



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
October 14, 2013 – 9:00 a.m.

AGENDA

1. Presentation of Retirement Plaques to 25+ Year Employees – *Informational item only.*
2. Presentation of Awards – *Informational item only.*
3. Receive Director's Report – *Informational item only.*
4. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
5. September 9, 2013 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
6. Approval of Contracts over \$5,000,000 – *For possible action.*
7. Approval of Agreements over \$300,000 – *For possible action.*
8. Contracts, Agreements, and Settlements – *Informational item only.*
9. Condemnation Resolution – *For possible action.*
 - a. Condemnation Resolution No. 440 – I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas, Clark County, NV 2 owners; 1 parcel
10. Approval of Amendments and Administrative Modifications to the FFY 2012 – 2015 Statewide Transportation Improvement Program (STIP) – *For possible action.*
11. Discussion of the Draft Fiscal Year 2014 Annual Work Program and the 2015 - 2016 Short and Long Range Element, and the 2014 - 2017 Statewide Transportation Improvement Program (STIP) – *Informational item only.*
12. Briefing on Statewide Transportation Funding – *Informational item only.*
13. Receive a Report on the Status of Project NEON – *Informational item only.*
14. Update on NDOT-LVCVA Agreement for Reconstruction of the Las Vegas Boulevard/Tropicana Avenue Escalators and Elevators on Pedestrian Overpasses – *Informational item only.*
15. Briefing on Statewide and Local Bike Plans – *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. Report on Settlement out of State Tort Fund – *Informational item only.*
 - d. Fatality Report dated September 16, 2013 – *Informational item only.*
 - e. Report of Costs Associated with Self Performing Freeway Service Patrol (FSP) In Reno – *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

Clark County
200 Lewis Avenue
Las Vegas, Nevada



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

MEMORANDUM

September 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013, 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.

Background:

***American Society of Civil Engineers- Truckee Meadows Branch
OUTSTANDING ACHIEVEMENT IN CIVIL ENGINEERING- ENVIRONMENTAL
State Route 431 Erosion Control Project***

An erosion control project on Mt. Rose Highway was named an outstanding achievement in civil engineering by the Truckee Meadows branch of the American Society of Civil Engineers.

As part of NDOT's continuing efforts to help preserve the Tahoe environment, the project is a test case to evaluate innovative materials to further stabilize roadside shoulders and enhance water drainage and filtration. Working closely to involve the public and stakeholders, the project not only will help protect the Tahoe environment, but also provide for improved and safer travels in the Tahoe area.

***Engineering News-Record - Southwest
BEST PROJECT – HIGHWAY/BRIDGES
Interstate 580***

The I-580 Freeway Extension was named Engineering News-Record Southwest's best highway and bridge project.

Opened in summer 2012, the 8.5-mile, six-lane freeway from south Reno to Washoe Valley consists of two interchanges and nine bridges, including the landmark 1,700 foot-long Galena Creek cathedral arch bridge, the world's longest concrete cathedral arch bridge. The new freeway now provides a more direct, safe and quick route between Reno and the state capital for the approximately 30,000 vehicles traveling the stretch daily.

There were more than 90 projects in 19 categories entered by project owners, contractors, architects and others in the contest.

***Intelligent Transportation Society of Nevada
ITS PROJECT OF THE YEAR, OVER \$2 MILLION
I-15 ITS Design-Build Project from I-215 to Stateline (integrated traffic camera system)***

A recent project, built as part of the I-15 ITS Design-Build Project, to integrate and add 271 traffic cameras to a larger network of statewide traffic cameras was recognized by the Intelligent Transportation Society of Nevada as ITS project of the year over \$2 million.

The traffic cameras offer nearly real-time video of traffic conditions in Nevada's metro areas. Available on-line, the cameras help drivers to make commute choices based on current travel conditions, leading to enhanced traffic management and safety.

The enhancements also created an integrated system through which transportation and emergency management agencies across the state can access, utilize and direct the cameras for the quickest and most accurate response to all types of traffic situations and emergencies.

Recommendation for Board Action:

This is an informational item only.

Attachments:

None

Prepared by:

Meg Ragonese, Public Information Officer

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

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

Note: Lt. Governor Brian Krolicki was absent, but excused, due to State business.

Sandoval: Good morning, ladies and gentlemen. I'd like to call the meeting of the Board of Directors for the Department of Transportation to order. My understanding is that the Lieutenant Governor is not going to be present today. He's traveling internationally and that the Attorney General should be with us in short order. So we'll commence with Agenda Item No. 1, Director's Report. Director Malfabon, if you'd please proceed.

Malfabon: Thank you, Governor. Lots to report this month. Currently, Congress is getting back in discussions about what to do with the budget for the next federal fiscal year. We anticipate that they will pass a continuing resolution for transportation. There's a lot on their plate with the deliberations about what to do about Syria and the federal budget in general, as well as some other major issues that the committees that deal with transportation are also going to deal with, such as water resources projects and -- across the nation. So with that continuing resolution, we anticipate that we'll just continue to receive about what we've been receiving until Congress passes a federal budget for transportation.

Recently announced the 2013 round of TIGER grants, Pyramid Lake Paiute Tribe was successful in getting a \$2.9 million grant for Pelican Point Road Project for better access to Pyramid Lake. They've had some issues with flooding in that area, so they hope to make some improvements to address that. That will be under the 2013 round of TIGER grants though. That one is going to be funded. But future discussions between the Senate and the House are in disagreement on the TIGER Program and whether it will be

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

funded. In the Senate version of the bill for the budget they're talking about a \$550 million program for 2014 for TIGER, but the House version doesn't have any money for TIGER grant.

In other news...

Sandoval: Excuse me.

Malfabon: Yes.

Sandoval: If you -- I'd like you to put in context how -- what a great success it was for the Pyramid Lake to get that TIGER grant.

Malfabon: Yes, it was -- there were over, I think -- for a \$474 million program, I think there were something like billions of dollars of applications that went in, so it was very competitive. Most of the recipients were non-DOT type agencies, so the Paiute Tribe at Pyramid Lake was successful in competing for that. It's a great -- I think that it goes towards their ability to submit a successful grant and to be -- I mean, a very competitive process. I think that the tribe did well. Comparably speaking, we had several grant applications from Lake Tahoe from the RTCs, so considering a small tribe like Pyramid Lake being successful in that type of competition, it speaks well of them.

Sandoval: Yeah, and I -- when you told me about that previously I thought it was absolutely remarkable, and perhaps we should send some type of a letter of congratulations to them. But...

Malfabon: Will do, Governor.

Sandoval: ...we're very meaningful out there.

Malfabon: As far as the other news in the state dealing with funding for transportation, last Tuesday the Clark County Board of Commissioners approved the fuel tax indexing which was passed by the legislature and approved by you, Governor, to allow them to implement similar to what's already been implemented in Washoe County; indexing the fuel tax to a price index so that there's not as much ground loss to inflation. With that result, eventually the Regional Transportation Commission of Southern Nevada will approve the projects -- the preliminary list of projects, 183, totaling nearly \$700 million in projects that would go to Clark County and the cities of North Las

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Vegas, Las Vegas, Henderson, also Mesquite and Boulder City to do some projects.

Within that 183 projects there are two projects that are NDOT projects. And on the list we're slated for \$31.2 million for Phase 1 of Boulder City Bypass. That is the phase that we currently have under the initial project construction doing the fencing and doing some preliminary work with plant salvage. Eventually, we are going to advertise the frontage road project and then the main line project. We will be entering into an agreement with the RTC to coordinate the interchange with U.S. 95, so that we'll work out the timing of the project so that it is in alignment with the RTC Phase 2 project, which will be funded out of that \$700 million. There's also the \$6.4 million for U.S. 95 and road to Durango Road widening in Las Vegas there in the northwest.

Sandoval: And, Mr. Director, what timing are we looking at now, because that's obviously going to accelerate the completion of at least our piece of the bypass? What are we looking at from the state line to 95 there?

Malfabon: They are looking at putting out \$21 million towards the design effort to package a design-build contract which would be about a year from now to be awarded to a design-build team, so -- and we're thinking about a couple of years. So we're looking probably three years to completion, roughly, which is about the same timeframe that we would like to deliver our Phase 1 contract. So we have to accelerate a little and them giving us the \$31.2 million to Phase 1 would help us to accelerate that project.

Sandoval: And are we on track with regard to the property acquisition as well? I know there's litigation associated with that.

Malfabon: It's going to be dependent on the litigation, Governor and Board members. There's several cases. I'm going to -- they're doing depositions and I'm going to be deposed this week for one of the larger (inaudible).

Sandoval: You look so excited about that.

Malfabon: Yes. You have to remember things that happened several years ago, and it's taxing on one's memory sometimes.

Sandoval: Mm-hmm.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Malfabon:

But it's something that we'll have to go through, the court process. We're thinking they'll start between now and about a year that it's going to take about that long just to get through several cases, not only with Boulder City Bypass, but Project Neon, several imminent domain cases where we feel that it's better to go to court and -- rather than to pay some inflated amount that the other party may be asking for unfairly, in our opinion, because we always have a fair process in acquisition. We base it on the current information of appraised value. And we know that things are happening in Las Vegas where comparable sales are rising and we're willing to look at that information, but often a landowner will not give us information, just throw out a number and expect us to settle or give them that amount.

Speaking about the other major project, Neon, we are proceeding with -- the statement of qualifications was released. We'll receive that in a few more weeks, receive -- have a firmer idea of how many teams are actually going to proceed through the development of the proposal and ultimately submission of proposals for that project.

When we get proposals submitted and they're of adequate quality, then we will pay a stipend, which will be approved by the Board to release to -- for the efforts -- to pay for the efforts in developing that proposal which will be substantial. The stipend won't pay for all that effort, but it will be a substantial amount of stipend, over \$1 million.

The acquisition continues with Neon, negotiations with property owners. In some cases we have to prepare to go to court in some cases where we can't reach a settlement. But even when we go to court, Governor and Board members, we still try to negotiate a fair settlement for both parties in consideration of any kind of risk that could be mitigated or keeping the project going. Definitely, we always consider what is reimbursable by the Federal Highway Administration also in those determinations.

As far as the issue that's been in the press recently about equity, we will prepare a formal presentation to the Transportation Board for next month's meeting on this issue. It's been in the press as far as Clark County feeling there's inequity in providing information recently. We're looking at our work program and the years that projects were obligated. Between 2008 and 2012, about 60 1/2 percent of the state fuel tax revenue was raised in Clark County. And when you look at all the combined transportation funding that

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

went back through Clark County, either federal funds flowing through NDOT to the RTC or NDOT funds state or federal, 55 percent roughly was spent in Clark County. We know it still doesn't pay back all the money that's raised in Clark County, but there is a responsibility of the Department of Transportation to take care of the needs of the rest of the state, particularly rural Nevada and the state routes and also some of the major U.S. routes that are important for the movement of freight and for tourism and for recreation, and for the residents of Nevada.

One thing to note is there are some major routes that go north and south. You have U.S. 95. You have U.S. 93, which is part of the NAFTA Corridor for trade internationally. So we have responsibilities throughout the state. We know that a lot of money is raised in Clark County, but we have an obligation and, in fact, have to make a commitment to the Federal Highway Administration to keep our entire system in a state of good repair, as an obligation of receiving federal funds.

But as I said, we will present to the Board a bigger picture of about how many dollars are raised in Clark County and across the state. I know that Member Fransway was interviewed recently on that issue of the rural counties and how much is raised there and what ability they have to increase fuel taxes in their areas. Anyone that's traveled across rural Nevada knows fuel tax -- I mean, fuel prices, gas prices in rural Nevada, gas stations are particularly higher as you leave the city, leave the urban area. There's more cost for transporting the fuel out there to the -- to the dealer. But it's an issue that, as I said, we'll cover more in detail next month.

We did have some flooding damage recently. I know it's raining in Southern Nevada today. We've had some issues with State Route 375 and also U.S. 93 near Alamo. We will have some emergency contracts to repair the road, but our maintenance folks have been doing an amazing job in -- day, night, weekends, whatever it takes to repair the damage to some of the roads that were damaged by floods and to keep traffic moving. I know that one that was important recently with the Burning Man event in Black Rock Desert. We had some issues in the weeks previous to that event with flooding damage, and they were able to get that road back open and passable to the -- to the community that was going out there for that event.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Another project that you may have read about recently which caused some confusion in the press, because it's -- on U.S. 50, we've been joining forces with Carson City Inline (sp?) County Sheriff's Department on safety and building awareness out there on that corridor, where there's been a large amount of accidents and fatalities. We have a project coming out on U.S. 50, an overlay project which had some safety elements, so some safety improvements including median islands and some channelization of the traffic there on the road up to Virginia City. So that project is going forward. We'll advertise for bids and it will be constructed. So there was some misinformation in the press and letters to the editor that that project was cancelled, and we confirmed that that project is going forward.

Another thing to report, we did our speed study on the freeway here between the part in Washoe Valley there where it goes from 70 to 65 and then it continues up through Mt. Rose Highway to the urban area. The speed study was completed and that will be raised to 70 miles per hour speed limit in that section to match the 70-mile-per-hour speed limit in the flat area there where it's a divided highway. That just took some time to complete the study. And there were some lane closures recently. You may have noted some work on the barrier rail. That's being done by the subcontractor to repair some problems with the face of the rail.

Recently, I rejected a bid for slope flattening, a safety project on U.S. 93 near Winnemucca, a \$7 million project. We don't do that lightly, but we had an area that was a concern for us that had exposure for the state for a major change order or an inconvenience to the public traffic because we didn't have our limitations on stopping traffic if there was rock blasting for excavating that rock area. We feel that it was in the best interest of the state to reject all bids and re-advertise. We don't like to do that because all the price information gets out there on a competitive basis, but it was the best thing to do, because it could have been a substantial change order according to staff's recommendation on that. So I accepted that, had some discussions with the apparent low bidder, but in the end we can't get into a contract relationship before we award and we were in a catch 22 where we had to reject bids based on staff recommendation for that.

On a sad note, we will be losing our pilot again. Unfortunately, Pilot Marcus Thomason is leaving. When he had applied for the position to return to NDOT, he had an opportunity that he had also applied for at the

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

same time with Boeing, and he will be taking that position shortly. And we are in the process of repairing some unintended damage to the nose of the plane caused in an accident with the tug hitting the nose of the plane caused by -- not by Marcus, but we'll get that repaired. And we're going to look at trying to fill the copilot position, at least, so that we can have the copilot flying with an intern. But that person has to go through the safety and training aspects to operate that specific plane, so it won't be immediate. So that's an unfortunate event there that I wanted to report to the Board, because I know that we have a lot of business in Las Vegas. We use that plane very cost efficiently and cost effectively to make those trips to Las Vegas, but it will be out of commission until we get that situation cleared up.

Sandoval: Do you have any estimate on what the -- how long it'll take to replace Marcus?

Malfabon: I don't at this time, Governor. We...

Sandoval: That means a long time.

Malfabon: Yes.

Sandoval: Yeah.

Malfabon: It could be weeks unfortunately. Marcus probably has some interviews to do -- conduct before he actually feels comfortable with hiring the copilot. I know he was in the process of doing that and it's -- we still would abide by his recommendation on that since he's got a lot of experience in that area.

On the old business next month, Governor, we will have the freeway service patrol backup. One of the items that came up before was the approval of that contract for the Reno-Sparks urban area. And we didn't have the backup on the hourly cost of self-performance versus the contractor. We were unable to get it into -- before the deadline on this packet, but we will have it as part of the packet for the October Transportation Board meeting. And I think that that covers all of the items that I wanted to cover in the Director's Report.

Sandoval: Okay. Thank you, Mr. Director. Board members, do you have any questions with regard to Agenda Item No. 1?

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Martin: I don't have any questions, Governor, but I would like to commend Rudy and his staff for this bid rejection that he did. I know that him and his staff didn't do that lightly. They called -- had the courtesy to call me up and consult with me, and I'm certain they did with other Board members as well. And I wanted to thank the staff for allowing us to participate in that very difficult decision. It's one that I totally supported. So, Rudy, you're not hung out there by yourself, okay?
- Malfabon: Thank you.
- Sandoval: Thank you, Member Martin. Any other comments or questions? Member Fransway.
- Fransway: Thank you, Governor. Mr. Director, I'm just curious. Now we have two RTCs in the state that are utilizing the formula for indexing. And are they different formulas? Are they -- who makes the formulas? I'm very curious to learn more about indexing as we go through the issue of funding in the state.
- Malfabon: Member Fransway and Board members, I think that we can cover that more in detail when we talk about the equity presentation in October. But I believe that they are two different formulas. They're producer price index, PPI, but I think that from the testimony that I observed during the discussion on Assembly Bill 413 that they were different formulas, and that was one of the issues that some of the members in the legislature had with it.
- Fransway: Okay. So if you would add that to the informational item when we discuss that next meeting, I would, for one, would be very appreciative.
- Malfabon: Definitely.
- Fransway: Thank you. That's all, Governor. Thank you.
- Sandoval: Thank you, Member Fransway. Any other comments? We will move on to Agenda Item No. 2, public comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Any public comment in Southern Nevada?
- Cortez Masto: No, Governor.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Sandoval: Thank you. I just -- I have one comment which was to acknowledge the presence of Irene Bustamante Adams, our Assemblywoman. Thank you for being here today.
- Malfabon: Yes, thank you. Governor, I did have one comment on the Agenda. We have the DBE disparity study presentation item. We will not be requesting Board approval of the 7.5 percent, so you don't have to take formal action. It's just for information, but we would just like feedback on the presentation and the intended -- the intention is to forward that to Federal Highway Administration for approval formally before it comes back to the Board after the public comment period.
- Sandoval: Thank you. Agenda Item No. 3, approval of August 12, 2013 Nevada Department of Transportation Board of Directors Meeting minutes. Have all the members had an opportunity to review the minutes and are there any changes? If there are none, the Chair will accept a motion for approval.
- Wallin: Move to approve.
- Sandoval: Madam Controller has moved for approval. Is there a second?
- Savage: Second.
- Sandoval: Second by Member Savage. Any questions or comments on the motion? All in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes six, zero. We'll move on to Agenda Item No. 4, contracts, agreements and settlements.
- Malfabon: Thank you, Governor. Assistant Director for Administration Robert Nellis, his first opportunity to present this item to you.
- Nellis: Good morning, Governor, members of the Board. There's three contracts that were awarded under \$5 million on Attachment A. The first is a chip seal project for existing roadway on U.S. 395 in Mineral County. The Director awarded this contract on August 2nd to Sierra Nevada Construction in the amount of \$558,007. The second chip seal project was on SR 319 in Lincoln County. The Director awarded this contract on August 12th to

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Sierra Nevada Construction in the amount of \$1,174,007. Did the Board have any questions on either of those chip seal projects?

Wallin: Governor, I -- can I have...

Sandoval: Sure.

Wallin: Okay. On the second one that you mentioned, the engineer's estimate was \$691,000, and we awarded for \$1.2 just about. Can you comment on...

Nellis: Yes, we anticipated that question. Thank you.

Wallin: ...the gap?

Terry: John Terry, Assistant Director for Engineering. Similar to the answer in last month's meeting, this is again a chip seal in quite a rural area where we didn't have a lot of experience added to that. In this case, it's a newer product of a rubberized asphalt treating of the chips that we had not really used previously. We were off on our estimate of what those were. And, again, I would say that we looked at -- we could have re-advertised the job as a regular chip seal, but we were advised against that because we felt this was a better treatment for these roads. So I guess added to that is the second and third bidders, et cetera, were very close to the first bidder, and so in our analysis it was a reasonable bid and our estimate was off due to the specialized nature of the product. We will, of course, look at using this product in the future and using the information from this bid before we consider using it again.

Wallin: Thank you.

Sandoval: One quick question on -- you're using that rubberized product. Is that the recycled tires product?

Terry: I get a nod of the head. Yes, it is.

Sandoval: No, and I don't recall. I know we have an entity in North Las Vegas that supplies that product, but there's also another one in Arizona. Do we have any idea of where the contractor is going to acquire that product?

Terry: We could get back to you, and we don't know that yet, but we could follow up and get you an answer. Obviously, we can't dictate that.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Sandoval: I understand.
- Terry: We believe that they're getting it from Cedar City, Utah, but we will confirm that.
- Sandoval: And, again, I -- with my remedial knowledge of that product, is it lasts longer and it's a better product. So we...
- Terry: For certain applications, absolutely.
- Sandoval: Yeah, okay. Please proceed.
- Nellis: Thank you, Governor, members of the Board. The final item, Item No. 3, is a waterline backflow upgrade for the District 2 headquarters maintenance yard. The Director awarded this contract on August 2nd to Sierra Nevada Construction in the amount of \$623,007. Are there any questions on that item?
- Sandoval: Not that item, just that I guess somebody would notice that the same contractor got all three contracts. Is that just the way it worked out?
- Nellis: I asked that question as well and that's just the luck of the draw. It was just their turn, I guess, on getting the low bids.
- Sandoval: A little more than luck, I guess, but -- and I mean that in that they just essentially, as you say, were the low bidder each time.
- Nellis: Correct. Yes, sir.
- Malfabon: They were all on the same date too as the bid, so I'm sure that he's probably going to be thinking how is he going to do all three. But I think that he can. He bid appropriately.
- Sandoval: Mm-hmm. Yeah, all right. Any further questions, Board members? Thank you very much.
- Nellis: Okay. The second item is Attachment B. There are three pages of executed agreements under Attachment B, 1 through -- Items 1 through 35, starting on Pages 7 of 9. Did the Board have any questions on any of these items?
- Sandoval: Madam Controller.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Wallin: Thank you, Governor. I have a question on Items 33 and 34. They're the expert witnesses for, let's see, they're doing real estate appraisals. And my question is are they local or are they from out of state? Because I'm concerned if we have real estate people coming from out of state. They don't really know the conditions in our community, so that's my question. Are they local or out of state?
- Sandoval: Sure.
- Gallagher: For the record, Dennis Gallagher, Counsel. Madam Controller, I believe -- but I will double check and get back with you. I believe that both of these providers have offices in the State of Nevada. Whether or not they're main offices, I'm not sure.
- Wallin: Okay.
- Gallagher: But I will get you that information.
- Wallin: Yeah, because I've just been concerned when I've seen some of our estimates of what our right-of-ways are going to be bought for and then we settle for double or even more than that than what was appraised and stuff. And I think a lot of those appraisals were done by out-of-state. You know, granted, yeah, they have an "office in Nevada, they're licensed in Nevada," but they don't work in Nevada. So I was just (inaudible).
- Gallagher: And if I may, Madam Controller, both of these entities were selected for litigation purposes. These were not entities that are selected to do appraisal work on the front end, just to determine just compensation.
- Wallin: Okay. All right. Thank you.
- Sandoval: Other questions from Board members?
- Fransway: Governor?
- Sandoval: Member Fransway.
- Fransway: Thank you, Governor. Number 2, I have a hard time making the math work, and my mathematician when I was in grade school probably would agree with me that five years at \$350 a year I assume is a misprint there

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

somewhere. Even if it's a month, I can't come up with a receivable amount of \$6,600.

Nellis: Is it the full amount for 15 years?

Unidentified Male: Includes...

Fransway: What is it?

Malfabon: Oh, it's 20 years.

Nellis: Twenty years total.

Fransway: Okay. But it says -- okay. So we're going to be receiving that over 20 years with -- renewable in 5?

Nellis: Correct, 5 on top of 15.

Fransway: Okay. So that's where that came with -- the math came with 20 years.

Nellis: Right. Yes, sir.

Fransway: Okay. At \$330 a year?

Nellis: Yes, sir.

