



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
October 12, 2015 – 9:00 a.m.

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. September 14, 2015 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
6. Public hearing to act upon a regulation converting a temporary regulation to a permanent regulation in the matter concerning road relinquishments by and between the Nevada Department of Transportation and local governments – *For possible action.*
Time Certain Agenda Item: 9:30 a.m.
7. Report by Nevada Highway Patrol on Cooperative Efforts between the Nevada Department of Transportation and the Nevada Department of Public Safety – Highway Patrol Division to Improve Traffic Safety – *Informational item only.*
8. Approval of Contracts over \$5,000,000 – *For possible action*
9. Approval of Agreements over \$300,000 – *For possible action.*
10. Contracts, Agreements, and Settlements – *Informational item only.*
11. Condemnation Resolution No. 452 – *For possible action.*

I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, Project NEON; in the City of Las Vegas, Clark County; 3 owners – 11 parcels
12. Approval of Equipment Purchase in Excess of \$50,000 – Digital Camera System – *For possible action.*
13. Approval of Equipment Purchase in Excess of \$50,000 – Attachment for Wheel Loader – *For possible action.*
14. Announcement of Apparent Best Value Proposer to Design and Build Project NEON – *Informational item only.*
15. Update on Replacement of the 800 MHz Radio System – *Informational item only.*

16. 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 September 28, 2015 – *Informational item only.*
 - d. Update on Freeway Service Patrol – *Informational item only.*
17. 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.*
18. 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.
- Request for such supporting materials should be made to Holli Stocks at (775) 888-7440 or hstocks@dot.state.nv.us. Such supporting material is available at 1263 South Stewart Street, Carson City, Nevada 89712 and if available on-line, at www.nevadadot.com.

This agenda was posted at 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
Las Vegas, Nevada

Nevada Dept. of Transportation
310 Galletti Way
Sparks, Nevada

Nevada Dept. of Transportation
1951 Idaho Street
Elko, Nevada

Governor's Office
Capitol Building
Carson City, Nevada



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

MEMORANDUM

October 12, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015, Transportation Board of Directors Meeting
Item # 2: Presentation of Awards – Informational Item Only

Summary:

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

University of Nevada, Las Vegas Vulnerable Road Users Project—Best of the Best Bill Story, NDOT Bike and Pedestrian

Each year the University of Nevada, Las Vegas's Vulnerable Road Users Project recognizes the "Best of the Best for Vulnerable Road User Safety." This year NDOT's Bill Story was honored in the "Angel" category for his partnership, guidance and expertise in making Clark County safer bicyclists and pedestrians. Bill's efforts include making bike helmets available for those in need, helping to get bike safety education into every classroom in Clark County, and working on legislation for several bills to improve the safety of those on foot and bike.

Tahoe Regional Planning Agency (TRPA) SR 207 Reconstruction and Water Quality Improvement Project 2014 Best in the Basin Award

NDOT was awarded the 2014 Best in the Basin Award for the Reconstruction and Water Quality Improvement Project on SR 207, Kingsbury Grade. The project improved water quality by constructing and improving water quality basins and stabilizing and protecting road shoulders. By addressing water quality, aesthetic, and safety improvements, the project will continue to significantly improve the health of Lake Tahoe.

AASHTO's Faces of Transportation Competition Sholeh Moll, NDOT Photographer/Videographer 1st Place, In-House Production/Amateur/Novice Category

Photographer Sholeh Moll won first place for her up-close and personal video of a Snow Plow Ride-Along on Mount Rose Highway. Highway Maintenance worker Russ Hires gave Sholeh insight and a first-hand experience of what it's like to plow snow near Lake Tahoe.
<https://www.youtube.com/watch?v=VgHixZN7w50&feature=youtu.be>

Recommendation for Board Action:

This is an informational item only.

Attachments:

None

Prepared by:

Julie Duewel, Public Information Officer

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Governor Brian Sandoval
Lieutenant Governor Mark Hutchison
Controller Ron Knecht
Tom Skancke
Len Savage
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: I will call the Department of Transportation, Board of Directors Meeting to order. We will begin with Agenda Item No. 1, Director's Report. Director Malfabon.

Malfabon: Thank you Governor, Board Members, good morning. We're pleased to announce the newest member of our Executive Team at NDOT, Dave Gaskin, is the new Deputy Director for Storm Water and Environmental. He's really hitting the ground running. Formally Bureau Chief at Division of Environmental Protection for the State of Nevada, in charge of water quality programs. We're pleased to have him on board. He's aware of the huge task ahead of him in implementing a better Storm Water Program at the Department and he's got familiarity with the US EPA Staff in the San Francisco Office, the Regional Office. So, able to hit the ground running and welcome Dave. Could you please stand Dave?

And, in future months, Dave will give a more comprehensive update on the Storm Water Program, but I do have a few highlights for the Director's Report. So, Dave has conducted interviews for his new Division Chief for Storm Water and there's other new positions for the Storm Water Program have been filled and many are advertised. Some are in the District Maintenance crews, have been advertised. So, we're pleased with the amount of progress we're making on filling those positions. I know it's a lot of work for our Human Resources staff at NDOT and I wish to thank them for that effort.

We're meeting with the US EPA, here in Carson City on September 25th with the Governor's staff. Appreciate the amount of support that we received from your staff, Governor, it's been huge. And, we're continuing with our storm water projects to improve water quality. So, wrapping up the US-50 Clear Creek

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Project and starting out on the maintenance yard improvements in Reno and Carson City.

A little update on federal funding. We had previously reported that we had a short-term extension through October 29th and the House version is going to be released, possibly this week for the long-term transportation bill; but the USDOT reports positively that the Highway Trust Fund, with the additional revenue from the General Fund, it's solvent through mid-2016. Unfortunately, that means that it's likely that we'll see a short-term extension again before the long-term bill gets reconciled between the House and the Senate. I think there's a comment from Member Skancke.

Sandoval: Yes, Member Skancke.

Skancke: Thank you Governor. On the federal part, Rudy, it's come to my attention through a lot of research on the DRIVE Act that the population numbers that we're using in Map 21 and in the DRIVE Act are actually 2000 population census numbers. Now, that's great if you're east of the Mississippi, but it's not so great for those of us west of the Mississippi and that—what Congress is basically telling us that, and kind of patting us on the head in saying, well at least you're not being penalized. If you look at the population growth over the last 15 years in our state particularly, we are being penalized. The formula and the funding and everything is based upon 2000 Census. I know in my community in Las Vegas the population has grown probably 30% in the last 15 years.

So, there's a coalition of folks that are being put together right now to discuss these western issues. I wanted to raise that today because I wanted to, Governor, put it on your plate. I think it's a Western Governor's issue. It's great if you're Chicago or New York or Boston when you get 2000 population numbers, but since 2000, they've had a substantial decrease in population and western states have a substantial increase in population and there is an inequity. I would just like to say that I think western states should rally together and have a conversation with their members of Congress to level out that formula and level out those numbers. Congress should be debating this on a 2014 population number not 2000 and then Nevada would get more than an extra \$5M out of the dry vat. I think Nevada should be getting an extra \$50M to \$100M out of the dry vat and we would be—I'm probably a little high on that, but we would be—we'll I'm not actually high, the number is actually high. Let me clarify that for the record. Yeah, I don't represent that industry either by the way. That number might be

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

high, but I think we should do the math and find out how much we're not getting. Then Governor, it might be a good idea to bring this up to the Western Governors Association because all of these states west of the Mississippi are being penalized.

I think it's also important to note that right now, we're all Donee States, because right now we're subsidizing the Federal Trust Fund with General Fund dollars. So, I think there needs to be a really substantive conversation around how this formula—while people say we're doing better because we got an extra \$5M in the dry vat, which is better than nothing, but I'd rather see an extra \$50M. So, thank you Governor.

Sandoval: Thank you. And, great point, a good catch. So, I'll follow up on that and the Western Governors are actually meeting in Las Vegas, in December, so perhaps that will be an appropriate topic for discussion. Rudy, please proceed.

Malfabon: So, on this table we show that NDOT has been very effective at getting August redistribution funds. The latest amount for this federal fiscal year, \$10.3M plus—and that's really a testament to the efforts of our Financial Management Division and April Pogue in particular has been very thorough in the work that she does to make sure that NDOT positions itself in a good position when the feds redistribute the obligation limit.

So, August redistribution ensures that all obligation limit for a federal fiscal year will be utilized prior to its expiration on September 30th. If a State does not plan to obligate the amount distributed during that fiscal year, it's redistributed by formula to those states able to obligate the funds. Obviously, by those numbers, you see that we received quite a bit of money in August redistribution.

Last Day Funds is the other opportunity, last and final opportunity to distribute funds, but as you can see that there's, for several years now, there hasn't been any Last Day Funds available. States are getting better at spending what they have available federally. I just wanted to make that point that we're doing well in that area, at least of additional federal obligation limit.

A little update on Project NEON. I wanted to thank the City of Las Vegas and all the technical reviewers at NDOT that are assisting on the review of hundreds of pages of documents, technical documents, just to remind you that the technical score comprises 40% of the score. The price is 60% of that combined score. The price proposals are sealed until the technical scores are in, so we have a fair

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

process and one can't influence the other. It's a lot of commitment of time by those reviewers and I wanted to thank them for their efforts.

The next slide shows you the anticipated schedule. We'll announce as an informational item at the October Board Meeting about who the apparent best value proposer is, based on that score. Then, November will be when the Board considers ratification and approval of the contract. So, we're setting up Board Member presentations on the specifics of the design built proposal that is going to be presented to you as the best value before the November Board Meeting.

I'm pleased to also report that the USA Parkway Project is on schedule. That's also a design-build project. We held confidential one-on-one meetings with those four short listed teams, so they could develop their alternative technical concepts. This is where design-build really makes sense. A lot of the innovation that the design-build teams can bring to the table. Proposals are due October 16th and then, we're still on schedule for the award of that project, construction and completion of construction by December of 2017.

The I-580 Rehab Project on the concrete paving replacement and cracked sealing has been moving along. It's getting to the point where all the concrete that was going to be replaced has been replaced, so the crack sealant and grinding for smoothness is still to be completed. Weather permitting, it's possible that this project could even wrap up before the end of the year, but it is weather dependent work. Worst case scenario, it's going to finish in early of Spring 2016. Wanted to thank our contractor, Q&D for their innovative traffic control ideas; made it a lot more constructible project and people were able to find alternative routes and relieve some of the stress of traffic in that construction zone. But, it went well. Every time that I drove through it, I was pretty impressed with how traffic was flowing through that construction zone.

I wanted to thank our Road and Highway Builders is our contractor on the Carson Freeway. They developed a concept to move, using a conveyor belt system, 750,000 cubic yards will be moved through that conveyor belt system which eliminates hauling of 200 trucks a day for 150 days. That's quite an impact of traffic that was avoided by RHB's innovation. Well done on that project, as they're moving along with the Carson Freeway work underway.

Las Vegas Paving is wrapping up the US-95 widening project from Ann Road to Durango in Las Vegas. And, they're starting up on the next phase of the US-95

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

widening, called Project 3A at the interchange of the beltway and US-95—you may recall, we had a ground breaking event recently and so the actual work will commence mid-October at that location. Meanwhile, Fisher Sand and Gravel continues on the I-11 Phase 1 of Boulder City Bypass.

One thing to note to the Board is that we're going to be opening bids on October 1st for a large widening project on the highway between Pahrump and Las Vegas, State Route 160. This is Phase 1. Later in your Board Packet, you'll see a contract for the design of Phase 2, for your consideration.

Some things to report on some minor projects. The Pedestrian Safety Project that PD Kaiser had presented to the Board previously in Incline Village has started. I mentioned the maintenance yard improvements coming up in Carson City, the maintenance yard in the back here.

And, also thanks to the developer, 50 Fortune LLC in Lyon County for the—we issued a permit to Lyon County for the traffic signal at US-50 at Fortune Drive. The developer really gets some credit for buying the poles and the devices that were installed at that location. It's working well. Lyon County, also, we appreciate their maintenance agreement because they agreed to maintain the signal for us since we don't have staff for maintenance of signals in Maintenance.

Sandoval: Rudy, is that that site when the Commissioner was here?

Malfabon: Yes. That's where the Lyon County Commissioner was present.

Last month we had some discussion about the North Valleys and some of the traffic impacts from all of the development in that area north of Reno. Deputy Director Bill Hoffman met with representatives from the Governor's Office, City Councilman Paul Mackenzie, the RTC of Washoe County and had a good discussion about some improvements that can take place. We're continuing the discussion of what short-term improvements could be done to improve safety and traffic flow. So, there's going to be several follow-up meetings, but we'll identify which projects that NDOT can be a part of, maybe RTC or the City can participate in, to fund some of these improvements that will help mobility and safety in that area.

I wanted to mention an upcoming public meeting. We've been studying the improvements that are going to be made at I-15 and the Tropicana interchange, looking both at Tropicana Avenue and the interstate. There is a choke point, with

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

the old bridge at I-15 interchange on Tropicana that we have to look at modifying. It would be a significant construction project but we're doing this feasibility study and the public meeting for that are to unveil some of the concepts that they've identified to eventually set us up for widening through that section of I-15, that choke point, where the bridge columns from the old bridge are preventing us from widening the lanes on I-15. So, we'll be discussing those improvements at that public meeting in Las Vegas, September 29th.

Recent Board of Examiners Approval of Settlements. We had a large one, MLK/Alta, related to Project NEON. This is one where the Attorney General staff, that serves NDOT, did a great job during the trial. So, we actually took this one to trial and used in-house staff to present the case for NDOT. In the midst of the trial, the jury was released to deliberate. We were able to reach a settlement. We felt that it was an equitable settlement for the State, it mitigated some of our risks legally. We polled the jury afterwards and found that it was right on the money, as far as, what they were thinking too, so really reinforced the fact that it was good to take this one to court, but also to settle for a reasonable amount, which was less than our legal exposure. There was another minor temporary easement issue that was resolved through the Board of Examiners approval of this additional \$1,600 to settle an issue with a property owner on Southeast McCarran widening. That's a project that the RTC of Washoe County is doing with joint funding from NDOT.

Also, coming up, a preview of the October Board of Examiners, this one is unique. It's actually a settlement that we're going to receive payment from Ad America. You recall that our Chief Deputy Attorney General Dennis Gallagher reported that we won the Supreme Court decision on the Ad America case. We actually asked for reimbursement of some legal expenses, whatever the legal term, I don't know if it's suing, but we are getting some money back from the Ad America plaintiffs for this \$13,500. It doesn't reimburse us for everything, but I think that it sends a message that we are serious. We'll take things to the Supreme Court on appeal if we have to and we are getting some reimbursement.

Gallagher: For the record, Dennis Gallagher, Counsel to the Board. This was a companion case to the Ad America case that had been previously reported. This case involved an award by the Trial Court of certain cost and fees to the State. Basically alleging that Ad America had no standing to bring this particular lawsuit. Based upon the Trial Court's ruling, awarding the State certain costs and

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

fees, Ad America appealed it, while on appeal came back with an offer that basically said, we'll dismiss the appeal if you'll accept part of this award. We did and the settlement will go to the Board of Examiners for its consideration next month.

Malfabon: And then last is the Meadow Valley claim, as we received our independent assessment of the drill shaft issues. Reid Kaiser has been preparing a briefing for Board Members as we develop our position on this case.

Willing to answer any questions of the Board Members.

Sandoval: Thank you Mr. Director. You were speaking of Tropicana reminded me of the escalators.

Malfabon: Yes.

Sandoval: Where are we on the escalators?

Malfabon: So, John Terry has an item that he'll briefing the Board later on today. It is something that is on the agenda, later. So, if we could defer that. It's during the—yes, it's—

Sandoval: Why don't we wait. If it's on the agenda, we'll do that.

Malfabon: Yeah, we could wait until—

Sandoval: Just an issue for thought, given the tragedy that we spoke of this morning, Rudy and I. I had an opportunity to chat with one of Mr. Raiche's coworkers. And, had a brief conversation with Department of Public Safety. We need to do some more research, but I've become aware that in some other states, as part of the construction bids, they include money for their respective Highway Patrols, to provide safety and protection and patrol at construction sites. That might be something that we should consider in our future bids. Obviously there's a cost associated with that, but if we include that in the bids, then we could provide a little bit more safety. One of the NDOT employees was telling me that just last night on that I-580 Project, he was out there and somebody blew by him at 80 miles an hour. This isn't to suggest that the Highway Patrol isn't out there, it is. And, they said that they are ticketing people, but perhaps if we made that part of the contracts, to help—or, not help, but to pay for that type of vigilance, that we might consider that. I'm not saying that we're going to do it, but I think that it's something that we should explore for sure.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Malfabon: We do that Governor, but I think that what we can do is be more consistent in the application of having NHP out there. A lot of times we use it for major traffic switches, but it is a tool that's available to us and we'll look into using it more consistently on our construction projects.

Sandoval: All right. Questions or comments from other Board Members? Member Skancke.

Skancke: Thank you Governor. I'd like to go back to Interstate 11 for a second, if I could. While I think we're making great progress with the portion in Las Vegas, I'd like to ask the question and propose a concept if I could on staying with the theme of the Governor's building a new Nevada. I-11 is going to become the economic lifeline, the new economic lifeline for our State. And, I'd like to try to figure out a way that we can get this done quicker and sooner. I know we have a process and I know that there is a NEPA process and I'm sure that there is some type of 30-year planning process that has to be done. I see Sondra here and she loves to plan, but I'd like to challenge the Department and maybe all of us here to figure out a way how we can get this done, and set a deadline of having a shovel turned someplace else in the state by 2018.

I'd like to have us set a goal if we can because if it just lingers out there that we're going to do it at some point, in some time, I've said this before and I'll say it again, we have a Governor who is not afraid to lead and we have a Governor who is willing to take some heat on some difficult issues. I'm not suggesting that this is difficult, but while the climate is where it is today and while you have a Board that works well together and a team that works well together, I'd like to challenge us all to get this moving. Don't tie it to a bunch of other projects or wait for a 30-year master plan study to get done. We know what needs to get done. I'd like to say that, if we're going to build the new Nevada that our Governor is trying to build, then let's build it.

If we can skip one of the tiers of the NEPA Process, and I'm not trying to circumvent NEPA, but I know in Map 21 and in SAFETEA-LU, there were environmental streamlining proposals and processes that we may be able to be qualified for. So, I'd like us to get out our innovation hat and be creative and really try to do what we've done on the Boulder City Bypass. Look at some innovative financing opportunities.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

I'm doing some interesting work now in foreign direct investment, in that there are people interested around the world in what's happening here and in funding infrastructure. I'm happy to disclose what those relationships are so there aren't any conflicts, but I can make those introductions.

I think that while we have a group of people that are willing to get something done, then let's build this new Nevada. Let's make I-11 a part of that. Let's figure out how I-11 connects to USA Parkway. Let's figure out how we can bridge this State together and continue to build one State. While we can do that, again, I'd like to try and set a deadline. Give you all an incentive to look at 2018 as a timeline to have a groundbreaking beyond Las Vegas. And, how we connect I-11 to the global economy and the rest of the world to make Nevada that globally competitive State that we heard in the Governor's first State of the State Address about Interstate 11 and the future and what it brings to our State.

So, that's a comment, call it a directive, call it a request, call it a plea, but I'd really like to challenge the Department to figure out a way to get this done sooner rather than later. Thank you Governor.

Sandoval: Thank you Rudy, and thank you Member Skancke. I can't say it any better. The status quo is not good enough. It's an exciting time in our State. We will soon be the most connected digital state in the country and there's no reason why we can't do it transportation wise as well. I know there's a price tag associated with that, but we should move at all due haste. And, it's an opportunity. There are more opportunities coming to our State and I think it will be multiplied by the fact that we have this proposed I-11 and get that built. I think that's an achievable goal and something we should aspire to.

Malfabon: Thank you Governor. I know that Sondra will give an update in future months on where we're at with the I-11 effort.

Skancke: Can we make it next month?

Malfabon: I'm trying to give her some leeway. We'll do it as soon as possible Member Skancke. As soon as she's ready.

Sandoval: Any other questions or comments from Board Members on the Director's Report? Do you have any other further comments, Rudy?

Malfabon: No Governor, that's it.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Sandoval: All right. Thank you. We'll move to the next Agenda Item, Public Comment. Is there any member of the public, yes ma'am, who would like to provide comment?

Rodriguez: Good morning. Lori Rodriguez. I was here last month representing the Golden Valley Property Owner's Association. I see smiles already. I just wanted to give you an update on what has happened in the month since then. Michael Dermody, of Dermody Properties, initiated a meeting that Rudy talked about. We're calling it the North Valleys Traffic Task Force. He was right, we—Rudy touched on it. We had the Governor's Office. Well, he didn't touch on it. We also had a couple of construction companies there, we had some developers there and I was there, which is obviously not a government thing. I apologize to you all, I thought I would be a little less nervous today, but I'm not. So, anyway.

You were just talking about getting things moving. At that meeting, we discussed the Lemmon Valley Interchange and the Golden Valley Interchange and how we could get things going. Mr. Roberts, of Panattoni Development has offered private funds. He's offered \$7 [inaudible] to get the Lemmon Valley Interchange started, so we can start taking care of all that traffic that's coming from Amazon and such. Dermody Properties has committed to install a traffic signal at the intersection of Lemmon Drive and Military Road, including a second northbound to westbound left turn lane, at his expense.

So, we've got things started, I just don't know what they have to do now to get permission—I mean, we have the funding to do these now, in a month. So, we just need to figure out how to get, you know, what we have to do to get it started. Which would be Mr. Hoffman, I would hope. And, I wanted to point out that Mr. Hoffman has also volunteered to create a subcommittee of technical experts to look at the immediate traffic concerns and to advise on the future project.

The Task Force was formed not only to look at just our 395 South widening project, they want to look at all of the North Valleys. What they did, this is RTC's Regional Road Improvements for the year 2035 and on it—this was kind of a problem. It's communication between all the entities. For example, we have the Pyramid 395 Connection that I told you about last month. What I did find out, that's a six-lane freeway dropping into a four-lane freeway. There is a little bit of area that they're saying they're going to improve, but it stops short of fixing the whole problem. What happens is, the six-lane highway comes into the four-lane, which they're going to probably widen a little bit, but then it drops down to two-lanes again, before it hits that North McCarran overpass.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

So, what I was thinking and you suggested this last month, if we could combine those projects. The 395 Connector already has it's EPA almost done and most of the studies done but the engineering is not done yet and the construction hasn't started yet. If we could combine those two projects, hold off on the construction a little bit, unless you want to start on the east side and get our EPA study done. I asked if we could do an abbreviated EPA since we already have a freeway there. I mean, all we're doing is trying to help the traffic flow that exists now. We're not bringing in a new connector anywhere from the north. Start bringing in, do the abbreviated EPA and try and get this study done together.

The 395 Connector is estimated \$870M and the North McCarran was projected at about \$100M. I'm wondering if we can combine those costs so that we don't have to go back and redo a section say for where it came in that there's a mistake up here, engineer the whole thing at one time.

The one thing I did find out at the meeting was, I was wrong about my estimate of 3,000 new homes. There are 10,000 new homes already approved to be built in the North Valleys. And, 50-60 industrial warehouses are already approved to go in.

The long-term plans—one of the things they wanted to do with the Task Force was create a website where everything is put so everyone can see what everyone else is doing. So that say, the City of Reno can go in and look and see what zoning changes the County has done. These all affect our traffic flow up there.

I just wanted to let you know that there has been progress. We have gotten some private funding to start this. Bill Hoffman was at the meeting and he's on board with us getting this done. That was all I wanted to tell you. It's going. And you were right, try and get this done. It can be done, it just has—we have to have people willing to get out there and do it. So, anyway, that was all I wanted to say, thank you.

Sandoval: Thank you Ms. Rodriguez. Thank you for being here today. Is there anyone else present who would like to provide public comment? Yes sir.

Lake: Good morning Governor, Members of the Board. My name is Ray Lake. Like Ms. Rodriguez, I'm a resident of Golden Valley. I also sit on the Board of the Golden Valley Property Owner's Association. We represent about 600 households in the Golden Valley area. In addition to that, I'm a member of the

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

North Valley Citizen's Advisory Board. So, in both organizations we have a stake in what Ms. Rodriguez has presented. So, I'd like to echo her comments.

I'd like to also add that, I don't think she is aware of it, but at the Stead Airport, the City of Reno was looking to develop something on the order of 3,500 acres in industrial and manufacturing. I also understand that Amazon is looking at using that airport to bring shipments into their warehouse on North Virginia Street. So, we do, indeed, in addition to the residential development that's proposed out there we have a lot of industrial development that's going on.

Last month, I think after the meeting, someone asked Ms. Rodriguez if we could do a video of the traffic and the road conditions on North Virginia Street. So, I have done that and I gave Mr. Hoffman a copy. I also have three additional copies of the video that I did over three separate days. I started on a Sunday when there was almost no traffic and I drove from the Golden Valley onramp down to the I-80 off-ramp. It was about five miles and it took me, as you would expect about five minutes. On Monday, I just picked a time and I drove. It was the morning rush hour and it took me about 15 minutes to make the same trip. I tried again on Tuesday and it took a little bit longer. It kind of depends on which day you hit that and what your luck is as you take that route. This morning the traffic seemed to be backed up further, but I made it through faster. I don't quite understand that, but I didn't really track anything beyond I-80 because of the construction there which we all appreciate the improvements, but it makes anything that I would do kind of mute.

That's really all I have to say. I have three more copies of the video if anybody would like them. Oh, and if anybody has trouble with the videos, my email address is RLake001@gmail.com and I can provide a link to the videos. I haven't posted them publicly, but if somebody wants to see them, I can send a link. Thank you.

Sandoval: Thank you Mr. Lake. Any other public comment from Carson City? Is there any public comment from Las Vegas?

Martini: No Governor, no one is here.

Sandoval: Thank you. We'll move to Agenda Item No. 3 and 4, which are the Board of Directors Meeting Minutes for July 6, 2015 and August 10, 2015. Have the Members had the opportunity to review the minutes and are there any changes?

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

I'll say, it's a dramatic improvement Rudy, so I appreciate and want to thank whoever is responsible for going through these and making sure they were all accurate.

Malfabon: Holli Stocks.

Sandoval: Who?

Malfabon: Holli and her staff, Holli and Claudia and our Director's Office staff went through them and with a fine tooth comb and made some corrections.

Sandoval: The only thing better than sitting through one of these meetings is hearing it all over again, right. Great work, thank you. All right. If there are no questions or comments, the Chair will accept a motion to approve the July 6, 2015 Meeting Minutes and the August 10, 2015 Meeting Minutes.

Knecht: So moved.

Sandoval: The Controller has moved for approval. Is there a second?

Savage: Second.

Sandoval: Second by Member Savage. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes. I just want to make sure, is Mr. Martin not present today?

Speaker: He's not present.

Sandoval: Okay. We'll move to Agenda Item No. 5. Rudy, I don't know if you have any preliminary—

Malfabon: Governor, you requested this item to be on there, so I'm going to defer to you. We do have a preliminary—we are able to make some corrections. This is just a mock-up of what the sign could look like.

Sandoval: Thank you Rudy. Everyone in this room is aware of the tragedy that occurred here in Carson City not long ago and the tragic loss of Sherriff's Deputy Carl Howell. I think everybody felt that, personally. We hve the Mayor here from Carson City and I remarked this to the Mayor privately but it was a real privilege and honor to be there and listen to your remarks in honor of Deputy Howell.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

I don't know if I've ever seen such an outpouring of respect and appreciation, at least during my experience here as Governor. Driving that route between Carson City and Reno and seeing people pulled over and with their hands on their hearts or saluting. Seeing law enforcement from Northern California pulled over saluting and people just wanting in their small way, showing their respect and honor for Deputy Howell. I must give credit where credit was due, but the Sunday after the memorial service there was an editorial in the Nevada Appeal. In that last paragraph, there was a suggestion that to name the Carson City Bypass in honor of Deputy Howell. I couldn't personally think of a better thing to do. So, I wanted to publicly thank the Nevada Appeal for putting that forward and I wanted to make sure that we did this in all due haste, because frankly, there's no reason to wait. People should know as they travel that highway and have an opportunity to see that name and show appreciation for the Sheriff's Deputy's service to this community and to the State of Nevada.

Mr. Mayor, I know you're here. I'm not sure if you wanted to speak, but I would appreciate it if you would.

Crowell: First ladies and gentlemen, Governor, on behalf of Carson City we'd like to thank you Governor and the Nevada Appeal. Governor, you and your Board, and NDOT, for undertaking this project. It is the right thing to do at the right time. Carson City fully supports that. We appreciate your leadership on this issue. I can't think of anything better to do for the memory of Carl Howell as we go forward in this world.

Let me also say, while I'm here, that Carson City deeply appreciates, and I mean that, deeply appreciates the fine working relationship we have not only with this Board, but Director Malfabon and NDOT. There's a lot going on in our community and I think he speaks well of not only what this Board does and your leadership but NDOT. Things are happening and I think Member Skancke said, this is the time to make things work. Governor, we're here to help you make things work on behalf of Carson City. Thank you.

Sandoval: Thank you Mr. Mayor. Comments from Board Members? Mr. Controller.

Knecht: Thank you Governor. I want to express my deep appreciation to my friend Mayor Crowell, Supervisor Shirk who is also here, our City Manager, Mr. Marano and the community leadership for the role they've taken in recognizing Officer Howell and for recognizing the job that our deputies and our law enforcement

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

personnel do every day. Just as we also appreciate the work and the risks that the NDOT staff take every day. I guess I would be remiss if I didn't add two other parties to this, Rudy, thank you all for being responsive, so fast and even the Nevada Appeal, thank you.

Sandoval: Other comments from Board Members? Rudy, one thing, is there supposed to be an apostrophe?

Malfabon: There's a standard alphabet for size, but we'll work on. I know your wish is to have it grammatically correct with an apostrophe, so.

Sandoval: Well, is that an engineer's thing Rudy?

Malfabon: Yes, you're not the only one that's had a problem with that. I know other states face that challenge of getting things right on a sign and it's an engineering thing.

Sandoval: Can we add the apostrophe, Rudy?

Malfabon: Paul, did you hear that? We'll get the FHWA to work with us on that for the standard signing.

Sandoval: Okay. I'll ask the Board Members, do you have any suggestions with regard to the appearance of the sign and then Rudy, assuming approval today, when can we get that up?

Malfabon: We'll have to check with the sign shop, but they can typically get these produced within 30 days. Then we'll coordinate with your office Governor, I'm sure that you would want to have appropriate recognition.

Sandoval: I would like to have an opportunity to include the family, if they choose to be present. Again, for those of us that were at the service, it was incredibly moving to see his father and his brother there. As I said, I don't know if they want to be a part of this, but we should at least give them the opportunity to do so.

Malfabon: We'll get the legend finalized and get the production and the fabrication right away and then we'll coordinate with your office Governor.

Sandoval: And the finally, is it standard, do you put one sign on each end?

Malfabon: One sign in each direction.

Sandoval: Okay. On both ends of the freeway?

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Malfabon: Yes. We're going to avoid the areas where there is sound walls so that we can have it on a ground mounted sign. It's a large sign about 9 feet by 5.5 feet, so it's very large.

Rodriguez: [Inaudible]

Sandoval: Ma'am, I can take your comments here. Okay. Thank you Rudy.

Malfabon: Thank you.

Sandoval: Thank you Mr. Mayor for being here and the staff as well.

Knecht: I move for approval.

Sandoval: Okay. The Controller has moved for approval of the request to honor Carson City Sherriff's Deputy Carl Howell, to dedicate the Carson City Freeway in his name and in his honor. Is there a second?

Hutchison: Second.

Sandoval: Second by the Lieutenant Governor. Questions or discussion on the motion. All in favor say aye. [ayes around] Oppose, no. That motion passes. Again, I want to thank staff for responding to this. Let's move to Agenda Item No. 6, which is Approval of Contracts over \$5,000,000.

Nellis: Good morning Governor, Members of the Board. Robert Nellis, Assistant Director for Administration. There are three contracts under Agenda Item No. 6, Attachment A, found on Page 3 of 25 for the Board's consideration.

The first project is located on Interstate 580 on the southbound off-ramp, at the North Carson Street interchange in Carson City and Washoe Counties for roadway rehabilitation, widening for auxiliary lane and seismic retrofit. There are three bids and the Director recommends award to Q&D Construction in the amount of \$14,823,785.92.

The second project is located on Interstate 80 at the Truckee River, near Verdi for concrete substructure repair on Bridge 764 and railroad grade separation structures. There are two bids and the Director recommends award to Granite Construction Company in the amount of \$2,554,554. That's estimated to be completed in the Spring of 2016.

Malfabon: Correction Robert.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Nellis: I'm sorry.

Malfabon: The other bid is an independent cost estimate, it's not an actual bid. They don't actually—they do a double check on the contractor's bid price.

Nellis: Thank you for the correction. Finally, the third project is located on State Route 593, Tropicana Avenue and State Route 604 Las Vegas Boulevard to remove and replace escalators and to design and construct structural and aesthetic improvements for four bridges and eight escalators. There was one bid and the Director recommends award to The Whiting Turner Contracting Company in the amount of \$35,256,209.

Just a note for the Board, Contracts No. 2 and 3 are following our standard CMAR process and as the Director mentioned earlier, the Project Managers and Assistant Director Terry have prepared presentations on both of these if the Board would like to hear it, on either item.

Sandoval: Does that complete your presentation?

Nellis: Yes sir.

Sandoval: All right, I have a question on No. 3. The escalators; when do we expect them to get done and I've had some conversations with the County Commissioners there and do we have an agreement to turn them over and get this done once and for all? Mr. Terry.

Terry: John Terry, Assistant Director for Engineering. I'll take those two questions. We have an agreement in concept to take over the escalators with the anticipation we'll have an executed agreement when the work is actually completed and to turn them over, but in concept, yes we have an agreement with them. They're going to take it over and much of the cost and other things associated with these are related to both getting the resort, as well as, the County to buy into many of what are really upgrades to the escalators, beyond what we had anticipated. So, the answer to that question, yes we have an agreement in concept, we don't have an executed agreement at this time.

To answer the second question, there's two parts to that. We have done this CMAR agreement in a method where we had told you previously that we were going to have a GMP-1 to order the escalators and to do, what I will call the western most bridge, which would've been the bridge from the Excalibur to the

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

New York-New York, which is the one we feel will have the most pedestrian traffic related to the arena.

We chose not to do just a GMP-1 and to do a GMP for the whole job, even though the design of the remainders of the job are not at 100% yet. We did this working with State Public Works, who frankly has a lot more experience in CMAR contracts for vertical construction than we do and they were very helpful with us in this process. Essentially with the approval of this item today, we will order the escalators and we will have final design and start construction on that western most bridge that I discussed, with the other bridges to follow in, I believe, a counterclockwise manner around the bridge.

That being said, we do not think that we will be done at the opening of the arena but soon thereafter with the western most bridge. With that, I can answer any other questions.

Sandoval: I'm not going to hold you to it, but what does soon thereafter mean?

Terry: We had thought if we had brought this item to you two months ago, we would've beat them and then open and since it's now there, we think we'll be about a month or two behind the opening of the arena for the opening of the western most bridge. I will point out that we will not close the bridges—

Sandoval: That was going to be my next question is how do people cross the street while this is happening?

Terry: That's a two-part answer. If an escalator is out, which they will have to be in order to build them in the same place that the current one exists, the stairs will always be available, as well as, the elevators will be available. And then, only for short periods will we have to do work on the actual bridge that's crossing. The worst case is, they'll have to make the three corner route to go around, during the construction of that bridge, which is the shorter term. So, there will always be alternatives for pedestrian traffic to get through, not always the most convenient, but it won't completely shut any one route. So, the worst case is, the three leg route to go around and to use the stairs.

Sandoval: So, do you build it right next to the existing bridge and then take out the old bridge?

Terry: No, the old bridge will stay, we're only rehabbing the old bridge.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Sandoval: Oh, I see.

Terry: Some of the biggest improvements to the existing bridge are things like, new glass panels versus the existing old railings that had a lot of maintenance issues. Aesthetic upgrades to the bridges. Some relatively minor structural issues with the bridges that have to be done. So, no, there will be no new bridges.

Sandoval: Okay. It's just the—

Terry: It's the escalators up is where a lot of the cost. And, one of the big upgrades to the escalators is, we had to go to these industrial code escalators to do that. I will point out, there is still a controversy related to the cover over the escalators. Of whether they have to be covered and we're working with Business and Industry looking for an exemption to the covers. If we have to add the covers, we could, but we would rather not as would the resorts would rather not.

Sandoval: Cover them like a bubble?

Terry: Like a roof, pieces of roof.

Sandoval: All right. I don't want to be redundant but anyone who drives by that arena sees that it's going to be open soon. I don't want to jinx anyone but they got that hockey team down there and there are a lot of events that are going to be occurring.

Terry: And it seems like the majority of their parking is both onsite there, as well as, their sister resorts at the Luxor and the Mandalay Bay and thus, the pedestrian traffic coming in that direction even more. These are very heavily used bridges without the arena.

Sandoval: You've said it, but you're anticipating where most of the parking is going to occur and get that one done first.

Terry: Yes.

Sandoval: Okay. Any other questions or comments? Mr. Lieutenant Governor.

Hutchison: Thank you Governor. Mr. Terry, thank you for your presentation and my questions are going to go to this idea of an agreement with Clark County. Sitting here today, how confident are you in percentage terms that that agreement will be done?

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

- Malfabon: Mr. Lieutenant Governor, I can respond, if I may. I did have a discussion with the County's Lawyer, Chris Figgins last week and he feels that Dennis Cederberg, the Public Works Director stands by his commitment to take over the maintenance after we do these improvements. So, I'd say we're in the 90-100% range, if I had a give a number to it. I'm not a book maker, but play one on TV.
- Sandoval: Well, and if I may, we've been talking about this since I was the Attorney General sitting on this Board. I want to make sure that we have a written agreement with the County before this thing gets turned on. There's no reason for there not to be, none. I will communicate with the Chairman of the Board, with the other Members that are involved, but we've done what we said we were going to do. We said that we were going to purchase brand new escalators and repair and rehab the bridges and turnover a perfect product. After that, there really is no reason. The reason before was the County didn't want something that was used or needed maintenance, all of that. So, I guess if I'm a betting man, I'd bet on us that it's going to get done, in terms of having a written agreement before it's turned over.
- Malfabon: Governor, I don't know if Mary Martini has anything to add. She's the District Engineer, very familiar with the project and the maintenance of those bridges. Mary?
- Martini: Actually, I'll defer to Lynette Russell. She's responsible for the project, going through the development process and she's got more of the details.
- Russell: Good morning Governor and Board Members. Lynette Russell, Assistant Chief of Project Management for Southern Nevada. I really don't have anything to add to what John has already said. I think he's covered it very thoroughly, but if there's any additional questions, I'd be happy to answer those.
- Hutchison: The purpose of my question is obvious and the Governor underscored it here. I can't tell you how many times I have litigated cases where the parties had an agreement in concept. It means zero. So, that's why I want to know, I mean, really, are we serious about having an agreement with the County because the County could always say, we just changed our mind. At this point, there's really no legal recourse, it sounds like. There's no written agreement, we've gone forward in good faith, as the Governor said. I just would be comforted to know if somebody was to say basically, this is going to be done and we're going to have a contract.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Terry: Again, we have an agreement. The issue is—

Hutchison: Let me just interrupt. Is that memorialized somewhere? Can you take that to court in case someone says, there's a dispute about the terms or the maintenance obligations or what's going to happen? Is that something that we really have or we just had a lot of meetings and talked about this?

Terry: To me, really the issue is, them willing to sign an agreement saying we're going to build it to these specs, versus they have inspectors, etc., that are there while we're building it and when it's done and signed off, they say they'll agree to— they'll say they accept it. So in other words, them accepting an agreement just based upon plans and specs versus them taking the agreement based upon a completed structure built to those plans and specs. That's the issue is, getting them to say—we've got the agreement done, they've reviewed it for the legal language. It's the issue of signing the agreement based upon a design. A design of which, some parts of it are 100% and some parts of it are 60-70%, or signing an agreement based upon actual construction which they are able to view and inspect and agree to the construction at that time.

They have no expectation that we and our contractor won't build it to those plans and specs. It's accepting it once it is done to that plan and specs.

Hutchison: So, what I'm hearing you say Mr. Terry is, if we build consistent with plans and specs that they've already approved, it's done.

Terry: That's the 90-100% that the Director gave you, that's my understanding. Yes sir.

Hutchison: Okay, thank you.

Sandoval: Member Savage.

Savage: Thank you Governor and I'm going to jump on the same bandwagon here as the Governor and Lieutenant Governor. As a Board Member, we have shown good faith from NDOT and I don't see for any reason why Clark County cannot formalize a written agreement, in good faith, contingent upon completing the project under the plans and specifications approved to date. I think it would show good faith on their part and the 90-100%, I'm not a litigator, but that's 10% and that's too high for me. I just think that Clark County can really step up and show good faith on their part. The Department has made good progress. It's been a long time. That's my first comment.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

My second comment is, who is the designer Mr. Terry, on the project?

Terry: Jacobs Engineering.

Savage: Jacobs Engineering. And, what was the original budget, I read the packet and I know it's close to the ICE estimate, but what was the budget back in 2011, if anybody has that information?

Terry: I believe the budget—understand, there was the \$19.6M that came from the Convention Visitors Authority. That was never the budget, that's what they had left. We felt the budget was probably in the range of \$25M and it's now \$35M with a pretty big contingency built into it. But, yes and we could reel off the scope changes that have added to the increase in budget. The higher grade escalators were millions more dollars than we anticipated, but after going through it all with a contractor and various others it was an agreement that those, and I forget the term, industrial level escalators for outdoors were more money. Then, some of the aesthetic and machine room and other improvements and Lynette could probably add in more.

Most of the add-in costs is added scope. There is some that's over—that you can't really account for, but I believe that \$10M is mostly added scope items that we can say, this is why.

Savage: Okay. That's all I have. Thank you, Mr. Terry. Thank you, Governor.

Sandoval: I'll go Member Skancke in a second. I don't want my comments to be misinterpreted that I don't support what we're doing because they have to be built well. We're going to have millions of people crossing this. They're going to be coming to Las Vegas from all over the world. I want it to be top notch. Through the years we've spent a lot of money on maintenance on these old ones. We don't need them breaking down in 110 degree weather and what have you. In terms of making it aesthetically pleasing and industrial so they'll stand the test of time, I'm good with all that. Mr. Skancke.

Skancke: Thank you Governor. I use those frequently or I used to and they were frequently down. I would just—look, we've got to make this right. My question is, by the Board taking action today to approve a \$35.2M bid, is that enough for the County Public Works Department to say, oh they're actually going to do it and can we actually maybe get some type of written dialogue that says, the Board approved. We're 98% of the way there and maybe get—I think it would give all of us a level

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

of comfort if there was some type of documentation between us all saying, we did this now you do that and get a timeline so that everybody has predictability on the end game. Right now, it's kind of hanging. If this has been going on since 2000, I've got to go to my feet, that's 15 years, even with new math. I think if we can give everybody a closure on this, that would be helpful. So, if this sends a message to them, let's send the message and then let's get one back as to what their timeline is.

Malfabon: Member Skancke, I know that if our Chief Deputy Attorney General Dennis Gallagher gets going on the agreement, he's been very successful with previous maintenance agreements with Clark County recently. So, he's very good at what he does and I think that he can get this accomplished in a timely manner.

Gallagher: For the record, Dennis Gallagher, no pressure. To the Board, seriously, our Office has not been directly involved in the negotiations but we will put this at the top of the list and get a working draft going back and forth between the State and the County.

Sandoval: That's probably what it will take is just making a formal presentation. Here it is, memorializing what has happened up until this date, assuming this approval of a \$35M contract. That shows some pretty good faith on our part. So, I would appreciate your following through Mr. Gallagher. Mr. Lieutenant Governor.

Hutchison: Thank you very much. And, if we could just be notified, Dennis, if there is anything that is unusual going on. I mean I think the Board expects that we are basically there with the contract and we've got an estimate of 90-100% there, even though 10% is not acceptable at times, those are pretty good odds in the legal world. So, it'd be great to have time and notification, if you get involved Dennis and it just looks like there's something that's going to go south, it'd be helpful to know that. Thank you.

Sandoval: Any other questions or comments? All right. If there are no further questions or comments, Mr. Nellis, any other presentation?

Nellis: No Governor, that concludes the Contracts for Approval under Agenda Item No. 6.

Sandoval: Member Savage.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

- Savage: One comment Mr. Nellis, I don't know if it's a typo in the Board Packet, Item No. 1, is it 3597 or 3598, contract—
- Nellis: Yes, thank you Member Savage, I forgot to address that. For the record, it's Contract No. 3598, not 3597, for the record.
- Savage: Thank you Governor.
- Sandoval: Thank you. If there is no further discussion, the Chair will accept a motion to approve Contracts 3598, 3614 and 810-15, as described in Agenda Item No. 6.
- Skanccke: So moved.
- Sandoval: Member Skanccke has moved for approval. Is there a second?
- Savage: Second.
- Sandoval: Second by Member Savage. Questions or discussion on the motion. All in favor say aye. [ayes around] Oppose, no. That motion passes unanimously. Thank you. We'll move to Agenda Item No. 7. Mr. Nellis.
- Nellis: Thank you Governor. There are two agreements under Attachment A, that can be found on Page 3 of 12, for the Board's consideration. The first line item is Amendment No. 2 with CA Group, Inc. This is a second phase option in the contract and the amendment is to increase authority by \$2,999,900 for environmental hydraulics, right-of-way utilities and geotechnical services.
- The second line item is also Amendment No. 2 with Converse Consultants. This is to increase authority by \$200,000 and extend the termination date by one year to provide building, hazardous material, asbestos survey on an increased number of properties requiring demolition for Project NEON. Governor, that concludes Agenda Item No. 7. Are there any questions I may answer or direct to the appropriate person?
- Sandoval: Thank you Mr. Nellis. Questions from Board Members? Member Savage.
- Savage: Thank you Governor, Mr. Nellis, question on Item No. 1. I guess I'm questioning when it's only September 2015 and we have previously approved in June of 2014 through 2016 for the \$1M Amendment, why now for another \$3M before the term of 2016?

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Nellis: Thank you. We have Assistant Director John Terry prepared to address that question.

Terry: Again, John Terry, Assistant Director for Engineering. The original contract was for the NEPA with power option to follow-thru with final construction. We chose to do—or, final design. We chose to do final design for Phase 1. That's what Director Malfabon mentioned, is going to advertise October 1st. They completed the final design on Phase 1. We had the agreement with them for Phase 1, with an extension long enough out that they could've helped us with construction support services for the design they had performed on Phase 1. This is the design of Phase 2, which we elected to proceed with. Phase 2 is the more complicated and more expensive design and construction through the more mountainous stretch near Mountain Springs on SR-160. So, this amendment then is for the design of Phase 2.

Savage: And, Phase 1 is incorporated in the original dollar allotment?

Terry: No, the original was the original contract. Amendment 1 was Phase 1. This is Amendment 2, is Phase 2.

Savage: Okay. Thank you for the clarity on that. Then lastly, I know we've discussed this in the past and I know we're going to discuss it at the Construction Workgroup Meeting this afternoon, but the level of detail in the Board Packets for the consultants, I believe, lacks compared to the construction documentation that we receive. I would really request the Department provide more detail for consultant agreements regarding budgets, allocations, timelines, overall budgets; would be much more helpful. I'm not doubting the service is needed and the value is there, but it's much easier to approve when we can drill down and look at the numbers is all I'm saying Mr. Terry.

Terry: All I can say is, we can provide that. We certainly have that. We have negotiation summaries and we have fee estimates as well as scopes and we can provide that, no problem.

Savage: I appreciate that. Thank you Governor, thank you Mr. Terry.

Sandoval: Member Skancke.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Skancke: Thank you Governor. Mr. Terry, on the Item No. 1, is this an on-call contract or was this a bid contract, I get confused which ones are on-call based upon a two or three year bidding or how did this one come about?

Terry: This was a clear procurement for only this contract. It was cleared to all the ones that proposed, that they were being hired to do the NEPA and at the Department's option, we would add the final design. So, it was an individual and not an on-call.

Sandoval: Other questions from Board Members? Mr. Nellis, anything else?

Nellis: Governor, that concludes Agenda Item No. 7.

Sandoval: If there are no further questions, the Chair will accept a motion for approval of the Agreements over \$300,000 as described in Agenda Item No. 7.

Hutchison: Move to approve.

Sandoval: Lieutenant Governor has moved for approval. Is there a second?

Knecht: Second.

Sandoval: Second by the Controller. Any questions or discussion. All in favor say aye. [ayes around] Oppose, no. That motion passes. Thank you. We will move to Agenda Item No. 8, Contracts, Agreements and Settlements. Mr. Nellis.

Nellis: Thank you Governor. There are two attachments that can be found under Agenda Item No. 8 for the Board's information. Beginning with Attachment A, there's three contracts on pages 4 and 5 of 16. The first project is located at the Carson City Maintenance Yard for drainage improvements and to repave the maintenance yard. There were five bids and the Director awarded the contract to Q&D Construction, Inc. in the amount of \$2,783,568.

