Inc. 1020 Wigwam Parkway Henderson, NV 89074- (702) 547-1182	\$13,815,900.34
3 Meadow Valley Contractors, Inc. PO Box 60726 Phoenix, AZ 85082 (702) 643-9472	\$14,392,869.82



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7497  
Fax: (775) 888-7235

**MEMORANDUM**

**CONTRACT COMPLIANCE SECTION**

**March 8, 2013**

**To:** Christi Thompson, Administrative Services Officer  
**From:**  Dana A. Olivera, Contract Compliance  
**Subject:** NDOT Bidder Subcontractor Information  
Contract No. 3532

---

On I 15, Las Vegas, at F Street.

RE-OPEN F STREET UNDER I 15 TO TRAFFIC.

The DBE goal of 10% has been met with a 13.99% DBE commitment by the apparent low bidder Las Vegas Paving Corporation, and a 14.94% commitment by the apparent second low bidder, Capriati Construction Corp., Inc., to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Division.

DAO:kh



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

## Memorandum

March 6, 2013

**TO: Christi Thompson, Administrative Services Officer**  
**FROM: Paul Frost, Chief Roadway Design Engineer**  
**SUBJECT: BRAT Summary Report for Contract #3532**

---

The Bid Review and Analysis Team met on 3/5/13 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  
Jenni Eyerly, Contract Services  
Scott Hein, Principal Roadway Design Engineer  
Teresa Schlaffer, Contract Services  
Casey Connor, Assistant Chief Roadway Design Engineer  
Mark Sorensen, City of Las Vegas  
Randy McConnell, City of Las Vegas  
Ben Sprague, Atkins  
Jamie Chang, Atkins

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 112 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award

  
\_\_\_\_\_

Date 3/6/13

cc: attendees  
Pierre Gezelin, Legal  
Attach.

## Price Sensitivity Report

Date February 22, 2013

Contract No: 3532

Project #: STP-015-1(151)

Project ID/EA #: 60544

County: CLARK

Range: R30 \$11,500,000.01 to \$13,500,000

Working Days: 335

Engineer's Estimate	Las Vegas Paving Corp	Capriati Construction Corp	Diff. Between Low & 2nd	Diff. Between EE & Low	Low Bid % of EE
\$12,124,268.14	\$13,600,000.00	\$13,815,900.34	\$215,900.34	\$1,475,731.86	112.17%

Item No.	Quantity	Description	Engineer's Estimate Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2000100	250.00	SURVEY CREW	200.00	140.00	182.00	-5,140.48	-2056.19%	70.00%	Yes	EE is reasonable.
2020400	3,336.00	REMOVAL OF CONCRETE BARRIER RAIL	15.00	15.00	13.98	211,667.00	6344.93%	100.00%	No	EE is reasonable. Quantity was verified.
2020565	601.00	REMOVAL OF RETAINING WALL	500.00	45.00	88.90	-4,918.00	-818.30%	9.00%	Yes	non standard use of bid item, removing wall on top of MSE wall and removing moment slab and barrier. EE ok. Quantity was verified.
2020700	828.00	REMOVAL OF WATER PIPE	34.00	105.00	99.62	40,130.17	4846.64%	308.82%	Yes	EE is close to historical prices, difficult site conditions? Quantity was verified.
2020990	48,960.00	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	1.50	1.00	1.04	-5,397,508.50	-11024.32%	66.67%	Yes	EE is reasonable. Quantity was verified.
2021230	1,332.00	REMOVAL OF STORM DRAIN PIPE	50.00	44.00	41.60	89,958.48	6753.64%	88.00%	No	\$40-\$50 reasonable price.
2030140	28,500.00	ROADWAY EXCAVATION	17.00	17.00	16.43	378,772.53	1329.03%	100.00%	No	EE is reasonable.
2060110	15,372.00	STRUCTURE EXCAVATION	22.00	27.00	12.58	14,972.28	97.40%	122.73%	No	EE is reasonable.
2070110	3,464.00	GRANULAR BACKFILL	25.00	30.00	29.64	599,723.17	17313.02%	120.00%	No	EE ok, maybe slightly low for work required.
2070130	4,360.00	BACKFILL	20.00	10.25	9.97	771,072.64	17685.15%	51.25%	Yes	\$15-\$20 average price, \$10 ok for larger quantity. Quantity was verified.
2120870	331.00	DECORATIVE ROCK (TYPE A)	200.00	91.00	50.54	5,336.14	1612.13%	45.50%	Yes	EE High. Quantity was verified.
2121950	2.00	DECORATIVE STRUCTURE	104,000.00	100,000.00	73,320.00	8.09	404.61%	96.15%	No	EE OK
2121960	1,680.00	TILE (TYPE A)	180.00	156.00	222.36	-3,253.47	-193.66%	86.67%	No	No historical prices
2121961	863.00	TILE (TYPE B)	44.00	165.00	176.77	-18,343.27	-2125.52%	375.00%	Yes	No historical prices. Quantity was verified.
3020130	14,750.00	TYPE 1 CLASS B AGGREGATE BASE	15.00	20.00	12.63	29,294.48	198.61%	133.33%	No	EE OK between low and 2nd bid
4020190	8,040.00	PLANTMIX SURFACING (TYPE 2C)(WET)	83.00	82.00	88.40	-33,734.43	-419.58%	98.80%	No	EE OK
4030120	3,130.00	PLANTMIX OPEN-GRADED SURFACING (1/2-INCH)(WET)	95.00	105.00	97.24	27,822.21	888.89%	110.53%	No	EE slightly low, Bid prices are good.
5020530	70.00	LAMINATED ELASTOMERIC BEARING PAD	2,500.00	750.00	967.52	-992.55	-1417.93%	30.00%	Yes	\$2k-\$2.5k historical average price. Not sure why bids came back so cheap. Quantity was verified.
5020720	58.00	CLASS A CONCRETE (MINOR)	600.00	1,650.00	1,811.23	-1,339.08	-2308.76%	275.00%	Yes	EE low. Quantity was verified.
5020920	2,596.00	CLASS A CONCRETE, MODIFIED (MAJOR)	500.00	658.00	444.56	1,011.53	38.96%	131.60%	No	EE ok
5021000	1,541.00	CLASS E CONCRETE, MODIFIED (MAJOR)	500.00	612.00	557.61	3,969.49	257.59%	122.40%	No	EE OK
5021780	569.00	STRIP SEAL EXPANSION JOINT (3-INCH MOVEMENT)	250.00	326.00	164.32	1,335.36	234.68%	130.40%	No	EE OK
5030130	1.00	PRESTRESSING CAST-IN-PLACE CONCRETE	171,000.00	215,000.00	227,515.60	n/a	n/a	125.73%	No	Bridge estimate item.
5050100	695,656.00	REINFORCING STEEL	1.00	1.10	0.83	799,630.89	114.95%	110.00%	No	EE ok
5060110	38,001.00	STRUCTURAL STEEL	3.00	4.00	3.54	469,348.57	1235.10%	133.33%	No	EE ok
5060470	289.00	APPROACH SLAB RESTRAINER UNIT	175.00	45.50	143.52	-2,202.62	-762.15%	26.00%	Yes	EE ok weighted avg. \$175

Item No.	Quantity	Description	Engineer's Estimate Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
5090140	5,050.00	DRILLED SHAFT FOUNDATION (36-INCH)	150.00	266.00	221.84	4,889.05	96.81%	177.33%	Yes	Weighted avg. \$145 historically. EE low. Quantity was verified.
6030350	847.00	36-INCH REINFORCED CONCRETE PIPE, CLASS III	125.00	77.00	73.21	56,965.79	6725.59%	61.60%	No	\$115 avg historical price. EE high
6091270	10.00	60-INCH PRECAST REINFORCED CONCRETE MANHOLE, TYPE 2	5,500.00	10,000.00	9,490.00	423.33	4233.34%	181.82%	Yes	\$5500 avg historical price. EE low
6131100	1,460.00	CLASS A CONCRETE SIDEWALK (4-INCH)	30.00	51.00	46.80	51,404.84	3520.88%	170.00%	Yes	\$36 avg historical price. EE low. Quantity was verified.
6230505	14.00	ORNAMENTAL STREET LIGHT	1,400.00	8,000.00	7,800.00	1,079.50	7710.73%	571.43%	Yes	\$1400 as most expensive in bid history. This price appears to include the pole and foundation which has a separate bid item. Quantity was verified.
6230580	14.00	STEEL POLE, TYPE 7 (MODIFIED)	3,900.00	4,800.00	4,680.00	1,799.17	12851.21%	123.08%	No	No historical prices. EE low
6231785	2,542.00	1-INCH CONDUIT (METAL)	20.00	46.00	44.51	144,899.56	5700.22%	230.00%	Yes	EE is about average price, may be difficult installation
6232682	1.00	TEMPORARY ITS	70,000.00	26,000.00	24,960.00	n/a	n/a	37.14%	Yes	No info, apparently EE is high.
6234101	56.00	LANDSCAPE LIGHTING (TYPE B)	750.00	1,200.00	1,148.16	4,164.74	7437.04%	160.00%	Yes	No info, apparently EE is low
6240110	4,000.00	FLAGGER	50.00	67.50	54.65	16,801.58	420.04%	135.00%	No	\$50-\$55 reasonable price.
6240140	335.00	TRAFFIC CONTROL SUPERVISOR	450.00	315.00	282.88	6,721.68	2006.47%	70.00%	Yes	\$500 avg price EE is ok.
6240530	20.00	RENT EQUIPMENT (OFFICE SPACE)	2,000.00	3,200.00	2,444.00	285.58	1427.91%	160.00%	Yes	EE low. \$3400 avg.
6250510	4,579.00	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	25.00	25.50	33.48	-27,055.18	-590.85%	102.00%	No	EE good.
6280120	1.00	MOBILIZATION	528,622.52	659,354.90	2,098,086.00	n/a	n/a	124.73%	No	
6290100	335.00	TIME RELATED OVERHEAD	3,700.00	2,800.00	2,393.33	530.90	158.48%	75.68%	No	EE good.
6370190	1.00	DUST CONTROL	15,858.67	180,000.00	396,663.90	n/a	n/a	1135.03%	Yes	
6380280	444.00	16-INCH DUCTILE IRON PIPE	200.00	160.00	154.75	41,123.87	9262.13%	80.00%	No	small sample size EE ok
6600100	908.00	PNEUMATICALLY PLACED CONCRETE MORTAR (5-INCHES)	150.00	139.00	171.60	-6,622.71	-729.37%	92.67%	No	EE good.

Additional Comments:



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

BRIAN SANDOVAL  
 Governor

RUDY MALFABON, P.E.  
 Director

March 7, 2013

Mr. Mark Sorenson  
 City of Las Vegas  
 400 East Stewart Avenue  
 Las Vegas, NV 89101

Contract No. 3532

Dear Mr. Sorenson:

Request for Concurrence in Award of Contract No.3532, Project No.STP-015-1(151), I-15,  
 Las Vegas, At F Street, Clark County.

This is to advise you that on February 21, 2013, bids were opened for the subject contract. Las Vegas Paving Corporation, the apparent low bidder, submitted a properly executed proposal, bid bond and anti-collusion affidavit.

Attached is a copy of the summary report from the NDOT Bid Review and Analysis Team and a Bid Tabulation for this contract.

The low bidder had been prequalified in accordance with our prequalification procedures and was eligible to submit a proposal for the project.

As required by the Cooperative Agreement R529-12-015, between the State of Nevada and the City of Las Vegas, Article 1, Paragraph 37, and Article 2, Paragraph 20, your concurrence in award of this contract by your endorsement hereon is respectfully requested. Please return the original of this endorsement to our office.

Sincerely,

Christi Thompson  
 Administrative Services Officer

CT: ts  
 Enclosures

Approved:   
 \_\_\_\_\_  
 Authorized Signer

3-11-13  
 \_\_\_\_\_  
 Date

# Line Item 2



**MEMORANDUM**  
**Administrative Services**

March 11, 2013

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

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

**Subject:** Concurrence in Award for Contract No. 3533, Project No. IM-080-4(086), I 80 from the Beginning of Asphalt Pavement, 0.846 Miles West of Emigrant Pass Interchange to 1.097 Miles East of the EU/EL County Line, Eureka County, described as 2.0 Inch Mill, 1 Inch Plantmix Bituminous Overlay (Type 3), 3 Inch Plantmix Bituminous Surface (Type 2C) with 0.75 Inch Open Graded Wearing Course, Paved Crossover, Chain Up Areas, and Work at Beowawe Interchange, Engineer's Estimate \$15,568,077.03.

---

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

Bid proposals were opened on February 21, 2013. Q & D Construction, Inc. is the apparent low bidder at \$14,283,000.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Sierra Nevada Construction, Inc. with a bid of \$15,248,007.00.

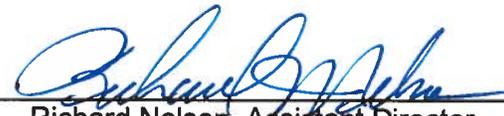
The project is Federally funded, required 6% DBE participation and is not subject to State Bidder Preference provisions.

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 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 Terry, Assistant Director

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

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

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

**Nevada Department of Transportation**  
**Unofficial Bid Results**  
**February 21, 2013**

<b>Contract Number:</b> 3533	<b>Bid Opening Date and Time:</b> 2/21/2013 2:30 pm
<b>Designer:</b> DAVID LAKE	<b>Liquidated Damages:</b> \$5,500
<b>Senior Designer:</b> KEVIN MAXWELL	<b>Working Days:</b> 110
<b>Estimate Range:</b> R31 \$13,500,000.01 to \$16,500,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> IM-080-4(086)	

**County:** EUREKA

**Location:** I 80 from the Beginning of Asphalt Pavement, 0.846 Miles West of Emigrant Pass Interchange to 1.097 Miles East of the EU/EL County Line

**Description:** 2.0 Inch Mill, 1 Inch Plantmix Bituminous Overlay (Type 3), 3 Inch Plantmix Bituminous Surface (Type 2C) with 0.75 Inch Open Graded Wearing Course, Paved Crossover, Chain Up Areas, and Work at Beowawe Interchange

Apparent Low Bidder <u>Q &amp; D Construction, Inc.</u>	<u>\$14,283,000.00</u>
Apparent 2nd <u>Sierra Nevada Construction, Inc.</u>	<u>\$15,248,007.00</u>
Apparent 3rd <u>Road and Highway Builders LLC</u>	<u>\$15,494,494.00</u>

Bidders:	Actual Bid Amount
1      Q & D Construction, Inc. P.O. Box 10865 Reno, NV 89510- (775) 786-2677	\$14,283,000.00
2      Sierra Nevada Construction, Inc. P.O. Box 50760 Sparks, NV 89435-0760 (775) 355-0420	\$15,248,007.00
3      Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570- (775) 852-7283	\$15,494,494.00
4      Granite Construction Company P.O. Box 50085 Watsonville, CA 95077-5085 (775) 358-8792	\$15,959,959.00

**Nevada Department of Transportation**  
**Unofficial Bid Results**  
**February 21, 2013**

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<b>Contract Number:</b> 3533	<b>Bid Opening Date and Time:</b> 2/21/2013 2:30 pm
<b>Designer:</b> DAVID LAKE	<b>Liquidated Damages:</b> \$5,500
<b>Senior Designer:</b> KEVIN MAXWELL	<b>Working Days:</b> 110
<b>Estimate Range:</b> R31 \$13,500,000.01 to \$16,500,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> IM-080-4(086)	

**County:** EUREKA

**Location:** I 80 from the Beginning of Asphalt Pavement, 0.846 Miles West of Emigrant Pass Interchange to 1.097 Miles East of the EU/EL County Line

**Description:** 2.0 Inch Mill, 1 Inch Plantmix Bituminous Overlay (Type 3), 3 Inch Plantmix Bituminous Surface (Type 2C) with 0.75 Inch Open Graded Wearing Course, Paved Crossover, Chain Up Areas, and Work at Beowawe Interchange

Apparent Low Bidder <u>Q &amp; D Construction, Inc.</u>	<u>\$14,283,000.00</u>
Apparent 2nd <u>Sierra Nevada Construction, Inc.</u>	<u>\$15,248,007.00</u>
Apparent 3rd <u>Road and Highway Builders LLC</u>	<u>\$15,494,494.00</u>

<b>Bidders:</b>	<b>Actual Bid Amount</b>
5 Staker Parson Companies P.O. Box 3429 Ogden, UT 84409-1429 (801) 409-2431	\$17,527,449.89
6 W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$17,615,471.17



1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7497  
Fax: (775) 888-7235

**MEMORANDUM**

**CONTRACT COMPLIANCE SECTION**

**March 8, 2013**

**To:** Christi Thompson, Administrative Services Officer  
**From:**  Dana A. Olivera, Contract Compliance  
**Subject:** NDOT Bidder Subcontractor Information - Contract No. 3533

---

On I 80 From the Beginning of Asphalt Pavement, 0.846 miles West of Emigrant Pass Interchange to 1.097 Miles East of the EU/EL County Line.

2.0 INCH MILL, 1 INCH PLANTMIX BITUMINOUS OVERLAY (TYPE 3), 3 INCH PLANTMIX BITUMINOUS SURFACE (TYPE 2C) WITH 0.75 INCH OPEN GRADED WEARING COURSE, PAVED CROSSOVER, CHAIN UP AREAS, AND WORK AT BEOVAWE INTERCHANGE.

The DBE goal of 6% has been met with a 6.24% DBE commitment by the apparent low bidder Q & D Construction, Inc., and a 6.07% commitment by the apparent second low bidder, Sierra Nevada Construction, Inc., to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Division.

DAO:kh



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

## Memorandum

March 7, 2013

**TO: Christi Thompson, Administrative Services Officer**  
**FROM: Paul Frost, Chief Roadway Design Engineer**  
**SUBJECT: BRAT Summary Report for Contract #3533**

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The Bid Review and Analysis Team met on 3/5/13 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  
Jenni Eyerly, Contract Services  
Scott Hein, Principal Roadway Design Engineer  
Teresa Schlaffer, Contract Services  
Casey Connor, Assistant Chief Roadway Design Engineer  
Kevin Maxwell, Senior Roadway 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 92 percent of the engineers estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award

  
\_\_\_\_\_  
Date 3/7/13

cc: attendees  
Pierre Gezelin, Legal  
Attach.

**Price Sensitivity**  
Date February 22, 2013

Contract No: 3533  
Project Number: IM-080-4  
Project ID/EA #: 73630  
County: Elko and Eureka  
Range: R31 \$13,500,000.01 to \$16,500,000  
Working Days: 110

Engineer's Estimate	Q & D Construction	Sierra Nevada Construction	Diff. Between Low & 2nd	Diff. Between EE & Low	Low Bid % of EE
\$15,568,077.04	\$14,283,000.00	\$15,248,007.00	\$965,007.00	-\$1,285,077.04	91.75%

Item No.	Qty	Description	Unit Price	Unit Price	Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2020476	44,275.00	REMOVE AND RESET GUARDRAIL	2.50	0.10	0.10	n/a	n/a	4.00%	Yes	EE ok, Large quantity. Quantity verified.
2020990	551,104.10	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	0.75	0.85	0.50	2,757,162.86	500.30%	113.33%	No	EE good. Quantity verified.
2030230	31,579.00	BORROW EMBANKMENT	12.00	6.25	14.70	-114,202.01	-361.64%	52.08%	Yes	EE ok. Quantity verified.
3020130	3,611.00	TYPE 1 CLASS B AGGREGATE BASE	18.00	18.00	10.00	120,625.88	3340.51%	100.00%	No	EE ok. Quantity verified.
4020130	19,017.00	PLANTMIX BITUMINOUS SHOULDER DIKES	4.00	1.80	2.80	-965,007.00	-5074.44%	45.00%	Yes	\$3-\$4 avg price. EE ok. Quantity verified.
4020190	90,215.00	PLANTMIX SURFACING (TYPE 3)	72.00	68.75	65.00	257,335.20	285.25%	95.49%	No	EE ok. Quantity verified.
4020200	27,434.00	PLANTMIX SURFACING (TYPE 3) (WET)	82.00	77.00	78.00	-965,007.00	-3517.56%	93.90%	No	EE ok. Quantity verified.
4030110	20,904.00	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	92.00	103.00	107.00	-241,251.75	-1154.09%	111.96%	No	EE on the low end, \$90-\$110 average prices. Quantity verified.
4060110	139.90	LIQUID ASPHALT, TYPE MC-70NV	600.00	0.01	0.01	n/a	n/a	0.00%	Yes	EE ok. Quantity verified.
5020170	5,528.00	CONCRETE BARRIER RAIL (TYPE FA)	40.00	57.50	58.00	-1,930,014.00	-34913.42%	143.75%	No	EE ok \$40-\$50 reasonable price for quantity. Quantity verified.
5020960	71.50	CLASS AA CONCRETE, MODIFIED (MINOR)	1,200.00	760.00	825.00	-14,846.26	-20764.00%	63.33%	Yes	EE is high, \$800 good price. Quantity verified.
6080350	1,160.00	12-INCH DOWNDRAIN PIPE	60.00	18.00	76.00	-16,638.05	-1434.31%	30.00%	Yes	EE ok, \$60-\$70 historical price. Quantity verified.
6180230	9,020.00	CABLE BARRIER	13.00	17.00	17.00	n/a	n/a	130.77%	No	EE ok. Quantity verified.
6180350	29.00	GUARDRAIL TERMINAL (FLARED)	2,300.00	2,150.00	2,150.00	n/a	n/a	93.48%	No	EE ok. Quantity verified.
6180550	2,087.50	GALVANIZED GUARDRAIL (TRIPLE CORRUGATION)	30.00	26.50	26.50	n/a	n/a	88.33%	No	EE ok. Quantity verified.
6180580	10,462.50	GALVANIZED GUARDRAIL BEAM ELEMENTS (TRIPLE CORRUGATION)	17.00	11.50	11.50	n/a	n/a	67.65%	Yes	EE slightly high, \$11-\$13 fair price. Quantity verified.
6180610	40,087.50	RECONSTRUCT GUARDRAIL (TRIPLE CORRUGATION)	8.00	9.00	12.00	-321,669.00	-802.42%	112.50%	No	EE Ok \$8-\$10. Quantity verified.
6190200	2,485.00	GUIDE POSTS (RIGID)	33.00	40.00	38.00	482,503.50	19416.64%	121.21%	No	EE ok \$35ish. Quantity verified.
6240140	110.00	TRAFFIC CONTROL SUPERVISOR	500.00	700.00	1,000.00	-3,216.69	-2924.26%	140.00%	No	EE is a little low. \$700 fair. Quantity verified.
6250490	1.00	RENT TRAFFIC CONTROL DEVICES	285,359.00	155,000.00	55,000.00	n/a	n/a	54.32%	Yes	EE high? Quantity verified.
6270190	3,030.88	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	60.00	62.00	62.00	n/a	n/a	103.33%	No	EE ok. Quantity verified.
6280120	1.00	MOBILIZATION	879,966.67	404,124.70	1,389,855.56	n/a	n/a	45.93%	Yes	Quantity verified.
6320940	28.76	EPOXY PAVEMENT STRIPING (8-INCH SOLID WHITE)	2,700.00	2,200.00	2,200.00	n/a	n/a	81.48%	No	EE ok \$2500 historical average. Quantity verified.
6321030	29.39	EPOXY PAVEMENT STRIPING (8-INCH SOLID YELLOW)	2,700.00	2,200.00	2,200.00	n/a	n/a	81.48%	No	EE ok \$2500 historical average. Quantity verified.
6410150	2.00	IMPACT ATTENUATOR (70 MPH)	25,000.00	22,000.00	22,000.00	n/a	n/a	88.00%	No	EE ok, \$23k historical average. Quantity verified.

Additional Comments:

# Line Item 3



**MEMORANDUM**

**Administrative Services**

March 15, 2013

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

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

**Subject:** Concurrence in Award for Construction Manager at Risk (CMAR) Contract No. 3537, Project No. STP-BR-080-4(092), I-80 at the Carlin Tunnels, GMP#1, MP EL- 7.5 TO EL- 9.33., Elko County, described as coldmilling and placing plantmix bituminous surface, paving crossovers, and purchasing lighting fixtures, Engineer's Estimate \$2,725,002.13.

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

Q & D Construction, Inc. submitted their Guaranteed Maximum Price (GMP) on March 14, 2013, in the amount of \$2,818,944.00. Stanley Consultants submitted their Independent Cost Estimate (ICE) on March 14, 2013 in the amount of \$2,757,822.30.

The project is Federally funded, and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation submitted by Q & D Construction, Inc. has been reviewed and certified by the Contract Compliance Officer. The CMAR bid is 103% of the Engineer's Estimate. The Project Manager, Designer, and Resident Engineer have 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 Terry, Assistant Director

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

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

Enclosures:  
Bid Tabulation  
CMAR Review Report

# Nevada Department of Transportation

## Unofficial Bid Results

March 25, 2013

**Contract Number:** 3537

**Designer:** CHRISTOPHER DEAL

**Senior Designer:** STEVE BIRD

**Estimate Range:** R22 \$2,650,000.01 to \$3,200,000

**Project Number:** STP-BR-080-4(092)

**Bid Opening Date and Time:** 3/14/2013 12:00 pm

**Liquidated Damages:** \$3,700

**Working Days:** 15

**District:** DISTRICT 3

**County:** ELKO

**Location:** I 80 AT THE CARLIN TUNNELS. MP EL- 7.5 TO EL- 9.33.

**Description:** Coldmilling and placing plantmix bituminous surface, paving crossovers, and purchasing lighting fixtures

Apparent Low Bidder Stanley Consultants - ICE \$2,757,822.30

Apparent 2nd Q & D Construction, Inc. \$2,818,944.00

<b>Bidders:</b>		Actual Bid Amount
1	Stanley Consultants - ICE 383 West Vine Street Murray, UT 84123 (801) 965-4708	\$2,757,822.30
2	Q & D Construction, Inc. - CMAR P.O. Box 10865 Reno, NV 89510- (775) 786-2677	\$2,818,944.00

CONTRACT NO.: 3537  
 PROJECT NO.: STP-BR-080-4(092)

Awarded to:

Amount:  
 Date:

PROJECT LENGTH: 1.64  
 SHEET 1 OF 2

**BID TABULATION  
 NEVADA DEPARTMENT OF  
 TRANSPORTATION  
 CARSON CITY, NEVADA**

**PROJECT DESCRIPTION:**  
 I 80 AT THE CARLIN TUNNELS. MP EL- 7.5 TO  
 EL- 9.33.

Tabulation of Bids opened at: 12:00 PM on March 14, 2013  
 1263 South Stewart Street, Carson City, NV 89712  
**WORKING DAYS:** 15

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		BID BOND 5% Stanley Consultants - ICE CMAR 383 West Vine Street, Suite 400 Murray UT 84123		BID BOND 5% Q & D Construction, Inc. P.O. Box 10865 Reno NV 89510-		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT				
202 0935	1,140.00	CUYD	REMOVAL OF COMPOSITE SURFACE	40.00	45,600.00	41.48	47,287.20	30.00	34,200.00				
202 0990	28,910.00	SQYD	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	2.00	57,820.00	1.36	39,317.60	1.20	34,692.00				
206 0110	169.00	CUYD	STRUCTURE EXCAVATION	50.00	8,450.00	32.02	5,411.38	30.00	5,070.00				
207 0110	90.00	CUYD	GRANULAR BACKFILL	50.00	4,500.00	50.28	4,525.20	50.00	4,500.00				
302 0130	1,420.00	TON	TYPE 1 CLASS B AGGREGATE	30.00	42,600.00	29.76	42,259.20	30.00	42,600.00				
402 0100	4,136.00	SQYD	PLANTMIXING MISCELLANEOUS AREAS	10.00	41,360.00	4.08	16,874.88	4.00	16,544.00				
402 0190	5,570.00	TON	PLANTMIX SURFACING (TYPE 2C)(WET)	105.00	584,850.00	116.37	648,180.90	112.00	623,840.00				
406 0110	1.00	TON	LIQUID ASPHALT, TYPE MC-70NV	600.00	600.00	716.18	716.18	685.00	685.00				
407 0190	13.00	TON	EMULSIFIED ASPHALT, TYPE SS-1H (DILUTED)	600.00	7,800.00	609.72	7,926.36	590.00	7,670.00				
604 2395	2.00	EACH	12-INCH METAL END SECTION	200.00	400.00	150.00	300.00	150.00	300.00				
605 0140	980.00	LINFT	12 - INCH HIGH DENSITY POLYETHYLENE PIPE, TYPE S	40.00	39,200.00	41.78	40,944.40	40.00	39,200.00				
610 0170	2.00	CUYD	RIPRAP (CLASS 150)	250.00	500.00	375.00	750.00	150.00	300.00				
610 0460	1.00	CUYD	RIPRAP BEDDING,(CLASS 150)	250.00	250.00	238.00	238.00	225.00	225.00				
619 0200	60.00	EACH	GUIDE POSTS (RIGID)	75.00	4,500.00	80.00	4,800.00	100.00	6,000.00				
623 0267	678.00	EACH	LUMINAIRE, TYPE A	2,108.00	1,429,224.00	2,267.00	1,537,026.00	2,415.00	1,637,370.00				
623 0268	111.00	EACH	LUMINAIRE, TYPE B	1,770.00	196,470.00	2,030.00	225,330.00	2,173.00	241,203.00				
624 0140	15.00	DAY	TRAFFIC CONTROL SUPERVISOR	500.00	7,500.00	745.00	11,175.00	750.00	11,250.00				
625 0490	1.00	LS	RENT TRAFFIC CONTROL DEVICES	50,000.00	50,000.00	35,000.00	35,000.00	29,000.00	29,000.00				
628 0120	1.00	LS	MOBILIZATION	154,027.44	154,027.44	54,000.00	54,000.00	50,000.00	50,000.00				
632 0580	3.00	MILE	WATERBORNE PAVEMENT STRIPING (TYPE II)(SOLID	2,000.00	6,000.00	1,280.00	3,840.00	700.00	2,100.00				

CONTRACT NO.: 3537  
 PROJECT NO.: STP-BR-080-4(092)

Awarded to:

Amount:  
 Date:

PROJECT LENGTH: 1.64  
 SHEET 2 OF 2

**BID TABULATION  
 NEVADA DEPARTMENT OF  
 TRANSPORTATION  
 CARSON CITY, NEVADA**

**PROJECT DESCRIPTION:**  
 I 80 AT THE CARLIN TUNNELS. MP EL- 7.5 TO  
 EL- 9.33.

Tabulation of Bids opened at: 12:00 PM on March 14, 2013  
 1263 South Stewart Street, Carson City, NV 89712  
**WORKING DAYS:**

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		BID BOND 5% Stanley Consultants - ICE CMAR 383 West Vine Street, Suite 400 Murray UT 84123		BID BOND 5% Q & D Construction, Inc. P.O. Box 10865 Reno NV 89510-		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT					
			WHITE)											
632 0780	1.50	MILE	WATERBORNE PAVEMENT	3,000.00	4,500.00	1,280.00	1,920.00	1,330.00	1,995.00					
			STRIPING (TYPE II)(DOUBLE SOLID YELLOW)											
637 0110	1.00	LS	TEMPORARY POLLUTION CONTROL	10,000.00	10,000.00	2,500.00	2,500.00	2,500.00	2,500.00					
637 0190	1.00	LS	DUST CONTROL	3,850.69	3,850.69	2,500.00	2,500.00	2,700.00	2,700.00					
667 0010	1.00	LS	RISK RESERVE	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00					
			TOTAL		2,725,002.13		2,757,822.30		2,818,944.00					



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

## MEMORANDUM

April 1, 2013

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** April 8, 2013 Transportation Board of Directors Meeting  
**Item # 8:** 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 February 16, 2013 to March 18, 2013.