Fransway: Okay. Thank you. Now, number 18, I see where we are contracting for weather forecast. And I'm wondering if we could utilize the NOAH system, which is a national system that's free. As a pilot I find that very effective and informative, and \$206,000 seems like -- quite a little bit for that when there may be another source. And it's just a question. If it's not appropriate then we can't use it, but I would think that maybe we could look into that.

Malfabon: Governor, I'll respond to that. Typically, what we're looking for in weather forecasting is a very kind of drill down into microclimate areas for maintenance forces, and we're putting in a lot more of these roadway weather information systems to tell us about the conditions in a specific area. But we've also found that some of the more available sources such as NOAH or other national weather sources are not giving us all of the information that we would need to make some of the maintenance decisions, particularly in the winter storm areas. So that's why we go out with an RFP

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

for this type of more detailed information. But it's something that we can look into in the future to see if any changes have been made.

But between us putting out our devices on the road to tell us more specific information and what's available at the national level, we might be able to make some changes there, but that's why we have been doing it through this type of provider. I think it's a different provider this time than before, so we had an RFP to get a competitive procurement.

Sandoval: And I had that one circled as well. And does this individual work with the state climatologist at all or is there any overlap there?

Malfabon: I don't know. Denise is here. Oh, it's Anita's -- Anita Bush is our Chief of Maintenance and Asset Management Division, and she can respond to that question.

Bush: For the record, Anita Bush, Chief of Maintenance and Asset Management Engineer. And Schneider Electric, the name is misleading. This is DTM and -- let me look at my email. But they have been bought out, that company -- that weather company that have been doing weather forecasting for like 20 years. And I don't know if they work for the state climatologist or not, but we can look into that. It's...

Sandoval: No, and I -- just this -- I didn't know we paid \$200,000 for two years for forecasting. Do we know, does it work? Has it saved us money? Is it worthwhile?

Bush: Yes.

Sandoval: I mean...

Bush: (Inaudible).

Hoffman: Governor, if I could. Bill Hoffman, for the record, Deputy Director. I used to be in Anita's position as the state maintenance engineer. From our records, it does show a very good savings. A lot of these forecasts are very -- are road specific, and there are forecasts that go down to the crew levels. So if you can get a jump on a storm, say, 15 or 30 minutes ahead of the storm coming in and mobilize your maintenance crews, there's a huge

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

benefit in savings in trying to keep the roads clear instead of trying to then deice or remove larger snow pack later.

So although we don't have the specific numbers at hand, it's shown a very good value in the past for what we're getting in terms of the cost that we're paying for the weather forecasting service. So it's extremely beneficial and it is -- there are large cost savings to paying for this very specific weather forecast. NOAH, they actually put winter weather models together and they use, you know, they use NOAH information. They use their own model information, but it's very complex. And, like I said, it's very specific to the actual roads, and there are weather forecasts going to specific crews all over the state, so...

Sandoval: Right. I mean, I think something else that bears mentioning is I imagine has a lot to do with safety of the drivers out there on the road too.

Bush: Also, and then we don't have to call them in for overtime. So we really minimized overtime with that.

Sandoval: I know I'd rather have the sand out on those icy roads before rather than having to react, so that's just good to know. When we look at it and we see one sentence, we don't always get the full picture.

Fransway: So, Governor, it sounds to me as though the current system with these people onboard helps the Department to be proactive rather than reactive when we need to be and it's crucial. So thank you for answering that for me.

Hoffman: Sure.

Sandoval: Tom, did you have any more questions? Okay. Member Martin, I understand -- I think I saw that you may have some questions.

Martin: No, sir.

Sandoval: Oh, all right. I thought you were reaching for the microphone at the same time Member Fransway was.

Cortez Masto: Governor, if I may. We were just referencing the Farmer's Almanac and why that would be a better source. But we recognize the new technology now, so we were just having that discussion here.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Sandoval: I'm sure we use all sources available to us.
- Martin: And along with that conversation went do we need to offer Member Fransway the pilot job?
- Sandoval: I don't know if I'm going to respond to that one.
- Fransway: Only if it has a tail wheel.
- Sandoval: All right. Members, do you have any further questions or is there any further presentation with regard to Agenda Item No. 4?
- Nellis: That's all we had, Governor.
- Sandoval: Thank you very much. We will move on to Agenda Item No. 5, relinquishment.
- Malfabon: Thank you, Governor. Under this item, this property is located along the freeway there, U.S. 50/U.S. 395 in Carson City. And for this specific parcel we had obtained it originally for construction of the freeway. It's now complete and operational. And the surplus property, a review process has taken place to review this request, and it's no longer needed based on the determinations and deliberations of that committee. So we recommend relinquishing this property to be used in the future by Carson City as a multiuse path along the freeway.
- Sandoval: Board members, do you have any questions with regard to this Agenda item? If there are none, the Chair will accept a motion for approval of the resolution of relinquishment as provided in Agenda Item No. 5.
- Fransway: So moved.
- Sandoval: Member Fransway has moved for approval. Is there a second?
- Martin: Second.
- Sandoval: Second by Member Martin. Any questions or discussion on the motion? All in favor, please say aye.
- Group: Aye.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Sandoval: Opposed no? Motion passes six, zero. We will move on to Agenda Item No. 6, approval of the agreement and contract process approval matrix.

Malfabon: Thank you, Governor and Board members. Previous action by the Board in July of 2011 basically came up with the process for approval of certain agreements and contracts. And as we've gone through this process for a couple of years now we've noticed that there's been a couple of instances where we ask the question, well, was that written down before or what's the process. In consideration of the fact that it's better to be transparent, we brought forward some items for the Board consideration, but we wanted to - - as we put together this table, we wanted to make it clear about certain items that have come up in this last two-year period, and bring it before the Board for formal adoption as a policy.

So on the table that's attached to this Agenda item, you'll see under the second from the right column, Source. You'll see July 2011 Board meeting. That was clearly identified as an item that would -- was covered under the original policy adopted in July 2011 by Board action. The ones that we're trying to call attention to are NDOT Director's Office with an asterisk. We wanted to go through those ones and have discussion.

The first one is Line Item No. 4, amendments bringing agreements total over 300,000. You've seen agreements that have been approved or brought for your information that are, say, for 250,000 in the example in the notes. And let's say that we have a substantial amendment that then puts it over. Well, that type of agreement would have normally -- if it was over 300,000 would have required Board approval. So we're saying when an amendment initially takes the total amount, amended amount, over 300,000, we'll bring those to Board approval on that amendment. The next one is if it's under \$300,000 by amendment, that will be an informational item.

Another case of amendments over 300,000, those will be brought before the Transportation Board for approval regardless of the existing agreement amount. So if it's a substantial amendment and we feel that it's for -- appropriate for Board approval to bring those to you.

The next item amendment up to 300,000, but the existing agreement total is over 300,000. We'll give you an example. Let's say that we had an existing agreement of \$350,000, that would have already gone to the Board for

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

approval on the original action, and we have an amendment that's substantial but not over 300,000 on its own as an amendment. So that would be brought forward as an informational item. In the example here it's -- we have an amendment amount in \$45,000. But the original agreement would have been approved by the Board, and the amendment is not in itself over 300,000 by itself, just it would be brought for informational purposes.

Claim settlements were covered under the July policy, adopted in July 2011. Construction Manager At Risk is something that we've been bringing to the Board for approval, but we wanted to memorialize that and adopt it as policy that these Construction Manager At Risk types of contracts -- when we have a contract of any amount, we'll bring it for the Board approval. And when we have the independent cost estimator service agreement, the ICE, we'll bring those -- if it's over \$300,000, we'll bring that for Board approval. If it's an independent cost estimator service agreement that's up to 300,000, we'll just bring it for information. The preconstruction services, that's the agreement that we have with the contractor to have their -- benefit of their input during the design phase. We'll bring that for Board approval.

Continuing on, Line 13 was already covered, 13 through 16 was under the original Board policy. Moving on to grants. Grants are just a normal activity that we consider that would be an informational item. Typically, when we receive grants, we already have to take that to Interim Finance Committee, and then the Board of Examiners, I believe, in some cases when it's related to a different type of mode of travel such as rural airports or rail, for instance.

The next page, Line 18 was covered under the original policy. Line 19, master agreements with task orders total authority up to \$300,000. If it's up to \$300,000, we feel that it would be an informational item. So what these are -- the master agreements can have several task orders, but if an individual task order is up to \$300,000, we would not bring it to the Board other than for information, not for Board approval. If it was over \$300,000, we will bring it for Board approval on a task order.

Next item was covered under the original policy for state purchasing. Nonmonetary agreements would be provided for informational purposes. Quotes, which what we informally call -- that's the informal bid process, so projects that are estimated to cost less than \$250,000, those are going to be

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

under that \$300,000 limit, so we would bring those for your information. The other items through No. 26 were under the original policy.

Task orders for master agreements, we talked about that a little bit earlier, but these items are reported under the master agreement list, so they're not - - basically master agreements are -- you're informed about master agreements, but it's not something that's regularly reported as far as these task orders under that, unless it's within those dollar amounts that I previously mentioned. If it's above 300,000, it's going for your approval; less than 300,000, it's an informational.

Time extensions are just proposed to be informational only. That's the way that we've been enacting those. The Tort Claim Fund was previously under the July 2011 policy that was adopted. And utility relocation agreements, those are typically informational items. We follow the FHWA process on that. It's considered a right-of-way expense, so we're regularly entering into those for utility relocations on our projects. So it's a normal line occurrence and just brought for your information. So with that I just would request consideration. We're prepared to answer any questions about this table and kind of our thinking of our proposal here.

Sandoval: Any questions from Board members?

Wallin: Yes.

Sandoval: Madam Controller.

Wallin: Thank you, Governor. I have one question, and I don't know where it might be on here. We don't see it. But when we have instances like Meadowood Mall where we might have liquidated damages that they'll be paying us, and sometimes we have to pay liquidated damages too, right? Where would that fall into being reported to the Board?

Malfabon: Construction items are still within the Construction Division, working with the districts on those. Liquidated damages, things like charging of working days and assessment of damages are still kind of a construction level item. It would be incumbent on me to present that to the Board, so it would be my responsibility to mention to the Board as I did with Meadowood. We did implement liquidated damages at a subsequent date, but we didn't want to, in the case of their -- the Black Friday, and not to have finger-pointed about

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

delaying him from completion because of cash flow. We did suspend them during that time until we received their claim. We did receive their claim subsequent to that, and we still disagreed with it. And then we, subsequent to that, implemented liquidated damages again.

But typically it's a Construction Division call, and that one has a special case because of the nature of the importance of the interchange in the Reno area and the incoming -- or upcoming Black Friday event. It was important for the Director's office to get involved, but that's not typical on construction projects.

Wallin: So maybe Construction Work Group might want to have that as something that we look at on a quarterly basis.

Malfabon: Yes...

Wallin: Okay.

Malfabon: ...that's a good suggestion, Madam Controller.

Wallin: Okay. Thank you.

Sandoval: Member Savage.

Savage: Thank you, Governor. And to add to Madam Controller's comments, so a significant change order on a project -- I'm a little bit confused between Line Item 2 for agreements over 300,000 and Line Item 14. If you could clarify if there's a number over 300,000 and below 5 million, because 14 does not have Transportation Board approval. And I know in the past that we've been asked to approve projects below \$5 million.

Malfabon: In response, typically we do not bring change orders. And a substantial change order, I will mention it during the Director's Report or especially during -- it's appropriate in the Construction Working Group to let the Construction Working Group members know ahead of time of substantial change orders that are going to hit. But typically we do not have any kind of Board approval of that change order process. We just bring it to your attention. Typically, any kind of things related to construction contracts. What's mentioned here is specifically the initial contract with the -- after

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

we've received bids and we determine that it's appropriate to award to the apparent low bidder.

But as far as some of the situations that arise during construction and implementation of construction and oversight, we do not bring those issues back to the Board unless it's substantial like -- I will inform the Board. The Board is, say, definitely interested in certain cost growth on...

Savage: Mm-hmm.

Malfabon: ...change orders and such as that, so we do take note of that. In the interest of transparency, we mention it either in the Construction Working Group meeting or if it's substantial I mention it during the Board meetings in the Director's Report.

Sandoval: Well, if I may, perhaps we should consider some type of a threshold, because if there's a significant amount of change orders, I would like to know that. So I don't know what that threshold would be, but what percentage of the original contract if it starts to go up, I think it's important that we know, because that's typically a signal that there may be an issue later on.

Malfabon: Yes. Governor, if I may suggest then would be have an item -- Agenda item on the next Construction Working Group meeting to talk about change orders and approvals.

Savage: I think that's -- I think that's fair, because I know at one time we were asked at this level early on. I think a couple years ago we had talked about changes, but I think that's why the Construction Work Group has been appointed by the Governor, and I think we can work through those items. But back to Line Item 14, I know at times we were asked here at this level for projects and agreements below \$5 million. Am I mistaking on that?

Malfabon: Do you recall which specific project? Because usually if it's less than \$5 million, we report it as an informational item such as the ones today. I can't think of any that were under 5 million that were brought for formal approval.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Hoffman: Governor, if I could real quick. For the record, Bill Hoffman. I'm thinking the one project that you may have -- that you may have approved that was under 5 million was probably the bike path up at Lake Tahoe.
- Savage: Mm-hmm.
- Hoffman: It was a CMAR project, and all CMAR projects come before the Board regardless of dollar amount. So that might have been the one that you were thinking about.
- Savage: I think you're right...
- Hoffman: Okay.
- Savage: ...Mr. Hoffman. Thank you. Thank you, Mr. Director. Thank you, Governor.
- Sandoval: Any other questions from Board members on this Agenda item? I have one, and I don't know where it may or may not fall. But what comes to mind for me is that EPA enforcement action, and that was something that went for months without the knowledge of the Board. And so where would that fit so that we as a Board would be aware of that?
- Malfabon: Typically, Governor, if there's any types of exposure to the state, we typically would mention that. But if it's something as complex as the EPA stormwater program and the audit, I think that it's incumbent on us to have it as an initial briefing to the Board so that you can get all the facts and understand the exposure to the state, and give us direction accordingly.
- It wouldn't normally be something that -- in the case of the EPA audit, we were anticipating that we were going to have the substantial consultant contract before you for approval, so we had that as the presentation. But we have to foresee when there's something that's -- where the state has a significant risk or exposure, we could have it -- and if it's a complex issue, we could have it as its own Agenda item so we can present that to you so that you're well informed ahead of time.
- Sandoval: No, and again I -- it's one of those things that fortunately it doesn't happen often, but when it does, I'd like to know before we hear we're, you know, it's a matter of how much rather than if and perhaps provide an opportunity

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

for more dialogue between me or a member of the Board and the EPA to try and head those things off.

Malfabon: We'd appreciate that, Governor.

Sandoval: Yeah. Member Fransway.

Fransway: Thank you, Governor. And to add to that the EPA issue, was that basically in regards to the proposed action by the feds to create water to the U.S.?

Malfabon: In response, it was related to the Clean Water Act and...

Fransway: Right.

Malfabon: ...and the activities that we do both in construction and maintenance to comply with the Clean Water Act.

Fransway: Okay. And that is, as far as I know, it's still an ongoing issue, whether they're going to make the change from navigational -- navigable waters to water to the U.S. And I believe that if that happens, Governor, I think that we're going to be in for some major expenses in that regard to environmental issues. So I would like to have an update on where that's at, and I think that the Nevada Association of Counties and the National Association of Counties both are working to get an equitable resolution to that federal issue. And I would suggest that that may be a resource to find out exactly where the feds are with that change.

Malfabon: We'll have that as a future Agenda item, Governor, to respond to Member Fransway's comments.

Fransway: Thank you.

Sandoval: Any further questions from Board members? And I'm a little unclear as to what the form of a motion would be for approval of this Agenda item.

Gallagher: Governor, for the record, Dennis Gallagher, Counsel for the Board. I think an appropriate motion, Governor, would be move to approve the matrix that's been presented to the Board governing agreements and contracts and miscellaneous items.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Sandoval: If there are no further questions or comments from Board members, the Chair will accept a motion with regard to Agenda Item No. 6, to approve the matrix that has been presented to the Board governing agreements and contracts and miscellaneous items.
- Savage: Move to approve, Governor.
- Wallin: Second.
- Sandoval: Member Savage has made a motion to approve. Madam Controller has seconded the motion. Any questions or discussion?
- Fransway: And so what we're approving is option two, correct?
- Sandoval: I don't know the -- it's what is presented in the Agenda item. I don't think there's an additional option.
- Fransway: Okay. Well...
- Sandoval: What you're looking at, Tom, is what we approved in '11, the second submission.
- Fransway: Okay.
- Sandoval: So that's what we had already approved and this is in addition to that.
- Fransway: Okay. I understand. Thank you.
- Sandoval: So we do have a motion by Member Savage, a second by Madam Controller for approval of the matrix that has been presented to the Board governing agreements and contracts and miscellaneous items as described in Agenda Item No. 6. Are there any other questions or comments? If there are none, all in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes six, zero. Thank you. We will move on to Agenda Item No. 7, which is a presentation of Nevada Department of Transportation's disparity study for Disadvantaged Business Enterprise Program and possible approval -- I guess there is no approval. We're not

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

going to take action of DBE (inaudible) for federal fiscal years 2014 to 2016.

Malfabon: Correct, Governor. After we receive the public comment, it will come back to the Board for formal adoption of the disparity study and its findings. But currently we're in a draft stage with the public meetings to occur in the coming months ahead, and then with the formal Agenda item to bring it back to the Board later, at the end of the year. With us today is David Keen who's our consultant that performed the disparity study for the Nevada Department of Transportation. And he's going to go over a little bit about what the disparity study is about, why we have to do one.

And it really is something that is focused on NDOT's work program and NDOT consultants and subconsultants and contractors and subcontractors. So it is very specific and very targeted. And I'm going to turn it over to David Keen to kind of give the Board a presentation. And this is, as I said, a draft document. We gave you -- it to each of the Board members on a disc. It is a substantial amount of pages to look through. We understand that. So it'll be a few months before it comes back for the formal item. Dave.

Keen: Thank you. I appreciate the opportunity to present a very short briefing on quite a long study and a lot of information in that study. And this has been a team effort on our part as well as working with all of the different parts of NDOT to collect the data and keep people informed, and then an external stakeholder group that was involved with us from the very beginning. So we had many other team members involved I'd like to point out; Megan Jones of MJK Consulting who's a Las Vegas subconsultant on our team who is very important. You all may know Megan. And I'm just going to dive into this. We're going to go very quickly through it, and then any questions you have for me, I'd be happy to spend as long as you'd like going through all this.

You all implement the federal DBE program because you receive USDOT funds, and that comes -- that requirement comes along with those funds. And so I've worked with -- I've worked in this area for 24 years, worked with many states that have received federal funds as well as local agencies. Especially in this part of the country, in the main circuit states, an agency such as NDOT has a lot of responsibility for crafting the implementation of the federal DBE program to the conditions in Nevada, and your own

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

contracting. So it isn't a -- it's a federal requirement that comes to you that then you need to narrowly tailor would be the legal word, term for what you then need to do to have a legally defensible operation of the federal DBE program here in Nevada.

And some states have -- in the western part of the country have come under legal challenge such as Washington State DOT back in 2005, or I guess earlier, Caltrans in recent years where contractors who didn't see eye to eye with how the state was implementing the federal DBE program or did not like affirmative action-type programs in general, filed suit and challenged the constitutionality of those programs. And then the states in those cases needed to defend their operation. And Washington State was unsuccessful, and Caltrans, hopefully with some of my help because I was the lead author on their study that was in court defending -- helping to form the basis for their program. They were successful in April of this year, in front of the 9th Circuit in saying, okay, well you have a narrowly tailored operation of the federal DBE program.

There are many components of the federal DBE program. You need to set an overall goal, and that's a state by state or agency by agency decision. You set the goal and that sets the goal and requests Federal Highways' approval for that goal. And I'm going to give you some information about that this morning. You then determine whether any race or gender-conscious programs like a DBE contracting program is needed to help you meet that goal. And the law and the federal regulations read if you can have -- if you can meet that goal through small business programs such as your small contracts program under 250,000, you can have informal bidding on that, or technical assistance or outreach or mentor protégé programs. If all of those neutral types of programs will help you reach that goal without having DBE contract goals, then you are to try to achieve that goal solely through those small business type programs. If you don't think you can reach that goal and you have sufficient evidence of that, then you can implement the DBE contract goal as part of the DBE program.

So this disparity study is recommended by USDOT and the 9th Circuit state - - every 9th Circuit state has done one. You have now done two. I was the lead on the 2007 study for NDOT. And it helps you implement the program in a better way than an agency without this information, and it helps you then defend any decisions in court if you're subject to challenge. And

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

there's been quite a bit of litigation around this, not only out west, but in other states as well.

This slide tells you that we did a lot of work and talked to a lot of people, and Nevada is part of the study. We successfully contacted more than almost 4,000 Nevada businesses, and on the engineering side and related services and on the construction side and all the related services in construction. And we had an external stakeholder group from the beginning. We actually sat down for several hour interviews with 40 business owners and trade association representatives.

And it's important here for you to know that we, you know, from large contractors to small contractors, large engineering firms to small subconsultants, we tried to get a cross section of these in-depth interviews including, very frankly, people who were very much against a DBE contract goals type of program and thought that that adversely affected their ability to work as a prime contractor or -- and were critical about the way NDOT administers the program, or felt that they were in an area of subcontracting where primes were meeting the goals in their area, and there was really very little work left for them. And trucking is one example of that that you may have heard from those truckers before. Then we examined that question specifically, whether there was over concentration of DBE participation in certain fields like trucking.

So there was quite a bit of discussion with the community and not just with those businesses or trade associations who were very supportive of the DBE contract goals. We talked with everybody. And we had an opportunity that if we didn't call you, you could call us and give us comments as part of the process.

There is -- in the federal regulations for the federal DBE program, there's a base figure requirement and a step two adjustment requirement to coming up with an overall DBE goal. And these goals are aspirational. You don't have to exactly meet that goal, but -- especially in recent years USDOT is asking agencies to really take a hard look. If they fall short of the goal, which you have consistently over the years fallen short of your DBE goal, take a very hard look and explain why that happened and what you're going to do about it. And there's much more pressure now on it, to the point of withholding federal funds for agencies that are not following the federal guidelines.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

When we look around the state and we look at the sizes and types and amount of subcontracting of both your construction work and your engineering-related work that has a dollar of Federal Highways' money in it, so we call that federally funded. And we take the -- all of the firms out in the marketplace, large and small prime contractors, subcontractors, firms that do both, firms that work around the state or just in one portion of the state and look at the types of work that they do, we match up the sizes, locations and types of your contracts, and what we have in terms of the contracting community, we -- and we look at who's either DBE certified or could be DBE certified, our calculations are that 4.5 percent of your Federal Highways funded contracts might go to minority and women-owned firms that are either DBE certified now or could be DBE certified. And that's your base figure calculation.

The step two adjustment would be, hey, is that number affected by discrimination at all. (Inaudible) for discrimination could it be higher. One of the things that we identified is the economic downturn in Nevada. Really, it hurt everybody and we had -- in sitting down with interviewing contractors, it was pretty amazing that some of them were still in the business and many weren't in business. And we've heard lots of stories about contractors who did not make it through the economic downturn, and it's not entirely over for them.

But the downturn affected newer, smaller businesses more severely than well established businesses that may go back generations or very large. And it disproportionately had a negative effect on minority and women-owned firms. And we saw the availability from our 2007 study to our 2013 study, cut the availability almost in half of minority and women-owned firms. And this is on a relative basis, so it was -- you still had many minority and women-owned firms out there, but there -- the size of contracts they were bidding on and their capabilities to do bigger projects had been severely affected by the economic downturn, the lack of access to capital, prime contractors keeping more of the work and not subcontracting out as much, and being squeezed out of the market.