The second project is located on Interstate 15 in North Las Vegas for seismic retrofit and rehabilitation structures. There were two bids and the Director awarded the contract to Granite Construction Company in the amount of \$2,050,050.

Finally, the third project is located on State Route 140 in Humboldt County for patching and chip seal. There were two bids and the Director awarded the contract to Sierra of Nevada Construction, Inc. in the amount of \$2,344,007.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Governor, before moving on to Attachment B, are there any questions I may answer or direct to the appropriate person to answer?

Sandoval: Questions from Board Members on these first contracts? Member Savage.

Savage: Thank you Governor. Just a comment, Mr. Nellis. As a contractor on the private side, private world, I want to commend Rudy and your team on the BRAT, the Bid Review and Analysis. I know we've discussed it many times and the penny per ton syndrome that we've had. I really want to compliment you Rudy, and the Construction Department. In Administration, Robert, for holding people accountable for the numbers they present. I appreciate that as a Board Member and I know it's a hard pill to swallow for some contractors but we're making it a level playing field. I think that's the way it ought to be. I appreciate it. Thank you Governor.

Sandoval: Thank you Member Savage. On this first contract, that's a part of this EPA issue that we're dealing with?

Nellis: Yes.

Sandoval: If you could provide a little more background on that.

Malfabon: So, what we're doing Governor is some drainage improvements in the maintenance yard in the back and also repaving the parking lot. There's areas where a lot of water can get in and it doesn't pick up any contaminants from our pavement area. It will cause a lot of disruption for our staff that park in the back there. There are a lot of offices in the back, but it is a good project and it is going to speak well of the Department's efforts to the US EPA.

Sandoval: Probably be the fastest project completed, right? I just wanted to make sure that we talked a little bit more because this EPA issue has been an ongoing one. The improvements to the maintenance yards throughout the State has been an important piece of resolving this matter. So, I appreciate that we're on this now.

Malfabon: Thank you Governor.

Sandoval: Other questions on the contracts from Board Members on these first three? All right, please proceed Mr. Nellis.

Nellis: Thank you Governor. There's 65 executed agreements under Attachment B that can be found on pages 10-16 for the Board's information. Items 1-30 are

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

acquisitions and cooperative agreements. 31-39 are facility and inter-local agreements. 40-48 are for lease and right-of-way access. And finally, 49-65 are service provider agreements. Governor, are there any questions that I may answer or direct to the appropriate person on these items?

Sandoval: Yes Mr. Nellis, thank you. The first I have is on No. 36, which is the Road User Behavior Campaign. It's \$3,050,000. Is that all federal money?

Malfabon: This is federal money. I don't know, Ken, do you have any comments? Ken Mammen will address the Board.

Mammen: Good morning Governor, Members of the Board. For the record, Ken Mammen, Chief Traffic Safety Engineer. To answer that question, yes, those are our highway safety improvement dollars that we used and we flex them over to the Office of Traffic Safety to do the campaigns.

Sandoval: And, pardon the pun, but do we reinvent the wheel every time we do these contracts? In other words, last year we approved these campaigns for road safety, do we continue to use those or do we freshen them up for lack of a better term?

Mammen: We do freshen them up, yes. We look at everything every year and move on to new campaigns. Some of them like Driver's Edge, is going to be a reoccurring theme. That's one of the things we do fund through this program.

Sandoval: So, what else do you fund? So, we have Driver's Edge, the commercials, the billboards.

Mammen: Some of the stuff we also fund are emergency rescue equipment. We're going to be buying some for North Lake Tahoe Fire Rescue. Older Driver's Program to get out and educate the older drivers, do some situational fits in the cars and such. We're buying some portable extraction equipment for Humboldt County. North Las Vegas Ped Safety Programs.

Sandoval: What is that?

Mammen: That's where they do joining forces campaigns. They go out and do pedestrian enforcement and education campaigns.

Sandoval: But what does that have to do with pets? Did you say 'pets'?

Mammen: Pedestrians.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Sandoval: Oh, okay.

Mammen: I'm sorry, peds. I'm so used to saying it, peds. Pedestrians.

Sandoval: All right. PEDS, right? All right.

Mammen: We're trying to save the world here, even pets.

Sandoval: All right.

Mammen: We're also doing some data collection through the trauma centers and we're trying to link that up with our crash data to get a better picture of what's going on with that. Again, we're training for North Lyon Fire Protection and like I said, Driver's Edge is one of our big programs which we like to fund that one.

A lot of this, there's about \$1.1M that's media campaigns for the advertising that we do. That will actually be pulled back into NDOT and put into our Zero Fatalities Campaign, so this will actually go down to about \$2M. There's been some changes over OTS and we're going to be reconfiguring how we're doing business a little bit.

Sandoval: Will part of this be to slow down in construction zones?

Mammen: Currently not, but with the direction that we're hearing, we could be doing something just like that, yes sir.

Sandoval: I think we ought to include something in there for that.

Mammen: Okay. Actually, that might not be part of the OTS funding, this would be probably something we would do through NDOT's Zero Fatalities Program.

Sandoval: Thank you. That's all I have on 36 unless other Board Members have questions.

Mammen: Thank you.

Sandoval: Mr. Nellis, I was going to move to Contract 38 which is Lyon County Public Works. So, are we installing a traffic signal on Highway 50 in anticipation of the construction of the USA Parkway?

Nellis: We have Denise Inda here who can answer that question for you.

Inda: Good Morning Governor, Members of the Board. Denise Inda, Traffic Operations. This is an inter-local agreement that will allow for the installation of

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

a signal when the time comes to have a signal in place. So, it's nothing that's going to be constructed initially, but it's getting everything lined up so that when the time comes it can be constructed, it addresses the maintenance responsibilities of the signal once it's installed.

Sandoval: Thank you. And then, going to 51, and that's another escalator issue. I don't know how this fits in with the other contract that we just approved.

Terry: Again, John Terry, Assistant Director for Engineering. The two bids we saw, we have an independent cost estimator estimate. We had to increase the contract with our independent cost estimator because we changed the scope so many times and we had to do an estimate and additional time because of all the changes. So, we were giving more money to our independent cost estimator for the CMAR project. Pretty much, it's done now.

Sandoval: All right. Thank you. I have no further questions. Board Members? Member Skancke.

Skancke: Thank you Governor. I just had a question on No. 52. While I'm sure the work warrants it, this is a multi-billion dollar project, I was just wondering and maybe I asked this at another meeting but to go from \$4.9M to basically \$9.9M, can we get a little more detail as to what, extend termination date and the authority. I mean, just a little more back-up on why that \$5M. Not that \$5M is a lot of money, but a million here and a million there and pretty soon you're talking about \$5M.

Nellis: Once again, John Terry.

Terry: And again, John Terry, Assistant Director of Engineering. Again, this is just to extend the termination date. This is a contract that's gone over many years. If you read at the bottom, CH was originally hired to help us with a public/private partnership for NEON and then it was extended into design-build with various changes over the years. I guess without going through every agreement, what have they done for all this money over the years is essentially those huge documents for the design-build and all the procurement process for the design/build that originally started as a PPP, to this point, is essentially what all the money has gone for.

I will bring up, we are going to have an amendment, probably next month, if not the month after, for CH to extend one of their agreements in order to help us

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

during the actual design - build and construction phase as well. This one is simply to extend the one they had because we extended, because of the design-builders asking for extension, we extended the design-build and this is to keep them on board through that.

Skancke: Thank you.

Sandoval: Other Board Member questions? Mr. Lieutenant Governor.

Hutchison: Thank you Governor. While we're in the 50 range, let me have you take a look at 54, just for education for me. This is the Wildlife Hazard Assessment. I'm assuming this is just kind of evaluating whether wildlife is crossing the airport runways and fowl are flying in airspace, is that what that is?

Nellis: Actually, Lieutenant Governor, my understanding is that birds are a problem out there and this is mandated by the federal government.

Hutchison: What triggers that? This is a federal mandate?

Nellis: That's my understanding, yes sir.

Hutchison: And federal funding as well?

Nellis: Yes, it is federal funding, yes sir.

Hutchison: Let me just go back then to the beginning and I think I can probably guess what this means and maybe Mr. Gallagher, this is for you or anybody. We have a lot of descriptions of Protective Rent Agreements. Just need to understand what that is.

Malfabon: Paul Saucedo will address the Board.

Saucedo: Good morning Governor, Board Members. Paul Saucedo, Chief Right-of-Way Agent. The Protective Rent Agreement, we enter into those agreements with owners who may have tenants that we relocate prior to us obtaining occupancy or ownership of the property. So, it kind of protects us from having to relocate additional folks that they may move in, in order to keep their income coming in, if that makes sense.

Hutchison: Yeah, sure does. Great, thank you. And, let me just, Governor, if I may, as a few more follow-ups here. This is on Item 34 about the Mesquite Welcome Center Maintenance. It says that the, it looks like the service will be provided by the City of Mesquite and Clark County. I'm just wondering, because I was just recently

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

out there and saw this, what's the State's role? Is there anything left here for the State to do or is this—and, I realize this is all by information, but is this all being cared for by the City of Mesquite and Clark County and do we have any obligation with this particular center?

Malfabon: I'll do my best to respond to that Lieutenant Governor. So, NDOT owns the facility but it's staffed by the, I believe the Las Vegas Convention and Visitor's Authority, has a staff out there. So, we have the responsibility for the facility and the grounds. So, we pay for the upkeep and maintenance and they staff it for us.

Hutchison: So, it's limited to maintenance for the most part?

Malfabon: Yes.

Hutchison: Okay, thank you. Then, if I could just look at Item 39, please. This Microsoft Training. First, I think it's a good idea that TMCC does this and I'm wondering if this can be replicated in other areas where we need the training for various NDOT matters with our community colleges, with our universities that can help us. I think that's a good idea. And, in doing this, do we get—I assume there's probably got to be a cost savings when we have TMCC do it as opposed to someone else in the private sector. Do you know how that compares? Are we getting a good deal, it seems like we would with our folks helping us that way.

Nellis: Is Mark Evans here? No. My understanding is they do attempt to look at anything we could get, either first through the State training and then through the University System before going to a third-party vendor.

Hutchison: Great, that's all I had.

Malfabon: And, if I may add, Lieutenant Governor, the community college also assists us in the Local Technology Assistance Program, LTAP, so a lot of the training to our maintainers and to local public agencies on good maintenance practices comes through the community college. So, not only for computer training but also practical operational training too.

Hutchison: Thank you.

Sandoval: Other questions? Just a follow-up from the Lieutenant Governor on 34, which is the City of Mesquite and the Welcome Center. Given Agenda Item 10 and what we're doing with West Wendover, have we done a cost benefit analysis on Mesquite?

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

- Saucedo: For the record, Paul Saucedo, Chief Right-of-Way Agent. No Governor, we have not done one.
- Sandoval: It sounds like it would be a pretty similar outcome, correct?
- Saucedo: We will definitely look into it, I would—it's going to be similar.
- Sandoval: Well, I don't want to get into Agenda Item 10, but there's a bit of a precedent being set here and if we can show that it's beneficial to NDOT to turn these over and not have to spend \$33,000 a year to do the maintenance and turn it over to Clark County or the City of Mesquite, then we ought to explore that. It's contradictory to be approving \$33,000 for maintenance there yet we're giving it to West Wendover over here. So, I just ask that we look into that.
- Malfabon: We'll look into that Governor.
- Sandoval: Thank you. All right. Board Members, any other questions with regard to the Contracts, Agreements and Settlements described, oh you have more presentation, correct?
- Nellis: No sir, that concludes Agenda Item No. 8.
- Sandoval: Okay. Any other questions with regard to Agenda Item No. 8? Okay. It's an informational item, so we will, thank you Mr. Nellis. We will move on to Agenda Item No.9, which is Condemnation Resolution #451.
- Malfabon: Thank you Governor and Board Members. This is Condemnation Resolution related to Project NEON. We have a property with several owners. We have a requirement to obtain property and fee, but also a temporary construction easement. We'd made an offer back in May of this year. The owners asked that we the condemnation process to acquire their property. We didn't receive any counteroffer from the owners. So, this is going to help us keep the project on schedule for providing the right-of-way to the design-build for Project NEON.
- Sandoval: Thank you Director Malfabon. Questions or comments from Board Members? It's pretty straightforward, isn't it?
- Malfabon: Yes.
- Sandoval: If there are no questions, the Chair will accept a motion to approve Condemnation Resolution #451 as presented in Agenda Item No. 10.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Skancke: So moved.

Sandoval: Mr. Skancke has moved for approval. Is there a second?

Hutchison: Second.

Sandoval: Second by the Lieutenant Governor. Any questions or discussion on the motion? Hearing none, all in favor say aye. [ayes around] Oppose, no. That motion passes. I meant No. 9. Did I say 10? Okay. Well, I meant No. 9, is that good enough Mr. Gallagher, or should I—

Gallagher: Correct the record and have Board Member Skancke so move, since he was the one that made the motion.

Sandoval: Yeah, that's my mistake. I had already crossed and moved on to the next Agenda Item. So, Mr. Skancke, would you rephrase your motion for approval of Condemnation Resolution #451 as described in Agenda Item No. 9.

Skancke: So moved.

Sandoval: Questions or discussion on the motion? Hearing none, all in favor say aye. [ayes around] Motion passes. All right, thank you Mr. Gallagher. We'll move to Agenda Item No. 10. Resolution of Relinquishment.

Malfabon: Thank you Governor. At the request of the Board, we did have our right-of-way folks do the estimated value of the building and the value was estimated to be \$290,000 for the Welcome Center for West Wendover. So, the packet provides all of that additional information. We're bringing this back for Board consideration for disposable portion of the right-of-way associated with the West Wendover Welcome Center.

Sandoval: Is there any further presentation? Mr. Controller, question.

Knecht: If there's no further presentation Governor, I'll just say thank you for bringing that as requested, Rudy. Governor, I stand ready to move approval when it's appropriate.

Sandoval: Thank you as well. I'm worried about the precedent because we can't, well you gave it to West Wendover, why can't you give it to us? I think we need to have the numbers to support all of this. So, I have no further questions. The Chair will

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

accept a motion to approve the Resolution of Relinquishment as described in Agenda Item No. 10.

Knecht: Governor, I move approval of the Resolution of Relinquishment as described in Item No. 10.

Sandoval: Thank you Mr. Controller. The Controller has moved for approval. Is there a second?

Savage: Second.

Sandoval: Second by Member Savage. Any questions or discussion on the motion? All in favor say aye. [ayes around] Oppose, no. That motion passes. We'll move on to Agenda Item No. 11. Approval of the Fiscal Year 2016 NDOT Work Program and Acceptance of the 2016-19 STIP.

Peacock: Morning Governor, Members of the Board. Coy Peacock with the NDOT Planning Division, Program Development Office. I'm here to present the Fiscal Year '16 Work Program and the Fiscal Year 2016-2019 Statewide Transportation Improvement Program.

This process is a yearlong process. We start in October through December and we go out and meet with County staff and do workshops. We do follow-up after that and get feedback from all of the local governments. From May through July we go out and meet with formal boards to do County Consultation Tours. The Assistant Directors and Directors go out and meet with them formally in their meetings and present the Work Program and STIP. Yearlong we actually have tribal tours that we do. There's over 27 Tribes in the State, so it takes a lot of effort, so that's a year-long process. We continually do that. We don't have a set time. Then, in September/October, we ask for approval.

Last month, I demonstrated to you guys the e-STIP. I'd like to thank Member Savage for meeting with Joseph Spencer and myself and going through that. It was appreciative. I would like to extend one-on-one meetings with the rest of the Board Members, if they would like to go through that process. I request that you approve the Fiscal Year '16 Work Program and accept the 2016-2019 STIP.

Sandoval: Thank you. Questions from Board Members? Member Savage.

Savage: Just want to comment Governor. I want to return the thanks to Coy and Joseph. The entire staff at NDOT regarding this e-STIP. I know we spoke about it last

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

month. It is a game changer, but your diligence, hard work and proactive nature on this is, again, we're leading I think amongst other states, my compliment and thank you.

Peacock: Governor, one last statement.

Sandoval: Yes.

Peacock: Meeting with FHWA, Federal Highway Administration. They are talking about the possibility of actually demonstrating the e-STIP on a nationwide webinar through their system so that we can show the other states what we've done here.

Sandoval: Congratulations. That speaks very well. Mr. Controller.

Knecht: Thank you Governor. I just want to say that I haven't been able to make as many of the rural county presentations as I've wanted to but the handful that I did go to were very effective and very helpful to me as well as to the local folks. We got some really good feedback from them on those presentations.

Sandoval: Thank you Mr. Controller. Mr. Lieutenant Governor?

Hutchison: Thank you Governor. Thank you again for this. This seems like a monumental task here, huge. And, one item struck me, I'm just curious of how you deal with this. In the background information that we've been provided is says, the STIP must be shown to be fiscally constrained based on anticipated federal, state and local funding sources. It seems like that would be very difficult, particularly on the federal level. We just got the Director's Report saying we think the Highway Fund is table through mid-2016. So, how do you do that? How do you anticipate these federal revenues when it's so much in flux right now, we don't know what's going to happen even after mid-2016.

Peacock: Well, we actually make reasonable assumptions. I've been doing this program for over 20 years and we have continually received federal funds. Whether it be through a continuing resolution or whether it be through a highway bill. So, in order for us to continue to do our job, we have to reasonably assume we're going to get that funding. So, we continue to work forward.

Now, if in fact we didn't receive the funding, we're kind of on the hook for the state funds to be able to fund it. We've been successful so far, so.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

- Hutchison: Thank you. Thank you for that. Just a quick follow-up on, just my own information. It says that the Work Program is then presented as a three and a 10-year list of transportation projects presented to the State Legislative Council and to the State Legislature in the odd years, under the statute. Then that's got to be approved by the Legislature. As you say, you've got a three and a 10-year projection. Just out of curiosity and my understanding of the process, how does the State Legislature change, if they wanted to change that three or a 10-year projection that you're going to present to the Legislature, how is that going to change? Does that change through the budget approval every year?
- Peacock: As far as the number of years?
- Hutchison: Yeah. Well, and the projects that you identified and what you're going to do over those years.
- Peacock: We've never actually had projects change by the Legislature.
- Hutchison: Okay, that's never happened.
- Peacock: No, that's never happened that I can remember.
- Sandoval: Don't give them any ideas.
- Malfabon: Lieutenant Governor, it's just a reporting function that we have a responsibility to report to the Legislature on our long-term projects.
- Hutchison: It's purely reporting.
- Malfabon: Yes, they just received the report, but we typically have not received direction from the Legislature on changing any programs.
- Hutchison: Then I'll stop talking. Thank you.
- Sandoval: Member Skancke.
- Skancke: Thank you. I'd like to make a motion to strike that. No, in all seriousness, Sondra and Coy, all of you in the Department, in the Planning Department, this is outstanding work. What you all have done to change this and now you've got federal highways. Again, this goes back to our Governor building a new Nevada. You're delivering on that message and this is where we need to be. Congratulations. Thank you for all of your hard work. This is great for our State.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Peacock: Thank you very much.

Sandoval: Any other questions or comments? Hearing none the Chair will accept a motion to approve the Fiscal Year 2016 NDOT Work Program and acceptance of the 2016-2019 Statewide Transportation Improvement Program.

Savage: Move to approve.

Sandoval: Member Savage has moved for approval. The Controller has seconded the motion. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes. Thank you. Agenda Item No. 12, Proposed Programs and Projects with Additional Funding Provided by the 2015 Nevada Legislature.

Terry: Once again, John Terry, Assistant Director for Engineering. This presentation is about some of the additional funding that was provided by the Legislature and a request from you, Governor, for a presentation of what the Department was proposing to do with some of the additional money.

Just to summarize the additional funding we're talking about here. You can kind of read it up there, SB 376, the UBER Bill, the ride hailing companies, the first \$5M, goes in the first year of the biennium, so that would affect us in '16 and '18. Modifications to the GST. The distribution is really \$30.5M in 2017 and \$61M in 2018. Then, modifications to the DMV Administrative Cap of \$13M above the fiscal year.

So, what we're talking about here is money that we did not receive in Fiscal Year '15 that we—I don't want to say, we will be receiving—additional money that will go to the State Highway Fund, that did not go directly to the State Highway Fund in '15, going beyond. So, in '16, it's an additional, and again, I'm talking State Fiscal Years here. So, that would be July 1st to June 30th, of \$18M in '16, \$44M in '17 and \$80M in '18. Is there any questions on that?

So, again, it's additional revenue that goes in to the State Highway Fund, of which, we are the biggest user of that, but DMV and DPS are also users of the State Highway Fund. And, is really, what we often talk about as State Money. None of this is federal money.

So, what we did is looking at meeting the Department's goals and performance measures, which we presented before to this Board. You're kind of aware and we

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

track performance measures, so it's how can we use this money to meet these performance measures and to sort of spread the dollars against many projects and programs statewide. Below is a list of really the programs that we currently have. These are things, the categories of which we spend construction funding on throughout the State, with capacity and 3R being the biggest. Rest areas is listed in red at the bottom because it's really not a current, but one that we're now proposing as being an area which we're going to spend funds on.

The additional funding, so we're talking about additional pedestrian safety projects, but we're not in this case talking about additional pedestrian safety projects in 2016 and frankly for the reason, the presentation that was made by PD Kizer last month, we're just getting out the ones this year. We're spending the full allotment that we've got in '16. Remember fiscal year '16 ends June 30, 2016. So, we're really talking '17 and beyond to add to the list that had previously been presented. We're developing the additional projects, like he mentioned and to develop—put more funding so we can get more of those projects done sooner, starting in State Fiscal Year '17 and beyond.

Storm water, again, the note at the bottom. Storm water is already addressed in every construction project we have. These are storm water specific projects. We feel we have additional projects that are available that we can spend additional funding on storm water projects. Especially moving out of just our district yards. We have storm water projects dealing with our material sources, our pits, as well as, our adding additional highway drainage improvements to projects that are not currently construction projects.

So, those are kind of our first two priorities for spending the additional money. Our ADA Program, I believe the Board is aware of the issue of the ADA and that is that, we as an underfunded category, historically, at NDOT, that we are a little bit behind in meeting the ADA Standards on all of our highways. This is mostly in the urban areas. We have just recently submitted the Draft ADA Transition Plan to the FHWA. In addition to, we have now mapped all of our ADA facilities statewide and are pretty close to completing that task. It's kind of similar to storm water. Storm water, we had the EPA and we were worried about getting into legal action from the EPA. Well, ADA, there's the Department of Justice and the ADA issues we feel we need to stay ahead of this and upgrade more of our ADA facilities statewide. Really the early ones that we're talking about are mostly at our interchanges and major arterial interchanges in the urban areas and standalone

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

projects to upgrade the ADA projects within those areas. Mostly pedestrian ramps.

The next is the rest areas. They were in our budget. They were deleted from our budget by the 2015 Legislature. We're proposing going back to the Legislature and adding those back in and spending some of this additional money. The first one being Trinity on I-80 at 95A, which if any of you have stopped at that rest area would agree, it needs an upgrade. The other one is Millers which is near Tonopah and US-95. And, to get going with each rest area. These are probably over \$5M each to upgrade these rest areas, in all the areas they need to be updated.

Capacity is, of course, one of our biggest programs. The money wouldn't go that far in doing capacity projects. We're talking about freeway interchange enhancements in the urban areas to improve traffic flow and I would say some of the things like they're talking about up there in the North Valleys, just smaller improvements to the signals, the ramp meters, the ramps and those types of improvements at interchanges. Kind of get what we call, kind of big bang for the buck in terms of improving capacity without spending a lot of money and they're also the type of improvements that do not kick us into the higher level of NEPA assessment that takes much longer to analyze. We can get by with a categorical exclusion and it really helps us meet our mobility and safety goals.

The other area, and this would probably be towards the tail end of this three year period is to implement some of these Complete Streets. We've had numerous, sort of requests and ideas for doing these. Like, Bonanza area on North Virginia Street, Lake Mead in North Las Vegas, and some of these areas. What really Complete Streets are, less lanes, narrowing down the lanes, slowing down the traffic, adding in bike lanes, buffers to the bike lanes and incorporating some of those and using some money towards meeting NDOT goals for those. It really meets our mobility and especially meets our safety goals because there really are some safety improvements by doing these. Frankly, that 45 mile an hour speed limit on many of our arterials in Las Vegas where they often travel far faster than that are not very pedestrian and bicycle friendly facilities. In the right locations where there is enough capacity, I think these make sense.

Our 3R Program. We essentially are doing quite well and we get evaluated on the NHS. The NHS, National Highway System is our freeways and our major US routes. We're ranked quite high on that but if you look at our State Highway

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Preservation Report, we are falling behind on what we call our Category 4 and 5 roads. Those are our lesser state routes, around the state. We need to spend some 3R money on those. I will tie this in, some of these could be routes that we are looking for road swaps that we have to improve before we would do that.

The next is bridge and structures. Our major maintenance and seismic projects. These are not new bridges, these are seismic retrofit, deck repairs, joint repairs, on our major bridges. Again, I think we spend in the range of \$10M a year on those, but we need to spend a little bit more to kind of keep up with them and to kind of keep that high bridge rating. One of our major performance measures is the bridges on the National Highway System.

Two specific projects that need more money and we're specifically saying—this is the \$10M I talked about earlier. We think we need to spend \$10M beyond what we had already assumed in state funding on the Tropicana bridges and escalators to finish the job. The other one is this I-15 and Star Interchange. I was actually the Project Manager on the whole I-15 South Environmental Study. We moved ahead with the design-build south. We did the Cactus interchange. This is the next interchange down there. It is a fast growing area of Henderson. Frankly, the City of Henderson through the RTC's extra money is providing a large chunk of the funding for the interchange, over \$30M. We have old ear marks that are remaining—ear marks are old SAFETEA-LU money that's been carried over to spend on that. We believe with an additional of \$10M of state funding, we will be whole and be able to advertise the project in 2017. We really think this is a valuable use of additional state funding.

That concludes my presentation. I did come to this with more of an idea of dollars in each specific category. It became a really difficult thing to really say which year and each category. I could answer your questions in a general area of how much in each category, but we feel spending the money in these areas meets our performance measures but it also, these are things that we can do relatively quickly that don't have big environment or right-of-way constraints that we couldn't deliver quickly on. With that, if I could answer any questions.

Sandoval: Thank you Mr. Terry. This has been very helpful for me. As you said in your presentation, this is new money. This was money that previously went to the General Fund, correct?

Terry: Some of it, yes sir.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

- Sandoval: And, by putting this money here, we can deploy several more projects in some of these high need areas. Frankly, I can't disagree with any of the decisions that you've made in terms of how you're going to deploy the money. Again, it's only been a few months since the Legislature adjourned and you've already made those decisions and are moving that money where it needs to go. So, not only does it mean transportation improvements, safety improvements, but it also means we're putting people to work. And, I would imagine that there are several hundred construction jobs associated, if not thousands of construction jobs associated with these projects.
- Terry: Yes.
- Sandoval: So, well done. Other comments from Board Members? Thank you. Agenda Item No. 13, Old Business. Mr. Director.
- Malfabon: Thank you Governor. This has the Monthly Report on Outside Counsel Costs on Open Matters, the Monthly Litigation Report and the Fatality Report for September 1, 2015. We're able to answer any questions, either from the Attorney General Staff or for the Director.
- Sandoval: Questions from Board Members on Agenda Item No. 13? Mr. Lieutenant Governor.
- Hutchison: Thank you Governor. More of a request. As I look at the reports for both outside counsel as well as litigation matters, I see there's a category here for Contracts Closed Since Last Report and also Cases Removed From Last Report. Do we have anything in here that addresses cases or contracts added since the last report? If not, it'd be very helpful, just in terms of not beating the same old drum over and over again but we know what's new coming up. That's my comment and at least for me, Governor, helpful to see that.
- Sandoval: Mr. Gallagher.
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Lieutenant Governor, we can easily make that change.
- Hutchison: Thank you. And, just along that line, are there any new cases or any new litigation? I don't know that I saw any since the last time we were here. It looks like it was all the stuff we've talked about before.

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

Gallagher: I believe we have one additional personal injury action since the last Board Meeting.

Hutchison: Okay, thank you.

Gallagher: I would like to take this opportunity. We did change the format slightly under the condemnations. I created a new category, McCarran Widening Condemnations. Before they were simply intermixed and just so that the Board knows the McCarran Widening, it was anticipated that there would be handful of cases, not very substantial. So, we had one contract. That's why if you look at it, you'll see the fees and costs are in equal amounts. A lot of it was chasing property owners trying to clear up various liens on some of the properties.

One item that just came up two weeks ago, I believe, or a week and a half ago that I think indicates that it was a wise decision to do that. We did have a property owner who the Department sought a 150 square foot temporary construction easement at the back of their property in order to build the sound wall. The length of the proposed easement was two years with an option for a third. NDOT's appraisal came in at \$800. The property owner believed that it was a total take and demanded over \$200,000. It kind of stayed like that for a while. Obviously we had to get on to the properties for the project to go ahead so we came to the Board and got a condemnation resolution, which we thank you for. The property owner remained having a belief that this 150 square foot, temporary easement was worth a great deal more.

As the Board may recall, the State is obligated both constitutionally and statutorily to pay just compensation. Not just to that property owner, but to all the other property owners. Well, this property owner, while he came down from over \$200,000 to \$60,000 and then to \$40,000. At the eve of trial, came down to \$20,000. We decided, no, that wouldn't be fair to the other property owners that we've already settled with, so we went. We had gotten a litigation appraisal that came in at \$1,225. The jury went out and the jury came back and the jury sided with our appraisal and awarded \$1,225. Just sometimes you've got to take a case like that to trial, you have no choice.

Sandoval: Did you do an offer of judgement in that case?

Gallagher: Well, because it's condemnation, Governor, you know—

Sandoval: Are we still responsible for their attorney's fees even though the—

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

- Gallagher: Not attorney's fees, but certain costs of which, in this particular case, were minimal.
- Hutchison: Thank you Governor. Let me just compliment the Attorney General's Office, since I've been on the Board, it hasn't been that long, I've been asking about taking matters through the Attorney General's Office into trial or litigating them and you're doing that more. I think it's commendable and something that we ought to respect and recognize. The lawyers at the AG's Office should have the best knowledge concerning condemnation and then all the things we do with them on NDOT and be able to take those trial and as you mentioned, Rudy, in your Director's Report, the MLK at Alta case was a fair resolution as a result of taking it to trial. So, thank you for paying attention to that and moving matters along Mr. Gallagher.
- Sandoval: Other questions or comments? Rudy, could you briefly talk about the Fatality Report and where it stands as compared to last year?
- Malfabon: Yes Governor and Board Members. Unfortunately we see that there is still this trend. The last two years we've had more fatalities than the previous year. I know that our staff are working in Southern Nevada with the Cities and Clark County and the RTC of Southern Nevada to put out some beneficial projects. They've spent some of their Fuel Revenue Indexing Money on some of our state highways to make pedestrian improvements. Unfortunately, we see that trend going up. Specifically, we're noticing this trend in bicyclist fatalities in Clark County. A very unfortunate trend and we're asking staff to look at what we can do, what the specific circumstances are of some of these crashes where fatalities occurred. And, what we can do in terms of, not only the behavioral aspects, but the infrastructure aspects of projects that we can do to drive down these fatalities.
- Sandoval: Thank you. Any other questions from Board Members on Agenda Item No. 13? We'll move to Agenda Item 14, Public Comment. Is there any member of the public? Yes sir, Mr. Lake, I believe, if I recall correctly.
- Lake: Thank you Governor, Members of the Board. Ray Lake for the record. I listened to the presentation on additional funding and one of the items disturbed me a little bit and that was the Complete Streets, specifically at the Bonanza. There's been a traffic signal put in there and it's helped a great deal. I drive through there probably several times a week. I wanted to point out that that is also the only reasonable other way into town when traffic backs up on 395. It's also the best

Transcript of Nevada Department of Transportation
Board of Director's Meeting
September 14, 2015

route to go from the North Valleys into West Reno, via McCarran Boulevard, rather than driving all the way down 395. So, other people that I know that live in that area are really disturbed by that. I thought it was just a rumor, but obviously it's more than that. So, we really would not like to see that cut down. Thank you.

Sandoval: Thank you Mr. Lake. Any other public comment from Carson City? Mr. Skancke.

Skancke: I want to back up to I-11, just to keep beating this just for a second. I should've introduced Michael Aaron who is my former Chief of Staff at the Global Economic Alliance who is actually leading up their global initiatives on foreign direct investment. I'm no longer the CEO but I am going to volunteer Michael. If there is any interest to talk to some of these international investors who do massive infrastructure investments that can structure these projects, I think there's already some interest on I-11, please reach out to Michael and talk to him going forward. There is a lot of interest in international money. I-11 has a lot of interest across the region and around the world. I'd hate to see us miss those opportunities. It might be worth our while to talk to Michael at the Global Economic Alliance and at least maybe have some preliminary conversations. Thank you Governor.

Sandoval: Thank you. Any public comment in Las Vegas?

Martini: None Governor.

Sandoval: We'll move to Agenda Item 15, is there a motion to adjourn?

Hutchison: Lieutenant Governor has moved, Member Skancke has seconded it. All in favor say aye. [ayes around]

Secretary to Board

Preparer of Minutes



MEMORANDUM

September 15, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015 Transportation Board of Directors Meeting
Item #6: Public Hearing to Act Upon a Regulation Converting a Temporary Regulation to a Permanent Regulation in the matter concerning road relinquishments by and between the Nevada Department of Transportation and local governments – For possible action

Summary:

Today's action is to hold a Public Hearing to "Act Upon a Regulation Converting a Temporary Regulation to a Permanent Regulation" as authorized by NRS 233B.063(3). This hearing has been noticed, 30 days in advance as required by NRS 233B.0603. This public hearing will allow for public comment and will allow the Board to consider those comments and then consider the adoption of the permanent regulation and guiding manual for the road relinquishment process.

Background:

The Department worked with local governments in 2013 to revise NRS 408.527, the road relinquishment regulation. The regulation was changed to require the Department to work with Cities and Counties to develop a process to address road relinquishments. That process was then developed through a coordinated effort between the Department and various local representatives and subsequently, after public workshops in late 2014 and a public hearing in January of 2015, a temporary regulation and a guiding manual were approved by the Transportation Board. The temporary regulation was filed with the Secretary of State shortly thereafter.

The Nevada Administrative Code requires that any temporary regulation must automatically terminate by November 1 of the odd number legislative year, unless it is converted to a permanent regulation. The Department intends to convert the existing temporary regulation to a permanent regulation. To accomplish this, the temporary regulation must be submitted to the Legislative Council Bureau (LCB) for review, drafting and revision of the temporary regulation into a permanent regulation. Then one final public workshop and a final public hearing must be held to convert the temporary regulation to a permanent regulation.

In June of 2015 the temporary regulation was provided to the (LCB) and was assigned LCB File No. R012-15. After completion of a draft by LCB staff, and review of the draft by NDOT staff and NDOT Attorney General staff, the final wording was completed as you see it on the attached item with this packet. Neither the context nor the intent of the language approved in the temporary regulation was changed in the new permanent regulation.

In August of 2015, a Noticed Public Workshop was held in Carson City and video conferenced to Elko and Las Vegas for the purpose of soliciting comment on the proposed permanent regulation and the guiding manual. The new permanent regulation language and an updated guiding manual were available for review and comment. The updated manual addressed issues that were found during the past several months that dealt with roads that were already under discussion and/or design for road projects and removed the requirement for sending formal documents to start a conversation with an entity. It was felt that if there were already discussions between the agencies on a road project then a formal request to open a new dialog was a moot point and could be added as a component of already, ongoing conversations.

A total of one (1) person attended the workshop. The one person was in Carson City and there were no participants in Elko or Las Vegas. No public comment was offered at the workshop, nor were any written comments received prior to or at the workshop. In an effort to insure that ample notices were provided to all Cities and Counties, an email was also sent to all city managers and county administrative managers in the state, with attachments of the posting, guiding manual and the proposed regulation along with a request for comment. No written comments from any agency were received.

Analysis:

The required Noticed Public Workshop has been completed. The next step is the process of converting the temporary regulation to a permanent regulation is the requirement to hold a Public Hearing. This hearing today will allow for public comment and will allow the Transportation Board to consider any such comments and to consider taking action on the conversion to a permanent regulation. If the permanent regulation is approved today, it will be filed with the Secretary of State at which time it will become a regulation.

List of Attachments:

- A. Posted "Notice of Intent to Act Upon a Regulation"
- B. Proposed Regulations
- C. 'Guide to Road Relinquishments

Recommendation for Board Action:

1. Staff recommends that the Board hold the public hearing and solicit comments regarding the proposed regulation and 'Guide to Road Relinquishments' and consider those comments.
2. Staff recommends that the Board consider approving the permanent regulation and 'Guide to Road Relinquishments' and authorize staff to submit the regulation and guide to the Secretary of State as the final step of this process.

Prepared by:

Bob Madewell, Chief-Roadway Systems Unit of Planning



BRIAN SANDOVAL
Governor

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

RUDY MALFABON, P.E., *Director*

In Reply Refer to:

**NOTICE OF INTENT TO ACT UPON A REGULATION
CONVERTING A TEMPORARY REGULATION TO A
PERMANENT REGULATION**

Notice of Hearing for the Adoption
Of Permanent Regulations of the
Nevada Department of Transportation

The Nevada Department of Transportation will hold a Public Hearing at its Noticed Board meeting which begins at 9am, on Monday, the 12th of October of 2015 at 1263 S. Stewart Street, 3rd Floor Conference Room, NDOT Headquarters, Carson City, Nevada. This public hearing is an agenda item on the Department of Transportation Board Agenda for this date. The purpose of the hearing is to receive comments from all interested persons regarding the conversion of a temporary regulation to a permanent regulation and its adoption as a permanent regulations as it pertains to chapter 408 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of [NRS 233B.0603](#):

1. The temporary regulation was adopted to insure that a process is in place to address road relinquishments or road trades between the State and Cities or Counties. The purpose is to insure that a formal process is in place for all agencies to follow that will describe the process to begin, negotiate and complete road relinquishments and road trades.
2. The proposed permanent regulation will convert a temporary regulation to a Permanent regulation to insure compliance with the requirements of NRS 408.527, requiring the Department to work with Local Governments and to develop a guide that will drive the process of road relinquishments between the Department and Local Government Agencies.
3. The estimated economic effect of the regulation on the State or Local Governments will be determined by negotiation between the State and each Local Government agency at the time of a proposed relinquishment or road trade.
 - a. There shall be no adverse effects on either the State or Local Governments as each party will enter into a cooperative agreement in writing before any relinquishment or road trade is completed. The intent of this regulation is to insure that each agency receives equal or acceptable benefit from the transfer of a road to its control.
 - b. The immediate effect will be to allow the State and Local Governments to formally begin discussions regarding road relinquishments and road trades and allow them to plan such action. The long-term effect will be

that the State and Local Governments may agree to the transfer of roads in a cooperative manner, thus allowing each agency to make sound decisions for their agencies and become good stewards of the taxpayers money.

4. The cost to the Department of Transportation for enforcement of the proposed regulation will be absorbed in the typical daily cost for staff services
5. There are no overlapping regulations of other state or local governmental agencies or federal agencies that will be affected by this regulation.
6. The proposed regulations are not required by any federal law.
7. The proposed regulation is not federally regulated.
8. The proposed regulation does not place any new fee or increase any existing fee as the current road relinquishment or road transfer process does not contain a fee.

Persons wishing to comment upon the proposed action of the Nevada Department of Transportation may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to **Nevada Department of Transportation, Attn: Roadway Systems Unit, 1263 S. Stewart Street, Safety/Roadway Modular, Carson City, Nevada, 89712**. Written submissions must be received by the Nevada Department of Transportation, Roadway Systems Unit on or before September 25, 2015 at 5:00 PM. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Transportation may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at:

Nevada Department of Transportation,
District I Office,
123 E. Washington Ave,
Las Vegas, NV 89125,

Nevada Department of Transportation,
District II Office,
310 Galletti Way,
Sparks, NV 89431

Nevada Department of Transportation,
District III Office,
1951 Idaho St.,
Elko, NV 89801

Nevada Department of Transportation,
1263 S. Stewart Street,
Carson City, NV 89712

Nevada Department of Transportation,
Tonopah Maintenance Station,
805 Erie Main,
Tonopah, NV 89049

Nevada Department of Transportation,
Winnemucca Maintenance Station
725 West 4th St.
Winnemucca, NV 89446

Nevada Department of Transportation,
Ely Maintenance Station
1401 Ave. F
Ely, NV 89301

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to [NRS 233B.0653](#), and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) calendar days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

NOTICE OF INTENT TO ACT UPON A REGULATION

October 12, 2015, 9:00am

This notice of hearing has been posted at the following locations:

Nevada Department of Transportation
1236 S. Stewart St.
Carson City, NV 89712

Nevada Department of Transportation
District III Office
1951 Idaho St.
Elko, NV 89801

Nevada Department of Transportation
District I Office
123 E. Washington Ave.
Las Vegas, NV 89125

Nevada Department of Transportation
Winnemucca Maintenance Station
725 West 4th St.
Winnemucca, NV 89446

Nevada Department of Transportation
Tonopah Maintenance Station
805 Erie Main
Tonopah, NV 89049

Nevada Department of Transportation
Ely Maintenance Station
1401 Ave. F
Ely, NV 89301

Nevada Department of Transportation
District II Office
310 Galletti Way
Sparks, NV 89431

RTC of Southern Nevada
600 S. Grand Central Pkwy.
Suite 350
Las Vegas, NV 89106

Washoe County Courthouse
75 Court St.
Reno, NV 89520

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Churchill County Library
5553 S. Maine St.
Fallon, NV 89406

Goldfield Public Library
P.O. Box 430, Fourth & Crook St.
Goldfield, NV 89013

Lincoln County Library
93 Main St.
Pioche, NV 89043

Eureka Branch Library
P.O. Box 293, 1125 Central Ave.
Eureka, NV 89316

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Battle Mountain Branch Library
P.O. Box 141, 625 S. Broad St.
Battle Mountain, NV 89820

Pershing County Library
P.O. Box 781
Lovelock, NV 89419

Douglas County Library
P.O. Box 337, 171 Central St.
Minden, NV 89423

Storey County Library
P.O. Box 14, 95 S. R St.
Virginia City, NV 89440

Mineral County Library
P.O. Box 1390, First & A Street
Hawthorne, NV 89415

AGENDA

9:00 AM, October 12, 2015

Department of Transportation, Transportation Board Meeting

3rd Floor Conference Room

1263 S. Stewart Street, Carson City, NV 89712

1. Call to Order-Open the Public Hearing
2. (Staff) Report by the Department on converting the existing temporary regulation to a permanent regulation to be adopted pursuant to the requirements of NRS 408.527. The purpose of the proposed regulations is to:
 - A) Comply with NRS 408.527, which requires the Department to adopt regulations that will guide the Road Relinquishment process.
3. Public Comment and discussion:
 - A) Only public comment relative to the proposed regulations will be taken. Public Comment may be limited to five (5) minutes per person at the discretion of the Board Chair.
4. This item has been included on the agenda as an **ACTION ITEM**.
 - A) Staff recommends that the Board adopt the Proposed Permanent Regulation.
5. Action-Vote on the proposed regulation in Item 4.
6. Close Public Hearing-Adjournment

This notice and agenda has been posted on or before 9 a.m. on the thirtieth (30th) day before the meeting at the locations listed above.

Date: August 7, 2015

**REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R012-15

July 28, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 408.527.

A REGULATION relating to roadways; providing for the establishment and subsequent revision of a manual for the relinquishment of a state highway from the Department of Transportation to a county or city, or a county or city road from a county or city to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the relinquishment of a portion of a state highway from the Department of Transportation to a county or city or a portion of a county or city road from a county or city to the Department under certain circumstances, and requires the Department, in cooperation with local governments, to adopt regulations governing the development of procedural documents that address the process of such relinquishments. (NRS 408.527) This regulation provides the procedure for the development, approval and subsequent revision of a manual addressing the process of such relinquishments.

Section 1. Chapter 408 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department, in cooperation with local governments, will develop a manual which sets forth the process for proposing, developing, evaluating and completing the relinquishment of a portion of a state highway from the Department to a local government or a portion of a county or city road from a local government to the Department pursuant to NRS 408.527. The manual will be developed as follows:

(a) The Department will develop a proposed draft of the manual and transmit a copy to the chief administrative officer of each local government.

(b) A local government may submit comments to the Department on the proposed manual during a review period specified by the Department, but not less than 45 calendar days after the receipt of the proposed manual.

(c) The Department will develop a written response to each comment submitted pursuant to paragraph (b), and a compilation of all comments and responses will be transmitted to each local government not later than 20 calendar days after the conclusion of the review period specified by the Department pursuant to paragraph (b).

(d) The Department will make a good faith effort to resolve any disagreement with a local government before submitting the proposed manual to the Board.

(e) The Board shall consider the proposed manual for approval at a scheduled public meeting. All persons in attendance at the public meeting must be afforded the opportunity to provide comment upon the proposed manual.

(f) The Board shall consider the recommendations of the Department and any comment presented during the meeting and shall approve or deny the proposed manual during the meeting or as soon as practicable at a subsequent public meeting. If the Board denies the proposed manual, it shall direct the Department to work with local governments to develop a new draft to be submitted to the Board for approval at a subsequent public meeting, subject to the requirements of paragraph (e).

(g) If the Board approves the proposed manual, the manual becomes effective upon approval and will be made accessible to the public on the Internet website maintained by the Department.

2. After the initial approval of the proposed manual by the Board pursuant to subsection 1, beginning during the month of October or November of each year, the Department may revise the manual as follows:

(a) The Department will transmit a copy of any proposed revisions to the chief administrative officer of each local government.

(b) A local government may submit comments on the proposed revisions during a review period specified by the Department, but not less than 30 days after the receipt of the proposed revisions.

(c) The Department will respond to each comment in writing, and a compilation of all comments and responses will be transmitted to each local government not later than 20 days after the conclusion of the review period specified by the Department pursuant to paragraph (b).

(d) Within 10 calendar days after transmitting the responses to each local government pursuant to paragraph (c), the Department will submit the proposed revisions to the Board. The Department will make a good faith effort to resolve any disagreement with a local government before submitting the proposed revisions to the Board.

(e) The Board shall consider the proposed revisions to the manual for approval at a scheduled public meeting. All persons in attendance at the public meeting must be afforded the opportunity to provide comment upon the proposed revisions.

(f) The Board shall consider the recommendations of the Department and any comment presented during the meeting and shall approve or deny the proposed revisions to the manual during the meeting or as soon as practicable at a subsequent public meeting. Any proposed revisions approved by the Board become effective upon approval. A revised manual which includes those revisions will be made accessible to the public on the Internet website maintained by the Department. Any proposed revisions not approved by the Board will not be included in the revised manual.

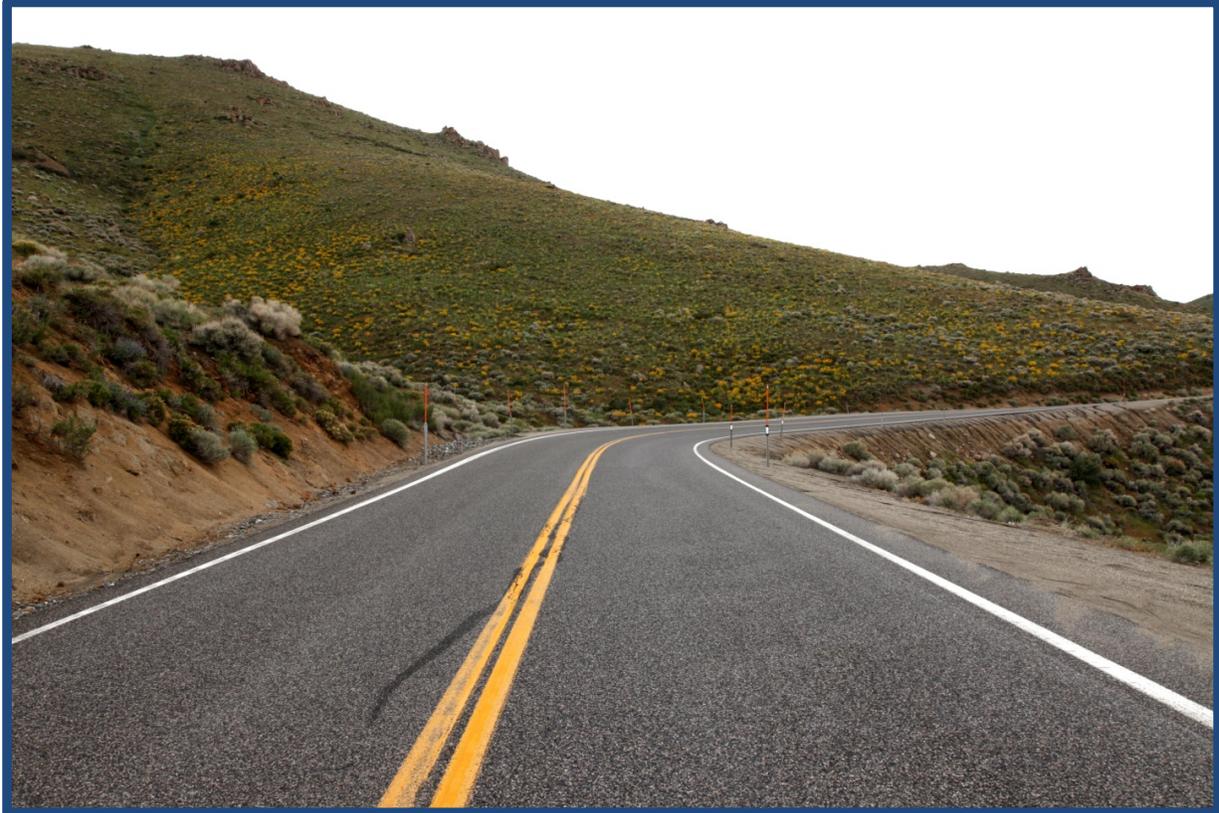
(g) The decision of the Board pursuant to paragraph (f) is final, and no further revisions may be proposed until the next annual revision period described in this subsection.