### **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 and amendments which take the total agreement above \$300,000 during the period from February 16, 2013 to March 18, 2013.

### **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:**

State of Nevada Department of Transportation Agreements over \$300,000, February 16, 2013 to March 18, 2013.

### **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**  
**February 16, 2013 to March 18, 2013**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	25010	01	EL AERO SERVICES INC	FUEL SERVICES TO DEPT AIRCRAFT	N	270,000.00	560,000.00	830,000.00	-	10/27/10	9/30/14	4/8/13	Service	AMD 1 4-8-13: EXTEND TERMINATION DATE FROM 6-30-13 TO 9-30-14 AND INCREASE AUTHORITY \$560,000.00 FROM \$270,000.00 TO \$830,000.00 FOR CONTINUED FUEL SERVICES FOR THE DEPARTMENTS AIRPLANES. 10-27-10: SUPPLIER TO PROVIDE FUEL SERVICES TO DEPARTMENT AIRCRAFT, CARSON CITY, NV. B/L#: NV19681002544
2	09113	00	CH2M HILL	TECHNICAL ADVISORS FOR PROJECT NEON	Y	4,900,547.33	-	4,900,547.33	-	4/8/13	7/31/14	-	Service Provider	4-1-13: TO PROVIDE TECHNICAL ADVISOR AND P3 DESIGN SUPPORT SERVICES FOR PROJECT NEON AS A P3 PROJECT <b>(NOTE THIS AGREEMENT IS RELATED TO AMENDMENT #4 TO AGREEMENT #30208 LOCATED ON LINE ITEM #26 OF THE AGREEMENTS FOR INFORMATION REPORT)</b>

# Line Item 1



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

## MEMORANDUM

**DATE:** 02/22/13

**To:** Rudy Malfabon, Director  
**From:** Scott Sisco, Assistant Director Administration  
**Subject:** Amendment Summary for Extension of Jet Fuel Services for Flight Operations

---

Amendment No. 1 for Highway Agreement P250-10-059 extends the ending date of the agreement from June 30, 2013, to September 30, 2014 and increases the amount of the agreement by \$560,000 to \$830,000.

The service agreement provides for Jet Fuel Service for the NDOT planes. The increase in the amount allows for the increased cost of fuel over the term on the agreement. The extension of the agreement allows time to create a new Request for Proposal after the hiring of a chief pilot to serve as project manager.

### 3. Project Approach

- a. El Aero Services, Inc. (EL Aero) has a complete understanding of project requirements and currently fulfills all requirements.
- b. **Method used** will be providing an aircraft refueling truck, dedicated to Jet A fuel with a capacity of 3000 gallons, at the NDOT hangar with a response time no greater than 15 minutes from notification. El Aero has a properly licensed (FCC) aircraft band transceiver for radio communication. Fuel after hours is available within a one hour response time at a fee of \$55.00 per occurrence. Fueling personnel are trained per NATA (National Air Transportation Association) requirements.  
Fuel quality control program explained in section d.  
Refueling truck is equipped with a Hazmat response kit.
- c. **Potential complications** include mechanical failures and weather issues.  
El Aero has spare refueling trucks on site.  
El Aero is capable of refueling in all weather, except when lightning is present within a five mile radius per NFPA 407
- d. **Fuel quality control** procedures are completed per Avfuel Airport Dealer Quality Control Standards. Documentation of quality control is kept on file and inspected internally, by the FAA and by Avfuel. Quality control begins at **Fuel Receipt**. Fuel delivery Tanker is inspected for proper destination, placards, prior product and tank flush documentation, and clean delivery hose. Fuel from each unloading compartment is visually checked for particulate matter, Color, and clarity. Jet Fuel is subjected to a chemical test to confirm a suspended water content of less than 15 parts per million (ppm).  
A sample of the fuel is tested to measure the specific gravity, which is compared with the measurement taken at the tanker loading rack before delivery.  
Fuel is then passed through a **Filter System** as it is fed to the storage tank, and again through the filter as it is fed to the fuel truck. The storage tanks are monitored for contamination by samples taken from the storage tank sumps and filter sumps. The fuel in the fuel trucks is sampled daily, inspected prior to any aircraft service. The fuel trucks are also equipped with a Filter System  
Each Filter System is equipped with one or more aviation grade, water absorbing element, which removes any water and particulate matter down to one micron in size. The filter systems are monitored daily for differential pressure, which will indicate whether the filter is becoming clogged or has burst. A monthly Millipore test is performed on each system as a further indication of proper operation.  
Every filter element is replaced on a yearly basis.
- e. **Fuel System Icing Inhibitor**, FSII, also known as "Prist" is injected on the Jet Fuel truck via the FSII injection system. The system consists of a storage tank, metering device, and a mix tank. The storage tank is equipped with a sight gauge to easily see product level. The metering device is called a "pulser" and is mechanically keyed to the fuel meter, to provide between 0.01 and 0.015 gallons of FSII per 10 gallons of Jet Fuel. The pulser has a test function and is tested for calibration yearly. The mix tank is a section of piping downstream of the meter where the FSII is injected.
- f. Samples of the Quality Control Documentation are attachments C and D

# Line Item 2

# MEMORANDUM

DATE: March 22, 2012

**TO:** John Terry, Assistant Director

**FROM:** Cole Mortensen, Project Manager 

**SUBJECT:** Negotiation Summary for Project NEON Technical Advisory services and P3 Design support services.

Several negotiation meetings were held for the above-referenced services. The scope of the services that are to be provided by CH2M Hill was reaffirmed by both parties at the outset. The attached scope of work outlines the anticipated services to be performed up to the issuance of the RFP. The initial estimate included effort necessary to include portions of Phases 4 and 5 as value added scope. That effort was removed from the contract since it will follow issuance of the RFP.

The following information is a summary regarding the schedule and man-hour negotiations.

## Scope of Work:

Please see attached.

## Schedule:

The schedule was developed based on 12 months of services. As mentioned in the Form 2a, this agreement may be modified to include services for the future stages necessary, including 1) RFP Evaluation and Selection process, Contract Award, and Execution, 2) Construction Contract Administration, and 3) Maintenance and Operations Oversight.

- June 2013                      Issue Draft RFQ
- September 2013              Initial Draft RFP
- December 2013              Final Draft RFP/Board Approval

## Man Hour Estimate

A brief description of the negotiations:

The original anticipated costs based on technical team input and corroboration was:

\$8.3 million

Following negotiations, the contract amount requested is:

\$4.9 million

The following is a summary of the man hour estimates, including all changes from the initial estimates:

## Neon Amendment Negotiations Summary

Tasks	First Round		Second Round	
	Man Hours	Weighted Cost	Man Hours	Weighted Cost
<b>Top Task T1 - NEON P3 Advisement</b>				
T1.CO - UTILITIES COORDINATION	1,970	338,580.28	0	0.00
T1.DR - DRAINAGE	2,840	412,831.95	2,771	372,769.43
T1.MT - GEOTECHNICAL	516	111,858.69	516	106,338.45
T1.PM - PROJECT MANAGEMENT	8,130	1,224,608.80	3,364	550,445.04
T1.PI - PUBLIC INVOLVEMENT	2,235	219,330.73	2,658	279,640.27
T1.PA - P3 ADVISORY SERVICES	7,790	1,677,153.34	10,932	2,108,706.88
T1.QA - QA/QC	676	154,236.40	676	142,906.15
T1.RD - ROADWAY	3,808	617,840.18	3,808	572,452.89
T1.RW - RIGHT OF WAY	1,740	364,438.20	0	0.00
T1.RW - DEMOLITIONS	1,640	250,543.27		
T1.ST - STRUCTURES	990	147,824.72	990	136,572.99
T1.SU - SURVEY		60,000.00		60,000.00
T1.TR - TRAFFIC	2,426	346,785.68	2,000	262,191.20
T1.UT - UTILITIES	2,468	388,658.11	2,000	308,524.03
<b>Subtotal for T1</b>	<b>37229</b>	<b>6,314,690.35</b>	<b>35065</b>	<b>4,900,547.33</b>
<b>Top Task T2 - Phase 4 &amp; 5</b>				
T2.DR - Drainage	2120	315,713.50	0	0.00
T2.MT - Geotechnical	904	263,744.25	0	0.00
T2.QA - QA/QC	478	102,809.03	0	0.00
T2.RD - Roadway	2765	444,512.91	0	0.00
T2.ST - Structures	2126	333,921.50	0	0.00
T2.SU - Survey		55,000.00		0.00
T2.TR - Traffic	1777	258,185.72	0	0.00
T2.UT - Utilities	1370	226,770.82	0	0.00
<b>Subtotal for T2</b>	<b>11540</b>	<b>2,000,657.73</b>	<b>0</b>	<b>0.00</b>
<b>Grand Total</b>	<b>48769</b>	<b>8,315,348.08</b>	<b>35065</b>	<b>4,900,547.33</b>

### Key Assumptions and Basis of Estimate:

- Budget estimate is an initial budget and only applies to Phases 1-3 of the Scope of Work. Additional budget will be required for Phases 4-5 of the Scope of Work.
- Decision on whether to procure an availability payment concession or design-build-finance contract will be made very early after notice to proceed is issued to SERVICE PROVIDER
- Only one delivery method will be included in the RFQ, the RFP and all other solicitation documents and drafting of dual delivery approaches will not be required
- P3 Delivery using established U.S. precedent
- Phases are not sequential and there will be overlap among work in Phases (particularly Phases 1-2 and 2-3 of the Scope of Work)
- Shortlist following RFQ of no more than 4 proposers
- Two rounds of one-on-one meetings with shortlisted proposers and 2 rounds of industry review documents sent to proposers during industry review
- Suitable legal advisor and financial advisor properly performing their respective scopes of work
- Nevada bonding and insurance advisors will be required

**Final Estimate:**

The total negotiated and approved cost of this agreement will be **\$4,900,547.33**.

Reviewed and Approved:



\_\_\_\_\_  
Assistant Director  
*DEPUTY*

CCM:ccm  
Attach.  
Scope of work

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*Attachment "A"*

Final Scope of Services  
Project NEON P3 Advisory Services

Prepared for  
**Nevada Department of Transportation**

March 22, 2013

**CH2MHILL**  
2485 Village View Drive  
Suite 350  
Henderson, NV 89074

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## ATTACHMENT "A"

### FINAL SCOPE OF SERVICES

Under this supplemental scope of services, the Consultant will advance the preliminary design of the Project Neon Phase 1 and Phase 3 of work to an approximately 30 percent level of completion for the P3 Advisory Services.

## 1 GENERAL

### 1.1 Project Description

The Consultant shall provide design development to the preliminary design level for Phase 1 and Phase 3 of Project NEON for P3 Design Package and Technical Advisement for the P3 Procurement Development.

The following sections of Project NEON have been completed to the 60% design level as part of the Phase 1 and will be modified and/ or added to the P3 Design:

- US 95/I-515
- I-15, north of Alta/Bonneville
- MLK to SB I-515 ramp
- SB US 95 to NB I-15 ramp
- ES ramp, north of Discovery
- HOV Direct Connector
- Access Road to I-15/HOV Access IC
- SB I-15 to WB Sahara off ramp realignment
- Desert Lane, Oakey to Ellis

The following improvements are anticipated to be modified or added to the Phase 1 design to facilitate a combined P3 Design Package:

- I-15, between Sahara and Alta Bonneville – realign freeway to ultimate
- I-15/Sahara Ave IC – realign NB on and SB off ramps to accommodate I-15
- I-15/HOV Access IC – realign to ultimate I-15
- I-15/Charleston IC – realign/relocate to ultimate I-15
- NB Charleston/Alta-Bonneville slip ramp – realign to accommodate Charleston Interchange
- SB MLK/Charleston slip ramp – new realign to accommodate Charleston Interchange
- Alta-Bonneville/MLK intersection
- Oakey-Wyoming- realign for I-15 widening
- Highland Ave – realign or reconstruction portions

- Charleston – Shadow Lane to UPRR
- Desert Lane Cul-de-sac, Ellis to Charleston
- Jug-handle intersection connections to Charleston – realign to accommodate Charleston

The following improvements are not to be included in the P3 Design:

- Grand Central-Industrial, Wyoming to Bonneville
- Alta Bonneville, Rancho to Grand Central
- BRT Loop
- Iron Horse court
- Wall Street cul-de-sac
- Grade separation of MLK/Desert Lane over Charleston

## **2 DESIGN CRITERIA**

### **2.1 Design References and Criteria**

The following documents are design references developed and published by NDOT and other agencies and adopted for use in the design of this Project. Included in this listing are standards, specifications, manuals, policies, guides, procedures and environmental regulations, which shall be applied to the various aspects of the Project. Additional documents may be added by NDOT as needed. The most current NDOT and other agencies' adopted editions of each document shall be followed for this Project. Should future releases of these references significantly alter the scope of work or increase the level of effort required to complete the work, incorporating these changes will be completed as additional services. All design work shall conform to the following criteria and requirements:

- NDOT Standards (most recent)
- Plan Preparation Guide
- Computer-Aided Design and Drafting Standards Manual
- Standard Plans for Road and Bridge Construction, English Version
- Project Design Development Manual
- Bridge Design and Procedures Manual
- Special Instructions for Survey, Mapping or GIS Consultants
- Bridge Drafting Guidelines
- NDOT Drainage Manual
- Access Management System and Standards
- Nevada Pavement Structural Design and Policy Manual
- Nevada Work Zone Traffic Control handbook
- Standard Highway Signs, Nevada Supplement

- High Occupancy Vehicle (HOV) and Ramp Meter Guidelines
- Freeway and Arterial System of Transportation (FAST)
- Multi-Modal Event Management and Operation System (MEMOS)
- Geotechnical Policies and Procedures Manual
- 2006 Construction Site Best Management Practices
- *FAST Freeway and Arterial System of Transportation (FAST) Basis of Design Document, NDOT*
- *FAST System Design Overview, NDOT*
- *FAST Field Device Communications Protocol, NDOT*
- *HOV/Managed Lanes and Ramp Metering Design Manual, NDOT (available at [www.nevadadot.com/reports\\_pubs/HOV](http://www.nevadadot.com/reports_pubs/HOV))*
- *Ramp Meter Enforcement Area Detail, NDOT*
- *National Electric Manufacturers Association Standards, NEMA*
- *National Electric Code (NEC), National Fire Protection Association (NFPA)*
- *Southern Nevada Amendments to the NEC*
- Work Zone Safety & Mobility Implementation Guide  
AASHTO Publications (most recent)
- A Policy on Geometric Design of Highways and Streets
- Roadside Design Guide
- Guide for the Development of Bicycle Facilities
- Standard Specifications for Highway Bridges
- Load Resistance Factor Design (LRFD) Bridge Design Specifications
- Guide Specifications for Structural Design of Sound Barriers
- Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, 4<sup>th</sup> Edition, 2001, with Interim Revisions and as revised by NDOT
- FHWA Standards (most recent)
- Federal-Aid Policy Guide
- Manual on Uniform Traffic Control Devices
- Traffic Control Devices Handbook
- Standard Highway Signs  
Other Applicable Standards
- American National Standard Practice for Roadway Lighting, IES – RP8, 1983, Illuminating Engineering Society of North America
- Guidelines for Railroad Grade Separation Projects, 2007

Other Agencies

- None

## **2.2 Intelligent Transportation Systems (ITS) References**

- As-built plans for the FAST Stage 2

## **2.3 Project Design Criteria**

All design work shall be completed in accordance with the criteria and requirements of NDOT, Union Pacific Railroad (UPRR), City of Las Vegas (CLV), Regional Transportation Commission of Southern Nevada (RTC) and Clark County (CC). In the case of a conflict between NDOT and other agency and entity criteria, NDOT standards will govern, unless otherwise directed by NDOT's Senior Project Manager. A Project Design Criteria Memorandum will be prepared by the CONSULTANT to summarize the applicable standards of design and establish suitable design requirements appropriate to this Project. Any changes to or necessary deviations from NDOT's design criteria, which result in the need for a design exception shall be submitted to NDOT for approval.

## **3 PROJECT MANAGEMENT**

The following Project Management activities are anticipated to last for fifteen (15) months.

### **3.1 Progress Reports/Invoices**

The monthly progress reports/invoices will be submitted to NDOT's Senior Project Manager as a package in advance of each regularly scheduled progress meeting. It will be based on data received from each task lead and subconsultant and will address the following:

- Comparison of actual vs. anticipated hours per task
- Work task completed since the last report
- Progress on each work task planned and percentage complete for the next reporting period
- Needs/requests between NDOT task leads and Consultants

The Consultant's Project Manager will then collate and refine the task data received and develop an overall report on current Project status, including:

- Monthly design schedule updates, with delay justifications Coordination and scheduling staff needs, requests and data exchange

### **3.2 Project Coordination**

#### **3.2.1 Project Communication**

The Project manager together with NDOT's Senior Project Manager will have regular communication with agencies and consultant staff to ensure that NDOT's project goals, as well as scope and budget, are being successfully met.

### **3.2.2 Miscellaneous Coordination Meetings**

Regular and intensive coordination is anticipated between FHWA, Attorney General, agencies, stakeholders, officials and the general public. This will include the Consultant's Project Manager, task leads, NDOT staff and administrative assistants as appropriate to address various issues throughout the Project. Meeting minutes will be taken for all meetings and distributed to participants and posted on the collective project SharePoint site.

In addition to the above coordination meetings, the Consultant will provide support services in the development of agreements between NDOT and the City as directed by the Project Manager.

## **4 PUBLIC INVOLVEMENT**

Public Outreach activities are anticipated to last for fifteen (15) months.

### **4.1 Business Outreach**

The Consultant public outreach team will continue to coordinate briefings with business owners, and prepare project information materials for business owners throughout the project area. The public information Consultant will work with the NDOT project management, the right-of-way staff and the NDOT Communications and PIO to brief business owners and coordinate information and activities directly related to business outreach and right-of-way acquisition. It is assumed that at least ten (10) briefings will be held with various business owners.

#### **Deliverables:**

- Updated English-Spanish business outreach project fact sheet
- Project area business/property owner map
- Quarterly business/property owner tours and briefings
- Graphic of completed business outreach
- Briefing and tour summaries

### **4.2 Website/Social Media/Project Hotline**

Since the February 2009 launch of the redesigned [www.ndotprojectneon.com](http://www.ndotprojectneon.com) the site averaged 4,500 visitors per month with impressive year-end statistics totaling nearly 52,000 for the eleven-month period.

The Internet presence is a vital component of Project Neon's visibility in the community and is an extension of other means of sharing project information.

The Consultant outreach team will continue to maintain and update the project Website, project mobile site, Facebook and Twitter sites for a period of fifteen (15). The Consultant will continue to develop and implement cost effective methods to publicize the site. The Consultant will continue to provide weekly updates, database administration, and monthly statistical analysis and reporting.

A common theme in the comments and suggestions from the public is to provide project resources outside the Internet. The bilingual hotline has specifically been requested for members of the public without access to the Internet.

MARCH 2013

The Consultant public outreach team will continue to provide a project hotline for a period of fifteen (15) months. A Spanish-English line will also be maintained. Inquiries and comments will be recorded in the comment database. Responses will be researched and sent to project management for approval. Responses will also be tracked and documented in the comment database.

**Deliverables:**

- Customized voicemail messages for specific project announcements and updates
- Spanish translation services
- Comment and inquiry tracking database
- Quarterly comment database reporting
- Technical maintenance
- Twice-monthly content updates
- E-blasts as needed
- Monthly photo gallery updates
- Mobile site maintenance
- Public comment database reporting
- Monthly visitor statistic reporting
- Monthly search engine updates
- Mirror linking strategies
- Online surveys as needed

**4.3 Collateral Materials**

The Project Neon P3 identity includes a color-scheme, logo, and collateral material design that is recognizable to the community and elected officials who represent the area. Collateral materials have been used to inform the public about the project, advertise the public hearing, and promote the project Website and hotline. Collateral materials are produced in Spanish when appropriate.

The Consultant will update all collateral materials and will continue to update the materials as needed for the duration of this contract

**Deliverables: As needed**

- Bilingual door hangers
- Bilingual fact sheets
- Public meeting advertisements
- Website and hotline promotional materials

**4.4 Newsletters**

The Project Neon newsletter is a unique communication tool that provides a broad audience with project information tailored to the local community. The newsletter not only delivers timely project details but additionally serves to promote the project

Website and hotline, highlighting opportunities for public comment. The series will also provide a historical documentation and timeline of project activities upon the conclusion of construction.

The Consultant will produce quarterly editions of a newsletter. Each edition will be prepared, printed and mailed to approximately 6,000 properties within the project area. A current Clark County Assessor list will be utilized for each mailing list. An additional 500 copies will be printed for use in community meetings and briefings to business owners and elected officials.

**Deliverables:**

- Three printed editions of the project newsletter
- Updated mailing lists for each edition
- Electronic version of each newsletter to be available on project website

**4.5 Public Information Meetings**

Project Neon has a long history of regularly updating the public through a variety of ways. Public information meetings and open houses have been a successful method to involve, inform and receive comments from the public on the multi-year project. Over the past seven years, Project Neon has held eight public meetings: December 2003, January 2004, May 2004, September 2004, February 2005, October 2005, October 2007, October 2009 and the most recent meeting to release the Draft Reevaluation of the FEIS in February 2012.

In order to continue the regular meeting updates, the Consultant team will arrange at least one additional Public Information Meeting to be held in the spring of 2013. The Consultant team will coordinate with project management and the NDOT Communications, PIO, and Hearings Officer, to arrange the date, location, court reporter, and notification. The Consultant team will arrange all the logistics for the meeting, and manage the set-up, staffing, and tear-down for the meeting.

**Deliverables:**

- Notification materials and database
- Meeting handouts and collateral materials
- Comment database

**4.6 Monthly Coordination Meetings**

Coordination Meetings will be held on a monthly basis with the Consultant's Public Involvement team along with the NDOT Project Manager and NDOT's Public Involvement team. Topics will vary according to the project needs but may include any of the tasks identified in the Public Involvement Section.

**4.7 Elected Official and Agency Briefings**

Project Neon has regularly briefed local elected officials with project updates. These regular communications with the Clark County Commission, City of Las Vegas Council, and governing agencies, successfully earned the project letters of recommendation upon the release of the Final FEIS.

The Consultant public outreach team will continue to arrange quarterly briefings, provide briefing materials, attend each briefing to support project management, and

provide a report for each briefing. It is assumed that at least fifteen (15) briefings will be held with various Elected Officials and Agencies.

**Deliverables:**

- Quarterly schedule
- Briefing materials

**4.8 Miscellaneous Graphics**

The Consultant shall develop all meeting materials that will be presented including, graphic displays and presentation materials as required or if requested by NDOT. Graphics and information boards will coincide with materials prepared as a part of the technical disciplines' work. Miscellaneous Graphics activities are anticipated to last for fifteen (15) months.

**4.9 Community and Neighborhood Outreach**

A relationship of trust has been built between the community and the NDOT throughout the past two years due to numerous briefings and meetings with neighborhood and community associations. There is an expectation of frequent communication between the organizations and the NDOT.

The consultant public outreach team recommends the momentum continues in order to sustain the relationship throughout the multi-year project.

The Consultant public outreach team will arrange and coordinate briefings for community and neighborhood groups. The team will prepare project materials for residents and property owners throughout the project area. The public information consultant will work with the NDOT project management, the right-of-way staff and the NDOT Communications and PIO to brief the community and coordinate information and activities directly related to community outreach and right-of-way acquisition. It is assumed that a total of at least six (6) briefings will be held with various Community Associations and Neighborhood HOA's.

**Deliverables:**

- Updated English-Spanish neighborhood outreach project fact sheet
- Project area community map
- Quarterly community and neighborhood organization briefings
- Graphic of completed community outreach
- Briefing summaries

**5 P3 TECHNICAL ADVISEMENT**

**P3 Procurement Development**

Procurement Development comprises six distinct tasks and this is the basis on which the proposed fee has been developed:

- 5.1 – Notice of Intent
- 5.2 – Delivery Option Analysis
- 5.3 – RFQ Development, Issuance and Evaluation

5.4 – Develop Draft RFP Documentation and Evaluation Process

5.5 – Develop and Issue Final RFP

5.6 – Industry Consultation and Stakeholder Outreach

In addition to the above tasks, the Consultant will procure a secure project office for a period of twelve (12) months. The project office will have a conference room with video conference capabilities and office working space.

**5.1 Notice of Intent**

The kick-off meeting will be an opportunity for CH2M HILL to discuss the Project in depth with the Department; this includes the status of the project development, any aspects of the Project's technical, financial, legal and political standing. The meeting will also serve as a forum to understand all available data, documentation and other work that has been prepared up to that point in time.

The bulk of this effort will be completed within the first month of the Procurement, however there will be a requirement for ongoing liaison with the Department to refine any objectives or constraints as the Procurement develops.

The Team will assist the Department in Developing a Notice of Intent to be released to the PPP industry.

**5.2 Delivery Option Analysis**

**5.2.1 Develop Initial Concept and Assumptions**

*5.2.1.1 – Due diligence on existing capital cost, design and other data for Project Neon*

The Team will draw on its experience of similar Project Delivery Analyses for other major highway projects and prepare updated parameters for Project Delivery of the Project in consultation with the Department. Our Procurement approach will be to build upon the proposed PPP screening approach that members of the Team have assisted in developing for other DOT.

For Project Neon our analysis will commence by reviewing previous work and to the extent possible, rely on previous analysis and data. The focus of this review will be the distinct characteristics of the project and understanding of the Department's broader policy goals and constraints. We will also seek to understand the implications and interdependencies with operation and maintenance of other NDOT maintained roads in the region.

The Team will work closely with the Department and its consultants to develop or review and update existing public sector estimates of probable construction, operation and maintenance costs and escalation factors taking into account available design and asset condition data. There will be a period of time required for us to get up to speed on the project and gather all information and data. Due diligence will be undertaken on all quantities, unit rates and other soft costs that have been used to develop these existing cost estimates and they will be bench marked for against similar projects the team has worked on to ensure they are within a realistic range. The actual analysis will require us to go through the cost data looking at cost items included, determine any items that are missing, review all schematic and design information and quantities used in the cost estimate based on the design, assess unit

costs, and assess other soft costs. All current design deliverables including geotechnical data and value engineering activities will be reviewed for consistency with the construction costs and as being the basis on which the construction costs were developed.

The status of other data and information will be assessed which may affect project development or be considered a project risk such as environmental, geotechnical, utilities, ROW, third party agreements, hazmat and any other relevant issues. For the other project information we will need to understand the status of these items and current activities the Department are engaged in and how this will affect schedule. We will use this information as part of the risk assessment in task 5.2.2. All of these activities in 5.2.1.1 will require extensive liaison with NDOT central office and District 1, sub-consultants and other third parties as necessary.

A report will summarize the results of this task and identify recommendations for the use of this data in 5.2.3.

*5.2.1.2 – Assess existing condition, maintenance activities and cost data for surrounding road network*

The Team will collate and assess data on the existing condition of the surrounding road network as well as the historic and proposed maintenance activities and associated maintenance cost data in order to understand the maintenance requirements for the road network. This assessment will enable the Team to develop more accurate operations and maintenance estimates and make informed decisions about how the maintenance responsibilities of the project could be realized. A report will summarize the results of this task and identify recommendations for the use of this data in task 5.2.3.