So when we took all of the information that we had available, we thought that you could support going to Federal Highways with a higher goal than the 4.5 percent, because of all these negative things that happened to the minority and women business contracting community during the economic

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

downturn, as well as other factors that disproportionately, negatively affect minority and women-owned firms. The number is not a magic number, but in the range of 7.5 percent. We thought in the report -- we reported to you all that that would be supportable and in congruence with the federal regulations about how you set a goal.

That's important because then you say, okay, what kind of programs do we need to hit 7.5 percent or get close to 7.5 percent. And so the goal that you set is not -- is not a hypothetical thing, it's a very real thing and very important. It also sets a statement to NDOT, you know, how serious are you about trying to increase the participation of minority or women-owned businesses in your contracting.

As I mentioned before, you then need to project -- this is, again, a federal regulation, project a proportion of the overall goal that you expect to meet through neutral means, and perhaps that's going to be 100 percent. Florida is a state that's one example of trying to do all of -- meet all of the federal DBE annual goal through neutral means. Most other -- nearly all other states have some kind of race or gender-conscious program like DBE contract goals. When we look at how well you've done in the past, and one of the things the USDOT asks you to look at, you attain about 1 percent DBE participation when you've had no DBE contract goals in place, and you have not met your DBE goal in past years.

If we look at some of the new firms that have been certified, we think that number could be higher. One of your largest WBEs that has traditionally not been DBE certified just got DBE certified after our study was over, so we didn't count them as a DBE in the study, but we know they are now. So you could probably project higher than 1 percent, and you also have a small business program that you have in place now trying to implement a lot more technical assistance for small businesses as well as the small contracts program and a lot of change in contracting procedures.

There's some things here on the neutral measures that I'd like to point out to you, because it goes beyond NDOT and it affects what the State of Nevada needs to do. Some of the disadvantages for minority and women-owned firms and small businesses in general may be written into state statute. And I'm going to have a portion of the -- before I end to point out some of those that you might want to take a hard look at and see if maybe NDOT itself

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

cannot solve this issue, but there may be disadvantages that is affecting small business participation in general, disproportionately affecting minority and women-owned business and their ability to grow that you would actually need to go back and into state statute to fix.

Very quickly, I mentioned that we did the 2007 study for NDOT, so we had the data that showed about 8 percent participation of minority and women-owned firms, and including firms that were certified as DBEs or not. You had the DBE contract goals program in place for almost all of that time period. And from 2007 to June of 2012, which was the study period for our study, we found 5.2 percent minority and women-owned business participation. So it's falling. In part that's due to very difficult economic conditions for most of that time period, and part of it's due to not having DBE contract goals for some of that time period.

I might mention that we did that study, the extension of the DBE program to stated funded contracts, that wasn't part of our data set, that's going to be going forward. This information will be very useful for you as you operate the state program on state funded contracts.

With the court decisions in this area and with the federal regulations, you don't group minority and women-owned firms as one monolithic group. And what we find as disadvantages for, say, white women-owned firms that often -- or sometimes has a husband or a father or a brother or someone else in the business, some of those challenges are different and gender discrimination is different than race or ethnicity-based discrimination, and what we're finding as results for minority-owned firms. So because of the court decisions, because of the federal regulations, we actually did disparity studies, if you will, for each minority group and white women-owned firms that are presumed to be disadvantaged under the federal DBE program.

For African-American, Asian-Pacific American, Subcontinent Asian American and Native American-owned firms, there was nearly no utilization of those firms and NDOT contracts during our study period. Combined it was .1 percent. Those groups make up a smaller portion of the overall base, perhaps, but there is substantial disparity for each group. And in the court decisions there's kind of a bright line at, hey, if you can get to 80 percent of where you should be in terms of -- you don't need to have parity, but if you can get within 80 percent of where you should be, that may be something

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

that you need to work on, but it's not a substantial disparity. Well, there was substantial disparities for each one of these groups.

A little bit different story for Hispanic American-owned firms, did much better than other groups. Quite a sizeable contracting base for Hispanic American-owned firms in total received 2.2 percent of the contract dollars. But we saw in the most recent two-and-a-half years a substantial disparity also for Hispanic American-owned firms. And we were almost watching the effect of the economic downturn have a more substantial negative effect on Hispanic American-owned firms in the latter part of that downturn than in the first part of the downturn.

White women-owned firms -- so for women-owned firms, minority women are included with each minority group. White women-owned firms we looked at separately. White women-owned firms received 2.9 percent of contract dollars. This was about double what you might expect based on the availability for the different types and sizes of contracts that we examined. There were no disparities overall for DBEs. There were no disparities for WBEs in the prime contracting level or if you looked at different time periods.

But I do want to point out that even though it doesn't account for much of the total dollars, extremely low participation of white women-owned firms or minority firms in your engineering-related contracts. It's .3 percent. So around the country that's about as low as you could find on engineering-related contracts for an agency such as yourself. It's definitely an area that we have talked about putting more focus on and opening up those opportunities and doing a better job of implementing the federal DBE program on your engineering -- your professional services-related work.

And there's a lot of -- a lot of things that you may not have done in our study period, the 2007 through 2012 study period, that you're starting to do now. Opening up more of those opportunities, competing more of those opportunities, and we need to -- we've encouraged you to take a look at -- looking at the diversity of the consulting teams that come in for those types of contracts.

So you'll need to take this information into account when you make decisions on how to implement -- operate the federal DBE program in

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Nevada. With similar sets of facts, other states in the western part of the country have said -- they've asked for a waiver and said we'd like to implement the federal DBE contract goals program and it's for the following groups. And it may not include white women-owned firms or it may not include a particular other group. So that's an NDOT decision for the immediate future.

I wanted to point out a few things that -- and as part of the disparity study, we got enough information on it to say this could be a problem. We don't know that it's definitely, you know, we can't quantify how much of a problem it is, but we know that on its face there's certain things in state law that disadvantaged newer businesses and small businesses, businesses that are less well capitalized. One of those is the prequalification requirements.

So the State of Nevada is somewhat unusual around the country in that you get a contractor's license that's not just for a particular line of work to say, hey, I'm an electrician, I can do electrical work. The State Contractors Board will set the maximum size of a contract that you can bid on, and take into account a lot of experience and financial factors that are, you know, identified in state law to set that maximum bid limit. If you're small, it's almost a catch 22. It's hard to get big unless you have that experience, but you can't get that experience unless you have a bid -- a license that gives you a bid limit to take on that size of contract. Same thing with earnings and trying to build a balance sheet to be able to show the financial strength to do the bigger jobs. It's very difficult to do that if you have restrictions on the size of contracts that you can bid on.

So we have a potential issue in state law around the State Contractors Board prequalification process, not related to what types of work you can do, but related to what size of contract you can bid on. This flows through to NDOT, so NDOT is affected by any limits that the State Contractors Board sets on firms and if minority and women-owned firms tend to be smaller, newer, at a disadvantage, especially at a disadvantage in accessing the financial markets, then you may be perpetuating the effects of that discrimination through what's in state law about restricting the size of contracts that firms can bid on, and that then affects NDOT. NDOT has its own prequalification process that has the potential to have some of these same negative effects on contractors. The state law affects both primes and subs.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

So we would urge you to take a look at that. We'd urge you to take a look at the state local preference bid law, because it may be that that's a bid law that advantages local large firms, not local small firms. You need to pay a certain amount of taxes. You need to be in business a certain number of years to take advantage of this local bid preference. That's not on the Federal Highways contracts. That's on the state funded contracts. But that, again, is something that may be written into state law in a way that was not intended to disadvantage small businesses, which means minority and women-owned firms, but it may potentially have that effect.

NDOT may need some additional tools such as set asides or bid preferences to encourage the use of small businesses for small construction contracts. On these informal contracts, 250,000 and below, about 25 percent of that work went to primes that were minority and women-owned, which is very different than the chart I showed you overall. So if you can unbundle contracts and as much as you can do that and let minority and women-owned prime contractors compete on the same basis as large firms, because the Las Vegas Pavings of the world won those small contracts as well, that is a good way to encourage the participation of minority and women-owned firms and level the playing field for those firms. It may be that you want to take even more steps and say, you know, for certain contracts we have enough of a pool of NBEs and WBEs or DBEs or other small contractors -- certified small contractors that we want to restrict bidding to those firms.

Very quickly, there's many other recommendations in the report for NDOT to consider to remove barriers to small businesses and to DBEs. We wanted to touch on two other things quickly before we go into next steps. The over concentration issue is real. We heard from people in our interviews that if you're a -- not a DBE trucking firm that you may be shut out of quite a bit of work. We think that that is a valid statement and that you should closely monitor that, and there may be some ways to not get all your DBE participation from trucking. And it's, you know, it's almost 50 percent of your DBE participation comes from trucking now, and that's really not the intent of the program. That flies in the face of the federal DBE program.

And then finally this is -- your operation of the program here at NDOT is really rebuilding. It's almost rebooting now. And when we observe that you don't have the staff and training and information systems necessary to effectively operate the program, you've made some changes in leadership in

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

that area, you're seeing some growth and capabilities, you have a plan for a new information system to be able to more closely monitor the DBE participation and minority women business participation.

But this is not a program that does well. It needs a lot of attention and investment. I wanted to let you know that the Director has been very involved from day one on this project, especially dealing with our external constituencies and the external stakeholder group. That leadership is uncommon and around the states and federal DBE program area and I think that will help a lot. But this is something that needs quite a bit of attention. It's not building roads, but it is contributing to the equity of how those dollars are spent -- the state and federal dollars are spent in Nevada.

Very quickly, and then I'll -- again, I'm available for as long as you like for questions. The full disparity study is now posted on www.ndotdbe.com, which is the website that we created almost on day one of the disparity study. So it's [ndotdbe.com](http://www.ndotdbe.com). The NDOT is developing a similar document called a proposed goal, DBE goal that will perhaps be public within a week. Both of those are draft documents. We're looking for as much public comment as possible on this. We take the public comment very seriously. We're going to have two public meetings in October on this and doing a lot of outreach to get people, excuse me, to come and give their opinions and diversity of opinions on how NDOT should be implementing the DBE program. And then we'll put that public input, perhaps change some of our recommendations based on it and put into a final report that'll be available in November or early December. And then this will help you have the goal and the operating portions of the program for the next three federal fiscal years, 2014 through 2016. Again, raced through that and I'm available to answer any questions.

Sandoval:

Thank you very much. And this is a lot of information. I suppose from a Board perspective then we need to wait to get the -- all of the public input that you said is coming in the next few months. But I'm trying to understand how we can, as a Board, take action on this and implement things to improve our situation here, similar to this matrix that we just approved. I want to make sure that I know how we're doing on a meeting-by-meeting basis to be hitting these goals and what we need to do or what we can do as a Board to improve, you know, our statistics and how we do as a state with regard to these DBEs.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

So, Rudy, and I want to compliment you, you know, with your being a big leader on all of this. But, you know, we get these reports and you -- Mr. Keen, you've done a tremendous work and service for the state, but I want to make sure that it doesn't just stay as a report that we, as a Board, can have some suggestive action items steps so that we can start to take action. So I don't know if there's really a question in there because we need to wait to -- for you to finish your work.

Keen: You probably don't need to wait on some of this stuff. And looking forward to what might be possible legislation that I mentioned, which is really -- Rudy is a fantastic leader of NDOT, but isn't responsible for amending state legislation. And it may be...

Sandoval: Well, he kind of is. I mean, that's -- well, as a Board, I mean, the executive branch and there's a legislator here as well, that, you know, we have a certain amount of bill draft requests and this Board participates in the development of those bill draft requests, and I'd rather have those sooner or later. And I know Assembly Woman Bustamante Adams would like to be aware of what we can do so that we can be at the forefront and not wait until the last few months before legislative session start -- or begins. This is the time to start doing this work. And so if there are action items that we can take now, I'd like to have those. I'm not saying right this moment...

Keen: Mm-hmm.

Sandoval: ...but as these next meetings -- as we go into the fall, that we can know what to do. Now, one other question on -- we talked about the minority-owned businesses and the women-owned businesses. Where do the veterans-owned businesses fall in this?

Keen: So they're actually a different -- for you to have a veterans-owned business program, it's easier to defend in court. And what we were setting is the federal DBE program, and veterans are not part of the federal DBE program. But if you were to, in some states, have looked at veteran-owned businesses on your state funded contracts, for example, that is a rational basis test for the -- I'm the want-to-be attorney for the attorneys in the room, but they'll know that if you -- there's a rational basis test. NDOT has a much easier time defending that type of decision in court than having a race-based program which is nearly unconstitutional. It's the one step removed from

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

being unconstitutional. But you need all of this. This disparity -- you don't need a full disparity study to have a veterans business program. That was not something we studied in this assignment. I think you probably have a lot of the raw data to be able to go back and (inaudible) whether that would be something that NDOT would want to do or not.

Sandoval: Yeah. And I'm not trying to distract from what we're trying to do, but I don't want to go to court. I don't want to be in court. I want to be ahead of the curve. And so as I sit here today, I would, you know -- Rudy, we can work with you, but I'd like to know what steps that we can take now in the absence of legislation. You talked about unbundling. That was something that sounded interesting to me in terms of the way that the bids are presented. But just some short-term action items and long-term action items that we can start to consider as we have our Agendas moving forward to the fall and into next year. But I don't want to wait...

Keen: Right.

Sandoval: ...and you said that. You know, I don't want to wait until all of those things that you've suggested on the Board are done. If there are things that we can do now and be proactive, I think I speak for the Board when I say that. Madam Controller.

Wallin: Governor, to kind of follow up on that. Maybe, you know, something that the Board should be looking at maybe on a quarterly basis is where are we at in hiring DBEs and, you know, what percentage of our contracts are going to that. And, you know, when we get that report, maybe we can talk about were there areas where we could have maybe unbundled and how can we unbundle or making the smaller ones available or, you know, that might -- then we're focusing on it and that's a start before the legislation.

Sandoval: Well, and there's a bit of a conundrum here, and I'm sure Member Savage can comment on this, and Member Martin, because they're our contractors. As you talked about those limits at the State Contractors Board, well, those limits are in there for a reason as well, so that you don't have some of these small companies overextending themselves and then not able to perform the work. And I don't know how we fix those things or try to harmonize them, I guess is the word I'm looking for. But those are things we need to explore.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Keen: And very quickly if you don't mind, we don't have definitive conclusions on whether it's out of balance or what that proper new balance would be. We know it's an issue, and so there would be some additional work that would involve AGC and the contractors as well as small businesses, not just minority and women-owned businesses, but all small businesses to take another look and make sure that that process is transparent. Because one of the parts of the feedback we wanted to give you from the community, it's not necessarily transparent about, especially in the Contractors Board, what that process is and whether you would ever want to appeal that decision that you thought was unfavorable to you or unfair to you.

So that's something that would -- if you were going to start something now to be able to take action on it maybe six months from now, that would be one where you want to drill into that and get a lot more opinions than we got as part of this disparity study on this. But it may be that you have a system where you're small and you're going to stay small because that's the way the law is written. Now, some people have been able to get beyond that barrier, but with tremendous difficulty in getting financing, and I can't underestimate that or overestimate that. It's especially difficult for minority women-owned firms, and it's not just your business finances. As you all know in the contracting community, it's your personal finances. If you lost a home in this downturn, that may live with you, and that's affecting your ability to go in front of the Contractor's Board and some of the information they may be looking at.

So it's a very serious issue, and it affects the growth of your business base in Nevada that you may be putting some limits on that growth that you may not intend.

Sandoval: And then my last question and I'll turn it over. Is Nevada good at making sure that there's an awareness out there that if you are a minority-owned or a woman-owned business that there is a qualification process? And do we need to get that message out there that perhaps there are some that would otherwise be eligible, but have not gone through that qualification process?

Keen: You'd have different answers on the construction side and the engineering side. On the engineering side -- and, again, I'm reporting what people told us. They said, you know, if we could just get in front of the NDOT staff, we've not been part of this. And if you look at the results, .3 percent

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

utilization, you know, less than one-half of 1 percent utilization, that's extremely low. And they will say, you know, big firms get this work. They rollover the work. We can't get in the door for this engineering-based work, but we're very qualified and we want to break down those barriers.

I think some of that may be unfair that they're not quite understanding the process at NDOT, but it's a legitimate perception. And I think NDOT probably has to go well, you know, do a whole lot to change that perception in the community that you're just shut out of the work here and it goes to the big boys that have always gotten the work.

Sandoval: Well, and that's something that we could do right now. I would imagine that we could have some type of a public workshop and invite everybody to know what the process is so that these entities -- or these businesses can come in and know what the rules are, because it may be an improper perception on both sides. I mean, I'm sure you would have a response if there was a business out there that says we can't even get in the door. All they do is look at the big guys. And...

Malfabon: And, Governor, one of the recent events that you attended and supported was that business outreach event in -- both in Las Vegas and in Reno area. And we set up booths at that, and we have ongoing events that we try to participate, give presentations to different business groups on how to get their foot in the door and how to get certified as a DBE, not -- as Mr. Keen mentioned, not every minority firm is DBE certified. To count towards achievement of the goal, they have to be certified, but they can still do business with NDOT even without that certification.

Sandoval: I guess -- like I said, I think it's probably a fair question is that they simply don't know how to get in front of -- get in the game and have an opportunity to bid on these things before NDOT. So I'm not sure what that looks like as I sit here right now, but we ought to explore something and provide that opportunity. I wouldn't imagine it would be that difficult to identify these potential businesses and give them a notice and have them all come in here and in Southern Nevada and let them know this is what you have to do.

Keen: So that's the engineering side of it and that's where your participation has been lowest. On the construction side, your operating DBE contract goals now, and it's been relatively new. It's only been since 2010 that Federal

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Highways came back to you said, okay, you can implement your DBE contract goals. And it took a while to then get that into the process, so it hasn't really been that long. And the prime contractors have perhaps gotten used to not having goals and not having, you know, not making a real -- it's called good faith efforts, not making a concerted effort to develop the subcontracting team that they want to have on their projects that are DBEs and resisting a goal that may be set.

We heard a lot of information around the state that we just think your goals are too high, your project goals are too high. I mean, your project goals are, in fact, in some cases, quite a bit smaller than they may be in surrounding states. So part of that is an education process and, you know, meet and greet and, hey, you know, can't you use this DBE, can't we get this firm that hasn't been certified to be DBE certified. (Inaudible) leadership from NDOT to say, no, we're serious about the implementation of the program. We're not going to always look the other way if you haven't met a DBE contract goal or your good faith effort to process to try to meet that goal has been weak.

We're very serious and you may lose a contract over it, because there's somebody else who's bidding on it who may be very serious about the responsibilities to NDOT and to the DBE community and have done a great job of incorporating those subcontractors into their construction team, and they're not winning a bid and they -- by maybe a very thin margin and losing it to someone who is not serious about trying to fulfill this part of NDOT's requirements.

Sandoval: Questions or comments from other Board members? Member Savage and then Member Fransway.

Savage: Thank you, Governor, and thank you, Mr. Keen, for your presentation. I think it's very clear that the Department needs to improve, and I believe that along with this Board and the Director and his staff that we will improve, and we're going to take a proactive stance. And understanding the parameters, I think, was one of the questions I had regarding achieving the goals relative to the proportionate opportunities that are there. And I think along with what the Governor said as far as campaigning and advertising to the people that need to be educated as to what opportunities exist with NDOT needs to occur. So my question specifically would be Keen came up

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

with the 4.5 percent, then we jumped to 7.5 percent as a recommendation. And I wasn't clear how that 3 percent was determined, number one. And it can be answered as a follow-up. This is just something I think that I have to understand in my own mind.

And with that being said, the engineering companies, the contractors that are NBE, WBE and DBE that actually exist in the State of Nevada to bid some of NDOT's work. I don't know if there's a list of qualified contractors, certified individual companies that can be -- what am I trying to say, can be entertained to offer their submittal of proposals for engineering and contract bids.

Keen: Very quickly in response. First of all, if you look at the contracting and engineering community and all of the ancillary supply and subcontracting disciplines, one out of every four firms is minority or women-owned. So it's a tremendous headcount, if you will, availability. And if you've got all your contractors in the room and we, you know, we've interviewed, you know, hundreds and thousands of different contractors, one of our questions is were you minority-owned, are you women-owned, and one out of four said yes.

Savage: For the State of Nevada?

Keen: For the State of Nevada. And that's the same it was in our 2007 study. So that has been pretty constant. The real -- why do you have a 4.5 percent base figure? Well, two reasons. One is about one out of five of those firms is DBE certified. And a lot of companies say why bother or it's too difficult or they just haven't seen the reason for it, so that's a communications issue.

Savage: Mm-hmm.

Keen: A few are too large to be DBE certified...

Savage: Mm-hmm.

Keen: ...not very many, but a few have graduated from your program. The big difference between the 25 percent headcount availability and a 4.5 percent base figure is those firms have not done big projects. They don't do large paving projects. And if you look at where your dollars are, you know, more than two-thirds of the dollars, maybe as much as 75 percent of the dollars, is

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

a prime contractor doing paving or doing highway construction. And these may be \$10 million, \$20 million, \$30 million projects. They were not NBEs and WBEs that we identified that now, today, do that level of work, do that size of project or maybe are in that discipline. They're much more concentrated in the subcontracting trades and don't do projects of that size. So it's that 25 percent -- it's down to 4.5 percent when you match up the size and types of prime contract and subcontract opportunities, and your -- and your contractor base out there.

We took that into account. The coming -- the going from 4.5 up is following what's in the federal regulations known as different factors to perhaps make a step to adjustment. And, basically, we don't want to have our goal be affected by, you know, perpetuate the effects of discrimination if there is discrimination interacting in the market. And so you look at are there barriers to entry for minorities and women that are different than for white men. Even getting into business, are there barriers to growing, are there barriers to getting money, access to capital or bonding. And we were able to demonstrate through quantitative analyses and our interviews that there were a number of those barriers and that an upward adjustment is reasonable to meet the federal regulations.

The exact number is really an NDOT decision. We reported that 7.5 percent is supportable. That could be a different figure, but that's one of the methods that we looked at really reflecting the dramatic -- made an impact the downturn had on NBEs and WBEs is to almost split the difference between where that community was in terms of this dollar weighted capacity-based availability figure and the 4.5 percent to shoot a little bit higher than current availability. And that's -- we've documented that in the report. It's quite a complex analysis. There's many different factors involved. Ultimately, that's a policy decision for NDOT to then go to Federal Highways and say we're proposing this.

Savage:

Okay. And I thank you, Mr. Keen. And during your research when you spoke to the different individuals throughout the state, the bonding issue with the financial stability that we have intact with our Contractors Board determines the level of what the contractor financial commitment can be towards a project. Was that taken into consideration as to the different levels of projects that these potential vendors, contractors or engineering companies might be able to submit a proposal?