3. As used in this section:

(a) "Board" means the Board of Directors of the Department of Transportation.

(b) "Local government" means the governing body of any incorporated city in this State or the board of county commissioners of any county in this State.

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
GUIDE TO ROADWAY RELINQUISHMENTS**



Rural Highway

Nevada Department of Transportation

1263 S. Stewart St
Carson City, NV 89712
(775)888-7000

Published by the Planning Division

Roadway Systems Section, 1213 Oregon St, Carson City, NV 89712
For information please contact the State Systems Unit of the
Roadway Systems at (775) 888-7179 or (775) 888-7675



Vers.(09/2015) Final

Rudy Malfabon, P.E., Director

Table of Contents

	<u>Table of Contents</u>	2
<u>Section 1:</u>	<u>INTRODUCTION</u>	
1.1	Definitions	3
1.2	Department Responsibility.....	5
1.3	Purpose and Intent	5
1.4	History.....	5
<u>Section 2:</u>	<u>LEGISLATIVE ACTION</u>	
2.1	Legislative Statutes NRS 408.527.....	8
<u>Section 3:</u>	<u>RELINQUISHMENTS & ROAD TRADES</u>	
3.1	Types of Relinquishment.....	10
3.2	Appropriateness of Relinquishment.....	10
3.3	Cost to Relinquish.....	11
3.4	Road Trades.....	11
<u>Section 4:</u>	<u>PROCESS</u>	
	With Project	12
	With NO Project	12
4.1	Initial Process.....	12
4.1.1	Letter of Intent	
	4.1.1 (a) Procedure from LG to Department	
	4.1.1 (b) Procedure from Department to LG	
4.1.2	Response to Letter of Intent.....	13
4.1.3	In House-Field Review	
4.1.4	Road Traffic and Safety Evaluation	
4.2	Joint Party Field Review.....	13
4.3	Negotiation with Local Government.....	14
4.4	Determining State of Good Repair.....	14
<u>Section 5:</u>	<u>NON-AGREEMENTS AND CONFLICT RESOLUTION</u>	
5.1	Non-agreements.....	15
	5.1.1 Non-agreement Memo received by NDOT from LG	
	5.1.2 Non-agreement Memo received by LG, from NDOT	
5.2	Conflict Resolution.....	16
<u>Section 6:</u>	<u>AGREEMENTS AND RESOLUTIONS</u>	
6.1	Written Agreements.....	17
6.2	Resolutions.....	17
6.3	Final Official Resolution and Recordation.....	17
<u>Section 7:</u>	<u>APPENDICES AND FIGURES</u>	
Appendix A	Determining What Exceeds the Departments Needs.....	18
Appendix B	Determining What Constitutes the Need to Elevate a Road to a State Highway.....	19
Figure 1	In-house Check List.....	20
Figure 2	Road Traffic and Safety Evaluation Form (RTSE).....	22
Figure 3	Joint Party Field Review Form.....	23
Figure 4	Negotiation Check List.....	24

SECTION 1: INTRODUCTION

1.1 Definitions

*(The definitions listed below with an asterisk are found in their entirety in the Code of Federal Regulations, CFR 23, Chapter 1, Section 460.2. The full definition found in the CFR shall apply).

Betterment - A physical improvement to a facility (roadbed, roadway or roadside element) either geometrically or structurally, that would be considered above and beyond a state of good repair.

Cost to relinquish - A level of work or financial contribution to facilitate the relinquishment.

Department - State of Nevada, Department of Transportation

Division - Division of State Lands

Exceeds the Departments Needs – A determination by the Department, county or city, that the highway no longer is needed, based on a system analysis.

Equitable Trade Value – Value can be in the form of monetary compensation, other land value including roads, public land or a combination of compensation and land.

Federal Aid Highways – Highways where federal funds have participated in either right-of-way or physical construction.

FHWA- Federal Highway Administration

Highway – NRS 408.070, Highway means roads, bridges, structures, culverts, curbs, drains and all buildings, communication facilities, services and works incidental to highway construction, improvements and maintenance required, laid out, constructed, improved or maintained as such pursuant to constitutional or legislative authority.

Local Government Agency (LGA) - NAC 408.182. The term, “Local Government” for the purpose of NAC 408.567 means the legislative body of any county or city.

***Maintenance** – The preservation of the entire highway, including surfaces, shoulders, roadsides, structures, and such traffic control as necessary for its safe and efficient utilization.

NDOT – Nevada Department of Transportation

***Open to public travel** – Road sections that are available, except during schedule periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars and open to the general public for use without restrictive gates. (Further defined in 23 CFR, Chapter 1, Section 460.2, Code of Federal Regulations).

Project – As delineated in NRS 373.028 – Project Defined

***Public Authority** – A federal, state, county, town or township, Indian tribe, municipal or other local government or instrumentality thereof, with authority to finance, build, operate, or

maintain toll or toll-free highway facilities. (Defined in 23 CFR, Chapter 1, Section 460.2, Code of Federal Regulations).

***Public Road** – Any road under the jurisdiction of and maintained by a public authority and open to public travel. (Defined in 23 CFR, Chapter 1, Section 460.2, Code of Federal Regulations).

Relinquish – The act of turning over to another entity the property rights, liability and maintenance responsibilities of a portion of a state, county or city highway.

Relinquishment by legislative enactment – Using legislative action to delete a portion of a state highway from the State Highway System that no longer serves inter-regional or statewide transportation needs.

Relinquishment by relocation – The same as “relinquishment by superseding.”

Relinquishment by superseding – A state highway has been realigned or built on an alignment that is different than the existing alignment making the old alignment redundant.

Relinquishment of Federal Aid Highways – Conveyance of a portion of a highway right-of-way or facility by a State Highway Agency (SHA) to another government agency for highway use. (Defined in CFR 23, Chapter 1, Subchapter G, Part 620, subpart B, 620.203 (b), Code of Federal Regulations).

Road Traffic and Safety Evaluation (RTSE) – See Figure 2 of this manual.

Relinquishment of collateral facilities – Those local streets and roads that were built or modified during the course of a state highway project and are no longer needed for the State Highway System and are to be relinquished to the appropriate **LGA**.

Repair- To fix or mend something: to restore something broken or damaged to good condition.

Roadway – NAC 408.245, Means the portion of a highway for vehicular use, including the shoulders and the portion of the highway within the limits of any construction. For the purpose of this manual and its processes, shall also include all appurtenances associated with the highway within the rights of way.

Right-of-way- NRS 408.080, Means land, property or any interest therein acquired for or devoted to highways whether or not the entire area of such is actually used for highway purposes.

Safe Road- As determined by joint agreement after the joint field review and is based partly on data reported using the Road Traffic and Safety Evaluation form shown in Figure 2. Generally means a road that has little or no correctable accidents, that contains pavement widths, cross slopes, and striping that are standard to a road of the nature in question. The road contains no exigent roadside cautions the overall road conditions would lead a prudent person to feel safe, driving the road.

State Highway – For the purposes of this manual, any reference to a State Highway or State Maintained Highway, shall mean highways under the control and ownership of the State of Nevada, Department of Transportation, NDOT.

State of good repair – To fix or mend the roadway to a safe, maintained travel area for vehicles, pedestrians and all other modes in a good condition. This term does not include

betterments or capacity increasing improvements. (See section 4.4 of this manual for more on the State of Good Repair).

1.2 Department Responsibility

Road relinquishments and road transfers have occurred between Local Government Agencies (LGA) and the state, for many years. In 2013, Assembly Bill 18 was approved and revised NRS 408.527 thus clarifying the process that enables these transactions.

The Roadway Systems Unit of the Planning Division of NDOT is responsible for managing the completion of road transfers between the Department and LGA's. Requests to consider road transfers by an LGA starts with a request to the Roadway Systems Unit **of Planning**.

1.3 Purpose and Intent of Manual

The purpose of this manual is to provide guidance in the process and completion of roadway relinquishments either to or from the State of Nevada, Department of Transportation. This manual is to provide a smooth process by which roads can be transferred between the department and LGA's working together in the process. NRS 408.527 shall be followed when completing road relinquishments or road transfers.

This manual was developed with assistance from the following: NDOT Administration-Headquarters, NDOT District Engineers, League of Cities-Nevada, Nevada Association of Counties-NACO, Agency representatives from various local governments representing, cities, counties, and RTC's, NDOT Right of Way Division and NDOT-Roadway Systems Division.

1.4 History

Since the creation of the Department of Transportation in 1957, the state maintained road network has grown and evolved significantly as a result of growth, changing regional economics, and the national development of the Interstate system of highways. As these demographic changes developed, some of the original road system was, or continues to be superseded by relocation, and significant portions no longer serve areas of state significance. The Department currently maintains a mix of 5,400 miles of roadways that service as many as 250,000 + vehicle trips a day down to less than 50.

In recognition of this, the 1999 legislature passed Assembly Concurrent Resolution 3. This resolution directed the director of the Department of Transportation to study the feasibility of transferring state owned roads used primarily for local traffic to local governments. In addition, the study was to examine transferring local roads serving regional or statewide interests to the State. Assembly Concurrent Resolution 3 can be found in the NDOT library or you may request a copy from the office of Roadway Systems, 1263 S. Stewart Street, Safety/Roadway Modular, 93712.

The Department conducted the above mentioned study and submitted its findings to the legislature in June of 2001. Several elements were considered in conducting the study to determine whether a highway should be a state or local route. The most important were: connectivity, accessibility, maintenance costs, travel volume, safety issues, geography, roadway appurtenances, jurisdictional issues and ownership. The study identified 109 highways (599 miles) under NDOT jurisdiction along

with 27 highways (271 miles) under local government jurisdiction for possible exchange of maintenance and in most cases ownership.

Generally, the study defined that the state should maintain roads that are heavily used or provide interstate, inter-county, intercity, intermodal, or national-defense connectivity. The results of the study identified roadways that the state may have interest in transferring to local entities and conversely roadways that local entities may have an interest in transferring to the state. Utilizing the criteria, the study identified a significantly higher number of overall mileages for roadways under state jurisdiction for transfer than for the local entities. The results of the study made it clear that the equitable exchange of roadways represented limited potential when considering the entire list of roadways identified.

In September of 2005, the Nevada Department of Administration Division of Internal Audits conducted an audit of the Departments road transfer process due to the limited success in transferring roads to local governments. In all, only 22 miles of roadway were transferred as of that date. The audit made 3 recommendations to improve the process including: “Eliminating time spent determining road ownership”, “Use alternative methods to transfer roads”, and “Assign staff to coordinate the transfer process”. All 3 recommendations were implemented however, the department was still met with limited success due to local entities reluctance to take on new roadways without long term compensation for maintenance costs or in many cases inability to maintain what is currently in their jurisdiction. Most of the successes to date are the result of a local entity requesting the exchange when it is in their interest for control of access, and to initiate improvements of a priority to the entity. A copy of the September 2005 Division of Internal Audits can be found in the NDOT library or you may request a copy from the office of Roadway Systems, 1263 S. Stewart Street, Safety/Roadway Modular, 93712.

As a result of assigning staff to coordinate the transfer process, additional parameters were established to define what type of roadways should be maintained by the state. Those parameters can be found in Appendix A of this manual.

To date 903 miles of state maintained highways have been identified as candidates for transfer from the State to LGA’s. Of these, 98 miles have been successfully transferred.

Due to the limited success with completing transfers, the director of NDOT at that time, proposed a new strategy to the Board. The department identified roads to be relinquished that had projects in the 2006-2008 Statewide Transportation Program (STIP) for resurfacing, reconstruction and rehabilitation. The proposal to offer “Lump sum” payments was brought to the Board in February of 2006. The Board indicated that we already had approval to use whatever means necessary to relinquish these roads.

During the following years, some road relinquishment and road trades were proposed and a few, such as a road exchange between Carson City and the Department occurred with the construction of Interstate 580, were completed but the list of roads for relinquishment remained high.

In January of 2012, the director of NDOT made a presentation to the Transportation Board on the background, process and current status of State Highway relinquishments to local governments. That presentation to the Board discussed the 2001 Report to the Legislature and Assembly Concurrent Resolution 3, and the 2005 Audit referred to earlier, and miscellaneous other documents of interest

and was concluded as an information item only. However, the need to revitalize the relinquishment process was born from this presentation. NDOT staff was directed to look at NRS 408.527 and revise it to make it work better both for the State and local governments. Staff began later that year to meet with local governments, first via teleconference, then through on-site workshops that occurred in the spring of 2013 to develop a process for addressing relinquishments and road trades. The results of those meetings created the language that was presented to and adopted by the Legislature of the State of Nevada In May of 2013 which amended NRS 408.527 and helped develop this manual as you see it today.

This manual is a first step in providing a focused direction to both, the Department and the local governments on an identified process for developing a road relinquishment or road transfer between agencies. It is a living document and as we move forward, is intended to be modified as issues arise with those modifications only coming after agreement between the Department and LGA's.

SECTION 2: LEGISLATION

2.1 Legislative Statutes:

Nevada Revised Statute NRS 408.527

Procedure for relinquishment of roadways; regulations

1. *Whenever the Department and the county or city concerned have entered into a written 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:
 - a. Any portion of any state highway which has been deleted from the state highway system by legislative enactment:
 - or
 - b. Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.*
2. *Whenever the county or city concerned and the Department have entered into a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.*
3. *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.*
4. *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.*
5. *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.*
6. *If the Board relinquishes property pursuant to subsection 5, and the purpose for which the property was relinquished is abandoned or ceases to exist, then, absent an agreement or provision of law to the contrary, and regardless of the interest of the Department in the property before it was relinquished, all right, title and interest in the property shall vest in the county, city or Division without reversion to the Department.*
7. *The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of a state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.*
8. *A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the*

Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.

- 9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.*
- 10. The Department, in cooperation with local governments, shall adopt regulations governing procedural documents that address the process by which highways and roads are relinquished.*
- 11. 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.*

SECTION 3: RELINQUISHMENTS and ROAD TRADES

Road trades and Relinquishments should be completed for the entire portion of right of way. Portion relinquishments have occurred in the past causing jurisdictional issues, including maintenance, accident investigation, and confusion to the public. Therefore, relinquishments should, **whenever practical**, include the full width of any road from right of way to right of way and should include the full changeover of all responsibility for the road. Split Jurisdiction roads should be considered for relinquishment only in the case where all jurisdictions with ownership in the road and after its relinquishment are in agreement with the relinquishment.

3.1 Types of Relinquishment

In Nevada there are three types of relinquishments:

- Relinquishment by Legislative enactment
 - a. This relinquishment is completed using legislative action to delete a portion of a state highway from the State Highway System that no longer serves inter-regional or statewide transportation needs. For example, during a legislative session, a highway is recommended for relinquishment and it is completed by legislative vote and not through an agreement process as required by other processes. This action will generally only be used when there is agreement between the Department and the LGA involved and the agreement is in the form of a written letter from the LGA stating their agreement. However, nothing in this manual replaces the ability of the legislature to enact legislation of any kind, including the relinquishment of a state highway.
- Relinquishment by the superseding or relocation of new state highway (**Collateral Facilities**)
 - a. This process is used when a highway is relinquished to an LGA upon the completion of a new roadway that has been realigned or built on an alignment that is different than the existing alignment making the old alignment redundant. This requires a formal process of relinquishment covered by this manual **only if the road was taken into the State's route system by route designation and number. If the road to be relinquished was not taken into the operational element of the State's road system and given a route designation, then the process of relinquishment through the State's Surplus Property Process via the Right of Way Division may be used. That process will still require an agreement and resolutions.**
- Relinquishment by the changing of a highways primary functionality from a system perspective
 - a. This relinquishment occurs when the Department determines a road to be in excess of its needs or that the road no longer functions as a state highway or when a local agency feels a road has risen to a level of functioning as a state highway. This requires a formal process of relinquishment covered by this manual.

3.2 Appropriateness of Relinquishment

The Department must first determine if a relinquishment makes sense from a system perspective. Criteria have been developed and are applied to a road that is considered for relinquishment, this criterion is primarily system connectivity and functionality related. (See Appendix A). Other factors should also be considered when determining the appropriateness of a relinquishment, such as:

- Future Projects Pending
- Economic Development
- Regional Recreation Use
- Land Use
- LGA's Master Plan

The goal is for the relinquishment or trade to neither be a benefit or burden to either parties but to best serve the travelling public and communities of the State of Nevada.

3.3 Cost to Relinquish

The cost to relinquish or trade roads is established in the negotiation between the State and the Local Public Agency. A joint review of the roads shall be conducted to identify needs and advantages for the relinquishment or trade. Negotiations can include monetary compensation but must be agreed upon in writing, by the negotiating parties. In the event that the State agrees to monetary compensation, the negotiating agent must have budget approval from the Department of Transportation's Director and the budget division, prior to finalizing the agreement.

3.4 Road Trades

NRS 408.527, as it has been changed, allows for the trade of roads from the Department to a county or city (LGA) and also from a county or city (LGA) to the Department. In this sense, a relinquishment does not occur but a trade occurs. Language in the law requires that there be *equitable trade of value*. Value can be in the form of monetary compensation, other land value including roads, public land or a combination of compensation and land. During the negotiation process, the equitable trade of value component will be discussed and the final agreement between the entities will describe what items have been determined to be used as the equitable trade value.

SECTION 4: PROCESS

4.1 Initial Process

All process of developing a road relinquishment or trade shall follow this manual as required by NRS 408.527 and NAC 408.182.

With Project: When a project has been initiated and discussions between the State and an LGA have begun on the project, initial steps to start the process of relinquishment may move to section 4.3 to begin negotiations.

With NO Project: All steps beginning at 4.1.1 shall be followed to initiate a road relinquishment process.

4.1.1 Letter of Intent:

When the Department or LGA wants to relinquish or trade a road, and has determined the type of relinquishment involved, a letter of intent shall be sent to the other party stating the intent to open up dialog for the consideration of a relinquishment. The letter should delineate the highways or roads to be discussed and a reason why they are being considered. At minimum, the letter should contain information such as;

- A description of the highway to be relinquished; i.e., its limits, functionality, connections to other state highways or other relinquishments, and the results of the system analysis decision.
- A short summary of the agency's primary concerns (e.g., lack of maintenance funds, requested improvements, traffic control devices, etc.)
- Clear, legible maps and other attachments as appropriate that show the highway to be relinquished, the condition of the highway, and other features that are of concern to the local agency or NDOT.
- Names, phone numbers, and locations of the appropriate contact persons.

4.1.1(a) Procedure from Department to LGA:

1. Initiation by Roadway Systems using the current list of roads recommended for relinquishment.
 - a. Roadway Systems will develop a letter to the Chief Manager of the LGA (usually the City Manager, County Manager, or Director) recommending dialog be opened
 - b. Cc copy of letter to the District Engineer and Right of Way
2. If initiated by other than Roadway Systems
 - a. Contact Roadway Systems and provide information as shown in item 4.1.1 above. Note that the road must meet the criteria contained in Appendix A.
 - b. Once request to Roadway Systems is made, then Roadway Systems will follow the procedures established in Section 4 of this manual to initiate the process and tracking.

4.1.1(b) Procedure from LGA to the Department:

1. Send Letter of Intent to:
 - Nevada Department of Transportation
 - ATT: Chief of Roadway System Division
 - 1263 S. Stewart Street, Carson City, NV, 89712

- a. Letter should contain, at minimum, the information shown in item 4.1.1 above and must fit into the criteria identified in Appendix B.

4.1.2 Response to letter of Intent:

A response letter should be returned to the initiating agency acknowledging the intent letter and whether or not further discussion should be made. It should indicate the reasons why discussions or negotiations should or should not continue. If the letter of Intent indicates a willingness to proceed with discussions, then a tracking number shall be assigned using the current system in place through the Right of Way division at NDOT for surplus property. This number will be for tracking only.

4.1.3 Initial In House-Field Review:

(The in-house field review is conducted by the Roadway Systems unit for the Department. LGA's should assign this to an appropriate representative)

After the response letter is received and there is indication of further action, a field review should be conducted to gather the basic information about the road(s) in question, i.e., location, length, width, number of lanes, pavement condition, general location and type of visible utilities, structures, intersections, and photographs, etc. This step will provide valuable data for use when the joint field review is set. It will allow the representative to make determinations on issues of interest in preparation for the joint field review which should allow for better discussion.

Figure 1 is a form that can be used to complete the in-house field review.

4.1.4 Road Traffic and Safety Evaluation

A Road Traffic and Safety Evaluation (RTSE) is required to be completed by the initiating agency and will provide data on traffic counts, accident information, proposed planned construction and observations on travel conditions of the road based on a visual review. This information will be helpful to both the initiating agency and to the receiving agency in evaluation of the current and future plans for the road and its current operating characteristics.

Figure 2 is a form to be completed by the initiating agency.

4.2 Joint Party Field Review

After the initial in-house field review issues are evaluated, a Joint Party Field Review should be scheduled. Upon completion of the In-House field review, copies of the review and any issues of concern shall be forwarded to the LGA or the Department, depending on who completed the in-house review. The joint field review should include, at minimum, a representative from the LGA, who shall represent the interest of the LGA, and the District Engineers office for NDOT, along with a representative from the Roadway Systems Unit of NDOT whose role will be to document the discussions and issues raised in the joint review, and to assist with moving the process forward after the completion of the joint field review. The joint review should also include a representative from the various groups at NDOT that may be involved in the discussions of specific items, such as Right of Way, Traffic Operations, Maintenance, Structures etc., if feasible and available. If not available during the joint field review, representative divisions and units shall respond in writing to issues raised by the joint field review team within 30 calendar days of being notified of the request for their response by the Roadway Systems Unit.

Figure 3 is a format that can be used to complete the Joint Party Field Review.

4.3 Negotiations between Local Government Agency and the State

Once the Joint Party Field Review is completed, a meeting should be scheduled by the leading party that first requested the initiation of the relinquishment or road trade. That meeting should include representatives from each agency that are familiar with the issues of the joint field review and other issues of interest, and should also include representatives that are designated to make decisions on behalf of their agency relative to final negotiations but prior to official resolutions.

This negotiation is the beginning of the process to identify the final items that are open for negotiation and resolution of issues prior to the relinquishment process formalizing. Once negotiations have reached a point of agreement, a document should be prepared by the initiating agency delineating the issues and agreements that were reached. This agreement shall be signed by an agency representative charged with authority to sign agreements. This shall become a part of the process for final approval through the body charged with formal approvals in their jurisdiction, such as a City Council, County Commission, State Transportation Board or other charging body empowered to enter into agreements.

Figure 4 is a checklist that can be used to assist in the negotiation process.

4.4 Determining State of Good Repair

State of good repair, for the purpose of this document is to have a safe, well-maintained road that all users, including vehicles, bicycles, motorcycles, pedestrians and all other modes of travel allowed with the right-of-way, can expect as a prudent user. It is the expectations that a prudent driver, bicyclist, or pedestrian (whether walking or in an ada compliant product) would have while using the road, sidewalk etc. Those expectations include but are not limited to, not encountering obstacles in the roadway, not driving or walking on rough or poorly maintained travel areas, poor drainage, inadequate striping and signage, poorly operating traffic signals, poorly operating lighting systems, and roadside obstacles that deter from the safety of the roadway. The term, “State of Good Repair” does not include the installation of new items, betterments or capacity increasing improvements and generally means bringing the existing items found at the time of review, up to a good, useable product.

SECTION 5: NON-AGREEMENT AND CONFLICT RESOLUTION

5.1 Non-agreement

If there is no agreement as to a condition relative to 'Good Repair' or there is no agreement on what is an acceptable means of putting the road into a state of good repair, or on any other item, such as trade value, equitable value, etc, the agency not agreeing shall formulate a non-agreement memo.

For memos being sent to the Department (NDOT), the memo should be sent to:

Roadway Systems Office
Attn: Roadway Systems Division Chief
1263 S. Stewart Street
Carson City, Nevada 89712

For memos being sent to the LGA, the memo should be sent to the party assigned by that agency as their representative, who was identified as required in section 4.1 Process, of this document.

The memo shall state what the item of the non-agreement is, the issue or concern with the item of non-agreement, the date of observation that formulated the concern, the reason they feel there is no agreement, and recommended resolutions.

5.1.1 Non-agreement Memo Received by the Department (from LGA)

Once a Non-agreement Memo is received at NDOT it will be logged into the file and forwarded to the District Engineer (or their representative) for review. Within 30 calendar days of receipt of the memo, a meeting will be scheduled by the Roadway Section of NDOT to include necessary NDOT staff that will make a determination as to the response from NDOT on the item or items of disagreement. The District Engineer will formulate the response to the sender after conferring with necessary NDOT staff.

If the District Engineer agrees with the issues raised in the memo, the memo will reflect this agreement and will include suggestions on resolution, which may include agreement with the recommended resolution identified by the sender in the Non-agreement Memo.

If the District Engineer does not agree with the issues raised in the memo, the memo will reflect the disagreement and will include recommended resolutions for resolving the issues raised.

All responses from the District Engineer to the LGA shall include Carbon Copy (CC's) to the Roadway Systems Unit of NDOT, and the Director's Office of NDOT.

It is the goal of NDOT and NRS 408.527 to create a mechanism that allows for a positive resolution to roadway relinquishments or road transfers. All NDOT staff

should attempt to find resolution of disagreements that would best represent the interest of the people of the state of Nevada.

5.1.2 Non-agreement Memo received by an LGA (from the Department)

Once a Non-agreement Memo is received by an LGA, the LGA shall respond within 30 calendar days of receipt of the memo as to their agreement or non-agreement with the issues raised in the Non-agreement Memo. The response shall include their agreement or non-agreement with the issues raised and if in Non-agreement Memo. The memo should state the reasons for the non-agreement and include recommended solutions to resolve any non-agreement.

5.2 Conflict Resolution

If, after receipt of, and response to the Non-agreement Memo, there does not appear to be a foreseeable resolution on the issues raised, a meeting shall be set between the two parties to confer on the items of non-agreement and an attempt to work out a responsible solution. Documentation of this meeting and its results should be sent to the Roadway Systems office of NDOT for addition to the working file.

If it appears that no resolution can be found, the relinquishment or road transfer shall be terminated and each party shall notify the other that they no longer wish to consider this relinquishment.

SECTION 6: AGREEMENTS AND RESOLUTIONS

6.1 Written Agreements

Each relinquishment or road transfer shall be formalized by the District Engineer, of each NDOT District, or their representative, in the form of a “Cooperative Agreement”. The agreement document must be approved by both the Department and LGA. Agreements that contain monetary transfer from the Department shall first be approved by the Budget Division to insure funds are available to complete the transaction. This Agreement must be fully executed prior to moving forward with getting the Resolutions, as discussed below, approved.

6.2 Resolutions

Each relinquishment or road transfer shall be prepared by the Right of Way Division of the Department and will consist of a Resolution Consenting to Relinquishment. The Resolution Consenting must be approved by the body charged in the LGA’s body that is charged with formal approval of resolutions/agreements. The Resolution of Relinquishment is the document that transfers the title to the road.

6.3 Final Official Resolution for Recordation

Once the Resolution Consenting has been approved by the LGA’s body, the matter shall be taken to the State’s Transportation Board for final approval. If approved by the Transportation Board, the Resolution of Relinquishment will be completed and will be recorded in the office of the County Recorder of the county where the land is located.

Appendix A

DETERMINING WHAT “EXCEEDS” THE DEPARTMENT’S NEEDS:

A determination by the Department, county or city, that the highway no longer is needed, based on a system analysis. The system analysis shall include but not be limited to the following determinations for the highway:

- a. No longer serves to provide connectivity.
- b. No longer serves to provide accessibility
- c. The cost has exceeded the benefit ratio.
- d. Travel volumes are of a nature that the justification of the highway cannot be made.
- e. Safety issues, including the geography and roadway appurtenances overshadow the need for the roadway.
- f. Jurisdictional issues and ownership are of a nature to warrant the relinquishment of the highway to a local entity.

A: Criteria for routes that should be removed from the state roadway system (absent additional justification for inclusion):

1. Routes that cross state and/or county lines, and are functionally classified lower than Rural Major Collector or Urban Minor Arterial.
2. Urban routes functionally classified lower than Urban Principal Arterial\Other.
3. Rural routes functionally classified lower than Rural Minor Arterial.
4. Rural routes with \leq 1 million 2-directional ESAL (equivalent single axel load).

B: Criteria for routes that may be considered for abandonment:

1. Route meets the criteria for removal from the state roadway system.
2. The local public agency has declined to accept responsibility for the route.
3. Route does not meet any of the “should”, or “may” criteria contained in Appendix B for inclusion in the state roadway system.
4. The underlying fee ownership* of the route in question belongs to a public agency and, the abandonment does not adversely affect an abutting property owner’s access.

*If NDOT is the underlying fee owner and the property was acquired on or after April 1st, 1957, the property must be disposed of in accordance with NRS 408.533.

Appendix B

DETERMINING WHAT CONSTITUTES THE NEED TO RAISE A ROAD TO A STATE HIGHWAY BY AN LGA:

A determination by the LGA that the highway has raised to a level of performing as a state highway, based on a system analysis. The system analysis shall include but not be limited to the following determinations for the highway:

A: Criteria for routes that should be included in the state roadway system:

- a. Route is part of the Interstate and/or US Route system(s).
- b. Routes or portions of routes with right of way identified for future corridor needs.
- c. Route is required by previous NDOT agreement for providing access and the purpose of the original agreement is still viable.
- d. Route provides Inter-state and/or Inter-county and/or Inter-city connectivity for travel and/or commerce.
- e. Routes that cross state and/or county lines, provide connectivity to higher order facilities, and are Functionally Classified by NDOT as Rural Major Collector, Urban Minor Arterial, or higher.

B: Criteria that may be considered as additional justification for a routes inclusion in the state roadway system:

- a. Truck traffic (ESAL)
Rural roadways with > 1 Million 2-directional ESAL where the local jurisdiction doesn't have the resources to maintain the route, or where it causes a significant burden.
- b. Routes "Functionally Classified" higher than Local that:
 1. Include a major mountain pass requiring snow removal where the local jurisdiction lacks the resources to keep the route open during severe weather.
 2. Provides the exclusive connectivity of an important agricultural or commercial area to the state roadway system.
 3. Provides exclusive connectivity of "Tribal" facilities or population centers to the state roadway system.
 4. Provides exclusive connectivity to inter-modal facilities of regional significance.
 5. Provides exclusive connectivity of a population center (rated at a minimum of "Census Designated Place") to the state roadway system.
 6. Route provides direct connectivity to a County Seat.
 7. Provides access to a state correctional facility.
 8. Is an Access Route (AR) for an important infrastructure facility (Radar, Weather, Radio Site).
 9. Provides access to state maintenance stations or critical material sites.
 10. Provides exclusive access and/or connectivity to a national or state park, state roadside park, or a state established welcome station. (SP, RP, WS)

FIGURE 1 INITIAL IN-HOUSE CHECK LIST

Date of Review _____ **Reviewer Name** _____

Road or Route Name _____

Location _____

(By county and GPS coordinate @ Begin and End Point)

Limits: _____

(i.e., MP to MP or intersection to intersection)

Number of Lanes NB _____ SB _____ EB _____ WB _____

Lane Widths

NB #1 _____	NB #2 _____	NB #3 _____	
SB #1 _____	SB #2 _____	SB #3 _____	
EB #1 _____	EB #2 _____	EB #3 _____	
WB #1 _____	WB #2 _____	WB #3 _____	

Condition of Striping (include information on bike lanes etc) _____

Medians Yes _____ No _____ Type _____ Width _____

Visible Pavement Condition

NB/EB _____

SB/WB _____

Shoulder Type and Width (if sidewalk-how wide and type)
(considered shoulder from painted edge line to edge of pavement)

NB/EB _____

SB/WB _____

Describe any graded gravel or dirt areas off the edge of pavement. Give approximate measurements of the graded/gravel area from edge of pavement to edge of defined area.

Sidewalk (type and condition, i.e. cracked, broken, weathered, missing small portions etc)

NB/EB _____

SB/WB _____

ADA Facilities present at corners? _____ Yes _____ No

Condition and Location _____

Number of Driveways

NB ____ SB ____ EB ____ WB ____

Visible Utilities (What type if known)

Overhead _____

Underground _____

Traffic Signals/Stop Signs _____

(by Location-on mainline) _____

Bridges/Culverts/Structures _____

(Location and type-Photo) _____

Fences/embankments/slopes adjacent to roadway _____

Visible safety concerns _____

(example: visibility, bushes, road damage, striping, pavement width, missing signs, etc.)

(This information is subjective and should be evaluated by all members in the joint field review)

Misc.Information _____

(all reviews must include a photo of a typical lane in each direction, shoulders, and general pavement condition)

In the space below add any additional notes

FIGURE 2
ROAD TRAFFIC AND SAFETY EVALUATION (RTSE)

Assessment requested for road relinquishment or trade?: _____

Specific location of proposed RTSE :

City/County _____

Route(s): _____

From/To _____

Segment Length: _____ Miles

Describe any improvement plans, planned or scheduled, (including scoping, design, construction, etc.), for this location:

What is the crash experience for the most recent 3-year period (total crashes, fatal crashes, injury crashes, crash rate, pedestrian/bicycle, etc)

What types and causes are shown in the crash statistics for each crash?

Crash 1 _____

Crash 2 _____

Crash 3 _____

Crash 4 _____

(attach additional sheets if necessary)

Average Daily Traffic (ADT) volume for road(s):

Describe any observations that would lead you to believe that a prudent person would have a safety concern for this road: (example such as visibility, road condition, striping issues, construction adjacent to road edge etc).

(attach separate sheet if necessary)

Please include any photos and/or other information that is factual to the location:

Signature of Representative providing data _____

Date _____

**FIGURE 3
JOINT PARTY FIELD REVIEW**

Date of Review _____

Reviewer Name/s (LPA) _____

Reviewer Name/s (NDOT) _____

Road or Route Name _____

Location (MP to MP) _____

(Give each item below a number then attach a separate sheet with the item number and a description of your issue.)

Pavement Rutting _____ Cracking _____ Pavement Drainage _____
Full Reconstruct Needed _____ Overlay Needed _____

Striping Centerline _____ Lane Lines _____ Edge line _____

Medians Yes ___ No ___ Type _____ Width _____

Shoulder Type and Width (if sidewalk-how wide and type)
(considered shoulder from painted edge line to edge of pavement)

NB/EB _____

SB/WB _____

Describe any graded gravel or dirt areas off the edge of pavement. Give approximate measurements of the graded/gravel area from edge of pavement to edge of defined area.

Number of Driveways

NB _____ SB _____ EB _____ WB _____

Visible Utilities (What type if known)

Overhead _____

Underground _____

Traffic Signals/Stop Signs _____

(by Location-on mainline) _____

Bridges/Culverts/Structures _____

(Location and type-Photo) _____

Misc. Information _____

(all reviews must include a photo of a typical lane in each direction, shoulders, and general pavement condition)

FIGURE 4
NEGOTIATION CHECK LIST

Essential Items for Negotiation

Road surface and PCI data
Concrete condition, including sidewalks, curbs-gutters, bridges, sound/retaining walls
All road striping
Signage/signals/street lights/-in place and functioning satisfactorily
Clear property rights
Shoulder/guardrails in good condition
5 year maintenance history
Right of way – full width information and ownership
Copies of all permits, leases, R.O.W. records, maintenance agreements etc.

Items that may be Negotiable

Landscaping
Lighting
Storm drains
Discussion of exchange types (i.e., owned lands traded for roads, road for road e.t.c.)
ADA items (America with Disabilities Act items)
Funding exchange for work
Funding for utility improvements
Road design and improvements to meet road classification

Information needed

Age of roadway
Accident rates
Prior rights
ESALs
Permits/utilities/encroachments/easements
Utility data



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

MEMORANDUM

Date: September 24, 2015

TO: Department of Transportation Board of Directors
FROM: Director Rudy Malfabon
SUBJECT: October 12, 2015 Transportation Board of Directors Meeting
Item # 7: Report by Nevada Highway Patrol on Cooperative Efforts between the Nevada Department of Transportation and the Nevada Department of Public Safety – Highway Patrol Division to Improve Traffic Safety - Information item only

Summary:

This item is to present a briefing on cooperative efforts between the Nevada Department of Public Safety (DPS) – Highway Patrol Division (NHP) and the Nevada Department of Transportation (NDOT) to improve traffic safety. NHP will provide information on a safety effort for work zones and other effective safety programs.

Background:

NDOT entered into an interlocal contract with the Department of Public Safety – Highway Patrol Division to provide Uniform Traffic Control Officers and their vehicles as a supplemental security feature for traffic control.

NHP uses other programs to improve highway traffic safety, including Joining Forces and Badge On Board. Joining Forces is a multi-jurisdictional law enforcement program that targets impaired or distracted driving, pedestrian safety, speeding and seat belt use. The Badge on Board program reminds drivers to take care when driving around commercial vehicles such as large trucks and buses. Examples of dangerous driving include unsafe lane changes, failure to signal lane changes, failure to yield the right of way, following too closely, speeding, failure to use due care or aggressive driving (a combination of two or more behaviors).

Analysis:

Uniform Traffic Control Officers are useful for managing traffic through temporary construction work zones. Initially the program was established with construction projects in mind but it is also available for maintenance operations. At a recent annual meeting of statewide NDOT Maintenance Supervisors, they were reminded that this program is available for their use.

Recommendation for Board Action:

Informational item.

Prepared by:

Rudy Malfabon, Director, NDOT; Colonel Dennis Osborn, Chief, NHP



MEMORANDUM

October 2, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015, Transportation Board of Directors Meeting
Item #8: Approval of Contracts Over \$5,000,000 – For Possible Action

Summary:

The purpose of this item is to present to the Board a list of construction contracts which are 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 the Contract Compliance section of the Department from August 20, 2015, to September 18, 2015.

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 for Approval, August 20, 2015, to September 18, 2015.

Recommendation for Board Action:

Approval of the contract listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS FOR APPROVAL
August 20, 2015 to September 18, 2015

1. August 27, 2015, at 1:30 PM, the following bids were opened for Contract 3605, Project No. SPSR-0593(002), SR 593 Tropicana Avenue from Eastern Avenue to Boulder Highway, in Clark County, for cold milling, placing plantmix bituminous surface, and median island improvements:

Aggregate Industries SWR, Inc.	\$7,669,990.00
Las Vegas Paving Corporation.....	\$8,565,000.00
Security Paving Company, Inc.	\$9,097,825.42

Engineer's Estimate.....\$6,764,326.44

The Director recommends award to Aggregate Industries SWR, Inc., for \$7,669,990.00

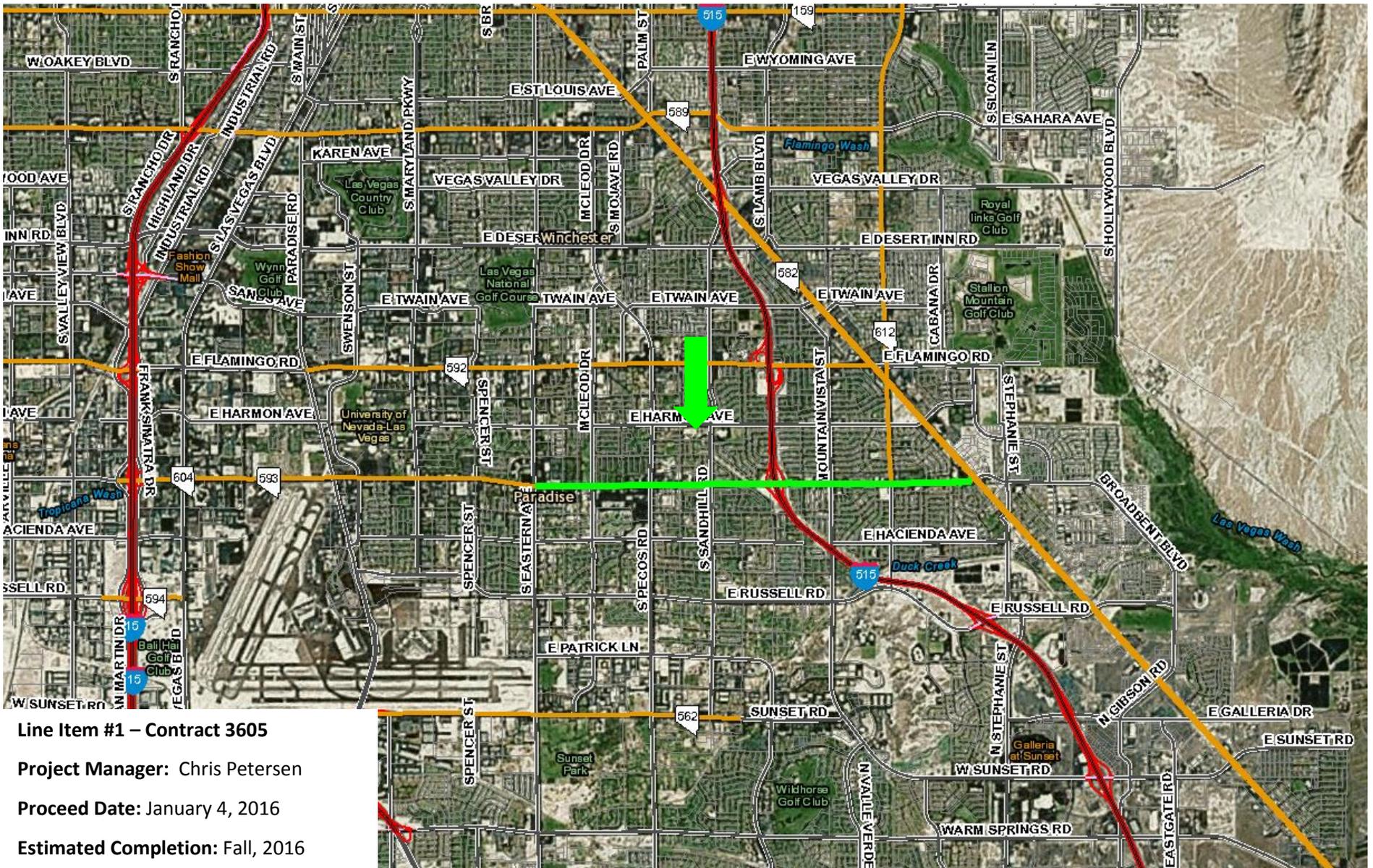
2. August 27, 2015, at 2:00 PM, the following bids were opened for Contract 3607, Project No. SI-095-3(010), US 95 South of Tonopah, US 95 0.796 miles South of Dry Wash B-1478 to 1.198 miles South of the Esmeralda/Nye County line, at Junction Silver Peak Road, and Junction Lida Road, in Esmeralda County, for construction necessary to widen shoulders and flatten slopes (earthwork only), construct two passing lanes, widen Silver Peak Road for right turn lane and Lida Road for right and left turn lanes, and cold milling with plantmix bituminous surface with open grade:

Road and Highway Builders, LLC	\$14,141,141.00
--------------------------------------	-----------------

Engineer's Estimate.....\$12,414,053.05

The Director recommends award to Road and Highway Builders, LLC, for \$14,141,141.00.

Line Item 1



Line Item #1 – Contract 3605

Project Manager: Chris Petersen

Proceed Date: January 4, 2016

Estimated Completion: Fall, 2016



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

MEMORANDUM

Administrative Services

September 14, 2015

To: John Terry, Assistant Director, Engineering
Reid Kaiser, Assistant Director, Operations
Rudy Malfabon, Director

From: Teresa Schlaffer, Business Process Analyst III



Subject: Concurrence in Award for Contract No. 3605, Project No. SPSR-0593(002), SR 593 Tropicana Avenue from Eastern Avenue to Boulder Highway, Clark County, described as Cold milling, placing plantmix bituminous surface, and median island improvements, Engineer's Estimate of \$6,764,326.44.

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

Bid proposals were opened on August 27, 2015. Aggregate Industries SWR, Inc. is the apparent low bidder at \$7,669,990.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Las Vegas Paving Corporation with a bid of \$8,565,000.00.

The project is State funded; required 3.00% DBE participation and Bidder's Preference was applied, but did not affect the successful contractor's ranking.

The subcontractor listing documentation submitted by the two lowest bidders has 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 Co-Chair(s) have provided their recommendation to award, and the report is attached.

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

Concurrence in award:

DocuSigned by:

F0003DD9AE07413...
John Terry, Assistant Director

DocuSigned by:

0BDB40100401471...
Reid Kaiser, Assistant Director

DocuSigned by:

04070EE60950444E...
Rudy Malfabon, Director

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

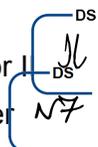


1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7497
Fax: (775) 888-7235

MEMORANDUM
External Civil Rights Division
Contract Compliance Section

September 2, 2015

To: Jenni Eyerly, Administrative Services Division Chief

From: Jaye Lindsay, Compliance/Audit Investigator 
Nancy Ficco, Contract Compliance Manager 

Subject: NDOT Bidder DBE & Subcontract Information – Contract no. 3605

On SR 593 Tropicana Avenue from Eastern Avenue to Boulder Highway

Cold Milling, placing plantmix bituminous surface, and medial island improvements.

The subcontractors submitted by the apparent low bidder, Aggregate Industries SWR, Inc., have been received by Contract Compliance and we have concluded:

They are currently licensed by the Nevada State Board of Contractors and hold an active State of Nevada Business License.

The DBE goal of 3% has been met with a 3.01% DBE committed participation by the apparent low bidder Aggregate Industries SWR, Inc. by Nevada certified DBE firms.

Therefore, the subcontractors and DBEs are approved on this contract.

cc: Contract Services



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

MEMORANDUM
Administrative Services

September 9, 2015

To: Jenni Eyerly, Chief - Administrative Services
From: Bid Review and Analysis Team
Subject: BRAT Summary Report for Contract #3605

The Bid Review and Analysis Team met on September 8, 2015, to discuss the bids for the above referenced contract. The following were in attendance:

- Paul Frost, Chief Roadway Design Engineer
- Sharon Foerschler, Chief Construction Engineer
- Casey Connor, Assistant Chief Roadway Design Engineer
- Jeff Freeman, Assistant Chief Construction Engineer
- Scott Hein, Principal Roadway Design Engineer
- Paula Aiazzi, BPA I, Administrative Services
- Mark Caffaratti, Constructability
- Devin Cartwright, Roadway Design
- Mary Gore, ASO II, Administrative Services
- Shawn Howerton, Principal Roadway Design Engineer
- Stephen Lani, Assistant Chief Construction Engineer
- Chris Petersen, Roadway Design
- Dale Wegner, FHWA
- Dennis Faulkner, Roadway Design

Via Teleconference
Samih Alhwayek, Resident Engineer

The overall bid proposal was evaluated and determined to be acceptable. The Price Sensitivity report, with comment, is attached.

The apparent low bidder, Aggregate Industries, submitted a bid which is 113.39% of the Engineer's Estimate. The BRAT recommends award of this contract.