**5.2.2 Procurement Options and Risk**

*5.2.2.1 - Define PPP and Public Sector delivery methods to be analyzed in detail and review for fatal flaws*

For Project Neon, we understand that the initial concept is based upon a Design Build Finance Operate Maintain PPP model, incorporating an availability payment structure. We will work with the Department to define the project concept and assumptions, and begin to develop approaches to address the key project challenges including those noted above.

The Team will prepare a procurement options report which will form part of the final report for Phase I. This will describe the proposed project delivery methods that will be considered for this project and how the Team proposes to analyze the project under each delivery method. In defining the project delivery methods the Team will draw on the project understanding and lessons learned from task 5.2.1 and describe how the results of task 5.2.1 will be used in task 5.3.4.

*5.2.2.2 - Legislative and funding considerations and assessments (incl. update to TIFIA LOI)*

Funding considerations and assessments will be made on known available funding sources including Federal funding such as TIFIA or other local funding if it is identified. The Team will assist the Financial Consultant to optimize the use of available funding as part of an agreed payment mechanism. The Team will assist the

Department in assessing available funding sources including any update in respect of TIFIA.

*5.2.2.3 - Conduct risk assessment workshop (incl. risk identification and quantification)*

The Team will develop a register to identify and assess significant project risks in consultation with the Department and its legal advisors. This process will include holding a risk workshop (maximum 1.5 day) with all relevant parties to develop an initial project risk register in an appropriate format for use in PPP procurement and provide recommendations for risk allocations under both a traditional and PPP agreement.

We will consider and address reasonable non-financial considerations in respect of the project to confirm suitability and seek to ensure there are no "fatal flaws" to a PPP approach. We will consider a long list of fatal flaw and initial deal structuring considerations to ensure that the concepts are sound, which may include:

- Can all major project risks be priced and mitigated by the private sector?
- Is there a low likelihood of owner directed changes or other basis for claims?
- Is the project sufficiently large to attract private financing?
- Is there market capacity for the scale of private financing required?
- Is there a creditworthy payment commitment?

Working closely with the Department, we will use this process to identify any further material challenges to the PPP model that will require to be considered and addressed as the concept is refined at the next stage.

*5.3.2.4 - Develop initial high-level risk strategies and risk allocation, and develop risk adjustment to apply to cost estimates*

The Team will maintain and update the outline risk registers developed for the Project and assist the Department to develop mitigation strategies for key project risks. The risk register for each project delivery method will be analyzed through a form of numerical simulation. A risk adjustment factor to be applied to the construction and operation and maintenance cost estimates will be calculated from the simulation based on the risk register developed in the risk workshop for each of the project delivery options.

*5.3.2.5 – Develop and refine project payment structure consistent with appropriations and contract renewals requirements*

The Team will, in conjunction with legal and financial advisors, help define and vet for market acceptability the exact contractual pledge, budgeting mechanism and legal authority under which the Department could commit to make availability payments.

## **5.2.3 Cost Estimation and Analysis of Delivery Models**

*5.2.3.1 - Develop cost estimate for PPP delivery model*

The Team will develop construction cost estimates in an appropriate format for use in financial models that provide an independent private sector estimate which will be a likely project valuation by a private entity under the particular risk allocations and contract terms to inform Project Delivery assessments.

*5.2.3.2 - Develop cost estimate for Public Sector delivery model*

The Team will develop construction cost estimates in an appropriate format for use in financial models that provide an independent public sector estimate which will be a likely project valuation by a public entity under the particular risk allocations and contract terms to inform Project Delivery assessments.

*5.2.3.3 - Develop O&M cost estimates for Project Neon*

The Team will develop operations and maintenance cost estimates in an appropriate format for use in financial models that provide an independent public and private sector estimates to inform Project Delivery assessments.

*5.2.3.4 - Develop financial assumptions for delivery alternatives*

The Team will assist the financial advisors in developing financial assumptions based on the latest market data and experience from other P3 projects.

*5.2.3.5 - Conduct financial modeling and sensitivity analysis*

The Team will assist the financial advisors in providing data and review to conduct financial modeling and sensitivity analysis based on experience from other P3 projects.

*5.2.3.6 - Conduct informal market survey to validate assumptions and competitive interest*

The Team will work closely with the Department Project Manager, and other Department staff in assessing industry interest including assisting with development and execution of marketing strategies to gauge initial industry interest and feedback.

We will validate and refine the initial PPP concept(s) identified, develop/test key assumptions and gauge competitive interest via a market sounding or other appropriate market analysis.

*5.2.3.7 - Shadow bid preliminary schedule and cash flow analysis*

The Team will create a preliminary construction schedule for the shadow bid and breakdown the construction estimate according to that schedule to produce the preliminary cash flow that will be used by the financial advisers.

### **5.3 RFQ Development, Issuance and Evaluation**

***Tasks 5.3.1, 5.3.2 & 5.3.3 – Develop Evaluation Process; Identify Evaluation Teams; Evaluator Training***

The team will develop an evaluation process and selection criteria for the Department's use in qualifying appropriate proposers during the Request for Qualifications (RFQ) stage to develop a proposer shortlist for the next stage of the project procurement. This includes developing submittal requirements, proposal evaluation and selection criteria. The Team will assist NDOT in identifying and forming internal evaluation teams for the project evaluation process and will conduct appropriate evaluator training to ensure a consistent approach is used by evaluators and will work with the Department to structure an efficient and effective procurement process. Extensive RFQ evaluations have been executed by the Team on prior projects in other states within the United States and the Team will bring lessons learned that can be applied to the Project Neon procurement to ensure a timely and cost efficient approach to facilitating the procurement of the Project.

***Tasks 5.4.4, 5.4.5, 5.4.6, 5.4.7 & 5.4.8 – Update Project risk Register; Develop Major Business Terms; Develop and Issue RFQ documents***

Risks identified during industry consultation and outreach will be incorporated into the risk register to assess and review the risk register and determine what risks need to be incorporated into the contract documents. The review of the risk register will enable a base contract term sheet to be developed which will give a high level overview of the proposed contract and can be communicated to NDOT Executive or other State Departments as required. The RFQ documents will be completed and issued to industry for their response. The Team will assist NDOT in conducting the evaluation process and manage receipt of documents. This will include assisting and advising on the RFQ shortlist, including development and preparation of evaluation methodology, and the review and evaluation of responses, including proposer credentials and financial and technical capabilities.

**5.4 Develop Draft RFP Documentation and Evaluation Process**

Developing RFP Documents to be issued to qualified proposers includes instructions to proposers, P3 agreement and technical requirements, payment and compensation structure, performance specifications and performance deductions, assembling necessary reference documents, surveys and other baseline information and assisting the Department in building and maintaining a data room, review of proposals and preparation of written and oral evaluations for evaluation teams that include risk and financial analyses, facilitating discussions with proposers in context of a transparent procurement process, coordination and preparation of responses to proposer questions.

**5.4.1 Instructions to Proposers and Evaluation Process**

The Team will develop Instructions to Proposers (ITP) to issue to industry as part of the RFP suite of documents. The ITP document will establish the evaluation process to be followed and ensure proposers are clear on how they are being evaluated what that Department is looking for in their proposals.

**5.4.2 P3 Agreement**

The Team will work with the Department and its legal and financial advisors in developing a public-private partnership (P3) agreement to incorporate all aspects of the P3 arrangement and ensure appropriate transfer of risks and responsibilities to the private sector. An important aspect of the Agreement development will be to determine the document structure and particularly in conjunction with the technical aspects of the project whether there will be a suite of documents or just one overarching contract document. A contract working group will be established which will be the core team developing the document, holding regular team meetings and liaising with the Department as required to seek Departmental guidance and decision making.

Although the Department's Financial Advisor undertakes analysis and development of financing, funding options and terms, the Team will provide advice on the availability payment structure as well as cost and cash flow estimates to facilitate modeling of alternative options related to availability. The Team will provide guidance on technical non-compliance which will affect determination of the project's availability which will in turn make potential deductions to the availability payments.

#### **5.4.3 Payment and Compensation Structure**

The Team will work with the Department and legal advisors in developing the payment and compensation structure for the P3 agreement. It is understood that an availability payment mechanism will be adopted, the team will work in developing the criteria as to how the payment mechanism will be structured and performance of the Developer will be assessed.

#### **5.4.4 Technical Requirements, Performance Specifications and Non-Compliance Methodology**

The technical team will assist the Department in developing the technical specifications and performance requirements which characterize a PPP contract but which also align with NDOT's requirements and expectations. Based on the Team's experience with other PPP contracts, detailed draft Technical Requirements will be developed as part of the P3 Agreement focusing on Performance Specifications for construction and maintenance of the asset and will include details of how performance will be measured to ensure compliance. Audit and measurement will be tied into the overall performance criteria for the project and assessed through the non-compliance methodology to ensure the Developer provides the best possible services to the Department. The Team will then work with NDOT's technical experts to develop an agreed format for the technical requirements ready for industry review.

Three (3) workshops with NDOT's technical staff are anticipated to coordinate the development of the performance specifications.

#### **5.4.5 Project Data Room – Reference Information Documents**

The Team will assist the Department in developing and maintaining a secure Data Room which will have restricted access only to those parties that have a need for the secure files. This practice has been carried out by the Team on prior projects and will be undertaken, with input from the Department, as soon as the secured files are available. Reference Information Documents will also be collected and put into a share-site that is available to all proposers. These files will include any schematics, design data, plans, permits, geotechnical data, available contract documents, ROW and utility information, and other necessary reference documents that will be required by the Developer to produce a quality bid for the Project.

#### **5.4.6 Approval and Issue of Draft RFP**

Near final draft contract documents will be developed for the RFP. Our recommended approach, which has been employed successfully with clients throughout the US, is to issue revised contract documents via addendum through questions submitted by contractors, investors and lenders and one-on-one meetings with the RFQ shortlisted Proposers. This intense process is designed to avoid the need for excessive post-award negotiation of commercial terms but must align public and private interests to identify the team most able to achieve the Department goals.

The Team will direct technical inputs to refine the business model and work with the legal and financial teams to prepare contract documents. The Team will use lessons learned from previous procurements to assist the Department in developing RFP documents for the RFP process. The RFP documents will be completed and issued to industry for their response.

## **5.5 Develop and Issue Final RFP**

### ***Task 5.5.1, 5.5.2 & 5.5.3 – Respond to Proposer questions; One-one-One Meetings; Final RFP***

One-on-one sessions with proposers will be crucial to awarding the best preferred Developer for this Project. One-on-one discussions will allow the Department to get a first hand view of the potential issues and constraints that the Developer foresees. The Team will conduct one-one-one meeting with Proposers as required to clarify aspects of the draft RFP they wish to discuss. The team will develop a process to respond to Proposer questions on the RFP documents and issue updates or addenda as required.

## **5.6 Supporting Services**

### ***Task 5.6.1 – Industry Forum and Consultation***

Investor and market outreach will help target investors, concessionaires, designers, contractors and other interested parties. The Team will conduct a market facing workshop to present the project to industry in a forum that will provide an assessment of market appetite for the project through Q&A feedback and one-on-one meetings. The forum will provide the opportunity to gauge interest in the project scope and options for delivery. The Team will assist NDOT with preparation and delivery of presentations and material for P3 conferences during 2013. *[The Team is prepared to accompany NDOT's attendance at the InfraAmericas US P3 Infrastructure Forum and the ARTBA P3 conference to market the Project to potential PPP investors and Developers.]*

### ***Task 5.6.2 – Prepare FHWA Project Management Plan***

The Team will prepare a draft PMP for NDOT's review and address NDOT's comment to finalize the initial PMP to be submitted for FHWA's review in 2013. The Team will address FHWA's comment to finalize the initial PMP. Subsequent yearly updates to the initial PMP are not part of this scope.

### ***Task 5.6.3 – Support activities for the FHWA Financial Plan***

The Team will assist the financial advisors in developing the initial Project Financial Plan by providing cost estimates and risk and mitigation factors in the format desired by the financial advisors. Subsequent yearly updates to the initial Financial Plan are not part of this phase 1 scope.

## **5.7 File Management**

File management will continue for an additional fifteen (15) months.

- All working files will be updated once a week
- MicroStation files will be posted in Version 7
- SharePoint Site
- DVD Archive of electronic files

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- Hard copy of project files at closeout
- Regular Administrative document control filing

## **5.8 Insurance Bonding Advisement Services**

### **1) Monthly Consultant Activities**

- Provide written reports and advisory services as is customarily expected from a professional insurance broker.
- Monitor & advise when new insurance forms (ISO and others) are approved for use in the State of Nevada and such forms apply to the Project-specific insurance.
- Provide NDOT a monthly status report reflecting time spent and activities performed during the month.

### **2) Specific Consultant Activities**

- Assist NDOT in identification of Project risks and provide recommendations for corresponding mitigation tools relating to insurance.
- Participate in risk allocation discussions and meetings with NDOT, other State agencies, insurers and others, as requested by NDOT.
- Advise NDOT on the types of insurance NDOT should consider in developing its minimum insurance requirements for the Project. Analyze extent of coverage commercially available, likely exclusions and coverage limitations, claims reporting periods, and optimal maximum deductibles for each recommended coverage type. In conducting this analysis, recommend the party (e.g., NDOT, concessionaire, contractor, lead engineer(s), or others) most appropriate to secure each particular coverage type.
- Advise on optimal approach to mitigating catastrophic Builders Risk exposure, including risks associated with earthquake, flood and other natural disasters. Assess and provide feedback on probable maximum loss (PML) analyses and studies.
- Advise on the desirability from both a risk and commercial perspective of securing or requiring the concessionaire or contractor to secure environmental liability insurance, including coverage for clean-up costs associated with the discovery of hazardous materials during the course of site investigation or construction.
- Advise NDOT on the commercial reasonableness of the recommended minimum insurance requirements with the goal of developing a program that is commercially reasonable while still adequately protecting the interests of NDOT and its constituents. As part of this work, advise NDOT on short term and long term insurance market conditions.
- Advise NDOT on the cost, amount and commercial availability of surety bonds (performance and payment bonds or other performance security) for the design, construction, operation and maintenance of the Project, including any applicable limitations on the maximum amount of bonding for the Project.

- Develop and advise on innovative approaches to risk mitigation and insurance.
- Work with NDOT's financial and legal advisors in the development of financial models, procurement documents (e.g., requests for qualifications (RFQ) and requests for proposals (RFP)) and contract documents as they relate to insurance and surety issues.
- Provide input on insurance benchmarking concepts and inclusion in procurement documents
- Provide input relating to, and assistance with, answering proposer questions relating to insurance and surety issues during the Project's industry review, RFQ and RFP processes and participate in calls and meetings with proposers regarding the same, as requested by NDOT.
- Assist with review of proposer insurance submittals during the RFQ, RFP and award processes to confirm that insurance submittals comply with applicable requirements.
- Provide NDOT with special reports upon request.

## **6 P3 DESIGN**

### **6.1 DRAINAGE**

#### **6.1.1 Drainage Design Plans**

The Consultant will prepare Preliminary Drainage Design plans for NEON P3 in conformance with the Preliminary Plan Submittal requirements as outlined in Table B-3 of the NDOT Drainage Manual. Drainage design development will build upon the 60 percent Phase 1 Plans to incorporate the P3 configuration, based on design development coordination with the various project disciplines, NDOT and stakeholder comments, and field survey data.

The plans will include, but are not limited to:

- Plan and profile for proposed offsite drainage facilities critical to establishing right-of-way needs.
- Plan and profile for onsite systems critical in determining outfall locations, critical utility coordination, and right-of-way needs.
- No modifications to the 60 percent Phase 1 design plans for US95 are anticipated.
- Revise the onsite layouts for I-15, including on/off ramp terminals to accommodate the P3 configuration. The design will be based on NDOT criteria, to a level needed to establish outfall locations and right-of-way needs.
- The 60 percent Phase 1 onsite hydrology and layouts for local roads (outside of NDOT right-of-way) will be revised to accommodate the P3 configuration,

based on Clark County Regional Flood Control District (CCRFCD) and Clark County Regional Transportation Commission (RTC) criteria to include the P3 configuration. Interdisciplinary coordination of data where coordinated design is needed to determine right-of-way needs. Cross section and detail sheets depicting the proximity of critical structural features (footings, piers, structural caps, etc.) with respect to offsite drainage facilities.

- Preliminary layouts for non-standard drainage structures that could affect right-of-way needs.
- Coordinate maintenance needs, construction access needs and excavation needs where overlapping discipline requirements are anticipated; such as areas where drainage structures are to be constructed in close proximity to retaining walls or bridges.

### **6.1.2 Cost Estimates**

The Consultant will prepare Cost estimates for P3 drainage items, commensurate with the preliminary level of design. A detailed structure list will not be provided.

### **6.1.3 Drainage Design Report**

The Consultant will prepare a Preliminary Drainage Design Report for Neon to include the P3 configuration analysis. Hydrologic and hydraulic calculations will be performed to a level of commensurate detail needed to determine drainage system design critical to right-of-way setting. This report will provide calculations, discussion of critical system design and necessary mitigation measures for project impacts, design parameters and assumptions where detailed design is critical to right-of-way delineation. Onsite hydrology and hydraulic calculations will be performed only to a level to verify system feasibility where right-of-way delineation is not critical. The drainage design report will not necessarily provide discussion of all points outlined in the NDOT Drainage Design Manual, except where critical right-of-way issues are involved.

### **6.1.4 Task Management**

The Consultant will coordinate drainage right-of-way needs for both the Preliminary Right-of-Way Setting and Right-of-Way Setting including:

- Drainage facility alignment and maintenance access needs as presented on the preliminary drainage plans will be used to develop suggested fee right-of-way and permanent easement delineations.
- Coordinate with NDOT Hydraulics on methods and assumptions used in determining drainage right-of-way delineations.
- CAD line work for drainage right-of-way delineation will be supplied to the project team for incorporation into project right-of-way setting exhibits.
- The Consultant will attend right-of-way development meetings, including both the Preliminary Right-of-Way Setting and Right-of-Way Setting Meetings.
- The Consultant will attend and participate in the preliminary Plan Review Meeting. Review comments will be recorded and documented in a table format including the action to be taken.

The task manager will review progress against schedule, monitor the task budget and report monthly progress.

### **Deliverable Summary**

- Preliminary Drainage Design Plans, Profiles, and Details for P3
- Preliminary Drainage Cost Estimates for P3
- Preliminary Drainage Design Report for NEON for the P3 improvements
- Drainage Right-of-Way Delineation for P3 Pre-Right-of-Way Setting
- Drainage Right-of-Way Delineation for P3 Right-of-Way Setting

## **6.2 MATERIALS**

The Consultant will review existing geotechnical information related to P3, but not limited to, reviewing Phase 1 geotechnical data, geotechnical reports by NDOT, geotechnical reports from other agencies such as Clark County, the City of Las Vegas and other Consultants related to NDOT facilities, contract documents from NDOT and other agencies and published geologic and geologic hazard maps by organizations such as the Nevada Bureau of Mines and Geology (NBMG) and the U.S. Geological Survey (USGS).

Based on the review of existing geotechnical data, the Consultant will prepare a limited geotechnical exploration plan for P3 bridge structures. The exploration plan will be developed with respect to NDOT and AASHTO LRFD guidelines. The exploration plan will be finalized by incorporating NDOT comments.

### **6.2.1 Limited Field Exploration and Laboratory Testing**

Based on review of existing data, the Consultant will develop a limited geotechnical exploration for bridges proposed in P3. The Consultant will coordinate the geotechnical field explorations and laboratory testing. Two borings up to 120 feet deep for bridge structures are proposed at this time (one boring for Oakey Blvd/NB I-15 Bridge and one boring for Charleston Blvd/NB I-15 Bridge). Explorations will consist of advancing rotary-wash borings with standard penetration testing. Bulk, disturbed, and relatively undisturbed samples will be obtained during the exploration program. Groundwater levels will be measured during the exploration. Laboratory testing shall consist of determining index properties, strength, swell, consolidation, R-value, and corrosivity.

### **6.2.2 Bridges**

The Consultant will perform preliminary geotechnical engineering analyses for each bridge structure. Results of the analyses will be presented in a geotechnical memorandum summarizing site geology, subsurface conditions, seismicity, and preliminary drilled shaft axial resistance with depth.

### **6.2.3 Geotechnical Data Reports**

The consultant will also prepare a geotechnical data report for P3 including the boring location maps, boring logs, and laboratory testing. Geotechnical data from Phase 1 investigation and additional investigation performed for P3 will be included in the report. In addition, a geotechnical data report for pavement design of P3 will also be prepared.

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#### **6.2.4 Retaining Walls/Sound Walls/Miscellaneous Structures**

The Consultant will provide geotechnical design input for the type selection of retaining/sound walls and miscellaneous structures.

#### **6.2.5 Pavement**

The Consultant will perform limited field exploration and test the subgrade soil R-value. Boring logs and summary of test results will be submitted in a geotechnical data memorandum for NDOT to prepare the pavement design report.

#### **6.2.6 Task Management**

The Consultant will advance geotechnical design and coordination items including:

- Coordinate with structure design to ensure cost effective foundation type is selected
- Coordinate with other disciplines to provide geotechnical input for the design elements

This will include, but not be limited to, attending additional coordination meetings, provide exhibits, and provide geotechnical recommendations for various design elements.

The task manager will review progress against schedule, monitor the task budget and report monthly progress.

#### **Deliverable Summary**

- Preliminary geotechnical memorandums – One memorandum for each proposed bridge replacement.
- Geotechnical data report for P3
- Geotechnical data report for pavement design for P3

#### **Assumptions:**

- Drilling activities are assumed to be performed during the day
- Traffic control with lane closure is required for drilling at all locations
- The boring locations can be accessed by conventional drill rig
- Contaminated soils are not anticipated at the site
- Level D personal protective equipment (PPE) is assumed
- Borings will be drilled using a hollow-stem auger and rotary-wash methods
- Fees for all encroachment permits for geotechnical drilling will be waived by NDOT
- The Consultant will coordinate with Underground Services Alert (USA) and associated firms marking utilities for USA
- The Consultant is not liable for any damages attributable to errors made in marking of utility locations

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- Surface restoration of disturbance due to the drilling operations will be limited to replacement of surface materials and removal of drill cuttings from paved areas
- Preliminary geotechnical memorandums will be prepared for 2 bridges
- Field exploration and laboratory testing are limited to 2 borings up to 120 feet deep for the bridge structures
- Prevailing wage rates are not assumed for the drilling

### **6.3 QUALITY ASSURANCE (QA) / QUALITY CONTROL (QC)**

The Consultant is responsible for the quality, accuracy and completeness of the plans and related design prepared under this contract and shall check all such material accordingly. The Consultant will continue the comprehensive QC plan for all documents, plans from the previous agreement calculations and construction estimate and have it continue to be in effect during the entire time work is being performed under this contract. The Consultant shall also have a QA review for this project that is independent of the design function.

The Consultant will deliver copies of all redlines along with any comment summary sheets to the NDOT Project Manager.

QA reviews will be performed on all deliverables, documents and processes necessary to complete the work on this project.

### **6.4 ROADWAY**

The Consultant will prepare Preliminary Roadway Design plans for NEON P3. Roadway design development will build upon the 60 percent Phase 1 Plans to incorporate the P3 configuration, based on design development coordination with the various project disciplines, NDOT and stakeholder comments, and field survey data.

The following roadway improvements are anticipated to be modified or added to the Phase 1 design to facilitate a combined P3 construction package:

- I-15, between Sahara and Alta Bonneville – realign freeway to ultimate
- I-15/Sahara Ave IC – realign NB on and SB off ramps to accommodate I-15
- I-15/HOV Access IC – realign to ultimate I-15
- I-15/Charleston IC – realign/relocate to ultimate I-15
- NB Charleston/Alta-Bonneville slip ramp – realign to accommodate Charleston Interchange
- SB MLK/Charleston slip ramp – new realign to accommodate Charleston Interchange
- Alta-Bonneville/MLK intersection
- Oakey-Wyoming- realign for I-15 widening
- Highland Ave – realign or reconstruction portions
- Charleston – Shadow Lane to UPRR
- Desert Lane Cul-de-sac, Ellis to Charleston

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- Jug-handle intersection connections to Charleston – realign to accommodate Charleston

The following sections of Project NEON have been completed to the 60% design level as part of the Phase 1:

- US 95/I-515
- I-15, north of Alta/Bonneville
- MLK to SB I-515 ramp
- SB US 95 to NB I-15 ramp
- ES ramp, north of Discovery
- HOV Direct Connector
- Access Road to I-15/HOV Access Interchange
- SB I-15 to WB Sahara off ramp realignment
- Desert Lane, Oakey to Ellis

The following improvements are not included:

- Grand Central-Industrial, Wyoming to Bonneville
- Alta Bonneville, Rancho to Grand Central
- BRT Loop
- Iron Horse court
- Wall Street cul-de-sac
- Grade separation of MLK/Desert Lane over Charleston

The Consultant shall advance the design and prepare a Preliminary Roadway Plan Submittal to include the above improvements. The preliminary plans shall be 11"x17" 100 scale plan sheets.

#### **6.4.1 Roadway Plans**

##### **Typical Cross Sectional Details**

- As-constructed and proposed improvement typical sections for each alignment
- Minimum and maximum roadway widths for each alignment and lane configurations
- Preliminary roadside designs (slopes, curbs, gutters, dikes, traffic barriers, etc.) Curbs, gutters, dikes, traffic barriers are only shown on the typical sections if the construction varies from the standard plans or if the typical section resembles a majority of the roadway/ramp. Otherwise locations of roadside features are noted on the plan sheets
- Proposed sound and retaining wall locations Same as 3<sup>rd</sup> bullet
- Proposed pedestrian and bicycle improvements Same as 3<sup>rd</sup> bullet

##### **Plan Details**

- Preliminary title sheet

- Preliminary location sketch
- Horizontal alignments (stationing, curve data, bearings and distances) for all roadways
- Alignment control sheets reviewed and approved by Location Division (schedule of coordinates, basis of bearing, stationing and offsets, the alignment coordinates and datum statement)
- Limits of project, limits of construction and proposed control of access
- Preliminary road widths with curve data, bearings, distances and station/offsets for angle points, tapers and curves
- Preliminary locations for C&G and sidewalk should be shown
- Preliminary cut and fill slope limits
- Pavement marking sheets: Lane arrangements (including turn lanes, storage lengths, acceleration lanes, deceleration lanes) (no callouts are required)
- Proposed intersection and local street layout
- Existing right-of-way limits with dimensions to centerline
- Callouts identifying each item on each sheet (no sta & offset, just id item such as SW or barrier rail, pavement, overlay, etc.)
- (Note: need striping on the plans or a separate striping plan. Striping does not have to be called out, it is for clarity of what was intended as far as lane configurations) (see bullet above for pavement marking sheets)

#### **Profile Details**

- Preliminary grades and curve data
- Existing ground
- Super-elevation diagrams
- Locations of existing and proposed drainage facilities and utilities
- Bridge structures

#### **Special Details**

- Preliminary sketches of anticipated special details as required clarifying preliminary design

### **6.4.2 ROW Engineering Exhibits**

The Consultant shall provide NDOT with 11"x17" 100 scale sheets showing the *minimum* permanent right-of-way locations in addition to known temporary easement locations. Plans shall identify station and offsets from an agreed upon control line to points of intersection and curvature. Bearings, distances and curvature information will also be included in the drawings. Drawings shall be color coded to identify permanent right-of-way versus temporary easements. These drawings will serve as the basis for the final right-of-way engineering drawings and will not be used for right-of-way acquisition purposes.

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#### **6.4.3 Design Exceptions**

The Consultant will prepare a preliminary list of exceptions identifying station limits, standards and potential mitigations.

#### **6.4.4 Preliminary Geometric Approval**

The Consultant will participate in a geometric review meeting in Las Vegas prior to the preliminary plan submittal and prepare a geometric approval memo. As part of this meeting the Consultant will submit geometric review plans and provide a summary of the roadway geometrics for the preferred alternative. Through discussions with the NDOT Senior Project Manager and Project Management Chief it is anticipated that preliminary geometric approval will be given at this meeting. The geometric approval report will address horizontal and vertical components of the project design and identify any potential design exception areas. Comments recorded and documented in a table format including the action to be taken and the geometric plans will be resubmitted. It is anticipated that the Consultant's Project Manager, Deputy Project Manager and Design Task Lead will attend the meeting.

#### **6.4.5 Design Report**

The Design Report will provide documentation of actions taken, decisions made and information obtained during the planning and design stages. This segment of the Design Report will specifically document information developed through the preliminary Design only.

- Report Status – Indicate as a heading, the document is a Basic Design Report.
- Project Description – List project number, Engineering Authorization number and milepost data, and include:
  - A brief description covering the route.
  - The length of the project, and
  - A description of the beginning and end of project.
- Horizontal and Vertical Alignment – Generally describe the terrain through which the alignment will pass, and list:
  - Design Criteria
  - Natural and man-made features that have or will influence alignment determinations.
  - Horizontal and vertical curves that do not meet design standards, justify use of substandard curvature (either vertical or horizontal) and describe design modifications required by their use.
  - All other data pertinent to the selection of the alignment(s).
  - Personnel involved in review and approval of the alignment. Include date of review and/or approval.
- Traffic Data – Provide the present and design year ADT, the percentage of trucks, the design speed, Design Hourly Volume (DHV), and percentage of the DHV in the direction of heavier flow.