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Keen: Yes. We asked -- we talked with each contractor or engineering firm and all of the information is from those interviews with them. We said what's the largest prime contract or subcontract that you've bid on in Nevada in the last five years. And we based -- we said, okay, if you've bid on something of that size or actually done work of that size, we're going to take that kind of size class of projects as what you're available for and then anything smaller than that. So Las Vegas Paving, it was any contract in Nevada. For a new small contractor and maybe only projects of \$100,000 or less that we -- when we were looking at the NDOT work, we would count them as available for and then dollar weight the results to see what kind of your expected value for minority and women-owned firms might be.
- Savage: So that correlation was taken into account?
- Keen: Yes.
- Savage: Okay. Thank you. Thank you, Governor.
- Sandoval: Member Fransway.
- Fransway: Thank you, Governor. And thank you for your presentation. Did I hear you say how long DBE has been in effect?
- Keen: Yeah, the DBE program in some form goes -- or NDOT's been implementing some form of that since the 1980s.
- Fransway: 1980s? Is it somehow an extension of affirmative action?
- Keen: I think a lot of people would put it in the class of affirmative action, because you're -- if you implement it on a race and gender conscious basis, it's the same as saying, well, we want to give points towards hiring a certain type of person or (inaudible) college admissions or any of that stuff. So under the law, a lot of the legal decisions that are around affirmative action are very similar to the court cases related to DBE in the contracting area.
- Fransway: Okay. And you mentioned that the public scoping period will go through or up to October of this year?
- Keen: Right. We're going to have those two public meetings. That's only two examples of the opportunity people have to comment on the report. We

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

encourage people to give us stuff in writing and then we're -- the close of that will be early November.

Fransway: Okay. So the State of Nevada, can we not tailor the DEB [sic] with some sort of a waiver if we go there? What I'm saying is I don't want to take what's intended to be an equalizer and turn it into an advantage. And I would like to certainly get some heavy buy-in from the contracting community in the state and without the state -- outside the state. And so I'm expecting to have that buy-in through the scoping process. And ultimately I believe that this Board will somehow take some sort of action to do what we need to do to comply with federal law. But the ultimate goal certainly should be to make it equitable and to take into consideration the traveling public and the cost to the traveling public. So I guess maybe I'm just speaking out loud now, thinking out loud, but I'm very interested in the short-term process as how it relates to public comment.

Keen: And we're going to be seeking as much public input as we can get. And we certainly have heard from folks who say, you know, forget about the federal DBE program. We want things to be as least expensive as possible. And to the extent that any of this increases your cost, we don't like this or, hey, this ought to be -- you know, a federal DBE program is fine, but this, you know, this other point of view. And I think those -- I appreciate those perspectives. We've encouraged those comments. The bottom line for NDOT is you need to be -- to get Federal Highways money, you need to be implementing the federal DBE program and that means certain things. So it's not entirely -- you know, you have a lot of range of policy options and implementing the federal DBE programs, certainly balancing objectives at NDOT and all of that. But ultimately you do need to implement the program to receive federal funds, and there's a number of regulations that define how you do that.

Malfabon: And, Governor, if I may add. In our way of doing business at the Department is to work collaboratively with our contractors through AGC and other means. The construction industry has a working group with NDOT, not -- independent of the Construction Working Group from the Board, but NDOT senior leadership from the Director's Office meets on a regular basis with contractors both from Northern and Southern Nevada to discuss these types of issues, construction issues, talk about the work program and some of the findings that maybe we're seeing.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

One of the items has been the DBE program and the small business element of the DBE program. What that means is that NDOT can have a small business goal, not a DBE goal and a small business goal, but one or the other on a federal aid contract. And we talked about how we're going to implement the small business portion. The other side on the professional services, we work with the ACEC, which is the Consulting Engineer's Council, and they've been interested in that issue of small business -- smaller firms getting work as well. So we work in a relationship that fosters communication, gets their input, ultimately affects how we contract out for DBEs and small businesses in our both professional services and construction contracts.

But I think that what we need to do is to provide a regular update to the Transportation Board on here's the projects that went out. And as we implement starting October 1st with the state-funded contracts having DBE goals, kind of have a regular -- maybe a regular report on the old business on what was the goal, what did we achieve at bid date, why did we award this if it was less. Or you can see also one thing that we're going to try to do better at is tracking achievement in real time during the construction process, so that we know they're meeting the goal that they said that they would with that subcontractor or subconsultant, so that the Board is more informed on a regular basis on achievement of goals as well as looking forward to the projects that are bidding out and have substantial amount of work available for DBEs to participate in.

Sandoval: Any other questions or comments on this Agenda item?

Martin: Yes, sir, I have a couple.

Sandoval: Member Martin.

Martin: Mr. Keen, your report is very, very clear and very concise, but I think that it's missing a couple of points that I'd like to bring up. You talk about the monetary limit on the licenses as being a barrier because the State Contractors Board assigns a monetary limit to a license when it's issued -- when a new license is issued; is that correct?

Keen: That's one of the things that was reported to us, and on its face appears that it could be a barrier. I think it merits more investigation.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Martin: Were you aware that the State Contractors Board customarily issues one-time increases and limits if you write a letter seven days before the job bids and they will issue a one-time increase in limit to allow a subcontractor or a contractor license for, let's say, \$100,000 to bid a \$200,000 project? Were you aware of that?

Keen: Yes, and we know that there's that waiver process, and then there's almost an appeals process if you don't like what your monetary limit is. And the contractors that we spoke with, I would say, there's both limited understanding of those waivers and perhaps some reluctance to go to battle with the contractors licensing -- or the Contractors Board. Again, that may be unfair to the Board, but in -- and, again, this disparity study wasn't about the licensing process, so I don't have definitive answers for you on whether this has a discriminatory effect or not.

But I do think that it's different than other states. We all know that the difficulties that bonding presents to small businesses in general, and we think minority and women-owned firms in particular, this is an extra layer. You're going to still have the disadvantages that the bonding limits have, but you ought to take a look to make sure you're not reinforcing those effects either through NDOT's prequalification process or the Contractors Board.

Martin: Okay. I'm not -- I didn't understand that last statement.

Keen: So you -- we're not suggesting that you do away with bonding in the State of Nevada. I mean, bonding -- if you didn't have monetary limits at NDOT or you didn't have monetary limits as part of the contractor's licensing, you still have bonding requirements, which we are not proposing that you entirely eliminate bonding requirements, so anybody can bid on anything of any size. They don't need to have a bond for it. They don't need to have a license of that monetary limit. There are, you know, reality needs to weigh in here, and I think that may be your point, that there is some flexibility in the Contractors Board's process.

The issue is enough people told us that, A, it's a bit of a mystery how these decisions get made and, B, because of their financial limitations that they're not able to do the size of project that they believe that they could do, and we have data on the size of minority and women-owned businesses and the

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

average age of minority and women-owned businesses. Any monetary limits by the Contractors Board, whether they're well intentioned or not, that has more of a negative impact on the ability of minority and women-owned firms to grow their businesses than it does of other firms.

Martin: And there -- and by those monetary limits or doing away with them you increase the liability for the general contractors that employ them; is that not correct?

Keen: Well, it depends on how they handle bonding also. So I think this is, again...

Martin: Right.

Keen: ...a balance. I've done two disparity studies for Caltrans. They certainly -- without this monetary limit in the State of California licensing law, there certainly were many barriers having to do with size of businesses and ability to get bond and get financing, finance a job, get paid on time to be able to float a job. A different system does not make these problems go away, so I certainly acknowledge that. I'm wondering if that perhaps has one more extra weight on the backs of a small contractor that's new, and those contractors are disproportionately minority and women-owned contractors.

Martin: But not any more so than anybody else applying for a license.

Keen: We didn't find any evidence that minorities -- or we didn't have enough information to determine one way or the other whether there was enough subjectivity that your race and gender of your ownership had anything to do with the license that you got. What we did hear is, "I'm small. I have poor financial history." And we have evidence of discrimination in the housing finance market -- housing mortgage market in Nevada that -- very clear evidence that minorities were treated differently than non-minorities in Nevada in getting home mortgages. Well, that's one indication that it's not a level playing field. That ability to build up equity in a home or your personal finances carries over into the business finance as well, and it carries over into what type of monetary limit you get either in NDOT prequalification or the Contractors Board.

You can't eliminate the infusion of the effects of discrimination into systems when you go back to housing or the ability to buy a home and what type of

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

financing you're able to get, or whether you had an opportunity for advancement as you came through the ranks of the industry. We documented those disadvantages, and I don't know that the federal DBE program anticipates that any state will come up with a program that fully remedies all of those barriers for minorities and women that are inheriting the system. This is a -- this is one thing that Nevada does differently than other states, and we wanted to point it out as something that perhaps it's something you want to take a hard look at.

Martin: Then the other point that you made was the bidder's preference.

Keen: Yes.

Martin: You understand it just takes \$70,000 worth of material to pay taxes on \$70,000 worth of material to make that qualification period point?

Keen: I also thought that there was some years involved. I'd have to -- I don't have right in front of me, but in terms of the requirements it looked like there appeared to be a minimum size and a minimum length of time in business in Nevada to be able to get that local bid preference.

Martin: There is years involved in it, but it's \$70,000 worth of expenditure that you pay tax on to get you the qualification.

Keen: Okay.

Martin: And the other side, by not having that, the way I feel about it anyway, especially from a small business, and I'll go into that in a minute, when you eliminate that, then you open up Nevada small business people for a huge amount of competition out of California, Arizona and Utah by firms that are probably a whole lot better financed than what they are. This bidder's preference thing, I think if you talked to any contractor in the world will tell you that it works to the advantage of a Nevada resident, not to the disadvantage.

Keen: Oh, I'm sure that they -- I would agree with you on that point. What we wanted to suggest that you take a look at is whether it's crafted so that the smallest businesses that are trying to get, you know, trying to step up on the ladder or newer businesses that they weren't put at a disadvantage compared to other firms in Nevada (inaudible).

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Martin: Okay.
- Keen: We understand that you don't want to open this up to -- it's not a local bid preference if it's available to out-of-state firms. And again, this is...
- Martin: Yeah, one of the things that -- I'm sorry, go ahead.
- Keen: Excuse me. We recognize that this doesn't affect your Federal Highways contracts. The local bid preferences...
- Martin: Yeah.
- Keen: ...are not allowed under federal aid projects. This is on the slice of work that's state-funded only.
- Martin: Yes, sir, I understand that. One of the things that I do -- I have been doing a significant amount of federal work, and I was just mentioning to Catherine here that we're doing a \$139 million project at 29 percent -- at 29 Palms California for the Marines that's 75 percent DBE. That was our goal and we met it. In other words, of the \$139 million, 75 percent of that was out to DBEs. And so it's not an impossible thing to attain it. And also one of the ways we got awarded that project is we set that goal for ourselves, and we got additional points in the award of the job for that, similar to what a bid preference deal would be. So that might be something we take a look at statewide in our awards.
- Keen: I wanted to -- I didn't have enough time to go over everything I wanted to say this morning. That's something I definitely wanted to touch on. The success of the program for you all really is how well it's embraced by the contracting community. And the AGC was definitely involved in our process, in our interviews. A mentor protégé program, for example, would be best, we think, best implemented by resurrecting what the AGC had in Nevada in the past, and working one on one with -- you don't -- you don't have that many large contractors in the state. Working one on one with the large contractors and say, please, we have leadership from the top of the State of Nevada that we are serious about this. We want to do this in a sensible way. You know, whether there's a goal on a project or not, can you help us meet our overall objectives of leveling a playing field and involving some groups that haven't been involved traditionally in contracting or

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

engineering projects. And help us do what we are -- we as an agency and a state have as one of our objectives.

When you do that, you're successful. When you're constantly -- and you had a great example of -- that hopefully the NDOT people can use when they're talking to some of the contractors that say we can't meet a 3 percent goal or we can't meet a 5 percent goal. You can if you are planning ahead and developing your project team and a way to do that. You probably didn't do that overnight. That probably took a lot of work and a lot of preplanning to get to 75 percent. Working hand in hand with the contracting and engineering communities is the only way to have a successful program.

Cortez Masto: Yeah. Governor, this is Catherine. If I may I have a couple of questions and some comments. First of all, two public meetings are scheduled. Do you have the dates for those public meetings to go over this -- the findings in the report?

Keen: Yes, it's October 22nd at District 2, and District 3 will video conference in for that, October 24th at RTC offices in Las Vegas. I believe both meetings start at 4:00 p.m. They're an open house where people can come in, give comments. We'll be giving short presentations on what the disparity study was about, rotating basis, and then we have, I think, a three-hour window for anyone to be able to come in, learn more about it, but hopefully give their comments and describe their experiences in business in this industry.

Cortez Masto: Thank you. And so just a couple of comments because -- first of all, let me say thank you to Rudy for this report, and it's so important, and it really identifies what needs to be done here in Nevada. And I think hearing from the Board members, hearing from everybody about the environment, I think we can't stop here and we need to move forward. But let me...

Martin: Agreed.

Cortez Masto: ...let me just put something in everybody's mind, because it seems to me the genesis of this report was interviewing by the Keen Independent Group. You interviewed a lot of the minority-owned businesses and women-owned businesses in the marketplace because that's where you started with your analysis. And the perception that I'm getting that you got from that particular marketplace is really identified on Page 3, where you say, "There's evidence of disparity and this includes evidence of a good old boy

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

network in Nevada.” Whether that is true or not, the perception by the smaller group of minority-owned businesses is that it exists. And so for that reason I think it's going to be incumbent upon us not only to reach out to the traditional groups that Rudy identified that we work with, whether it's AGC or whether it's some of the engineering professional associations that we work with, because if those minority groups had an in or are already working with those groups, they wouldn't have that perception.

So I think I would like to see, Rudy, and maybe you're going down this path, when you build this collaborative working group or whatever you're going to call it, instead of using -- I guess along with using the traditional associations, whether it's AGC or the professional engineering, whoever it is, that we figure out a way to pull in more of these minority-owned businesses, or reach out to them to have them a part of this collaborative process, because I think part of what we need to do is change that perception.

Because I guess my first question that I -- after reading this report was when you talked to these minority-owned businesses and you're saying there's a lot of them that don't have the certification, is it they don't have the certification because they don't think they're going to get the jobs in the first place from NDOT, and that's why they don't take the time to go through that process? Was there any of that uncovered in your report?

Keen: Yes.

Cortez Masto: Okay. And so that to me tells me that there's a perception we need to change. And by making it collaborative beyond the traditional groups I think that's going to be helpful. I would also reach out to the legislators. We've got an assembly woman here already obviously concerned about -- enough about this issue to address it. I would reach out to the chairs of the transportation on the Senate and Assembly. Bring them in. Start having a working group now that we can really focus, I think, on three areas. Understand why it's occurring here, what -- and then that would be the first one. The second one would be what DBE goal works for NDOT in the existing environment that we have here in Nevada. And then three, developing the policies and guidelines to achieve the goals that we set. I mean, that, to me, I would like to see because it is going to take us time to

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

get the information we need and develop the goals to be prepared if we have to go into the next legislative session.

It's fantastic that we already have Keen involved in this, has done the survey. They can provide -- continue to provide technical assistance to us if we need to move forward. But that would be my recommendation I would like to see to know that there is an existing working group. It's broad. It's collaborative and we're really focusing on some of the issues that we are identifying here in this report. So thank you. Thank you for the report. Rudy, thank you so much for your continued involvement and concern about this issue. I really appreciate it as the Director of NDOT, your personal involvement in this. So thank you.

Malfabon:

Thank you, Madam Attorney General. And I would say that in the past one of the lessons that we learned from the previous disparity study was that a lot of the folks didn't understand how it was done, what goes into it, what the outcomes are. So that when we had our public meetings last time a lot of people were confused about what a disparity study was and how it's performed and what we were trying to say to both prime contractors, subcontractors and internally at NDOT. We learned from that lesson and we formed an internal and external stakeholder working group that was getting apprised of what the progress was, what -- the basics of a disparity study, what is it, how do you do it, so that we could communicate with some legislative leaders.

And I wanted to, again, thank Assembly Woman Irene Bustamante Adams. She was at every one of those external stakeholder meetings. Assembly Woman Deena Neil was also present for several as well as State Senator Mark Manendo. But I think that -- I don't think that Irene missed a single one of those. I think she was there interjecting, at least taking that forward during the session and having the other bill that she sponsored on state-funded contracts having a DBE goal.

We also want to thank the Federal Highway Administration Division Administrator Sue Klekar, her assistant Paul Schneider, and the Civil Rights Program lead, Kevin Resler, for their efforts in working with our Civil Rights Officer Yvonne Schuman. All of them, especially Yvonne and Kevin worked very hard with Dave and his team on the study and on the

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

DBE program and elevating the communication and communicating the goals of the program.

We will look at continuing having this external group which is comprised of certified and noncertified firms as well as key leadership from the legislature. Also invited and had some prime contractors present at some of the meetings. So we want to get this group on an ongoing basis, I think, and keep it involved in the process, keep it involved in how we're doing and discussing any types of recommendations or even possible legislation that could help us to achieve our goals at the Department of Transportation.

Sandoval: Any further questions or comments? Member Fransway.

Fransway: Yes, I heard you mention scoping meetings in District 1 and 2, and I didn't hear anything about 3.

Keen: We're planning to have folks be able to participate from 3 through video conference on this -- on the October 22nd date. And certainly if anybody wants to call us, send comments in from throughout the state. What we find is sometimes it's difficult for anybody to attend one of these meetings. We encourage any kind of written communications, and that is important information for us throughout the study.

Fransway: Okay. I don't know whether District 3 should -- I don't know whether it's equitable to have District 3 involved by video conference. This is an important issue, and I think that perhaps an effort should be made to visit somewhere in District 3 to involve those folks in rural Nevada at a one-on-one basis. I don't know how hard that would be for you to do that, but...

Keen: That's simply an NDOT decision, and I want to assure you up to this point those folks have been involved. We've done interviews with people in that district. You know, people say there's not a large business community or contracting community. Well, we sure talked to a lot of folks. And in both analyzing the availability of firms, we found minority and women-owned firms out in the district. And we got comments from people. We did in-depth interviews with people. So I want to assure you up to this point we have involved everybody from rural Nevada, as well as the urban areas of Nevada.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Fransway: Okay. So you're comfortable that there has been a rural perspective then?

Keen: Yes, very much so.

Fransway: Okay.

Keen: And if we had another hour I could tell you the rural perspective on this, which is different than the urban perspective, and it applies the federal DBE program as well. So I think a lot of your work is in rural Nevada, and this program has to work there and meet the needs of those communities as well as urban area.

Fransway: Okay. I would be interested in hearing that and the staff has my phone number.

Keen: Good.

Fransway: So thank you. Thanks, Governor.

Sandoval: Are there any concluding remarks? As I said I -- is there anything that we as a Board that you would suggest that we do between now and our next meeting and next two meetings?

Keen: Well, just to sum up, you have this kind of parallel process of NDOT producing a proposed goal that will be out for public comment at the same time the disparity study will be out for public comment. So we are hoping that anyone commenting on the disparity study will also take a look at the proposed goal and methodology and how NDOT intends to meet that goal that's the sister document that will require Federal Highways' approval. And then we'll bring back all of this information.

Again, I don't think that anything that you would want to take a look at -- further look at for possible legislation next year would need to wait. You certainly would want to be informed by all of the comments that may come in, but you don't necessarily need to wait to further probe some of those issues.

And, again, I hope I gave the context for some of the recommendations correctly, where we identify these as potential issues that may need state action that would change state law. Even if you're only going to look at NDOT prequalification processes that may require changes in state law, and

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

that if you're going to do that, and you're going to do that quickly, you should start looking at it now. We don't have all the answers there, and there's many more people who will want to give opinions on that that were - - then were involved in the disparity study.

So we think those are possibly ripe areas for removing some barriers, but you need to do that work to see if that -- how that could be accomplished or if you'd be sacrificing other important objectives by making any changes.

Sandoval: What I would suggest then, Mr. Director, is that we have an item on the Agenda so that we're moving, we being the Board, in a parallel manner to what's happening with the Keen study.

Malfabon: We will, Governor.

Keen: Thank you very much.

Sandoval: Thank you.

Keen: And on behalf of the whole team, thank you for the opportunity to do this important project for you, and we look forward to learning more from the community before we give you a final report.

Sandoval: Thank you very much.

Malfabon: Thanks, David.

Sandoval: That brings us to Agenda Item No. 8, briefing on Tahoe Transportation District projects.

Malfabon: Thank you, Governor. One of our partners up at Lake Tahoe, Carl Hasty, is going to present this item, kind of give the Board an overview of the Tahoe Transportation District and its projects that are on the horizon.

Hasty: Good morning, Governor, members of the Board. My name is Carl Hasty. I'm the District Manager for the Tahoe Transportation District. I'm actually going to tag team this with our Project Manager who's been responsible for the lead here on the 28 Corridor. So we're here to briefly update you on some of the things that have been going on in Tahoe, kind of what we've succeeded at doing here working together.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

This has been an effort including the district of 13 different agencies. And you are all familiar if you've been up to the lake with the Highway 28 Corridor, a very popular and scenic drive. It's also a heavily used corridor, as we'll get into some of the statistics on that. And for years has had a real issue in terms of resource management complicated by jurisdictional ownership and the uncontrolled access that happens on the part of the public who want to come and enjoy this place. And so the issue is related to safety, to erosion, to water quality, to access to prime recreational and scenic vistas and views and locations has really been a challenge for Lake Tahoe.

We've been successful over the last number of months of working with NDOT and other bunch of state agencies like state parks and state lands and the courts and NHP and the forest service to address what can we do here and how can we all work together and what solutions are offered up. You may have heard and have seen what we've experimented with in terms of working with state parks and introducing a shuttle to San Harbor from Incline Village. It's been very successful. This is the second year of having that shuttle operate. It's been very successful and the public has been very warm to receive it. It has helped us to get some of that dangerous on-highway parking off of there. And that's the type of thing that we want to see happening up and down the entire corridor, as well as build bike trail, as well as get some of the parking off here. So we'll get into some of those details.

This approach has been very workable and is very promising for other areas at Lake Tahoe. We also have bundled as a consequence the types of project activities that need to happen in there including erosion control, getting that parking off, et cetera. Bundled them and applied for grant dollars and leveraged a large amount of money in order to be competitive for that, and we're very optimistic that we may be hearing some good news on that. In so doing, we worked with Rudy and Bill to have NDOT take the lead on that grant application, and we will be hearing, I hope, this month of where we're at on that.

This approach then we look to use in other places around the lake. Zephyr Cove is another area that's very problematic when it comes to that on-highway parking. We're also interested in getting a bike trail to that. We're working with NDOT right now and a CMAR project of extending the bike trail from South Shore to connect to Round Hill Pines Resort. That'll

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

be happening and concluding here this fall. That has already translated into a very promising bid process for the Round Hill Pines Resort, which is a four service concession. And they received seven proposals on that, which is by far exceeds what they typically get when they do that. Very exciting proposals that are looking at substantial dollars. And what they reported to us at the game changer on making that such an attractive bid was the bike trail coming to that.

So for Tahoe recreation and the bike trails and things like that coming into play, our economic development as I've mentioned here before and the types of improvements that we're projecting here for the Highway 28 Corridor will make it a much more pleasant experience for the visitor and a much more protective situation for the environment there both on land and the lake. With that I'd like to turn it over to Derek Kirkland who's, again, been the Project Manager for this project.

Kirkland: Thank you, Mr. Governor, members of the Board. I'm going to run through a quick presentation on the 28 Corridor. Randy Jackson who's a sergeant with NHP gave a quota as we started this process over a year ago. He said it's about -- it's about chaos versus management. And what we're trying to accomplish with this plan is really more of a management strategy. How do we get people to the areas they want to be to in a safe manner, not have them using the highway as a sidewalk as you can see in the photo on the page.

The limits of our corridor study were basically from Crystal Bay all the way to the 28 junction with U.S. 50. There are some different segments within there. There's the community segments of Crystal Bay and Incline which we kind of worked with them a lot. They've already had a lot of plans for theirs, so we didn't really want to recreate the wheel on this one. It's more so looking at existing plans that have been created over the last 20 years, combine them all into one document, do kind of a gaps analysis, and kind of move forward with one strategy that all of these agencies can get behind and we can all work together to leverage our resources.