Submitted:

DocuSigned by:
Paul Frost
916B64045CA947F
Paul Frost, BRAT Co-Chair

DocuSigned by:
Sharon Foerschler
67A4C09A4CB7477...
Sharon Foerschler, BRAT Co-Chair

cc: attendees
Pierre Gezelin, Legal
Design Admin

Price Sensitivity August 28, 2015

Contract No.: 3605
 Project No(s): SPSR-0593(002)
 Project ID: 73779
 County: CLARK
 Range: R27 \$6,600,000.01 to \$7,950,000
 Working Days: 190

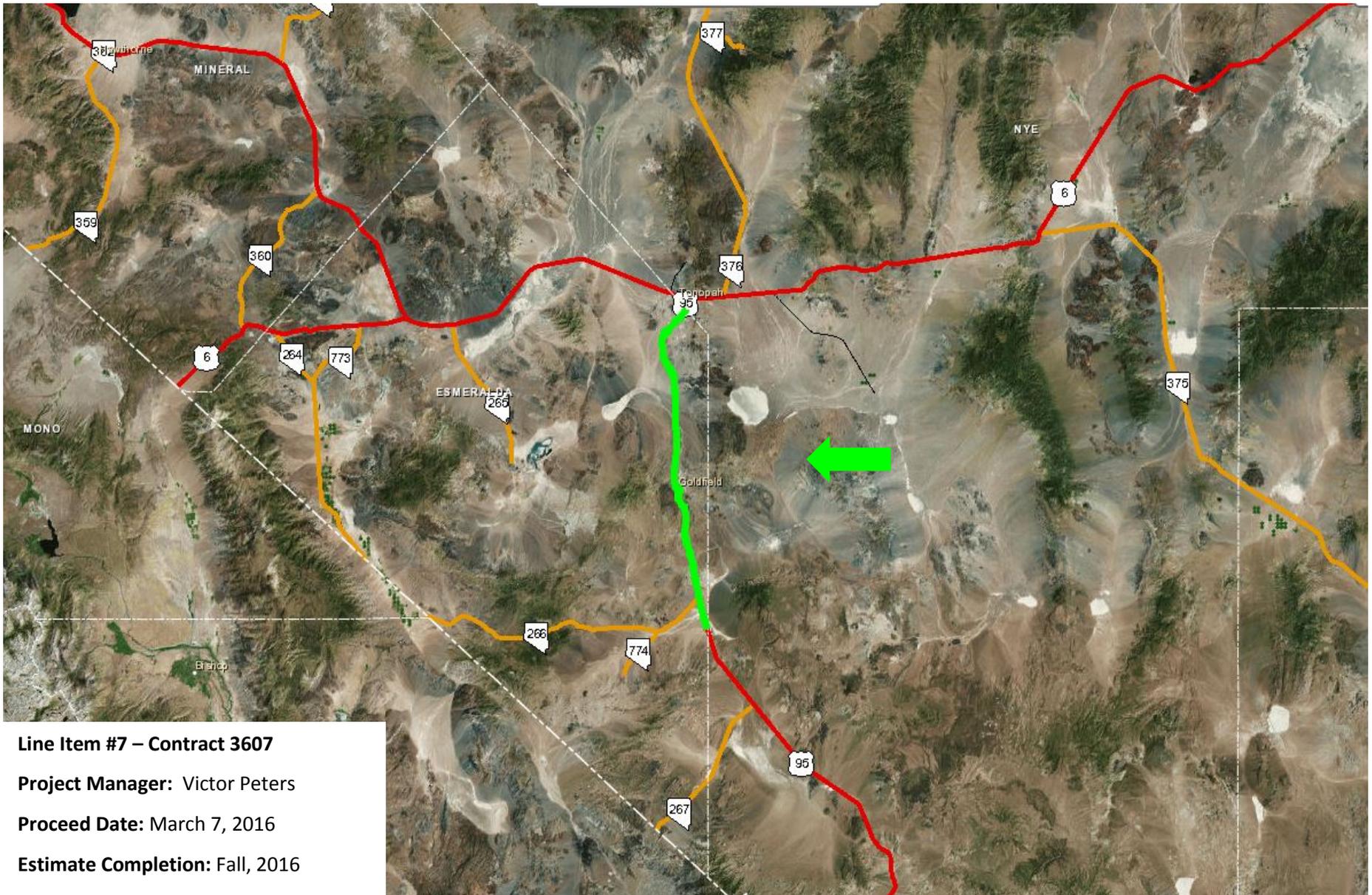
RE: Samih Alhwayek
 Designer: Devin Cartwright

Engineer's Estimate	Aggregate Industries	Las Vegas Paving Corporation	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$6,764,326.44	\$7,669,990.00	\$8,565,000.00	\$895,010.00	\$905,663.56	113.39%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2020935	10404.900	REMOVAL OF COMPOSITE SURFACE	CUYD	\$25.00	\$52.00	\$43.00	99,445.56	955.76%	208.00%	Yes	Quantity Ok, Engineer Estimate Low \$45-\$50 good.
2020990	192983.000	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	\$1.75	\$2.20	\$2.67	-1,904,276.60	-986.76%	125.71%	No	Quantity Ok, EE low, \$2 good
2120045	10111.900	PAINTING	SQYD	\$5.00	\$5.75	\$7.75	-447,505.00	-4425.53%	115.00%	No	Quantity Ok, EE low, \$6 good
3020130	10151.000	TYPE 1 CLASS B AGGREGATE BASE	TON	\$20.00	\$21.55	\$22.10	-1,627,290.91	-16030.84%	107.75%	No	Quantity ok, EE good
4020100	21870.800	PLANTMIXING MISCELLANEOUS AREAS	SQYD	\$6.00	\$3.25	\$13.35	-88,614.85	-405.17%	54.17%	Yes	Quantity ok, EE good
4020190	36830.000	PLANTMIX SURFACING (TYPE 2C)(WET)	TON	\$72.00	\$74.00	\$80.30	-142,065.08	-385.73%	102.78%	No	Quantity ok, EE a little low, \$75 good
5020731	1123.380	CLASS A CONCRETE (ISLAND PAVING)(SPECIAL)	CUYD	\$350.00	\$299.00	\$507.00	-4,302.93	-383.03%	85.43%	No	Quantity ok, EE good
6090260	118.000	ADJUSTING MANHOLE COVERS (METHOD B)	EACH	\$700.00	\$1,840.00	\$1,680.00	5,593.81	4740.52%	262.86%	Yes	Quantity ok, EE good
6090600	89.000	ADJUSTING VALVE COVERS (METHOD B)	EACH	\$650.00	\$550.00	\$700.00	-5,966.73	-6704.19%	84.62%	No	Quantity ok, EE good
6130160	38684.000	CLASS A CONCRETE CURB (SPECIAL)	LINFT	\$9.00	\$8.82	\$6.65	412,447.00	1066.20%	98.00%	No	Quantity ok, EE good
6131100	1465.200	CLASS A CONCRETE SIDEWALK (4-INCH)	SQYD	\$42.00	\$44.65	\$88.60	-20,364.28	-1389.86%	106.31%	No	Quantity ok, EE a little low, \$45 good
6230230	56.000	NO. 5 PULL BOX	EACH	\$700.00	\$940.00	\$912.00	31,964.64	57079.72%	134.29%	No	Quantity ok, EE good
6230635	4.000	STEEL POLE, TYPE 35	EACH	\$10,500.00	\$17,300.00	\$16,800.00	1,790.02	44750.50%	164.76%	Yes	Quantity ok, EE a little low \$13k good
6230955	2.000	TRAFFIC ACTUATED CONTROLLER	EACH	\$24,000.00	\$25,025.00	\$24,307.00	1,246.53	62326.60%	104.27%	No	Quantity ok, EE good
6231820	16600.000	3-INCH CONDUIT	LINFT	\$12.00	\$35.00	\$27.30	116,235.06	700.21%	291.67%	Yes	Quantity ok, EE low for conditions
6232630	208.000	LOOP DETECTOR (6-FOOT X 6-FOOT)	EACH	\$500.00	\$432.50	\$420.00	71,600.80	34423.46%	86.50%	No	Quantity ok, EE good
6240140	190.000	TRAFFIC CONTROL SUPERVISOR	DAY	\$450.00	\$385.00	\$325.00	14,916.83	7850.96%	85.56%	No	Quantity ok, EE good
6250050	190.000	RENT TRAFFIC CONTROL DEVICE MAINTENANCE	DAY	\$350.00	\$200.00	\$775.00	-1,556.54	-819.23%	57.14%	Yes	Quantity ok, EE good
6250230	10.000	RENT CHANGEABLE MESSAGE SIGN	EACH	\$5,500.00	\$4,865.00	\$3,300.00	571.89	5718.91%	88.45%	No	Quantity ok, EE good
6250500	4661.000	RENT CONSTRUCTION SIGNS	SQFT	\$15.00	\$8.15	\$9.00	-1,052,952.94	-22590.71%	54.33%	Yes	Quantity ok, EE good
6250510	7068.000	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	LINFT	\$30.00	\$40.30	\$45.00	-190,427.66	-2694.22%	134.33%	No	Quantity ok, EE good
6280120	1.000	MOBILIZATION	LS	\$373,274.69	\$224,026.67	\$430,147.39	N/A	N/A	60.02%	Yes	EE fixed %

Recommend award

Line Item 2



Line Item #7 – Contract 3607

Project Manager: Victor Peters

Proceed Date: March 7, 2016

Estimate Completion: Fall, 2016



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

MEMORANDUM
Administrative Services

September 16, 2015

To: John Terry, Assistant Director, Engineering
Reid Kaiser, Assistant Director, Operations
Rudy Malfabon, Director

From: Teresa Schlaffer, BPA III, Administrative Services



Subject: Concurrence in Award for Contract No. 3607, Project No. SI-095-3(010), US 95 South of Tonopah, US 95 0.796 miles South of Dry Wash B-1478 to 1.198 miles South of the Esmeralda/Nye County lines, at Junction Silver Peak Road, and Junction Lida Road, Esmeralda County, described as Construction necessary to widen shoulders and flatten slopes (earthwork only). Construct two passing lanes, widen Silver Peak Road for right turn lane and Lida Road for right and left turn lanes, cold milling, with plant mix bituminous surface with open grade, Engineer's Estimate \$12,414,053.05.

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

Bid proposals were opened on August 27, 2015. Road and Highway Builders LLC is the apparent low bidder at \$14,141,141.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. There were no other bidders.

The project is Federally funded, required 1.00% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by the lowest bidder has 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 Co-Chairs have provided their recommendation to award, and the report is attached.

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

Concurrence in award:

DocuSigned by:

John Terry, Assistant Director

DocuSigned by:

Reid Kaiser, Assistant Director

DocuSigned by:

Rudy Malfabon, Director

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



Nevada Department of Transportation
Unofficial Bid Results
 August 27, 2015

Contract Number: 3607 Designer: DAVID PATTERSON Senior Designer: VICTOR PETERS Estimate Range: R30 \$11,500,000.01 to \$13,500,000 Project Number: SI-095-3(010), EB-MG-095 -3(012)	Bid Opening Date and Time: 8/27/2015 2:00 PM Liquidated Damages: \$5,600.00 Working Days: 150 District: DISTRICT 1
---	---

County: ESMERALDA
Location: US 95 South of Tonopah, US 95 0.796 miles South of Dry Wash B-1478 to 1.198 miles South of the Esmeralda/Nye County line, at Junction Silver Peak Road, and Junction Lida Road
Description: Construction necessary to widen shoulders and flatten slopes (earthwork only). Construct two passing lanes, widen Silver Peak Road for right turn lane and Lida Road for right and left turn lanes, cold milling, with plant mix bituminous surface with open grade

	Actual Bid
Apparent Low Bidder: <u>Road and Highway Builders LLC</u>	<u>\$14,141,141.00</u>

Bidders:	Actual Bid Amount
1 Road and Highway Builders LLC 96 Glen Carran Circle #106 Sparks, NV 89431 (775) 852-7283	\$14,141,141.00



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

MEMORANDUM
External Civil Rights Division
Contract Compliance Section

September 2, 2015

To: Jenni Eyerly, Administrative Services Division Chief

From: Jaye Lindsay, Compliance/Audit Investigator 
Nancy Ficco, Contract Compliance Manager 

Subject: NDOT Bidder DBE & Subcontract Information – Contract no. 3607

On US 95 south of Tonopah, US 95 0.795 miles south of Dry Wash B-1478 to 1.198 miles south of the Esmeralda/Nye County line, at Junction Silver Peak Road, and Junction Lida Road, Esmeralda County.

Construction necessary to widen shoulders and flatten slopes (earthwork only). Construct two passing lanes, widen Silver Peak for right turn lane, and coldmiling, with plantmix bituminous surface with open grade.

The subcontractors submitted by the apparent low bidder, Road & Highway Builder, LLC, have been received by Contract Compliance and we have concluded:

They are currently licensed by the Nevada State Board of Contractors and hold an active State of Nevada Business License.

The DBE goal of 1% has been met with a 1.06% DBE committed participation by the apparent low bidder Road & Highway Builders, LLC by Nevada certified DBE firms.

Therefore, the subcontractors and DBEs are approved on this contract.

Cc: Contract Services



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

MEMORANDUM
Administrative Services

September 15, 2015

To: Jenni Eyerly, Chief - Administrative Services
From: Bid Review and Analysis Team
Subject: BRAT Summary Report for Contract #3607

The Bid Review and Analysis Team met on September 15, 2015, to discuss the bids for the above referenced contract. The following were in attendance:

- Paul Frost, Chief Roadway Design Engineer
- Sharon Foerschler, Chief Construction Engineer
- Casey Connor, Assistant Chief Roadway Design Engineer
- Jeff Freeman, Assistant Chief Construction Engineer
- Stephen Lani, Assistant Chief Construction Engineer
- Scott Hein, Principal Roadway Design Engineer
- Shawn Paterson, Principal Roadway Design Engineer
- Jeff Cobb, Constructability
- Mark Caffaratti, Constructability
- David Patterson, Designer
- James Opperman, Roadway Design
- Teresa Schlaffer, BPA III, Administrative Services
- Dale Wegner, FHWA

Via Teleconference:
Steven Baer, Resident Engineer

The overall bid proposal was evaluated and determined to be acceptable. The Price Sensitivity report, with comment, is attached.

The apparent low bidder, Road and Highway Builders, submitted a bid which is 113.91% of the Engineer's Estimate. The BRAT recommends award of this contract.

Submitted:

DocuSigned by:
Paul Frost
916B64045CA947F...
Paul Frost, BRAT Co-Chair

DocuSigned by:
Sharon Foerschler
67A4C09A4CB7477...
Sharon Foerschler, BRAT Co-Chair

cc: attendees
Pierre Gezelin, Legal
Design Admin

Contract No.: 3607
Project No(s): SI-095-3(010), EB-MG-095-3(012)
Project ID/EA No.: 60632, 60694
Counties: Esmeralda / Nye
Range: R30 \$11,500,000.01 to \$13,500,000
Working: 150

RE: Steven Baer
Designer: David Patterson

Engineer's Estimate	Road and Highway Builders	None	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$12,414,053.05	\$14,141,141.00	\$0.00	N/A	\$1,727,087.95	113.91%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2010100	1.000	CLEARING AND GRUBBING	LS	\$437,950.00	\$100,000.00		N/A	N/A	22.83%	Yes	Quantity ok Engineer estimate ok
2020990	268915.800	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	\$2.00	\$4.00		N/A	N/A	200.00%	Yes	Quantity ok Engineer estimate ok
2030140	87235.000	ROADWAY EXCAVATION	CUYD	\$10.00	\$10.00		N/A	N/A	100.00%	No	Quantity ok Engineer estimate ok
2030230	98214.000	BORROW EMBANKMENT	CUYD	\$8.00	\$18.00		N/A	N/A	225.00%	Yes	Quantity ok EE low for remote location
2030700	56029.000	GEOTEXTILE (CLASS 2)	SQYD	\$1.50	\$0.50		N/A	N/A	33.33%	Yes	Quantity ok Engineer estimate ok
2060110	2713.900	STRUCTURE EXCAVATION	CUYD	\$25.00	\$40.00		N/A	N/A	160.00%	Yes	Quantity ok Engineer estimate ok
2110150	293.000	SEEDING	ACRE	\$2,000.00	\$1,200.00		N/A	N/A	60.00%	Yes	Quantity ok Engineer estimate ok
3020130	39398.220	TYPE 1 CLASS B AGGREGATE BASE	TON	\$14.00	\$12.00		N/A	N/A	85.71%	No	Quantity ok Engineer estimate ok
4020180	55225.280	PLANTMIX SURFACING (TYPE 2)(WET)	TON	\$85.00	\$80.00		N/A	N/A	94.12%	No	Quantity ok Engineer estimate ok
4030110	12598.850	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	TON	\$110.00	\$140.00		N/A	N/A	127.27%	No	Quantity ok Engineer estimate ok
4070190	222.570	EMULSIFIED ASPHALT, TYPE SS-1H (DILUTED)	TON	\$375.00	\$180.00		N/A	N/A	48.00%	Yes	Quantity change to 5.77 tons Engineer estimate ok
5020720	104.010	CLASS A CONCRETE (MINOR)	CUYD	\$1,200.00	\$1,500.00		N/A	N/A	125.00%	No	Quantity ok Engineer estimate ok
5050100	21077.000	REINFORCING STEEL	POUND	\$1.25	\$4.00		N/A	N/A	320.00%	Yes	Quantity ok Engineer estimate ok
6100210	700.000	RIPRAP (CLASS 550)	CUYD	\$65.00	\$200.00		N/A	N/A	307.69%	Yes	Quantity ok Engineer estimate ok
6190200	1483.000	GUIDE POSTS (RIGID)	EACH	\$35.00	\$35.00		N/A	N/A	100.00%	No	Quantity ok Engineer estimate ok
6250490	1.000	RENT TRAFFIC CONTROL DEVICES	LS	\$617,593.00	\$500,000.00		N/A	N/A	80.96%	No	Quantity ok Engineer estimate ok
6270190	2043.100	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	\$68.00	\$80.00		N/A	N/A	117.65%	No	Quantity ok Engineer estimate ok
6280120	1.000	MOBILIZATION	LS	\$701,689.30	\$1,142,315.09		N/A	N/A	162.79%	Yes	Quantity ok Engineer estimate ok
6320910	26.382	EPOXY PAVEMENT STRIPING (SOLID WHITE)	MILE	\$1,500.00	\$4,000.00		N/A	N/A	266.67%	Yes	Quantity ok Engineer estimate ok

recommend award



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

MEMORANDUM

October 2, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015, Transportation Board of Directors Meeting
Item #9: 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 August 20, 2015, to September 18, 2015.

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 new agreements and amendments which take the total agreement above \$300,000 during the period from August 20, 2015, to September 18, 2015.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Agreements for Approval, August 20, 2015, to September 18, 2015

Recommendation for Board Action:

Approval of all agreements listed on Attachment A

Prepared by: Administrative Services Division

Attachment

A

**State of Nevada Department of Transportation
Agreements for Approval
August 20, 2015, through September 18, 2015**

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	Dept. Project Manager	Notes
1	09113	03	CH2M	ENGINEERING SERVICES	Y	4,900,547.33	18,700,000.00	28,584,367.44	-	4/10/2013	12/31/2020	10/12/2015	Service Provider	DALE KELLER	AMD 3 10-12-15: INCREASE AUTHORITY \$18,700,000.00 FROM \$9,884,637.44 TO \$28,584,367.44 AND EXTEND TERMINATION DATE FROM 07-31-16 TO 12-31-20 FOR DESIGN ENGINEERING SERVICES, CONSTRUCTION ADMINISTRATION, AND ON-SITE MANAGEMENT SERVICES. AMD 2 07-31-15: EXTEND TERMINATION DATE FROM 07-31-15 TO 07-31-16 FOR CONTINUATION OF SERVICES THROUGH DESIGN BUILD SOLICITATION. AMD 1 01-13-14: INCREASE AUTHORITY \$4,983,820.11 FROM \$4,900,547.33 TO \$9,884,367.44 AND EXTEND TERMINATION DATE FROM 07-31-14 TO 07-31-15 TO DEVELOP AND PREPARE THE OVERALL P3 PROCUREMENT AND FINANCIAL APPROACH TO THE PROJECT, TO ASSIST WITH RFP INDUSTRY REVIEW, TO PREPARE AND REVIEW ALL TECHNICAL DOCUMENTS AND SPECIFICATIONS, TO DEVELOP AND PREPARE THE RFP DOCUMENTS, TO ANALYZE AND REVIEW PROPOSED CONCEPTS, AND TO PROVIDE SUPPORT DURING THE SELECTION PROCESS. 04-10-13: PROVIDE TECHNICAL ADVISORY SERVICES AND DESIGN SUPPORT SERVICES FOR A PUBLIC PRIVATE PARTNERSHIP FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NVF19931065492-S
2	44715	00	KIMLEY-HORN AND ASSOCIATES, INC.	CENTRAL SYSTEM SOFTWARE UPGRADE	N	1,022,000.00	-	1,022,000.00	-	10/12/2015	6/30/2018	10/12/2015	Service Provider	ROD SCHILLING	10-12-15: UPGRADE CENTRAL SYSTEM SOFTWARE TO THE KIMLEY-HORN INTEGRATED TRANSPORTATION SYSTEM (KITS), INCLUDES YEARLY MAINTENANCE/SYSTEM SUPPORT AND SYSTEM ENHANCEMENTS, CARSON CITY. NV B/L#: NVF19911015458-S
3	26713	01	BIOLOGICAL AND ENVIRONMENTAL CONSULTING, LLC	BIOLOGICAL OVERSIGHT	N	1,000,000.00	1,288,000.00	2,288,000.00	-	11/13/2013	6/30/2018	10/12/2015	Service Provider	MEGAN SIZELOVE	AMD 1 09-22-15: INCREASE AUTHORITY BY \$1,288,000.00 FROM \$1,000,000.00 TO \$2,288,000.00 AND EXTEND TERMINATION DATE FROM 12-31-15 TO 06-30-18 FOR CONTINUATION OF SERVICES ON CONSTRUCTION CONTRACTS 3546 AND 3580. 11-13-13: BIOLOGICAL OVERSIGHT AND THREATENED/ENDANGERED SPECIES COMPLIANCE OF CONSTRUCTION CONTRACTS IN CLARK, NYE, AND LINCOLN COUNTIES. NV B/L#: NV20081558348

Line Item 1

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

Request to Solicit Services and Budget Approval (2A)

Initial Budget Request or Request for Amendment # 3 or Task Order #

If Amendment or Task Order, name of Company: CH2M

Agreement #: 091-13-015

Project ID #(s): 60670

Type of Services: Administration Services for Project Neon Design-Build 1-4 during Construction

Originated by: Dale Keller

Division: Project Mgmt

Date Originated: 9/22/2015

Division Head/District Engineer: Amir Soltani

Budget Category #: 06

Object #: 814Z

Organization #: 015

Estimated Cost: 18,700,000

Type of Funding: Federal

% of Fund: 95

Funding Notes:

State Fiscal Year(s): FY16 - FY21

FY16 - 10%, FY17 - 30%, FY18 - 30%, FY19 - 15%, FY20 - 10%, FY21 - 5%

“Budget by Organization” Report (Report No. NBDM30) attached here:

Purpose of, and Justification for, Budget Request:

Due to the experience of the consultant (CH2M) with the contract documents for Project Neon (Project), and the need for on-site management support at the project location in Las Vegas, NV, the Project Management Division is requesting additional funding be authorized for an amendment to this Consultant Agreement.

The original RFP under which this Agreement was negotiated included both D-B procurement support and construction administration and support. However, Agreement P091-13-015 included only the D-B procurement support in its scope.

Scope of Services:

CH2M (the Consultant) will provide Engineering Services to assist the Nevada Department of Transportation (NDOT) in administering the design elements of the Project NEON DB1-4 Design-Build Project (Project). Additionally, the Consultant will provide other related professional services to assist the NDOT and Design-Builder to comply with the requirements of the Record of Decision.

Consultant key personnel will be assigned to work from the Design-Builder's Integrated Project Office (IPO) located in the City of Las Vegas (City). Project Engineers will be assigned to the IPO as needed for coordination and over-the-shoulder reviews.

Through subcontractors, the Consultant will provide subject-matter experts (SMEs), as needed.

Additional Information Attached

*Amendments for time extensions (time only) do not require a form 2a



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Signed: DocuSigned by:
Donna Spelts 9/23/2015 Approve
Financial Management Date

Approval of this form by the Financial Management Division, Budget Section, provides funding authority for the services described. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head.

Financial Management Comments:

Signed: David Olson 9-24-15
Project Accounting Date

Project Accounting Comments:

Signed: Ruby Wright 9-24-15
Director Date

Director Comments:

Requires Transportation Board presentation

Does not require Transportation Board presentation



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

MEMORANDUM

September 17, 2015

To: John Terry, Assistant Director - Engineering
From: Dale Keller, Senior Project Manager DK
Subject: Negotiation Summary for RFP P091-13-015 Amendment #3 (CH2M)

A negotiation meeting was held at NDOT Headquarters in Carson City, Nevada, on August 20, 2015, with John Taylor and Ken Gilbreth from CH2M and Dale Keller of the Nevada Department of Transportation in attendance. In addition, numerous email exchanges on the scope and fee estimate for the Project were discussed. NDOT technical personnel assisted in the scope negotiations for the specific disciplines. Cole Mortensen, NDOT Assistant Chief Project Management, assisted with and reviewed both the scope and the fee estimates.

The scope of services that are to be provided by CH2M was reaffirmed by both parties at the outset. The consultant will not be responsible for construction crew augmentation.

1. Project Management Support including coordinating consultant activities, assisting with communication, preparing financial forecast, and monitoring risk management.
2. Support of 6 Full Time Equivalent (FTE's) for the duration of the Design-Builder's design for design review and oversight.
3. Full Document Control and Project Office Administration – full time staff presence at Project Office in Las Vegas, NV (2 persons).
4. Change order and dispute resolution management.
5. Detailed schedule and payment analysis.
6. Management and review of Non Conformance Reports (NCR), and other change management documents.
7. Weekly coordination meetings with NDOT and Design-Build consultants to ensure consistency amongst teams.
8. Project closeout – review of as-builts, punch list review, and electronic archiving.

The following schedule was agreed to by both parties:

December 2015	Notice to Proceed (NTP) #1
March 2015	NTP #2 (Design Reviews Begin)
September 2016	Final Design Completion (Anticipated)
January 2020	Substantial Completion
June 2020	Final Completion

Key personnel and their sub-consultant personnel who will be dedicated to this project are as follows:

Project Manager
 Compliance Manager – (1 FTE)
 Senior Civil Engineer – (5 FTEs through Final Design)
 Schedule Reviewer / Payment Analyst
 Document Controller – (2 FTEs)
 Public Outreach – (1 FTE)

The scope of services was modified and numbered using a Work Breakdown Structure (WBS). This WBS was utilized in preparing the man-hour and fee estimates for the Project. An initial attempt at using the NDOT standard estimating spreadsheet did not prove to be successful as this is not a standard NDOT design project and modifying that spreadsheet to fit this Project was much more difficult than creating a new spreadsheet. The estimating was carried on three fronts:

- NTP1 to NTP2 (3 months)
- NTP2 to Final Design (1 year 6 months)
- Final Design to Substantial Completion (2 years 6 months)

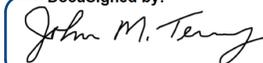
The proposal was review by task. NDOT's original estimate was roughly \$15,750,000.00. The Consultant's original estimate was \$20,500,000.00. Both initial estimates includes direct labor, overhead rate, fee, direct expenses, and sub-consultant expenses. The fixed fee for profit was carried over from the original Agreement P091-13-015.

The negotiations yielded the following:

1. The total man-hours allotted to Design-Build Contract Administration was reduced from 120,000 man-hours and 103,000 man-hours. The largest reduction in scope was the reduction of design review support supplemented by NDOT staff.
2. The Parties agreed it is difficult to estimate the level of consultant effort for this phase of the work. As such, we request your approval to change the method of payment from "Cost plus Fixed Fee" to "Specific Rate of Compensation." With this method, the Department will not be responsible for payment of a "Fixed Fee" if the actual work performed by the consultant is less than anticipated.
3. The total cost of services by the Service Provider shall not exceed \$18,700,000.00.
4. The scope of services is through Final Acceptance (April 2020).
5. The total proposed cost of \$18.7M correlates to an anticipated \$534M bid price at the anticipated 3.5% ratio to construction anticipated which is \$46M less than the base construction estimate.

I recommend approval of the negotiated scope and budget for this important project. Both sides worked together to have a scope that is reduced yet delivers the needed project at a reasonable cost.

Reviewed and Approved:

DocuSigned by:

9/29/2015
Assistant Director

Project NEON DB1-4
Services During Contract Administration Phase

Prepared for
Nevada Department of Transportation

September 17, 2015



2485 Village View Drive

Suite 350

Henderson, NV 89074

Table of Contents

- 1 Project Management..... Error! Bookmark not defined.**
- 1.1 Project Management Support..... 1
- 1.2 Risk Management and Financial Plan Updates 1
- 1.3 Coordination..... 2
- 1.4 Project Controls..... 2
- 1.5 Document Control 3
- 1.6 Contract Claims Management 3
- 2 Public Outreach Support..... 4**
- 3 Utility Coordination..... 4**
- 4 Railroad Coordination 5**
- 5 Contract Design Compliance Administration 5**
- 6 Design Oversight (NTP1-NTP2)..... 6**
- 7 Design Compliance Review (NTP 2 through RFC)..... 8**
- 8 Design Compliance Review Post RFC..... 11**
- 9 Contract Administration (NOSSMAN)..... 13**

CH2M

Proposal for Contract Compliance Administration Scope of Services

CH2M (the Consultant) will provide Engineering and Contract Administration Services to assist the Nevada Department of Transportation (NDOT) in administering the design and contractual elements of the Project NEON DB1-4 Design-Build Project (Project). Additionally, the Consultant will provide other related professional services to assist the NDOT and Design-Builder to comply with the requirements of the Record of Decision.

Consultant key personnel will be assigned to work from the Design-Builder's Integrated Project Office (IPO) located in the City of Las Vegas (City). Project Engineers will be assigned to the IPO as needed for coordination and over-the-shoulder reviews.

Through subcontractors, the Consultant will provide subject-matter experts (SMEs), as needed.

1 Contract Administration

1.1 Project Management Support

The Consultant will provide a Project Manager to support the NDOT Project Manager (PM), coordinate consultant activities, staff the project, assist with communications, participate in meetings, oversee the Consultant tasks, and advise the NDOT management. The Consultant's project manager will provide staff planning and resources requirements to help ensure the Design-Builder's contractual commitments are met.

The Consultant will provide a Project Assistant who has experience working in a construction environment to provide various administrative duties, including but not limited to distributing meeting notes, organizing meetings, executing errands, and other duties as directed by the NDOT PM.

The Consultant will develop and update a Project Management Plan for the Project outlining the Department's management approach toward administering the Contract. This plan will include all aspects of the Department's internal activities following the PM Division's Project Management Manual as appropriate. These activities include but not limited to schedule management, communication plan, risk management, issue/conflict resolution plan, design/construction oversight, cost/budget management, etc.

1.2 Risk Management and Financial Plan Updates

The Consultant will prepare a financial forecast for each NDOT annual fiscal year. The forecast will be updated quarterly and will include the entire Project timeframe. Forecasts will be done in coordination with NDOT staff, including the PM and Financial Management Division.

The Consultant will lead the risk-based portion of five annual updates of the Project Neon cost and schedule risk assessment (CRA). The risk assessment updates will be a continuation of work done to date. The Consultant will facilitate the process, working collaboratively with the project team and SMEs, including independent reviewers of the Base Cost estimate. The Consultant also will conduct quarterly reviews of the CRA and provide a status on the effectiveness of the risk mitigation strategies, which will include NDOT team leaders including Project Management, Construction Management, and Technical Leads.

The Consultant will monitor Contract risk register items per the Section 1.4 Project Controls.

The Consultant will provide five annual updates to the Initial Financial Plan. The updates will address only the Project. They will incorporate the results of the CRA and address any developments in the financial markets and the NDOT's plan to finance the Project.

1.3 Coordination

Consultant Project Manager and/or appropriate personnel will attend all design and construction meetings as identified in the Design-Build Contract and Design-Builder's PMP.

The Consultant will coordinate with NDOT staff and provide regular formal technical briefings on progress, status, and compliance review results.

The PM will prepare weekly/monthly progress reports on all design and construction activities and attend progress meetings/briefings in Carson City. At the minimum these reports will include:

- Schedule updates
- Design progress
- Construction progress
- Payment curve updates
- Completed activities and next month look ahead
- Update on issues and change orders
- Public outreach efforts

1.4 Project Controls

The Consultant will support task 9 activities to develop necessary templates, forms, etc., in support of the Department effort to administer the Project. This includes but not limited to issues resolution, change orders, invoicing, reporting, risk monitoring, etc.

The Consultant will review and monitor the Design-Builder's Baseline Schedule and Design Review Plan in support of claims management and to ensure that incentive and disincentive payments are accurately paid and the performance is well documented. Using the Design-Builder's Monthly Progress Reports, the review schedule will be updated monthly and will be coordinated with Forecasting, Risk Management, and Financial Plan activities, as appropriate.

The Consultant will assist with processing monthly invoices by reviewing progress against plan, confirming the appropriate documentation for the work has been produced through coordination with the Construction Management staff, verifying the completeness of the invoice, coordinating with the civil rights office to monitor the Disadvantaged Business Enterprise (DBE) goal progress, tracking change order payments, coordinating with the schedule and progress staff to confirm incentive/disincentive payments, and other duties as assigned.

The Consultant will monitor risk register items monthly concurrent with the invoice review and provide an informal update to the NDOT PM. The reviews will be summarized in a

risk register update that includes risk mitigation strategies and adjustments to any ineffective ongoing approaches.

The Consultant will provide financial controls support to monitor claims, as well as scope and schedule creep throughout the Project. A white paper will be prepared monthly documenting adjudicated claims, delay (and acceleration), pending and unresolved claims, and their anticipated financial impact.

1.5 Document Control

The Consultant will provide and maintain NDOT's and the Consultant's document control for Project correspondence, including transmittals and letters. The Consultant will oversee integration of NDOT's and the Consultant's document control process and systems, including administration of the NDOT systems, with the Design-Builder system once identified.

The Consultant will provide document management and control of all Design-Builder submittals and correspondence and will integrate the Design-Builder and NDOT document management procedures, systems, and tools in support of transmittal, submittal processing, and approval requirements. This activity will include all Project documentation for design reviews, Requests for Information (RFIs), and submittals. The Consultant will maintain the systems; tools; and filing, storage, and retention of all Project documentation.

The Consultant will provide the systems and tools for logging, tracking, reporting, and documenting all requirements and activities under Project controls.

The Consultant will maintain records of Project submittals, meeting minutes, and correspondence. Submittals will be circulated electronically using program management software compatible with that of the Design-Builder.

1.6 Contract Claims Management

The Consultant will provide the NDOT with contract claims analysis and support throughout the life of the Project. These activities will include, but are not limited to, the following services:

- Provide recommendations on how to pro-actively prevent any identified issue from becoming a claim, and how to minimize the financial impact in the event a claim does occur.
- Perform audits of Project files for completeness and adherence to claims avoidance principles.
- Assist in the RFI process to verify that contractors are not using RFIs to set up for claims.
- Review and evaluate Notice of Proposed Change (NOPC) and provide recommendations regarding entitlement and costs.
- Review claims and provide recommendations to NDOT.
- Prepare analyses, reports, presentations, and other relevant materials
- Participate in meetings as required by NDOT.

- Perform other claims-related assignments as identified by the NDOT PM.

The Consultant will develop schedule impact analysis and cost estimate using production based estimating as requested for claims, change orders, etc.

2 Public Outreach Support

The Consultant will provide a single staff member co-located in the Project public outreach office. This person will participate in the development of materials and ensure that the intent of the public outreach task is being met or exceeded, including support for social media, stakeholder outreach, agency debriefing, public meetings, public events, and weekly contact with affected businesses. The Consultant will provide NDOT with a weekly report of the prior week's activities, a detailed agenda for the current week, and a 3-week look-ahead calendar.

3 Utility Coordination

The Consultant will provide a Utility Construction Manager to act as the overall utility coordinator representing NDOT to ensure adequate coordination during Project design development, mobilization activities, and performance reviews of utility work. The Utility Construction Manager will coordinate, cooperate, and work with the Design-Builder Utility Coordinator and other NDOT representatives. Responsibilities of the Utility Construction Manager include Design-Builder utility work oversight, standard and specification adherence, and performance reviews of the Design-Builder while working on and off site, including quality, timeliness, and performance in association with utility relocations until all utility work is completed.

The Consultant's Utility Construction Manager and support staff will act as a liaison between NDOT, Utility Owners, and the Design-Builder Utility Coordinator, as needed.

The Consultant will attend utility coordination meetings, design coordination meetings and demolition coordination meetings with NDOT, the Design-Builder and Utility Owners, as well as Union Pacific Railroad (UPRR) coordination meetings.

The Consultant will verify the Design-Builder is in compliance with NDOT Utility Agreements.

The Consultant will provide review of Design-Builder and Utility Owner utility design and relocation plans, the Design-Builder Utility Master Plan and Protection Plan, and utility claims submitted by the Design-Builder. The Consultant also will assess Project impacts to the utilities.

The Consultant will monitor the successful completion of assigned Project deliverables and milestones, communicate utility work status to NDOT, and provide support for utility work problem resolution, if needed.

The Consultant will ensure Design Plans have been reviewed by the Utility Company and have received consultation and written comment by NDOT.

The Consultant will verify the Design-Builder has kept records of meetings with Utility Companies and has obtained signatures on Design Plans indicating the plans are released for construction. The Consultant will maintain records of Utility Company inspectors present on site at any time.

The Consultant will keep a record that revisions to the Design Plans have been distributed.

The Consultant will verify the Design-Builder has obtained signature and acceptance of Utility Companies on As-Built Plans and all other As-Built requirements stipulated in NDOT's Utility Regulations.

The Consultant will provide a weekly summary and schedule of Utility Work activities and will provide date(s) that construction was completed.

4 Railroad Coordination

The Consultant will oversee and support NDOT with technical review and processing for approval of UPRR Construction and Maintenance Agreements. The Consultant will assist in coordinating Design-Builder and UPRR design reviews, facilitate receipt of UPRR approvals of Design-Builder designs, and oversee compliance with the plans and specifications by the Design-Builder with UPRR guidelines. The Consultant will assist NDOT in overseeing and coordinating with UPRR regarding all Project work affecting UPRR.

5 Contract Compliance Administration

The Consultant will assist NDOT in providing general oversight and Contract administration requirements for the Project. This includes identification and allocation of staffing resources to accomplish specific Contract administration tasks; integration and coordination with the functional groups on Contract matters; and attendance at meetings to coordinate Contract management-related activities and deliverables with the Design-Builder and stakeholder entities associated with the Project. The Consultant will identify issues with regard to the Design-Builder's compliance to the Design-Builder's Contract documents, provide analyses, and make recommendations to resolve issues for NDOT approval.

The Consultant will prepare and maintain the Project's design Compliance Plan defining the requirements of NDOT's oversight of the Design-Builder's design activities and their compliance with Quality Management Plans. In addition, the Compliance Plan will describe the related policies, plans, procedures, and manuals necessary to meet the requirements of the Design-Build Contract documents. The Compliance Plan will be utilized to implement NDOT's and the Consultant's independent quality assurance for the overall Project.

The Consultant will provide the systems and tools appropriate to track, monitor, document, and report on the Design-Builder's compliance to the Contract documents, as well as timing of actions, recommendations, and approvals.

The Consultant will assist NDOT in coordinating with the Federal Highway Administration (FHWA), City of Las Vegas, and other Local agencies to support certain Project requirements associated with the timely delivery of the Project.

The Consultant will schedule, coordinate, and attend meetings to support all Project-related Contract administration activities, including, where appropriate, providing agenda, meeting minutes, and lists of action items.

The Consultant will establish Project correspondence and communication procedures and protocols consistent with the requirements of the Design-Builder's Contract documents and will monitor and track compliance to these requirements.

The Consultant will process Design-Builder correspondence under the Project requirements in a timely manner to support NDOT approvals.

6 Design Oversight (NTP1-NTP2)

To assist NDOT in oversight of the Design-Builder's activities to be performed as part of the Design-Build Contract NTP1 (Technical Provision Section 1.1.5), the Consultant will review submittals, participate in workshops, mobilize to the IPO, and establish the core consulting team. The Consultant anticipates performing the notable oversight review and coordination activities listed below. Appropriate Department roles will be identified and included within the Department's internal schedule and PMP.

Submittal Name	Submittal Schedule	Technical Provisions Reference Section
Communications Plan	With PMP	1.5.3, Attachment 01-3
Changes to Project Management Plan (PMP) or components thereof	Within 14 days after occurrence of change	1.5.3
Project Baseline Schedule	With PMP	1.6.1.1.1, Attachment 01-4
Quality Management System - Quality Manual	With PMP	Attachment 02-1
Design Quality Management Plan (DQMP)	With PMP as part of Quality Management System (QMS)	Attachment 02-2
Construction Quality Management Plan (CQMP)	With PMP as part of QMS	Attachment 02-3
Traffic Quality Management Plan (TQMP)	With PMP as part of QMS	Attachment 02-4
Environmental Quality Management Plan (EQMP)	With PMP as part of QMS	Attachment 02-5, Section 7.3
Quality System Procedures	With PMP as part of QMS	2.2.2.6
Quality Audit Plan	With PMP	2.2.10.1
Inspection and Testing Plan	Submit with CQMP	4.2.2, 4.2.8
Revised Preliminary L&A Plan	With PMP	5.3.1
Public Involvement Plan (PIP)	With PMP	6.3.1
Community Outreach Plan	Submit with PIP	6.3.1
Safety Plan	With PMP	6.3.8, Attachment 01-3
Environmental compliance and mitigation training program	Submit with ECMP	7.3.5
Hazardous Materials Management Plan (HMMP)	Submit with PMP	7.8.1
Transportation Management Plan (TMP)	Submit at each Design Review Stage	12.3
Temporary Traffic Control Plan (TTCP)	Submit with TMP	12.3.1

Traffic Noise and Barrier Analysis Report	Within 90 days after NTP1	7.7
Nonconformance Report Tracking System	Within 90 days after Financial Close	2.2.7.2.1
Maintenance Work Plan	Within 56 days after issuance of NTP1	20.2
Design Review Plan and Schedule	Within 45 days after NTP1, update monthly	3.5, 3.7
Design Unit Report	Within 45 days after NTP1	3.3
Updates to QMS or components thereof	Within 30 days of identification of the need for a revision	2.1.2
Design-Builder's Utility Conflict Matrix	Within 120 days after the issuance of NTP1	18.3.3
Electronic Document Management System (EDMS)	With PMP	1.6.2
Qualifications of lead personnel	With PMP	1.6.4
Access and mobility plan	Submit with TMP	12.5.1
Noxious Weed Control Plan	Prior to NTP2, update annually	5.4.4
Mitigation Planting Plan	45 days after NTP1	5.3.2
Testing Program Plans	45 days after NTP1	19.2, 19.18.5
Utility Adjustment Master Plan	30 days after NTP1, update monthly	18.4.8
Environmental Compliance and Mitigation Plan (ECMP)	Within 30 days after Financial Close	7.3.2

7 Design Compliance Review (NTP 2 through RFC)

The Consultant will provide day-to-day coordination of all design review and oversight activities of the Design-Builder in complying with the technical requirements of the Design-Build Contract, including coordinating with stakeholders and affected agencies on technical issues relating to utilities and railroad coordination. Design oversight activities are further defined below.

The Consultant will review Design-Builder design submittals for conformance with the Contract documents and all applicable federal, state, and local agency requirements. In this capacity, the consultant staff are providing recommendations to the Department's technical staff regarding design and compliance with the TPs. On a case by case situations, the Department's Project Manager may empower the Consultant technical staff to represent the Department and have the authority of compliance over design submittals.

The Consultant will review the Design-Builder's submittals; there are an anticipated 80 design packages to be submitted by the Design-Builder.

Consultant personnel will attend the partnering meeting, weekly design coordination meetings with NDOT and the Design-Builder, and design workshops. In addition, Consultant personnel will perform weekly over-the-shoulder reviews.

Submittal reviews will be coordinated with involved reviewing agencies and accepted or rejected with comments for resubmittal. Upon receipt of design submittals, the Consultant will distribute to the appropriate review agencies, which include NDOT, Clark County Regional Flood Control District (CCRFCD), City of Las Vegas, UPRR, and Utility Companies, as appropriate. The Consultant will facilitate reviews, assemble review comments, and facilitate meetings and correspondence to resolve design issues.

In addition to assuring compliance with the Project Technical Provisions, the Consultant will review and accept (or reject for resubmittal) Special Provisions submitted by the Design-Builder as part of the Design Unit Submittals.

The Consultant will prepare Non-Conformance Reports (NCRs) for design elements that do not conform to the Project Technical Provisions.

Discipline-specific design reviews are summarized below.

Submittal Name	Submittal Schedule	Technical Provisions Reference Section
All		
Stage 1 Design Review Submittal	Upon Certification by DQM	3.9.1
Project Website	Within 15 days of NTP2	6.3.10
End-to-End Link Budget	Submit with Stages 1 & 2 Design Review	19.18.2, 19.18.3
Design Exceptions	No Later than Stage 1 Design Review	3.13
Railroad Submittal Packages	Submit with Design Review	17.4.1
Design Exception Requests	Submit with Stage 2 Design Review	9.5.2
Stage 2 Design Review Submittal	Upon Certification by DQM	3.9.2
Final Specifications and Special Provisions	With RFC Design Review	14.5.3

Working Drawings	Prior to Construction	3.1
Construction Schedule with Quantity	Prior to Construction	3.17
Roadway		
Preliminary Design Exception Requests	Submit with Stage 1 Design Review	9.5.1
Future Improvement Compatibility Plans	Submit with Stage 1 Design Review	9.5.1
Plan View, Profiles, Typical Cross-Section Drawings, and other Preliminary Design Documents	Submit with Stage 1 Design Review	9.5.1
Road Safety Audit	Submit with Stage 1, Stage 2 & RFC Design Review	9.5.1, 9.5.2, 9.5.3
Landscape Design Documents	During each stage of Design Submittals	5.3.3
Geometric Approval Request Memorandum	Submit with Stage 2 Design Review	9.5.2
Design Calculations for all Proposed and Temporary Roadways	Submit with Stage 2 Design Review	9.5.2
Interim Design Memorandum	Submit with Stage 2 Design Review	13.3.3
Proposed Change-In-Access Report	Submit with RFC Design Review	9.3.10
Final Design Exception Report	Submit with RFC Design Review	9.5.3
Final Control of Access Report	Submit with RFC Design Review	9.5.3
Drainage		
Drainage Design Report	Submit with Stage 1 Design Review	8.5.1
Dam Design Submittal	If applicable. Submit with Stage 2 Design Review	8.5.2
Final Sealed Calculations	With RFC Design Review	14.5.3
Final Drainage Design Report	Submit with Stage 2 Design Review	8.5.2
Hydrologic Study	Submit with Drainage Design Report	8.3.1
Erosion and Sediment Control Plan (ESCP)	Submit with RFC Design Review	8.4.2.1
Final Drainage Report Supplement	Submit with RFC Design Review	8.5.3
Structures		
Definitive Design for Structure	With Stage 1 Design Review	14.5.1
Seismic Evaluation and Retrofit Strategy	With Stage 1 Design Review	14.3.2.3
Structural Plans for all Structures and Foundations for Early Deployment ITS Equipment	Submit with Early Construction ATM and Stage 1 Design Review	19.18.1, 19.18.2
Updated Structural Plans	Submit with Stage 2 and RFC Design Review	19.18.3, 19.18.4
Load Rating Deliverables	Submit with RFC Design Review	14.3.3.3
Design Criteria Memo for Structure	With Stage 1 Design Review	14.5.1
Sealed Check Calculations	With RFC Design Review	14.5.3

Sealed Bridge Load Rating Report	With RFC Design Review	14.5.3
Substructure Design Submittal (80%)	With Stage 2 Design Review	14.5.2
Superstructure Design (80%)	With Stage 2 Design Review	14.5.2
Geotechnical		
Geotechnical Subsurface Exploration Planning Memorandum	Submit with Stage 1 Design Review	13.3.1.2
Geotechnical Design Planning Memoranda	Submit with Stage 1 Design Review	13.3.2.1
Protection Plan for Utility Facilities	Submit with Stage 1 design	18.1.12
Material Source Information	Within 30 days after NTP2	4.8
Interim Design Memorandum	Submit with Stage 2 Design Review	13.3.3
Final Geotechnical Report	With RFC Design Review	14.5.3
Geotechnical Instrumentation Monitoring Plans	Submit with RFC Design Review	13.5.3.1
Geotechnical Instrumentation Monitoring Reports	Submit with RFC Design Review	13.5.3.2
Traffic		
Preliminary Traffic Signal Plan	With Stage 1 Design Submittal	15.3.2.1, 15.3.2.2
Noise Barrier Survey Data	Submit with Stage 1 Design Review but at Least 30 Days Before Initiating Noise Barrier Demolition	7.7
Traffic Operational Analysis	Submit with Stage 1 Design Review	11.3
Sightline Profiles	Submit with Stage 1 Design Review	15.3.2.6
Lighting Analyses Calculations	Submit with Stage 1 Design Review	15.4.1.1
Design Lighting Roll Plan	Submit with Stage 1 Design Review	15.4.2
Lighting Removal Plan	Submit with Stage 1 Design Review	15.5.1
Design Signing Roll Plan	Submit with Stage 1 Design Review	16.3.1.1
Updates to the Nevada Statewide ITS Architecture and the Southern Nevada Regional ITS Architecture	Submit with Stage 1 Design Review	19.1, 19.18.1
ITS Equipment Warranty Information	Submit with Stage 1 Design Review	19.1, 19.18.2
Updates to the FAST Basis of Design Document	Submit with Stage 1 Design Review	19.4, 19.18.2
Traffic Signal Warrant Analyses	If Necessary, Submit with Stage 1 Design Review	15.3.1
Electric Panel Schedule	Submit with Stages 1 & 2	19.17.3, 19.18.1, 19.18.2
ITS Layout Plans	Submit with Stage 1 & 2 Design Review	19.18.2, 19.18.3
Product Data Submittals (shop drawings)	Submit with Stages 1 & 2 Design Review	19.18.2, 19.18.3
Communication Line Diagram	Submit with Stage 1 & 2 Design Review	19.18.2, 19.18.3
Fiber Splice Plans	Submit with Stage 1 & 2 Design Review	19.18.2, 19.18.3
Power Loading Analysis	Submit with Stage 1 & 2 Design Review	19.18.2, 19.18.3

Statement of Vendor Qualifications	Submit with Early Construction ATM Submittals and Stage 1 Design Review	19.18.1, 19.18.2
Line-of-Sight Analysis for ATM DMS and CCTV	Submit with Early Construction ATM and Stage 1 Design Review	19.18.1, 19.18.2
Lane Closure Request (LCR) Form	Submit at each Design Review Stage	12.4.5
Updated ITS Device Location Plans	Submit with Stage 2 and RFC Design Review	19.18.3, 19.18.4
CORSIM and Synchro Input and Output Files	Submit with Stage 1, Stage 2 & RFC Design Review	11.4.1, 11.4.2, 11.4.4
Power Diagram	Submit with Stage 1, 2 & RFC Design Review	19.18.2, 19.18.3, 19.18.4
Updated Mounting Details	Submit with RFC Design Review	19.18.4
Updated Communications Line Diagram	Submit with RFC Design Review	19.18.4
Updated Fiber Splice Plans	Submit with RFC Design Review	19.18.4
Updated Power Diagram	Submit with RFC Design Review	19.18.4
Updated Electrical Panel Schedules	Submit with RFC Design Review	19.18.4
Signing Plans	Prior to RFC Review	16.3.1.2
Pavement Marking Plans	Submit with Signing Plans	16.4.1.1
Released-for-Construction Design Submittal	After receiving Lead Engineer's Certification	3.9.3
Interconnect Plan	Stage 2 Design Review	15.3.2.3

8 Design Compliance Review Post RFC

The Consultant will review construction submittals confirming compliance with the Project Technical Provisions and conformance with Design-Builder's project plans and Special Provisions. In general, construction submittals will include materials testing and certification information, shop drawings, daily traffic control setup submittals, Final Design packages and Record Drawings. All activities will be coordinated with the Department's Project Manager and the Department's Construction Compliance Manager.