- Lighting and Signalization – List intersections to be lighted, and/or signalized. Indicate highway locations requiring lighting systems. Signalized intersection will require a warrant analysis for signal justification. Intersections should be illuminated per NDOT and/or local agency standards.
- Right-of-Way – Include right-of-engineering exhibits that are prepared as part of Section 6.0.
- Utilities – Include utility map as prepared under Section 6.7. Note comments to utility companies regarding anticipated adjustments or relocations.
- Airway-Highway Clearance Requirements – List airports or heliports within 2 miles of the project. Provide a copy of FAA Form 7640-1, along with its dates of preparation and submittal, and indicate FAA action (approval or disapproval) and the date of the action. Describe any design changes or modifications resulting from any interference of highway structures or facilities with airport or heliport glide paths.
- Drainage – Include a copy or reference to drainage information prepared as part of Section 5.4.
- Intersections – List intersections within the project. Describe the proposed design for each intersection. Include small-scale sketches with design year traffic turning movements indicated.
- Design – Describe special design items. List approach types and locations. List frontage road locations. Summarize data used to justify the above items.
- Bridge Structures – Include a copy or reference to structural information.
- Roadway Structural Section –Include spreadsheet from NDOT materials Provide reference to NDOT preliminary recommendations for pavement structural sections. Provide reference to NDOT preliminary recommendations for pavement structural sections.
- Environmental Considerations – Provide reference to EIS/ROD commitments and requirements.
- Cooperative Agreements – List cooperative agreements between the State of Nevada and other governmental or private agencies. Include all agreement details involving work to be performed by the State or the State’s contractor.
- Design Exceptions – Provide reference to list of design exception summary prepared in Section 6.4.3.

#### 6.4.6 Cost Estimates

The Consultant will prepare a preliminary roadway cost estimate for all associated roadway items. Items shall be identified per NDOT Bid Item numbers, descriptions and units. The Consultant will use base unit prices in coordination with the NDOT Reasonable Bid price table and the most current NDOT bid tabs of similar projects (if available).

The Consultant shall also compile all estimates from the disciplines as part of this effort into a single estimate to be provided to NDOT with preliminary plans.

### 6.4.7 Task Management

The Consultant will advance critical design and coordination items including:

- Coordinate with NDOT counterparts to develop acceptable design solutions where “non-standard” geometric design provides benefits to the project.
- Coordinate with drainage design to minimize impacts of roadway footprint to existing drainage facilities.
- Coordinate with drainage design to ensure roadway profiles are compatible with drainage requirements and ensure onsite drainage design criteria can be met.
- Coordinate with structural design to verify adequate clearances.
- Coordinate with utilities design to minimize utility relocation needs and ensure adequate utility clearances are met.
- Coordinate with traffic design to ensure adequate number of lanes, lane lengths, lane configurations, intersection channelization, signal and lighting, and overhead sign structure needs are met.
- The Consultant will coordinate with management, NDOT, agencies and other task leads to ensure consistency, completeness and accuracy of the preliminary plans.
- The Consultant will attend right-of-way development meetings, including both the Preliminary Right-of-Way Setting and Right-of-Way Setting Meetings.
- The Consultant will attend and participate in the preliminary Plan Review Meeting. Review comments will be recorded and documented in a table format including the action to be taken.

The task manager will review progress against schedule, monitor the task budget and report monthly progress.

#### Deliverable Summary

- Preliminary Roadway Plans
- Design Exception Report
- Design Report
- Cost estimates

## 6.5 STRUCTURES

### 6.5.1 Bridge Plans

The following bridge structures are anticipated to be modified to facilitate a P3 construction package:

I-15/Oakey Blvd Grade Separation (G-933) – Current Phase 1 improvements replace the southbound bridge; changes are not anticipated on the southbound side of mainline to accommodate P3. For northbound mainline, the existing bridge will be replaced with a wider structure to accommodate the P3 roadway.

I-15/HOV Access Road Grade Separation (bridge number TBD) – Current plans for this bridge accommodate variable roadway geometry for transitioning from Phase 1

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to P3. The transition requires some amount of bridge removal and reconstruction to facilitate the geometry change. The structure layout will be modified to eliminate the Phase 1 configuration and the bridge removal/reconstruction that was previously required for the phase transition will no longer be necessary.

I-15/Charleston Blvd Interchange (I-934) – Current Phase 1 improvements plans construct a new southbound mainline structure west of the existing bridge. In P3, the freeway shifts to the west and this new bridge will carry northbound mainline. The existing bridge structure will be removed to accommodate new northbound ramp terminals and additional bridge width will be added west of mainline for the new southbound lane configuration.

Bridge types and span lengths have already been established for these bridges and are not expected to change. The Consultant will update the configurations as noted above for each location for the purposes of confirming overall bridge limits and vertical clearances and for estimating bridge costs. Bridge structure construction cost estimates will be developed on the basis of preliminary contract item lists and preliminary quantity estimates. The Consultant will prepare updated Front Sheets for each bridge.

#### **6.5.2 Retaining Walls and Sound Walls**

The Consultant will identify the preliminary location and extent (length and height) of retaining walls and sound walls and will prepare a location map identifying the walls that are anticipated. The Consultant will prepare preliminary Plan and Elevation sheets depicting wall limits and identifying anticipated wall types. Interaction with drainage and traffic facilities and with existing and/or relocated utilities will be shown conceptually on the wall Plan and Elevation sheets.

Consultant will prepare construction cost estimates for retaining walls and sound walls on the basis of assumed cost per square foot for the various types of walls.

#### **6.5.3 Miscellaneous Structures**

The Consultants structural team will support the roadway, traffic and drainage disciplines with input related to specialty structures that might be required. Input is anticipated to include developing conceptual structural layout for non-standard drainage and overhead sign structures. The Consultant will prepare sketches of miscellaneous structures to coordinate with the other disciplines, but plan sheets will not be prepared.

#### **6.5.4 Task Management**

##### **Structures Deliverables:**

- Bridge Front Sheets
- Retaining wall and sound wall Plan and Elevation Sheets
- Conceptual sketches for miscellaneous drainage and traffic structures
- Construction cost estimates

### **6.6 LOCATION / SURVEY**

#### **Additional Field Survey**

The Consultant will be responsible for providing supplemental surveys for the 30 percent design. The survey will include location of topographic features, including

drainage, utilities, clearances and other details, not shown on aerial base mapping supplied by NDOT and utilities designations and potholes that are performed by the SUE consultant. All surveys will be referenced directly to the current Survey control Network established by NDOT. All Survey work will meet or exceed standards according to the NDOT "Special Instructions for Survey, Mapping or GIS Consultants" handbook.

Mapping for supplemental design field surveys will be prepared in accordance with applicable NDOT standards. Where appropriate, the supplemental mapping will be incorporated into the aerial base mapping and digital terrain model provided by NDOT.

## **6.7 TRAFFIC AND SAFETY**

### **6.7.1 Signals**

The Consultant shall identify preliminary pole and service locations in the preliminary plans for review and approval by NDOT Traffic. The Consultant shall coordinate with NDOT District 1 Traffic and Utilities, City of Las Vegas Traffic Engineering Division, RTC and FAST for proposed signal locations and service drop locations.

Locations where temporary signals will be required during construction will be identified. The need and justification for the temporary signals will be discussed with NDOT Traffic.

The Consultant will develop ramp metering plans in coordination with roadway plans to provide ramp meters at existing and new entrance ramps within the project limits, except that ramp meters are not required at the I-15/US-95 system-to-system entrance ramps.

The Consultant will develop designs for ramp meters in accordance with the Department's HOV/Managed Lanes and Ramp Metering Design Manual. The design concepts will include a paved enforcement area at each ramp meter installation conforming to the detail provided in Part 8 Engineering Data.

The Consultant will identify locations where temporary ramp meters will be necessary to keep ramp meters operational during construction.

All HOV Bypass lanes will be metered.

The design will be consistent with the need to provide queue storage on metered entrance ramps in conformance with the following parameters:

- Arrival Rate: 2020 peak hour volumes and 140 second arterial signal cycle length.
- Discharge Rates: Single lane ramp meter and Two lane ramp meter discharge will be based on latest version of NDOT's Ramp Meter Manual.
- Vehicle Length: 30 feet (The DEPARTMENT Manual will be updated to this value).
- HOV Bypass Lane: Provide an HOV bypass lane where the 2020 peak hour volume exceeds 600 veh/hr. If no HOV bypass is warranted, provide shoulders sufficient for passage of emergency vehicles. Do not assign the queue storage volume to the HOV lane. HOV bypass lane will be metered as well.

MARCH 2013

The Consultant will prepare Cost Estimates for P3 traffic signal items, commensurate with the preliminary level of design. A detailed structure list will not be provided.

**Deliverables:**

- Preliminary signal plans
- Temporary Signal locations with justification
- Preliminary Ramp Meter Plans
- Preliminary Traffic Signal and Ramp Meter Cost Estimates

**6.7.2 Lighting and ITS**

The Consultant will provide a preliminary lighting layout throughout the project corridor. The Consultant shall document the rationale used to determine the lighting concept for the project corridor including description of adjacent lighting scheme(s) along I-15 and the proposed concept to achieve consistent lighting along the US-95 viaduct.

Lighting calculations will be provided to determine the lighting layout and the calculations will be prepared using AGi32 lighting design software and provided to NDOT, as requested, including exhibits as required for public involvement. The Consultant shall identify preliminary pole and service locations in the preliminary plans for review and approval by NDOT Traffic. Preliminary lighting load calculations will be provided to insure that the service cabinet capacities are not exceeded.

The Consultant will provide a preliminary ITS plan that identifies the locations of existing, relocated, and new devices. This ITS plan will be used to determine the size and locations of service locations.

The Lighting and ITS plans will be combined where possible and presented in a roll-plot format at a scale of 1"=200'.

The Consultant will prepare Cost Estimates for P3 Lighting and ITS items, commensurate with the preliminary level of design. A detailed structure list will not be provided.

**Deliverables:**

- Preliminary Lighting Layout
- Preliminary Lighting calculations
- Preliminary Lighting and ITS load calculations
- Preliminary Lighting and ITS plans
- Preliminary Lighting and ITS Cost Estimates

**6.7.3 Signing and Striping**

The Consultant will develop traffic signs using the SignCAD software. In addition, the Consultant will prepare a schematic-level roll plot of signing and striping plans for the roadways within the project corridor based on MUTCD and NDOT standards.

The plan will be comprised of an overall view of the facility and presented in a roll-plot format at a scale of 1"=200'. Locations and schematics of proposed guide signing and appropriate advanced warning signs will be illustrated on the plan. Typical signing and pavement marking plan sheets will not be included as part of the preliminary plan submittal.

MARCH 2013

The Consultant shall identify major sign structure locations on arterials to ensure that right-of-way is available for them.

The Consultant will prepare Cost Estimates for P3 signing and striping items, commensurate with the preliminary level of design. A detailed structure list will not be provided.

**Deliverables:**

- Preliminary signing and striping plans
- List of signs on arterials and right-of-way availability
- Preliminary Signing and Striping Cost Estimates

#### **6.7.4 Transportation Management Plan**

The Consultant shall continue developing a comprehensive Traffic Management Plan (TMP) for the project, with direction from NDOT. The plan will address all traffic control during construction of the project including, but not limited to, work zone traffic control, temporary detours, temporary signage and lighting, advance signing, temporary striping, ITS (Intelligent Traffic Systems) public awareness and coordination with local agencies. Conceptual traffic control plans will be included in the contract documents. The traffic control plan will also be required to comply with the new FHWA regulation "Traffic Safety in Highway and Street Work Zones" published in 23 CFR 630 Subpart J and the NDOT Work Zone Safety & Mobility Implementation Guide, January 1, 2008 (revised March 2009).

The Consultant will develop a schematic-level set of Traffic Control plans for the preliminary submittal and the Preliminary Traffic Control meeting. The plan will be comprised of an overall view of the facility and presented in a roll-plot format at a scale of 1"=200'. Typical plan sheets and profiles will not be submitted for this task. It is assumed that there will be 5 stages and 4 sub-stages per stage of traffic control for a single Phase of Construction. These preliminary Traffic Control plans will also serve as a basis for developing a preliminary construction schedule and also the evaluation of constructability during the Preliminary Constructability Review meeting. These preliminary

The Consultant shall conduct agency early coordination meetings in Las Vegas, as needed, with design team including structures, utility, construction and traffic disciplines with P3, Stages 1, 2, 3 and 4 draft maintenance of traffic plans to confirm suitability, safety and duration of preliminary traffic control and staging plans. The coordination meetings will focus on combining as many construction zones, construction lay down areas, temporary construction easements (TCE) and permanent right-of-way (ROW) acquisitions as practical. Prepare TCE and ROW area layouts based on input from the meetings. Areas will be based on 1"=200' backgrounds using existing ROW and easement data.

Present the TCE and ROW areas to NDOT team at appropriate TAC meeting for review and input. Input will focus on agencies' concerns with local and state requirements and preferences.

**Deliverables:**

- Draft Transportation Management Plan
- Preliminary Traffic Control and Staging plans
- Preliminary project construction schedule

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### 6.7.5 Traffic Operations Analysis

The Consultant shall create a dynamic traffic assignment (DTA) model using the latest version of DynusT of the proposed Project NEON P3 design. The model will include all lane, ramp, and HOV lane configurations. All ramps will be metered. This analysis is in conformance with the agreement between FHWA, NDOT, and CH2M HILL during the development of the Change in Control of Access criteria (April 2, 2009).

The traffic volume forecast methodology previously approved in the Project NEON Traffic Forecast Methodology report (March 2009) will be updated by the Consultant in developing the traffic volumes used in these analyses. The Consultant, NDOT, and FHWA will conduct a workshop to determine the traffic forecast methodology and the analysis methodology. The traffic volumes used in the approved Project NEON Traffic Report (Revised November 2007) will be used as the basis and updated as necessary to reflect changes in traffic growth patterns. The freeway, ramp, and arterial traffic volumes will be adjusted and balanced as necessary.

The DTA model being prepared for NDOT by the University of Nevada Las Vegas will be used as the baseline model, broken out into the Project NEON subarea, and adjusted as necessary for the project.

The project study area extends from approximately the Desert Inn overpass on I-15 (between Spring Mountain Road and Sahara Avenue Interchanges) to the US-95 system interchange with I-15 (Spaghetti Bowl) and to the US-95 Interchange with Rancho Drive.

The Consultant will use Synchro 7 to create an arterial intersection model that will then be imported into the DynusT model. The study intersections are:

- Sahara Avenue at Southbound Ramps
- Sahara Avenue at Northbound Ramps
- Oakey Boulevard at Western Avenue
- HOV Connector Road at Western Avenue
- HOV Connector Road at HOV Drop Ramps
- Western Avenue at South Jug Handle (connection to Charleston Boulevard)
- Charleston Boulevard at Southbound Ramps
- Charleston Boulevard at Northbound Ramps
- Charleston Boulevard at Jug Handle intersection (connection to Grand Central Parkway and Western Avenue)
- Grand Central Parkway at North Jug Handle (connection to Charleston Boulevard)
- Grand Central Parkway and Outlet Mall
- Alta Drive and Martin Luther King Boulevard
- Alta Northbound Off Ramp at Bonneville Avenue
- Bonneville Avenue at Grand Central Parkway

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The Consultant shall analyze the ramp merges/diverges at the following interchanges:

- Sahara Avenue Interchange
- HOV Drop Ramp Interchange
- Charleston Boulevard Interchange
- US95/I-515 (Spaghetti Bowl) Interchange
- Martin Luther King Boulevard Interchange
- Rancho Drive Interchange
- HOV Lane Merge/Diverge on I-15 at Spaghetti Bowl

The peak traffic period, on I-15 in the project vicinity, has an extended peak period. Because of the extended peak period, and because of the slight variation in the northbound traffic in the morning, 2-hour AM and PM peak periods will be used by the Consultant for analysis purposes.

The MOEs that the Consultant will obtain from the model are:

- Freeway
  - Speeds (mph)
  - Density (vehicles/lane/mile)
- Ramps
  - Speeds (mph)
  - Density (vehicles/lane/mile)
  - Lane changes in merge/diverge/weave sections
- Arterial Intersections
  - Volume to capacity (v/c) ratio
  - Average delay (seconds per vehicle)
  - movement level of service (based on 2010 HCM)
  - Queue lengths

A technical memorandum will be prepared by the CONSULTANT detailing the results of the operations analyses and any design changes that were necessitated as a result of the analyses. The electronic simulation files will be included in the appendices on a compact disk.

The Consultant will perform traffic operations analyses to support design modifications of the 30% plans, as necessary.

The Consultant will perform traffic operations analyses to support traffic control, traffic detour scenarios, and the Transportation Management Plan, as needed, and in coordination with NDOT and the City of Las Vegas.

The Consultant shall identify preliminary signal locations by proper warrant analysis for all locations where new signals or major modifications are proposed. For these locations, traffic signal warrant analysis will be performed based on MUTCD and NDOT methodologies and standards. These analyses must be approved by the Department's Chief Maintenance & Operations Engineer prior to design of new traffic signals.

The Consultant will develop designs for ramp meters in accordance with the Department's HOV/Managed Lanes and Ramp Metering Design Manual. The design concepts will include a paved enforcement area at each ramp meter installation conforming to the detail provided in Part 8 Engineering Data.

All HOV Bypass lanes will be metered.

The design will be consistent with the need to provide queue storage on metered entrance ramps in conformance with the following parameters:

- Arrival Rate: 2030 peak hour volumes and 140 second arterial signal cycle length.
- Discharge Rates will be based on the latest version of the NDOT Ramp Meter Manual.
- Vehicle Length: 30 feet (The DEPARTMENT Manual will be updated to this value).
- HOV Bypass Lane analysis will be based on the latest version of the NDOT Ramp Meter Manual.

**Deliverables:**

- Technical Memorandum of the Traffic Operations Analyses
- Traffic Signal Warrants Analyses
- Preliminary Ramp Meter Analyses

**6.7.6 Task Management**

The Consultant will finalize critical design and coordination items including:

- Continued refinement of traffic signal, signing, striping and traffic control plans.
- “Non-standard” traffic design.
- Coordination with drainage design.
- Coordination with structural design to verify adequate clearances for traffic items and for locations to attach items, such as overhead sign structures, traffic signal heads, light fixtures, and power conduits for traffic devices.
- Coordination with utilities.

This will include, but not be limited to, attending additional coordination meetings, provide exhibits, and provide CAD files to affected utilities within the project

The CONSULTANT will coordinate with management, NDOT, agencies and other task leads to ensure consistency, completeness and accuracy of the final plans. This includes regular meeting attendance, daily correspondence and issue resolution meetings as well as PMT, TAC and SWG meetings as necessary

The task manager will review progress against schedule, monitor the task budget and report monthly progress

**6.8 UTILITIES**

**6.8.1 Utility Identification – N/A**

**6.8.2 Utility Potholing**

The Potholing will consist of obtaining horizontal and vertical location of key subsurface utilities by excavating up to 50 test holes using vacuum extraction or

comparable nondestructive equipment so as not to cause damage to the utility facility.

### **6.8.3 Utility Relocation Development**

The Consultant will utilize current utility designation data, new utility Identification data and utility potholing data in conjunction with development of the Preliminary P3 improvements to identify utility conflicts and assess where relocations are needed.

### **6.8.4 Utility Plans**

- Utility Plans will identify utilities that need to be relocated and/or adjusted to new grades based on roadway and drainage improvements.
- Prepare plans and profiles for LVVWD and City of Las Vegas sewer facilities that are affected by P3 included but not limited to the following:
  - 12" Sewer abandonment and removal at MLK/Alta
  - 8" Sewer abandonment and removal at Hastings/MLK
  - Remove and relocate 10" Sewer at Hastings/Charleston
  - 12" Sewer abandonment and removal at Wyoming/Highland
  - 12" Water abandonment and removal MLK from Alta to Charleston
  - 12" Water abandonment and removal at Pinto/MLK
  - 6" Water abandonment and removal at Hastings/MLK
  - Remove and relocate 6" Water at Hastings/MLK
  - Water meter removals and relocations
  - Fire Hydrant removals and relocations
- Prepare and provide to the ROW Project Coordinator a utility plan for P3 indicating all conflicts and proposed replacement easements at or prior to the ROW setting.

### **6.8.5 Cost Estimates**

The Consultant will prepare a cost estimate for all consultants prepared utility relocation design plans. Items shall be broken per NDOT Bid Item numbers, descriptions and units. The Consultant will utilize base unit prices in coordination with NDOT Reasonable Bid Item Estimates and the most current NDOT bid tabs of similar projects (if available).

### **6.8.6 Task Management**

The Consultant will coordinate with other disciplines to establish right of way requirements including:

- Utility relocation alignment and maintenance access needs, bypass facilities, water meter locations and other related appurtenances will be used to develop suggested fee right-of-way and permanent easement delineations.
- Coordinate maintenance needs, construction access needs and excavation needs where overlapping discipline requirements are anticipated; such as storm drain/utility crossings.
- CAD line work for utility right-of-way delineation will be supplied to the project team for incorporation into project right-of-way setting exhibits.

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The Consultant will continue coordination of the P3 Design with utility companies, including:

- Coordinate utility company relocation design plans including, but not limited to: NV Energy, Southwest Gas, Cox Communications, CenturyLink and Zayo Fiber Solutions.
- Coordinate with LVVWD and CLV Sewer for relocation designs.
- Coordinate proposed and relocated service points for P3 facilities
- Assist NDOT in preparing permits and agreements
- Attend monthly NDOT Utility Coordination Meetings.
- The consultant will attend right-of-way development meetings, including both the Preliminary Right-of-Way setting and Right-of-Way Setting Meetings.
- The Consultant will attend and participate in the preliminary Plan Review Meeting. Review comments will be recorded and documented in a table format including the action to be taken.
- Update the current utility conflict matrix with the P3 utilities and continue to track the status of existing utilities, conflicts and relocations.

This will include coordination meetings, provide exhibits, and provide CAD files to affected utilities within P3 project limits.

The Consultant will coordinate with management, NDOT, agencies and other task leads to ensure consistency, completeness and accuracy of the final plans. This includes regular meeting attendance, daily correspondence and issue resolution meetings as well as PMT, TAC and SWG meetings as necessary

The task manager will review progress against schedule, monitor the task budget and report monthly progress.

#### **6.8.7 Right-of-Way Meetings**

The Consultant will attend meetings and workshops to provide utility conflict and relocation information to these meetings to aid in this coordination.

##### **Deliverable Summary**

- Preliminary Utility 50 Scale Plans for P3
- Preliminary Waterline Relocation Plans and Profiles for P3
- Preliminary Sewer line Relocation Plans and Profiles for P3
- Preliminary Water Meter and Fire Hydrant Plans for P3
- Preliminary Utility Cost Estimates P3
- Preliminary Utility Conflict Matrix P3



## MEMORANDUM

April 1, 2013

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** April 8, 2013 Transportation Board of Directors Meeting  
**Item # 9:** 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 February 16, 2013 to March 18, 2013
- Agreements under \$300,000 executed February 16, 2013 to March 18, 2013
- Settlements entered into by the Department which were presented for approval to the Board of Examiners February 16, 2013 to March 18, 2013

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, agreements and settlements constitute all that were awarded for construction from February 16, 2013 to March 18, 2013 and agreements executed by the Department from February 16, 2013 to March 18, 2013. There was one settlement 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) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, February 16, 2013 to March 18, 2013
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, February 16, 2013 to March 18, 2013
- C) State of Nevada Department of Transportation Settlements approved at March 12, 2013 Board of Examiners meeting

**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**

**February 16, 2013 to March 18, 2013**

1. February 7, 2013 at 1:30 p.m. the following bid was opened and read related to Department of Transportation Contract No. 3531, Project No. SP-000M(188). The project is to remove and replace expansion joints on I-15 between SR 593, Tropicana Avenue and SR573 Craig Road, in Clark County.

Las Vegas Paving Corporation .....	\$308,500.00
Capriati Construction Corp., Inc. ....	\$422,648.63
MMC, Inc. ....	\$429,855.00

The Director awarded the contract on March 14, 2013, to Las Vegas Paving Corporation in the amount of \$308,500.00. Upon receipt of an approval bond from the contractor, the State will enter into contract with the firm.

Engineer's Estimate: \$374,181.53

# Attachment B

**State of Nevada Department of Transportation  
Executed Agreements - Under \$300,000  
February 16, 2013 to March 18, 2013**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	06513	00	LAS VEGAS VALLEY WATER DIST	UTILITY ADJ NEON	Y	61,600.00	-	61,600.00	5,600.00	02/20/13	02/15/15	-	Facility	02-20-13: ADJUSTMENT AND/OR RELOCATION OF MANHOLE AND VALVE COVERS ON PROJECT NEON, FROM US 95 TO I-15, ROUTE 15 (SPAGHETTI BOWL TO SOUTH OF SAHARA), CLARK COUNTY. NV B/L#: EXEMPT
2	07713	00	SOUTHWEST GAS CORP	CC FREEWAY UTILITY ADJUST	N	84,560.93	-	84,560.93	-	03/07/13	06/07/14	-	Facility	03-12-13: CARSON CITY FREEWAY ACQUISITION UTILITY ADJUSTMENT, CARSON CITY. NV B/L#: NV19571000091
3	07513	00	NV ENERGY	US 95 NEON	Y	2,413,313.84	-	2,413,313.84	-	03/08/13	03/08/33	-	Facility	03-08-13: TO ADJUST AND/OR RELOCATE MULTIPLE CIRCUIT TRANSMISSION, DISTRIBUTION, COMMUNICATION LINES, & RELATED APPURTENANCE ALONG US 95 (NEON)CLARK COUNTY. NV B/L#: NV19831015840
4	08513	00	FALCON SYSTEMS COMPANY	RELOCATE COST CHARTER CC FWY	Y	72,340.03	-	72,340.03	-	03/12/13	06/12/13	-	Facility	03-13-13: RELOCATION COST OF CHARTER COMMUNICATION, CARSON CITY FREEWAY, CARSON CITY. NV B/L#: NV20051331833
5	31108	01	WALDMAN ENTERPRISES INC	PARKING/BEAUTIFY (P360-87-030)	Y	-	-	-	17,250.00	10/01/07	09/30/17	03/15/13	Lease	AMD 1 03-15-13: EXTEND TERMINATION DATE FROM 09-30-12 TO 09-30-17. 09-17-08: MULTI-USE LEASE FOR PARKING AND BEAUTIFICATION (REPLACES AGREEMENT P360-87-030) IN CLARK COUNTY. NV B/L#:19871030819
6	47812	00	CITY LAUNDRY & VOGUE CLEANERS	PARCEL: S-046-EL-055.911	N	-	-	-	1,180.00	08/01/12	07/31/32	-	Lease	08-01-12: LEASE PARCEL S-046-EL-155.911, ELKO COUNTY. NV B/L#: NV20051006818
7	06613	00	THE KEY FOUNDATION	LEASE 1520 ELLIS AVE FOR NEON	Y	-	-	-	5,722.84	02/19/13	03/27/18	-	Lease	02-19-13: NEON PROPERTY FOR LEASE AT 1520 ELLIS AVE, PARCEL I-015-CL-041.576, CLARK COUNTY. NV B/L#: NV19911013856
8	08813	00	ERIC EILER	RENT 1203 CHARMAS LN IN LV	Y	7,790.45	-	7,790.45	-	03/15/13	05/15/18	-	Rent	03-15-13: RENTING 1203 CHARMAS LANE, LAS VEGAS, UNTIL ACQUISITION IS COMPLETE, CLARK COUNTY. NV B/L#: NONE (PRIVATE PARTY)
9	10110	01	OFFICE OF SPONSORED PROGRAMS	EFFECTIVENESS OF WILDLIFE OVRP	Y	155,454.00	-	155,454.00	-	05/26/10	03/31/14	03/14/13	Service Provider	AMD 1 03-14-13: NO COST TIME EXTENSION FROM 03-31-13 TO 03-31-14 TO ALLOW FOR COMPLETION OF RESEARCH PROJECT.05-26-10: TO CONDUCT A RESEARCH PROJECT ENTITLED "EFFECTIVENESS OF US93 WILDLIFE OVERPASS FOR MULE DEER AND OTHER WILDLIFE IN NEVADA".ELKO COUNTY. NV B/L#: EXEMPT
10	09311	01	ATKINS NORTH AMERICA	STATEWIDE T.I.M. SERVICES	N	1,200,000.00	-	1,200,000.00	-	02/28/11	06/30/13	02/21/13	Service Provider	AMD 1 02-21-13: EXTEND TERMINATION DATE FROM 02-28-13 TO 06-30-13, TO CONTINUE FACILITATION OF OUR STATEWIDE AND REGIONAL TRAFFIC INCIDENT MANAGEMENT (T.I.M.) SERVICES.02-28-11: ESTABLISH/FACILITATE STATEWIDE AND REGIONAL T.I.M. PROGRAMS, STATEWIDE. NV B/L#: 19981347315
11	15011	01	HIGH DESERT MICROIMAGING INC	IMAGING/FILMING EQUIP MAINT	N	49,000.00	57,000.00	106,000.00	-	04/07/11	03/31/15	02/22/13	Service Provider	AMD 1 02-22-13: TO EXTEND THE TERMINATION DATE TWO YEARS TO 03-31-15, ADD MAINTENANCE FOR AN ADDITIONAL SCANNER AND TO INCREASE AUTHORITY BY\$57,000.00 BRINGING THE TOTAL AGREEMENT TO \$106,000.00. 4-7-11: PROVIDE MAINTENANCE ON IMAGING/FILMING EQUIPMENT, CARSON CITY. NV B/L#: NV19951110096