One important statistic is the 2.6 million vehicles annually that travel through the corridor. That's a large amount of vehicles. And we've kind of -- just in the state parks, lands and forest service lands alone over a million people that are recreating there annually. So you can imagine on a peak

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

summer day as we've all seen it that's a lot of motorists and a lot of people trying to access the corridor at once. And in looking at some of the NDOT road safety audits for the highway and looking at NDOT statistics, over the last six plus years the fatalities rates have actually gone -- dropped significantly statewide. However, the fatality trend in this corridor has actually increased over that same period, so definitely look into some of these solutions to try to get that number to go back down as well.

582 paved spaces in the corridor, 530 of those are actually found in San Harbor. So as you can see there's only 50 other paved parking areas within the corridor for folks to try to find parking during the peak season. During the peak season there's -- at any time there could be 600 plus vehicles driving around looking for those 50 parking spaces which creates a lot of illegal U-turns in the highway, a lot of unsafe areas for pedestrians.

In this photo, you can actually see where there's a -- state parks have built a formalized trail down to Hidden Beach, yet there's still a guardrail that blocks access to that. So not only do you have someone getting dropped off on the highway, you have them trying to cross traffic and hop over a guardrail with their little kids. Very unsafe. Also creates a lot of social trails, and state parks forest service land management agencies really want to get people on safe formalized trails, limit some of the erosion issues that come along with the socialized trails and just basically chaos versus the management statement.

Shoulder parking has increased 170 percent over the last 11 years, which is pretty substantial. And based on the trends and what we've continued to count, that looks like it's going to continue increase as this corridor gets more popular. Again, some more challenges. San Harbor is the largest park in this area. Usually, in the morning time it creates huge backups. Part of the plan addresses some use of technology. Instead of going with the historic fee booths where they collect money right at the entrance, usually causes a lot of this backup is getting people into the park, let them park and then hop out of their cars and go pay at a parking kiosk, basically moving the queue from the park -- or from the highway into the park. We have been working with state parks on that, and they are definitely open to some of the suggestions that have been coming from the various stakeholders through this development of the plan.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

We're looking at this plan to help us identify some opportunities in the corridor. These five main topics are all interrelated, and every solution that was recommended in this plan definitely looks at all of these options and opportunities. As you can see in this picture here we identify the recommendations that came from the various agencies. You can see the proposed park and ride lots at both ends of the corridor. Really what the recommendation was, was to -- it's probably not going to be feasible to operate transit year round, but higher (inaudible) is going to come in the peak summer season. By having the park and ride lots, it allows people to park before they drive down the corridor, use that transit service to get to their destinations. We have various transit stops within the corridor, and then really looking at the shoulder season parking counts which we collected last October, and plan for about 250 spaces total on the corridor, which is about our shoulder parking counts during the off-peak season time. So that we're not -- the goal of this is to give people the same level of access if not safer, improved access.

But there's a lot of -- a lot of these areas further south are very remote destinations, and the other thing we looked at was capacity. CRPA has done some capacity studies and San Harbor did a big capacity study. So we developed ranges for each of these -- the famous beach locations, with the goal being we want to provide parking to accommodate their existing use. We don't want to take an area like Secret Harbor that's typically a more remote location and turn it into a San Harbor, because there's two different experiences that people are looking for. So we're really keeping that in mind, and in keeping the corridor so that everybody can enjoy it the way they like to enjoy it, but give them that safe access.

The bike trail has become a big piece of that as well. As we build some of the off-highway parking areas, it's really connecting those nodes and those beaches and the recreational opportunities through the -- through the bike trail, so people can still move around, but they can do it safely off highway.

So, again, the recommendations, use of transit during peak times with park and ride lots at both ends of the corridor, especially south U.S. 50. There is an opportunity to create somewhat of a visitor's center. I know CRPA is interested in working with us to keep the boat inspection facility there, so not only does it become a park and ride lot, but it becomes somewhat of an attraction and amenity for people to use. So while they're waiting for their

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

bus, they can learn about Tahoe and get their boat inspections. They can enjoy the state parks facilities as well.

And then as far as the shoulder -- we're looking at relocating the shoulder parking. So, again, we want to accommodate people. We don't want to take away their access. That's not the goal of the plan. And transit plays a huge role in that. As Carl had mentioned with the East Shore Express Transit Service last summer we actually doubled our -- I should say this summer we actually doubled our ridership from Incline to San Harbor compared to the first year. So we did over 20,000 rides this summer, so very successful. People have given us nothing but positive feedback about it. We've made it very convenient for people, so, you know, they still have their same level of access to San Harbor, if not better, because they get dropped off right at the visitor's center, the beach. They've said that they'd rather do that than have to park on the shoulder. And the only reason they typically parked on the shoulder in the past was that is the only option they had once the park closed. So we were able to, with that pilot project, come up with a way and kind of change their behavior and give them a safer way -- give them a safer alternative into the park.

We're also looking at providing some emergency pullouts and 11 viewpoints. One popular thing is for visitors who come to the lake, they really want to drive around and enjoy the scenery of the lake. We want to give them those viewpoints, give them their photo opportunities with 20 minute parking where they can pull safely off the highway, enjoy it. It's an interpretive sign opportunity to educate them about the lake as well.

And with emergency pullouts there's really -- there's a lot of maintenance activities that go along throughout the corridor. So give the emergency vehicles, the maintenance vehicles, give them an opportunity to kind of get out of the traffic and do what they need to do, or if someone has a flat tire, needs to pull over for some reason, they can do that safely out of traffic. Again, the connectivity of the bikeway plays a huge role in this of giving people that alternative. Creating the true multimodal corridor and giving people alternatives to drive in their car and looking for spaces.

We're looking at this plan as more of an implementation plan rather than just a plan that the agencies end up putting on the shelf. We have a whole chapter on implementation. And what it does is identifies a variety of some

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

of the different projects that are created by the different agencies, and how the agencies with overlapping projects can work together to implement the projects at the same time opposed to everybody kind of doing their own thing and missing out on great opportunities to leverage resources and funding. This highlights the projects that we submitted as a cooperating agency with NDOT for the Federal Lands Access Program. Perfect example, NDOT has an erosion control project plan from San Harbor to the forest service lots at the Carson City line.

We're looking at working with NDOT to put in some of those -- put in some of the parking improvements, putting in some transit stops with that. Another example is Incline Village. GID has to replace some sewer pipe which is currently within NDOT's right-of-way. It makes it hard for them to maintain. They would prefer it to be on the forest service property out of the right-of-way. So we're working with them to -- they could put the -- put the new line outside of the right-of-way and pave a bike trail over the top of it which would also serve as access to those sewer pipes, so everybody gets a win out of one project. And then, again, on -- as a priority four is looking at some various opportunities with NDOT with forest service on projects that we can work together on; bike trails, road control projects, more parking, transit stops, visitor's centers.

And, again, it was just the -- it was -- this process has taken over a year, but it's been a great experience working with all the agencies. And I truly believe that with the completion of this plan, we have a commitment from 13 agencies, and we've all worked together, and I think we're going to show the public how this plan can be a benefit to the State of Nevada, as well as Lake Tahoe. And with that I will be happy to answer any questions.

Sandoval: Questions from Board members? Member Savage.

Savage: Thank you, Governor, and thank you, Derek. I have two questions. First of all, that last slide with the priority, that was not in our packet.

Kirkland: Okay.

Savage: If you could please...

Kirkland: Pass it around.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Savage: ...make a copy and pass it around later we'd appreciate that. And then secondly there was a note here regarding the FLAP, acronym FLAP, the Federal Lands Access Program application. The application identified a FLAP request of 25 million with almost a 50 percent match of 24 million?

Kirkland: Yeah.

Savage: The 50 percent at 25 is...

Kirkland: Yeah, the total project cost for all these is estimated at about 50 million. So we came up between, you know, SQ-1 funds, funds that NDOT had identified for some of their water quality project. IVGID has a substantial amount of money for their sewer pipe already. Washoe County has been willing to participate with some of their Washoe County 1 funding. It actually came up to about almost a 50 percent match to what we were requesting, which meant out of the 50 million, we only needed to put in a federal funding request of 25 million.

Savage: So that's 100 percent match?

Kirkland: Yeah. It's 50 percent of the total project.

Savage: 50 percent. Okay. Gotcha. Thank you. Thank you, Governor.

Sandoval: And so you've got this federal application in now for this grant. When do you expect to hear on that?

Kirkland: I believe sometime next week. And we do have Matt Ambroziak with Central Federal Lands Highways who's going to be up visiting some of the Tahoe projects this week. So I don't...

Sandoval: Who's that? Oh, you're -- are you the decision maker?

Ambroziak: I am not.

Sandoval: Well, put in a good word for us, would you? And that's interesting because I hadn't thought about this before, but that queue that happens outside of San Harbor, that's famous for decades. And it seems like such a simple fix, and I know that state parks needs to be involved in that. But it's -- you know, I hate to say it because I get a hard time for it, but there has to be an app for that. Because I was in Oakland and they had a thing you'd park in a

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

parking space and you could pay -- you could download this thing in seconds and pay for your spot and be done with it. And you'd have electronic enforcement I would imagine and it seems like it would really solve a lot of issues. So I would hope that that's maybe something that we could explore between now, we're toward the end of our season, and the opening of the new season next year. So I'm not sure if we need to get together with Leo or the head of state parks and those folks, but that's something I would think we can do now.

Kirkland: Yeah, I think we'd agree. And that was kind of our goal was to start working on that right away.

Sandoval: Okay. So I'll visit with those folks to see...

Kirkland: Okay.

Sandoval: ...where we are. But that's pretty much a unique situation in the state because I don't know if there's a backup anywhere else.

Kirkland: Yeah, from my understanding from talking to state parks I believe that is pretty much the only case where they have that -- this kind of congestion issue.

Sandoval: And it's your hope, essentially, along that entire route is to have new lots where people can park and then they would catch that shuttle bus and go to their preferred destination.

Kirkland: Correct. And when the transit wasn't operating we would have enough parking, and with the bike trail to cover people to still have their access to that area without having to park on the shoulders.

Sandoval: And what is the cost to jump on that shuttle now?

Kirkland: Currently, it's \$3 with reduced fares for children, seniors and disabled. And we try to come up with -- we found statistics that there's about 3.8 people per car going to San Harbor. So at that cost it was pretty equivalent to what they would have paid to drive their car in if they had a family of four.

Sandoval: Mm-hmm.

Kirkland: So...

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Sandoval: I think the issue also is I would imagine carrying the drinks and the towels and the chairs and all those things, so those buses accommodate those things as well?
- Kirkland: Yeah, we actually took the first three seats out of the bus and mounted some racks in there so they could put their coolers and lawn chairs and so...
- Sandoval: Okay. Further questions? Member Fransway:
- Fransway: Thank you, Governor, and thank you for your work on this project. I think it's very, very important to the state.
- Kirkland: Thank you.
- Fransway: Is the federal grant contingent upon local match or is it going to rely on the 100 percent match from the locals after the fact?
- Kirkland: Once we find out if we're shortlisted for that grant, we will have to work together, the same agencies working with NDOT to identify the, you know, the actual cost of these projects. And, really, I'd have to sit down and identify the match, so the match will be a requirement to provide to that grant.
- Fransway: Okay. So obviously you must already have an application with those resources. For instance, question one, Nevada?
- Kirkland: Correct.
- Fransway: Okay. Good luck.
- Kirkland: Thanks.
- Fransway: Thanks, Governor.
- Sandoval: You're welcome. Anyone else?
- Cortez Masto: Governor, it's Catherine. Just a follow up on Commission Fransway's question. SQ-1, is that the -- is that the funding that comes from the issuance of the general obligation bonds that passed in 2010?
- Kirkland: Yeah, I believe so.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

- Cortez Masto: Is that a confident yes or...
- Kirkland: Yes. Yes.
- Cortez Masto: ...it was a -- yeah. All right. Thank you. And then how much -- do you have a breakdown how much would each be contributed by the state, Washoe and Incline Village, for their -- that portion of the 24 million?
- Kirkland: Yeah, I do not have that in front of me. I know the Washoe County funds were approximately 1 million. I believe the State Question 1 funds were 3 to 5 million. I don't know exactly. And IVGID has close to 20 million they've got identified for theirs. So they're putting a large portion into this for their sewer project, so...
- Cortez Masto: All right. Thank you.
- Sandoval: Madam Controller.
- Wallin: Thank you. I love this report here and I too would like a copy of that slide. What's the timeline on all of your priorities here, 1, 2 and 3?
- Kirkland: You know, it's really going to be dependent on the federal grant that we have out there. You know, we're hoping to get it done within a five to seven-year program is what we've laid out in this map. I know IVGID is looking for 2015 start time on their project. I know we've been working with NDOT on erosion control which is targeted for 2015. Our first priority, the bike trail from Incline to San Harbor, the environmental documents should be coming out publicly pretty soon, and that's going to be ready to go to construction by 2015, as well. So pretty aggressive timeline, but, again, it's -- you know, it's going really be dependent on the funds that are available, so...
- Sandoval: Anyone else? Thank you.
- Kirkland: Thank you.
- Sandoval: Agenda Item No. 9, old business.
- Malfabon: Thank you, Governor. We have our standing items under old business, the report of outside counsel costs on open matters and the monthly litigation report. As we've mentioned before, we are proceeding with the request for

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

qualifications on getting a -- casting a net for more firms, legal firms, hopefully Nevada firms that are capable of assisting us on some of these outstanding legal issues that are typically requiring a lot of effort in order to either determine whether to go to court or to negotiate equitable settlements for the state.

Regarding Items A and B then, Dennis Gallagher, our Chief Counsel is available to take any questions on that. Also included in your packet is the fatality report, and it's good news to see that the trend -- now, this is a little bit dated information from the report of August 26th, but it was showing that compared to same time last year in late August that we were 10 fatalities lower this year than we were last year. So that's a good trend to continue.

Sandoval: Questions from Board members? Member Savage and then Member Fransway.

Savage: Thank you, Governor. Just a comment, Mr. Director and staff on the campaign for the zero fatalities. I was at the ball game at University Nevada Reno and Davis, and very, very present -- every concessionaire, every vendor had a little button. There was a nice booth set up. And I just want to compliment the Department and the campaign that I think their reaching out to the public was very evident at Saturday's festivities. Thank you, Governor.

Malfabon: Thank you. I know that I was there, and I received a pledge card from one of the people helping to get people situated on their -- to get -- direct them to their seats. And I saw the booth out there and very highly visible. I think that that's part of our goal to get that message out there, get that brand known across the state.

Sandoval: Thank you. Tom.

Malfabon: And we won.

Fransway: Thank you, Governor. And I'm glad that that's well received. I'm just wondering, Rudy, where are we in relation to the revised list of our pay for legal counsel?

Malfabon: Dennis.

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Board Member Fransway, it should go out this week. It's being routed around for all the appropriate signatures.

Fransway: Okay. Thank you.

Gallagher: Actually, if I could follow up on one of the items Mr. Director mentioned. I think he used the phrase, "Hopefully they'll be Nevada firms." If I might elaborate on that, they will be Nevada firms.

Sandoval: So it won't be -- I guess it could be, but will it be one of these -- let's say I have an 800-member firm in New York and I want to send one of my associates out to Las Vegas. Does that count?

Gallagher: They'll certainly be entitled to express their interest in it, but one of the factors for the selection process is not only going to be experience in these types of cases, but experience in the 8th Judicial District...

Sandoval: Okay.

Gallagher: ...with these types of cases.

Sandoval: Excellent. Board members, any further questions or comments with regard to Agenda Item No. 9? All right. Thank you. We'll move on to Agenda Item No. 10, public comment. Is there any member of the public here in Carson City that would like to provide comment to the Board?

Malfabon: Governor, I wanted to make one mention that I neglected to mention in the Director's Report, was that we are going to do a train the trainer class for traffic incident management program, the TIM program. And that program is really focused at trying to clear incidents, when we have a crash on a highway, we want to get that cleared off as soon as possible to get traffic rolling again. And we're going to have two one-and-a-half day courses in September, the 14th and 15th in Reno, and the 17th and 18th in Las Vegas.

And that's a good train the trainer program to get the basics out there for not only NDOT, but also other agencies that deal with traffic incident management. Obviously, we work hand in hand with our public safety agencies such as Department of Public Safety, NHP and the sheriff's offices

Minutes of Nevada Department of Transportation
Board of Director's Meeting
September 9, 2013

and such throughout the counties and the cities. But I just wanted to put a plug in for that, train the trainer, two classes in those dates in September.

Sandoval: All right. Thank you. Any public comment in Southern Nevada?

Martin: None here, sir.

Sandoval: Thank you. We'll move on to Agenda Item No. 11, adjournment. Is there a motion for adjournment?

Wallin: Move to adjourn.

Martin: So moved.

Sandoval: Member Martin has moved for adjournment. Madam Controller has seconded the motion. All in favor, please say aye.

Group: Aye.

Sandoval: Motion passes unanimously. Thank you, ladies and gentlemen. Great meeting. We are adjourned.

Secretary to the Board

Preparer of Minutes



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

MEMORANDUM

October 7, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
Item #6: 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 over \$5,000,000 for discussion and approval.

Background:

The Department contracts for services relating to the construction, operation and maintenance of the State's multi-modal transportation system. Contracts listed in this item are all low-bid per statute.

The attached construction contracts constitute all contracts over \$5,000,000 for which the bids were opened and the analysis completed by the Bid Review and Analysis Team and Contract Compliance section of the Department from August 17, 2013, to September 23, 2013.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Over \$5,000,000, August 17, 2013, to September 23, 2013.

Recommendation for Board Action:

Approval of all contracts listed on Attachment A.

Prepared by: The Administrative Services Division

Attachment A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION

CONTRACTS OVER \$5,000,000

August 17, 2013 to September 23, 2013

1. August 8, 2013 at 1:30 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3546, Project No. IM-015-2(042)/SPI-015-2(015). The project is to construct a 2.5 mile truck climbing lane on I-15, from 0.103 miles north of Dry Lake rest area to 1.602 miles north of Logandale/Overton Interchange; FR-CL10 west of Hidden Valley Interchange from West Cattleguard to 0.081 miles west; FR-CL11 Moapa Valley Interchange west of I-15 to .460 miles south of SR 168; FR-CL17 I-15/Crystal Interchange to 0.338 miles west, Clark County.

Las Vegas Paving Corporation.....	\$35,650,000.00
Aggregate Industries SWR, Inc.....	\$36,715,000.00
Fisher Sand & Gravel Co.	\$37,037,037.00
Road and Highway Builders LLC.....	\$37,737,737.00
W.W. Clyde & Co.	\$42,933,165.70

The Director recommends awarding the contract to Las Vegas Paving Corporation in the amount of \$35,650,000.00.

Engineer's Estimate: \$38,421,546.27

Line Item 1



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

MEMORANDUM

Administrative Services

August 23, 2013

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

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

Subject: Concurrence in Award for Contract No. 3546, Project No. IM-015-2(042)/SPI-015-2(015), I-15 0.103 MI N. Dry Lk Rest Area to 1.602 MI N. Logandale/Overton Intchg; FR-CL10 W. of Hdn Vly Intchg from W. Cattleguard to 0.081 Miles W.; FRCL11 Moapa Vly Intchg W. of I-15 to 0.460 MI S. of SR 168; FRCL17 I-15/Crystal Intchg To 0.338 Mi W, Clark County, Described As I-15: 3 IN Mill, 3 IN PBS, 3/4 IN Open-Grade, 2 MI Truck Climbing Lane N. Bound; FRCL10: 2 IN Mill, 2 IN PBS, Seal Coat; FRCL11: 3 IN Mill, 3 IN PBS, Seal Coat; FRCL17: 2.75 IN Mill, 2 IN PBS, 3/4 IN Open-Grade. Construct Triple 5x12x54 RCB, Engineer's Estimate \$38,421,546.27.

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

Bid proposals were opened on August 8, 2013. Las Vegas Paving Corporation is the apparent low bidder at \$35,650,000.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Aggregate Industries SWR, Inc. with a bid of \$36,715,000.00.

The project is Federally funded, required 12% DBE participation and is not subject to State Bidder Preference provisions.

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

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

Concurrence in award:


John Terry, Assistant Director


Richard Nelson, Assistant Director


Rudy Malfabon, Director

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

Nevada Department of Transportation

Unofficial Bid Results

August 08, 2013

Contract Number: 3546 **Bid Opening Date and Time:** 8/8/2013 1:30 pm
Designer: PHILIP KANEGSBERG **Liquidated Damages:** \$6,700
Senior Designer: VICTOR PETERS **Working Days:** 300
Estimate Range: R36 \$34,000,000.01 to \$41,000,000 **District:** DISTRICT 1
Project Number: IM-015-2(042), SPI-015-2(015)

County: CLARK

Location: I-15 0.103 MI N. DRY LK REST AREA TO 1.602 MI N. LOGANDALE/OVERTON INTCHG; FR-CL10 W. OF HDN VLY INTCHG FROM W. CATTLEGUARD TO 0.081 MILES W.; FRCL11 MOAPA VLY INTCHG W. OF I-15 TO 0.460 MI S. OF SR 168; FRCL17 I-15/CRYSTAL INTCHG TO 0.338 MI W

Description: I-15: 3 IN MILL, 3 IN PBS, 3/4 IN OPEN-GRADE, 2 MI TRUCK CLIMBING LANE NORTH BOUND; FRCL10: 2 IN MILL, 2 IN PBS, SEAL COAT; FRCL11: 3 IN MILL, 3 IN PBS, SEAL COAT; FRCL17: 2.75 IN MILL, 2 IN PBS, 3/4 IN OPEN-GRADE. CONSTRUCT TRIPLE 5 X 12 X 54 RCB

Apparent Low Bidder Las Vegas Paving Corporation \$35,650,000.00

Apparent 2nd Aggregate Industries SWR, Inc. \$36,715,000.00

Apparent 3rd Fisher Sand & Gravel Co. \$37,037,037.00

Bidders:	Actual Bid Amount
1 Las Vegas Paving Corporation 4420 South Decatur Boulevard Las Vegas, NV 89103 (702) 251-5800	\$35,650,000.00
2 Aggregate Industries SWR, Inc. 3101 East Craig Road North Las Vegas, NV 89030- (702) 649-6250	\$36,715,000.00
3 Fisher Sand & Gravel Co. 1302 West Drivers Way Tempe, AZ 85284- (480) 730-1033	\$37,037,037.00
4 Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570 (775) 852-7283	\$37,737,737.00

Nevada Department of Transportation

Unofficial Bid Results

August 08, 2013

Contract Number: 3546 **Bid Opening Date and Time:** 8/8/2013 1:30 pm
Designer: PHILIP KANEGSBERG **Liquidated Damages:** \$6,700
Senior Designer: VICTOR PETERS **Working Days:** 300
Estimate Range: R36 \$34,000,000.01 to \$41,000,000 **District:** DISTRICT 1
Project Number: IM-015-2(042), SPI-015-2(015)

County: CLARK

Location: I-15 0.103 MI N. DRY LK REST AREA TO 1.602 MI N. LOGANDALE/OVERTON INTCHG; FR-CL10 W. OF HDN VLY INTCHG FROM W. CATTLEGUARD TO 0.081 MILES W.; FRCL11 MOAPA VLY INTCHG W. OF I-15 TO 0.460 MI S. OF SR 168; FRCL17 I-15/CRYSTAL INTCHG TO 0.338 MI W

Description: I-15: 3 IN MILL, 3 IN PBS, 3/4 IN OPEN-GRADE, 2 MI TRUCK CLIMBING LANE NORTH BOUND; FRCL10: 2 IN MILL, 2 IN PBS, SEAL COAT; FRCL11: 3 IN MILL, 3 IN PBS, SEAL COAT; FRCL17: 2.75 IN MILL, 2 IN PBS, 3/4 IN OPEN-GRADE. CONSTRUCT TRIPLE 5 X 12 X 54 RCB

Apparent Low Bidder Las Vegas Paving Corporation \$35,650,000.00

Apparent 2nd Aggregate Industries SWR, Inc. \$36,715,000.00

Apparent 3rd Fisher Sand & Gravel Co. \$37,037,037.00

Bidders:	Actual Bid Amount
5 W.W. Clyde & Co. P.O. Box 350 Springville, UT 84663- (801) 802-6800	\$42,933,165.70



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

MEMORANDUM

CIVIL RIGHTS AND CONTRACT COMPLIANCE SECTION

August 14, 2013

To: Christi Thompson, Administrative Services Officer
From:  Dana A. Olivera, Contract Compliance
Subject: NDOT DBE & Bidder Subcontractor Information – Contract No. 3546

I-15 0.103 MI N. Dry Lake Rest Area to 1.602 MI N. Logandale/Overton Intchg; FR-CL 10 W. of Hdn Vly Intchg from W. Cattleguard to 0.081 Miles W.; FR-CL 11 Moapa Vly Intchg W. of I-15 to 0.460 MI S. of SR 168; FR-CL 17 I-15/Crystal Intchg to 0.338 MI W.