Details for discipline-specific construction submittals and field observations are summarized below.

Submittal Name	Submittal Schedule	Technical Provisions Reference Section
All		
Final Design Review Submittal	When Design and Construction Documents and Design Unit are 100% Complete	3.9.4
Quality Audit Plan Updates	At Yearly Intervals Following QAP Submittal	2.2.10.1
Quality Audit Reports	Within 14 Days After Audit Completion	2.2.10.2
Design Quality Review Report	Monthly	3.18.2

Public Information Meeting Materials	Meeting notices shall be placed 15 days before the meeting, 1 day before the meeting and the day of the meeting. The schedule for other materials will be determined during the project	6.3.2
Record Drawings	Prior to Final Acceptance	3.11
As-built Schedule	30 Days Before Final Acceptance	1.6.1.1.5
Design Workshop Records	Within 10 days After the Workshop	3.16
Correspondence between Design-Builder and Utility Owner	Within 7 Days After Receiving or Sending	18.2.23
Test Results	Within 3 Days of the Test	19.2.4, 19.17.4
Nonconformance Report	Within 2 Business Days of Discovery of the Nonconformance	2.2.7.2
Corrective Action Plan	Within 15 Business Days After the Audit Closing Meeting	2.2.8.2
Preventive Action Plan	Within 15 Business Days After the Audit Closing Meeting	2.2.8.3
Design Nonconformance Report	When Necessary	3.12.4
Notice of Witness Points or Hold Points Occurrence	24 Hours Before Test	4.2.3
Roadway	SEE ALL	
Drainage		
Stormwater Pollution Prevention Plan (SWPPP)	Before any Earth-Disturbing Activities Begin	8.4.2.1, 8.4.4
Hydrograph or Models for Detention Facilities	If Applicable	8.3.10
Geotechnical		
Final Geotechnical Reports	Submit with Final Design Review	13.5.4.1
Monthly QMS Reports	By 15th of Each Month	2.2.3.5
Source and Material Properties of all Fills	Before the Start of Fill Embankment Activity	13.4.4.2
Drilled Shaft Validation Results	Within 14 days after the results are validated by Design-Builder's geotechnical engineer	13.4.3.3
Test Procedures, Software and Data Forms	60 Days Before the Scheduled Testing	19.2.2, 19.17.4
Wave Equation Analysis of Piles (WEAP)	30 Working Days Prior to Driving Piles	13.4.3.2
Qualifications of Drilled Shaft Inspectors, Pile Driving Inspectors	30 Working Days Prior to Drilled Shaft Installation or Pile Driving	13.4.3.3, 13.4.3.5
Deep Foundation Testing and Monitoring Programs	30 Working Days Prior to Deep Foundation Construction	13.4.3.2
Proposed Resolution for Non-Compliance Pile	Within 14 Days After Non-Compliance is Identified	13.4.3.5
MSE Wall Retrofit System Design	As Necessary	13.4.4.1
Settlement Data of Embankments	Prior to Subsequent Construction Activities	13.4.4.3

Subgrade Verification Document	Prior to Foundation Construction and Backfill Placement	13.4.3.1
Certificate of Compliance for Materials	Prior to Final Acceptance	4.8
Pile Driving Records	Prior to Backfilling	13.4.3.4
Structures		
Thermal Control Plan	Prior to Typical Concrete Pour	14.4.6
Bracing Plan	Prior to Column Construction	14.4.4
Bridge Demolition Plan	Prior to Bridge Demolition Operation	14.4.3
Falsework Calculation	Prior to Falsework Erection	14.4.7
Identity of Fabricator	30 Days Before Delivery to the Project	4.8
Inspection and Test Records	Within 1 Day of the Inspection or Test	4.2.9
Weekly Testing Records	Weekly	4.7
Traffic		
Temporary Traffic Signal Studies	Prior to Installation of Temporary Signals	15.3.3
Daily Record of Traffic Control Activities	Within 24 Hours	12.5.3
Notice of Any Construction Activity That Would Affect Traffic Operations	Table 12-1	12.5.2
Power Installation Test Data Forms	After Power Installation at Each ITS Equipment Site	19.17.4

9 Contract Administration (NOSSAMAN)

Phase 1:

Nossaman will conduct a one day Contract Training Presentation / Workshop for NDOT and consult contract support staff in Carson City, Nevada. Nossaman will prepare a presentation, which will be made available to attendees after the training.

Nossaman will prepare Design-Build Contract specific templates for documentation related to contract administration. This will include template forms for Notices to Process, Change Orders, Directive Letters and Request for Change Proposals.

Nossaman will provide support as requested in support of issuance of the notices to proceed.

Phase 2:

Nossaman will provide consultation as requested for general contract administration. Anticipated activities include participation in periodic contract status calls, risk management / change order calls, review and analysis of contract issues, review of correspondence, and assist in coordination of interface with Federal Highway Administration (FHWA) regarding change orders, and other support for potential change orders, disputes, claims, etc.

This support is not intended to cover substantial claim administration, significant disputes, litigation, material or numerous change orders. In the event of any such items, additional funding would be anticipated. Support from Nossaman will not exceed \$300,000 without prior authorization from NDOT.

Assumptions:

Except for the Contract Training Presentation, all other work will be handled via conference call and no travel is anticipated.

All Nevada legal issues to be handled and supported by the Attorney General's Office; Local counsel will not be secured under this scope of services.

FUNCTIONAL CATEGORY	Assumed % Comment (NTP1 – RFC)	Assumed % Comment (RFC – Final Acceptance)	Comments
PROJECT MANAGER	80%	33%	
EXECUTIVE PROJECT ASSISTANT	300%	300%	Document Control, PIO, Executive Assistant
STAFF ASSISTANT	150%	150%	Document Control Support, 0.5 Assistant
SR. MANAGER	10%	10%	Claims Support
CONTRACT COMPLIANCE LEAD	100%	100%	
BRIDGE LEAD	80%	30%	
SR. BRIDGE ENGINEER	35%	0%	
JR. BRIDGE ENGINEER	50%	0%	
STAFF BRIDGE ENGINEER	40%	0%	
STAFF BRIDGE ENGINEER	40%	0%	
ROADWAY LEAD	80%	15%	
SR. ROADWAY ENGINEER	30%	0%	
JR. ROADWAY ENGINEER	80%	30%	
JR. ROADWAY ENGINEER	20%	0%	
STAFF ROADWAY ENGINEER	45%	0%	
DRAINAGE LEAD	50%	20%	
SR. DRAINAGE ENGINEER	25%	0%	
JR. DRAINAGE ENGINEER	10%	0%	
STAFF DRAINAGE ENGINEER	60%	10%	
STAFF DRAINAGE ENGINEER	15%	0%	
CADD LEAD	20%	20%	
CADD LEAD	20%	0%	
UTILITIES LEAD	75%	40%	
GEOTECHNICAL LEAD	25%	25%	
SR. GEOTECHNICAL ENG.	20%	10%	
JR. GEOTECHNICAL ENG.	15%	15%	
STAFF GEOTECHNICAL ENG.	20%	0%	
GEOTECHNICAL TECHNICIAN	15%	20%	
LANDSCAPE LEAD	25%	25%	
TRAFFIC LEAD	50%	50%	
SR. TRAFFIC ENGINEER	15%	10%	
JR. TRAFFIC ENGINEER	15%	15%	
JR. TRAFFIC ENGINEER	10%	10%	
SR. TECHNOLOGIST	5%	5%	

Line Item 2

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

X Initial Budget Request or Request for Amendment # or Task Order #

If Amendment or Task Order, name of Company:

Agreement #:

Project ID #(s):

Type of Services: Sole source services with Kimley-Horn and Associates, Inc

Originated by: Rodney Schilling

Division: Traffic Ops

Date Originated: 7/24/2015

Division Head/District Engineer: Denise M. Inda, P.E.

Budget Category #: 06

Object #: 813U

Organization #: C016

Estimated Cost: \$1,022,000.00

Type of Funding: State

% of Fund: 100

Funding Notes:

State Fiscal Year(s): 2016

\$350,000.00 FY16 and \$672,000.00 FY17

“Budget by Organization” Report (Report No. NBDM30) attached here:

Purpose of, and Justification for, Budget Request:

Traffic Operations is seeking sole source services with the above referenced firm to update and upgrade the existing Central System Software (CSS) which is used to control field devices like CCTV cameras, ramp meters and message signs. This project qualifies for sole sourcing because the CSS requires the intellectual property of the developer per NAC 333.150. The developer was selected over 15 years ago using a competitive selection process, NDOT issued an RFI to investigate the best way to upgrade or replace the CSS. The RFI identified that upgrading the legacy platform to the Kimley-Horn Integrated Transportation System (KITS) platform which is an off the shelf software, is more cost effective than purchasing a different system and integrating the existing devices into the new system. This upgrade will provide NDOT with a platform that is compatible with current technology and able to better adapt to future technologies.



Scope of Services:

The scope of services will be to provide on-call software maintenance and emergency maintenance on the NDOT CSS statewide while developing and delivering the KITS upgrade. The KITS platform deployment will include an advanced user friendly interface, testing, training, documentation and system support. The upgrade will also include the following system features and modules:

1. Added map and map database feature
2. Added mobile device login capabilities (added status information for mobile devices)
3. Added database migration to SQL Server
4. Enhanced status server and alerts
5. Enhanced administrative setup and user privileges
6. Enhanced Incident Management, Roadwork and Event Modules
7. Enhanced device modules to include: DMS, CCTV, RWIS, HAR, Ramp Meter, Detector Station,

Additional Information Attached

*Amendments for time extensions (time only) do not require a form 2a

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

September 21, 2015

TO: Reid Kaiser, Assistant Director
FROM: Rod Schilling, Project Manager ^{ds} 
SUBJECT: Negotiation Summary for Central Systems Software (CSS) Upgrade

Negotiation meetings were held via multiple conference calls in Carson City and Las Vegas beginning on August 21, 2015 with Irfan Zubair from Kimley-Horn and Associates (KHA) and Jon Dickinson and Rod Schilling of Traffic Operations from the Nevada Department of Transportation (Traffic Operations) in attendance.

A DBE goal is not required for this agreement.

The scope of services (See attachment A, Scope of Services) that are to be provided by KHA was reaffirmed by both parties at the outset and includes:

- A. System upgrade to Kimley-Horn Integrated Transportation System (KITS)
- B. Yearly maintenance/system support
- C. System enhancements, system integration services and training
- D. Additional services

The schedule was agreed to by both parties at the outset (See Attachment A, Scope of Services).

Key personnel dedicated to this project are as follows:

Irfan Zubair.....KHA Project Manager/senior software writer
Rod Schilling, Project Manager.....NDOT Traffic Operations
Jon Dickinson, Project Coordinator.....NDOT Traffic Operations

This is a specific rate of compensation contract with the total cost not to exceed One Million Twenty Two Thousand and 00/100 Dollars (\$1,022,000.00) as shown in Attachment B, Payment Schedule and includes direct salary costs, indirect costs, and fixed fee.

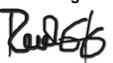
The negotiations yielded the following:

- A. The system upgrade to KITS will include project management, user interface workshops, base mapping engine to support Open Streets, Bing and custom maps, system status and alerts, administrative setup and user privileges, device modules (DMS, CCTV, RWIS, HAR, Ramp Meter, Detector Station), status information on iPad and tablets, ATM system, database migration to SQL server, testing and deployment, documentation and training. The total cost for these services shall not exceed \$826,000.00 with payments based upon percentage of completion of work. The department will be responsible to procure necessary hardware and 3rd party software licenses during the first year of the project (See Attachment A, Scope of Services). It is also agreed that both parties will jointly own all source codes and rights to the software.
- B. The yearly maintenance and system support was agreed upon not to exceed \$35,000.00 for first year and \$58,000 for second year. This includes keeping the CSS operational at all Transportation Management Center (TMC)/Roadway Operations Center (ROC) sites.

This also includes routine database administrative support. Updates for CSS deficiencies, maintenance assistance with regard to 3rd party software products utilized by the CSS, corrections and updates to the user/administrative manuals, issues log for tracking and reporting, and monthly system status meeting. The increase for the second year cost includes the maintenance of the ATM system which is being developed under Project Neon.

- C. It was agreed that the system enhancements, system integration services and training would not exceed \$103,000.00 for the duration of the contract. The agreed upon rates are considered fully burdened and no additional costs will be allowed (See Attachment B, Payment Schedule).
- D. Prices were negotiated for additional services (not included in this contract's fee) that NDOT may choose to incorporate into the CSS at a future date (See Attachment A, Scope of Services). These include future incident and construction modules, support for NTCIP protocol for CCTV, and support for detector station vendor specific native protocols. Appropriate approvals for the costs associated with these services will be obtained when NDOT determines the services are needed.

Reviewed and Approved:

DocuSigned by:

8DDD40160434471...

Assistant Director

Attachment A Scope of Services

Central System Software (CSS) Upgrade and Support

Background

The State of Nevada Department of Transportation (DEPARTMENT) operates a statewide Freeway Management System (FMS) commonly referred to as the Central System Software (CSS). This system was originally designed and deployed in the Las Vegas area (District 1) and later expanded to include the Reno and Elko areas or Districts 2 and 3, respectively. Over the last 14 year period, the system has been enhanced periodically to support new technologies and improved operational capabilities. In addition to software life-cycle support, the DEPARTMENT has retained the software provider Kimley-Horn and Associates, Inc. (SERVICE PROVIDER) for technical support, training, and system integration services.

In an environment where technology changes constantly, the DEPARTMENT is focused on making sure that their investment in software keeps pace with technology. The DEPARTMENT issued an RFI to evaluate the current technologies and capabilities of FMS and to investigate the best way to upgrade or replace the CSS. The RFI identified that upgrading the CSS to the Kimley-Horn Integrated Transportation System (KITS) platform provides the DEPARTMENT a system that is more aligned with the operational needs of each of NDOT Districts than purchasing a different system.

A) SYSTEM UPGRADE TO KITS (Kimley-Horn Integrated Transportation System)

General

The SERVICE PROVIDER will provide the KITS upgrade for our CSS, The upgrade will provide the DEPARTMENT with a platform that is compatible with current technology and able to better adapt to future technologies. The upgrade will also provide essential advanced features for system operations resulting in more efficient use of new technologies. Future technologies and protocols that are developed within KITS will be available to the DEPARTMENT for a negotiated integration fee.

The upgrade will be provided over the next two years, a detailed schedule for which is given in the scope of services below. The upgrade will be deployed statewide in all three NDOT Districts: District1/Las Vegas, District2/Reno and District 3/Elko. The following sections summarize the tasks for the KITS upgrade;

Project Management

Project management will include administration and production coordination for the duration of the project. Under this task, the SERVICE PROVIDER will prepare detailed project work plans, and develop manpower requirement forecasts to ensure that the necessary professionals with the appropriate skills are available when needed. Monthly invoices will be prepared and the project budget will be monitored and tracked on a task by task basis so that the project scope can be completed within budget to the best of our ability. Information developed in this task may include schedule updates, budgetary status, elements of work completed, work remaining, and problems/issues to be addressed. The activities to be completed under this task include:

- Develop and modify work plans

- Monthly reports
- Assimilate monthly status information on production progress
- Conduct monthly status meeting/conference call
- Prepare and review monthly status reports
- Prepare and review monthly invoices
- Source code maintenance oversight

Project documentation will also be accomplished under this task. A tracking log of the design decisions will be created and maintained throughout the duration of the project. The electronic database will be maintained by the SERVICE PROVIDER and will be provided to NDOT as requested.

Deliverables:

- Project management, coordination, and administration
- Monthly Invoices with progress reports
- Monthly status meeting/conference call
- Electronic Design Decision Tracking Log
- Oversight for Source code management in Team Foundation

User Interface (UI) Workshops

The SERVICE PROVIDER shall conduct UI workshops for iterative development of look and feel and functionality of the user interface. The workshops will lead to the development of final UI design with prototype screens and interactive prototypes. The SERVICE PROVIDER will develop initial prototype screens and present them during the workshops and get input from the stakeholders. The stakeholder comments and suggestions will be documented and the UI prototype screens will be modified to accommodate the input from the stakeholders.

During the development of the UI design and functionality, the Contract Deliverable Requirements List (CDRL) will also be developed and reviewed during the workshops. The requirements in the CDRL will have traceability to the functional software design requirements.

A total of four UI workshops will be conducted with the stakeholders/users to finalize the UI design. The UI workshops will be conducted at the FAST TMC and Lync conference call facility will be used to share the screen during the workshop. This will allow stakeholders to participate remotely if they choose so. One SERVICE PROVIDER representative will be at NDOT District II during two of the user interface workshops.

Deliverables:

- Coordination and setup of the workshops
- Conduction of four User Interface workshops
- Development of prototype User Interface screens
- Adjustment and changes to the UI prototypes based on input from stakeholders
- Documentation of functionality for the prototype screens
- Development of the CDRL
- Finalization of the prototype screens and UI design
- Finalization of the CDRL

System Upgrade

The CSS shall be upgraded to KITS platform for advanced user interface and functionality. KITS provides support for all the DEPARTMENT's current field devices including DMS, CCTV, RWIS, HAR, Ramp Meters and Detector Stations and supports communication to these devices through Direct IP (over hardwire or wireless) and serial (over hardwire and dialup) connection. It provides proactive diagnostics and performance reporting and management. The DEPARTMENTS current data warehouse Center-to-Center interface is supported, as well as all the DEPARTMENTSs current device protocols. KITS provides advanced maps through a mapping engine that supports Bing Maps, Open Street Maps and custom maps. Advanced reporting provides system status, devices status and alerts for system management. KITS decision support engine provides advanced automated operational capabilities for event, congestion and crash management. Time of day and event schedules can be configured to automate system functions and control of field devices.

The following system features and modules shall be upgraded or added as part of the upgrade

1. Map and map database

The system map shall be upgraded to use MapDotNet mapping engine that allows using latest maps such as Open Streets Maps and Bing Maps. The map spatial data shall also be converted to use SQL spatial database tables. The current KITS mapping features shall be available through this upgrade and include the following

- Colored icons indicating device status
- Mouse hover to see details related to the device
- Access to device control screens by clicking the icon
- List of devices and double click to zoom to the device on the map
- Congestion layer showing freeway congestion as colored links/segments on the map
- Device layers management allowing to turn them on or off

- Map presets support

MapDotNet one time server licensing fee is not included in this upgrade. DEPARTMENT will be responsible for purchase of the licenses. The details of the software licenses are provided in Section 8.

2. Status Server and alerts

KITS status server provides status of system devices and provides different system alerts through UI, emails and text messages. The upgrade shall include status and alerts related features including

- System Status and alerts
- Device Status and alerts
- User subscription of alerts
- Clearing and management of alerts

3. Administrative setup and user privileges

Administrative setup is used to configure the system and user privileges are used to grant or deny access to system features based on user role. KITS has comprehensive support for system setup and setup of user privileges. The upgrade shall include the following

- User access to system features
- Management of field devices
- Administrative level system settings

4. Device modules

- DMS

The upgrade shall support the current NDOT DMS functionality through the KITS user interface. The user interface provides advanced user experience for searching specific DMS, DMS configuration, control and status. The DMS alarms shall be supported through the KITS status server. The following functionality shall be included in the upgrade

- Standard NTCIP communication with the DMS
- Support for NDOT specific NTCIP objects
- Configuration of signs in the system
- Color support
- DMS status on the user interface screen
- DMS control/commands from the user interface screen
- DMS group command support
- Flashing beacons support
- Library messages support
- DMS commands scheduling
- Commanding of DMS through the KITS decision support engine
- Device status alerts
- Providing data to NDOT data warehouse through NDOT current Center-To-Center Interface

- CCTV

The upgrade shall support the current NDOT CCTV functionality through the KITS user interface. The interface provides advanced user experience for searching specific CCTV, CCTV configuration, control and status. The CCTV status and alarms shall be supported through the KITS status server. The following features shall be included in the upgrade

- Viewing of CCTV image from current NDOT video encoders
- PTZ control of CCTV
- CCTV presets support
- Selecting a CCTV from the list and assigning it to a designated monitor for viewing CCTV video
- Setup of cameras tour on designated display/monitor
- Device status alerts
- Providing data to NDOT data warehouse through NDOT current Center-To-Center Interface

The additional cameras currently supported by KITS shall also be available and supported through this upgrade

- RWIS

The upgrade shall support the current NDOT RWIS functionality through the KITS user interface. The interface provides advanced user experience for searching specific devices, tracking specific data for a device or multiple devices and reports and alerts both for the devices and the data. The following features shall be included in the upgrade

- Standard NTCIP communication with the RWIS
- Support for Vaisala non-invasive sensors
- Use of RWIS data within wind warning system
- Use of RWIS data to generate alerts based on data thresholds
- Grouping of devices for monitoring device data on screen
- Data values on screen colors based on threshold
- Device status alerts
- Providing data to NDOT data warehouse through NDOT current Center-To-Center Interface

- HAR

The upgrade shall support the current NDOT HAR functionality through the KITS user interface. The interface provides advanced user experience for searching specific devices, tracking specific data for a device or multiple devices and reports and alerts both for the devices and the data. The following features shall be included in the upgrade

- Interface with MHCORBIN HAR server using their SIM interface for commanding HAR devices
- Interface with NDOT 511 system to receive HAR commands
- Managing HAR messages and playlists through the user interface
- Commanding HAR devices from the user interface
- Commanding of HAR through the KITS decision support engine
- Device status alerts
- Providing data to NDOT data warehouse through NDOT current Center-To-Center Interface

- Ramp Meter

The upgrade shall support the current NDOT Ramp Meter functionality through the KITS user interface. The interface provides advanced user experience for searching specific ramp meter, ramp meter configuration, control and status. The ramp meter status and alarms shall be supported through the KITS status server. The following features shall be included in the upgrade:

- Ramp meter status on the user interface screen
- Ramp meter control/commands from the user interface screen
- Ramp meter controller schedules settings from the user interface screen
- Commanding of Ramp Meter through the KITS decision support engine
- Device status alerts
- Providing data to NDOT data warehouse through NDOT current Center-To-Center Interface

- Detector Station

The upgrade shall support the current NDOT Detector Station functionality through the KITS user interface. The interface provides advanced user experience for searching specific detector station,

detector station configuration and data reporting. The detector station status and alarms shall be supported through the KITS status server. The following features shall be included in the upgrade

- Detector Station status on the user interface screen
- Detector station data shown on the map as colored links/segments
- Using detector station data in the KITS decision support engine
- Device status alerts
- Providing data to NDOT data warehouse through NDOT current Center-To-Center Interface

5. Status Info on iPad and tablets

The Status information for the following ITS devices shall be provided on iPad and tablets

- DMS
 - Status and current message including ATM DMSs
- CCTV
 - Status and Image snapshots
- RWIS
 - Status and subset of station data
- HAR
 - Status and current message being played
- Ramp Meter
 - Status and current mode of operation
- Detector Station
 - Status and current speed, volume and occupancy data

6. ATM (Active Traffic Management) System

The ATM System and its current functionality, developed under Project NEON, will be supported under the KITS Platform with the user interface integrated into the KITS UI.

7. Database migration to SQL Server

The backend database for the system shall be migrated from Oracle to SQL server. This includes migration of the entire database schema including tables, views, stored procedures and triggers. Under this task migration of the existing data in the database will also be accomplished. This task will also include upgrade of all the existing modules to use the new SQL Server database. The modules that will be upgraded include DMS module, CCTV module, RWIS module, HAR module, Ramp Meter module and Detector Station module.

SQL database server licensing is not included in this upgrade. DEPARTMENT will be responsible for purchase of the licenses.

Deliverables:

- Map and map database upgrade

- Status server and alerts upgrade
- Administrative setup and user privileges upgrade
- DMS module upgrade
- ATM module integration (Developed under Project NEON)
- CCTV module upgrade
- RWIS module upgrade
- HAR module upgrade
- Ramp Meter module upgrade
- Detector Station module upgrade
- Status info on iPad and Tablets upgrade
- Database migration to SQL Server

Testing and deployment

During the upgrade of the system, the software will undergo unit testing to verify the functionality of individual features. After unit testing the software will undergo module level testing and finally end to end testing will be conducted. After the successful completion of the in lab testing the version build phase will produce the software ready for on-site install. The on-site install of the software will be closely coordinated with NDOT project team. Under this task, the SERVICE PROVIDER will also develop a comprehensive software testing plan which will verify that all functional requirements are satisfied. The final acceptance test will be performed with an NDOT representative present during the testing.

The SERVICE PROVIDER shall provide and install the KITS Upgrade to their Central System Software statewide at each DEPARTMENT installation site. The KITS upgrade shall first be installed at District 1 and then after successful testing shall be installed at District 2 and District 3. The SERVICE PROVIDER shall provide updated KITS Central System Software to NDOT in DVD form. NDOT and the SERVICE PROVIDER will own all source codes and rights to the software.

The hardware and 3rd party software licenses needed for the KITS software, are not included and the DEPARTMENT is responsible to procure the hardware and software licenses. The SERVICE PROVIDER shall provide the specifications for the hardware and 3rd party software licenses to the DEPARTMENT. The hardware and 3rd party software shall be procured during the first year of the project by the DEPARTMENT.

The following hardware and 3rd party software is need for the KITS

District 1:

None, the hardware and 3rd party software have already been procured under Project Neon.

District II:

Hardware

Description	Quantity
Database Windows Server	01
Application Windows Server	01
Communication Windows Server	01

3rd Party Software

Description	Quantity
SQL Server Database license	01
MapDotNet Server license	01

District III:

Hardware

Description	Quantity
Database Windows Server	01
Application Windows Server	01
Communication Windows Server	01

3rd Party Software

Description	Quantity
SQL Server Database license	01
MapDotNet Server license	01

Deliverables:

- In Lab Unit Testing for individual software features
- In lab module level testing
- In Lab end to end testing
- Version builds
- On-site installs and testing at each DEPARTMENT installation site.

Documentation and Training

The SERVICE PROVIDER shall provide a total of 3 training sessions of one day each. One session per NDOT District to provide training to operators at their control centers.

The SERVICE PROVIDER shall provide system documentation including a User's Manual and an Administrator's Manual.

Deliverables:

- Coordination and setup of three training sessions of one day each
- Conduction of the three training sessions
- Production of the User's Manual and Administrator's Manual

The cost of the KITS Upgrade is to be paid based on the percentage of completion of work as spelled out under Attachment B (Cost).

The KITS Upgrade shall be completed within 2 years from the date of Notice to Proceed for this contract. The schedule for the major tasks is as below. Note that the dates are based on Notice To Proceed date which is subject to change.

NDOT KITS Upgrade Project Schedule

ID	Task Name	Duration	Start	Finish
1	Notice to Proceed	0 days	Tue 10/20/15	Tue 10/20/15
2	CSS Upgrade to KITS	520 days	Thu 10/22/15	Wed 10/18/17
3	Task 1 - Project Management	520 days	Thu 10/22/15	Wed 10/18/17
4	Kick-Off Meeting	0 days	Wed 10/28/15	Wed 10/28/15
5	Monthly Status Meetings	515 days	Wed 10/28/15	Tue 10/17/17
6	Monthly Status Reports and Invoices	515 days	Wed 10/28/15	Tue 10/17/17
7	Task 2 - User Interface Workshops	85 days	Thu 10/22/15	Wed 2/17/16
8	Workshop #1	10 days	Thu 11/12/15	Wed 11/25/15
9	Workshop #2	10 days	Fri 11/27/15	Thu 12/10/15
10	Workshop #3	8 days	Fri 12/11/15	Tue 12/22/15
11	Workshop #4	10 days	Mon 1/4/16	Fri 1/15/16
12	Finalize UI Design	20 days	Thu 1/21/16	Wed 2/17/16
13	Finalize CDRL	20 days	Thu 1/21/16	Wed 2/17/16
14	Task 3 - System Upgrade	350 days	Mon 2/22/16	Fri 6/23/17
15	Map and map database upgrade	200 days	Mon 2/22/16	Fri 11/25/16
16	Status server and alerts upgrade	120 days	Mon 2/22/16	Fri 8/5/16
17	Administrative setup and user privileges upgrade	120 days	Mon 2/22/16	Fri 8/5/16
18	DMS module upgrade	120 days	Fri 4/22/16	Thu 10/6/16
19	ATM module integration	20 days	Fri 4/8/16	Thu 5/5/16
20	CCTV module upgrade	80 days	Fri 4/22/16	Thu 8/11/16
21	RWIS module upgrade	24 days	Mon 6/20/16	Thu 7/21/16
22	HAR module upgrade	24 days	Mon 6/20/16	Thu 7/21/16
23	Ramp Meter module upgrade	80 days	Mon 6/20/16	Fri 10/7/16
24	Detector Station module upgrade	80 days	Mon 6/20/16	Fri 10/7/16
25	Status info on iPad and tables upgrade	120 days	Mon 10/24/16	Fri 4/7/17
26	Database migration to SQL Server	175 days	Mon 10/24/16	Fri 6/23/17
27	Task 4 - Testing and Deployment	80 days	Mon 6/26/17	Fri 10/13/17
28	In-Lab testing	15 days	Mon 6/26/17	Fri 7/14/17
29	Version build	10 days	Mon 7/17/17	Fri 7/28/17
30	Deployment at District I	10 days	Mon 7/31/17	Fri 8/11/17
31	On-Site Testing	10 days	Mon 8/14/17	Fri 8/25/17
32	Deployment at District II	10 days	Mon 9/4/17	Fri 9/15/17
33	Deployment at District III	10 days	Mon 9/18/17	Fri 9/29/17
34	Acceptance testing	10 days	Mon 10/2/17	Fri 10/13/17
35	Task 5 - Documentation and Training	49 days	Mon 6/26/17	Thu 8/31/17
36	Training	3 days	Tue 8/29/17	Thu 8/31/17
37	User's Manual	30 days	Mon 6/26/17	Fri 8/4/17
38	Administrator's Manual	30 days	Mon 6/26/17	Fri 8/4/17

B) YEARLY MAINTENANCE/SYSTEM SUPPORT

The SERVICE PROVIDER shall be providing maintenance and system services support to the DEPARTMENT in support of its Central System Software (CSS) statewide. The SERVICE PROVIDER shall also provide the maintenance and system services support for the ATM System being developed under Project Neon during the second year of maintenance. The yearly maintenance and system support will include the following

1. Keeping the CSS operational at all existing Transportation Management Center (TMC)/Roadway Operations Center (ROC) Sites in an environment that may change over time with regard to the central system elements that comprise the hardware and software platform upon which it operates. Support for routine Operating System (OS) patches and database patches will be provided. The SERVICE PROVIDER will verify that such routine platform changes will not affect the reliability of the system operation prior to final installation.
2. Providing routine database administration support for the CSS. Upon receipt of an official request from DEPARTMENT, the following database administration tasks will be performed
 - a. Validating and installing new database patches
 - b. Tuning and optimizing the database
3. Provide updates for CSS deficiencies. The DEPARTMENT shall endeavor reasonably to provide the SERVICE PROVIDER with the information and assistance necessary for the SERVICE PROVIDER to detect, simulate, reproduce and correct deficiencies. The SERVICE PROVIDER will assist the DEPARTMENT in identifying the issue. The SERVICE PROVIDER will provide and install at each deployment location, the DEPARTMENT's CSS updates including related documentation, if necessary, to correct such deficiencies
4. The SERVICE PROVIDER will provide maintenance assistance to DEPARTMENT with regard to Third Party Software products that are utilized by the CSS to provide intelligent transportation system functionality.
5. The SERVICE PROVIDER will make corrections and update to the users/administrators manuals as needed to support issues with current software.
6. The SERVICE PROVIDER shall track the reported issues through an issues log which will include the following information for each reported issue. Log shall be available using a standard issue tracking software.
 - a. Request/Issue Number
 - b. Date and Time reported
 - c. Person reporting the issue

- d. Deployment site where issue occurred
- e. Brief description of the issue
- f. Current status
- g. Projected completion/resolution date

Typically, maintenance and support tasks will be initiated via telephone or email. Any critical issue will be reported by phone and will be assessed by the SERVICE PROVIDER immediately. Less critical issues can be reported by email and the SERVICE PROVIDER will send an acknowledgement within the same business day. For issues reported via telephone, a follow-up email will be provided by the SERVICE PROVIDER.

Issues should be resolved within 48 hours. If issue will take longer, the SERVICE PROVIDER and the DEPARTMENT will discuss and mutually agree to an alternate date. It is understood that many issues take time to duplicate and resolve, the DEPARTMENT will work closely with the SERVICE PROVIDER on all scheduling issues.

The DEPARTMENT will provide and maintain a remote access login to the CSS at each of the deployment sites. This will provide The SERVICE PROVIDER access to review and modify/correct software issues remotely

- 7. Conduct a one hour system status meeting every month.
- 8. All typical expenses for two personnel from the DEPARTMENT to attend the yearly KITS user's group meeting.

The cost of yearly maintenance and system support is to be paid lump sum on a yearly basis as spelled out under Attachment B (Cost).

Deliverables:

- Provide routine System Support
- Providing routine database administration support
- Provide updates for CSS deficiencies
- Provide updates to Maintenance and User manuals as necessary for the correction of deficiencies
- Conduct a one hour system status meeting every month
- Cover all typical expenses for two personnel from the DEPARTMENT to attend the yearly KITS user's group meeting

C) SYSTEM ENHANCEMENTS, SYSTEM INTEGRATION SERVICES AND TRAINING

The SERVICE PROVIDER will provide, upon request, CSS Enhancements, system integration services and training to the DEPARTMENT

The cost of system enhancements, system integration services and training is to be paid on an hourly basis plus direct expenses as stated on each task order and as spelled out under Attachment B (Cost).

SYSTEM ENHANCEMENTS

- a. For each enhancement task, the SERVICE PROVIDER will provide an effort estimate and scope of work before commencement of the development of the enhancement.
- b. Any enhancements to the DEPARTMENT's CSS made at each deployment location will be provided as an update to every other DEPARTMENT CSS installation site. The SERVICE PROVIDER will provide and install such updates statewide at each deployment site. Once an enhancement has been fully tested and accepted, that enhancement will be covered under the yearly maintenance and support
- c. The SERVICE PROVIDER will update the users/administrators manuals as needed to support software enhancements.
- d. The SERVICE PROVIDER will provide updated and well-documented software source code to the DEPARTMENT in CD form. The DEPARTMENT and the SERVICE PROVIDER will own all source codes and rights to the software.

SYSTEM INTEGRATION SERVICES

- a. The SERVICE PROVIDER will provide support for database population during expansions of system elements. As part of this task, the SERVICE PROVIDER will gather the required data from plans and the contractor constructing the project and transform it in such a way that it is compatible with database ready scripts. The SERVICE PROVIDER will also assist the DEPARTMENT with any associated system configuration and testing required after the entry of the data into the database. Once the system expansion elements are configured and tested, the SERVICE PROVIDER will provide the DEPARTMENT any applicable scripts and a reloadable back-up copy of the DEPARTMENT's CSS database.
- b. During the duration of the Agreement, the SERVICE PROVIDER will provide support for integration issues related to the system. When requested by the DEPARTMENT, the SERVICE PROVIDER will attend software/integration meetings. This will include discussion of any integration issue, on site diagnostic investigation of the issue and proposed resolution, providing input to the DEPARTMENT regarding any future technologies that are under consideration for incorporation within the system, integration issues that may be associated with the addition of any new elements to the system, technology reviews and general information to facilitate future system enhancements and/or deployment.

TRAINING

- a. The SERVICE PROVIDER will provide training for operators and administrators on an as needed basis on all current CSS features. Training to include any documents or manuals needed to facilitate the training.
- b. Most training will be one-on-one training as well as Train the Trainer training.

Deliverables:

- Provide system enhancements as requested by the DEPARTMENT
- Provide system integration services as requested by the DEPARTMENT
- Provide system training as requested by the DEPARTMENT

D) Additional Services (Not included in Fee)

The following services can be added by NDOT with written authorization documenting additional fee.

Incident Management, Roadwork and Event modules

The upgrade shall support the current NDOT Incident Management, Roadwork and Event related features through the KITS user interface. The KITS user interface provides advanced user experience for searching specific data elements and creation of alerts and reports. This upgrade shall be provided for the currently agreed fee of \$85,675 when it becomes authorized for the SERVICE PROVIDER to proceed.

Support for NTCIP protocol for CCTV

The upgrade shall include support for NTCIP protocol for CCTV control. This upgrade shall be provided for the currently agreed fee of \$25,000 when it becomes authorized for the SERVICE PROVIDER to proceed.

Support for Detector Stations vendor specific native protocols

The upgrade shall include support for vendor specific native protocols. The specific vendor/vendors and the specific protocols to be implemented will be decided at the time of authorization for the upgrade as it is likely that newer versions of the protocols might become available at that time. This upgrade shall be provided for the currently agreed fee of \$25,000 per vendor specific protocol when it becomes authorized for the SERVICE PROVIDER to proceed.

Attachment B Payment Schedule

A) SYSTEM UPGRADE TO KITS (Kimley-Horn Integrated Transportation System)

Payment for KITS Upgrade will be based on the following schedule:

Task	Agreed Fee
Project Management	59,700.00
User Interface (UI) Workshops	49,400.00
System Upgrade: Map and map database	100,150.00
System Upgrade: Status Server and alerts	31,600.00
System Upgrade: Administrative setup and user privileges	34,800.00
System Upgrade: Device modules (DMS, CCTV, RWIS, HAR, Ramp Meter, Detector Station)	200,450.00
System Upgrade: Status Info on iPad and tablets	43,600.00
System Upgrade: Database migration to SQL Server	189,950.00
Testing and deployment	80,730.00
Documentation and Training	35,620.00
Total:	\$826,000.00

KITS Upgrade payment will be made on the basis of percentage of completion of work.

B) YEARLY MAINTENANCE/SYSTEM SUPPORT

Payment will be based on the following schedule:

Yearly Maintenance and system support	Agreed Fee
Year 1	\$35,000.00
Year 2 (includes ATM System support)	\$58,000.00

C) SYSTEM ENHANCEMENTS, SYSTEM INTEGRATION SERVICES AND TRAINING

Payment will be time and materials based on the following schedule:

System Enhancements, System Integration Services and Training	
Total:	\$103,000.00

Agreed rates for System Enhancements, System Integration Services and Training

Category	System Mgr	Sr. Engr.	Sr. S/W Engr.	S/W Engr.	Analyst/Clerical
Rate (Hourly*)	\$220.00	\$180.00	\$160.00	\$119.30	\$99.30

*Rate is considered fully burdened, no additional costs will be allowed

Expenses

Direct expenses shall be reimbursed at actual expended rate. Vehicle mileage and Per Diem shall be reimbursed at the current published NDOT employee rate.

Total contract cost for system upgrade, yearly maintenance and System Enhancements, System Integration Services and Training	
Contract Total:	\$1,022,000.00

Line Item 3

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

Initial Budget Request or Request for X Amendment # 1 or Task Order #

If Amendment or Task Order, name of Company: Biological & Environmental Consulting, LLC.

Agreement #: P267-13-040 Project ID #(s): various in D1

Type of Services: Provide Biological Oversight on various contracts in D1, as needed.

Originated by: Megan Sizelove Division: Construction Date Originated: 9/8/2015

Division Head/District Engineer: Sharon Foerschler

Budget Category #: 6 - Bldg Lnd Imp Object #: 814B Organization #: C040

Estimated Cost: 1288000.00 Type of Funding: State % of Fund: 100

Funding Notes: State Fiscal Year(s): 16, 17 and 18

50% to FY 16, 45% to FY 17 and 5% to FY 18

"Budget by Organization" Report (Report No. NBDM30) attached here:

Purpose of, and Justification for, Budget Request:

Requesting additional funds for the Master Agreement P267-13-040 to cover scope of work in Task Orders #1 and #3. The Task Orders will be amended following execution of amended Master Agreement. Also, please note that we will be extending the termination date of the Master agreement to June 2018 in order to cover services of Task Order #3 (Contract 3580).

Task Order #1 Amendment = \$ 13,200.00
Task Order #3 Amendment = \$1,274,546.77
Master Agreement Amendment Amount = \$1,287,746.77

NOTE: This is a REVISED form 2a. Previously received form 2a approval (July 2015) to amend Master Agreement to cover scope o services under Task Order #3. We have since exceeded the amount of Task Order #1.

Scope of Services:

Provide required biological monitoring on D1 construction contracts, as needed.

Additional Information Attached

*Amendments for time extensions (time only) do not require a form 2a

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

MEMORANDUM

September 21, 2015

TO: Reid Kaiser, Assistant Director

FROM: Megan Sizelove, Project Manager

SUBJECT: Negotiation Summary for RFP P267-13-040 Project ID 60617, US 93 Boulder City Bypass Part 1, Package 3, Biological Monitoring Services for Contract 3580

This negotiation summary was prepared to explain why the Construction Division is requesting to amend Master Agreement P267-13-040. The Nevada Department of Transportation entered into agreement with B&E Consulting, LLC on November 13, 2013 for the firm to provide the required biological monitoring on various contracts in District 1, as needed.

The cost per unit of work/hourly rates, are based on several criteria: firm's base hourly rates (included as evaluation criteria in associated Request for Proposal #267-13-040), firm's overhead rate, negotiated 10% fee, NDOT's daily rates that are paid to the contractor for similar consulting work, and final negotiations with the consulting firm based on NDOT's proposed rates.

Position Title:	Proposed Base Hourly Rate (evaluation criteria)	Negotiated Straight Hourly Rate (includes overhead and 10% fee)
Project Manager	\$ 20.00	\$ 63.93
Authorized Biologist	\$ 18.00	\$ 61.37
Biological Monitor	\$ 15.00	\$ 57.52
GIS	n/a	\$ 63.93
QA/QC	n/a	\$ 61.37
Accounting	n/a	\$ 57.52

Specifically we are requesting additional funds for the Master Agreement to cover scope of work in Task Order #1 (3546) and Task Order #3 (3580). The task orders will be amended following execution of amended Master Agreement. Also, please note that we will also be extending the existing termination date of the Master Agreement to June 2018 in order to cover services of Task Order #3.

Based on the required work performed covered in Task Order #1 (Contracts 3546) we have exceeded the initial amount (\$567,924.43) and are requesting an additional \$13,200.00 to reimburse the firm on services already performed. When Task Order #3 was executed there was a total of \$131,423.62 that was unallocated from the Master Agreement, however the estimate of costs for the required biological monitoring services on contract 3580 is \$1,405,970.39. Therefore, we are requesting an additional \$ \$1,274,546.77 to cover anticipate services for contract 3580. Therefore the total Master Agreement Amendment Amount being requested is \$1,288,000.00.

Reviewed and Approved:

DocuSigned by:

Reid G. Kaiser

Reid G. Kaiser

9/21/2015

Assistant Director



MEMORANDUM

October 2, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015, Transportation Board of Directors Meeting
Item #10: Contracts, Agreements, and Settlements – Informational Item Only

Summary:

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

- Construction contracts under \$5,000,000 awarded August 20, 2015, through September 18, 2015
- Agreements under \$300,000 executed August 20, 2015, through September 18, 2015
- Settlements entered into by the Department which were presented for approval to the Board of Examiners August 20, 2015, through September 18, 2015

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

Background:

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

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

The attached construction contracts, settlements and agreements constitute all that were awarded for construction from August 20, 2015, through September 18, 2015, and agreements executed by the Department from August 20, 2015, through September 18, 2015. There were two (2) settlements during the reporting period.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, August 20, 2015, through September 18, 2015
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, August 20, 2015, through September 18, 2015
- C) State of Nevada Department of Transportation Settlements - Informational, August 20, 2015, through September 18, 2015

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
 CONTRACTS AWARDED - INFORMATIONAL
 August 20, 2015 to September 18, 2015**

1. July 30, 2015, at 1:30 PM, the following bids were opened for Contract 3601, Project No. BR-0019(022), Nordyke Road over the east fork of the Walker River in Lyon County, to replace bridge B-1610.

Q & D Construction, Inc.	\$792,700.00
MKD Construction, Inc.	\$972,576.00
Granite Construction Company	\$1,396,396.00
Engineer's Estimate	\$947,101.18

The Director awarded the contract, September 3, 2015, to Q&D Construction, Inc. for \$792,700.00.

Non Responsive Bid:

<i>Desert Engineering</i>	\$760,086.00
---------------------------------	--------------

2. August 6, 2015, at 1:30 PM, the following bids were opened for Contract 3602, Project No. SI-0160(026), SR 160, Clark County, for installation of emergency median crossovers and placement of cable barrier rail.

Las Vegas Paving Corporation.....	\$794,000.00
Aggregate Industries SWR, Inc.	\$899,999.00
Meadow Valley Contractors, Inc.....	\$1,024,070.50
Engineer's Estimate	\$822,498.29

The Director awarded the contract, September 18, 2015, to Las Vegas Paving Corporation for \$794,000.00

3. August 13, 2015, at 2:30 PM, the following bids were opened for Contract 3606, Project No. SPI-080-1(076), I 80 Lockwood Interchange ramps, and frontage road WA09 Lockwood Interchange from the Granite Pit to Lockwood Drive, in Washoe County, for cold milling ramps, placing plantmix bituminous surface dense grade with open grade, reconstruct crossroad, and repair bridges.

Granite Construction Company	\$816,816.00
Sierra Nevada Construction, Inc.	\$876,007.00
Engineer's Estimate	\$857,339.58

The Director awarded the contract, September 17, 2015, to Granite Construction Company, for \$816,816.00

4. August 27, 2015, at 2:30 PM, the following bids were opened for Contract 3608, Project No. STP-0115(001), SR 115 Harrigan Road at L Line Canal, in Churchill County, to replace existing structure B-100.

MKD Construction, Inc.	\$622,000.00
Q & D Construction, Inc.	\$635,634.00
A & K Earth Movers, Inc.	\$679,000.00
Engineer's Estimate	\$522,808.16

The Director awarded the contract, September 15, 2015, to MKD Construction, Inc., for \$622,000.00.

5. August 27, 2015, at 3:00 PM, the following bids were opened for Contract 3611, Project No. SP-MS-1201(019), MY 921, Reno Maintenance Yard, SR 667, in Washoe County, to improve yard drainage, and to install new wash station and sander rack.

Q & D Construction, Inc.	\$715,006.15
Spanish Springs Construction, Inc.	\$824,444.00
A & K Earth Movers, Inc.	\$986,000.00
MKD Construction, Inc.	\$1,052,000.00
Engineer's Estimate	\$1,069,675.67

The Director awarded the contract, September 15, 2015, to Q & D Construction, Inc., for \$715,006.15

6. September 3, 2015, at 1:30 PM, the following bids were opened for Contract 3610, Project No. SPI-015-1(065), I 15, from California state line to North of the I 215 Interchange, in Clark County, to replace faulty high mast lowering system and to upgrade existing high pressure sodium fixtures to led fixtures.