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
12	08312	01	SNELL AND WILMER, L.L.P.	REPRESENTATION CONTRACT 3377	N	150,000.00	75,000.00	225,000.00	-	03/01/12	03/01/15	02/18/13	Service Provider	AMD 1 02-18-13: EXTENDS TERMINATION DATE FROM 6-30-14 TO 3-1-15 AND INCREASES AUTHORITY BY \$75,000.00, FROM \$150,000.00 TO \$225,000.00 FOR CONTINUED SERVICES UNTIL RESOLUTION OF THE LAWSUIT.03-01-12: REPRESENTATION BY SNELL & WILLMER LLP IN THE MATTER OF CONTRACT 3377 AWARDED TO PEEK CONSTRUCTION AND ITS REQUEST FOR EQUITABLE ADJUSTMENT CLAIM AND COMPLAINT AGAINST NDOT FILED IN 1ST JD 120C 00030 1B. STATEWIDE. NV B/L#: NV20011000455
13	06413	00	UPRR	AUTO LIGHT XING HAZEN NV	Y	301,379.00	-	301,379.00	-	08/02/12	09/01/13	-	Service Provider	08-02-12: INSTALL AUTOMATIC FLASHING LIGHT CROSSING SIGNALS WITH GATE AT CALIFORNIA ROAD IN HAZEN NV (DOT 740763D). CHURCHILL COUNTY. NV B/L #: EXEMPT
14	29812	01	GALENA GROUP INC	NEXTEL REBANDING PROJECT	N	24,000.00	20,000.00	44,000.00	-	08/20/12	06/30/15	02/19/13	Service Provider	AMD 1 02-19-13: TO INCREASE AUTHORITY FROM \$24,000.00 TO \$44,000.00 DUE TO ADDITIONAL ASSISTANCE WITH THE NEGOTIATION BETWEEN SPRINT NEXTEL FOR REBANDING PROJECT.08-20-12: ASSIST THE DEPARTMENT WITH NEGOTIATIONS BETWEEN SPRINT NEXTEL FOR THE REBANDING PROJECT, CARSON CITY AND WASHOE COUNTY. NV B/L #: NV2021368878
15	07213	00	SYLVESTER & POLEDNAK LTD	STATE V RAILROAD PASS	N	275,000.00	-	275,000.00	-	01/23/13	01/31/15	-	Service Provider	1-23-13: LEGAL SUPPORT FOR CONDEMNATION RE: STATE V. RAILROAD PASS, 8TH JD A-12-665330 (BOULDER CITY BYPASS PROJECT) CLARK COUNTY. NV B/L#: NV19981131366
16	07313	00	SYLVESTER & POLEDNAK, LTD	STATE V K & L DIRT A12666050	N	275,000.00	-	275,000.00	-	01/23/13	01/31/15	-	Service Provider	1-23-13: LEGAL SUPPORT FOR CONDEMNATION RE: STATE V. K & L DIRT, 8TH JD A-12-666050 (BOULDER CITY BYPASS PROJECT) CLARK COUNTY. NV B/L#: NV19981131366
17	07413	00	SYLVESTER & POLEDNAK, LTD	STATE V I-15 AND CACTUS	N	200,000.00	-	200,000.00	-	01/23/13	02/28/15	-	Service Provider	01-23-13: LEGAL SUPPORT CONDEMNATION RE: STATE V. I-15 AND CACTUS; 8TH JD A-12-664403 (CACTUS PROJECT)CLARK COUNTY. NV B/L#: NV19981131366
18	07113	00	SYLVESTER & POLEDNAK, LTD	STATE V WYKOFF A-12-656578	N	275,000.00	-	275,000.00	-	01/29/13	01/31/15	-	Service Provider	1-29-13: LEGAL SUPPORT FOR CONDEMNATION RE: STATE V. WYKOFF, 8TH JD A-12-656578 (WARM SPRINGS PROJECT). CLARK COUNTY. NV B/L#: NV19981131366
19	46412	00	JACOBS	FREIGHT ASSESSMENT STUDY	N	120,000.00	-	120,000.00	-	02/07/13	02/07/14	-	Service Provider	2-7-13: FREIGHT ASSESSMENT STUDY TO ESTABLISH A GUIDING FRAMEWORK FOR NEAR-TERM AND LONG RANGE FREIGHT POLICY AND FREIGHT PLAN. STATEWIDE. NV B/L#: NV20081035082
20	05913	00	CH2M HILL	ENG. SUPPORT BOULDER /US93	N	-	-	-	-	02/12/13	02/12/15	-	Service Provider	2-12-13: ENGINEERING SUPPORT REGARDING THE BOULDER CITY/US 93 CORRIDOR STUDY HISTORICAL DOCUMENTATION SUPPORT. SERVICES PROVIDED AS A COURTESY TO NDOT PER EXHIBIT A: COMPENSATION. LAS VEGAS AND CARSON CITY. NV B/L#: NV199310655492
21	06713	00	WESTERN SINGLE PLY	VEHICLE STORAGE ROOF BLUE JAY	N	88,033.00	-	88,033.00	-	02/25/13	06/30/13	-	Service Provider	2-25-2013: QA-005-13 REPLACE ROOF ON THE VEHICLE STORAGE BUILDING AT THE BLUE JAY MAINTENCE STATION IN NYE COUNTY. NV B/L#: NV19771002316
22	06813	00	ALL AMERICAN VAN & STORAGE	MOVE PARCEL I-015-CL-576 R1	Y	2,313.75	-	2,313.75	-	02/26/13	07/26/13	-	Service Provider	02-26-13: MOVING EXPENSES FOR PARCEL I-015-CL-576 R1 PROJECT NEON FOR THE KEY FOUNDATION, CLARK COUNTY. NV B/L#: NV19711001160
23	07013	00	AERO AIR, LLC	WING SPAR INSPECTION AERO 840	N	50,000.00	-	50,000.00	-	03/07/13	06/30/13	-	Service Provider	03-07-13: INSPECTION AND POSSIBLE REPAIR OF AERO COMMANDER 840 WING SPAR. CARSON CITY. NV B/L#: NV20131128086
24	08013	00	MOVE 4 LESS	MOVE PCL I-015-CL-576 R1 NEON	N	6,668.00	-	6,668.00	-	03/11/13	04/30/13	-	Service Provider	03-12-13: MOVING EXPENSES FOR PARCEL I-015-CL-576 R1 PROJECT NEON FOR THE KEY FOUNDATION, CLARK COUNTY. NV B/L#: NV20041105072

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
25	32312	00	AMEC ENVIRONMENTAL & INFRAST	SUE SVCS KINGSBURY GRADE	Y	69,962.00	-	69,962.00	-	03/12/13	11/08/14	-	Service Provider	03-12-13: SUBSURFACE UTILITY WORK NEEDED FOR THE SR 207 KINGSBURY GRADE ROADBED RECONSTRUCTION AND OVERLAY PROJECT, DOUGLAS COUNTY. NV B/L#: NV1941068475
26	30208	04	CH2M HILL	DESIGN REFINEMENT PROJECT NEON	Y	34,063,775.35*	(6,152,439.08)	27,911,333.27	-	09/25/08	12/31/14	-	Service Provider	4-8-13 AMD4: REDUCE TOTAL AUTHORITY BY \$6,152,439.08 TO BRING TOTAL TO \$27,911,333.27 DUE TO CHANGE IN PROJECT DELIVERY METHOD AND CHANGE IN SCOPE OF SERVICES REQUIRING A NEW AGREEMENT (NOTE THIS AGREEMENT IS RELATED TO AGREEMENT #09113 LOCATED ON LINE ITEM #2 OF THE AGREEMENTS FOR APPROVAL REPORT) 6-30-11 AMD3: TO INCREASE AUTHORITY BY \$16,958,350.35 TO BRING TOTAL TO \$34,063,772.35 TO INCLUDE FINAL DESIGN SERVICES AND INCREASE RIGHT OF WAY ACQUISITION ACTIVITIES 8-23-10 AMD2: REFINE SCOPE OF WORK, EXTEND TERMINATION DATE, AND ADD AUTHORITY BY \$9,692,087.00 TO BRING TOTAL TO \$17,105,422.00 TO EXTEND DESIGN, UTILITY RELOCATION AND RIGHT OF WAY ACQUISITION ACTIVITIES 9-26-09 AMD1: INCREASE AUTHORITY BY \$2,741,572.00 TO \$7,413,336.00 TO CONTINUE PRELIMINARY DESIGN AND COMPLETE NEPA STUDIES 9/25/08: \$4,671,764.00 TO PERFORM CONCEPTUAL DESIGN REFINEMENT SERVICES FOR PROJECT NEON.

\* NOT ORIGINAL AGREEMENT TOTAL... PLEASE SEE NOTES

# Attachment C

**OFFICE OF THE ATTORNEY GENERAL**

**TRANSPORTATION DIVISION**

1263 South Stewart Street  
Carson City, Nevada 89712  
Telephone (775) 888-7420  
Fax (775) 888-7309

CATHERINE CORTEZ MASTO  
*Attorney General*

KEITH G. MUNRO  
*Assistant Attorney General*



DENNIS V. GALLAGHER  
*Chief Deputy Attorney General*

**MEMORANDUM**

**DATE:** March 18, 2013

**TO:** Board of Directors  
Nevada Department of Transportation

**FROM:** Dennis Gallagher, Chief Deputy Attorney General / Chief Counsel

**SUBJECT:** Informational Item – Approval of Settlement for an Inverse  
Condemnation/Pre-Condemnation Action  
in the Matter of *Blue Diamond RV & Storage, LLC vs. State of Nevada,*  
*Department of Transportation, 8<sup>th</sup> JD Case No. A610962*

---

At their March 12, 2013 meeting, the Board of Examiners approved the settlement of payment of \$250,598.30 to be paid from NDOT funds to resolve an eminent domain action brought by Blue Diamond RV & Storage.

Attached is the February 5, 2013 memorandum from Director, Rudy Malfabon, Senior Deputy Attorney General, Karissa Neff, and myself to the Board of Examiners setting forth a summary of the final judgment and settlement.



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
566 East Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101

CATHERINE CORTEZ MASTO  
*Attorney General*

KEITH G. MUNRO  
*Assistant Attorney General*

GREGORY M. SMITH  
*Chief of Staff*

## MEMORANDUM

**DATE:** February 5, 2013

**TO:** Board of Examiners  
Governor Brian Sandoval  
Attorney General Catherine Cortez Masto  
Secretary of State Ross Miller

**FROM:** Rudy Malfabon, Director, Nevada Department of Transportation  
Karissa D. Neff, Senior Deputy Attorney General *KDN*  
Dennis Gallagher, Chief Deputy Attorney General *DG*

**SUBJECT:** Proposed Settlement for an Inverse Condemnation/Pre-Condemnation Action / Blue Diamond RV Storage, LLC Agenda Item

---

### SUMMARY

NDOT requests settlement approval in the amount of \$250,598.30 to resolve an inverse condemnation/pre-condemnation damages action that is now on appeal and cross-appeal before the Nevada Supreme Court. The parties attended a Supreme Court-mandated mediation and reached a resolution of the entirety of the action subject to the Board of Examiner's approval of this settlement amount.

The \$250,598.30 settlement request is *in addition to* a judgment that the District Court entered against NDOT in November of 2012 in the amount of \$624,401.70 (Exhibit 1). The entirety of the sums paid to resolve this matter are broken down as follows:

\$624,401.70 (Final Judgment)

\$250,598.30 (Additional settlement amount that NDOT is requesting)

---

\$875,000.00 (Total). NDOT has already paid the amount of the total judgment which is \$624,401.70.

### THE SUBJECT PROPERTY

The property is owned by BLUE DIAMOND RV & STORAGE, LLC, a Nevada Limited Liability Company, DONAL SERIES I, LLC, a Nevada Limited Liability Company, and UNITED ESTATES TRUST VEGAS GROUP, LLC, a California limited liability company ("Landowners"), and is located near the south right-of-way of SR 160 between Jones Boulevard and Torrey Pines Drive in Las Vegas, Nevada.

The property consists of two contiguous parcels totaling approximately 5 acres. The north parcel is vacant and unimproved. The south parcel had some open storage use, but is essentially unimproved except for a perimeter wall. The parcels are bounded on the north by SR 160; to the south by Oleta Avenue (a Clark County road); and to the east by partial dedications along the Mann Street alignment (another Clark County road). The parcels are not bounded by a road on the west. See Exhibit 2.

The trial court found that historically, the public and the landowners accessed the property from SR 160 via Mann Street.

In the Fall of 2011, Clark County acquired additional right of way from the BLM to widen Oleta Avenue between Torrey Pines and the property at issue. This increased the width of Oleta Avenue from 30' to 60.' 60' is the County's minimum width for the development of private land. Currently, Oleta Avenue is barricaded at Torrey Pines to protect grading done on it preparatory to paving it. Clark County has contracted with a paving company, and it is NDOT's best estimate that the paving will be done and the barricades will be removed by April of 2013.

### NATURE OF THE CLAIMS

In January of 2008, NDOT began constructing improvements to SR 160 in the vicinity of the subject property. In doing so, NDOT blocked off access at the Mann Street alignment. The Landowners sued NDOT for both inverse condemnation and for pre-condemnation damages, claiming that due to inadequate alternative access via Torrey Pines and Oleta Avenue, the closure of Mann Street landlocked their property and rendered it undevelopable. The landowners presented evidence of a permanent taking of the entirety of the two parcels.

The Landowners sought pre-condemnation damages of approximately \$5.5 million in addition to just compensation of between \$5 million to \$7.3 million for the loss of the land, the valuations that various experts for the Landowners placed on it. Much of the damages were ostensibly related to expenses incurred in obtaining loans to buy and improve the property, loans that the Landowners claim the SR 160 improvements prevented them from repaying. Presently, one of the two parcels is in foreclosure which, again, the Landowners blame on the SR 160 project.

NDOT valued the land at \$3.78 million before any taking occurred, and assessed just compensation for a permanent lack of access at \$191,000.00. NDOT also argued that

any taking was temporary only and ended in the Fall of 2011 when Clark County widened Oleta Avenue so that it now provides adequate alternative legal access to the property.

### THE JUDGMENT

The trial judge ruled as follows:

1. The Landowners' pre-condemnation damages claim is without merit and so awarded nothing on it.
2. NDOT took the property for just compensation purposes because there was no adequate, alternative legal access via Oleta Avenue or any other road after NDOT improved SR 160.
3. The taking was temporary, commencing in January of 2008 and ending in September of 2011 when Clark County widened Oleta Avenue to its minimum standards for development purposes.
4. The property's fair rental value is \$4,500.00 per month. The court computed just compensation for the temporary taking at \$4,500.00 per month starting January 1, 2008, when NDOT began building improvements at Mann Street/SR 160, until September of 2011, when Clark County provided adequate alternative legal access to the property via Oleta Avenue.
5. The court believed that since the barricades that Clark County erected at Oleta Avenue prevent physical access to the land, NDOT should continue to pay rent at \$4,500.00 per month until Clark County removes them. NDOT currently believes that the County may remove them by April of 2013.
6. The Landowners are entitled to attorney fees of \$215,000.00; costs of \$64,403.29; and pre-judgment interest, bringing the Final Judgment to \$624,401.70 through October of 2012.
7. Post-judgment interest accrues at 9.25% per annum, compounded annually.

***As of March 1, 2013, the judgment would have increased to approximately \$662,000.00 when accounting for interest (approximately \$60,000.00 per year) and rent from November 1, 2012 (\$18,000.00).***

### ISSUES ON APPEAL

#### LANDOWNERS' PROBABLE ISSUES ON APPEAL:

1. There was insufficient evidence of a temporary taking, only evidence of a permanent taking;

2. There was insufficient evidence to support the trial court's fair rental value of \$4,500.00 per month.

3. The trial court erred in ruling that economic losses such as the inability to repay loans for the purchase of the property and for construction of improvements on it are not recoverable in inverse condemnation and pre-condemnation damages actions.

4. The trial court erred in refusing to award all or substantially all of the costs and attorney fees that the Landowners sought.

#### **NDOT'S ISSUE ON APPEAL**

1. The trial court erred in finding that NDOT substantially impaired access to the property.

2. The trial court erred in requiring NDOT to pay continuing rent after Clark County widened Oleta Avenue to provide adequate alternative legal access to the property.

#### **RECOMMENDATION**

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest, for the following reasons:

1. The proposed settlement will end the litigation, including the appeals, for a sum certain.

2. The accrual of interest on the judgment during the life of the appeal (another 12-18 months), along with the costs of suit and attorney fees that NDOT would incur in prosecuting the appeal to conclusion, would most likely at least equal, if not exceed the \$250,598.30 settlement amount.

3. Landowners are entitled to attorney fees in inverse condemnation actions (NRS 37.185) and costs of suit (NRS 37.120(3)). The proposed settlement will terminate any claims that the Landowners are entitled to recover additional attorney fees and costs incurred on appeal, which fees and costs could be substantial.

4. Settlement will terminate any chance that the matter will be remanded for further proceedings and a potentially greater just compensation award, including more costs and more attorney fees to the Landowners, should the Supreme Court rule in favor of the Landowners on appeal.

There will be no subrogation or any other attempt to offset the settlement amount.

# EXHIBIT 1

  
CLERK OF THE COURT

1 JUDGE  
2 LAW OFFICES OF BRIAN C. PADGETT  
3 Brian C. Padgett, Bar No. 7474  
4 John P. Shannon, Bar No. 7906  
5 611 South Sixth Street  
6 Las Vegas, Nevada 89101  
7 Telephone: (702) 304-0123  
8 Facsimile: (702) 368-0123  
9  
10 *Attorneys for Plaintiffs*

11 EIGHTH JUDICIAL DISTRICT COURT  
12 CLARK COUNTY, NEVADA

13 \*\*\*\*\*

14 BLUE DIAMOND RV & STORAGE, LLC, )  
15 A Nevada Limited Liability Company, DONAL ) Case No.: A610962  
16 SERIES I, LLC, a Nevada Limited Liability ) Dept. No.: IV  
17 Company, and UNITED ESTATES TRUST )  
18 Plaintiff, )

19 vs. )

20 THE STATE OF NEVADA, on relation of its )  
21 Department of Transportation, DOE )  
22 GOVERNMENT AGENCIES I-X, DOE )  
23 INDIVIDUALS I-X, DOE CORPORATIONS )  
24 I-X, and DOE PARTNERSHIPS I-X, )  
25 Defendants. )

26 FINAL JUDGMENT

27 Judgment is hereby entered in favor of the Plaintiffs, BLUE DIAMOND RV &  
28 STORAGE, LLC, DONAL SERIES I, LLC, and UNITED ESTATES TRUST, and against the  
29 Defendant, State of Nevada, on relation of its Department of Transportation, in the amount of  
30 \$624,401.70 through October 2012, with an additional amount of \$4,500.00 per month until the

LAW OFFICES OF BRIAN C. PADGETT  
611 SOUTH 6<sup>TH</sup> STREET  
LAS VEGAS, NEVADA 89101  
PHONE (702) 304-0123  
FACSIMILE (702) 368-0123

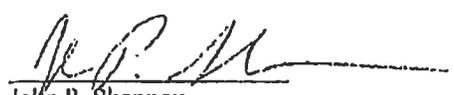
LAW OFFICES OF BRIAN C. PADGETT  
611 SOUTH 6<sup>TH</sup> STREET  
LAS VEGAS, NEVADA 89101  
PHONE (702) 304-0123  
FACSIMILE (702) 368-0123

1 barricades at Oleta Avenue and Torrey Pines Drive are removed, with interest thereon at 9.25%,  
2 compounded annually, until satisfied.

3 SO ORDERED this 21<sup>st</sup> day of November, 2012.

4  
5   
6 DISTRICT JUDGE

7 Respectfully submitted by:  
8 LAW OFFICES OF BRIAN C. PADGETT

9   
10 John P. Shannon  
11 Nevada Bar No. 7906  
12 Attorneys for Plaintiffs

13 Approved As To Form And Content:  
14  
15 CHAPMAN LAW FIRM, P.C.

16  
17   
18 Erich N. Storm  
19 Nevada Bar No. 4480  
20 Attorneys for Defendant

21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT 2

# Blue Diamond Road



176-23-601-001  
Northern Parcel

BLM  
property

176-23-601-007  
Southern Parcel

BLM  
property

Torrey Pines Drive

Oleta Avenue

Mann Street

Private  
Parcel

Private  
Parcel

BLM  
property

Schematic  
not drawn  
to scale.

W. Serene Avenue

HHHHHH 1



## MEMORANDUM

### Right-of-Way Division

March 27, 2013

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** April 8, 2013 Transportation Board of Directors Meeting  
**Item # 10a:** Disposal of NDOT property located along portions of Flamingo Road (former route SR-592) at Las Vegas Boulevard in Clark County, NV. SUR 11-17 – For possible action

---

#### Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Relinquishment. The four parcels to be relinquished are located along Flamingo Road (former route SR-592) at Las Vegas Boulevard in Clark County, NV. Parcel S-592-CL-025.308 XS1 is vacant property consisting of 171 sq. ft. as depicted on the attached sketch maps marked Exhibits "A" and "B". Parcel S-592-CL-025.315 XS1 is vacant property consisting of 828 sq. ft. as depicted on the attached sketch maps marked Exhibits "A" and "B". Parcel S-592-CL-025.488 XS1 is vacant property consisting of 627 sq. ft. as depicted on the attached sketch maps marked Exhibits "A" and "B". Parcel S-592-CL-025.489 XS1 is vacant property consisting of 2,593 sq. ft. as depicted on the attached sketch maps marked Exhibits "A" and "B".

#### Background:

The Department originally acquired these parcels, in fee and easement, for the construction of intersection improvements at Flamingo Road (former route SR-592) at Las Vegas Boulevard as follows:

Parcel S-592-CL-025.308 XS1 was originally acquired as a portion of County of Clark parcel, in fee, on April 7, 1989 consisting of 74 sq. ft. and as a portion of parcel S-592-CL-025.309, in fee, on May 10, 1994 consisting of 25 sq. ft and as a portion of parcel S-592-CL-025.308, in fee, on May 10, 1994 consisting of 72 sq. ft.

Parcel S-592-CL-025.315 XS1 was originally acquired as all of parcel S-592-CL-025.394, in fee, on September 29, 1994 consisting of 350 sq. ft. and as a portion of parcel S-592-CL-025.315, in fee, on July 6, 1994 consisting of 478 sq. ft.

Parcel S-592-CL-025.488 XS1 was originally acquired as all of parcel S-592-CL-025.488, in easement, on July 6, 1994 consisting of 449 sq. ft. and a portion of parcel S-592-CL-025.490, in fee, on July 6, 1994 consisting of 119 sq. ft. and a portion of Southern Nevada Power Company parcel, in easement, recorded on January 23, 1943 consisting 59 sq. ft.

**TO: Department of Transportation Board of Directors  
March 27, 2013**

Parcel S-592-CL-025.489 XS1 was originally acquired as a portion of parcel S-592-CL-025.489, in fee, on July 6, 1994 consisting of 112 sq. ft. and as a portion of parcel S-592-CL-025.491, in fee, on August 19, 1994 consisting of 2,481 sq. ft.

The Department previously relinquished Flamingo Road (former route SR-592) to the County on July 12, 2001 and relinquished Las Vegas Boulevard to the County on October 16, 2003. These parcels are remnants that were inadvertently left out of the previous relinquishments.

**Analysis:**

On March 19, 2013, the Clark County Board of Commissioners signed a Resolution of 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 and easement interest. Therefore, as per N.R.S. 408.527, if the County's use of the fee simple parcels ceases to exist, all interest reverts back to the Department. If the County's use of the easement interest parcels ceases to exist, the County may abandon or vacate the property without reversion to the Department.

**Recommendation for Board Action:**

Approval of disposal of NDOT property located along portions of Flamingo Road (former SR-592) at Las Vegas Boulevard in Clark County, NV.

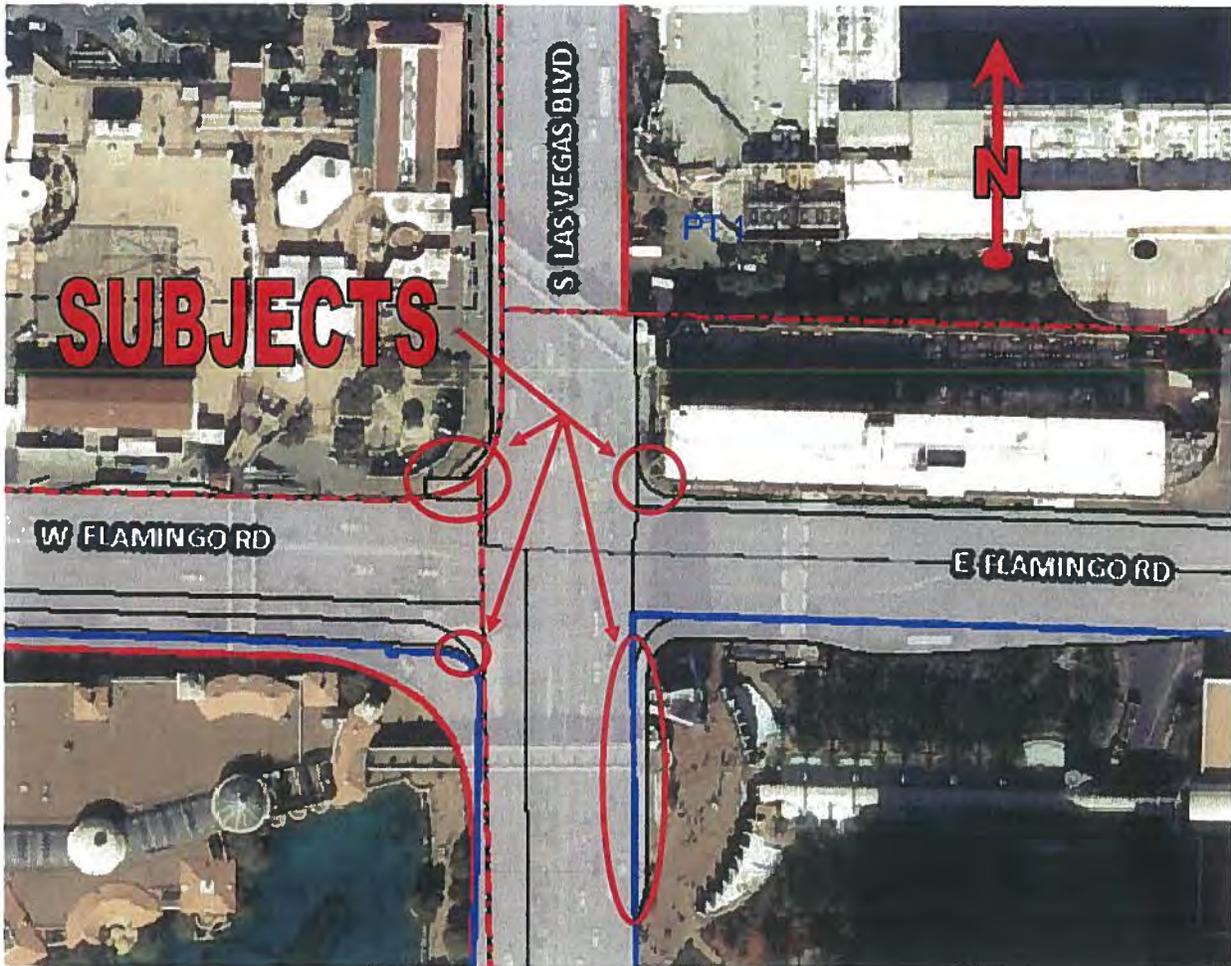
**List of Attachments:**

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

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



## LOCATION MAP



**SUR 11-17**

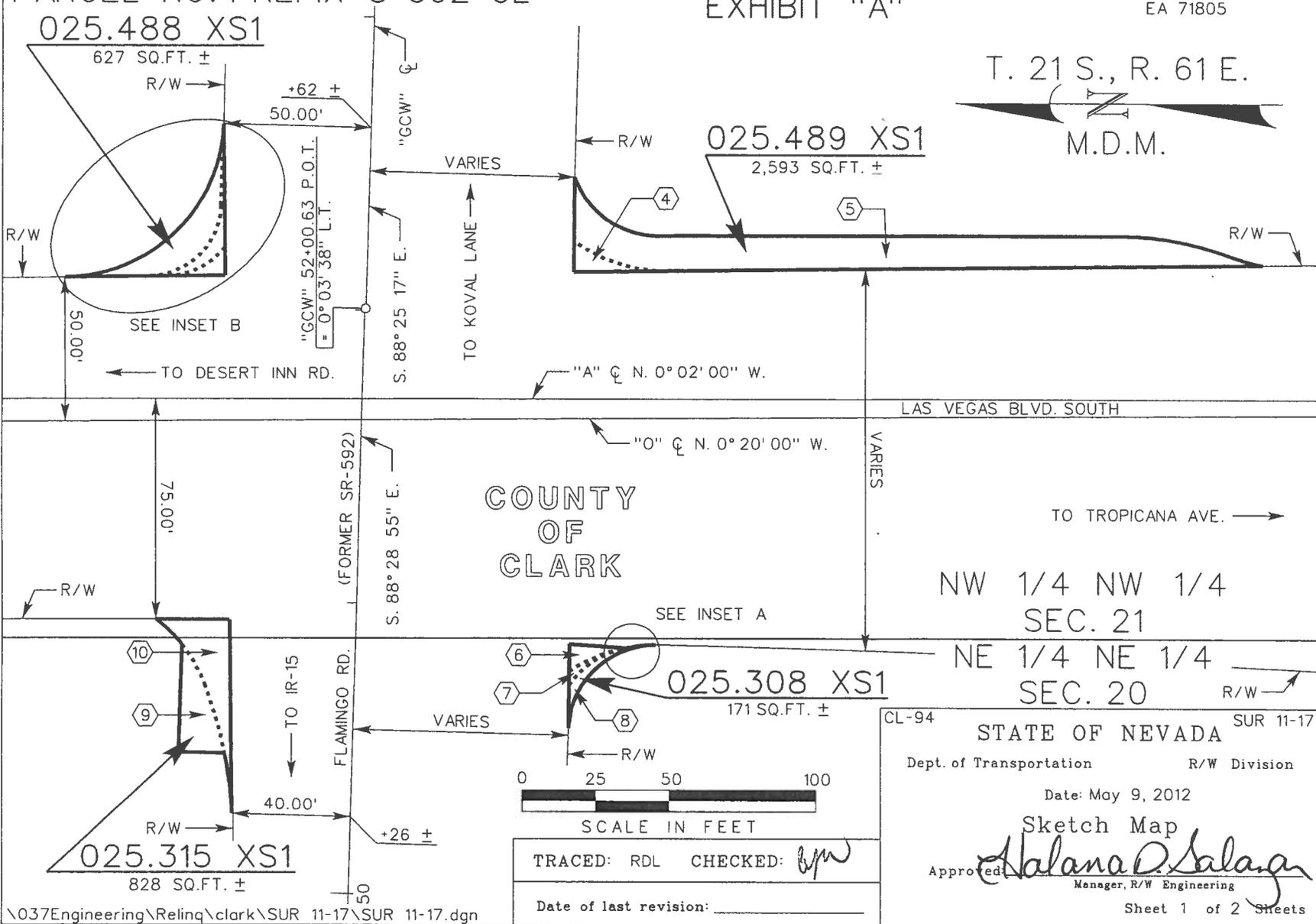
**Description: Along portions of Flamingo Road (former route SR-592)  
at Las Vegas Blvd.**

PARCEL NO. PREFIX: S-592-CL-  
025.488 XS1

EXHIBIT "A"

PROJECT: M-592(9)  
EA 71805

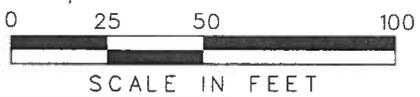
T. 21 S., R. 61 E.  
M.D.M.