I-15: 3 IN MILL, 1 IN PBS, $\frac{3}{4}$ IN OPEN-GRADE, 2 MI TRUCK CLIMBING LANE NORTH BOUND; FRCL 10: 2 IN MILL, 2 IN PBS, SEAL COAT; FRCL 11: 3 IN MILL, 3 IN PBS, SEAL COAT; FRCL 17: 2.75 IN MILL, 2 IN PBS, $\frac{3}{4}$ IN OPEN-GRADE, CONSTRUCT TRIPLE 5 X 12 X 54 RCB.

The subcontractors listed by the apparent low bidder, Las Vegas Paving Corporation, and the apparent second low bidder, Aggregate Industries SWR, Inc., are currently licensed by the Nevada State Board of Contractors.

The DBE goal of 12% has been met with a 12.52% DBE commitment by the apparent low bidder and a 18.85% commitment by the apparent second low bidder to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract compliance Division.

DAO



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

Memorandum

August 23, 2013

TO: Christi Thompson, Administrative Services Officer
FROM: Paul Frost, Chief Roadway Design Engineer
SUBJECT: BRAT Summary Report for Contract #3546

The Bid Review and Analysis Team met on 8/20/13 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance:

Jason Voigt, Resident Engineer
Shawn Howerton, Construction
Paul Frost, Chief Roadway Design Engineer
Jenni Eyerly, Administrative Services
Mark Stewart, Contract Services
Scott Hein, Principal Roadway Design Engineer
Casey Connor, Assistant Chief Roadway Design Engineer
Dale Wegner, FHWA

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

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

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

BRAT Chairman Concur to Award

Paul Frost

Date 8/23/13

cc: attendees
Pierre Gezelin, Legal
Attach.

Price Sensitivity Report
August 9, 2013

Contract No.: 3546
Project No.: IM-015-2(042), SPI-015-2(015)
Project ID/EA No.: 60574/73646
County: CLARK
Range: R36 \$34,000,000.01 to \$41,000,000
Working Days: 300

RE: Jason Voigt
Designer: Philip Kanegsberg

Engineer's Estimate	Las Vegas Paving Corp.	Aggregate Industries, Inc.	Diff. Between Low & 2nd	Diff. Between EE & Low	Low Bid % of EE
\$38,421,546.28	\$35,650,000.00	\$36,715,000.00	\$1,065,000.00	(\$2,771,546.28)	92.79%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2020400	7,977.00	REMOVAL OF CONCRETE BARRIER RAIL	LINFT	12.00	17.00	6.65	102,898.55	1289.94%	141.67%	No	EE OK, quantity verified
2020476	19,081.00	REMOVE AND RESET GUARDRAIL	LINFT	2.50	3.40	3.85	-2,366,666.67	-12403.26%	136.00%	No	EE a little high, \$3.50 good, quantity verified
2020965	10,315.00	REMOVAL OF BITUMINOUS SURFACE	SQYD	6.00	4.50	12.95	-126,035.50	-1221.87%	75.00%	No	EE OK, quantity verified
2020990	1,155,019.40	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	2.25	0.78	0.85	-15,214,285.71	-1317.23%	34.67%	Yes	EE high for huge quantity, despite guided milling and large depths, quantity verified
2030140	157,422.00	ROADWAY EXCAVATION	CUYD	7.00	15.50	3.05	85,542.17	54.34%	221.43%	Yes	EE OK, low bid suspect? quantity verified
2030230	146,626.00	BORROW EMBANKMENT	CUYD	6.00	0.01	7.15	-149,159.66	-101.73%	0.17%	Yes	EE OK, quantity verified
2030670	142,601.96	NON-WOVEN GEOTEXTILE	SQYD	1.25	1.20	1.00	5,325,000.00	3734.17%	96.00%	No	EE OK, quantity verified
2030710	13,404.00	GEOMEMBRANE	SQYD	7.00	4.50	4.60	-10,650,000.00	-79453.89%	64.29%	Yes	EE High \$4.50 reasonable, quantity verified
2030720	10,065.00	GEOGRID	SQYD	5.00	2.15	0.95	887,500.00	8817.69%	43.00%	Yes	EE high \$2.50 reasonable, quantity verified
2060110	3,672.60	STRUCTURE EXCAVATION	CUYD	25.00	15.00	37.65	-47,019.87	-1280.29%	60.00%	Yes	EE OK, quantity verified
2070110	1,479.20	GRANULAR BACKFILL	CUYD	40.00	33.00	96.55	-16,758.46	-1132.94%	82.50%	No	EE OK, quantity verified
210150	43.62	SEEDING	ACRE	2,500.00	7,225.00	8,850.00	-655.38	-1502.45%	289.00%	Yes	EE Low, difficult location? quantity verified
2120580	1.00	TRANSPLANT FLORA	LS	250,000.00	335,000.00	200,290.00	n/a	n/a	134.00%	No	EE OK
3020130	128,588.00	TYPE 1 CLASS B AGGREGATE BASE	TON	8.00	11.00	11.45	-2,366,666.67	-1840.50%	137.50%	No	EE OK, quantity verified
4020100	3,022.20	PLANTMIXING MISCELLANEOUS AREAS	SQYD	10.00	18.00	17.70	3,550,000.00	117464.10%	180.00%	Yes	EE Low, \$15-\$18 reasonable, quantity verified
4020190	287,857.00	PLANTMIX SURFACING (TYPE 2C)(WET)	TON	68.00	63.50	72.00	-125,294.12	-43.53%	93.38%	No	EE OK, quantity verified
4030100	104.52	MILLED RUMBLE STRIPS	MILE	500.00	525.00	304.00	4,819.00	4610.52%	105.00%	No	EE OK, quantity verified
4030120	51,810.00	PLANTMIX OPEN-GRADED SURFACING (1/2-INCH)(WET)	TON	85.00	87.00	82.00	213,000.00	411.12%	102.35%	No	EE OK, quantity verified
4060110	163.76	LIQUID ASPHALT, TYPE MC-70NV	TON	650.00	1.00	0.01	1,075,757.58	656911.07%	0.15%	Yes	EE OK, quantity verified
4960130	109.00	BRIDGE DECK PREPARATION AND CONCRETE PLACEMENT	SQYD	250.00	703.00	315.00	2,744.85	2518.21%	281.20%	Yes	EE OK, small quantity with no bid history, quantity verified
5020160	15,176.00	CONCRETE BARRIER RAIL (TYPE A)	LINFT	27.00	34.25	38.15	-273,076.92	-1799.40%	126.85%	No	EE a little low, quantity verified
5020710	52.45	CLASS A CONCRETE (MAJOR)	CUYD	650.00	1,105.00	1,880.00	-1,374.19	-2620.01%	170.00%	Yes	EE Low, small quantity \$1100 reasonable, quantity verified
5020970	135.00	CLASS D CONCRETE, MODIFIED (MAJOR)	CUYD	500.00	400.00	456.00	-19,017.86	-14087.30%	80.00%	No	EE OK, quantity verified
5050100	47,020.00	REINFORCING STEEL	POUND	1.25	1.00	1.11	-9,681,818.18	-20590.85%	80.00%	No	EE OK, quantity verified
6040280	1,112.00	18-INCH CORR. METAL PIPE (16 GAGE)	LINFT	50.00	52.00	42.50	112,105.26	10081.41%	104.00%	No	EE OK, quantity verified
6100170	686.00	RIPRAP (CLASS 150)	CUYD	50.00	120.00	75.90	24,149.66	3520.36%	240.00%	Yes	EE low, \$70 reasonable, quantity verified
6100210	2,432.00	RIPRAP (CLASS 550)	CUYD	60.00	50.00	75.90	-41,119.69	-1690.78%	83.33%	No	EE OK, quantity verified
6100460	467.00	RIPRAP BEDDING (CLASS 150)	CUYD	65.00	130.00	64.90	16,359.45	3503.09%	200.00%	Yes	EE OK, quantity verified
6180350	24.00	GUARDRAIL TERMINAL (FLARED)	EACH	2,300.00	2,625.00	2,950.00	-3,276.92	-13653.85%	114.13%	No	EE Low \$2500 reasonable, quantity verified
6180400	30.00	GUARDRAIL - BARRIER RAIL CONNECTION (TRIPLE CORRUGATION)	EACH	2,300.00	2,625.00	3,050.00	-2,505.88	-8352.94%	114.13%	No	EE Low \$2500 reasonable, quantity verified
6180550	8,038.00	GALVANIZED GUARDRAIL (TRIPLE CORRUGATION)	LINFT	25.00	28.00	34.35	-167,716.54	-2086.55%	112.00%	No	EE Low, \$30 reasonable, quantity verified
6190210	2,284.00	GUIDE POSTS (FLEXIBLE)	EACH	30.00	21.00	32.00	-96,818.18	-4238.97%	70.00%	Yes	EE OK, quantity verified
6240140	300.00	TRAFFIC CONTROL SUPERVISOR	DAY	650.00	350.00	1,175.00	-1,290.91	-430.30%	53.85%	Yes	EE OK \$555 median price, quantity verified
6250310	1,038.00	RENT TRAFFIC DRUMS	EACH	50.00	15.00	38.85	-44,654.09	-4301.94%	30.00%	Yes	EE OK, quantity verified
6250510	23,975.00	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	LINFT	20.00	18.00	13.90	259,756.10	1083.45%	90.00%	No	EE OK, quantity verified
6270190	9,046.00	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	55.00	42.00	65.35	-45,610.28	-504.20%	76.36%	No	EE OK, quantity verified
6270240	7,698.00	PERMANENT SIGNS, REMOVE	SQFT	4.50	8.50	1.80	158,955.22	2064.89%	188.89%	Yes	EE OK, quantity verified
6280120	1.00	MOBILIZATION	LS	2,171,656.76	1,252,183.35	574,353.61	n/a	n/a	57.66%	Yes	
6290100	300.00	TIME RELATED OVERHEAD	DAY	2,500.00	2,215.00	1,500.00	1,489.51	496.50%	88.60%	No	EE OK, quantity verified

Approval of Contracts Over \$5,000,000
11 of 12

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
6321150	54.18	POLYUREA PAVEMENT STRIPING (8-INCH BROKEN WHITE)	MILE	1,500.00	1,500.00	1,438.00	17,177.42	31704.35%	100.00%	No	EE OK, quantity verified
6321200	59.07	POLYUREA PAVEMENT STRIPING (8-INCH SOLID WHITE)	MILE	4,750.00	6,000.00	5,095.00	1,176.80	1992.21%	126.32%	No	EE OK, quantity verified
6321270	57.77	POLYUREA PAVEMENT STRIPING (8-INCH SOLID YELLOW)	MILE	5,000.00	6,000.00	5,095.00	1,176.80	2037.04%	120.00%	No	EE OK, quantity verified
6370190	1.00	DUST CONTROL	LS	54,010.26	80,000.00	71,200.00	n/a	n/a	148.12%	No	
6410150	2.00	IMPACT ATTENUATOR (70 MPH)	EACH	25,000.00	30,000.00	36,230.00	-170.95	-8547.35%	120.00%	No	EE low, \$30k reasonable, quantity verified

Additional Comments: Quantities have been checked and confirmed accurate.



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

MEMORANDUM

October 7, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
Item #7: 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 17, 2013 to September 23, 2013.

Background:

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements and amendments which take the total agreement above \$300,000 during the period from August 17, 2013 to September 23, 2013.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Agreements over \$300,000, August 17, 2013 to September 23, 2013.

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 17, 2013 to September 23, 2013**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	03513	00	APPLIED PAVEMENT TECHNOLOGIES, INC.	TRANSPORTATION ASSET MANAGEMENT PLAN	N	383,728.00	-	383,728.00	-	10/14/2013	10/31/2016	-	Service Provider	10-14-13: DEVELOPMENT OF A LONG-TERM, RISK-BASED TRANSPORTATION ASSET MANAGEMENT PLAN FOR THE DEPARTMENT THAT BOTH MEETS THE MAP-21 REQUIREMENTS AND ESTABLISHES A FRAMEWORK FOR DEVELOPING FUTURE PLANS. STATEWIDE. NV B/L#: NV20001200517
2	32013	00	KIMLEY HORN AND ASSOCIATES, INC.	NDOT CENTRAL SYSTEM SOFTWARE (CSS) SUPPORT	N	1,000,000.00	-	1,000,000.00	-	10/14/2013	12/31/2017	-	Service Provider	10-14-13: TECHNICAL AND OPERATIONAL SUPPORT OF THE DEPARTMENT'S CENTRAL SYSTEM SOFTWARE (CSS). INCLUDES ASSISTING WITH SOFTWARE DEFICIENCIES, KEEPING CSS OPERATIONAL, MAKING SOFTWARE ENHANCMENTS, AND ANY REQUIRED DATABASE ADMINISTRATIVE SUPPORT. STATEWIDE. NV B/L#: NV19911015458
3	37113	00	TRANSCORE ITS, INC.	UPGRADE FIBER OPTIC CABLE ALONG I-80	N	5,500,000.00	-	5,500,000.00	-	10/14/2013	12/31/2015	-	Service Provider	10-14-13: ADD BANDWIDTH AND ADDITIONAL ACCESS LOCATIONS IN FERNLEY, LOVELOCK, AND WELLS NEVADA TO THE STATE-OWNED LEVEL 3 FIBER OPTIC CABLE THAT CROSSES NEVADA ALONG I-80, PROVIDING NEEDED CAPABILITY TO THE STATE'S COMMUNICATION SYSTEM. LYON, PERSHING, HUMBOLDT, LANDER, AND ELKO COUNTIES. NV B/L#: NV20051693548

Line Item 1

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
MEMORANDUM

SEP 03 A.M.

August 8, 2013

TO: 1. Felicia Denney, Financial Management
2. Elaine Martin, Project Accounting *N2*
3. Rudy Malfabon, P.E., Director

FROM: Anita Bush, Chief, Maintenance and Asset Management *AB*

SUBJECT: REQUEST TO SOLICIT A CONTRACT AND OBTAIN BUDGET APPROVAL
Revision 1

RECEIVED
AUG 11 2013
FINANCIAL MANAGEMENT

The initial Request to Solicit Memorandum of September 5, 2012 was approved. The Scope of Services was described within the RFP and during negotiations the Scope continued to be refined. The original budgeted amount was \$250,000, while this request is for a revised larger amount based on the negotiated cost.

Due to the new Federal highway bill requirement, "Moving Ahead for Progress in the 21st Century" (MAP-21) §1106; 23 USC 119, the Maintenance and Asset Management Division will be contracting for services. The scope of services will be to develop a risk-based, Transportation Asset Management (TAM) Plan that includes all infrastructure assets within the right-of-way corridor

1. **Analysis:** Within 18 months of enactment of MAP-21, the Secretary is directed to publish a rulemaking establishing the process for States to use in developing a risk-based, performance-based asset management plan for preserving and improving the condition of the NHS. If a State has not developed and implemented an asset management plan consistent with requirements by the beginning of the 2nd fiscal year after the establishment of the process, the Federal share for NHPP projects in that fiscal year is reduced to 65%. It is anticipated that the rule making will follow the guidelines of the AASHTO Transportation Asset Management Guide.
2. **Cost:** The dollar amount requested reflects the final negotiated amount from the consultant. It will include all labor, equipment, and materials. The total cost for this service agreement is \$383,728 using, 100% State Funds. This will be a three-year contract to be completed by October 31, 2016. The estimated costs are \$170,835 for FY2014, \$170,835 for FY2015 and \$42,058 for FY2016.
3. **Scope:** The purpose is to obtain Professional Services to gather information, match the Department's maintenance vision, set out guidelines to achieve the vision, and create the written Transportation Asset Management (TAM) Plan with recommendations, strategy, and methods to succeed with managing the Department's highway and field assets. The final deliverable will be a report, called 'The Transportation Asset Management Plan (AMP), first edition'. The plan must include at least the following:
 - 1) Summary list, including condition, of the State's NHS pavements and bridges, 2) Asset management objectives and measures, 3) Performance gap identification, 4) Lifecycle cost and risk management analysis, 5) Financial plan, and 6) Investment strategies.

Approval of this memo by the Budget Section of Financial Management Division, indicates funding authority is available for consulting services for Budget Category 06, Object 814L, Organization C050. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Directors Office authorizes the requested services.
Approved:



Director

Approved:


Budget Section

COMMENTS:

CC: Rick Nelson, Asst. Director

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
MEMORANDUM**

September 5, 2012

TO: 1. Felicia Denney, Financial Management
2. Elaine Martin, Project Accounting *EM*
3. Rudy Malfabon, P.E., Director

FROM: Anita Bush, Chief, Maintenance and Asset Management, *AB*

SUBJECT: REQUEST TO SOLICIT A CONTRACT AND OBTAIN BUDGET APPROVAL

Due to the new Federal highway bill requirement, "Moving Ahead for Progress in the 21st Century" (MAP-21) §1106; 23 USC 119, the Maintenance and Asset Management Division will be contracting for services. The scope of services will be to develop a risk-based, Asset Management Plan (AMP) that includes all infrastructure assets within the right-of-way corridor

1. **Analysis:** Within 18 months of enactment of MAP-21, the Secretary is directed to publish a rulemaking establishing the process for States to use in developing a risk-based, performance-based asset management plan for preserving and improving the condition of the NHS. If a State has not developed and implemented an asset management plan consistent with requirements by the beginning of the 2nd fiscal year after the establishment of the process, the Federal share for NHPP projects in that fiscal year is reduced to 65%. It is anticipated that the rule making will follow the guidelines of the AASHTO Transportation Asset Management Guide.

2. **Cost:** The dollar amount requested was derived from the Front Office. It will include all labor, equipment, and materials. The estimated cost for this contract is \$250,000 using, 100% State Funds. This will be a two-year contract to be completed by June 30, 2014. The estimated cost is \$250,000 for FY2013-2014

3. **Scope:** The purpose is to obtain Professional Services to gather information, match the Department's maintenance vision, set out guidelines to achieve the vision, and create the written Asset Management Plan (AMP) with recommendations, strategy, and methods to succeed with managing the Department's highway and field assets. The plan must include at least the following:

- Summary list, including condition, of the State's NHS pavements and bridges,
- Asset management objectives and measures,
- Performance gap identification,
- Lifecycle cost and risk management analysis,
- Financial plan, and
- Investment strategies,

The final deliverable will be a report, called 'The Asset Management Plan (AMP), first edition'.

Approval of this memo by the Budget Section of Financial Management Division, indicates funding authority is available for consulting services for Budget Category 06, Object 814L, Organization C050. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Directors Office authorizes the requested services.

Approved: *Rudy Malfabon*

Director

Approved: *Felicia Denney*

Budget Section

COMMENTS: *Where are the prior asset management contracts? Can they be used?*

CC: Rick Nelson, Asst. Director

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
MEMORANDUM

August 8, 2013

TO: Rick Nelson, P.E. - Assistant Director, Operations

FROM: Robert Kvam, P. E. - Project Manager, M&AM *ROK*

SUBJECT: Negotiation Summary for Transportation Asset Management (TAM) Plan
Request for Proposal (RFP) 035-13-050

After the March 29, 2013 submittal for this RFP, the evaluation committee considered nine (9) proposals from April 9 to April 30, 2013 and short-listed the top five (5). The review committee then ranked all the top five (5) Proposers. The reviews are based on qualifications and a subsequent interview was not required. The top firm, Applied Pavement Technology, Inc., was recommended and approved by the Director on June 25, 2013 from the five proposers, listed in ranked order as:

- Applied Pavement Technology, Inc.,
- Starlsis Corporation,
- Spy Pond Partners, LLC,
- CDM Smith, and
- Dye Management Group, Inc.

Maintenance and Asset Management wrote a recommendation memorandum and the Front Office approved the recommendation prior to circulation of the Service Agreement to the Service Provider. The recommendation is to select the successful proposer, Applied Pavement Technology, Inc.

Cost negotiations were held via emails July 29 to August 7, 2013 with a final phone call on August 7, 2013. Those in attendance for these discussions were Ms. Katie Zimmerman, Applied Pavement Technology, Inc. (APTech), President and Robert Kvam, NDOT Project Manager, who shared information with supervisors and received acceptance from Anita Bush, P.E., Chief M&AM.

An approval will be requested from the Nevada Transportation Board. The Scope of Services to be provided by the above proposer was discussed, modified, and reaffirmed by both parties to match and/or extend beyond the requirements in the RFP necessary to create the Transportation Asset Management (TAM) Plan. The scope of work will be completed in nearly two years, while the agreement term is a 3 year period. There will be two (2) subconsultants, namely Nichols Consulting Engineers (NCE) from Reno, Nevada, and Paul D. Thompson, a consultant.

The schedule was agreed to as follows:

Subtask 3F – Deliverable 1	April 30, 2014
Subtask 3F – Deliverable 2	July 31, 2014
Subtask 3F – Deliverable 3	Oct. 31, 2014
Final TAM Plan	35 working days after receipt of NDOT' comments

The proposal was reviewed by Tasks 1 through 7. NDOT's original estimate was \$211,849 including direct labor (1,884 man hours of work by the prime consultant), direct expenses estimated at \$27,032.50, overhead at 178.34%, and a 10.0% fixed fee. The Internal Audit Division provided the provisional indirect, overhead rate of 178.34%. The DBE goal for this agreement has been established at zero percent (0.0%) because for Design services it is a 100% State funded project.

The Consultant's original estimate was \$366,360, including direct labor (1,952 man-hours of work by the prime consultant), direct expenses for Paul D. Thompson, a subconsultant, at \$82,770, direct expenses for Nicholas Consulting Engineers at \$38,608, and other direct expenses \$21,816, overhead at 178.34%, and a 10.0% fixed fee.

The negotiations yielded the following:

- 1) There will be 92 Man-hours for Task 1 for a Total Cost of \$4,821.00.
- 2) There will be 268 Man-hours for Task 2 for a Total Cost of \$9,015.00.
- 3) There will be 776 Man-hours for Task 3 for a Total Cost of \$24,409.00.
- 4) There will be 68 Man-hours for Task 4 for a Total Cost of \$1,918.00.
- 5) There will be 432 Man-hours for Task 5 for a Total Cost of \$16,159.00.
- 6) There will be 140 Man-hours for Task 6 for a Total Cost of \$8,586.00.
- 7) There will be 300 Man-hours for Task 7 for a Total Cost of \$12,097.00.
- 8) Labor escalation may be implemented at 2.5% for each year 2014 and 2015.
- 9) Items 1 through 8 above are applicable to APTech. APTech does not directly charge for printing, computers, phones, and Administrative staff because these are included within their overhead rate.
- 10) For Paul Thompson, dba Paul D. Thompson, these will be direct costs and there will be 372 Man-hours for Tasks 1 to 7 at the unit cost of \$222.50 per Man-hour fully-loaded with fixed fee included for a Total Cost of \$82,770.00.