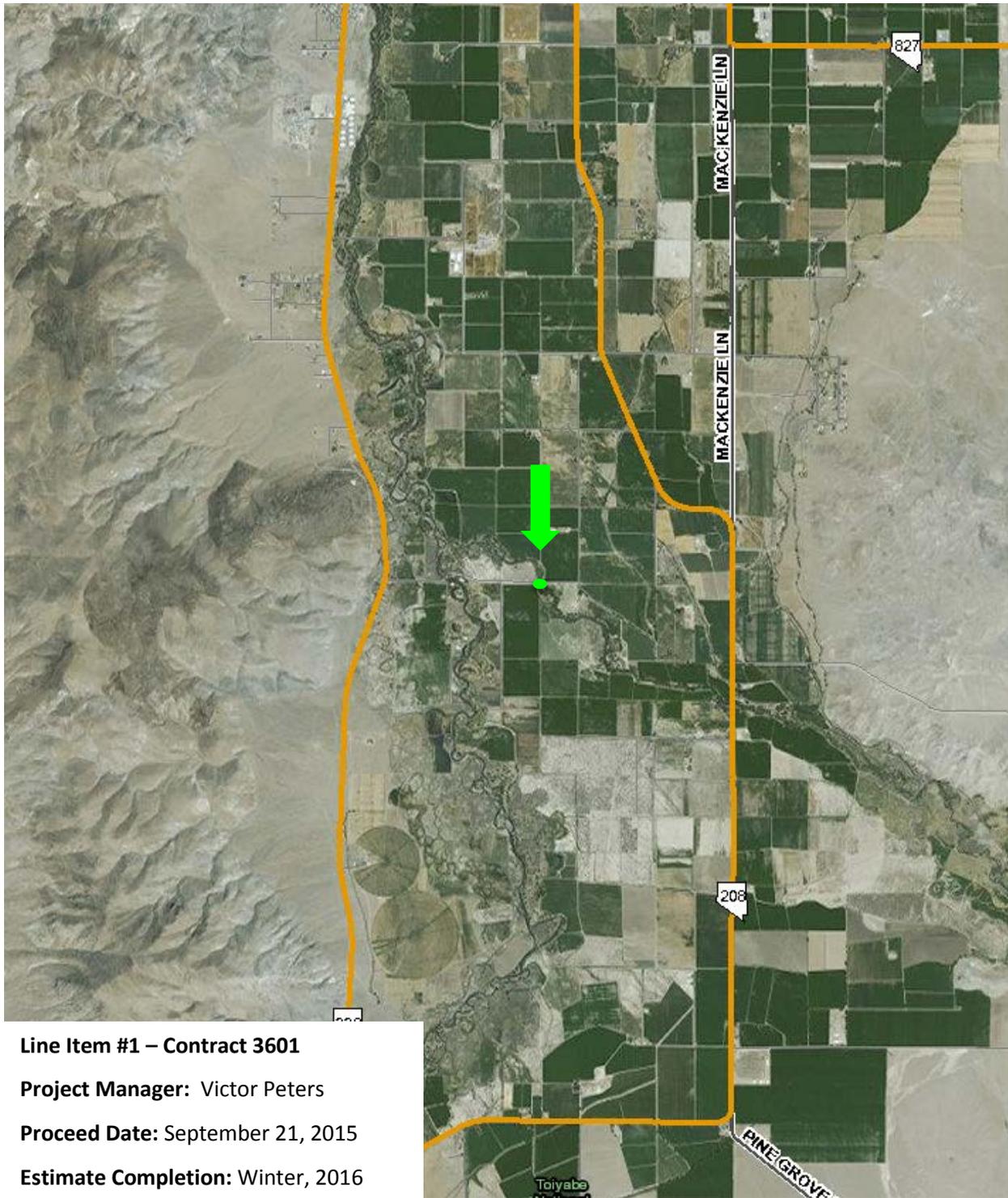
Acme Electric.....	\$1,247,920.00
American Southwest Electric.....	\$1,416,416.00
Fast-Trac Electric (Nev-Cal Investors, Inc.).....	\$1,495,430.00
MC4 Construction LLC.....	\$1,580,400.00
Transcore ITS LLC.....	\$1,768,500.00
Engineer's Estimate	\$1,471,769.75

The Director awarded the contract, September 18, 2015, to Acme Electric, for \$1,247,920.00

7. September 3, 2015, at 2:00 PM, the following bids were opened for Contract 3612, Project No. SPFR-WA06(002), FRWA06, Sparks, Nugget Ave., Pyramid to McCarran, in Washoe County, to excavate existing roadway, place aggregate base, and plantmix bituminous surface.

Granite Construction Company	\$786,786.00
Sierra Nevada Construction, Inc.	\$846,007.00
A & K Earth Movers, Inc.	\$887,000.00
Q & D Construction, Inc.	\$898,000.00
Spanish Springs Construction, Inc.	\$1,024,444.00
Engineer's Estimate	\$1,027,087.84

The Director awarded the contract, September 18, 2015, to Granite Construction Company, for \$786,786.00

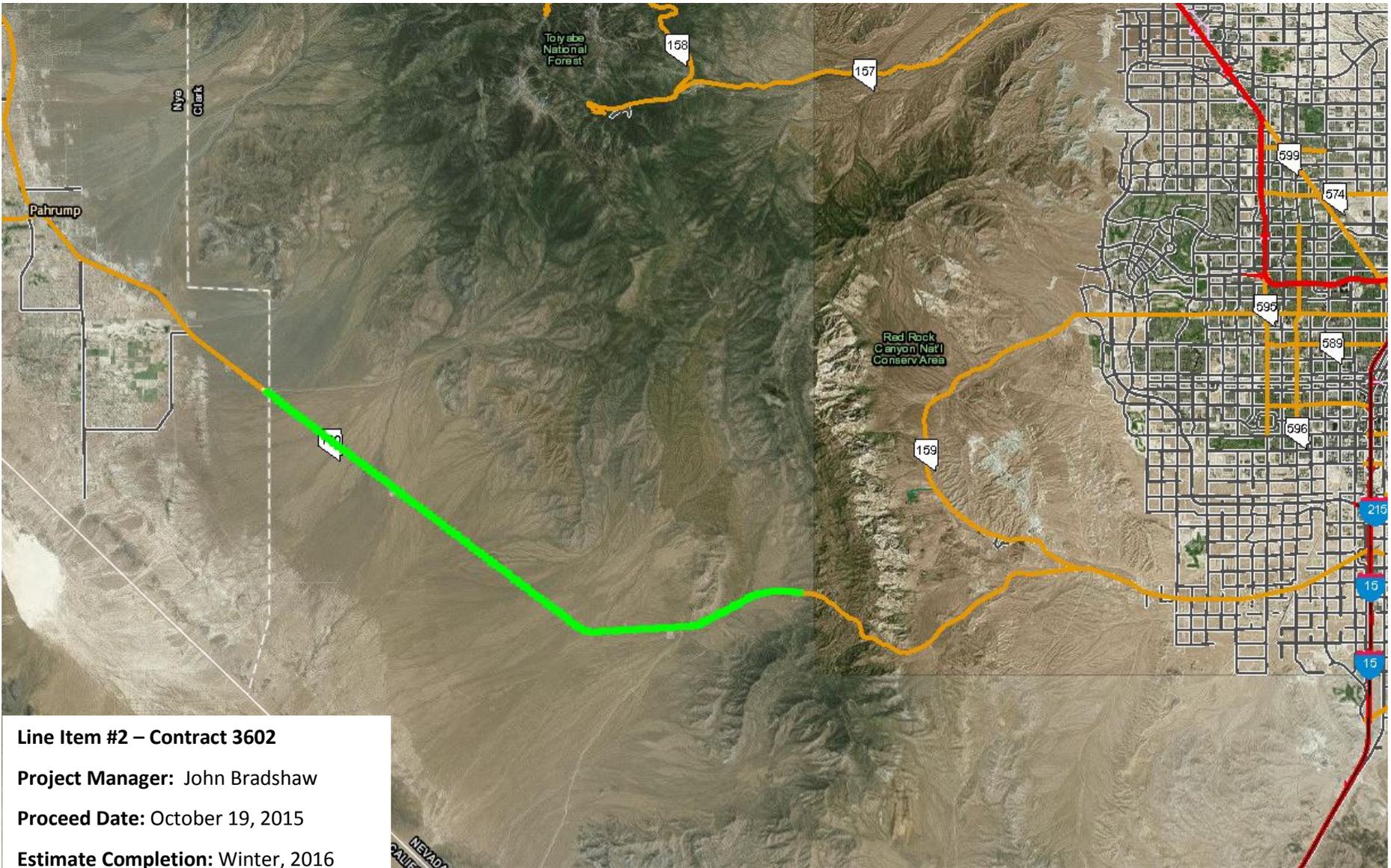


Line Item #1 – Contract 3601

Project Manager: Victor Peters

Proceed Date: September 21, 2015

Estimate Completion: Winter, 2016



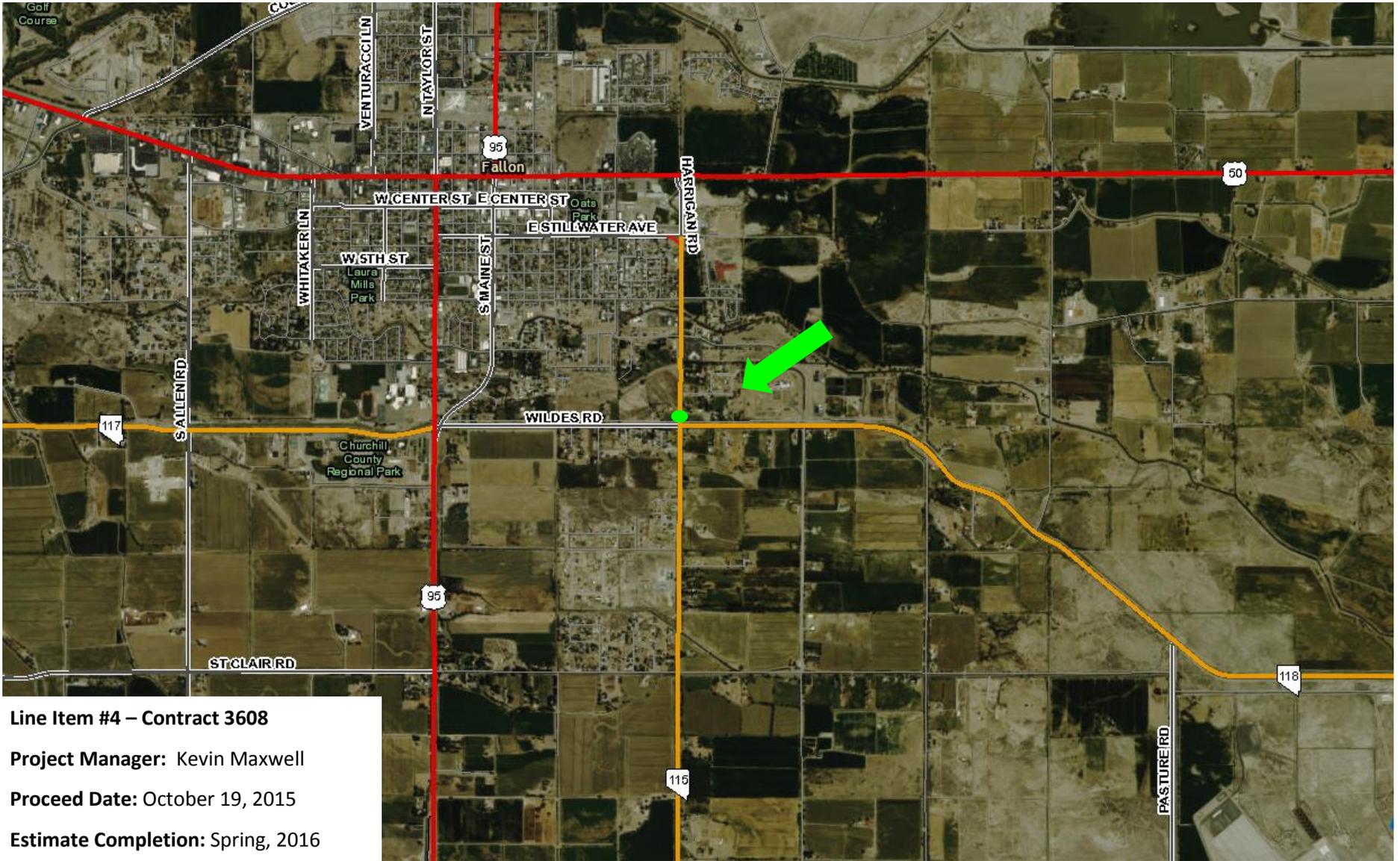


Line Item #3 – Contract 3606

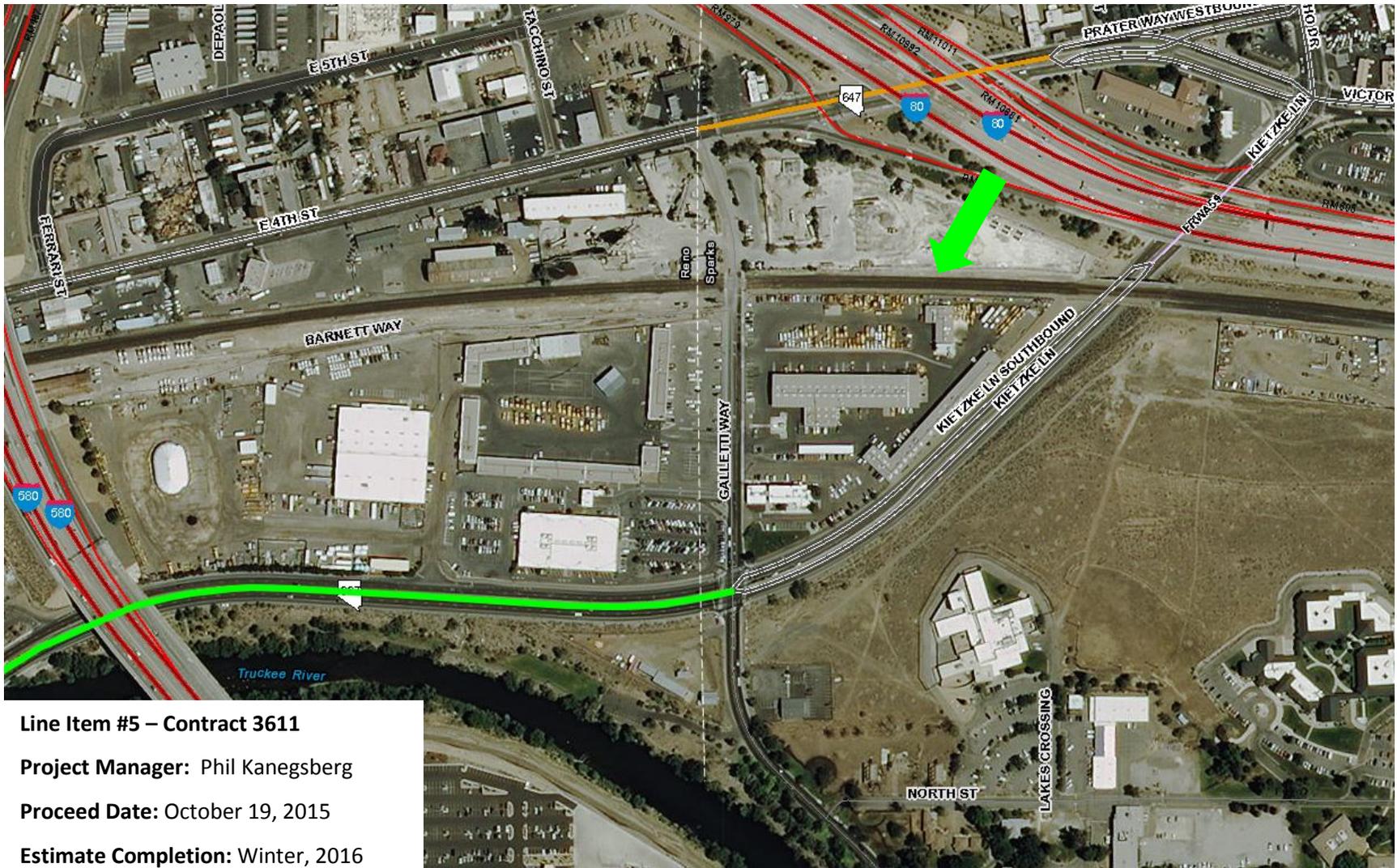
Project Manager: Phil Kanegsberg

Proceed Date: October 3, 2015

Estimate Completion: Spring, 2016



Line Item #4 – Contract 3608
Project Manager: Kevin Maxwell
Proceed Date: October 19, 2015
Estimate Completion: Spring, 2016

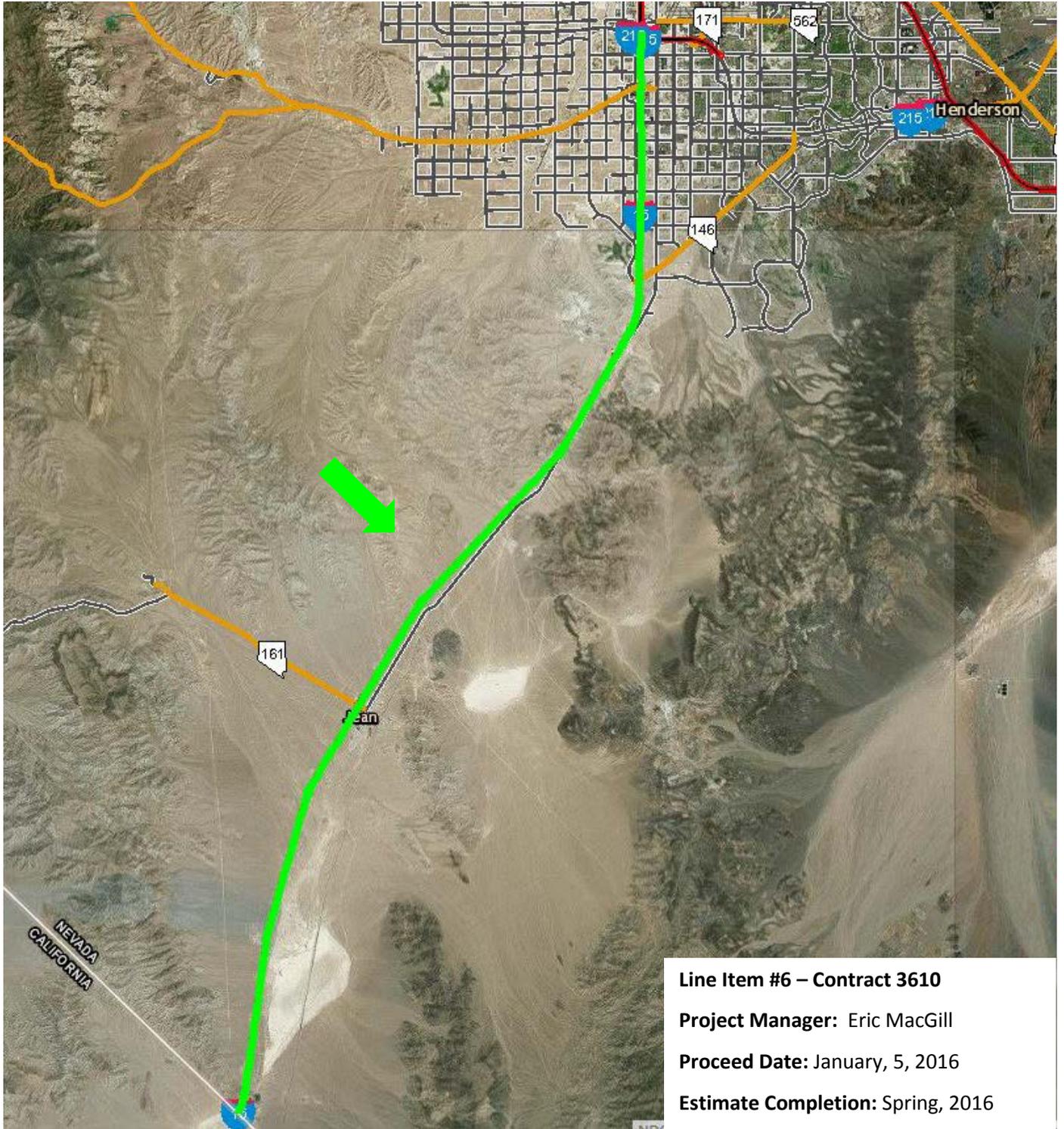


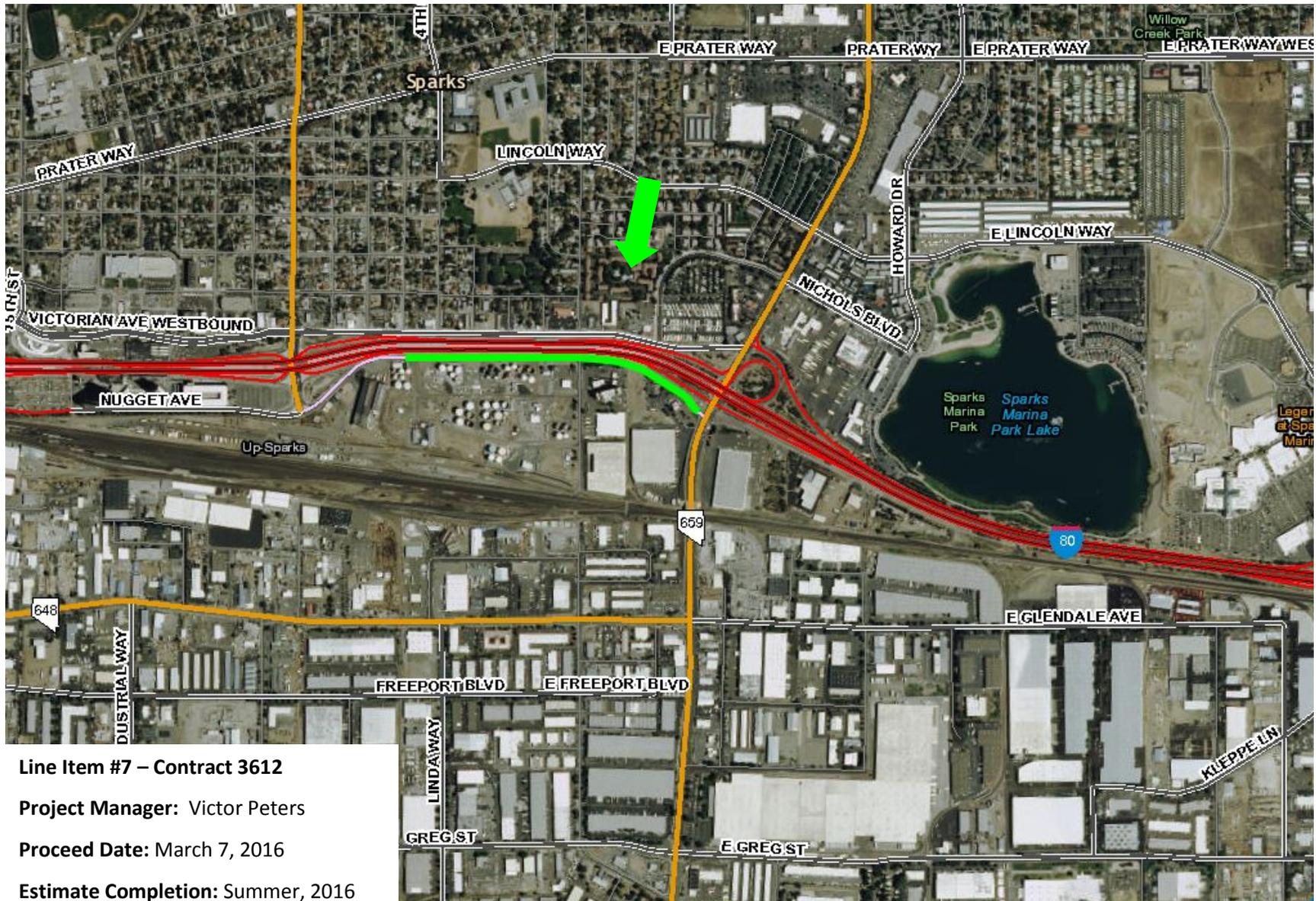
Line Item #5 – Contract 3611

Project Manager: Phil Kanegsberg

Proceed Date: October 19, 2015

Estimate Completion: Winter, 2016





Attachment B

**State of Nevada Department of Transportation
Executed Agreements - Informational
August 20, 2015, through September 18, 2015**

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	Dept. Project Manager	Notes
1	55715	00	CASA DE ORACION LIRIO	PARCEL I-015-CL-042.139	Y	18,250.00	-	18,250.00	-	9/15/2015	6/30/2017	-	Acquisition	TINA KRAMER	09-17-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.139, 518 SOUTH MARTIN LUTHER KING BLVD, CLARK COUNTY. NV B/L#: NVD20131057593
2	50515	00	COMSTOCK PARK HOMEOWNERS ASSOCIATION	PARCEL S-372-NY-006.004	Y	500.00	-	500.00	-	8/19/2015	5/31/2018	-	Acquisition	TINA KRAMER	08-27-15: TEMPORARY EASEMENT ON PARCEL S-372-NY-006.004, NYE COUNTY. NV B/L#: NVD19711001016
3	56115	00	CONTINENTAL STUDIO OF BEAUTY	PARCEL I-015-CL-042.139	Y	23,700.00	-	23,700.00	-	9/15/2015	6/30/2017	-	Acquisition	TINA KRAMER	09-15-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.139, 540 SOUTH MARTIN LUTHER KING BLVD, CLARK COUNTY. NV B/L#: NVD20151150081
4	46915	00	COUNTY OF ESERALDA	PARCEL U-095-ES-019.153	Y	600.00	-	600.00	-	8/13/2015	8/30/2016	-	Acquisition	TINA KRAMER	08-27-15: PERMANENT EASEMENT ON PARCEL U-095-ES-019.153, ESERALDA COUNTY. NV B/L#: EXEMPT
5	50215	00	EMERALD MEDICAL SUPPLIES	PARCEL I-015-CL-042.193 # D&E	Y	14,670.00	-	14,670.00	-	8/6/2015	6/30/2017	-	Acquisition	TINA KRAMER	09-18-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.193 UNIT D AND E, CLARK COUNTY. NV B/L#: EXEMPT
6	54715	00	HOUSE OF FADES BARBER SHOP	PARCEL I-015-CL-042.139	Y	41,850.00	-	41,850.00	-	9/16/2015	6/30/2017	-	Acquisition	TINA KRAMER	09-18-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.139, 514 SOUTH MARTIN LUTHER KING BLVD, CLARK COUNTY. NV B/L#: EXEMPT
7	55515	00	MARTIN RENTALS	PARCEL I-015-CL-042.139	Y	3,600,000.00	-	3,600,000.00	-	9/17/2015	6/30/2017	-	Acquisition	TINA KRAMER	09-18-15: PROJECT NEON PURCHASE OF PARCEL I-015-CL-042.139, 510-540 SOUTH MARTIN LUTHER KING BLVD, CLARK COUNTY. NV B/L#: EXEMPT
8	51315	00	MARTIN RENTALS	PARCEL I-015-CL-042.139	Y	23,400.00	-	23,400.00	-	8/21/2015	3/31/2018	-	Acquisition	TINA KRAMER	08-27-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.139 (540 S. MARTIN LUTHER KING BLVD), CLARK COUNTY. NV B/L#: NVD20091529298
9	52615	00	MARTIN RENTALS	PARCEL I-015-CL-042.139	Y	24,600.00	-	24,600.00	-	8/21/2015	3/31/2018	-	Acquisition	TINA KRAMER	08-27-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.139 (512 S. MARTIN LUTHER KING BLVD), CLARK COUNTY. NV B/L#: NVD20091529298
10	55815	00	MAYEA FAMILY TRUST	PARCEL S-372-NY-007.312TE	Y	500.00	-	500.00	-	9/15/2015	5/31/2018	-	Acquisition	TINA KRAMER	09-17-15: TEMPORARY EASEMENT FOR PARCEL S-372-NY-007.312TE, NYE COUNTY. NV B/L#: EXEMPT
11	50315	00	MOVE 4 LESS	PARCEL I-015-CL-042.007	Y	2,094.01	-	2,094.01	-	8/25/2015	8/15/2016	-	Acquisition	TINA KRAMER	08-25-15: PROJECT NEON COST OF MOVING FOR PARCEL I-015-CL-042.007, CLARK COUNTY. NV B/L#: NVD20041105072
12	51015	00	MVR CORPORATION	PARCEL I-015-CL-041.236	N	20,794.60	-	20,794.60	-	5/12/2015	2/28/2017	-	Acquisition	TINA KRAMER	08-27-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.236 (1562 WESTERN AVE), CLARK COUNTY. NV B/L#: NVD19891031914
13	56515	00	PAHRUMP VALLEY METHODIST CHURCH	MULTIPLE PARCELS	Y	34,600.00	-	34,600.00	-	9/16/2015	5/31/2018	-	Acquisition	TINA KRAMER	09-18-15: ACQUISITION OF, AND TEMPORARY EASEMENT ON SEPARATE PORTIONS OF PARCEL S-372-NY-007.370, NYE COUNTY. NV B/L#: EXEMPT
14	55915	00	PEE'S MINI MARKET	PARCEL I-015-CL-042.139	Y	28,945.00	-	28,945.00	-	9/15/2015	6/30/2017	-	Acquisition	TINA KRAMER	09-17-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.139, 522 SOUTH MARTIN LUTHER KING BLVD, CLARK COUNTY. NV B/L#: NVD20131309950
15	54815	00	PJ'S SUPERMARKET INC.	PARCEL S-372-NY-007.394TE	Y	1,810.00	-	1,810.00	-	9/16/2015	5/31/2018	-	Acquisition	TINA KRAMER	09-18-15: TEMPORARY EASEMENT ON PARCEL S-372-NY-007.394, NYE COUNTY. NV B/L#: EXEMPT
16	50615	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 # 103	Y	15,321.93	-	15,321.93	-	8/18/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-27-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112 (550 S. MARTIN LUTHER KING BLVD) UNIT 103, CLARK COUNTY. NV B/L#: NVD20061644436
17	50715	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 # 104	Y	15,240.00	-	15,240.00	-	8/18/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-27-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112 (550 S. MARTIN LUTHER KING BLVD) UNIT 104, CLARK COUNTY. NV B/L#: NVD20061644436

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	Dept. Project Manager	Notes
18	54015	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 # 106	N	15,875.00	-	15,875.00	-	9/10/2015	8/1/2017	-	Acquisition	TINA KRAMER	09-14-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112 550 S. MARTIN LUTHER KING BLVD, UNIT 106, CLARK COUNTY. NV B/L#: NVD20061644436
19	51215	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 # 110	Y	15,240.00	-	15,240.00	-	8/18/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-27-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112 (550 S. MARTIN LUTHER KING BLVD) UNIT 110, CLARK COUNTY. NV B/L#: NVD20061644436
20	55015	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 #201	N	18,500.00	-	18,500.00	-	9/15/2015	8/1/2017	-	Acquisition	TINA KRAMER	09-17-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 SOUTH MARTIN LUTHER KING BLVD, UNIT 201, CLARK COUNTY. NV B/L#: NVD20061644436
21	54915	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 #202	N	18,500.00	-	18,500.00	-	9/15/2015	8/1/2017	-	Acquisition	TINA KRAMER	09-17-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 SOUTH MARTIN LUTHER KING BLVD, UNIT 202, CLARK COUNTY. NV B/L#: NVD20061644436
22	55315	00	TNP 121 S MARTIN LUTHER KING	PARCELS I-015-CL-042.597 & 634	Y	63,265.00	-	63,265.00	-	9/17/2015	12/31/2019	-	Acquisition	TINA KRAMER	09-18-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.597TE AND I-015-CL-042.634, CLARK COUNTY. NV B/L#: EXEMPT
23	22015	00	CITY OF LAS VEGAS	HIGHWAY SAFETY IMPROVEMENT PLAN	Y	800,000.00	-	800,000.00	-	9/2/2015	12/31/2017	-	Cooperative	LORI CAMPBELL	09-02-15: SYSTEMIC REPLACEMENT OF EXISTING SIGNAL HEADS WITH FLASHING YELLOW ARROW SIGNAL HEADS AND PEDISTRIAN COUNTDOWN TIMERS, CLARK COUNTY. NV B/L#: EXEMPT
24	45115	00	INCLINE VILLAGE G.I.D.	CULVERT IMPROVEMENTS	N	150,000.00	-	150,000.00	-	9/3/2015	12/31/2016	-	Cooperative	MATT NUSSBAUMER	09-04-15: CONSTRUCT WATER QUALITY, EROSION CONTROL, AND CULVERT REHABILITATION IMPROVEMENTS ON A CULVERT CROSSING UNDER SR28 ON INCLINE CREEK, WASHOE COUNTY. NV B/L#: EXEMPT
25	44215	00	USGS - WATER RESOURCES	COLLECT/PUBLISH PEAK FLOW DATA	N	262,984.00	-	262,984.00	-	10/1/2015	9/30/2017	-	Cooperative	CHARLES WOLF	09-09-15: COLLECT AND PUBLISH PEAK FLOW DATA AND DISCHARGE MEASUREMENTS, STATEWIDE. NV B/L#: EXEMPT
26	53615	00	BROADBENT & ASSOCIATES ENV	ADJUST MANHOLE AND VALVE COVERS SR 604	N	6,400.00	-	6,400.00	-	9/11/2015	7/13/2018	-	Facility	TINA KRAMER	09-16-15: ADJUST MANHOLE AND VALVE COVERS ON SR 604 LAS VEGAS BLVD FROM EAST CAREY TO CRAIG ROAD, CLARK COUNTY. NV B/L#: NVD19891031637
27	53715	00	CENTURYLINK	ADJUST MANHOLE AND VALVE COVERS SR 604	N	2,200.00	-	2,200.00	-	9/11/2015	7/13/2018	-	Facility	TINA KRAMER	09-17-15: ADJUST MANHOLE AND VALVE COVERS ON SR 604 LAS VEGAS BLVD FROM EAST CAREY TO CRAIG ROAD, CLARK COUNTY. NV B/L#: NVF19901012165
28	53515	00	CITY OF NORTH LAS VEGAS	ADJUST MANHOLE AND VALVE COVERS SR 604	N	46,800.00	-	-	46,800.00	9/11/2015	7/13/2018	-	Facility	TINA KRAMER	09-18-15: ADJUST MANHOLE AND VALVE COVERS ON SR604, LAS VEGAS BLVD FROM EAST CAREY TO CRAIG ROAD, CLARK COUNTY. NV B/L#: EXEMPT
29	53915	00	CLARK COUNTY WATER RECLAMATION	ADJUST MANHOLE AND VALVE COVERS SR 604	N	17,600.00	-	17,600.00	-	9/11/2015	9/10/2018	-	Facility	TINA KRAMER	09-17-15: ADJUST MANHOLE AND VALVE COVERS ON SR 604 LAS VEGAS BLVD FROM EAST CAREY TO CRAIG ROAD, CLARK COUNTY. NV B/L#: EXEMPT
30	50915	00	LAS VEGAS VALLEY WATER DISTRICT	ADJUST MANHOLE AND VALVE COVERS	N	58,600.00	-	58,600.00	-	7/6/2015	2/28/2018	-	Facility	TINA KRAMER	08-27-15: ADJUST MANHOLE AND VALVE COVERS ON TROPICANA, FROM EASTERN AVE TO BOULDER HIGHWAY, CLARK COUNTY. NV B/L#: EXEMPT
31	53815	00	SOUTHWEST GAS	ADJUST MANHOLE AND VALVE COVERS SR 604	N	15,900.00	-	15,900.00	-	9/11/2015	7/13/2018	-	Facility	TINA KRAMER	09-17-15: ADJUST MANHOLE AND VALVE COVERS ON SR 604 LAS VEGAS BLVD FROM EAST CAREY TO CRAIG ROAD, CLARK COUNTY. NV B/L#: NVF19571000091
32	53015	00	UNION PACIFIC RAILROAD COMPANY	PRELIMINARY DESIGN FOR I80	Y	25,000.00	-	25,000.00	-	9/3/2015	8/30/2018	-	Facility	TINA KRAMER	09-14-15: PRELIMINARY ENGINEERING FOR I80 AT TRUCKEE RIVER NEAR VERDI, WASHOE COUNTY. NV B/L#: NVF19691003146
33	54615	00	UNION PACIFIC RAILROAD COMPANY	PRELIMINARY DESIGN I-515	Y	25,000.00	-	25,000.00	-	9/14/2015	3/30/2018	-	Facility	TINA KRAMER	09-14-15: PRELIMINARY ENGINEERING FOR I-515 AT UPRR OVERPASS, WASHOE COUNTY. NV B/L#: NVF19691003146

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	Dept. Project Manager	Notes
34	39015	00	CLARK COUNTY SCHOOL DISTRICT	SAFE ROUTES TO SCHOOL	Y	327,361.00	-	327,361.00	-	10/1/2015	9/30/2016	-	Grantee	TIMOTHY ROWE	09-10-15: EXTEND SAFE ROUTES TO SCHOOL PROGRAM FOR ONE YEAR WITH ANNUAL OPTION TO RENEW FOR UP TO THREE YEARS, CLARK COUNTY. NV B/L#: EXEMPT
35	52112	02	CLARK COUNTY SCHOOL DISTRICT	SAFE ROUTES TO SCHOOL	Y	383,808.00	20,000.00	403,808.00	-	10/1/2012	9/30/2015	9/9/2015	Grantee	TIMOTHY ROWE	AMD 2 09-09-15: INCREASE AUTHORITY BY \$20,000.00 FROM \$383,808.00 TO \$403,808.00 TO EXTEND THE CLARK COUNTY SCHOOL DISTRICTS SAFE ROUTES TO SCHOOL PROGRAM TO ALLOW COMPLETION OF THE PROJECT. AMD 1 04-11-14: MOVING FUNDS FROM ADMINISTRATIVE SALARY TYPE TO LICENSED STAFF SALARY. 12-18-12: SAFE ROUTES TO SCHOOL PROGRAM, NON-INFRASTRUCTURE, CLARK COUNTY. NV B/L#: EXEMPT
36	43515	00	LYON COUNTY PUBLIC WORKS	MAINTENANCE RESPONSIBILITIES	N	-	-	-	-	9/3/2015	9/3/2019	-	Interlocal	ROD SCHILLING	09-03-15: NO COST AGREEMENT TO DEFINE MAINTENANCE RESPONSIBILITIES AND REPAIR SERVICES FOR THE TRAFFIC SIGNAL SYSTEM LOCATED AT THE INTERSECTION OF US50 AND FORTUNE DRIVE, LYON COUNTY. NV B/L#: EXEMPT
37	53811	02	STATE PUBLIC WORKS DIVISION	SPEC AND PLAN REVIEW	N	100,000.00	300,000.00	550,000.00	-	12/14/2011	6/30/2020	9/3/2015	Interlocal	ROSS BAKER	AMD 2 09-03-15: INCREASE AUTHORITY BY \$300,000.00 FROM \$250,000.00 TO \$550,000.00, AND EXTEND TERMINATION DATE FROM 12-31-15 TO 06-30-20 DUE TO NRS CHAPTER 341 REQUIREMENT FOR COMPLIANCE REVIEWS. AMD 1 05-13-13: INCREASE AUTHORITY BY \$150,000.00 FROM \$100,000.00 TO \$250,000.00, AND EXTEND TERMINATION DATE FROM 12-31-13 TO 12-31-15 IN ORDER TO COMPLETE THE PROJECT. 12-14-11: PERFORM PLAN AND SPECS REVIEW FOR BUILDING CODE COMPLIANCE ON NDOT OWNED BUILDINGS, STATEWIDE. NV B/L#: EXEMPT
38	44115	00	DAVID MORRIS	LEASE MAINTENANCE STATION HOUSE	N	-	-	-	2,900.00	8/28/2015	8/1/2019	-	Lease	PAULINE BEIGEL	08-28-15: LEASE OF BIG SMOKEY MAINTENANCE STATION HOUSE #1 TO NDOT EMPLOYEE, NYE COUNTY. NV B/L#: EXEMPT
39	56915	00	4150 NORTH LAS VEGAS	ROW ACCESS	N	-	-	-	-	9/16/2015	3/31/2017	-	ROW Access	TINA KRAMER	09-18-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE OF RIGHT-OF-WAY FOR PROJECT 73781, SR604 LAS VEGAS BLVD FROM EAST CAREY AVE TO CRAIG ROAD, CLARK COUNTY. NV B/L#: EXEMPT
40	50415	00	BOLLING GREEN ACRES INC.	ROW ACCESS	N	-	-	-	-	8/19/2015	1/31/2017	-	ROW Access	TINA KRAMER	08-27-15: NO COST AGREEMENT TO RECONSTRUCT A DRIVEWAY OUTSIDE OF NDOT RIGHT-OF-WAY, CLARK COUNTY. NV B/L#: EXEMPT
41	56715	00	CARSON DODGE-CHRYSLER INC.	ROW ACCESS	N	-	-	-	-	9/16/2015	3/31/2017	-	ROW Access	TINA KRAMER	09-18-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE OF RIGHT-OF-WAY FOR PARCEL 009-112-33, PROJECT 73923, SR529 SOUTH CARSON STREET FROM OVERLAND STREET TO FAIRVIEW DRIVE, CARSON CITY. NV B/L#: EXEMPT
42	56815	00	CARSON DODGE-CHRYSLER INC.	ROW ACCESS	N	-	-	-	-	9/16/2015	3/31/2017	-	ROW Access	TINA KRAMER	09-18-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE OF RIGHT-OF-WAY FOR PARCEL 009-112-45, PROJECT 73923, SR529 SOUTH CARSON STREET FROM OVERLAND STREET TO FAIRVIEW DRIVE, CARSON CITY. NV B/L#: EXEMPT
43	56415	00	MCMILLAN LAND COMPANY	ROW ACCESS	N	-	-	-	-	9/16/2015	3/31/2017	-	ROW Access	TINA KRAMER	09-18-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE OF RIGHT-OF-WAY FOR PROJECT 73923, SR529 SOUTH CARSON STREET FROM OVERLAND STREET TO FAIRVIEW DRIVE, CARSON CITY. NV B/L#: EXEMPT

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	Dept. Project Manager	Notes
44	56615	00	OTRE INVESTMENTS/OTRE CAPITAL	ROW ACCESS	N	-	-	-	-	9/16/2015	3/31/2017	-	ROW Access	TINA KRAMER	09-18-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE OF RIGHT-OF-WAY FOR PROJECT 73923, SR529 SOUTH CARSON STREET FROM OVERLAND STREET TO FAIRVIEW DRIVE, CARSON CITY. NV B/L#: EXEMPT
45	51115	00	PAHRUMP VALLEY METHODIST CHURCH	ROW ACCESS	N	-	-	-	-	8/24/2015	1/31/2017	-	ROW Access	TINA KRAMER	08-27-15: NO COST AGREEMENT FOR RECONSTRUCTION OF DRIVEWAYS OUTSIDE OF NDOT RIGHT-OF-WAY, NYE COUNTY. NV B/L#: EXEMPT
46	48315	00	ASPEN DEVELOPERS CORPORATION	ADA IMPROVEMENTS PLUMB LN	N	65,875.00	-	65,875.00	-	8/24/2015	4/30/2016	-	Service Provider	MARLENE REVERA	08-24-15: CONSTRUCT CURB RAMPS, SIDEWALK AND LIGHTING ON PLUMB LN FROM KIETZKE LN TO HARVEST WAY, WASHOE COUNTY. NV B/L#: NVD20031251005-Q
47	51815	00	CARRIER CORPORATION	HVAC SERVICES AT TMC BLDG.	N	152,152.00	-	152,152.00	-	9/1/2015	3/31/2020	-	Service Provider	PAULINE BEIGEL	9-1-15: MAINTENANCE OF THE HVAC SYSTEMS IN THE TRAFFIC MANAGEMENT CENTER BUILDING, CLARK COUNTY. NV B/L#: NVF19791006562-Q
48	29313	01	CHAPMAN LAW FIRM	AD AMERICA (SOUTH POINT)	N	70,000.00	20,000.00	90,000.00	-	7/25/2013	7/30/2017	9/9/2015	Service Provider	DENNIS GALLAGHER	AMD 1 09-14-15: INCREASE AUTHORITY BY \$20,000.00 FROM \$70,000.00 TO \$90,000.00, AND EXTEND TERMINATION DATE FROM 07-31-15 TO 07-31-17 FOR CONTINUATION OF SERVICES. 07-25-13: LEGAL REPRESENTATION BY CHAPMAN LAW FIRM RE AD AMERICA INVERSE CONDEMNATION CASE, CLARK COUNTY. NV B/L#: NVD20011462722
49	55115	00	DONNA DESMOND ASSOCIATES	APPRAISAL AND WITNESS SVC NEON	Y	50,000.00	-	50,000.00	-	9/1/2015	6/30/2017	-	Service Provider	TINA KRAMER	09-17-15: PROJECT NEON APPRAISAL SERVICES RELATING TO OUTDOOR ADVERTISING SIGNS THAT ARE LOCATED ON THE PROPERTIES SUBJECT TO ACQUISITIONS, CLARK COUNTY. NV B/L#: NVF20151503859
50	53115	00	ENVIROCLEAN	SEPTIC SVCS ELKO AREA	N	62,500.00	-	62,500.00	-	9/18/2015	7/31/2018	-	Service Provider	SANDY SPENCER	09-18-15: SEPTIC TANK PUMPING SERVICES IN THE ELKO SUB-DISTRICT, ELKO AND EUREKA COUNTIES. NV B/L#: NVD20111619393-Q
51	51915	00	GARDNER ENGINEERING	HQ FAN COILS REPLACE	N	24,418.00	-	24,418.00	-	8/31/2015	12/31/2015	-	Service Provider	ANNETTE BALLEW	08-31-15: REPLACEMENT OF FAN COIL COMPONENTS OF THE HVAC UNIT AT THE HEADQUARTERS BUILDING, CARSON CITY. NV B/L#: NVD19751005065-Q
52	48915	00	GOMEZ LATH & PLASTER	EXTERIOR BUILDING MAINTENANCE	N	21,595.00	-	21,595.00	-	8/27/2015	10/31/2015	-	Service Provider	JIM PRENTICE	08-27-15: REPAIR FAILING EXTERIOR STUCCO SURFACE ON THE NDOT EAST ANNEX, CARSON CITY. NV B/L#: NVD20101758691-Q
53	53415	00	INTERNATIONAL ROAD DYNAMICS	ITS TRAINING	N	4,550.00	-	4,550.00	-	9/11/2015	12/31/2015	-	Service Provider	CRAIG CRICK	09-14-15: TRAINING ON INTELLIGENT TRANSPORTATION SYSTEMS FOR THE TRAFFIC INFORMATION DIVISION, CARSON CITY. NV B/L#: NVF20111378308-S
54	09315	01	KIMLEY-HORN AND ASSOCIATES	DESIGN SERVICES	N	500,000.00	-	500,000.00	-	3/10/2015	6/30/2016	8/20/2015	Service Provider	ERIC MACGILL	AMD 1 09-04-15: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 03-31-16 TO 06-30-16 FOR ADDITIONAL SUPPORT THROUGH FY 2016 AND REMOVE TASK ORDER LANGUAGE. 03-10-15: CONSULTANT DESIGN SERVICES FOR SIGNALS LIGHTING AND ITS PROJECTS, STATEWIDE. NV B/L#: NVF19911015458-R
55	49015	00	MWI	NEGOTIATION SKILLS TRAINING	N	19,000.00	-	19,000.00	-	9/1/2015	12/31/2015	-	Service Provider	CRAIG CRICK	09-04-15: PROVIDE A NEGOTIATION SKILLS WORKSHOP, CARSON CITY. NV B/L#: NVF20141364262-S
56	01415	00	RHA, LLC	COMPILE BEST PRACTICES	Y	288,420.91	-	288,420.91	-	8/31/2015	12/31/2016	-	Service Provider	LISA SCHETTLER	08-31-15: FACILITATION SERVICES FOR COMPILATION AND PUBLICATION OF HIGHWAY CONSTRUCTION PARTNERING AND HOLDING A NATIONAL CONFERENCE TO SHOWCASE FINDINGS, CARSON CITY, WASHOE, AND CLARK COUNTIES. NV B/L#: NVD20151258989-R

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	Dept. Project Manager	Notes
57	04914	01	ROYAL PANE	CLEANING MAINTENANCE STATIONS	N	3,600.00	3,600.00	7,200.00	-	2/19/2014	8/15/2018	9/8/2015	Service Provider	SANDY SPENCER	09-08-15: EXTEND TERMINATION DATE FROM 8-31-16 TO 8-31-18 AND INCREASE FUNDING FROM \$3,600 TO \$7,200 TO ALLOW FOR TWO MORE YEARS OF SERVICE. 02-19-14: TO PROVIDE CLEANING OF MAINTENANCE STATION HOUSES,Q3-008-14, ELKO AND EUREKA COUNTIES. NV B/L#: NVD20101425610-Q
58	50815	00	SILVER KNOLLS ELECTRIC INC.	ELECTRICAL UPGRADE HQ IT	N	13,331.11	-	13,331.11	-	8/31/2015	12/31/2015	-	Service Provider	ANNETTE BALLEW	08-31-15: ELECTRICAL UPGRADE OF HEADQUARTERS BUILDING I.T. SERVER ROOM, CARSON CITY. NV B/L#: NVD19931096023-Q
59	39815	00	SMART DATA STRATEGIES	SOFTWARE ENHANCEMENTS	N	200,000.00	-	200,000.00	-	7/27/2015	6/30/2017	-	Service Provider	MARGARET NUTT	08-27-15: TO MAKE CHANGES TO THE EXISTING INTEGRATED RIGHT-OF-WAY INFORMATION NETWORK (IRWIN) PROGRAMS, CARSON CITY. NV B/L#: NVF20121402899
60	00715	00	STANTEC CONSULTING, INC.	LANDSCAPE & AESTHETICS I-15	Y	188,500.00	-	188,500.00	-	9/9/2015	8/31/2019	-	Service Provider	RICH SHOCK	09-09-15: LANDSCAPE ARCHITECTURE DESIGN SERVICES FOR I-15/STARR AVENUE INTERCHANGE, CLARK COUNTY. NV B/L#: NVF20101021081-R
61	52015	00	SUMMIT PLUMBING CO	SEPTIC SVCS SPOONER MS	N	15,300.00	-	15,300.00	-	9/8/2015	4/30/2019	-	Service Provider	MARLENE REVERA	09-08-15: SEPTIC TANK PUMPING SERVICES AT THE SPOONER MAINTENANCE YARD, DOUGLAS COUNTY. NV B/L#: NVD19991021762-Q
62	48615	00	WESTERN SINGLE PLY	RE-ROOF TONOPAH MS BLDGS.	N	163,000.00	-	163,000.00	-	9/2/2015	6/30/2016	-	Service Provider	ANNETTE BALLEW	09-02-15: RE-ROOFING CREW OFFICE AND FIVE BAY SHOP BUILDINGS AT THE TONOPAH MAINTENANCE STATION, NYE COUNTY. NV B/L#: NVD19911031680-Q

Attachment C

**State of Nevada Department of Transportation
Settlements - Informational
August 20, 2015, to September 18, 2015**

Line No	Type	Second Party	Settlement Amount	Notes
1	SETTLEMENT OF EMINENT DOMAIN LAWSUIT	CONNIE L. HACKLER	4,000.00	THE SETTLEMENT PROVIDES FOR \$4,000.00 TO BE PAID TO CONNIE L. HACKLER, FOR A TWO YEAR WITH A THIRD YEAR OPTION TEMPORARY EASEMENT OF A 150 SF PORTION OF THE HACKLER'S PERSONAL RESIDENCE FOR SOUNDWALL CONSTRUCTION FOR THE SOUTH MCCARRAN WIDENING PROJECT.
2	SETTLEMENT OF EMINENT DOMAIN LAWSUIT	MLK-ALTA, LLC	2,685,000.00	THE SETTLEMENT PROVIDES FOR \$2,685,000.00 TO BE PAID TO MLK-ALTA, LLC FOR THE ACQUISITION OF TWO PARCELS OF REAL PROPERTY LOCATED ON THE NORTHEAST CORNER OF MARTIN LUTHER KING BLVD AND ALTA DR IN LAS VEGAS FOR PROJECT NEON.