COUNTY  
OF  
CLARK

NW 1/4 NW 1/4  
SEC. 21  
NE 1/4 NE 1/4  
SEC. 20

CL-94 STATE OF NEVADA SUR 11-17  
Dept. of Transportation R/W Division  
Date: May 9, 2012  
Sketch Map  
Approved: *Halana D. Salanga*  
Manager, R/W Engineering  
Sheet 1 of 2 Sheets



TRACED: RDL CHECKED: *[Signature]*  
Date of last revision: \_\_\_\_\_

ATTACHMENT 2



All of Parcels: S-592-CL-025.394  
S-592-CL-025.488  
Ptn. Of Parcels: S-592-CL-025.308  
S-592-CL-025.309  
S-592-CL-025.315  
S-592-CL-025.489  
S-592-CL-025.490  
S-592-CL-025.491

Control Section: CL-94  
Route: Flamingo Road Former Route: SR-592  
Surplus No.: SUR 11-17  
Project: M-592(9)  
E.A.: 71805  
Parcel Nos.: S-592-CL-025.308 XS1  
S-592-CL-025.315 XS1  
S-592-CL-025.488 XS1  
S-592-CL-025.489 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

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 an easement interest and a fee simple interest in that certain right-of-way for portions of Flamingo Road (former SR-592), extending from approximate Highway Engineer's Station "GCW" 50+26 ± P.O.T., to approximate Highway Engineer's Station "GCW" 52+62 ± P.O.T.; and

WHEREAS, said right-of-way is delineated and identified as Parcels S-592-CL-025.308 XS1, S-592-CL-025.315 XS1, S-592-CL-025.488 XS1 and S-592-CL-025.489 XS1 on EXHIBITS "A" and " B ", 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 those portions of Flamingo Road (former SR-592) being in excess of its needs; and

WHEREAS, the County of Clark has requested the relinquishment of aforesaid portions of highway for the purpose of a transportation facility and

WHEREAS, the County of Clark has agreed to accept the relinquishment of said right-of-way for the aforesaid portions of Flamingo Road (former SR-592) 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 Board of County Commissioners of Clark County, State of Nevada, consented by resolution passed and adopted on \_\_\_\_\_, 20\_\_\_\_ to the Department relinquishing the aforesaid portions of said road to the County of Clark; 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 S-592-CL-025.308 XS1, S-592-CL-025.315 XS1, S-592-CL-025.488 XS1 and S-592-CL-025.489 XS1 on EXHIBITS "A" and " B ", attached hereto and made a part hereof, is

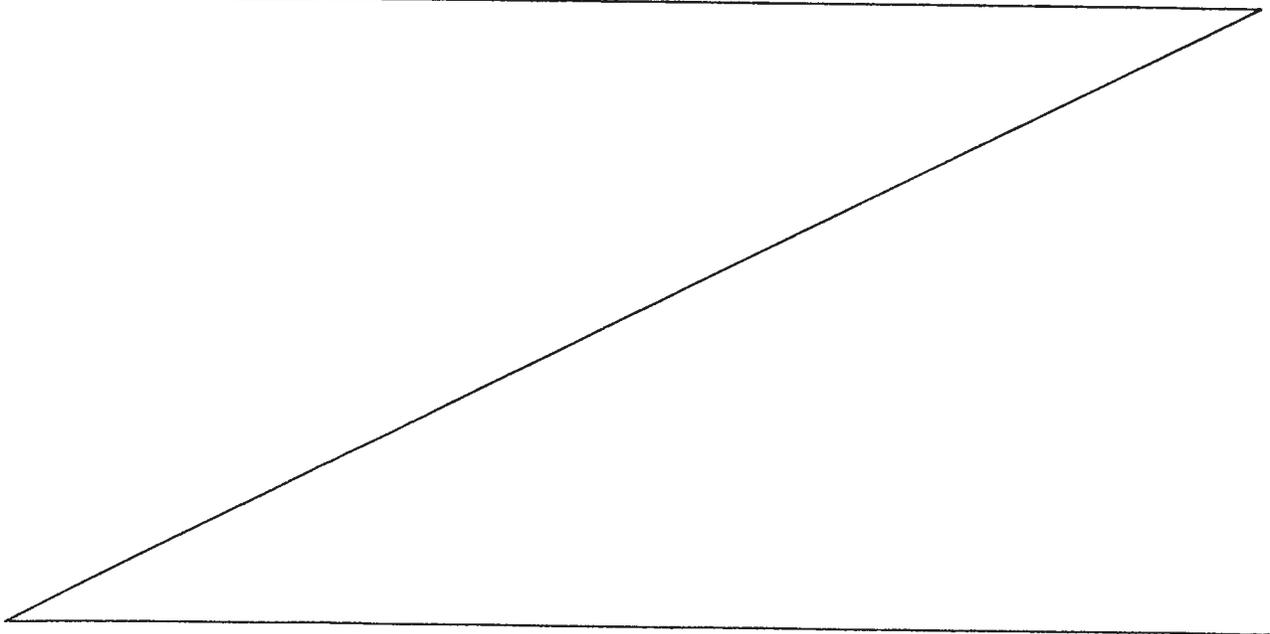
hereby relinquished to the County of Clark of the State of Nevada. Said right-of-way is described as follows:

...situate, lying and being in the County of Clark, State of Nevada, and more particularly described as being portions of the NE 1/4 of the NE 1/4 of Section 20 and portions of the NW 1/4 of the NW 1/4 of Section 21, all in T. 21 S., R. 61 E., M.D.M.; being parcels or strips of land varying in width and more fully described as follows:

BEING all those portions of Flamingo Road (former SR-592) from approximate Highway Engineer's Station "GCW" 50+26 ± P.O.T., extending easterly for an approximate distance of 236 feet to the approximate Highway Engineer's Station "GCW" 52+62 ± P.O.T.

It is the intent of this document to convey and does convey all those portions of Flamingo Road (former SR-592) right-of-way inadvertently omitted from the Resolution of Relinquishment filed for record on July 12, 2007 as document number 20070712:00635 in the Clark County Recorder's Office.

It is the intent of the Department to relinquish to the County of Clark all of the Department's right, title and interest in and to the aforesaid described right-of-way as shown on EXHIBITS "A" and " B ", 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 city or 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

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

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

ATTEST:

\_\_\_\_\_  
William H. Hoffman, P.E.  
Secretary to the Board

PARCEL NO. PREFIX: S-592-CL-

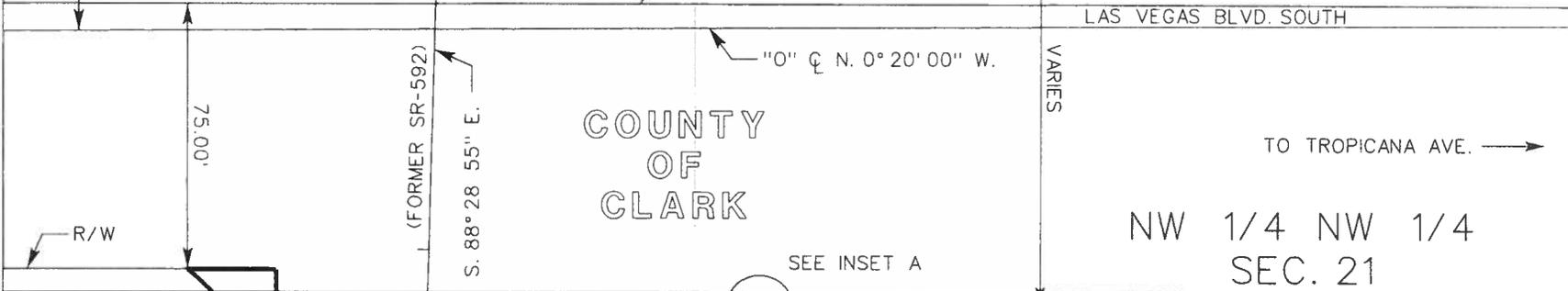
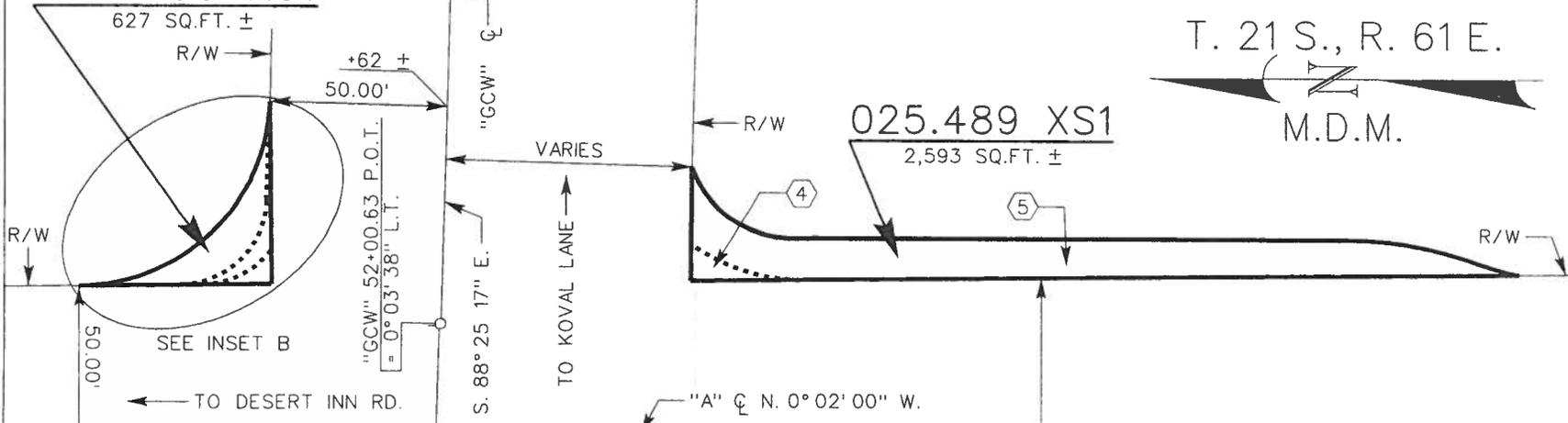
EXHIBIT "A"

PROJECT: M-592(9)  
EA 71805

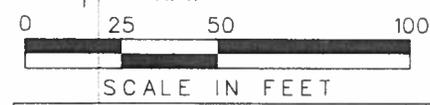
025.488 XS1

T. 21 S., R. 61 E.

M.D.M.



NW 1/4 NW 1/4  
SEC. 21  
NE 1/4 NE 1/4  
SEC. 20



TRACED: RDL CHECKED: *[Signature]*  
Date of last revision: \_\_\_\_\_

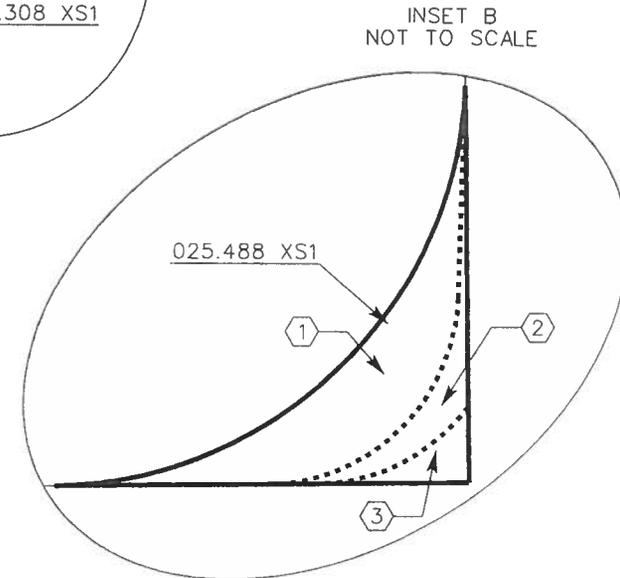
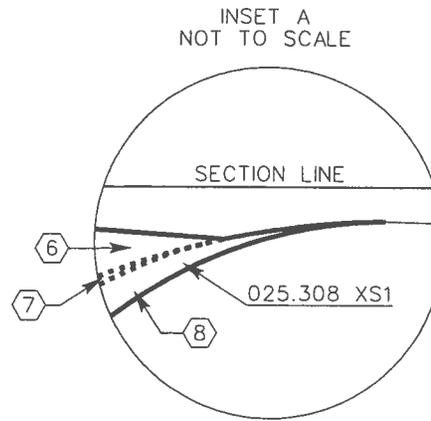
CL-94 STATE OF NEVADA SUR 11-17  
Dept. of Transportation R/W Division  
Date: May 9, 2012  
Sketch Map  
Approved: *[Signature]*  
Manager, R/W Engineering  
Sheet 1 of 2 Sheets

PARCEL NO. PREFIX: S-592-CL-

PROJECT: M-592(9)  
EA 71805

EXHIBIT "B"

- ① ALL OF PARCEL: S-592-CL-025.488  
COUNTY OF CLARK, BK. 940706, INST. 01256  
RECORDED 7/06/94, QUITCLAIM DEED, EASE 449 SQ.FT. ±
- ② A PORTION OF PARCEL: S-592-CL-025.490  
COUNTY OF CLARK, BK. 940706, INST. 01256  
RECORDED 7/06/94, QUITCLAIM DEED, FEE 119 SQ.FT. ±  
A PORTION OF
- ③ SOUTHERN NEVADA POWER COMPANY, BK. 32, PG. 191  
DOC. NO. 159436, RECORDED 1/23/43  
PUBLIC HIGHWAY DEED, EASE 59 SQ.FT. ±
- ④ A PORTION OF PARCEL: S-592-CL-025.489  
COUNTY OF CLARK, BK. 940819, INST. 01775  
RECORDED 7/06/94, QUITCLAIM DEED, FEE 112 SQ.FT. ±
- ⑤ A PORTION OF PARCEL: S-592-CL-025.491  
BALLY'S GRAND INC., A DELAWARE CORP., BK. 940706, INST. 01256  
RECORDED 8/19/94, GIFT DEED, FEE 2,481 SQ.FT. ±
- ⑥ A PORTION OF  
COUNTY OF CLARK, BK. 890407, INST. 00884  
RECORDED 4/07/89, QUITCLAIM DEED, FEE 74 SQ.FT. ±
- ⑦ A PORTION OF PARCEL: S-592-CL-025.309  
MR REALTY, A NEVADA CORP., BK. 940510, INST. 00106  
RECORDED 5/10/94, GBS DEED, FEE 25 SQ.FT. ±
- ⑧ A PORTION OF PARCEL: S-592-CL-025.308  
MR REALTY, A NEVADA CORP., BK. 940510, INST. 00107  
RECORDED 5/10/94, GIFT DEED, FEE 72 SQ.FT. ±
- ⑨ ALL OF PARCEL: S-592-CL-025.394  
CAESARS PALACE REALTY CORP., A NEVADA CORP., BK. 940929, INST. 00685  
RECORDED 9/29/94, GBS DEED, FEE 350 SQ.FT. ±
- ⑩ A PORTION OF PARCEL: S-592-CL-025.315  
COUNTY OF CLARK, BK. 940706, INST. 01256  
RECORDED 7/06/94, QUITCLAIM DEED, FEE 478 SQ.FT.



TRACED: RDL	CHECKED: <i>[Signature]</i>
Date of last revision: _____	

CL-94	SUR 11-17
<b>STATE OF NEVADA</b>	
Dept. of Transportation	R/W Division
Date: May 9, 2012	
Sketch Map	
Approved: <i>[Signature]</i>	
Manager, R/W Engineering	
Sheet 2 of 2 Sheets	

Control Section: CL-94  
Route: Flamingo Road Former Route: SR-592  
Surplus No.: SUR 11-17  
Project: M-592(9)  
E.A.: 71805  
All of Parcels: S-592-CL-025.394  
S-592-CL-025.488  
Ptn. Of Parcels: S-592-CL-025.308  
S-592-CL-025.309  
S-592-CL-025.315  
S-592-CL-025.489  
S-592-CL-025.490  
S-592-CL-025.491  
Parcel Nos.: S-592-CL-025.308 XS1  
S-592-CL-025.315 XS1  
S-592-CL-025.488 XS1  
S-592-CL-025.489 XS1

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

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish portions of Flamingo Road (former SR-592) lying within the County of Clark, State of Nevada, extending from approximate Highway Engineer's Station "GCW" 50+26 ± P.O.T., to approximate Highway Engineer's Station "GCW" 52+62 ± P.O.T, a distance of approximately 236 feet, said right-of-way is delineated and identified as Parcels S-592-CL-025.308 XS1, S-592-CL-025.315 XS1, S-592-CL-025.488 XS1 and S-592-CL-025.489 XS1 on EXHIBITS "A" and " B ", attached hereto and made a part hereof; and

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

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

WHEREAS, the County of Clark has agreed to accept the relinquishment of said right-of-way for the aforesaid portions of Flamingo Road (former SR-592) 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 Clark, 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 Clark, those portions of Flamingo Road (former SR-592) lying within the County of Clark, State of Nevada, extending from

approximate Highway Engineer's Station "GCW" 50+26 ± P.O.T., to approximate Highway Engineer's Station "GCW" 52+62 ± P.O.T, a distance of approximately 236 feet, said right-of-way is delineated and identified as Parcels S-592-CL-025.308 XS1, S-592-CL-025.315 XS1, S-592-CL-025.488 XS1 and S-592-CL-025.489 XS1 on EXHIBITS "A" and " B ", 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 19<sup>th</sup> day of March, 2013.

ATTEST:

Diana Alba  
Diana Alba, Clerk

CLARK COUNTY, NEVADA  
BOARD OF COUNTY COMMISSIONERS

Tom Collins  
Tom Collins, Commissioner-District B

REVIEWED AS TO LEGALITY AND FORM:

Christopher Figgins  
Christopher Figgins, Chief Deputy District Attorney  
Clark County, Nevada

Lawrence Weekly  
Lawrence Weekly, Commissioner-District D

CLARK COUNTY, NEVADA  
BOARD OF COUNTY COMMISSIONERS

Steve Sisolak  
Steve Sisolak, Chairman-District A

Chris Giunchigliani  
Chris Giunchigliani, Commissioner-District E

Lawrence L. Brown, III  
Lawrence L. Brown, III, Vice Chairman-District C

Susan Brager  
Susan Brager, Commissioner-District F

REVIEWED AND RECOMMENDED BY:

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

APPROVED FOR LEGALITY AND FORM:

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

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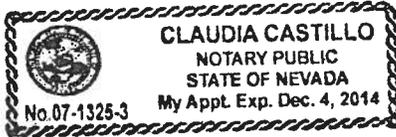
STATE OF NEVADA acting by and through its  
Department of Transportation

Rudy Malfabon  
Rudy Malfabon P.E., Director

STATE OF NEVADA  
CARSON CITY

On this 19 day of March, 2013, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, John M. Terry personally known (or proved) to me to be the Assistant 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.

S  
E  
A  
L



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

Claudia Castillo

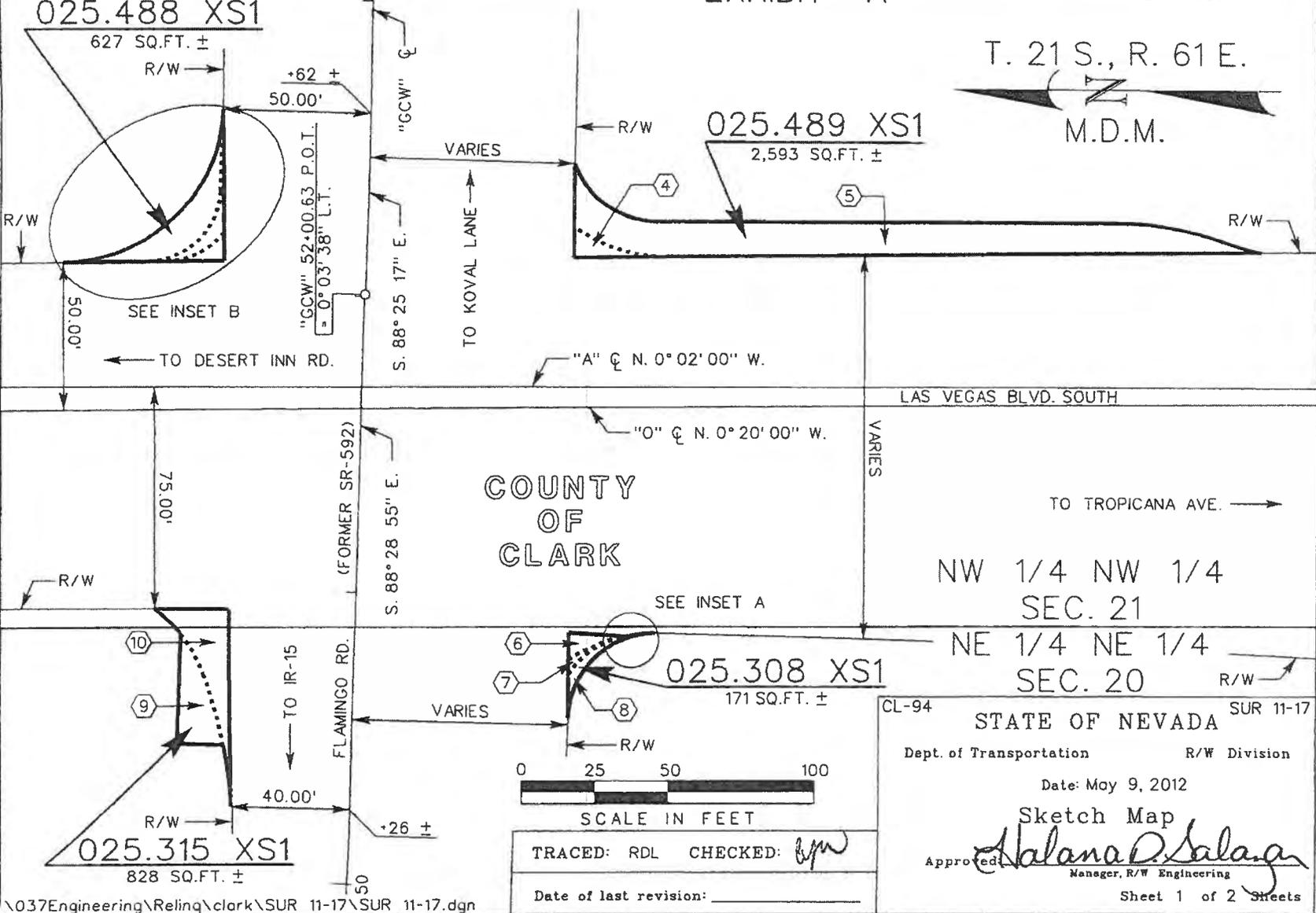
PARCEL NO. PREFIX: S-592-CL-  
025.488 XS1

EXHIBIT "A"

PROJECT: M-592(9)  
EA 71805

T. 21 S., R. 61 E.

M.D.M.



\\037Engineering\Relinq\clark\SUR 11-17\SUR 11-17.dgn

TRACED: RDL CHECKED: *[Signature]*  
Date of last revision: \_\_\_\_\_

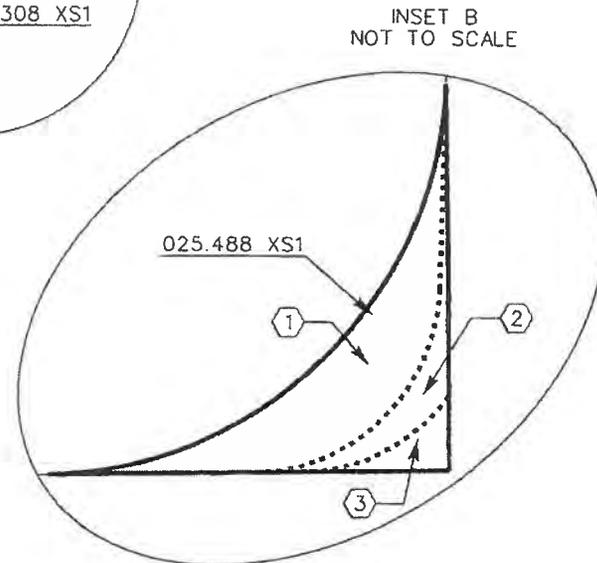
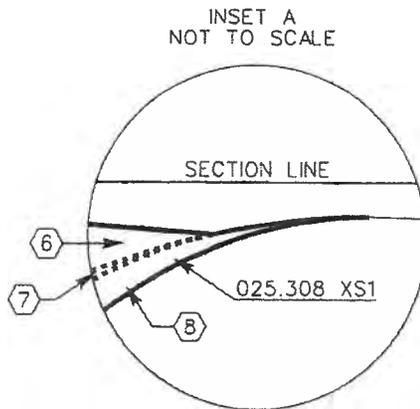
CL-94 STATE OF NEVADA SUR 11-17  
Dept. of Transportation R/W Division  
Date: May 9, 2012  
Sketch Map  
Approved: *[Signature]*  
Manager, R/W Engineering  
Sheet 1 of 2 Sheets

PARCEL NO. PREFIX: S-592-CL-

PROJECT: M-592(9)  
EA 71805

EXHIBIT "B"

- ① ALL OF PARCEL: S-592-CL-025.488  
COUNTY OF CLARK, BK. 940706, INST. 01256  
RECORDED 7/06/94, QUITCLAIM DEED, EASE 449 SQ.FT. ±
- ② A PORTION OF PARCEL: S-592-CL-025.490  
COUNTY OF CLARK, BK. 940706, INST. 01256  
RECORDED 7/06/94, QUITCLAIM DEED, FEE 119 SQ.FT. ±  
A PORTION OF
- ③ SOUTHERN NEVADA POWER COMPANY, BK. 32, PG. 191  
DOC. NO. 159436, RECORDED 1/23/43  
PUBLIC HIGHWAY DEED, EASE 59 SQ.FT. ±
- ④ A PORTION OF PARCEL: S-592-CL-025.489  
COUNTY OF CLARK, BK. 940819, INST. 01775  
RECORDED 7/06/94, QUITCLAIM DEED, FEE 112 SQ.FT. ±
- ⑤ A PORTION OF PARCEL: S-592-CL-025.491  
BALLY'S GRAND INC., A DELAWARE CORP., BK. 940706, INST. 01256  
RECORDED 8/19/94, GIFT DEED, FEE 2,481 SQ.FT. ±  
A PORTION OF
- ⑥ COUNTY OF CLARK, BK. 890407, INST. 00884  
RECORDED 4/07/89, QUITCLAIM DEED, FEE 74 SQ.FT. ±
- ⑦ A PORTION OF PARCEL: S-592-CL-025.309  
MR REALTY, A NEVADA CORP., BK. 940510, INST. 00106  
RECORDED 5/10/94, GBS DEED, FEE 25 SQ.FT. ±
- ⑧ A PORTION OF PARCEL: S-592-CL-025.308  
MR REALTY, A NEVADA CORP., BK. 940510, INST. 00107  
RECORDED 5/10/94, GIFT DEED, FEE 72 SQ.FT. ±
- ⑨ ALL OF PARCEL: S-592-CL-025.394  
CAESARS PALACE REALTY CORP., A NEVADA CORP., BK. 940929, INST. 00685  
RECORDED 9/29/94, GBS DEED, FEE 350 SQ.FT. ±
- ⑩ A PORTION OF PARCEL: S-592-CL-025.315  
COUNTY OF CLARK, BK. 940706, INST. 01256  
RECORDED 7/06/94, QUITCLAIM DEED, FEE 478 SQ.FT.