The other direct expenses will be \$21,816 for travel expenses, plane tickets, rental cars, parking, hotels, and per diem.

- 11) Included in the agreement is a reserve amount, for use only when requested by the Department, for Addendum(s) estimated at 300 man-hours yielding a total of \$42,058. This reserved amount will be set aside for this use and, if not authorized, it will be reduced or removed from the payable amount within the agreement.
- 12) APTech will have a fixed fee of 9.0%.
- 13) The allowable payments for the above unit costs given above are anticipated to be distributed over a 3-Year interval covering three State fiscal years. The total annual costs are anticipated to be \$170,835 in FY2014, \$170,835 in FY2015, and \$42,058 in FY2015.
- 14) Unit costs will cover all materials, equipment, supplies, labor, overhead, profit, direct costs, and all others listed in the Service Agreement. The total negotiated cost for this service agreement, including direct labor, overhead, fixed fee, and all direct expenses, will be \$383,728.00.
- 15) A summary of the direct labor, direct expenses, and total cost negotiated is attached for your information.

Approved by:

Anita Bush, P.E., Chief M&AM,

Attachment

RLK

ESTIMATE OF HOURS, DIRECT EXPENSES, AND TOTAL COSTS
Transportation Asset Management (TAM) Plan

MAINTENANCE & ASSET MANAGEMENT SUPPORT SERVICES

MAN HOURS			
AGREEMENT NUMBER P035-13-050			
TASK	NDOT	Consultant	Agreed
1. ORIENTATION AND KICK-OFF MEETING (see Note 1.)	50	68	92
2. ESTABLISH THE TAM PLAN SCOPE	172	268	268
3. DEVELOP THE TAM PLAN	840	776	776
4. DEVELOP THE AUXILIARY TOOLS	168	68	68
5. CONDUCT MEETINGS AND FACILITATED WORKSHOPS	192	432	432
6. MANAGE PROJECT ACTIVITIES	112	140	140
7. ADDENDUM(S) (see Note 2.)	350	200	300
TOTALS	1,884	1,952	2,076

DIRECT EXPENSES			
AGREEMENT NUMBER P035-13-050			
ITEM	NDOT	Consultant	Agreed
1. ORIENTATION AND KICK-OFF MEETING (see Note 1.)	\$4,430	\$6,173	\$7,643
2. ESTABLISH THE TAM PLAN	\$11,897	\$31,312	\$31,312
3. DEVELOP THE TAM PLAN	\$73,498	\$48,037	\$48,037
4. DEVELOP THE AUXILIARY TOOLS	\$10,209	\$1,780	\$1,780
5. MEETINGS AND FACILITATED WORKSHOPS	\$28,745	\$50,143	\$50,143
6. MANAGE PROJECT ACTIVITIES	\$9,334	\$1,780	\$1,780
7. ADDENDUM(S)	\$27,445	\$3,970	\$3,970
TOTALS	\$165,558	\$143,194	\$144,664

AGREEMENT NUMBER P035-13-050			
	NDOT	Consultant	Agreed
TOTAL COST, (see Note 1.)	\$211,849	\$366,360	\$383,728

Note 1. Orientation meetings were added preceding the kick-off meeting. This also effects the Direct Costs.

Note 2. These hours are reserve hours for potential addendums.

Line Item 2

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
MEMORANDUM

June 24, 2013

TO: 1. Jaimarie Dagdagan, Budget Section
2. Norfa Lanuza, Project Accounting NV
3. Rudy Malfabon, P.E., Director

FROM: Denise Inda P.E., Chief Traffic Operations 

SUBJECT: REQUEST TO OBTAIN BUDGET APPROVAL FOR KIMLEY-HORN AND ASSOCIATES. SOLE SOURCE WAIVER

The Traffic Operations Division is seeking sole source services with the above referenced firm. This project qualifies for sole sourcing because the system requires the intellectual property of the developer to maintain and enhance the existing software. This budget will allow for continued services in maintaining the Department's Central System Software (CSS), including required security changes to meet internal requirements, populating the system with new ITS field devices, modifying or enhancing the system to better accommodate operations, as well as training new staff on operating the system. The CSS is used to operate the ITS system statewide, which includes ramp meters, dynamic message signs, CCTV cameras, chain control signs, etc. This software is proprietary and designed specifically for NDOT by Kimley-Horn and must be maintained, updated and occasionally enhanced to communicate with the wide variety of field devices in a changing technological environment, as well as meet the needs of the users in each district. Kimley-Horn will ensure the Department keeps paces with industry hardware, operating systems and security changes and the constant evolution of software and computer networks.

The scope of services will be to provide on-call software maintenance and emergency maintenance on the NDOT Central System Software statewide. Please see Attachment A for a more detailed description.

The estimated cost for the services are \$1,000,000.00, 100% State Funds over the next 4 years (Fiscal Year 14, 15, 16 and 17). The FY 14 budget for Traffic Operations includes \$250,000 for this item of work, 100% state funds. The FY 15, 16 and 17 budget for Traffic Operations will include \$250,000 each year for this item of work, 100% state funds.

Approval of this memo by the Budget Section of Financial Management Division, indicates funding authority is available for services for Budget Category 06, Object 814E, Organization C016. The A04 Financial Data Warehouse Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

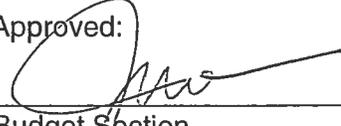
Approval of this memo by the Director's Office authorizes the request to solicit services.

Approved:



Director

Approved:



Budget Section

COMMENTS: _____

Attachment A
MAINTENANCE AND SUPPORT
Draft Scope of Services

Consultant will be providing on-demand technical and operational support to the Department in support of its Central System Software (CSS). Consultant will assist the Department in maintaining and keeping the CSS operational. This includes assisting the Department with addressing software deficiencies, keeping the CSS operational in an environment that may change over time with regard to the elements that comprise the hardware and software platforms upon which it operates. Consultant will also make software enhancements as requested by the Department. This includes assisting the Department by providing any required database administration support.

NDOT shall provide and maintain a remote access login to the CSS at each of the deployment sites. This will provide the consultant access to review and modify/correct software issues remotely.

Typically, maintenance and support tasks shall be initiated via telephone. Following the initial contact regarding any task, and prior to the commencement of work by the consultant, a follow-up email shall be required containing the information set forth below:

- Request/Issue Number
- Date and time reported
- Person requesting the task or reporting the issue and phone number
- Deployment site where issue occurred
- Brief description of the issue

Consultant shall create a unique email address for the sole use of NDOT to send in such requests.

Each such email request shall be followed up with a response from the consultant that includes the following data:

- Request/Issue Number
- Date and time reported
- Person requesting the task or reporting the issue and phone number
- Deployment site where issue occurred
- Brief description of the issue
- Projected completion/resolution date
- Completion/Resolution approach and work plan, to included a not-to-exceed cost once consensus has been reached as to the diagnosis of the problem as well as the design of the solution that is to be implemented

This report will be sent to the NDOT project manager immediately following the receipt of the associated request.

For each maintenance or support task the consultant will provide time and budget estimate to NDOT for approval before any work is started.

For any month during which one or more requests were active, an invoice will be submitted with the associated effort clearly shown. No invoice will be submitted for any month during which no request was active. Only hours spent by individuals working directly on the tasks associated with a request will be included on the invoice. It is understood that the costs associated with managing and administering the project will be factored into the hourly rates used for the individuals working on the tasks.

I. CSS Maintenance Support

A. System issues resolution and support

NDOT shall endeavor reasonably to provide the consultant with the information and assistance necessary for the consultant to detect, simulate, reproduce and correct deficiencies. The Consultant will assist the Department in identifying the issue and creation of issue report.

The Consultant shall provide and install at each deployment location, Department's CSS updates including related documentation, if necessary, to correct any deficiencies to the Department's CSS.

The consultant shall provide maintenance assistance to NDOT in regard to the each Third Party Software product that is utilized by the Department's CSS to provide NDOT intelligent transportation system functionality.

The consultant shall update the user/administrator manuals when modifications or additions to the CSS dictate that the manuals be updated.

The Consultant shall provide updated, well-documented software to the Department in CD form. The Department and the consultant will jointly own all source code and rights to the CSS software produced by consultant.

B. CSS Enhancements installation

Any enhancements to the Department's CSS made at each deployment location will be provided as an update to every other Department's CSS installation site. The consultant shall provide and install such updates statewide at each deployment site.

The Consultant shall update the users/administrators manuals when needed to support any software enhancements.

The consultant shall provide updated well documented software to the Department in CD form. The Department and the consultant will own all source codes, and rights to the all software.

C. Database administration support

The Consultant shall provide database administration assistance to NDOT related to the Department's CSS. Upon receipt of an official request from NDOT, the following database administration tasks will be performed:

- a. Validating and installing new database patches
- b. Tuning and optimizing the database
- c. Other similar database administration tasks

The consultant shall provide the Department a reloadable back-up copy of the Department's CSS database when changes are made.

D. System expansion support

The consultant shall provide support for database population during expansions of system elements. As part to this task, the consultant will gather the required data from plans and the contractor constructing the project and transform it such that it is compatible with database ready scripts. The consultant 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 consultant shall provide the Department any applicable scripts and a reloadable back-up copy of the Department's CSS database.

II. CSS Integration Support

During the duration of the contract, the consultant will provide support for integration issues related to the system. When requested by the Department the consultant will attend software/integration meetings. This will include discussion of any issue, on site diagnostic investigation of the issue and proposed resolution, providing input to the client 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.

III. Payment schedule Support

Payment will be based on the following 3 schedule:

For Software enhancements:

Category	System Mgr	Sr. Engr.	Sr. S/W Engr.	S/W Engr.	Analyst/ Clerical
Rate	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Direct expenses shall be reimbursed at actual expended rate. Vehicle milage and Per Diem shall be reimbursed at the current published NDOT employee rate.

Payment will be based on the following schedule:

Yearly Software support:

Category	Software Support
Yearly software support	\$0.00

Payment will be based on the following schedule:

Technical Support / System Engineering

Category	System Mgr	Sr. Engr.	Sr. S/W Engr.	S/W Engr.	Analyst/ Clerical
Rate	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Direct expenses shall be reimbursed at actual expended rate. Vehicle millage and Per Diem shall be reimbursed at the current published NDOT employee rate.

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

DATE: August 6, 2013

TO: Richard J. Nelson P.E., Assistant Director of Operations
FROM: Jon Dickinson, Project Manager 
SUBJECT: Negotiation Summary for Software on call agreement

A negotiation meeting was held via conference call in Carson City and Las Vegas on August 3, 2013, with Irfan Zubair of Kimley-Horn and Associates and Jon Dickinson of NDOT in attendance.

The scope of the services that are to be provided by Kimley-Horn and Associates was reaffirmed by both parties at the outset and includes:

1. Yearly support for NDOT's CSS software
2. Additional software enhancements as required or needed and spelled out in a task order before each task
3. Training and additional support as needed

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

Project Manager/senior software writer: Irfan Zubair

This contract is a lump sum contract with the total cost fixed. We negotiated a yearly fee for software maintenance and hourly rates (fully burdened) for all other tasks. The consultant will only be paid for items of work identified and requested by NDOT.

The negotiation yielded the following:

- 1) The yearly cost for software support was based on typical yearly costs over the last 5 years. We discussed the total hours billed in previous years and the cost per hour for staff. The average expenses are based on approx 3 hours a month plus status meetings each month and typical phone calls totaling \$35,000.00 per year. This price will be used each year for the next 4 years of maintenance and support for CSS statewide.
- 2) Hourly rates for software support staff are based upon the direct labor costs, overhead and profit for each class of software support staff. The rates negotiated are the same rates as the last 2 years and are based on historical cost multipliers from other NDOT contracts with this firm. These prices will be valid for the duration of this contract (4 years).
- 3) The total negotiated cost for this agreement, including direct labor, overhead, fee and direct expenses will be \$ 1,000,000.00 with \$250,000.00 allocated each year for the next 4 years.

Reviewed and Approved: 

Richard J. Nelson, P.E., Assistant Director of Operations
JLD:jld

Line Item 3

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
E M O R A N D U M**

July 15, 2013

TO: 1. Jaimarie Dagdagan, Budget Section
2. Norfa Lanuza, Project Accounting *See attached for Norfa's approval.*
3. Rudy Malfabon, P.E., Director

FROM: Denise Inda, P.E., Chief Traffic Operations *DMI*

SUBJECT: REQUEST TO SOLICIT CONSULTANT SERVICES AND OBTAIN BUDGET APPROVAL FOR A REQUEST FOR PROPOSAL (RFP)

Traffic Operations Division is currently negotiating with our selected system integrator on the I-80 Fiber Upgrade project. The selection team has selected a system integrator for this work using the request for proposal (RFP) process. This process was completed under the previous 2A form, see attached. This process has been used successfully to secure a system integrator to build, integrate, test and make operational projects that are technical in nature and have a high risk of failure when the low bid process is used. This project requires a skilled integrator to build the fiber access points, install communications towers, install and integrate and make operational communication equipment.

The scope of services will be to install ITS fiber huts at various locations on I-80, connect to the existing Level 3 fiber, integrate the system with NSHE and EITS. This work includes installing communications towers and installing, integrating and make operational various communication equipment. This work also includes installing CCTV cameras and flow detectors at sites along I-80 and integrating them into the existing statewide ITS system. This project is the final link for the I-80 fiber upgrade project and much of the equipment has already been purchased. This contract builds the remaining sites and it will also aid the department in getting communications to some of its rural maintenance stations along I-80. We are working with the department's partners, NSHE and EITS, to complete this project.

The scope of this project and the cost of implementing the scope has increased from the originally approved \$4,000,000.00 to \$5,500,000.00. Additional costs are a reflection of finalizing the projects' scope and budget. Added are last mile radio hops to NDOT maintenance facilities, which will bring high speed NDOT production network to Fernley, Lovelock Battle Mountain and Wells. Fill material is coming from commercial sources as the Department has no grindings available has also added to increased costs.

In order to complete this project, T.O. is requesting a revised budget approval. This work will not exceed \$5,500,000.00, approximately \$2,000,000 in FY 14 and \$3,500,000 in FY 15. *100% state funds,*

Approval of this memo by the Budget Section of Financial Management Division indicates funding authority is available for services for Budget Category 06, Object 813U, Organization C016. The A04 Financial Data Warehouse Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Directors Office authorizes the request to solicit services.

Approved: *[Signature]*
Director

Approved: *Risa Young* 8-1-13
Budget Section

COMMENTS: *PE & RW completed under 73670 - Need to add construction. Please see April regarding programming. Thanks!*

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
E M O R A N D U M

See Revised 2A
date 7-15-13

June 24, 2013

TO: 1. Jaimarie Dagdagan, Budget Section
2. Norfa Lanuza, Project Accounting *NL*
3. Rudy Malfabon, P.E., Director

FROM: Denise Inda, P.E., Chief Traffic Operations *DM*

SUBJECT: REQUEST TO SOLICIT CONSULTANT SERVICES AND OBTAIN BUDGET APPROVAL FOR A REQUEST FOR PROPOSAL (RFP)

Traffic Operations Division is currently negotiating with our selected system integrator on the I-80 Fiber Upgrade project. The selection team has selected a system integrator for this work using the request for proposal (RFP) process. This process was completed under the previous 2A form, see attached. This process has been used successfully to secure a system integrator to build, integrate, test and make operational projects that are technical in nature and have a high risk of failure when the low bid process is used. This project requires a skilled integrator to build the fiber access points, install communications towers, install, integrate and make operational communication equipment.

The scope of services will be to install ITS fiber huts at various locations on I-80, connect to the existing Level 3 fiber, integrate the system with NSHE and EITS. This work includes installing communications towers and installing, integrating and make operational various communication equipment. This work also includes installing CCTV cameras and flow detectors at sites along I-80 and integrating them into the existing statewide ITS system. This project is the final link for the I-80 fiber upgrade project and much of the equipment has already been purchased. This contract builds the remaining sites and it will also aid the department in getting communications to some of its rural maintenance stations along I-80. We are working with the department's partners, NSHE and EITS, to complete this project.

The scope of this project and the cost of implementing the scope has increased from the originally approved \$4,000,000.00 to \$5,000,000.00. Additional unforeseen costs from the original budget include connecting the system to the county dispatch centers in Battle Mountain, Elko and Wendover. Also added are last mile radio hops to NDOT maintenance facilities, which will bring high speed NDOT production network to Fernley, Lovelock Battle Mountain and Wells. Fill material is coming from commercial sources as the Department has no grindings available will also increase costs.

In order to complete this project, T.O. is requesting a revised budget approval. This work will not exceed \$5,000,000.00, approximately \$2,000,000 in FY 14 and \$3,000,000 in FY 15. *100% STATE*

Approval of this memo by the Budget Section of Financial Management Division indicates funding authority is available for services for Budget Category 06, Object 813U, Organization C016. The A04 Financial Data Warehouse Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Directors Office authorizes the request to solicit services.

Approved:

Approved:

Director

[Signature]

Budget Section

COMMENTS: *What type of funds? Federal or State. Norfa*

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

DATE: August 27, 2013

TO: Richard J. Nelson P.E., Assistant Director of Operations
FROM: Jon Dickinson, Project Manager 
SUBJECT: Negotiation Summary for I-80 Fiber Upgrade Project

A negotiation meeting was held at our Hot Springs office in Carson City on August 13, 2013, with Nick Gordon of Transcore ITS and Jon Dickinson of NDOT in attendance.

The scope of the services that are to be provided by Transcore ITS, LLC was reaffirmed by both parties at the outset. The Environmental Division is currently pursuing a categorical exclusion for this project, expected to be completed in January 2014.

The scope of this project consists of constructing access points and upgrading access points to the Department's commercial fiber infrastructure in Fernley, Lovelock, Winnemucca, Battle Mountain, Carlin, Elko Wells and Wendover. See the Scope of Services (Attachment A) for a complete description of work.

The following schedule was agreed to by both parties, but because of unavoidable delays in the finalization of scope and subsequent finalization of this memorandum, the schedule may need to be modified somewhat:

17 October 2013	Board approval of agreement
24 October 2013	First Notice to Proceed
30 January 2014	Environmental Approval received
6 February 2014	Second Notice to Proceed
1 December 2014	Substantial Completion of Project
31 March 2015	Final Acceptance of Project

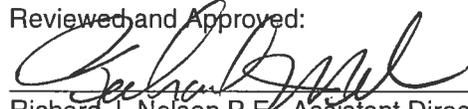
Key personnel and their Subconsultant personnel who will be dedicated to this project are as follows:

Project Manager	Nick Gordon, P.E.
Project Superintendent	Mark Muniz
System Integrator	Cody LaCoda
Civil improvements	Ray Taft, Par Electrical

The Scope of Service was reviewed by both site location and task. After pricing the first draft of the scope of services, contract plans and specifications the consultant came back with a price of \$6,500,000.00. We worked through the scope of services, plans, anticipated man hours and material costs to successfully agree on a revised scope of service, reducing unit costs on items of work that will accomplish our goals with this project. Both parties came to an agreement on the final scope of services and a price of \$5,500,000.00 for this agreement.

These negotiations have yielded a solid contract that serves to upgrade NDOT's use of the Level 3 fiber optic network across the state, adding additional sites to the system, and create an excellent base for expanding the NDOT ITS and production networks along I-80 as well as aid in back haul of NDOT's 800Mhz radio system.

Reviewed and Approved:



Richard J. Nelson P.E., Assistant Director of Operations

JLD:jld

cc: Denise Inda, Traffic Operations
Thomas Moore, Traffic Operations



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

MEMORANDUM

October 7, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
Item #8: 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 17, 2013 to September 23, 2013
- Agreements under \$300,000 executed August 17, 2013 to September 23, 2013
- Settlements entered into by the Department which were presented for approval to the Board of Examiners August 17, 2013 to September 23, 2013

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

Background:

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

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

The attached construction contracts, agreements and settlements constitute all that were awarded for construction from August 17, 2013 to September 23, 2013 and agreements executed by the Department from August 17, 2013 to September 23, 2013. There were no settlements during the reporting period.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, August 17, 2013 to September 23, 2013
- B) State of Nevada Department of Transportation Executed Agreements - Informational, August 17, 2013 to September 23, 2013

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**TRANSPORTATION BOARD REPORT
CONTRACTS AWARDED**

August 17, 2013 to September 23, 2013

1. August 8, 2013, at 2:00 p.m. the following bid was opened and read on Department of Transportation Contract No. 3509, Project Nos. SP-000M(186). The project is for cold in place recycle with double chip seal on SR 116 and SR 860 Churchill and Pershing Counties.

A & K Earth Movers, Inc.....	\$2,094,000.00
Sierra Nevada Construction, Inc.	\$2,113,007.00
Road and Highway Builders LLC	\$2,191,191.00
Intermountain Slurry Seal, Inc.	\$2,222,222.00
Harney Rock & Paving Company	\$2,280,000.00

The Director awarded the contract August 28, 2013, to A & K Earth Movers, Inc. in the amount of \$2,094,000.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$2,171,327.97

2. August 15, 2013, at 2:00 p.m. the following bid was opened and read on Department of Transportation Contract No. 3543, Project Nos. SPI-580-1(020). The project is to remove 2.75" plantmix bituminous surface (cold milling), place 2" plantmix bituminous surface overlay and open graded wearing course on I-580: Plumb Ln. SB on ramp, Villanova Ln. SB off ramp, Mill St. SB on/off ramps, Glendale Ave. SB on/off ramps. US-395: Parr Blvd. NB and SB on/off ramps; Panther Valley NB and SB on/off ramps, Golden Valley NB off ramp and SB on/off ramps, Washoe County.

Granite Construction Company	\$1,496,496.00
Sierra Nevada Construction, Inc.	\$1,670,007.00
Q & D Construction, Inc.	\$1,733,000.00
A & K Earth Movers, Inc.	\$2,025,000.00

The Director awarded the contract August 30, 2013, to Granite Construction Company in the amount of \$1,496,496.00. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$1,780,748.79

3. July 25, 2013, at 1:30 p.m. the following bid was opened and read on Department of Transportation Contract No. 3545, Project Nos. SPI-080-1(072). The project is to remove bridge deck wearing surfaces and replace with polymer concrete, repair open incipient spalling and delaminations throughout bridge deck and approach slab wearing surfaces, remove and replace asphaltic plug joints at structures I-1000, I-1087 and I-1005 E/W on I-80 at mileposts WA 14.83, WA 14.88, and WA 16.10, Washoe County.

Road and Highway Builders LLC.....	\$792,459.75
Q & D Construction, Inc.	\$817,000.00
Penhall Company	\$857,334.50
Granite Construction Company	\$878,878.00
American Civil Constructors	\$1,148,711.66

The Director awarded the contract September 16, 2013, to Road and Highway Builders LLC in the amount of \$792,459.75. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$725,262.44

4. August 1, 2013, at 1:30 p.m. the following bid was opened and read on Department of Transportation Contract No. 805-13 for roadside vegetation control in District 1. The project is located in Clark, Lincoln, and Nye Counties.