Line Item 1

OFFICE OF THE ATTORNEY GENERAL

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

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: September 11, 2015

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General 

SUBJECT: Informational Item – Approval of Settlement in the matter of
State of Nevada ex rel. its Department of Transportation
v. Connie L. Hackler, et al.
Second Judicial District Court Case No. CV14-01760

At their September 8, 2015 meeting, the Board of Examiners approved the settlement in the amount of \$1,600.00 to be paid from NDOT funds to resolve the contested condemnation case referenced above which is part of widening and reconstruction of South McCarran Boulevard from Longley Lane to Greg Street, the City of Reno and City of Sparks in Washoe County.

Attached is the August 4, 2015 memorandum to the Board of Examiners from Director Rudy Malfabon and myself setting forth a summary of the settlement.



MEMORANDUM

1263 South Stewart
Street
Carson City, Nevada

August 4, 2015

To: Board of Examiners
Governor Brian Sandoval
Attorney General Adam Paul Laxalt
Secretary of State Barbara Cegavske

From: Rudy Malfabon, Director, Nevada Department of Transportation
Dennis Gallagher, Chief Deputy Attorney General




Subject: Proposed Settlement of an Eminent Domain Action
State of Nevada v. Connie L. Hackler, et al.,
Second Judicial District Court Case No. CV14-01760

SUMMARY

NDOT filed the above-referenced eminent domain action in 2014 to acquire a temporary easement for soundwall construction purposes for a two year period for the widening and reconstruction of South McCarran Boulevard from Longley Lane to Greg Street, the City of Reno and City of Sparks in Washoe County.

After nearly a year of litigation, NDOT now requests an additional \$1,600.00 as full and just compensation for the acquisition of the temporary access easement across the Hackler property, and severance damage to any and all remainder property belonging to the Defendant for court settlement and fully resolve the action.

THE SUBJECT PROPERTY

NDOT is acquiring a temporary easement over the Hackler's residence located at 4069 Snowshoe Lane, Reno, Washoe County, Nevada 89502. The property is a single family home on an improved 2,400 sq. ft. lot. The acquisition is approximately 150 square feet over a portion of the back yard for a duration of two years, with a third year option.

THE ACTION

NDOT filed a direct condemnation action CV14-01760 on August 14, 2014. NDOT moved for, and was granted, occupancy of the subject property, supported by an appraisal from Mr. Anthony Wren, MAI for \$2,400. Ms. Hackler expressed a desire to settle this matter early in the case. The matter proceeded through negotiations between the parties. There were some title issues, and some non-responsive defendants, that needed to be resolved in this matter, which lengthened the case. These issues have all been resolved.

POINTS THAT FAVOR SETTLEMENT

The key issue in this matter was the valuation of a deck. Ms. Hackler's backyard has improvements that will be impacted by the project. Mr. Wren's report valued that portion of the deck which would be directly impacted and removed as part of the project. However, Ms. Hackler informed us that upon further investigation, the deck would be more extensively impacted than the appraisal indicated. She requested additional money to fully compensate for the damage and repair of her deck.

Additionally, the pre-litigation appraisal from Mr. Wren is dated October 28, 2013, while the actual date of value in this case would be August 14, 2014. A new appraisal would need to be obtained and paid for if this matter were to proceed to trial. Given the rise in the real estate market in the past few years, it is nearly certain that a new appraisal would be for a higher amount. In other actions in this same project, updated appraisals have come in at higher amounts.

Furthermore, if litigated, Ms. Hackler's own costs, such as a countervailing appraisal, would be recoverable against NDOT, regardless of the outcome of the case.

RECOMMENDATION

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the Action for the total amount of \$4,000.00 (\$1,600.00 in new money plus the \$2,400.00 fair market value just compensation deposited with the Court as the initial filing of this condemnation matter).

FISCAL NOTE STATEMENT

NDOT will State Highway Funds this proposed settlement amount.

Line Item 2

OFFICE OF THE ATTORNEY GENERAL

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

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: September 11, 2015

TO: Board of Directors
Nevada Department of Transportation

FROM: Dennis Gallagher, Chief Deputy Attorney General

SUBJECT: Informational Item – Approval of Settlement in the matter of
State of Nevada ex rel. its Department of Transportation
v. MLK-Alta, LLC, et al.,
Eighth Judicial District Court Case No. A-11-649541-C
Consolidated with A-12-658642-C

At their September 8, 2015 meeting, the Board of Examiners approved the settlement in the amount of \$785,000.00 to be paid from NDOT funds to resolve the contested condemnation cases referenced above which is part of Project Neon.

Attached is the August 4, 2015 memorandum to the Board of Examiners from Director Rudy Malfabon, Senior Deputy, Joe Vadala, and myself setting forth a summary of the settlement.

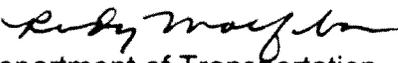


MEMORANDUM

1263 South Stewart
Street
Carson City, Nevada

July 31, 2015

To: Board of Examiners
Governor Brian Sandoval
Attorney General Adam Paul Laxalt
Secretary of State Barbara Cegavske

From: Rudy Malfabon, Director, Nevada Department of Transportation
Dennis Gallagher, Chief Deputy Attorney General 
Joe Vadala, Sr. Deputy Attorney General 

Subject: Proposed Settlement of an Eminent Domain Action,
State of Nevada v. MLK-Alta, LLC, et al.,
Eighth Judicial District Court Case No. A-11-649541-C
Consolidated with A-12-658642-C

SUMMARY

NDOT filed the above-referenced eminent domain action in 2012 to acquire two parcels of real property in fee located on the northeast corner of Martin Luther King Boulevard and Alta Drive in Las Vegas for Project NEON.

After more than three years of contentious litigation, the case proceeded to a jury trial on July 13, 2015. On the ninth day of trial, a proposed settlement was reached subject to Board of Examiners approval. NDOT requests settlement approval in the total amount of \$2,685,000 to fully resolve the action and acquire the property. NDOT previously deposited with the Court \$1,900,000 representing its 2011 appraised value of the property in order to obtain occupancy. NDOT now requests an additional \$785,000 to comply with the court settlement and fully resolve the action.

THE PROPERTY

The subject property is a .69 acre combined holding consisting of two assessor's parcels that had been improved with two buildings which have now been demolished. The larger building on the southerly parcel was 15,540 square feet of mixed office and warehouse space originally constructed in 1985 by Christopher Stuhmer as a showroom for Christopher Homes. The structure to the north was a 2,254 square foot warehouse.

MLK-Alta LLC purchased the property in 2010 and began a renovation project on the buildings before being notified in 2011 that the property would be required for Project NEON.

THE ACTION

Prior to NDOT initiating a direct action to acquire the property, in October 2011, MLK-Alta filed a Complaint against NDOT alleging inverse condemnation, pre-condemnation damages, attorney's fees, costs and pre-judgment interest. In March of 2012, NDOT filed a direct action against MLK-Alta LLC to acquire the Property and successfully had the inverse condemnation and attorneys' fees claims dismissed. The remaining claim for pre-condemnation damages was consolidated with NDOT's direct action. The pre-condemnation claim was based upon MLK-Alta's allegation that after notification in 2011 that the property may be required for Project NEON, it was impossible to rent the property and MLK-Alta became an involuntary custodian of the property pending condemnation without producing any income.

On August 23, 2012, after making a deposit of \$1,900,000, NDOT obtained occupancy of the Property. That figure was based on NDOT's April 20, 2011 appraisal of the Property.

At trial, MLK Alta LLC's principal, David Mason, testified that the value of the property taken was \$3,877,000. The pre-condemnation claim was valued by Mr. Mason as approximately \$350,000 in lost rents.

MLK-Alta LLC had also retained three experts to testify at trial, two brokers and an appraiser. Their expert opinions of value ranged from \$3,877,000 - \$4,031,000.

On the ninth day of trial, the court recommended the parties attempt to reach a settlement. A proposed agreement was reached for the amount of \$2,685,000 subject to Board of Examiners approval. This requires the payment of an additional \$785,000 over the amount of NDOT's initial deposit.

POINTS THAT FAVOR SETTLEMENT

NDOT's total potential exposure at trial including costs which NDOT is liable for and prejudgment interest approached \$5,000,000. Therefore a settlement of \$2,685,000 in total could save the State more than \$2,300,000. Furthermore, the proposed settlement of an additional \$785,000 includes all interest, fees and costs for which NDOT is liable pursuant to statute and constitutional provisions. The proposed settlement was reached after nearly four years of contentious litigation and the costs incurred to date, as well as future costs if settlement were not approved, would be substantial. Additionally, there were a number of pretrial rulings that would make the possibility of an appeal more likely than not. The potential exposure if the case had to be retried at a later date would be even higher than \$5,000,000.

RECOMMENDATION

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the Action for the total amount of \$2,685,000 (\$785,000 in new money plus the \$1,900,000 already deposited with the Court). If the Board approves the settlement, NDOT will pay the agreed-upon balance and have the Court enter a Judgment and a Final Order of Condemnation transferring ownership of the Property to NDOT, resolving this Action in its entirety as among all parties, inclusive of all attorney's fees, costs and interest.

FISCAL NOTE STATEMENT

NDOT will seek reimbursement from the Federal Highway Administration for the proposed settlement amount.



Fax: (775) 888-7201
Fax: (775) 888-7201

1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7313

MEMORANDUM

October 5, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: October 12, 2015 Transportation Board of Directors Meeting
Item #11: Action Item: Condemnation Resolution No. 452
I-15 Freeway, from Desert Inn Road to the US-95/I-515
Interchange; Project NEON; in the City of Las Vegas; Clark County.
3 Owners, 11 Parcels – For possible action

Summary:

The department is acquiring property and property rights for the widening and reconstruction of the I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, in the City of Las Vegas, Clark County. These properties are for the design/build phase of project NEON. The department is seeking the Board's approval of a condemnation action for the unresolved acquisition as described below.

Background:

Roundy Revocable Family Trust – The negotiation is unresolved for the acquisition from the Roundy Revocable Family Trust. It is necessary to acquire a 2,113 square foot (0.05 acre) acquisition in fee and a 1,512 square feet (0.03 acre) temporary construction easement for a four-year period, both from a 20,277 square foot (0.47 acre) Residence Estates-zoned parcel which is unimproved. **The acquisitions in question, which are located on the north side of Oakey Boulevard at Westwood Drive, in the City of Las Vegas, are highlighted in red on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$12,588.00 for the 2,113 square foot fee acquisition and 1,512 square foot temporary construction easement was presented on February 25, 2015. The property owner did not accept the offer. A revised offer of \$25,181.00, based on an updated appraisal, was mailed on July 17, 2015. The offer consisted of \$21,891.00 for the fee simple land (at \$10.36 per square foot) and \$3,290.00 for the temporary easement (which is a 5.25% per year return on the \$10.36 per square foot fee land value for a period of four years). On July 21, 2015 the owner verbally declined the revised offer. No counter-offer has been made and negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

The Southland Corporation - The negotiation is also unresolved for the acquisition from The Southland Corporation. It is necessary to acquire a 9,526 square foot (0.22 acre) acquisition in fee, a 2,999 square foot (0.07 acre) permanent easement for construction and maintenance purposes and a 1,907 square feet (0.04 acre) temporary construction easement for a four-year period, all from a 71,645 square foot (1.64 acre) Industrial-zoned parcel. The acquisitions fall within the largely vacant westerly half of the site. The only improvement consists of a small outdoor advertising sign. The easterly portion of the site, which will not be affected by the proposed acquisition, is improved with a 2,940 square foot service station/convenience store and miscellaneous site improvements. **The acquisitions in question, which are located on the east side of the I-15 Freeway, between Highland Drive and Oakey Boulevard, in the**

City of Las Vegas, are highlighted in green on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2). The State's initial offer of \$372,550.00 was mailed on May 12, 2015. The offer consisted of \$155,000.00 for the fee simple land (at approximately \$16.25 per square foot), \$160,000.00 for the contributory value of the sign site, \$45,000.00 for the permanent easement (which was valued at 90% of the approximate \$16.25 per square foot fee land value) and \$12,550.00 for the temporary easement (which is a 10% per year return on the approximate \$16.25 per square foot fee land value for a period of four years). The property owner has not responded to the State's offer. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

Clark County Treasurer - The negotiation is also unresolved for the acquisition from the Clark County Treasurer. It is necessary to acquire three parcels of land in fee simple totaling 19,490 square feet (0.45 acre) and three temporary construction easements, each for a four-year period, totaling 5,173 square feet (0.12 acre), all from three Residential Estates and Single Family Residential-zoned parcels, totaling 78,514 square feet (1.80 acres) which are vacant and unimproved. **The acquisitions in question, which are located on the west side of Martin Luther King Boulevard, approximately 500 feet north of Oakey Boulevard, in the City of Las Vegas, are highlighted in blue on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** In August 2015, the State contacted Clark County to present an offer of \$183,111.00 for the property. The offer consisted of \$155,920.00 for the fee simple land (at \$8.00 per square foot), \$8,691.00 for the temporary easements (which is a 5.25% per year return on the \$8.00 per square foot fee land value for a period of four years), and \$18,500.00 for the fencing and trees within the fee parcels. Clark County maintains they do not own the parcels despite the existence of three Tax Trustee Deeds that were recorded against the property on June 14, 2012. The State also made an offer for the property to One Universe LLC, holder of the right of redemption, on May 28, 2015. Negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

Analysis:

A condemnation resolution is requested so that the Department can certify the right-of-way to the Federal Highway Administration to meet the project schedule. Prior to construction all environmental testing, demolition and utility relocations must be accomplished. Pursuant to Chapter 241 of the Nevada Revised Statutes, the required notices regarding this open meeting have been served.

Recommendation for Board Action:

Board approval of this resolution of condemnation is respectfully requested.

...

...

...

...

List of Attachments:

1. Location map
2. Condemnation Resolution No. 452 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

Prepared by:

Paul Saucedo, Chief R/W Agent

A handwritten signature in blue ink, appearing to read "Paul Saucedo".

LOCATION MAP (1 OF 3)



CONDEMNATION RESOLUTION No. 452

**DESCRIPTION: I-15 Freeway, from Desert Inn Road to the
US-95/I-515 Interchange; Project NEON
in the City of Las Vegas, County of Clark, State of Nevada**

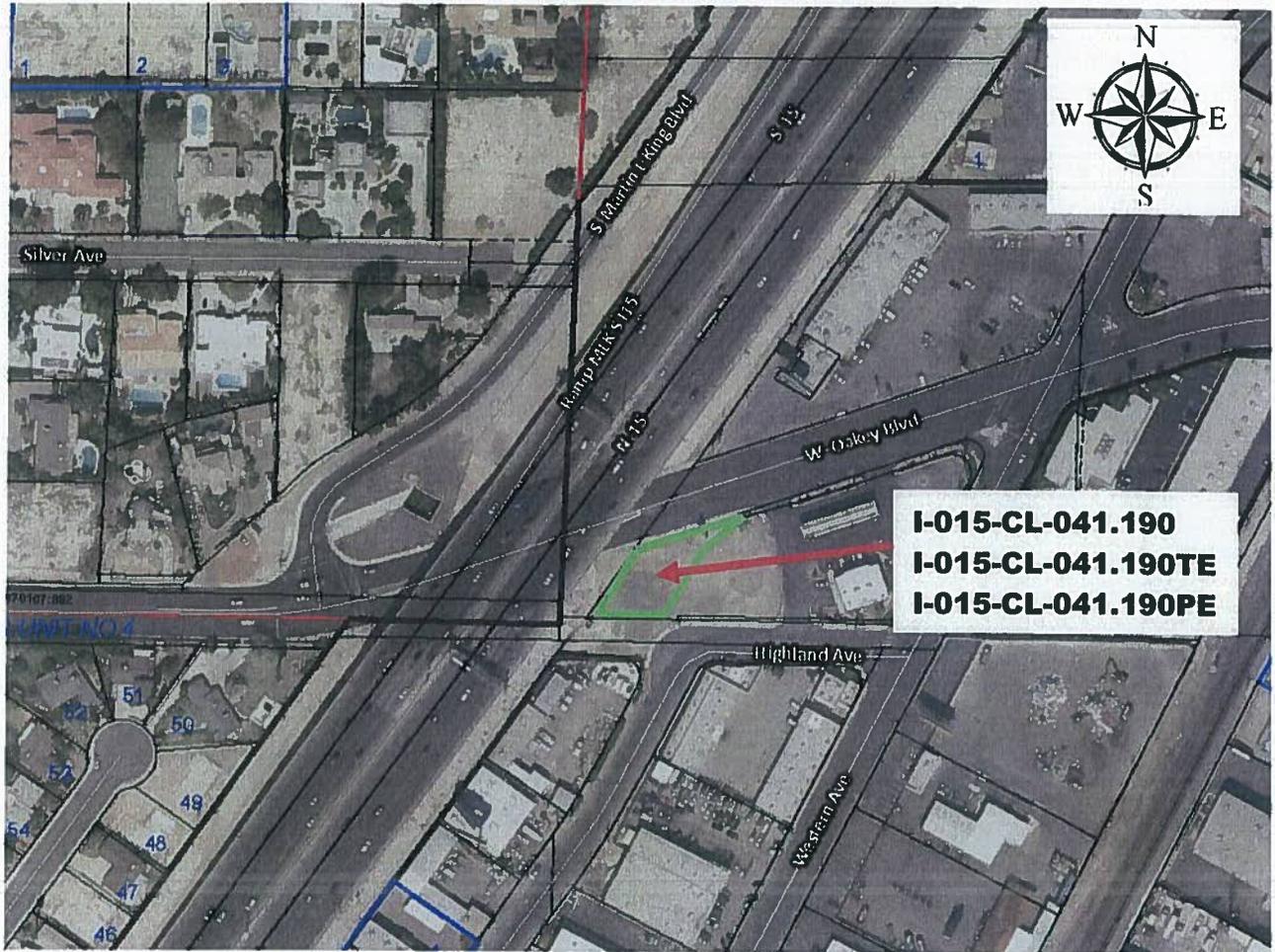
LOCATION MAP (2 OF 3)



CONDEMNATION RESOLUTION No. 452

**DESCRIPTION: I-15 Freeway, from Desert Inn Road to the
US-95/I-515 Interchange; Project NEON
in the City of Las Vegas, County of Clark, State of Nevada**

LOCATION MAP (3 OF 3)



CONDEMNATION RESOLUTION No. 452

**DESCRIPTION: I-15 Freeway, from Desert Inn Road to the
US-95/I-515 Interchange; Project NEON
in the City of Las Vegas, County of Clark, State of Nevada**

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE WIDENING AND RECONSTRUCTION OF THE I-15 FREEWAY, FROM DESERT INN ROAD NORTH TO THE U.S. 95/I-515 INTERCHANGE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONDEMNATION RESOLUTION NO. 452

WHEREAS, the Department of Transportation of the State of Nevada (hereinafter the "Department") is empowered by chapter 408 of the Nevada Revised Statutes to acquire real property, interests therein, and improvements located thereon for the construction and maintenance of highways; and

WHEREAS, the Department has determined that the public interest and necessity require the acquisition, reconstruction, and completion by the State of Nevada, acting by and through the Department, of a public improvement, namely the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the U.S. 95/I-515 Interchange, in the City of Las Vegas, Clark County, State of Nevada and that the real property hereinafter described is necessary for said public improvement; and

WHEREAS, the right-of-way plans are attached hereto and incorporated herein depicting the parcels described herein; and

WHEREAS, the Department plans to obligate federal-aid funds for this project, and let a construction contract for said project, and the real property hereinafter described will be needed for said freeway project; and

WHEREAS, pursuant to section 408.503 of the Nevada Revised Statutes, the Department shall not commence any legal action in eminent domain until the Board of Directors of the Department adopts a resolution declaring that the public

interest and necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion by the State of Nevada, acting through the Department, of a public improvement, namely a freeway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NOS. I-015-CL-041.112 and I-015-CL-041.112TE owned by ROUNDY REVOCABLE FAMILY TRUST, TERRY DEVON ROUNDY, TRUSTEE and DEBORAH SUZANNE ROUNDY, TRUSTEE.

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the SE 1/4 of the NW 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-041.112 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5|4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet

(Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 89°33'10" E. a distance of 1,939.01 feet to the POINT OF BEGINNING; said point of beginning described as a point on the left or northerly right-of-way line of Oakey Boulevard, 427.45 feet left of and at right angles to IR-15 Highway Engineer's Station "Le" 767+56.84 P.O.T.; thence S. 2°42'02" W. a distance of 12.00 feet to the former northerly right-of-way line of Oakey Boulevard; thence N. 88°55'07" W., along said former right-of-way line, a distance of 181.22 feet ; thence N. 2°42'02" E. a distance of 10.00 feet to the southerly right-of-way line of Westwood Drive; thence S. 88°55'07" E., along said right-of-way line, a distance of 31.02 feet to the easterly right-of-way line of Westwood Drive; thence from a tangent which bears N. 18°23'24" W., curving to the right along said right-of-way line with a radius of 15.00 feet, through an angle of 7°56'04", an arc distance of 2.08 feet to the northerly right-of-way line of Oakey Boulevard; thence S. 88°55'07" E., along said right-of-way line, a distance of 150.81 feet to the point of beginning; said parcel contains an area of 2,113 square feet (0.05 acres)

///

PARCEL NO. I-015-CL-041.112TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5/4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 89°33'10" E. a distance of 1,939.01 feet to the POINT OF BEGINNING; said point of beginning described as a point on the left or northerly right-of-way line of Oakey Boulevard, 427.45 feet left of and at right angles to IR-15 Highway Engineer's Station "Le" 767+56.84 P.O.T.; thence N. 88°55'07" W., along said right-of-way line, a distance of 150.81 feet to the east right-of-way line of Westwood Drive; thence from a tangent which bears N. 10°27'20" W., curving to the right along said right-of-way line, with a radius of 15.00 feet, through an angle of 13°09'22", an arc distance of 3.44 feet;

thence N. 2°42'02" E., along said right-of-way line, a distance of 6.58 feet; thence S. 88°55'07" E. a distance of 151.20 feet; thence S. 2°42'02" W. a distance of 10.00 feet to the point of beginning; said parcel contains an area of 1,512 square feet (0.03 acres).

PARCEL NOS. I-015-CL-041.190, I-015-CL-041.190PE, and I-015-CL-041.190TE owned by THE SOUTHLAND CORPORATION, a Texas Corporation.

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the SW 1/4 of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-041.190 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP

ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS
PLS5094", shown and delineated as a FOUND WELL
MONUMENT STAMPED "PLS 5094" on said Plat Map; thence
N. 88°54'17" W., along the East-West 1/4 Section Line of Section
4, a distance of 2,482.12 feet to the POINT OF BEGINNING; said
point of beginning being on the right or southeasterly right-of-way
line of IR-15, 187.94 feet right of and at right angles to Highway
Engineer's Station "Le" 771+11.97 P.O.T., said point being
coincident with said 1/4 section line and the former northerly
right-of-way line of Highland Drive; thence N. 88°54'17" W., along
said former northerly right-of-way line, a distance of 76.10 feet to
the former right or southeasterly right-of-way line of IR-15; thence
N. 35°17'37" E., along said former right or southeasterly
right-of-way line, a distance of 119.56 feet to the former southerly
right-of-way line of Oakey Boulevard; thence N. 71°49'00" E.,
along said former southerly right-of-way line, a distance of
119.85 feet to the right or southeasterly right-of-way line of IR-15;
thence S. 38°06'58" W., along said right or southeasterly
right-of-way line, a distance of 85.12 feet; thence
S. 38°01'20" W., continuing along said right-of-way line, a
distance of 88.18 feet to the point of beginning; said parcel
contains an area of 9,526 square feet (0.22 acres).

PARCEL NO. I-015-CL-041.190PE to be acquired as a permanent
easement for highway construction and maintenance purposes.

COMMENCING at the section corner common to Sections 3, 4, 9

and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK
FLUSH ON A 0.6' CONC CYLINDER STAMPED
"CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a
FOUND WELL MONUMENT STAMPED "PLS 5094" on that
certain Plat Map of WESTERN FLEX WAREHOUSE, filed for
record on August 23, 2005, as Instrument No.
200508230001630, as Map File 126, Page 31, in Official Records
Clark County, Nevada; thence N. 4°23'15" E., along the east line
of said Section 4, a distance of 2,783.81 feet (Record
N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4
corner common to Sections 3 and 4, a FOUND 2" BRASS CAP
ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS
PLS5094", shown and delineated as a FOUND WELL
MONUMENT STAMPED "PLS 5094" on said Plat Map; thence
N. 88°54'17" W., along the East-West 1/4 Section Line of Section
4, a distance of 2,482.12 feet to the POINT OF BEGINNING; said
point of beginning being on the right or southeasterly right-of-way
line of IR-15, 187.94 feet right of and at right angles to Highway
Engineer's Station "Le" 771+11.97 P.O.T., said point being
coincident with said 1/4 section line and the former northerly
right-of-way line of Highland Drive; thence along said right or
southeasterly right-of-way line, the following three (3) courses
and distances:

- 1) N. 38°01'20" E. – 88.18 feet;
- 2) N. 38°06'58" E. – 85.12 feet;
- 3) N. 71°49'00" E. – 20.33 feet;

thence along the following four (4) courses and distances:

- 1) from a tangent which bears the last described course, curving to the right with a radius of 25.00 feet, through an angle of $66^{\circ}25'19''$, an arc distance of 28.98 feet;
- 2) S. $71^{\circ}49'00''$ W. – 38.70 feet;
- 3) S. $38^{\circ}06'58''$ W. – 80.58 feet;
- 4) S. $38^{\circ}02'03''$ W. – 76.90 feet to said right or southeasterly right-of-way line;

thence N. $88^{\circ}54'17''$ W., along said right or southeasterly right-of-way line, a distance of 18.74 feet to the point of beginning; said parcel contains an area of 2,999 square feet (0.07 acres).

PARCEL NO. I-015-CL-041.190TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. $4^{\circ}23'15''$ E., along the east line

of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on said Plat Map; thence N. 88°54'17" W., along the East-West 1/4 Section Line of Section 4, a distance of 2,463.37 feet to the POINT OF BEGINNING; said point of beginning being on the right or southeasterly right-of-way line of IR-15, 203.44 feet right of and at right angles to Highway Engineer's Station "Le" 771+22.50 P.O.T., said point being coincident with said 1/4 section line; thence along the following seven (7) courses and distances:

- 1) N. 38°02'03" E. – 76.90 feet;
- 2) N. 38°06'58" E. – 80.58 feet;
- 3) N. 71°49'00" E. – 38.70 feet to a non-tangent curve;
- 4) from a tangent which bears S. 41°45'41" E., curving to the right with a radius of 25.00 feet, through an angle of 23°34'41", an arc distance of 10.29 feet;
- 5) S. 71°49'00" W. – 37.76 feet;
- 6) S. 38°06'58" W. – 77.55 feet;
- 7) S. 38°02'32" W. – 69.37 feet to said right or southeasterly right-of-way line;

thence N. 88°54'17" W., along said right or southeasterly right-of-way line, a distance of 12.50 feet to the point of beginning; said parcel contains an area of 1,907 square feet (0.04 acres).

PARCEL NOS. I-015-CL-041.247, I-015-CL-041.247TE, I-015-CL-041.275, I-015-CL-041.275TE, I-015-CL-041.309, and I-015-CL-041.309TE owned by CLARK COUNTY TREASURER, Trustee and Ex Officio Tax Receiver for the County of Clark, State of Nevada.

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the S 1/2 of the N 1/2 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-041.247 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5|4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said

Record of Survey; thence N. 80°10'19" E. a distance of 2,489.64 feet to the POINT OF BEGINNING; said point of beginning being a point on the left or northwesterly right-of-way line of IR-15, said point being coincident with the centerline of Silver Avenue per Vacation Order, recorded March 1, 1996, in Book No. 960301 as Instrument No. 00934, official records of the County of Clark, Nevada, 244.59 feet left of and at right angles to Highway Engineer's Station "Le" 773+88.29 P.O.T.; thence N. 39°45'34" E., along said right-of-way line, a distance of 177.99 feet to the North-South 1/4 section line; thence S. 2°27'06" W. a distance of 56.71 feet to the former northwesterly right-of-way line of IR-15; thence S. 35°17'37" W., along said former northwesterly right-of-way line, a distance of 98.98 feet to the former centerline of Silver Avenue; thence N. 89°20'23" W., along said former centerline, a distance of 54.22 feet to the point of beginning; said parcel contains an area of 5,267 square feet (0.12 acres).

PARCEL NO. I-015-CL-041.247TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5/4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in

Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 80°10'19" E. a distance of 2,489.64 feet to the POINT OF BEGINNING; said point of beginning being a point on the left or northwesterly right-of-way line of IR-15, said point being coincident with the centerline of Silver Avenue per Vacation Order, recorded March 1, 1996, in Book No. 960301 as Instrument No. 00934, official records of the County of Clark, Nevada, 244.59 feet left of and at right angles to Highway Engineer's Station "Le" 773+88.29 P.O.T.; thence N. 89°20'23" W., along said former centerline, a distance of 12.89 feet; thence N. 39°45'34" E. a distance of 199.24 feet to the North-South 1/4 section line; thence S. 2°27'06" W., along said 1/4 section line, a distance of 16.50 feet to said northwesterly right-of-way line; thence S. 39°45'34" W., along said northwesterly right-of-way line, a distance of 177.99 feet to the point of beginning; said parcel contains an area of 1,886 square feet (0.04 acres).

PARCEL NO. I-015-CL-041.275 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT

WELL STAMPED "32 5/4 PLS5094" shown and delineated as a FOUND WELL MON #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No.01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 77°39'18" E. a distance of 2,627.69 feet to the POINT OF BEGINNING; said point of beginning being the intersection of the left or northwesterly right-of-way line of IR-15 and the North – South 1/4 section line, 230.73 feet left of and at right angles to Highway Engineer's Station "Le" 775+65.74 P.O.T.; thence N. 32°33'37" E., along said right-of-way line, a distance of 151.08 feet; thence N. 89°35'49" E. a distance of 46.74 feet to the former northwesterly right-of-way line of IR-15; thence S. 35°17'37" W., along said former right-of-way line, a distance of 202.90 feet; thence S. 89°35'38" W. a distance of 12.45 feet to the North – South 1/4 section line; thence N. 2°27'06" E., along said 1/4 section line, a distance of 38.07 feet to the point of beginning; said parcel contains an area of 6,319 square feet (0.15 acres).

PARCEL NO. I-015-CL-041.275TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5/4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No.01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 77°39'18" E. a distance of 2,627.69 feet to the POINT OF BEGINNING; said point of beginning being the intersection of the left or northwesterly right-of-way line of IR-15 and the North – South 1/4 section line, 230.73 feet left of and at right angles to Highway Engineer's Station "Le" 775+65.74 P.O.T.; thence N. 2°27'06" E., along said 1/4 section line a distance of 19.93 feet; thence N. 32°33'37" E. a distance of 127.35 feet; thence N. 89°35'49" E. a distance of 11.92 feet to said northwesterly right-of-way line; thence S. 32°33'37" W., along said northwesterly right-of-way line, a

distance of 151.08 feet to the point of beginning; said parcel contains an area of 1,392 square feet (0.03 acres).

PARCEL NO. I-015-CL-041.309 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5/4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 72°40'55" E. a distance of 2,870.74 feet to the POINT OF BEGINNING; said point of beginning being a point on the left or northwesterly right-of-way line of IR-15, 258.13 feet left of and at right angles to Highway Engineer's Station "Le" 779+05.04 P.O.T.; thence along the following five (5) courses and distances:

- 1) N. 89°35'33" W. – 41.68 feet to the former northwesterly right-of-way line of IR-15;
- 2) from a tangent which bears S. 20°04'17" W., curving to the right, along said former northwesterly right-of-way line, with a radius of

464.95 feet, through an angle of 15°12'19", an arc distance of 123.39 feet;

- 3) S. 54°42'17" E. – 8.00 feet;
- 4) S. 35°17'37" W. – 63.49 feet;
- 5) S. 89°35'49" W. – 46.74 feet to said northwesterly right-of-way line;

thence N. 29°10'28" E., along said northwesterly right-of-way line, a distance of 189.47 feet to the point of beginning; said parcel contains an area of 7,904 square feet (0.18 acres).

PARCEL NO. I-015-CL-041.309TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5/4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W., along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 72°40'55" E. a distance of 2,870.74

feet to the POINT OF BEGINNING; said point of beginning being a point on the left or northwesterly right-of-way line of IR-15, 258.13 feet left of and at right angles to Highway Engineer's Station "Le" 779+05.04 P.O.T.; thence S. 29°10'28" W., along said northwesterly right-of-way line, a distance of 189.47 feet; thence along the following three (3) courses and distances:1)

- 1) S. 89°35'49" W. – 11.50 feet;
- 2) N. 29°10'28" E. – 189.47 feet;
- 3) N. 89°35'33" E. – 11.50 feet to the point of beginning;

said parcel contains an area of 1,895 square feet (0.04 acres).

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

///

//

///

///

///

///

///

///

///

///

BE IT FURTHER RESOLVED that the Director, Deputy Director, and Chief Counsel of the Department have the power to enter into any stipulations or file any necessary pleadings in any condemnation proceeding and to bind the Department of Transportation in the completion of this project.

Adopted this _____ day of October, 2015.

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

Secretary to the Board
William H. Hoffman

Chairman – Brian Sandoval
Governor

APPROVED AS TO LEGALITY
AND FORM

Dennis Gallagher, Chief Counsel
Department of Transportation

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NH-STP-015-1(147)	CLARK	01

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY PROJECT

FOUND MONUMENTS

- | | |
|------------|-------------|
| 1 265051L | 11 447010L |
| 2 265052L | 12 761032L |
| 3 420200L | 13 761046L |
| 4 438011L | 14 1182008L |
| 5 438026L | 15 1182010L |
| 6 438027L | 16 1182023L |
| 7 438028L | 17 1182026L |
| 8 438030L | 18 447011L |
| 9 438043L | 19 1182029L |
| 10 447007L | 20 NCL407 |

SEE SHEET 32 FOR MONUMENT DESCRIPTIONS

"Le" ϵ
A = 35°31'35"
R = 1,800.00'
L = 1,116.09'

DISCOVERY DRIVE GRADE SEPARATION

ALTA DRIVE GRADE SEPARATION

PROJECT LOCATION

NH-STP-015-1(147)

END ACQUISITION

BEGIN ACQUISITION

"Le" 752+26.76 P.O.T.

"Le" 854+24.71 P.O.C.

DOWNTOWN EXPRESSWAY INTERCHANGE

STATE OF NEVADA
FEDERAL HIGHWAY ADMINISTRATION
NEVADA DIVISION

APPROVED
ORIGINAL ON FILE
DIVISION ADMINISTRATOR DATE

CITY OF LAS VEGAS

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

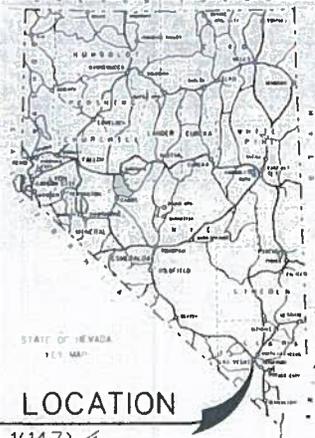
DATE: APRIL 24, 2014

115 DESERT INN
NEON PACKAGE 1
COVER SHEET

NEVADA DOT	R/W DIVISION	
	TRACED	DBY JMO MRV VTG MFC
	CHECKED	JHH
	PHONE: (775) 888-7470	

SCALE 1"=1,000'

SHEET 107/109



SAHARA AVENUE INTERCHANGE

GLEN HEATHER ESTATES UNIT NO. 3
SAHARA/RANCHO OFFICE PARK
GLEN HEATHER ESTATES UNIT NO. 2
GLEN HEATHER ESTATES UNIT NO. 4

SCOTCH BIGHTY ADDITION RESUBDIVISION

MENOCEDOS CIRCLE
SARATOGA MEADOWS

BUENA VISTA ADDITION

PARKWAY CENTER

OAKLEY BLVD. GRADE SEPARATION

CHARLESTON BLVD. INTERCHANGE

CITY LINE

CITY LINE

CITY OF LAS VEGAS
COUNTY OF CLATSOP

9
10

1
3

15

3
4

33
34

8

33
34

28
27

33
34

28
27

11

17

10

29
28

32
33

5

6

7

12

19

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

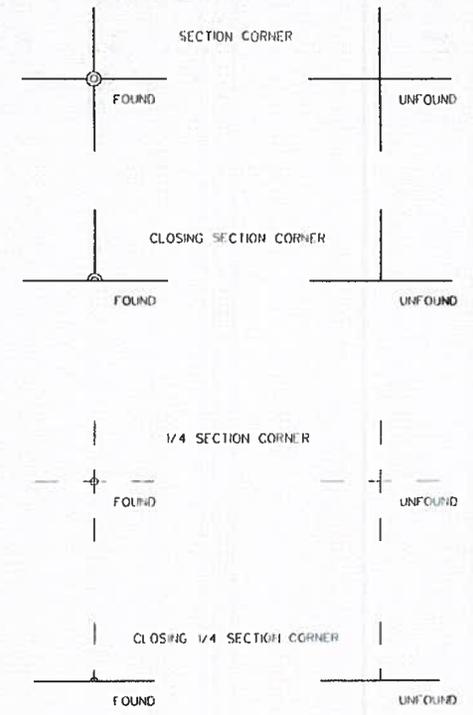
99

100

LEGEND OF RIGHT-OF-WAY SYMBOLS

C/A	CONTROL OF ACCESS
☉	CENTERLINE
C/P	PERMISSION TO CONSTRUCT
Δ	DELTA
L	ARC LENGTH
L1	LEFT
P.C	POINT OF CURVE
P.C.C	POINT OF COMPOUND CURVATURE
PE	PERMANENT EASEMENT
P/L	PROPERTY LINE
P.O.B.	POINT OF BEGINNING
P.O.C	POINT ON CURVE
P.O.E	POINT OF ENDING
P.O.T	POINT ON TANGENT
P.R.C	POINT OF REVERSE CURVATURE
P.T	POINT OF TANGENCY
R	RADIUS
REM	REMAINDER
R1	RIGHT
R/W	RIGHT-OF-WAY
TE	TEMPORARY EASEMENT
△	SUBDIVISION BLOCK

	CONTROL OF ACCESS WITH FENCE OR BARRIER
	CONTROL OF ACCESS WITHOUT A FENCE OR BARRIER
	LOCATION AT WHICH ACCESS TO THE FREEWAY IS PERMITTED BY THE STATE
	SUBDIVISION BOUNDARY
	RESERVATION OR PARK BOUNDARY
	STATE LINE
	COUNTY LINE
	CITY OR TOWN LIMITS
	SECTION LINE
	1/4 SECTION LINE
	1/16 SECTION LINE
	1/64 SECTION LINE
	FENCE LINE



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

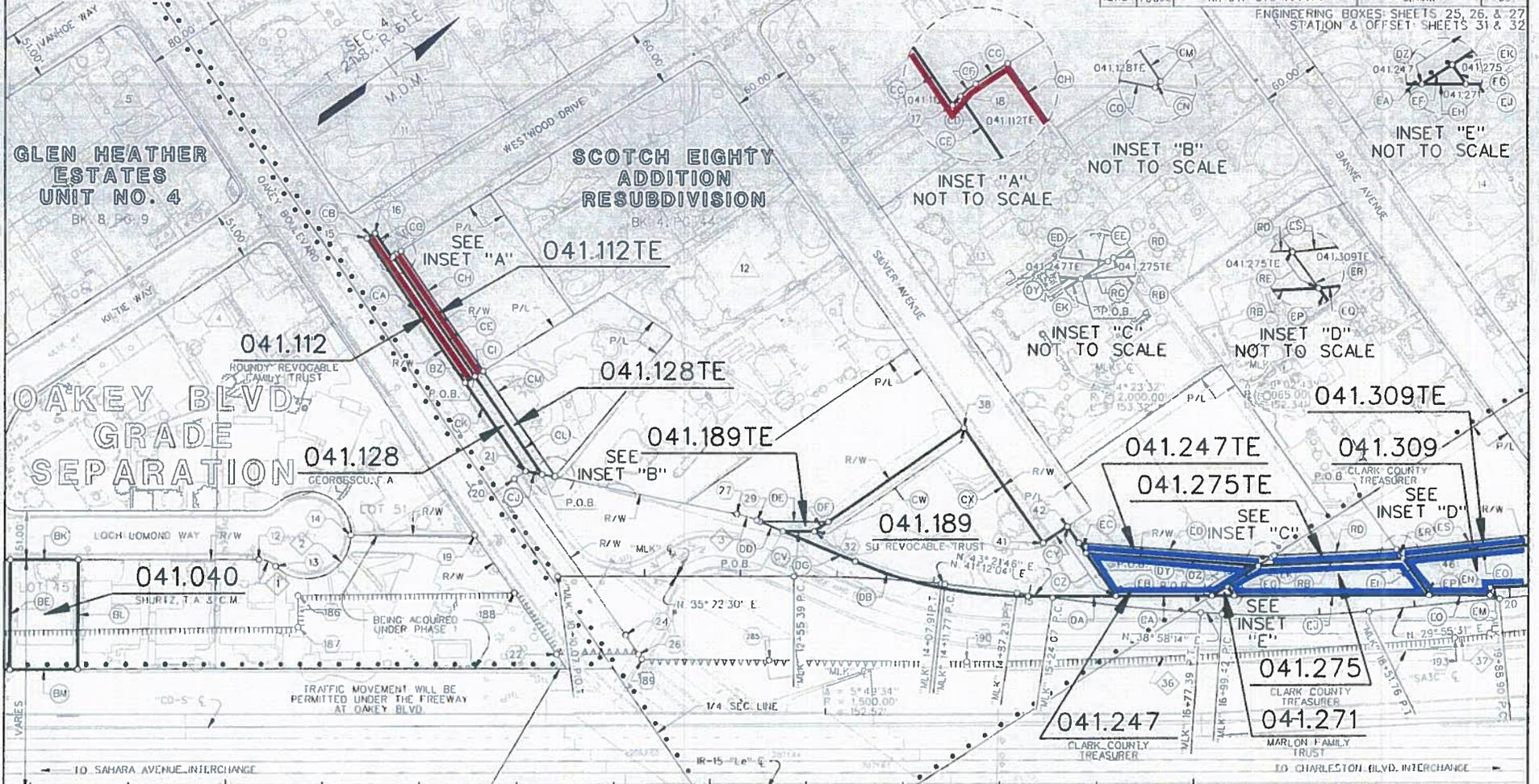
DATE: MAY 1, 2014

R/W PLANS

PARCEL NUMBER PREFIX: I-015-CL-

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NH-STP-015-1(147)	CLARK	05

ENGINEERING BOXES: SHEETS 25, 26, & 27
STATION & OFFSET SHEETS 31 & 32



INSET "A"
NOT TO SCALE

INSET "B"
NOT TO SCALE

INSET "E"
NOT TO SCALE

INSET "C"
NOT TO SCALE

INSET "D"
NOT TO SCALE

OAKLEY BLVD
GRADE
SEPARATION

TRAFFIC MOVEMENT WILL BE
PERMITTED UNDER THE FREEWAY
AT OAKLEY BLVD.