CL-94 STATE OF NEVADA SUR 11-17

Dept. of Transportation R/W Division

Date: May 9, 2012

Sketch Map

Approved: *Malana A. Salazar*  
Manager, R/W Engineering

Sheet 2 of 2 Sheets

TRACED: RDL CHECKED: *RJR*

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



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

**MEMORANDUM**

**Environmental Services Division**

**January 29, 2013**

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

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

**Subject:** Environmental Clearance for Transportation Board  
Surplus No.: SUR 11-17  
Project: M-592(9)  
PIN: 71805  
Parcels: S-592-CL-025.308 XS1, S-592-CL-025.315 XS1,  
S-592-CL-025.488 XS1, and S-592-CL-025.489 XS1  
Flamingo Road (Former Route SR-592) at Las Vegas Boulevard  
Las Vegas, Clark County, NV  
Disposal by Relinquishment to Clark County

---

The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern. The Categorical Exclusion for this action was approved by the Federal Highway Administration on January 2, 2013 (copy attached).

**C:** Project File

**C (without attachment):** R. Borrelli, Surplus Property Committee, Chair  
H. Salazar, Surplus Property Committee, Vice-Chair

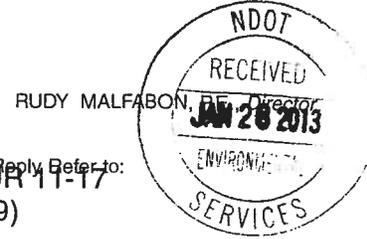


STATE OF NEVADA  
 DEPARTMENT OF TRANSPORTATION  
 1263 S. Stewart Street  
 Carson City, Nevada 89712

RECEIVED  
 12-21-12

BRIAN SANDOVAL  
 Governor

December 18, 2012



MR. IYAD ALATTAR, PE  
 TRANSPORTATION ENGINEER  
 FEDERAL HIGHWAY ADMINISTRATION  
 705 NORTH PLAZA STREET, SUITE 220  
 CARSON CITY, NEVADA 89701

In Reply Refer to:  
 SURPLUS NO.: SUR 11-17  
 PROJECT: M-592(9)  
 PIN: 71805  
 PARCELS: S-592-CL-025.308 XS1,  
 S-592-CL-025.315 XS1, S-592-CL-  
 025.488 XS1, and S-592-CL-  
 025.489 XS1  
 Flamingo Road (Former Route SR-  
 592) at Las Vegas Boulevard  
 Las Vegas, Clark County, NV  
 Disposal by Relinquishment to Clark  
 County  
 See Attached

Dear Mr. Alattar:

This project does not have any significant environmental impacts and does not involve any unusual circumstances as described in 23CFR771.117 (a) and (b). Consequently, this action is considered a Categorical Exclusion under 23CFR771.117 (d) (6) because it does not:

- Induce significant impacts to planned growth or land use in the area;
- Require the relocation of significant numbers of people and/or businesses (How many? 0);
- Have a significant impact on any natural, cultural, recreational, historic or other resources;
- Involve significant air, noise or water quality impacts;
- Have significant impacts on travel patterns;
- Otherwise, either individually or cumulatively, have any significant environmental impacts;
- Have substantial controversy on environmental grounds;
- Have any inconsistency with Federal, state or local law, requirement or administrative determination relating to the environmental aspects of this action.

Sincerely,

Steve M. Cooke, P.E., Chief  
 Environmental Services Division

SMC/dlh  
 Attachments

Approve:

  
 \_\_\_\_\_  
 FHWA, Transportation Engineer

1/2/13  
 \_\_\_\_\_  
 Date



The Environmental Review concluded that the proposed action does not have a significant impact on the environment.

1. Action activities are in conformance with the policies and procedures promulgated in the following:
  - A. 7 CFR 658 providing for the Farmland Protection Policy Act. There are no lands in the property area.
  - B. 16 USC 1531-1544 and Section 1536 Endangered Species Act – There are no Threatened or Endangered Species in the project area, which is located in an urban area, and the action will have no effect.
  - C. 23 CFR 650 providing for implementation of Part B of the National and State water quality standards - will not be violated as a result of this action.
  - D. 40 CFR 93 providing for implementation of the Clean Air Act of 1970 and the Clean Air Act Amendment of 1990. National and State ambient air quality standards will not be violated as a result of this action and it is exempt from further evaluation.
  - E. 23 CFR 771 providing for implementation of Section 102(2)(c) of the National Environmental Policy Act of 1969.
  - F. 23 CFR 772 providing for compliance with the traffic noise standard. This action is non-qualifying.
  - G. 33 CFR requiring a permit under Section 404 of the Clean Water Act, 33 USC 1344. A permit is not required.
  - H. The Manager of the NDOT Cultural Resource Section has reviewed the project and found this action will have *No Potential to Cause Effects* to any significant cultural resources [36 CFR 800.3(a)(1)]. (July 21, 2011 FHWA Action letter)
  - I. Alternate Procedures Policy providing for implementation of Section 128, 23 USC which establishes requirements for public hearings. The action is exempt.
  - J. The Intergovernmental Cooperation Act of 1968 providing for implementation of state and metropolitan area clearinghouse notification, review, and coordination procedures as issued in Circular No. A-95, "Evaluation, Review, and Coordination of Federal Assistance Programs and Projects".



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

BRIAN SANDOVAL  
Governor

March 15, 2013

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 11-17  
Project: M-592(9)  
E.A.: 71805  
Parcels: S-592-CL-025.308 XS1,  
S-592-CL-025.315 XS1,  
S-592-CL-025.488 XS1,  
S-592-CL-025.489 XS1  
Description: Disposal of NODT  
property located along portions of  
Flamingo Road (former route SR-  
592) at Las Vegas Boulevard

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 properties are no longer needed by NDOT. The aforementioned properties are located in Clark County, Nevada.

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

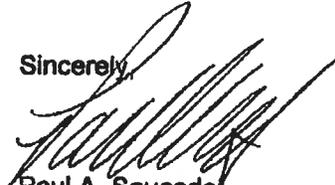
1. The subject properties right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The right-of-way being retained is adequate under present day standards for the facility involved;
3. The release will not adversely affect the Federal-aid Highway facility or the traffic 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);

SUSAN KLEKAR DIVISION ADMINISTRATOR  
ATTN HUGH HADSOCK R-W PROGRAM MGR  
March 15, 2013

6. The relinquishment of these parcels is being made in accordance with N.R.S. 408.527 and N.R.S. 408.533.

Your concurrence in the proposal is requested.

Sincerely,



Paul A. Saucedo  
Chief Right-of-Way Agent

CONCUR:

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

3/27/13  
\_\_\_\_\_  
Date

jb/jm

Enclosures

cc: P. Frost, Chief Roadway Design  
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**

**Right-of-Way Division**

**March 27, 2013**

**TO: Department of Transportation Board of Directors**  
**FROM: Rudy Malfabon, P.E., Director**  
**SUBJECT: April 8, 2013 Transportation Board of Directors Meeting**  
**Item # 10b: Disposal of NDOT property located along US-50 at SR-305 (Austin/Battle Mountain Road) in the County of Lander, NV. SUR 11-20 – For possible action**

---

### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Relinquishment. The parcel to be relinquished is located along US-50 at SR-305 (Austin/Battle Mountain Road) in the County of Lander, NV. Parcel U-050-LA-023.099 XS1 is vacant property consisting of 6,336 sq. ft. as depicted on the attached sketch map marked Exhibit "A".

### **Background:**

The Department originally acquired this parcel on July 29, 1943, in easement, from the Bureau of Land Management for the construction of US-50 (former route 2C).

The construction of US-50 (former route 2C) is complete and operational and the Department has determined that this surplus property is no longer needed for the project.

### **Analysis:**

On October 11, 2012, the Lander County Board of Commissioners signed a Resolution Consenting to Relinquishment and Land Transfer Agreement accepting the relinquishment of this parcel. The release of NDOT's interest in this parcel is being made in accordance with N.R.S. 408.527. The Department owns this parcel in easement interest. Therefore, as per N.R.S. 408.527, if the purpose of the County's use of this parcel ceases to exist, the County may abandon or vacate the property without reversion to the Department.

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

Approval of disposal of NDOT property located along US-50 at SR-305 (Austin/Battle Mountain Road) in the County of Lander, NV.

**TO: Department of Transportation Board of Directors**  
**March 27, 2013**

**List of Attachments:**

1. Locaton Map
2. Sketch Map marked Exhibit "A"
3. Copy fo Resolution of Relinquishment with attached sketch map marked Exhibit "A"
4. Copy of Resolution Consenting to Relinquishment and Land Transfer Agreement with attached sketch map marked Exhibit "A"
5. Envriental Approval
6. N.R.S. 408.527

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



## LOCATION MAP



**SUR 11-20**

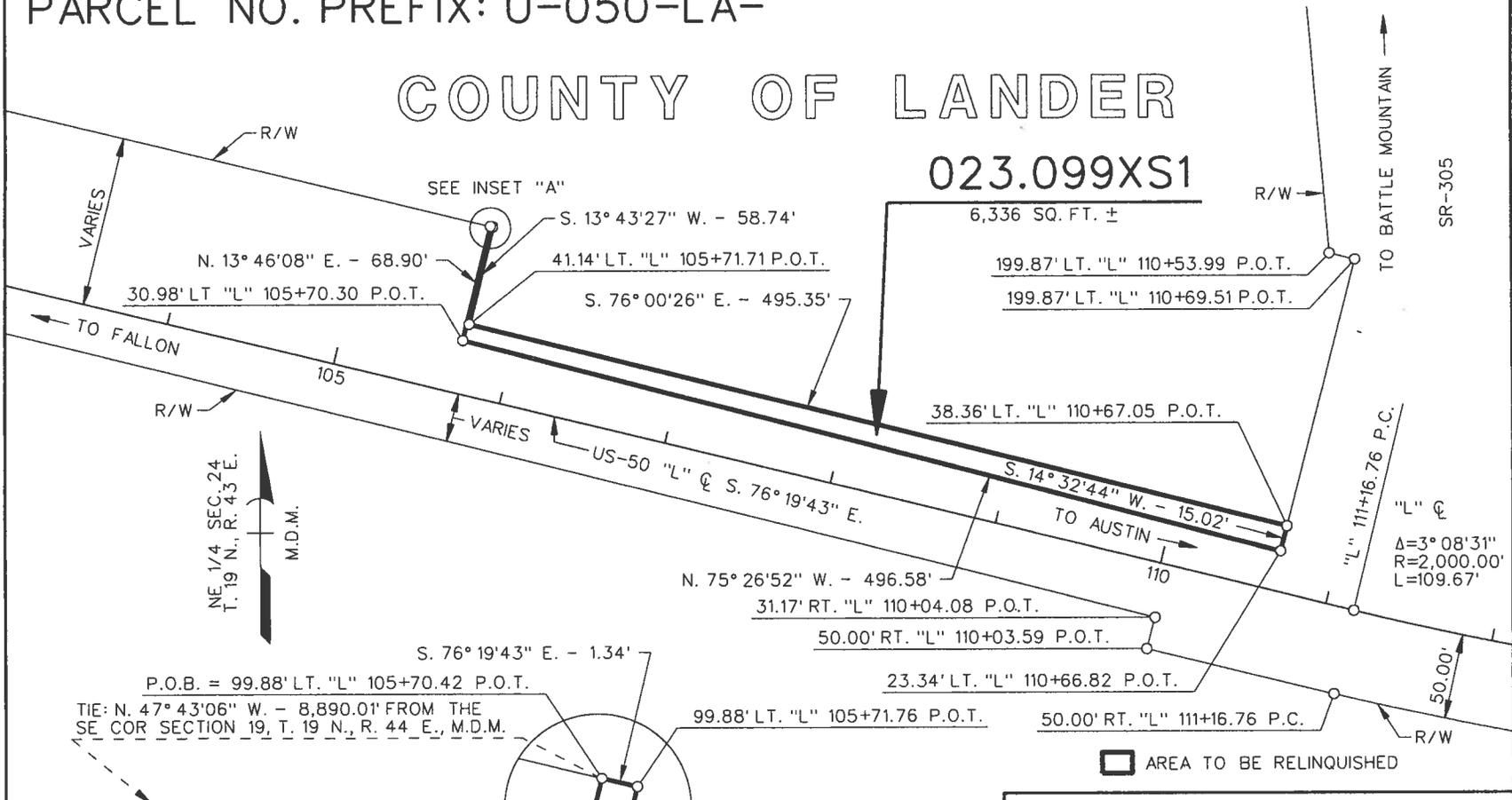
**DESCRIPTION: ALONG US-50 AT SR-305 (AUSTIN/BATTLE MOUNTAIN ROAD)**

PARCEL NO. PREFIX: U-050-LA-

PORTION OF BLM APPLICATION: NEV 060897

# COUNTY OF LANDER

023.099XS1



**EXHIBIT "A"**

INSET "A"  
NOT TO SCALE

AREA TO BE RELINQUISHED

LA-04 STATE OF NEVADA SUR 11-20  
DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 25, 2012

SKETCH MAP

APPROVED: *Malana P. Salazar*  
MANAGER, R/W ENGINEERING

SCALE 1"=100'

SHEET 1 OF 1

<b>NEVADA DOT</b>	R/W DIVISION	
	TRACED	TKW
	CHECKED	SMS
DATE OF LAST REVISION:		

\\037RightOfWay\Relinquishment\Lander\SUR11-20

301

APN: 005-500-04  
Control Section:LA-04  
Route:US-50 Former Route: 2C  
Surplus No.:SUR 11-20  
Project:N/A  
E.A.:N/A  
Parcel:U-050-LA-023.099XS1

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 an easement interest in that certain right-of-way for a portion of US-50, extending from Highway Engineer's Station "L" 105+70.30 P.O.T. to Highway Engineer's Station "L" 110+67.05 P.O.T; and

WHEREAS, said right-of-way is delineated and identified as Parcel U-050-LA-023.099XS1 on EXHIBIT "A" 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 US-50 being in excess of its needs; and

WHEREAS, the County of Lander has requested the relinquishment of aforesaid portion of highway for public purposes and

WHEREAS, the County of Lander has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of US-50 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 Lander entered into an agreement with the Department on October 11, 2012, to accept the hereinafter described designated road as a part of the Austin Cemetery; and

WHEREAS, the Board of County Commissioners of Lander County, State of Nevada, consented by resolution passed and adopted on October 11, 2012, to the Department relinquishing the aforesaid portion of said road to the County of Lander; 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 Parcel U-050-LA-023.099XS1 on EXHIBIT "A" attached hereto and made a part hereof, is hereby relinquished to the County of Lander of the State of Nevada. Said right-of-way is described as follows:

BEGINNING at the intersection of the left or northerly right-of-way line of US-50 with the west fence of the Austin Cemetery, 99.88 feet left of and at right angles to Highway Engineer's Station "L" 105+70.42 P.O.T.; said point of beginning further described as bearing N. 47°43'06" W. a distance of 8,890.01 feet from a US Dept. of the Interior/BLM cap, accepted as being the section corner common to Sections 19, 20, 29 and 30, T. 19 N., R. 44 E., M.D.M.; thence along the former left or northerly right-of-way line of US-50, the following three (3) courses and distances;

- 1) S. 76°19'43" E. – 1.34 feet;
- 2) S. 13°43'27" W. – 58.74 feet;
- 3) S. 76°00'26" E. – 495.35 feet to the left or westerly right-of-way line of SR-305;

thence S. 14°32'44" W., along said westerly right-of-way line, a distance of 15.02 feet to the left or northerly right-of-way of US-50; thence N. 75°26'52" W., along said northerly right-of-way line, a distance of 496.58 feet; thence N. 13°46'08" E., along said northerly right-of-way line, a distance of 68.90 feet to the point of beginning; said parcel contains an area of 6,336 square feet (0.15 of an acre).

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

It is the intent of the Department to relinquish to the County of Lander all of the Department's right, title and interest in and to the aforesaid described right-of-way as shown on EXHIBIT "A", attached hereto and made a part hereof.

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

APPROVED AS TO LEGALITY AND FORM:

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

\_\_\_\_\_  
,Deputy Attorney General

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

ATTEST:

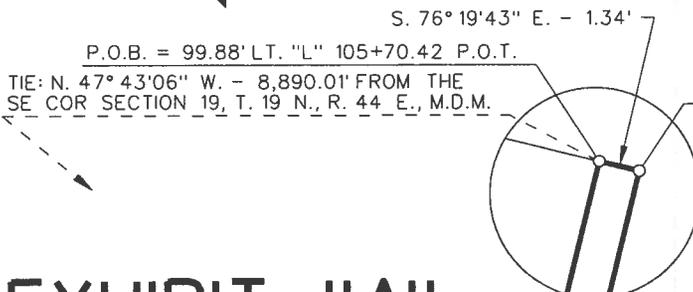
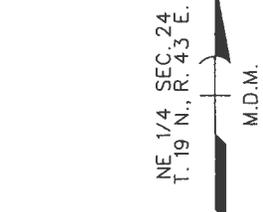
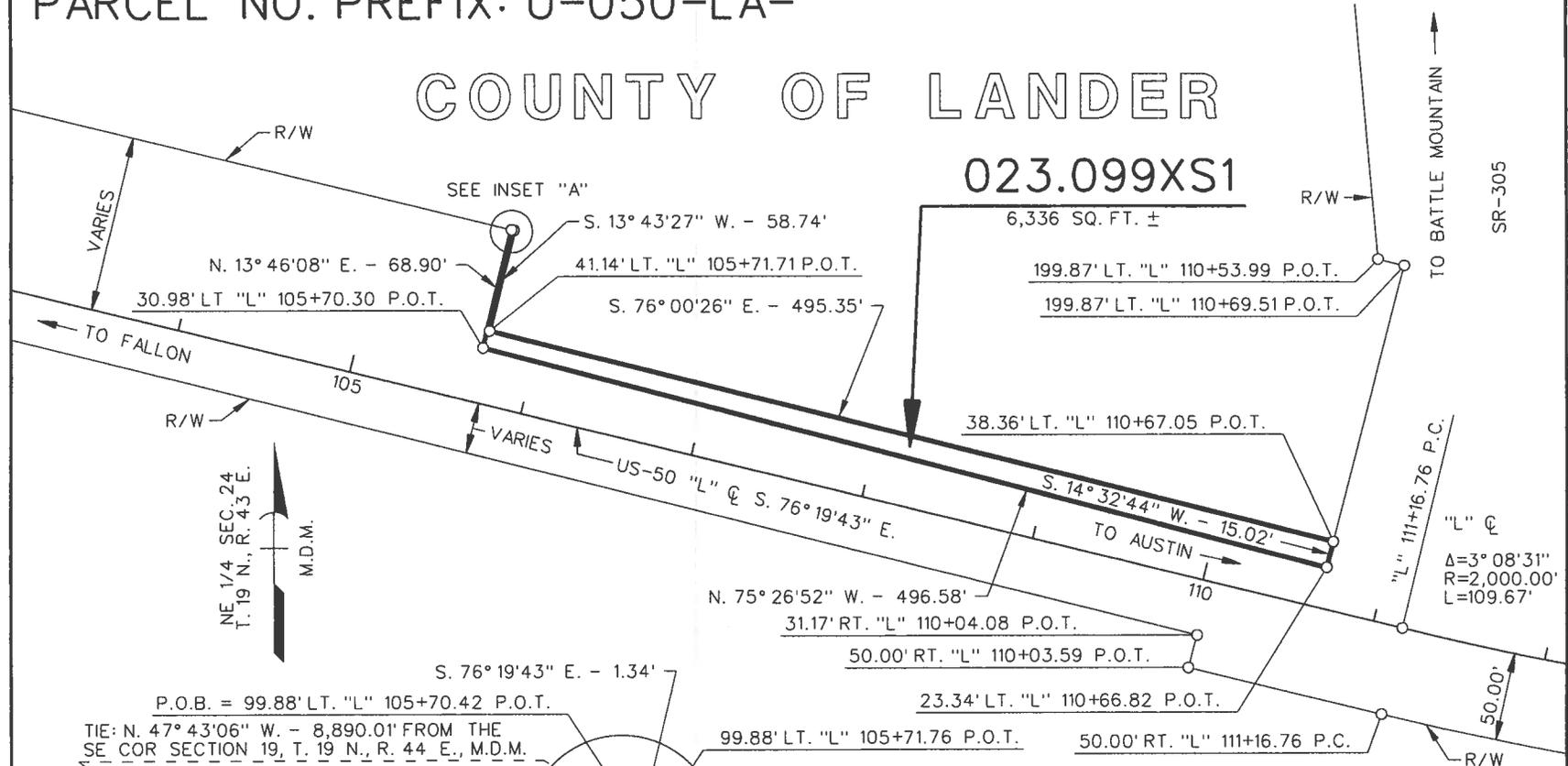
\_\_\_\_\_  
Secretary to the Board

PARCEL NO. PREFIX: U-050-LA-

PORTION OF BLM APPLICATION: NEV 060897

# COUNTY OF LANDER

## 023.099XS1



### EXHIBIT "A"

INSET "A"  
NOT TO SCALE

AREA TO BE RELINQUISHED

LA-04 STATE OF NEVADA SUR 11-20  
DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 25, 2012

### SKETCH MAP

APPROVED: *Malana P. Salazar*  
MANAGER, R/W ENGINEERING

<b>NEVADA DOT</b>	R/W DIVISION	
	TRACED	TKW
	CHECKED	SMS
DATE OF LAST REVISION:		

RESOLUTION CONSENTING TO RELINQUISHMENT  
AND LAND TRANSFER AGREEMENT

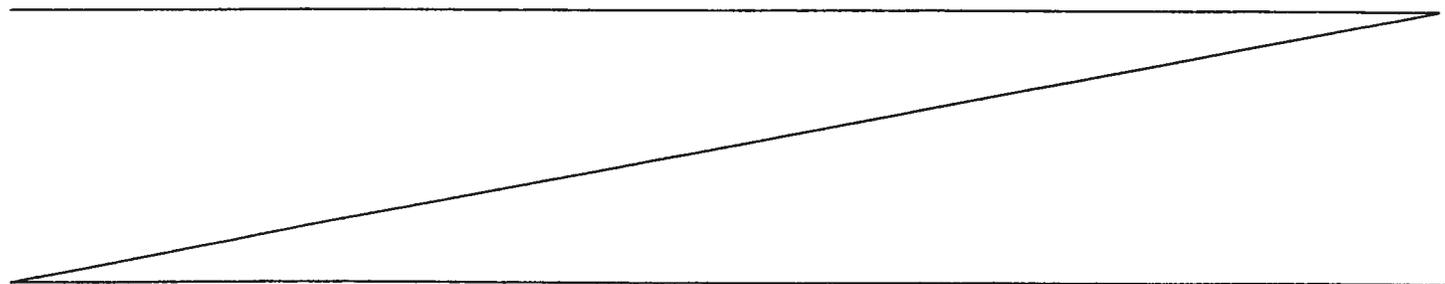
WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish a portion of US-50 lying within the County of Lander, State of Nevada, extending from Highway Engineer's Station "L" 105+70.30 P.O.T. to Highway Engineer's Station "L" 110+67.05 P.O.T, a distance of approximately 0.09 miles, said right-of-way is delineated and identified as Parcel U-050-LA-023.099 XS1 on EXHIBIT "A" attached hereto and made a part hereof; and

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

WHEREAS, the County of Lander has requested the relinquishment of aforesaid portion of highway for the purpose of maintaining the current boundary of the Austin Cemetery; and

WHEREAS, the County of Lander has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of US-50 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 Lander, 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 Lander, that portion of US-50 lying within the County of Lander, State of Nevada, extending from Highway Engineers Station "L" 105+70.30 P.O.T to Highway Engineer's Station "L" 110+67.05 P.O.T a distance of approximately 0.09 miles, being all that right-of-way delineated and identified as Parcel U-050-LA-023.099 XS1 on EXHIBIT "A" 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 11<sup>th</sup> day of October, 2012.

ATTEST:  
Sadie Sullivan  
Sadie Sullivan, Clerk

BOARD OF COUNTY COMMISSIONERS  
Dean Bullock  
Dean Bullock, Chairman

Steven Stienmetz  
Steven Stienmetz, Vice Chairman

Brian Garner  
Brian Garner, Commissioner

Ray B. Williams, Jr.  
Ray Williams, Jr., Commissioner

Dave Mason  
Dave Mason, Commissioner

REVIEWED AND RECOMMENDED BY:  
Paul A. Saucedo  
Paul A. Saucedo, Chief Right-of-Way Agent

APPROVED FOR LEGALITY AND FORM:  
Dennis Gallagher  
Dennis Gallagher, Chief  
Deputy Attorney General/Chief Counsel

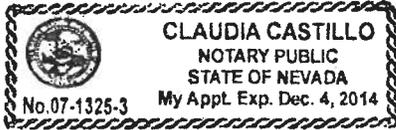
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STATE OF NEVADA acting by and through its  
Department of Transportation  
Rudy Malfabon  
Rudy Malfabon P.E., Director

STATE OF NEVADA  
CARSON CITY

On this 7 day of March, 2013, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, John M. Terry personally known (or proved) to me to be the Assistant 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.

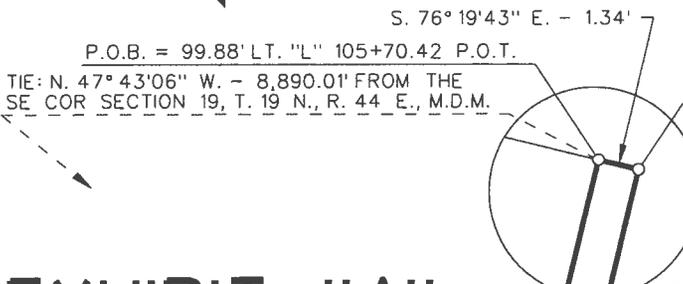
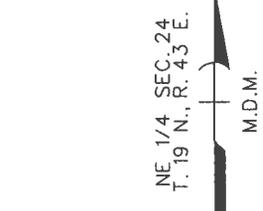
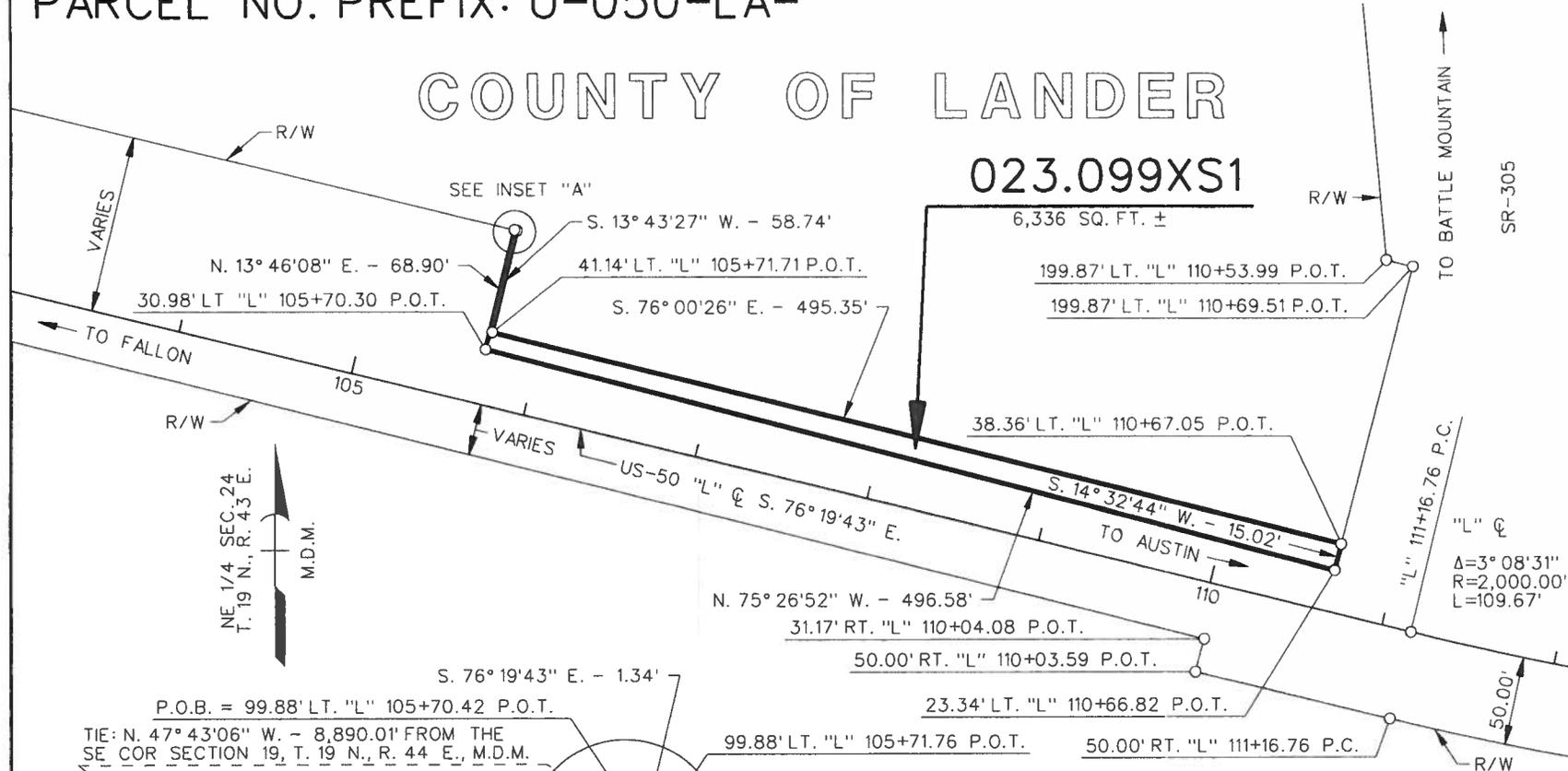
Claudia Castillo

PARCEL NO. PREFIX: U-050-LA-

PORTION OF BLM APPLICATION: NEV 060897

# COUNTY OF LANDER

## 023.099XS1



### EXHIBIT "A"

INSET "A"  
NOT TO SCALE

AREA TO BE RELINQUISHED

LA-04 STATE OF NEVADA SUR 11-20  
DEPARTMENT OF TRANSPORTATION

DATE: SEPTEMBER 25, 2012

### SKETCH MAP

APPROVED: *Malana P. Salazar*  
MANAGER, R/W ENGINEERING

	R/W DIVISION	
	TRACED	TKW
	CHECKED	SMS
DATE OF LAST REVISION:		



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

**MEMORANDUM**

**Environmental Services Division**

**December 17, 2012**

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

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

**Subject:** Environmental Clearance for Transportation Board  
Surplus No.: SUR 11-20  
Parcel: U-050-LA-023.099 XS1  
Control Section: LA-04  
Route: US-50  
Lander County, NV  
Disposal by Relinquishment to Lander County

---

The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern.