CITY OF
LAS VEGAS

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: MAY 1, 2014

R/W PLANS

Malana Salazar

DATE OF LAST REVISION: 12/13/2014

R/W DIVISION

TRACED	DBW JMD MRW WTC MFC
CHECKED	JMH
PHONE:	1775 3888-7470

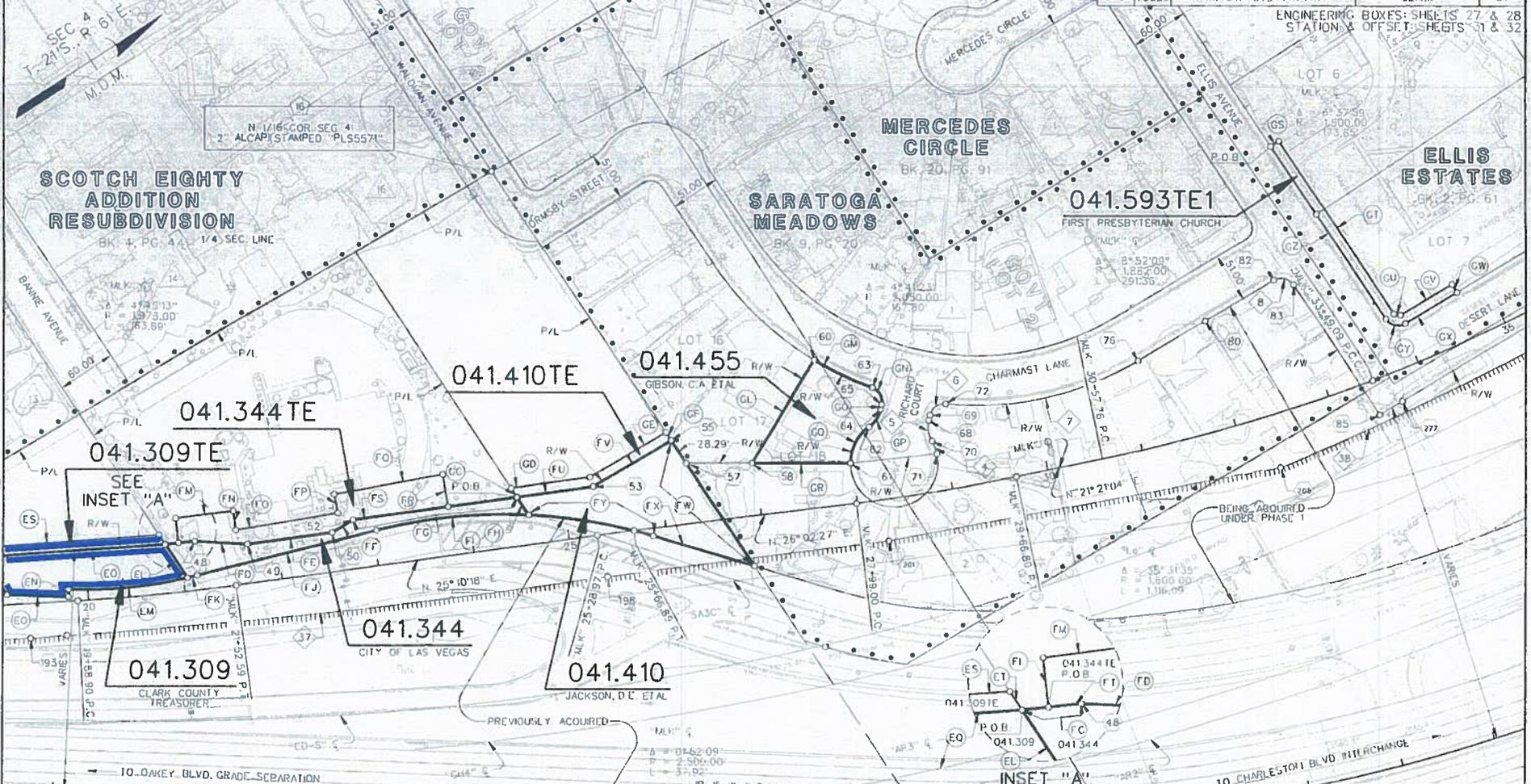
SCALE: 1"=100'

SHEET 5 OF 40

PARCEL NUMBER PREFIX: I-015-CL-

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NH-5TP-D15-11147	CLARK	07

ENGINEERING BOXES: SHEETS 27 & 28
STATION & OFFSET: HEIGHTS 31 & 32



51
61-8-11

CITY OF LAS VEGAS

DATE OF LAST REVISION	12/13/2014
R/W DIVISION	
TRACED	DBW JMO MRW WIG MFC
CHECKED	JHH
PHONE	(775) 888-7470

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: MAY 1, 2014

R/W PLANS

APPROVED: *Ablana Salazar*
MANAGER, R/W ENGINEERING

SCALE: 1"=50'

SHEET 7 OF 40

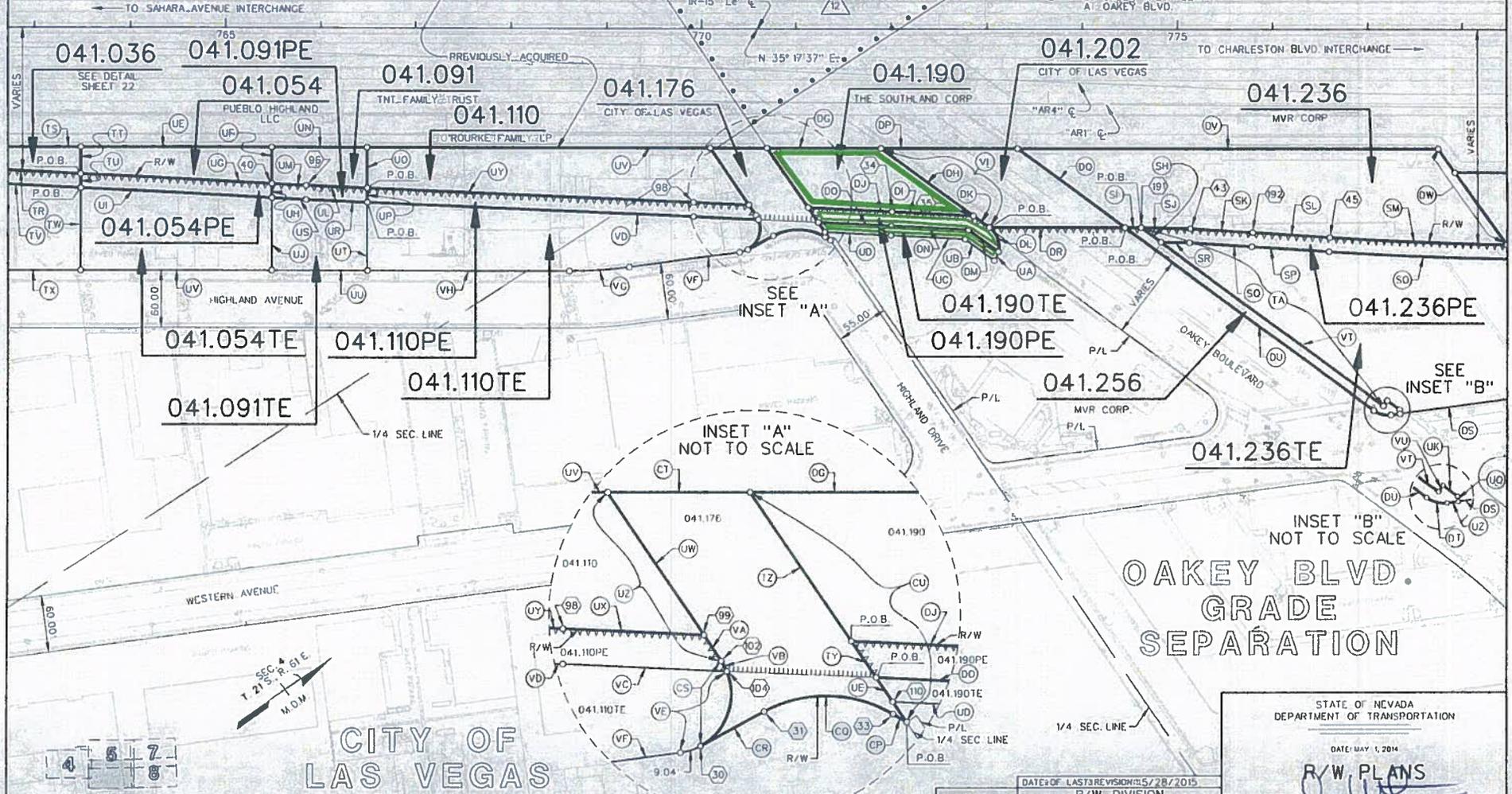
PARCEL NUMBER PREFIX: I-015-CL-

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NM-STP-015-11(147)	CLARK	06

ENGINEERING BOXES: SHEETS 25 & 26
STATION & OFFSET: SHEETS 31 & 32

SCOTCH EIGHTY ADDITION RESUBDIVISION

TRAFFIC MOVEMENT WILL BE PERMITTED UNDER THE FREEWAY AT OAKLEY BLVD.



DATE OF LAST REVISION:	05/28/2015
R/W DIVISION	
TRACED	DBW JMD MRW WTC MFC
CHECKED	JHH
PHONE:	(775) 888-7470

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: MAY 1, 2014

R/W PLANS

APPROVED: *[Signature]*
MANAGER, R/W ENGINEERING

SCALE: 1"=100'

SHEET 6 OF 40

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET
UNLESS OTHERWISE NOTED

PROJECT NO.

E.A. NO.

COUNTY

SHEET NO.

STATE OF NEVADA DEPT. OF TRANSPORTATION

NH-STP-015-1(147)

73652

CLARK

35

PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	PREV. ACQ.	NET AREA	R/W AREA	REMAINDER		ACQUISITION RECORDING DATA			SURPLUS LAND DATA				REMARKS
						LT.	RT.	INST. OR DOC.	BK. PG.	DATE TYPE	AREA	INST. OR DOC.	BK. PG.	DATE TYPE	
041.017PE	FERRIS INVESTMENTS INC	1,500		1,500											Maintenance Easement
041.017TE	FERRIS INVESTMENTS INC	9,422		9,422											Temporary Construction Easement
041.027	LOCH LOMOND WAY TRUST	7,985		7,985	7,985										Total Acquisition
041.036	1916 HIGHLAND PROPERTIES LTD	2,602		2,602	2,602		10,406								
041.036PE	1916 HIGHLAND PROPERTIES LTD	1,500		1,500											Maintenance Easement
041.036TE	1916 HIGHLAND PROPERTIES LTD	8,906		8,906											Temporary Construction Easement
041.040	SHURTZ, T.A. & C.M.	7,979		7,979	7,979										Total Acquisition
041.054	PUEBLO HIGHLAND LLC	6,751		6,751	6,751		19,265								
041.054PE	PUEBLO HIGHLAND LLC	3,000		3,000											Maintenance Easement
041.054TE	PUEBLO HIGHLAND LLC	16,265		16,265											Temporary Construction Easement
041.091	O'ROURKE, MICHAEL ET AL	4,128		4,128	4,128		8,880								
041.091PE	O'ROURKE, MICHAEL ET AL	1,500		1,500											Maintenance Easement
041.091TE	O'ROURKE, MICHAEL ET AL	7,380		7,380											Temporary Construction Easement
041.110	O'ROURKE FAMILY LP	19,536		19,536	19,536		30,083								
041.110PE	O'ROURKE FAMILY LP	6,096		6,096											Maintenance Easement
041.110TE	O'ROURKE FAMILY LP	23,987		23,987											Temporary Construction Easement
041.112	ROUNDY REVOCABLE FAMILY TRUST	2,113		2,113	2,113	18,164									
041.112TE	ROUNDY REVOCABLE FAMILY TRUST	1,512		1,512											Temporary Construction Easement
041.128	GEORGESCU, F.A.	1,392		1,392	1,392	18,809									
041.128TE	GEORGESCU, F.A.	1,269		1,269											Temporary Construction Easement
041.176	CITY OF LAS VEGAS	5,562		5,562	5,562										
041.189	SU REVOCABLE TRUST	27,721		27,721	27,721	23,662									
041.189TE	SU REVOCABLE TRUST	518		518											Temporary Construction Easement

STATE OF NEVADA

DEPT. OF TRANSPORTATION

R/W DIVISION

DATE: MAY 1, 2014

R/W PLANS

SHEET 35 OF 40 SHEETS

DATE OF LAST REVISION: 5/26/15

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET
UNLESS OTHERWISE NOTED

PROJECT NO.

E.A. NO.

COUNTY

SHEET NO.

STATE OF NEVADA DEPT. OF TRANSPORTATION

NH-STP-015-1(147)

73652

CLARK

36

PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	PREV. ACQ.	NET AREA	R/W AREA	REMAINDER		ACQUISITION RECORDING DATA			SURPLUS LAND DATA				REMARKS
						LT.	RT.	INST. OR DOC.	BK PG	DATE TYPE	AREA	INST. OR DOC.	BK PG	DATE TYPE	
041.190	THE SOUTHLAND CORP	9,526		9,526	9,526		62,119								
041.190PE	THE SOUTHLAND CORP	2,999		2,999											Maintenance Easement
041.190TE	THE SOUTHLAND CORP	1,907		1,907											Temporary Construction Easement
041.202	CITY OF LAS VEGAS	11,915		11,915	11,915										
041.236	MVR CORP	38,205		38,205	38,205		54,000								
041.236PE	MVR CORP	5,716		5,716											Maintenance Easement
041.236TE	MVR CORP	48,284		48,284											Temporary Construction Easement
041.247	CLARK COUNTY TREASURER	5,267		5,267	5,267	34,683									
041.247TE	CLARK COUNTY TREASURER	1,886		1,886											Temporary Construction Easement
041.256	MVR CORP	3,448		3,448	3,448										To be Deeded to the City
041.271	MARLON FAMILY TRUST	116		116	116										Total Acquisition
041.275	CLARK COUNTY TREASURER	6,319		6,319	6,319	4,810									
041.275TE	CLARK COUNTY TREASURER	1,392		1,392											Temporary Construction Easement
041.309	CLARK COUNTY TREASURER	7,904		7,904	7,904	19,531									
041.309TE	CLARK COUNTY TREASURER	1,895		1,895											Temporary Construction Easement
041.324	GRANT PROPERTIES LV LLC	42,522		42,522	42,522		65,073								
041.324PE	GRANT PROPERTIES LV LLC	8,126		8,126											Maintenance Easement
041.324TE	GRANT PROPERTIES LV LLC	4,823		4,823											Parcel Deleted Per Memo Dated 5/08/15
041.344	CITY OF LAS VEGAS	6,130		6,130	6,130	78,118									
041.344TE	CITY OF LAS VEGAS	7,232		7,232											Temporary Construction Easement
041.410	JACKSON, D.E. ET AL	12,137		12,137	12,137										Parcel Revised to include 041.418 from Phase 1
041.410TE	JACKSON, D.E. ET AL	1,728		1,728											Temporary Construction Easement
041.420	GRANT A.G. & J.M. TRUSTEES	3,616		3,616	3,616		27,699								

STATE OF NEVADA

DEPT. OF TRANSPORTATION

R/W DIVISION

DATE: MAY 1, 2014

R/W PLANS

SHEET 36 OF 40 SHEETS

DATE OF LAST REVISION: 5/26/15

NRS 408.503 Eminent domain: Resolution by Board; precedence over other legal actions.

1. The Department shall not commence any legal action in eminent domain until the Board adopts a resolution declaring that the public interest and necessity require the acquisition, construction, reconstruction, improvement or completion by the State, acting through the Department, of the highway improvement for which the real property, interests therein or improvements thereon are required, and that the real property, interests therein or improvements thereon described in the resolution are necessary for such improvement.

2. The resolution of the Board is conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property, interests therein or improvements thereon are necessary therefor.

(c) That such proposed public improvement is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

3. All legal actions in all courts brought under the provisions of this chapter to enforce the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon must be quickly heard and determined.

(Added to NRS by 1957, 691; A 1960, 392; 1987, 1810; 1989, 1306)

ATTACHMENT 3

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.

1. Except as otherwise provided in subsection 3:
 - (a) A public body shall not consider at a meeting whether to:
 - (1) Take administrative action against a person; or
 - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,
 - ⇒ unless the public body has given written notice to that person of the time and place of the meeting.
 - (b) The written notice required pursuant to paragraph (a) must be:
 - (1) Delivered personally to that person at least 5 working days before the meeting; or
 - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
 - ⇒ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
 2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
 3. The written notice otherwise required pursuant to this section is not required if:
 - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
 - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)



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

MEMORANDUM

Date: September 24, 2015

TO: Department of Transportation Board of Directors
FROM: Director Rudy Malfabon
SUBJECT: October 12, 2015 Transportation Board of Directors Meeting
Item #12: Approval of Equipment Purchase in Excess of \$50,000 – Digital Camera System – For possible action

Summary:

This item is to request Transportation Board approval to replace our existing 18 year old aerial photography camera system with the Z/I DMC IIe 140 large format metric digital camera system.

Background:

Our current aerial mapping system, purchased in 1997, is a Zeiss RMK TOP 15 large format metric film camera. With the improved technology of digital photography, aerial film manufacturing is coming to an end. Both Kodak and Agfa have discontinued the manufacturing of color aerial mapping film.

The Location Division has been providing aerial photography for the NDOT since 1959. This includes providing imagery for design mapping as well as for planning, legal, public hearings, environmental and GIS purposes.

NRS 408.389 states that the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board. The cost of the replacement camera is \$637,665.

Analysis:

The DMC IIe 140 is a five head multispectral digital aerial framing camera able to acquire black & white, color and Infrared images simultaneously.

This camera system will fit into our current plane configuration, requiring no additional modifications. It will fit seamlessly into our current workflow and meets the design mapping standards of NDOT. Currently there are no vendors in the western United States who have a digital camera optimized for the detailed design-level mapping that NDOT requires. NDOT Photogrammetry has tested imagery from a variety of vendors, with results which fall outside the accuracy standards of NDOT.

With a digital camera, the time from imagery acquisition to delivery would be reduced to one day, as opposed to the current two week turnaround due to film processing and scanning. All flights will have GPS/IMU data which would reduce the number of survey control panels needed by about two thirds. This would be a significant time and cost savings as well as improve the safety of our survey crew.

Cost Analysis:

The cost of this camera system is \$637,665. Purchasing this camera will cause no net impact on the Highway Fund due to savings in the FY2015 equipment budget of \$487,367 (from equipment coming in at a lower than budgeted amount) with the remaining \$126,124 coming from the FY2016 equipment budget. A work program requesting the balance forward of FY 2015 unexpended equipment budget authorization for this purpose is scheduled for the October 21, 2015 Interim Finance Committee meeting.

In FY 2015 NDOT flew 22 projects. The department spent nearly \$28,000 on purchasing, processing and scanning film. That cost would be zero with a digital camera. If we had contracted out the flying for these projects we would have spent about \$117,000, not including the administrative costs incurred coordinating with contractors and processing agreements.

If the department were to fly these same projects with our own digital camera, the cost to NDOT would be approximately \$34,400. That is a savings of \$82,600 in one year which is a 70% savings. This savings is only for the flight itself. There would also be additional savings from the reduced number of control points to be placed by the survey crew. Also, due to the implementation of automated processes not available with film, Photogrammetry's mapping time would be reduced significantly.

Recommendation for Board Action:

The Department recommends approval of the requested equipment replacement.

Prepared by:

Steve Merrill, Location Division



MEMORANDUM

September 17, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015 Transportation Board of Directors Meeting
Item #13: Approval of Equipment Purchase in Excess of \$50,000 – Attachment for Wheel Loader – For Possible Action

Summary:

This item is to request Transportation Board approval to purchase an attachment for a Wheel Loader. This attachment is a 25 foot boom with a 50" mower head for fiscal year 2016. This mower will be utilized in District III Elko-Sub District. It will allow crews to facilitate removal of weeds, brush, and saplings of small diameter to create visibility on NDOT's right-of-way behind guardrail, in ditch lines and other hard to reach areas. The head on the mower enables the operator to remove and mulch vegetation where a typical mower cannot be utilized.

Background:

The Legislature approved Specialized Equipment (NDOT Operation Equipment) during their 2015 regular session. Part of this approval included the procurement to purchase a total of \$1,000,000 in new non-rental equipment in FY 2016. The purchase was included in the legislatively-approved budget and funded with state highway funds.

NRS 408.389 states that the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board. This attachment unit exceeds the \$50,000 threshold, requiring Transportation Board approval. The District would like to purchase this equipment to clear material in NDOT's right-of-way to increase visibility on NDOT's roadways, which will benefit the traveling public by increasing the traveler's field of view. The NDOT Director's office allocated \$64,194 for the purchase of this unit.

Analysis:

This mower will allow the District to remove vegetation in areas where a typical mower cannot reach, such as behind guardrails, ditches, slopes, hillsides, and overhanging branches. The unit will be mounted to the front of a loader. It has a boom on which a flail, or rotary head mower, is attached. The boom enables the operator to remove vegetation on the side of, directly in front of, or above the loader. This will increase visibility in the right-of-way and will be useful in tight areas, where other mowing equipment cannot be used.

Cost Analysis:

We analyzed different engine requirements and mower head configurations to determine what best suits the District's needs. The decision was made to use a lower cost John Deere powered motor with a 25 foot boom. The John Deere motor should be easier to obtain parts for repair. A

rotary head vs. a flail head will decrease the total cost by approximately \$1,800. At the time this memo was prepared, the District was estimated at \$59,336.50. Actual cost may vary when ordered through the Equipment Division.

List of Attachments:

- A. Excerpt FY 2015-2016 Approved Budget Request

Recommendation for Board Action:

The Department recommends approval of the requested equipment purchase.

Prepared by:

Kevin Lee, P.E. District Engineer

NEVADA DEPARTMENT OF TRANSPORTATION
 BUDGET ACCOUNT 201-4660
 BUDGET REQUEST FISCAL YEARS 2015-2016 AND 2016-2017
 ENHANCEMENT

NDOT OBJECT	OBJECT TITLE DESCRIPTION / JUSTIFICATION / DOCUMENTATION OF NEED	2016 A00	2017 A00	2016 G01	2017 G01
E720 EQUIPMENT - CATEGORY 05					
REVENUE - CATEGORY 00					
00-2507	Highway Fund Authorization	\$ 3,689,502	\$ 2,749,055	\$ 3,598,017	\$ 2,748,741
TOTAL REVENUE - CATEGORY 00		\$ 3,689,502	\$ 2,749,055	\$ 3,598,017	\$ 2,748,741

EQUIPMENT - CATEGORY 05

As required by the Budget Instructions, expenses associated with the purchases of new equipment are included as an enhancement. This decision unit is requesting budget authority to purchase operational equipment items that will cost greater than \$5,000 and several specialized equipment items, all of which are detailed separately and are summarized below by object code.

	<u>2016</u>	<u>2017</u>			
CAT 04/05 PROJECT NEON TEMPORARY FIELD OFFICE					
04 - 7771 SOFTWARE	\$ 27,090	\$ 27,090	\$ 27,150	\$ 27,150	
05 - 8241 OFFICE FURNITURE	\$ 194,400	\$ -	\$ 196,800		
05 - 8271 PROJECTOR	\$ 2,000	\$ -	\$ 1,500		
05 - 8370 COMPUTER HARDWARE > \$5,000	\$ 136,317	\$ -	\$ 35,537		
05 - 8371 COMPUTER HARDWARE < \$5,000	\$ 69,695	\$ 21,965	\$ 77,030	\$ 21,591	
	<u>\$ 429,502</u>	<u>\$ 49,055</u>			
05-8274 SPECIALIZED EQUIPMENT (NDOT Operational Equipment) Operational equipment includes a wide variety of equipment such as computers, office furniture, laboratory test equipment, shop tools and miscellaneous survey equipment.	<u>\$ 1,750,000</u>	<u>\$ 1,750,000</u>	\$ 1,750,000	\$ 1,750,000	
05-8276 MATERIAL / ENVIRONMENTAL EQUIPMENT					
CS9300 High Speed Profiling Systems	\$ 80,000	\$ -			
PM-10 Sweepers (three each year)	\$ 870,000	\$ 870,000			
Culvert Cleaner Truck	\$ 250,000	\$ -			
	<u>\$ 1,200,000</u>	<u>\$ 870,000</u>	\$ 1,200,000	\$ 870,000	
04-7460 EQUIPMENT < \$1,000					
EDOC Field Devices -tablets or IPADS - (100 @ \$800 each)	\$ 80,000	\$ 80,000			
	<u>\$ 80,000</u>	<u>\$ 80,000</u>	\$ 80,000	\$ 80,000	
05-8280 LIGHT AND HEAVY CONSTRUCTION & MAINTENANCE EQUIPMENT					
Viking TP26, 26' Tow Plows with swivel tongue (two)	\$ 230,000	\$ -			
	<u>\$ 230,000</u>	<u>\$ -</u>	\$ 230,000		
	<u>\$ 3,689,502</u>	<u>\$ 2,749,055</u>			
ENHANCEMENT - NEW EQUIPMENT - E720		\$ 3,689,502	\$ 2,749,055	\$ 3,598,017	\$ 2,748,741



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

MEMORANDUM

September 25, 2015

To: Department of Transportation Board of Directors
From: Rudy Malfabon, Director
Subject: October 12, 2015 Transportation Board of Directors Meeting
ITEM #14: Announcement of Apparent Best Value Proposer to Design and Build Project NEON – Informational Item Only

Summary:

Using the requirements set forth by Nevada Revised Statutes (NRS) 408 and the procurement process outlined in the Department's Pioneer Program Design-Build Guidelines, the Department selected the Preferred Proposer that will provide the best value and deliver the most effective Design and Construction approach.

The preliminary selection was made after an RFQ was issued, a shortlist of best qualified teams was developed, and RFP was issued to all shortlisted teams, proposals were received, and proposals were evaluated to determine a Best Value Team.

Department staff will proceed with meetings with the Preferred Proposer to finalize the Contract Documents. At a forthcoming Transportation Board of Directors Meeting, the Department will request the Board of Directors to ratify the selection and approve the Design-Build Contract.

Background:

The Department is seeking a contractor to design and build certain capital improvements in the City of Las Vegas, Nevada, along Interstate 15 (I-15) and major street connections from the Sahara Avenue Interchange to the I-15/US-95 Interchange (Spaghetti Bowl), otherwise known as Project NEON Design-Build Phase.

The Department issued an RFP to those Proposers shortlisted on December 15, 2014, based on the Department's evaluation of Statements of Qualifications ("SOQs") delivered to the Department on November 20, 2014 in response to the Request for Qualifications for the Project issued on September 23, 2014 (as amended, the "RFQ").

Analysis:

The Department shortlisted three (3) teams for the Project NEON Design-Build Project. All three shortlisted teams received the RFP, and all three teams submitted Proposals based on that RFP. The shortlisted firms are listed below in alphabetical order:

1. Kiewit Infrastructure West Co.
2. Las Vegas Paving Corp.
3. Neon Mobility Constructors (Joint Venture between Granite and Skanska)

The best value determination was based on a 100-point scale. The determination of the highest ranked Proposal was based on the highest Total Proposal Score computed as follows:

Total Proposal Score (max. 100 points) = Price Proposal (max. 60 points) + Technical Proposal Score (max. 40 points)

The Proposals were evaluated by a committee of NDOT and City of Las Vegas staff who were selected for their specialized understanding of the work required. The committee members independently evaluated the technical evaluation factors and the technical scoring was developed through a consensus of the committee members. The scoring and ranking of the Proposing Firms are included as Attachment B.

List of Attachments:

- A. Pioneer Program Design-Build Process (flowchart)
- B. Scoring and Ranking of Proposing Firms – CONFIDENTIAL

Recommendation for Board Action:

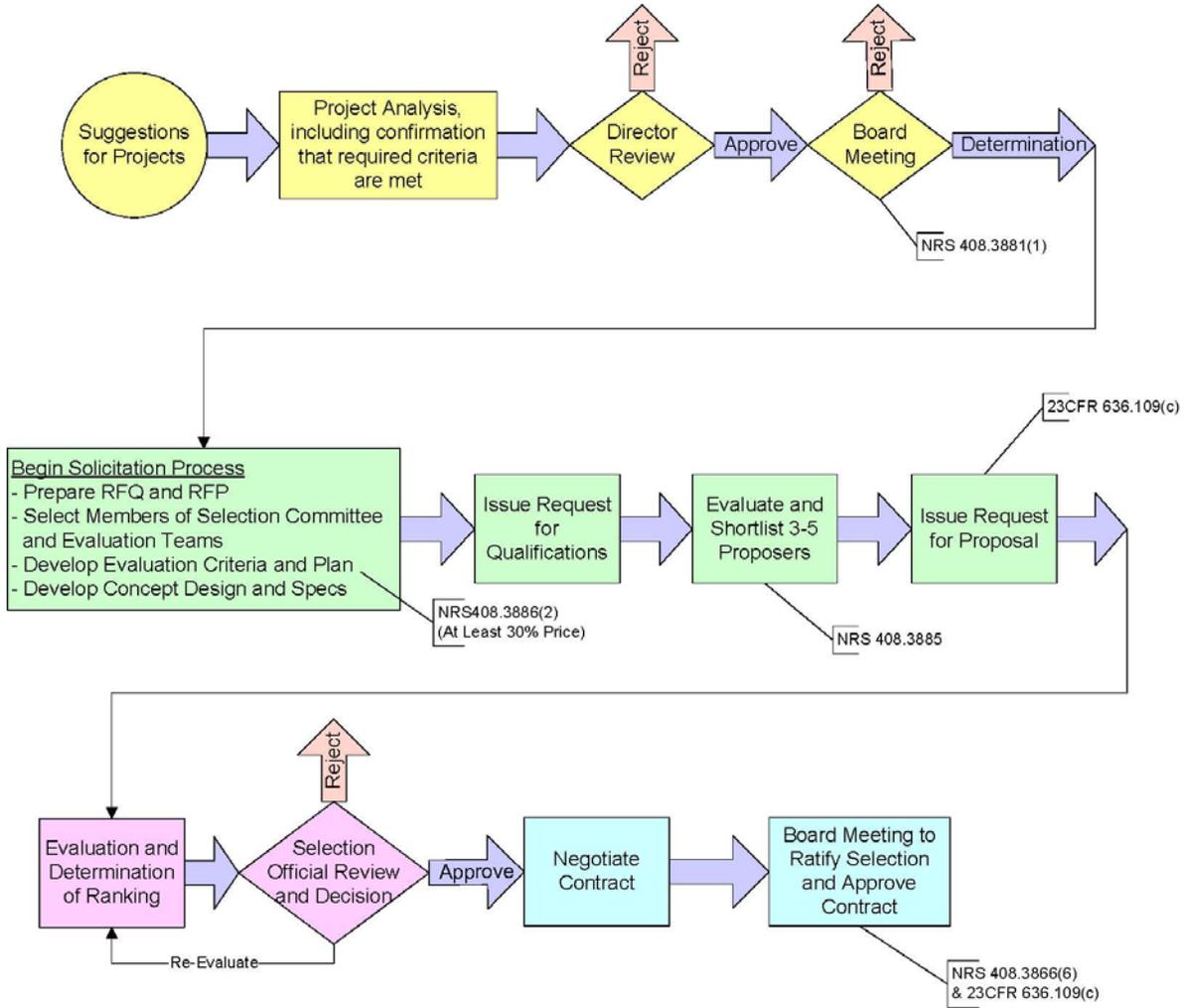
Informational item only.

Prepared by:

Dale Keller, Senior Project Manager

ATTACHMENT A

Summary Procurement Process



Legend

	= Identification Phase		= Evaluation Phase
	= Solicitation Phase		= Award Phase

Terminology
 RFP = Request for Proposal
 RFQ = Request for Qualifications



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

MEMORANDUM

September 21, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015, Transportation Board of Directors Meeting
Item #15: Update on Replacement of 800 MHz Radio System – Informational Item only

Summary:

The Transportation Board has been briefed previously on the status of the state's 800 MHz radio system. Phase 1 of the radio replacement project is complete, and the department is entering into Phase 2A. Currently the department is finalizing the scope of services and is negotiating with Federal Engineering for the development of an RFP to identify the manufacturer to replace the existing statewide radio system. We expect this agreement to come before the board for approval at the November board meeting.

Background:

NV Energy, Washoe County and the NDOT have accepted the *Nevada Statewide Public Safety Radio System – Phase 1 Final Report*, prepared by AECOM. This report provided an unbiased and vendor-neutral needs assessment study, in addition to an alternatives discussion regarding the migration and transition of the current statewide radio system to a new, next generation P25 Phase 2 radio system platform.

Phase 2A will utilize consultant services, in collaboration with NV Energy, Washoe County and NHP, to develop the system and user requirements for the new radio system. These requirements will be incorporated into an RFP which be used to select the vendor for the next generation radio system.

Phase 2B consists of entering into a contract with the vendor selected in Phase 2A to start the deployment of the new radio system. The consultants from Phase 2A, (Federal Engineering) will oversee the deployment of the new system and assure the department's requirement are met.

Analysis:

This informational item is being brought to the Transportation Board to keep the board informed of NDOT's progress on the radio system which provides critical life safety communications to state and other public agency employees, including law enforcement personnel, statewide.

List of Attachments:

None

Recommendation for Board Action:

Informational item only

Prepared by:

Tom Moore, P.E., Assistant Traffic Operations Engineer



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

MEMORANDUM

September 30, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 12, 2015 Transportation Board of Directors Meeting
Item #16: 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 September 28, 2015 - *Informational item only.*
Please see Attachment C.
- d. Update on Freeway Service Patrol – *Informational item only.*
Please see Attachment D.

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 September 28, 2015 - *Informational item only.*
- d. Update on Freeway Service Patrol – *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF SEPTEMBER 15, 2015						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 12/31/17 Amendment #1	3/11/13 1/14/14	\$ 1,400,000.00 \$ 2,000,000.00 \$ 3,400,000.00	\$ 3,400,000.00	\$ 333,986.58
Chapman Law Firm	NDOT vs. Robarts 1981 Decedents Trust 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 9/30/16 Amendment #1 Amendment #2	10/23/12 9/12/14 8/12/14	475725 Extension of Time Expansion of Scope	\$ 475,725.00	\$ 294,797.29
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 - 1/14/16	1/14/13	\$ 455,525.00	\$ 455,525.00	\$ 229,972.04
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/17 Amendment #1 Amendment #2 Amendment #3	12/16/12 8/12/13 1/22/14 5/12/14	\$ 300,000.00 \$ 850,000.00 \$ 750,000.00 \$ 800,000.00	\$ 2,700,000.00	\$ 563,366.06
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 - 1/31/16 Amendment #1	1/22/13 1/22/15	\$205,250.00 Extension of Time	\$ 205,250.00	\$ 41,197.82
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Sorinos Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 1/31/17 Amendment #1 Amendment #2	2/27/13 1/23/15 5/13/15	\$275,000.00 Extension of Time	\$ 425,000.00	\$ 60,365.34
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 - 1/31/17 Amendment #1	2/27/13 1/23/15	\$ 275,000.00 Extension of Time	\$ 275,000.00	\$ 134,619.41
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 - 2/28/17 Amendment #1	2/27/13 2/17/15	\$ 200,000.00 Extension of Time	\$ 200,000.00	\$ 34,243.73
** Varela, Lee, Metz & Guarina, LLP - Novation Agreement 2/28/14 from Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/17	4/30/13	\$ 275,000.00	\$ 275,000.00	\$ 59,870.66
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 2/28/17 Amendment #1 Amendment #2	7/17/13 2/12/15 8/12/15	\$ 280,000.00 \$ 475,000.00 \$ 375,000.00	\$ 1,130,000.00	\$ 213,973.69
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/17 Amendment #1 Amendment #2	7/25/13 4/28/14 5/15/15	\$ 200,000.00 \$ 250,000.00 Extension of Time	\$ 450,000.00	\$ 80,872.59
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Agmt No. P293-13-004	7/25/13 - 7/30/17 Amendment #1	7/25/13 9/9/15	\$ 70,000.00 \$ 20,000.00	\$ 90,000.00	\$ 20,089.66
Chapman Law Firm	NDOT vs. LGC, 231, LLC 8th JD NDOT Agmt No. P561-13-004	12/20/13 - 12/15/15	12/20/13	\$ 453,650.00	\$ 453,650.00	\$ 275,553.77

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF SEPTEMBER 15, 2015						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Laura FitzSimmons, Esq.	Risk Management Analysis for Project NEON Costs for Risk Management Analysis NDOT Agmt No. P006-14-004	1/13/14 - 12/31/17 Amendment #1 Amendment #2	1/13/14 8/21/14 4/21/15	\$ 900,000.00 \$ 310,000.00 \$ 250,000.00	\$ 1,460,000.00	\$ 139,651.05
Chapman Law Firm	McCarran Widening 2nd JD - Various Temporary Easements NDOT Agmt No. P142-14-004	5/14/14 - 5/30/16	5/14/14	\$ 200,000.00	\$ 200,000.00	\$ 28,229.77
*** Downey Brand, LLP Novation Agreement 2/12/15 from Armstrong Teasdale, LLP	Legal Support for utility matters relating to Project Neon and Boulder City Bypass NDOT Agmt No. P210-14-004	5/14/14 - 5/30/16	5/14/14	\$ 250,000.00	\$ 250,000.00	\$ 245,570.00
Sylvester & Polednak	First Presbyterian Church vs. NDOT 8th JD A-14-698783-C Project Neon NDOT Agmt No. P327-14-004	7/17/14 - 7/30/16	7/17/14	\$ 280,000.00	\$ 280,000.00	\$ 225,668.00
Carbajal & McNutt, LLP	Las Vegas Golf & Country Club 8th JD A-14-705477-C Project Neon NDOT Agmt No. P362-14-004	9/8/14 - 8/30/15	9/8/14	\$ 375,000.00	\$ 375,000.00	\$ 359,420.29
Kemp, Jones & Coulthard	Walker Furniture Project Neon NDOT Agmt No. P431-14-004	10/13/14 - 11/30/16	10/13/14	\$ 350,000.00	\$ 350,000.00	\$ 159,149.69
Lambrose Brown	Grant Properties Project Neon NDOT Agmt No. P433-14-004	10/14/14 - 10/30/16	10/14/14	\$ 275,000.00	\$ 275,000.00	\$ 257,362.79
Lambrose Brown	Sharples Project Neon NDOT Agmt No. P434-14-004	10/16/14 - 10/30/16	10/16/14	\$ 275,000.00	\$ 275,000.00	\$ 266,093.00
Laura FitzSimmons, Esq.	Project Neon Eminent Domain Actions NDOT Agmt No. P480-14-004	11/10/14 - 11/30/15	11/10/14	\$ 600,000.00	\$ 600,000.00	\$ 484,720.00
Varela, Lee, Metz & Guarino	Sequoia Electric K3409 NDOT Agmt No. P526-14-004	10/16/14 - 10/30/16	10/16/14	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Lambrose Brown	Paralegal Services - Project Neon NDOT Agmt No. P547-14-004 Amendment #1	11/20/14 - 11/30/16 Amendment #1	11/20/14 2/12/15	\$ 250,000.00 \$ 250,000.00	\$ 250,000.00	\$ 127,853.03
Carbajal & McNutt, LLP	John J. Charleston Trust Project Neon NDOT Agmt No. P374-15-004	07/17/15 - 10/31/18	7/17/15	\$ 400,000.00 \$ 400,000.00	\$ 400,000.00	\$ 393,791.50
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/12	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

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

** The firm of Varela, Lee, Metz & Guarino, LLP took over representing the Department in the matter of Pacific Coast Steel vs. NDOT Case as of 2/28/14 from the firm of Watt, Tieder, Hoffar & Fitzgerald.

*** The firm of Downey Brand, LLP took over representing the Department on 2/12/15 in utility matters relating to condemnation actions and acquisitions from the firm of Armstrong Teasdale, LLP.

Contracts Closed Or Expired Since Last Report:

Snell & Wilmer	Meadow Valley Public Records, K3389	7/18/13 - 7/30/15	7/18/13	\$ 30,000.00		
Expired 7/30/15	NDOT Agmt No. P273-13-004	Amendment #1 Amendment #2	7/29/14 12/9/14	\$ 50,000.00 \$ 90,000.00	\$ 170,000.00	\$ 582.14

Monthly Litigation Report to the Nevada Department of Transportation -September 15, 2015				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. John J. Charleston Trust of 1998	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Custom Landco. (Walker Furniture)	Eminent domain - Project Neon	\$ 184,524.66	\$ 6,325.65	\$ 190,850.31
NDOT vs. Danisi, Vicent, J. III	Eminent domain - Project Neon			
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 145,475.00	\$ 20,281.27	\$ 165,756.27
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 120,925.00	\$ 19,455.59	\$ 140,380.59
NDOT vs. LGC 231, LLC - (Holsom Lofts)	Eminent domain - Project Neon	\$ 121,902.50	\$ 56,193.73	\$ 178,096.23
NDOT vs. Las Vegas Golf & Country Club	Eminent domain - Project Neon	\$ 13,702.75	\$ 1,876.96	\$ 15,579.71
NDOT vs. Loch Lomond Trust, et al.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 195,408.45	\$ 30,269.51	\$ 225,677.96
NDOT vs. Reich Series, LLC, et al.	Eminent domain - Project Neon			
NDOT vs. Roberts 1981 Trust, et al.	Eminent domain - Project Neon			
NDOT vs. Sharples, John; Sharples, Bonnie	Eminent domain - Project Neon	\$ 8,907.00	\$ -	\$ 8,907.00
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 315,700.78	\$ 48,933.88	\$ 364,634.66
McCarran Widening - Condemnations				
NDOT vs. Chavez, Dawn R.	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
NDOT vs. Manaois, Randy M.	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
NDOT vs. Marsh, Nita, et al.	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
NDOT vs. Miller, Bruce B.	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
NDOT vs. Stanford Crossing, LLC	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
Inverse Condemnations				
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 513,748.06	\$ 113,858.70	\$ 627,606.76
AD America, Inc. vs. NDOT (NEON-Silver Ave.)	Inverse condemnation - Project Neon			
AD America, Inc. vs. NDOT (South Point)	Inverse condemnation - South Point	\$ 64,929.00	\$ 4,981.34	\$ 69,910.34
First Presbyterian Church of LV vs. NDOT	Inverse condemnation - Project Neon	\$ 50,325.15	\$ 4,006.85	\$ 54,332.00
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 766,471.92	\$ 149,554.39	\$ 916,026.31
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 171,003.58	\$ 9,924.13	\$ 180,927.71
Cases Closed and Removed from Last Report:				
NDOT vs. Turner, Ronald Lee	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
* McCarran Widening fees and costs are under one contract with each reflecting a pro-rata share for the open cases.				
New cases appear in red.				

Monthly Litigation Report to the Nevada Department of Transportation - September 15, 2015				
Case Name	Nature of Case	Outside Counsel to		
		Fees	Costs	Total
Torts				
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harris Farm, Inc. vs NDOT	Plaintiff alleges negligence and personal injury			
Jorgenson & Koka, LLP vs. NDOT, et al.	Plaintiff alleges negligence causing property damage			
King-Schmidt, Barbara vs. NDOT	Plaintiff alleges negligence and personal injury			
Knowlton, Jane vs. NDOT	Plaintiff alleges personal injury and property damage			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Pyjas, Estate of Robert Charles	Plaintiff alleges wrongful death			
Semmens, Cynthia & Trevor vs. NDOT, et al.	Plaintiff alleges negligence causing personal injury			
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury			
Woods, Willaim and Elaine	Plaintiff alleges wrongful death			
Zito, Adam vs. NDOT	Plaintiff alleges negligence and property damage			
Contract Disputes				
None currently in litigation				
Miscellaneous				
Nevada Power Co., Inc. vs. KAG Development; NDOT	Plaintiff seeking quiet title			
Road & Highway Builders vs. NDOT	Petition for Judicial Review of Prevailing Wage			
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cerini, Cheri	Petition for Judicial Review			
Cases Removed from Last Report:				

New cases appear in red.

Outside Counsel
Fees and Costs of Open Cases
as of September 15, 2015

<u>Category</u>	<u>Fees</u>	<u>Costs</u>	<u>Total</u>
Condemnation Litigation	\$ 1,209,901.09	\$ 197,998.69	\$ 1,407,899.78
Inverse Condemnation Litigation	\$ 1,566,477.71	\$ 282,325.42	\$ 1,848,803.13
Construction Litigation	0	0	0
Personnel Litigation	0	0	0
Tort Claim Litigation	0	0	0
	<u>\$ 2,776,378.80</u>	<u>\$ 480,324.11</u>	<u>\$ 3,256,702.91</u>

9/28/2015

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	
	Crashes	Fatals	Crashes	Fatals	Crashes	Fatals	
9/26/2015	3	3	9/26/2014	1	1	2	2
MONTH	23	24	MONTH	16	17	7	7
YEAR	196	215	YEAR	187	205	9	10

CRASH AND FATAL COMPARISON BETWEEN 2014 AND 2015, AS OF CURRENT DATE.

COUNTY	2014 Crashes	2015 Crashes	% CHANGE	2014 Fatalities	2015 Fatalities	% Change	2014 Alcohol Crashes	2015 Alcohol Crashes	% Change	2014 Alcohol Fatalities	2015 Alcohol Fatalities	% Change
CARSON	3	2	-33.33%	4	2	-50.00%	0	1	100.00%	0	1	100.00%
CHURCHILL	4	1	-75.00%	4	1	-75.00%	0	0	0.00%	0	0	0.00%
CLARK	111	123	10.81%	118	135	14.41%	28	25	-10.71%	31	31	0.00%
DOUGLAS	3	6	100.00%	3	6	100.00%	0	1	100.00%	0	1	100.00%
ELKO	7	8	14.29%	10	9	-10.00%	3	1	-66.67%	6	1	-83.33%
ESMERALDA	1	3	200.00%	2	3	50.00%	0	0	0.00%	0	0	0.00%
EUREKA	3	4	33.33%	4	4	0.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	8	2	-75.00%	9	3	-66.67%	1	0	-100.00%	1	0	-100.00%
LANDER	3	4	33.33%	3	4	33.33%	0	0	0.00%	0	0	0.00%
LINCOLN	2	4	100.00%	2	4	100.00%	0	1	100.00%	0	1	100.00%
LYON	6	4	-33.33%	7	5	-28.57%	3	1	-66.67%	3	1	-66.67%
MINERAL	0	1	100.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%
NYE	7	6	-14.29%	8	6	-25.00%	3	2	-33.33%	3	2	-33.33%
PERSHING	3	0	-100.00%	3	0	-100.00%	2	0	-100.00%	2	0	-100.00%
STOREY	1	2	100.00%	1	2	100.00%	0	0	0.00%	0	0	0.00%
WASHOE	25	24	-4.00%	27	27	0.00%	5	5	0.00%	6	5	-16.67%
WHITE PINE	0	2	200.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%
YTD	187	196	4.81%	205	215	4.88%	45	37	-17.78%	52	43	-17.31%
TOTAL 14	267	----	-26.6%	290	----	-25.9%	----	----	#DIV/0!	----	----	#DIV/0!

2014 AND 2015 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2014 AND 2015, AS OF CURRENT DATE.

COUNTY	2014 Vehicle Occupants	2015 Vehicle Occupants	% Change	2014 Peds	2015 Peds	% Change	2014 Motor-Cyclist	2015 Motor-Cyclist	% Change	2014 Bike	2015 Bike	% Change	2014 Other moped,at v	2015 Other moped,at v
CARSON	1	1	0.00%	0	1	100.00%	3	0	-100.00%	0	0	0.00%	0	0
CHURCHILL	3	1	-66.67%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
CLARK	47	65	38.30%	34	30	-11.76%	30	21	-30.00%	2	8	300.00%	5	11
DOUGLAS	1	5	400.00%	1	0	-100.00%	1	1	0.00%	0	0	0.00%	0	0
ELKO	10	7	-30.00%	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0
ESMERALDA	2	3	50.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	4	4	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	7	3	-57.14%	1	0	-100.00%	0	0	0.00%	0	0	0.00%	1	0
LANDER	2	2	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	2	3	50.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
LYON	3	5	66.67%	2	0	-100.00%	1	0	-100.00%	1	0	-100.00%	0	0
MINERAL	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
NYE	6	6	0.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0
PERSHING	3	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	1	100.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%	0	0
WASHOE	10	17	70.00%	6	5	-16.67%	6	5	-16.67%	3	0	-100.00%	2	0
WHITE PINE	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
YTD	101	127	25.74%	46	38	-17.39%	44	30	-31.82%	6	8	33.33%	8	11
TOTAL 14	147	----	-13.61%	71	----	-46.48%	55	----	-45.45%	8	----	0.00%	9	----

Total 2014 290

FREEWAY SERVICE PATROLFFY '15, Q3, APR – JUN
Traffic Operations Division

This document provides the FFY 2015, 3rd quarter performance measures for the Las Vegas and Reno Freeway Service Patrol/Incident Response Vehicle (FSP/IRV) program under the contract with United Road Towing, effective October 1, 2013 through January 31, 2018. The performance of the program is measured in terms of: a) Incident Clearance Times, where shorter durations provide for reductions in congestion and secondary crashes; and b) Mitigations Per Vehicle Hours (MPVH), where higher values indicate effective application of FSP/IRV resources.

Avg. Clearance Times (minutes)	RN FSP	LV FSP	LV IRV
Disabled Vehicles	10	10	10
Abandoned Vehicles	4	4	4
Scene Safety	3	15	16
Crashes	25	26	28
Roadway Debris	4	7	6
Other	11	5	5

The following is a summary of third quarter activity:

- Las Vegas FSP/IRV routes and hours:** There were no changes for the 3rd quarter. MPVH values continue to improve, up 4.7% for FSP and 4.0% for IRV from the beginning of the fiscal year.
- Reno FSP routes and hours:** Routes and hours were adjusted in April to accommodate changes in traffic congestion patterns. MPVH values are up 4.4% from the beginning of the fiscal year.
- Disadvantaged Business Enterprise Goals:** Both Reno and Las Vegas programs are exceeding the minimum 3% goal, currently at 26.5% and 7.2% respectively.
- FSP Sponsorship:** In April, State Farm began sponsoring the Freeway Service Patrol program through 2017. The sponsorship allows NDOT to allocate a portion of the funding previously devoted to the Freeway Service Patrol toward other vital transportation programs. As part of the sponsorship, Freeway Service Patrol vehicles have been updated with enhanced, highly-reflective safety markings to make the vehicles more visible. The State Farm logo has been added to Freeway Service Patrol trucks and FSP technician uniforms in recognition of State Farm's financial support.
- FSP/IRV contract amendment:** The Reno and Las Vegas contracts have been amended to align the FSP program with the State fiscal year to facilitate obligating federal funds for future FSP/IRV contracts. The new contract termination date has been amended from September 30, 2017 to January 31, 2018.
- Holidays and Special Events:** FSP provided special coverage for Memorial Day, Independence Day, and the Las Vegas Electric Daisy Carnival. Statistics indicate that FSP coverage can be increased for July 4, 2016 in the Reno Sparks area.

The following tables depict FFY 2015, 3rd quarter average performance measures for April-June:

Mitigations	RN FSP	LV FSP	LV IRV
Disabled Vehicles	366	1,348	441
Abandoned Vehicles	87	271	81
Scene Safety	93	320	121
Crashes	48	147	48
Roadway Debris	70	146	41
Other	1	126	36
Total Mitigations	665	2,359	768
Vehicle Hours	515	2,078	682
MPVH	1.3	1.1	1.1

Holidays and Special Events	MPVH	
	RN	LV
Memorial Day	1.1	1.3
LV - Electric Daisy Carnival	N/A	1.1
Independence Day	2.2	1.4

DBE Goal	RN	LV
Expenditures	\$23,516	\$176,972
DBE Participation	\$6,001	\$12,793
DBE Percentage	26.54%	7.24%