Cc: Project File

**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)



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Fax: (775) 888-7201

## **MEMORANDUM**

**March 13, 2013**

**TO: Department of Transportation Board of Directors**  
**FROM: Rudy Malfabon, P.E., Director**  
**SUBJECT: April 8, 2013 Transportation Board of Directors Meeting**  
**ITEM #11: Approval of Amendments and Administrative Modifications to the FFY 2012-2015 Statewide Transportation Improvement Program (STIP) – For Possible Action.**

---

### **Summary:**

At the October 10, 2011 State Transportation Board of Directors Meeting, the FY 2012 – 2015 Statewide Transportation Improvement Program (STIP) was approved as a part of the FY 2012-2021 Transportation Systems Projects (TSP). Amendments and Administrative Modifications are made throughout the year to the document in order to facilitate projects. NDOT staff works closely with the local Metropolitan Planning Organizations (MPO's) and local governments to facilitate these project changes. Attachment "A" lists Administrative Modifications and other state program projects. NDOT is requesting the State Transportation Board's approval of these changes as summarized in Attachment "A".

### **Background:**

NDOT staff works continuously all year with federal and regional agencies, local governments, and planning boards to develop the *Transportation System Projects* notebook. The fiscal years 2012-2021 document contains the:

Statewide Transportation Improvement Program (STIP), FY 2012-2015  
Annual Work Program (AWP), FY 2012  
Short Range Element (SRE), FY 2013-2014  
Long Range Element (LRE), FY 2015-2021

Attachment "A" details Amendments to projects which include any actions taken in Washoe, Clark, CAMPO, and TMPO Transportation Improvement Plans (TIP) and areas outside of the MPO boundaries since the last time the Board approved changes to the STIP on February 11, 2013.

Attachment "B" details Administrative Modifications to projects which include any actions taken in Washoe, Clark, CAMPO, and TMPO Transportation Improvement Plans (TIP) and areas outside of the MPO boundaries since the last time the Board approved changes to the STIP on February 11, 2013.

**Analysis:**

The attached listing of amendments and administrative modifications to projects are those completed since the February 11, 2013 Transportation Board approval of the *Transportation System Projects* notebook for fiscal years 2012-2021.

**Recommendation for Board Action:**

Approval of the Amendments/Administrative Modifications to the FY 2012 – 2015 Statewide Transportation Improvement Program (STIP).

**List of Attachments:**

- A. List of Amendments
- B. List of Administrative Modifications

**Prepared by:**

Tom Greco, Assistant Director Planning

## **Project Amendments List (1/18/13 – 3/12/13)**

### **RTC of Southern Nevada**

#### **RTCSN Submittal of their FY 2013-2016 Transportation Improvement Program (TIP):**

- adopts the RTCSN TIP

#### **Clark Amendment #1** to the 2012-2015 STIP:

- incorporates the RTCSN TIP into the STIP by adding new projects, moving existing projects, and adjusting funding amounts and funding sources for existing projects

#### **STIP funding source pages revised/created in association with this action:**

Clark 1 – 26 (All Clark County STIP pages)

- *(note that Clark pages 11, 12, 14, 17-21, 23, 24 have been removed and replaced with a blank page as the previous funding sources are not identified in the new FY 2013 TIP)*

State 1 (National Highway System)	State 11 (State Gas Tax)
State 3 (High Priority, SAFETEA LU)	State 15 (Trans, Comm, & Sys Preservation)
State 4 (Transportation Improvements)	State 27 (State Match – Arizona)
State 5 (Bonded Project)	State 28 (State Match – Nevada)
State 6 (Forest Highways)	State 30 (SPR Funds – Nevada)
State 7 (Public Lands Highways)	State 35 (FY2010 Omnibus Approp Act)
State 9 (Interstate Maintenance – Discretionary)	

### **Washoe County RTC**

(NO AMENDMENTS MADE)

### **Carson Area MPO**

(NO AMENDMENTS MADE)

### **Tahoe MPO**

#### **TMPO Submittal of their FY 2013-2016 Federal Transportation Improvement Program (FTIP):**

- adopts the TMPO FTIP

#### **TMPO Amendment #2** to the 2012-2015 STIP:

- incorporates the TMPO FTIP into the STIP by adding new projects, moving existing projects, and adjusting funding amounts and funding sources for existing projects

#### **STIP funding source pages revised/created in association with this action:**

State 11 (State Gas Tax)

Lake Tahoe 1 (Local Transportation Funds (TMPO))

Lake Tahoe 2 (FTA Section 5309 – Fixed Guideway Modernization (TMPO))  
 Lake Tahoe 3 (Scenic Byway)  
 Lake Tahoe 4 (FTA Section 5311 – Non Urbanized (TMPO))  
 Lake Tahoe 5 (FTA Section 5317 - New Freedom Program (TMPO)).  
 Lake Tahoe 6 (Federal Lands Highways Program (TMPO))

## **Statewide/Rural**

### **Statewide Amendment #5 to the 2012-2015 STIP:**

- adds the following projects using FTA Section 5311 Small Urban & Rural Public Transportation funds:
  - XS20130002 - *Silver State Trailways: Intercity Service from Las Vegas to Reno*
  - HU20130002 - *Humboldt County Senior Center: Construction of a Building to House Vehicles*
  - XS20130003 - *Capital Paratransit Vans for Miscellaneous Subrecipients*
- removes the following projects from the FTA Section 5311 Small Urban & Rural Public Transportation fund source and deletes from the STIP:
  - NV20120003 - *Fallon Industries: Operating & Administrative Expenses for Disabled Demand Response Service*
  - NV20120009 - *Pahrump Senior Center Transit Service: Operating & Administrative Expenses for Demand Response Service*
- moves the following project from FTA Section 5310 Small Urban & Rural Public Transportation fund source to FTA Section 5311 Small Urban & Rural Public Transportation fund source:
  - NV20120001 - *Churchill County (CART) Transit Service in Fallon and Surrounding Area: Operating & Administrative Expenses for a Deviated Fixed Route and Demand Response Transit*
- revises funding sources for Elko 3-R projects EL20100047, EL20100048, & EL20090035 for the construction of curb, gutter, and sidewalk from State to Federal funds utilizing STP 5-200K and STP Statewide fund sources
- makes adjustments to FY12 – FY15 funding amounts for projects under FTA Section 5310 & 5311 Small Urban & Rural Public Transportation funding sources, and adds *Connected Vehicles Initiative – Installation of ITS Equipment in NDOT Vehicle Fleet* to the 2012-2015 STIP utilizing Integrated Mobile Observation Project funds

### **STIP funding source pages revised in association with this action:**

State 2 (STP Statewide)  
 State 21 (FTA Section 5311 Small Urban & Rural Public Transportation)  
 State 23 (FTA Section 5310 Small Urban & Rural Public Transportation)  
 State 28 (State Match – Nevada)  
 State 33 (Integrated Mobile Observation Project – Nevada Testbed)  
 State 34 (STP 5 – 200K)

**List of Administrative Modifications (1/18/13 – 3/12/13)**

**RTC of Southern Nevada**

(NO ADMINISTRATIVE MODIFICATIONS MADE)

**Washoe County RTC**

(NO ADMINISTRATIVE MODIFICATIONS MADE)

**Carson Area MPO**

(NO ADMINISTRATIVE MODIFICATIONS MADE)

**Tahoe MPO**

(NO ADMINISTRATIVE MODIFICATIONS MADE)

**Statewide/Rural**

(NO ADMINISTRATIVE MODIFICATIONS MADE)



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

## MEMORANDUM

March 18, 2013

**To:** Department of Transportation Board of Directors  
**From:** Rudy Malfabon, Director  
**Subject:** April 8, 2013 Transportation Board of Directors Meeting  
**Item #12:** Approval of the first Guaranteed Maximum Price (GMP) for the Carlin Tunnels Construction Manager at Risk (CMAR) Project – For possible action

---

### **Summary:**

The Nevada Department of Transportation is seeking approval by the Board of Directors to award the following Construction Contract to Q&D Construction Inc. for a negotiated Guaranteed Maximum Price (GMP) not to exceed \$2,818,944.00. The GMP was achieved in accordance with the Department's Pioneer Program Process for Construction Manager at Risk (CMAR) procurements as approved by the Board on December 12, 2011, and in accordance with applicable sections of Nevada Revised Statute (NRS) Chapter 338. The CMAR procurement process requires Board review and approval of the CMAR construction contract after its negotiation by the parties.

This is the first of two or more GMPs. Based on the current preconstruction schedule, The Board of Directors can expect a second GMP presented at the May 2013 Transportation Board meeting.

### **Background:**

The Department proposes to extend the service life of Interstate 80 (I-80) in Elko County from milepost EL-7.5 to milepost EL-9.33. 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 roadway pavement;
- Rehabilitating and seismically retrofitting Carlin Canyon Bridge #1, #2, #3, and #4; and
- Repairing and upgrading the Carlin Tunnels, including improvements to the existing lighting in the Tunnels.

In December 2012, the Department assembled the Project Team consisting of Q&D Construction Inc. (Q&D), Stanley Consultants (ICE), and NDOT Design Team (Engineer) to implement the CMAR process. Team collaboration improved constructability; identified, evaluated, and mitigated project risks; finalized the design plans and specifications; and developed schedules and cost estimates. These efforts culminated in a finalized bid package upon which a negotiated GMP bid was submitted by Q&D, the CMAR contractor.

## **Analysis:**

With the help of the Contractor, the Project Team developed the goal to maximize the construction work performed in 2013 and reduce the overall construction schedule. A late start in 2013 restricts operations by the contractor before the winter shutdown. This start makes it unrealistic to complete the Project within two seasons, and extends the construction contract to 2015. A third construction season increases cost to the Project and extends impacts to highway users. In achieving this goal, it was critical to identify opportunities to commence construction on portions of the work before all of the design is complete. The work for the first GMP includes:

- Coldmilling and Placing Plantmix Bituminous Surface on the Detour Road (Old US-40);
- Paving Interstate Crossovers; and
- Purchasing Lighting Fixtures.

Q&D, the ICE, and the Engineer each evaluated the design plans, assessed project risks, and independently prepared an Opinions of Probable Construction Cost (OPCC) at specified Milestones during the design process:

- The NDOT Design team advanced design plans based on the input of Q&D.
- During the risk workshops the Project Team identified, evaluated, and mitigated Project risks which resulted in schedule reduction and construction costs savings.
- At each OPCC the Engineer, the ICE, and Q&D submitted independent estimates of construction costs which were reviewed and discussed by the Project Team.
- Early construction work and long-lead items were identified to reduce cost and minimize the impact to the traveling public.
- Following the final OPCC and prior to the GMP, the Department began negotiations with Q&D.
- The final Project documents for Package 1 were placed into NDOT's electronic bidding system and both Q&D and the ICE bid the project separately and independently.

The attached Concurrence in Award (Attachment B) summarizes the work completed by the Project Team during the preconstruction development of the Project and summarizes the Construction Contract terms and conditions. It also provides a summary of the primary issues considered in negotiation of the GMP and describes the Project completion milestones.

## **List of Attachments:**

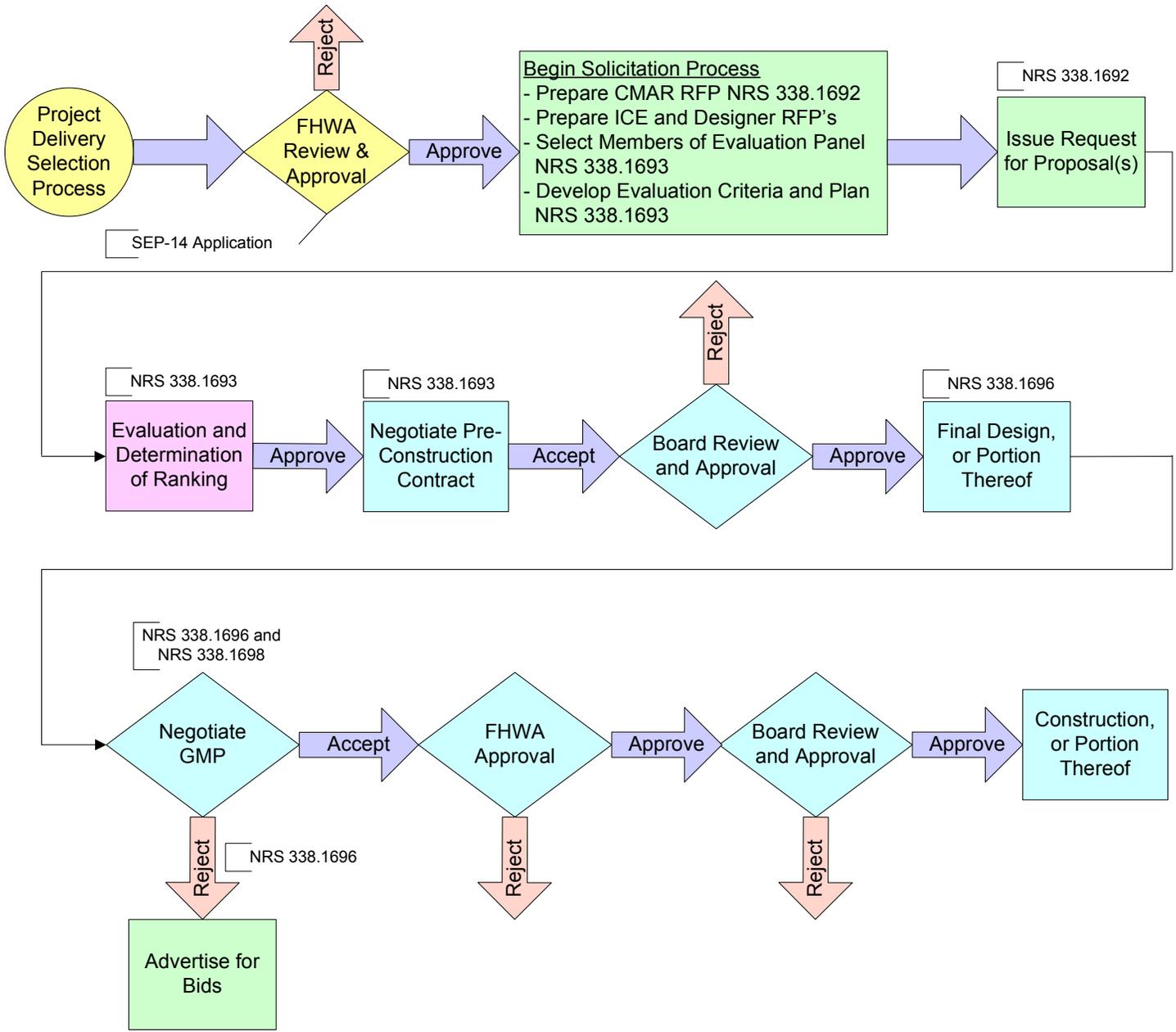
- A. Pioneer Program CMAR Process (flowchart)
- B. Concurrence in Award

## **Prepared by:**

Dale Keller, Project Manager

# NDOT CMAR Process

November 7, 2011



## Legend



= Identification Phase



= Evaluation Phase



= Solicitation Phase



= Award/Implementation Phase

### Terminology

RFP = Request for Proposal

GMP = Guaranteed Maximum Price



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

BRIAN SANDOVAL  
Governor

RUDY MALFABON, P.E.  
Director

March 15, 2013

A070  
Ms Susan Klekar  
Division Administrator  
Federal Highway Administration  
705 North Plaza Street #220  
Carson City NV 89701

Contract No. 3537

Dear Ms. Klekar:

Concurrence in Award for Construction Manager at Risk (CMAR) Contract No. 3537, Project No. STP-BR-080-4(092), I-80 at the Carlin Tunnels, GMP#1, MP EL- 7.5 TO EL- 9.33., Elko County.

This is to advise you that on March 14, 2013, Guaranteed Maximum Price (GMP) Submittals were received for the subject contract. Q & D Construction, Inc. submitted their GMP in the amount of \$2,818,944.00. Stanley Consultants submitted the Independent Cost Estimate (ICE) in the amount of \$2,757,822.30.

As required by Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 1, the Anti-Collusion Affidavit is on file in this office and the notices concerning "Certification of Non-Segregated Facilities" and "Implementation of Clean Air Act and Federal Water Pollution Control Act" were included in the bid proposal.

Q & D Construction, Inc. is prequalified in accordance with our prequalification procedures and was eligible to submit a proposal for the project.

Attached is a copy of the bid tabulation for this contract, and the NDOT Contract Compliance Approval Memo.

Your concurrence in award of this contract by your endorsement hereon is respectfully requested. Please return an approved copy to this office.

Sincerely,

Christi Thompson  
Administrative Services Officer

CT: ts

Approved:

3/18/2013



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

## MEMORANDUM

March 25, 2013

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** April 8, 2013 Transportation Board of Directors Meeting  
**Item #13:** Old Business

---

### **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 March 18, 2013 - *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 March 18, 2013 - *Informational item only.*

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

Informational item only.

### **Prepared by:**

Rudy Malfabon, Director

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF MARCH 15, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Pioneer Program Legal and Financial Planning NDOT Agmt No. P282-09-002	9/23/09 - 7/1/13	9/23/2009	\$ 125,000.00	\$ 630,000.00	\$ 225,936.89
		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		
Chapman Law Firm	NDOT vs. <i>Ad America</i> 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	\$ 281,675.00	\$ 15,068.24
		Amendment #1	8/30/2012	Expansion of Scope		
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 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	\$ 48,036.94
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 3/30/2015	3/1/2012	\$150,000.00	\$ 225,000.00	\$ 71,781.17
		Amendment #1	2/18/13	\$75,000.00		
Snell & Wilmer, LLP	<i>Construction Claims Williams Brother, Inc.</i> 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	\$ 28,125.50
Chapman Law Firm	NDOT vs. <i>Blue Diamond R.V. and Storage</i> 8th JD A610962 RE: Work Order 20359000 NDOT Agmt No. P155-12-004	4/24/2012 - 4/24/14	4/24/2012	\$ 107,425.00	\$ 195,675.00	\$ 16,303.34
		Amendment #1	8/30/2012	\$ 88,250.00		
Chapman Law Firm	NDOT vs. <i>Vegas Group, LLC</i> 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	\$ 541,800.00	\$ 541,800.00	\$ 438,304.12
Chapman Law Firm	NDOT vs. <i>Carrie Sanders</i> 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	\$ 541,800.00	\$ 541,800.00	\$ 507,692.29
Chapman Law Firm	NDOT vs. <i>Gendall</i> 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	\$ 541,800.00	\$ 541,800.00	\$ 522,122.65
Chapman Law Firm	NDOT vs. <i>Robarts 1981 Decedents Trust</i> 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 10/12/14	10/23/2012	\$ 475,725.00	\$ 475,725.00	\$ 451,439.28
Chapman Law Firm	NDOT vs. <i>Catello Family Trust</i> 8th JD - A-12-671920-C Project Neon - Las Vegas NDOT Agmt No. P476-12-004	11/16/12 - 11/30/15	11/16/2012	\$ 449,575.00	\$ 449,575.00	\$ 439,877.88

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF MARCH 15, 2013						
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. MLK-ALTA 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 455,525.00	\$ 455,525.00	\$ 439,583.89
Chapman Law Firm	NDOT vs. Highland Partnership 1980 8th JD - Project Neon - Las Vegas NDOT Agmt No. P507-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 447,075.00
Chapman Law Firm	NDOT vs. Highland 2000-I, LLC 8th JD - A-12-671915-C Project Neon - Las Vegas NDOT Agmt No. P501-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 429,658.67
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14	12/16/2012	\$ 300,000.00	\$ 300,000.00	\$ 209,567.00
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/22/15	1/22/2013	\$205,250.00	\$ 205,250.00	\$ 193,977.70
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/2013	\$275,000.00	\$ 275,000.00	\$ 228,785.99
Sylvester & Polednak, Ltd.	NDOT vs. Railroad Pass 8th JD - A-12-665330-C Boulder City Bypass Project NDOT Agmt No. P072-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 274,375.00
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 274,950.00
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 200,000.00	\$ 200,000.00	\$ 199,925.00
* 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 - March 15, 2013							
Case Name	Nature of Case	NDOT	Owner's	Settlement	Outside Counsel to Date		
		Offer	Demand		Fees	Costs	Total
<b>Condemnations</b>							
NDOT vs. 2.5 Acres @ Dean Martin, LLC	Eminent domain - I-15 Cactus	\$ 3,000.00	None Presented				
NDOT vs. AD America, Inc. (Cactus - Direct)	Eminent domain - I-15 Cactus	\$ 360,000.00	\$ 1,850,000.00		\$ 56,683.75	\$ 12,154.86	\$ 68,838.61
NDOT vs. Catello Family Trust, Carmine V.	Eminent domain - Project Neon	\$ 247,000.00	None Presented		\$ 8,430.00	\$ 1,267.12	\$ 9,697.12
NDOT vs. Falcon Capital	Eminent domain - I-580	\$ 8,167.00	\$ 33,589,000.00	\$ 20,776,268.60			
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 1,860,000.00	None Presented				
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 1,645,000.00	None Presented		\$ 17,903.50	\$ 1,773.85	\$ 19,677.35
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 2,926,650.00	\$ 5,878,228.00				
NDOT vs. Highland 2000-I, LLC	Eminent domain - Project Neon	\$ 5,479,200.00	\$ 10,788,490.00				
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 353,000.00	\$ 1,900,000.00				
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	\$ 883,400.00	None Presented		30,675.00	3,432.71	\$ 34,107.71
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 337,000.00	\$40,000,000 - \$60,000,000 not including severance damages and prejudgment interest				
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 2,083,000.00	\$ 9,000,000.00				
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Eminent domain - I-15 and Warm Springs	\$ 10,800.00	\$ 101,900.00				
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 1,901,300.00	None Presented				
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 2,041,000.00	\$ 12,700,000.00				
NDOT vs. Union Pacific Railroad Co.	Eminent domain - Reconn. of SR 317		None Presented				
NDOT vs. Vegas Group, LLC	Eminent domain - Project Neon	\$ 4,720,000.00	None Presented	\$ 10,625,000.00	77,565.52	25,930.63	\$ 103,496.15
NDOT vs. Woodcock, Jack	Eminent domain - I-15 and Warm Springs	\$ 63,500.00	\$ 250,000.00				
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 1,286,303.00	\$ 10,000,000.00				

Monthly Litigation Report to the Nevada Department of Transportation - March 15, 2013						
Case Name	Nature of Case	Plaintiff's Prayer/Offer	Settlement	Outside Counsel to Date		
				Fees	Costs	Total
<b>Inverse Condemnations</b>						
AD America, Inc. vs. NDOT (Cactus-Inverse)	Inverse condemnation - I-15 Cactus			\$ 20,653.75	\$ 2,794.61	\$ 23,448.36
AD America, Inc. vs. NDOT (NEON-Inverse)	Inverse condemnation - Project Neon			\$ 143,282.00	\$ 18,169.87	\$ 161,451.87
AD America, Inc. vs. NDOT (SouthPoint)	Inverse condemnation - I-15 Cactus			\$ 12,448.55	\$ 419.37	\$ 12,867.92
Blue Diamond RV & Storage vs. NDOT	Inverse condemnation - Blue Diamond Road		\$ 875,000.00	\$ 163,094.22	\$ 16,277.44	\$ 179,371.66
MLK-ALTA vs. NDOT	Inverse condemnation - Project Neon					
NV Energy vs. Highland A.V.A and NDOT	Inverse condemnation - Project Neon					
NV Energy vs. Westcare Works and NDOT	Inverse condemnation - Project Neon					
P8 Arden, LLC vs. NDOT	Inverse condemnation - Blue Diamond Road		\$ 650,000.00			
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon			23,087.50	1,198.22	\$ 24,285.72
Rural Telephone vs. Dorsey Ln, NDOT	Public utility seeks permanent easement					
<b>Torts</b>						
Allstate Insur. vs. Las Vegas Paving;NDOT	Plaintiff alleges property damage and negligence					
Austin, Renee vs. State, NDOT	Plaintiff alleges negligence causing personal injury					
Calkins, Allan Bruce vs. Baptista vs. NDOT	Plaintiff alleges negligence personal injury (3rd party)					
Chadwick, Estate of Lonnie Joe vs. NDOT	Estate alleges transfer of property without court order					
Ewasko vs. State, NDOT	Plaintiff alleges negligence in design of truck ramp					
Harper, Kenneth J. vs. NDOT	Plaintiff alleges negligence/personal injury/wrongful death					
Marshall, Charles vs. State, NDOT	Plaintiff alleges personal injury					
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access					
State Farm Fire and Casualty Co. vs. NDOT	Plaintiff alleges negligence in failure to maintain roadway					
Tefft vs. State, NDOT	Plaintiff's allege breached duty in construction of median					
<b>Contract Disputes</b>						
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207			\$ 146,752.50	\$ 6,466.33	\$ 153,218.83
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93			\$ 98,694.00	\$ 3,269.06	\$ 101,963.06
Pacific Coast Steel vs. State, NDOT	Plaintiff alleges delays/incomplete design on I-580 Galena			\$ 33,306.00	\$ 600.28	\$ 33,906.28
<b>Personnel Matters</b>						
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment violation - discrimination					
Cooper, Jennifer vs. State, NDOT	Plaintiff appeals trial verdict of alleged decrimination					
Lau, Stan vs. State, NDOT	Plaintiff is appealing termination					

3/18/2013

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
3/17/2013		2	2	3/17/2012	3	3	-1	-1
MONTH		9	9	MONTH	13	13	-4	-4
YEAR		55	57	YEAR	53	57	2	0

CRASH AND FATAL COMPARISON BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Crashes	2013 Crashes	% CHANGE	2012 Fatalites	2013 Fatalities	% Change	2012 Alcohol Crashes	2013 Alcohol Crashes	% Change	2012 Alcohol Fatalities	2013 Alcohol Fatalities	% Change
CARSON		3			3							
CHURCHILL												
CLARK	41	40	-2.4%	45	42	-6.7%	13	4	-69.2%	13	4	-69.2%
DOUGLAS	1	1	0.0%	1	1	0.0%		1			1	
ELKO	2		-100.0%	2		-100.0%	1		-100.0%	1		-100.0%
ESMERALDA												
EUREKA	1		-100.0%	1		-100.0%						
HUMBOLDT	1		-100.0%	1		-100.0%	1		-100.0%	1		-100.0%
LANDER	1		-100.0%	1		-100.0%						
LINCOLN		2			2			1			1	
LYON		1			1			1			1	
MINERAL	1		-100.0%	1		-100.0%						
NYE	3	2	-33.3%	3	2	-33.3%						
PERSHING												
STOREY												
WASHOE	2	6	200.0%	2	6	200.0%	1	2	100.0%	1	2	100.0%
WHITE PINE												
YTD	53	55	3.8%	57	57	0.0%	16	9	-100.0%	16	9	-43.8%
TOTAL 12	234	-----	-76.5%	258	-----	-77.9%	37	-----	-75.68%	42	-----	-78.57%

2012 AND 2013 ALCOHOL CRASHES AND FATALITIES ARE BASED ON PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Vehicle Occupants	2013 Vehicle Occupants	% Change	2012 Peds	2013 Peds	% Change	2012 Motor-Cyclist	2013 Motor-Cyclist	% Change	2012 Bike	2013 Bike	% Change	2012 Other	2013 Other
CARSON		1			2									
CHURCHILL														
CLARK	23	26	13.0%	9	11	22.2%	8	4	-50.0%	1	1	0.0%	1	
DOUGLAS		1		1		-100.0%								
ELKO	2		-100.0%											
ESMERALDA														
EUREKA	1		-100.0%											
HUMBOLDT	1		-100.0%											
LANDER	1		-100.0%											
LINCOLN		2												
LYON		1												
MINERAL	1		-100.0%											
NYE	1		-100.0%	1	1	0.0%		1		1		-100.0%		
PERSHING														
STOREY														
WASHOE	1	3	200.0%	1	1	0.0%		2						
WHITE PINE														
YTD	31	34	9.7%	12	15	25.0%	8	7	-12.5%	2	1	-50.0%	1	0
TOTAL 12	156	-----	-78.21%	58	-----	-74.14%	37	-----	-81.08%	3	-----	-66.67%	4	-----

Total 2012 258