Pestmaster Services.....	\$1,143,748.16
De Angelo Brothers, Inc.	\$1,665,952.92
Basin Tree Service & Pest Control	\$2,512,458.00
Nevada Barricade & Sign Co. Inc.	\$2,643,878.88
Road and Highway Builders	\$2,852,606.16
Wildhorse Investments, Inc., dba Black Canyon Construction.....	\$2,860,336.80

The Director awarded the contract August 21, 2013, to Pestmaster Services in the amount of \$1,143,748.16. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$2,876,000.00

Attachment B

State of Nevada Department of Transportation
Executed Agreements - Informational
August 17, 2013 to September 23, 2013

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	35313	00	FERRARI CLUB OF AMERICA	HILL CLIMB SR341	N	14,000.00	-	-	14,000.00	8/29/2013	10/11/2013	-	Event	08-29-13: HILL CLIMB EVENT ON SR341 IN STOREY AND LYON COUNTY. NV B/L#: EXEMPT
2	28913	00	SPLUNK INC	USE OF NDOT FACILITY TRAINING	N	-	-	-	-	9/5/2013	9/30/2013	-	Facility	09-05-13: TO ALLOW SPLUNK TO USE NDOT FACILITY TO OFFER TRAINING CLASSES TO STATE AGENCIES THAT USE THE SOFTWARE IN RETURN FOR FREE SEATS, CARSON CITY. NV B/L#: NV20131104536
3	32313	00	NV ENERGY	2 LINE EXT IN WASHOE VALLEY	Y	71.00	-	71.00	-	8/20/2013	7/31/2018	-	Facility	08-20-13: ATTACH TWO (2) ORIGINAL LINE EXTENSIONS FOR WASHOE VALLEY, US 395, VARIABLE SPEED LIMIT SIGNS, WASHOE COUNTY. NV B/L#: NV19831015840
4	38313	00	SOUTHWEST GAS CORP	DEMO I-015-CL-041.454	Y	7,188.00	-	7,188.00	-	9/10/2013	11/30/2013	-	Facility	09-10-13: DEMOLITION OF PARCEL I-015-CL-041.454, 1305 RICHARDS COURT, PROJECT NEON, CLARK COUNTY. NV B/L# NV1957000091
5	38413	00	SOUTHWEST GAS CORP	DEMO I-015-CL-041.460	Y	530.00	-	530.00	-	9/10/2013	11/30/2013	-	Facility	09-10-13: DEMOLITION OF PARCEL I-015-CL-041.460, 1301 RICHARDS COURT, PROJECT NEON, CLARK COUNTY. NV B/L#: NV1957000091
6	38513	00	SOUTHWEST GAS CORP	DEMO I-015-CL-041.481	Y	690.00	-	690.00	-	9/10/2013	11/30/2013	-	Facility	09-10-13: DEMOLITION OF PARCEL I-015-CL-041.481, 1225 RICHARDS COURT, PROJECT NEON, CLARK COUNTY. NV B/L#: NV1957000091
7	38613	00	SOUTHWEST GAS CORP	DEMO I-015-CL-041.491	Y	7,188.00	-	7,188.00	-	9/10/2013	11/30/2013	-	Facility	09-10-13: DEMOLITION OF PARCEL I-015-CL-041.491, 1217 RICHARDS COURT, PROJECT NEON, CLARK COUNTY. NV B/L#: NV1957000091
8	38713	00	SOUTHWEST GAS CORP	DEMO I-015-CL-041.559	Y	7,188.00	-	7,188.00	-	9/10/2013	11/30/2013	-	Facility	09-10-13: DEMOLITION OF PARCEL I-015-CL-041.559, 1205 CHARMAS LANE, PROJECT NEON, CLARK COUNTY. NV B/L#: NV1957000091
9	38813	00	SOUTHWEST GAS CORP	DEMO I-15-CL-041.523	Y	7,188.00	-	7,188.00	-	9/10/2013	11/30/2013	-	Facility	09-10-13: DEMOLITION OF PARCEL I-015-CL-041.523, 1213 CHARMAS LANE, PROJECT NEON, CLARK COUNTY. NV B/L#: NV1957000091
10	29613	00	TAHOE TRANSPORTATION DISTRICT	VEHICLE TRANSFER	N	-	-	-	-	8/30/2013	9/30/2015	-	Grantee	08-30-13: TRANSFER A 2010 STARTRANS CANDIDATE FORD E350 CUTAWAY VEHICLE FOR USE IN THE GRANTEE'S PUBLIC TRANSPORTATION PROGRAM, NV-86-X001, DOUGLAS COUNTY. NV B/L#: EXEMPT
11	29713	00	SENIOR CITIZENS OF HUMBOLDT CO	VEHICLE TRANSFER HUMBOLDT COUNTY	N	-	-	-	-	9/3/2013	9/30/2015	-	Grantee	09-03-13: TRANSFER A 2010 STARTRANS CANDIDATE FORD E350 CUTAWAY VEHICLE FOR USE IN THE GRANTEE'S PUBLIC TRANSPORTATION PROGRAM, NV-86-X001, HUMBOLDT COUNTY. NV B/L#: NV19741001370
12	29813	00	SOUTHERN NV TRANSIT COALITION	VEHICLE TRANSFER	N	-	-	-	-	8/30/2013	9/30/2015	-	Grantee	08-30-13: TRANSFER OF A 2010 STARTRANS CANDIDATE FORD E350 CUTAWAY VEHICLE, NV-86-X001, CLARK COUNTY. NV B/L#: EXEMPT
13	30013	00	NYE COUNTY SENIOR NUTRITION	VEHICLE TRANSFER	N	-	-	-	-	9/16/2013	9/30/2015	-	Grantee	09-16-13: TRANSFER A 2010 STARTRANS CANDIDATE FORD E350 CUTAWAY VEHICLE FOR USE IN THE GRANTEE'S TRANSPORTATION PROGRAM, NV-86-X001, NYE COUNTY. NV B/L#: NV19811015471
14	20313	00	AMERICAN TOWER LP	LEASE SPACE RADIO COMM. WEND.	N	100,764.00	-	100,764.00	-	7/1/2013	6/30/2018	-	Lease	09-10-13: ESTABLISH LEASE SPACE WITHIN EXISTING BUILDING AND ON TOWER RADIO COMMUNICATIONS FOR WEST WENDOVER, ELKO COUNTY. NV B/L#: NV19981094049
15	32913	00	DONALD BRICKEY	OROVADA 2	N	-	-	-	3,860.00	8/20/2013	7/31/2017	-	Lease	08-20-13: MAINTENANCE STATION LEASE TO EMPLOYEE FOR OROVADA HOUSE #2 IN HUMBOLDT COUNTY. NV B/L#: EXEMPT
16	39813	00	DENNIS WILLIS	EMIGRANT 245	N	-	-	-	5,300.00	9/13/2013	8/4/2017	-	Lease	09-13-13: LEASE OF MAINTENANCE STATION HOUSE EMIGRANT #245 TO NDOT EMPLOYEE IN EUREKA COUNTY. 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	Notes
17	41113	00	TANGLEWOOD NEVADA LLC	MULTI USE S-529-CC-000.809	Y	-	-	-	1,000.00	9/17/2013	11/30/2013	-	Lease	09-17-13: MULTI USE LEASE PARCEL S-529-CC-000.809, FOR PURPOSE OF PARKING AND LANDSCAPING, CARSON CITY. NV B/L#: NV19571000091
18	32413	00	NEVADA TITLE COMPANY	TEMP ESMT I-015-CL-041.386TE	Y	7,420.00	-	7,420.00	-	8/15/2013	12/31/2017	-	ROW Access	08-20-13: FEE PARCEL I-015-CL-041.386 AND TEMPORARY EASEMENT I-015-CL-041.386TE, CLARK COUNTY. NV B/L#: NV19951135191
19	32513	00	RICHARD D. PURDY	TEMP ESMT S-650-WA-021.284TE	Y	800.00	-	800.00	-	8/15/2013	4/30/2016	-	ROW Access	08-15-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.284TE, WASHOE COUNTY. NV B/L#: EXEMPT
20	32713	00	CHARLES F. STOKES	TEMP ESMT S-650-WA-020.819TE	Y	5,200.00	-	5,200.00	-	8/15/2013	4/30/2016	-	ROW Access	08-15-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN PROJECT, S-650-WA-020.819TE, WASHOE COUNTY. NV B/L#: EXEMPT
21	33213	00	CONCEPCION CONTRERAS	TEMP ESMT S-650-WA-020.754TE	Y	6,500.00	-	6,500.00	-	5/1/2014	4/30/2016	-	ROW Access	08-21-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD. PROJECT PHASE II S-650-WA-020.754TE, WASHOE COUNTY. NV B/L#: EXEMPT
22	33313	00	NERY MACAL-CRUZ	TEMP ESMT S-650-WA-020.564TE	Y	1,200.00	-	1,200.00	-	5/1/2014	4/30/2016	-	ROW Access	08-21-13: TO GRANT TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD. PROJECT PHASE II S-650-WA-020.564TE, WASHOE COUNTY. NV B/L#: EXEMPT
23	33613	00	JOHN & LINDA WEBB	TEMP ESMT S-650-WA-020.672TE	N	8,600.00	-	8,600.00	-	8/20/2013	4/30/2016	-	ROW Access	08-20-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.672TE, WASHOE COUNTY. NV B/L#: EXEMPT
24	33713	00	DENNIS & JUDY KRAUSE	TEMP ESMT S-650-WA-020.990TE	N	500.00	-	500.00	-	8/20/2013	4/30/2016	-	ROW Access	08-20-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.990TE, WASHOE COUNTY. NV B/L#: EXEMPT
25	34313	00	LINDLOFF LIVING TRUST	TEMP ESMT S-650-WA-021.035TE	N	4,600.00	-	4,600.00	-	8/22/2013	4/30/2016	-	ROW Access	08-22-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.035TE, WASHOE COUNTY. NV B/L#: EXEMPT
26	34413	00	BRUCE SEIDEL	TEMP ESMT S-650-WA-021.081TE	N	700.00	-	700.00	-	8/22/2013	4/30/2016	-	ROW Access	08-22-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.081TE, WASHOE COUNTY. NV B/L#: EXEMPT
27	34513	00	LUCIA DAMTI	TEMP ESMT S-650-WA-020.387TE	N	12,100.00	-	12,100.00	-	8/22/2013	4/30/2016	-	ROW Access	08-22-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.387TE, WASHOE COUNTY. NV B/L#: EXEMPT
28	34613	00	NICK/UPSORN LUE-AMRUNG	TEMP ESMT S-650-WA-020.676TE	N	2,100.00	-	2,100.00	-	8/22/2013	4/30/2016	-	ROW Access	08-22-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.676TE, WASHOE COUNTY. NV B/L#: EXEMPT
29	34713	00	AIDE VELAZQUEZ	TEMP ESMT S-650-WA-020.872TE	N	6,900.00	-	6,900.00	-	8/22/2013	4/30/2016	-	ROW Access	08-22-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.872TE, WASHOE COUNTY. 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	Notes
30	35513	00	BRUCE/ SUSANNA CAMPBELL	TEMP ESMT S-650-WA-020.715TE	N	1,300.00	-	1,300.00	-	8/29/2013	4/30/2016	-	ROW Access	08-29-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.715TE, WASHOE COUNTY. NV B/L#: EXEMPT
31	35613	00	JOHN & LAURIE REED	TEMP ESMT S-650-WA-020.450TE	N	8,100.00	-	8,100.00	-	8/29/2013	4/30/2016	-	ROW Access	08-29-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.450TE, WASHOE COUNTY. NV B/L#: EXEMPT
32	35713	00	ANDREINA MEJIA/LUIS ALVERTO	TEMP ESMT S-650-WA-020.637TE	N	1,000.00	-	1,000.00	-	8/29/2013	4/30/2016	-	ROW Access	08-29-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.637TE, WASHOE COUNTY. NV B/L#: EXEMPT
33	36013	00	RICHARD LEE	TEMP ESMT S-650-WA-020.885TE	N	8,900.00	-	8,900.00	-	9/4/2013	4/30/2016	-	ROW Access	09-04-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.885TE, WASHOE COUNTY. NV B/L#: EXEMPT
34	36113	00	MLK SPUR, LLC/SPMLK, LLC	INGRESS/EGRESS I-015-CL-042.61	N	-	-	-	-	9/4/2013	12/31/2013	-	ROW Access	09-04-13: TO CONSTRUCT OR HAVE CONSTRUCTED A ROUTE FOR INGRESS AND EGRESS ACROSS PARCEL I-015-CL-042.617, CLARK COUNTY. NV B/L#: NV20061372000
35	37613	00	MARY A NUZEZ	TEMP ESMT S-650-WA-020.838TE	N	500.00	-	500.00	-	9/6/2013	4/30/2016	-	ROW Access	09-06-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.838TE, WASHOE COUNTY. NV B/L#: EXEMPT
36	37713	00	LEWIS N & MARY K JOHNSON	TEMP ESMT S-650-WA-020.576TE	N	13,000.00	-	13,000.00	-	9/6/2013	4/30/2016	-	ROW Access	09-06-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.576TE, WASHOE COUNTY. NV B/L#: EXEMPT
37	37813	00	JOAN E MANN	TEMP ESMT S-650-WA-020.735TE	N	3,900.00	-	3,900.00	-	9/6/2013	4/30/2016	-	ROW Access	09-06-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.735TE, WASHOE COUNTY. NV B/L#: EXEMPT
38	37913	00	JOSE VELZAQUEZ GARCIA	TEMP ESMT S-650-WA-020.486TE	N	500.00	-	500.00	-	9/6/2013	4/30/2016	-	ROW Access	09-06-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.486TE, WASHOE COUNTY. NV B/L#: EXEMPT
39	38013	00	JURAIORN, SILVUTTIKUL, SUWIT	TEMP ESMT S-650-WA-020.780TE	N	2,100.00	-	2,100.00	-	9/10/2013	4/30/2016	-	ROW Access	09-10-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.780TE, WASHOE COUNTY. NV B/L#: EXEMPT
40	38113	00	DENNIS & MARY FLANNIGAN	TEMP ESMT S-650-WA-020.898TE	N	10,300.00	-	10,300.00	-	9/10/2013	4/30/2016	-	ROW Access	09-10-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.898TE, WASHOE COUNTY. NV B/L#: EXEMPT
41	38913	00	OSVALDO & CHANDA CABRERA	TEMP ESMT S-650-WA-020.538TE	N	9,700.00	-	9,700.00	-	9/10/2013	4/30/2016	-	ROW Access	09-10-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.538TE, WASHOE COUNTY. NV B/L#: EXEMPT
42	39013	00	BERNICE SERVICAN	TEMP ESMT S-650-WA-020.109TE	N	1,500.00	-	1,500.00	-	9/10/2013	4/30/2016	-	ROW Access	09-10-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-021.109TE, WASHOE COUNTY. 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	Notes
43	39113	00	FRANCISCO & MARICELA RIVERA	TEMP ESMT S-650-WA-020.622TE	N	9,400.00	-	9,400.00	-	9/10/2013	4/30/2016	-	ROW Access	09-10-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.622TE, WASHOE COUNTY. NV B/L#: EXEMPT
44	39613	00	MICHAEL A PRIJATEL	TEMP ESMT S-650-WA-020.991TE	N	2,400.00	-	2,400.00	-	9/13/2013	4/30/2016	-	ROW Access	09-13-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.991TE, WASHOE COUNTY. NV B/L#: EXEMPT
45	39713	00	THOMAS L/SUSANNE R THOMAS	TEMP ESMT S-650-WA-020-005TE	N	1,500.00	-	1,500.00	-	9/13/2013	4/30/2016	-	ROW Access	09-13-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.005TE, WASHOE COUNTY. NV B/L#: EXEMPT
46	40613	00	RAMIRO & EVIA SANDOVAL	TEMP ESMT S-650-WA-020.636TE	N	3,600.00	-	3,600.00	-	9/17/2013	4/30/2016	-	ROW Access	09-17-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.636TE, WASHOE COUNTY. NV B/L#: EXEMPT
47	40713	00	ADAM BROOKS	TEMP ESMT S-650-WA-020.702TE	N	3,500.00	-	3,500.00	-	9/17/2013	4/30/2016	-	ROW Access	09-17-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.702TE, WASHOE COUNTY. NV B/L#: EXEMPT
48	40813	00	JAMES & MARY IMIOLA	TEMP ESMT S-650-WA-020.331TE	N	7,100.00	-	7,100.00	-	9/17/2013	4/30/2016	-	ROW Access	09-17-13: TO GRANT A TEMPORARY EASEMENT FOR CONSTRUCTION RELATED TO THE SOUTHEAST MCCARRAN BLVD PROJECT, S-650-WA-020.331TE, WASHOE COUNTY. NV B/L#: EXEMPT
49	09111	01	ATKINS NORTH AMERICA, INC.	PLANS OF STRUCTURE I-2871	Y	473,142.32	-	473,142.32	-	6/2/2011	12/31/2015	9/23/2013	Service Provider	AMD 1 09-23-13: EXTEND TERMINATION DATE FROM 12-31-13 TO 12-31-15 TO PROVIDE SUPPORT SERVICES. 06-02-11: DEVELOP CONTRACT PLANS FOR CONSTRUCTION OF STRUCTURE I-2871 AND PROVIDE SUPPORT SERVICES DURING PROJECT CONSTRUCTION, CLARK COUNTY. NV B/L#: NV19981347315
50	19213	01	JONES MEDIA INC	RELOCATE BILLBOARD/STORAGE	Y	25,750.00	(580.00)	25,170.00	-	5/22/2013	12/31/2014	8/22/2013	Service Provider	AMD 1 08-22-13: TO REDUCE AGREEMENT AUTHORITY \$580.00 FROM \$25,750.00 TO \$25,170.00 DUE TO REDUCED DISMANTLEMENT COSTS. 05-22-13: RELOCATION AND DISMANTLEMENT OF BILLBOARD, AND STORAGE RENT UP TO 18 MONTHS AT \$310.00 PER MONTH, CLARK COUNTY. NV B/L#: NV19981406051
51	40513	00	KEMP, JONES & COULTHARD	NDOT VS CITY OF LA BOULDER BPS	Y	250,000.00	-	250,000.00	-	9/1/2013	9/30/2015	-	Service Provider	09-18-13: LEGAL SUPPORT CONDEMNATION RE: NDOT VS LOS ANGELES, BOULDER CITY BYPASS, CLARK COUNTY. NV B/L#: NV20021000156
52	08212	01	SNELL AND WILMER, L.L.P.	REPRESENTATION CONTRACT 3407	N	150,000.00	20,000.00	170,000.00	-	3/1/2012	3/30/2015	9/12/2013	Service Provider	AMD 1 09-23-13: INCREASE AUTHORITY \$20,000.00 FROM \$150,000.00 TO \$170,000.00 AND EXTEND TERMINATION DATE FROM 06-30-14 TO 03-30-15 FOR CONTINUED REPRESENTATION. 03-01-12: REPRESENTATION BY SNELL AND WILMER IN THE MATTER OF CONTRACT AWARDED TO PEEK CONSTRUCTION AND ITS REQUEST FOR EQUITABLE ADJUSTMENT CLAIM AND COMPLAINT AGAINST NDOT FILED IN 1ST JD 120C 00032 1B, STATEWIDE. NV B/L#: NV20011000455

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
53	08312	02	SNELL AND WILMER, L.L.P.	REPRESENTATION CONTRACT 3377	N	150,000.00	70,000.00	295,000.00	-	3/1/2012	3/30/2015	9/12/2013	Service Provider	AMD 2 09-12-13: TO INCREASE AUTHORITY \$70,000.00 FROM \$225,000.00 TO \$295,000.00 FOR CONTINUED SERVICES. AMD 1 02-18-13: EXTENDS TERMINATION DATE FROM 06-30-14 TO 03-01-15 AND INCREASE AUTHORITY \$75,000.00, FROM \$150,000.00 TO \$225,000.00 FOR CONTINUED SERVICES UNTIL RESOLUTION OF THE LAWSUIT. 03-01-12: REPRESENTATION BY SNELL & WILLMER LLP IN THE MATTER OF CONTRACT 3377 AWARDED TO PEEK CONSTRUCTION AND ITS REQUEST FOR EQUITABLE ADJUSTMENT CLAIM AND COMPLAINT AGAINST NDOT FILED IN 1ST JD 120C 00030 1B, STATEWIDE. NV B/L#: NV20011000455
54	17413	01	GEORGE C GARCIA INC	STATE VS AD AMERICA	Y	25,000.00	55,000.00	80,000.00	-	5/2/2013	5/31/2015	9/9/2013	Service Provider	AMD 1 09-09-13: TO INCREASE AUTHORITY BY \$55,000.00 FROM \$25,000.00 TO \$80,000.00. 05-22-13: REAL ESTATE PLANNING & DEVELOPMENT ANALYSIS AND EXPERT WITNESS TESTIMONY, STATE VS AD AMERICA, CLARK COUNTY. NV B/L#: NV19951166962
55	20013	00	COLLINS ENGINEERS INC	UNDERWATER BRIDGE INSPECTION	Y	107,617.00	-	107,617.00	-	9/3/2013	12/31/2014	-	Service Provider	09-03-13: UNDERWATER BRIDGE INSPECTION FOR SEVEN BRIDGES, STATEWIDE. NV B/L#: NV20071634949
56	29513	00	LAS VEGAS ELECTRIC	COUNTING LOOP INSTALLATIONS	N	183,150.00	-	183,150.00	-	9/16/2013	12/31/2014	-	Service Provider	09-16-13: TRAFFIC COUNTING LOOP INSTALLATIONS, Q0-016-13, CLARK COUNTY. NV B/L#: NV19981029409
57	30213	00	WCRM, INC.	TRIBAL WORKSHOPS	Y	12,253.00	-	12,253.00	-	8/26/2013	9/30/2013	-	Service Provider	08-26-13: TRIBAL NATIVE AMERICAN CONSULTATION PROGRAMMATIC AGREEMENT WORKSHOP NECESSARY FOR INITIATING PROGRAMMATIC AGREEMENTS. CARSON CITY AND WASHOE COUNTY. NV B/L#: NV1988103211
58	30513	00	B2GNOW	HOST AND MAINTAIN DBE WEBSITE	N	79,900.00	-	79,900.00	-	8/28/2013	12/31/2015	-	Service Provider	08-28-13: HOST, MAINTAIN, UPDATE, AND PROVIDE ANY ADDITIONAL DEVELOPMENT AND TRAINING FOR THE WWW.NEVADADBE.COM WEBSITE, CLARK COUNTY. NV B/L#: NV20131469808
59	32613	00	DONNA SUE MASON	STATE VS RAILROAD PASS INVEST	Y	25,000.00	-	25,000.00	-	2/4/2013	2/4/2015	-	Service Provider	08-20-13: LAND TITLE AND MINERAL TITLE RESEARCH SERVICES FOR STATE VS RAILROAD PASS INVESTMENT GROUP, CLARK COUNTY. NV B/L#: NV20131282255
60	33013	00	FAAD JANITORIAL	CREW OFFICE JANITORIAL	N	5,912.00	-	-	-	8/20/2013	5/31/2016	-	Service Provider	08-20-13: PROVIDE JANITORIAL SERVICE FOR CREW 920 IN HUMBOLDT COUNTY. NV B/L#: NV20041538232
61	34813	00	KWYK CONSTRUCTION, LLC	DRAINAGE IMPROV. ODDIE BLVD	N	199,628.66	-	199,628.66	-	9/5/2013	12/31/2013	-	Service Provider	09-05-13: DRAINAGE IMPROVEMENTS AT ODDIE BLVD, Q0-001-14, WASHOE COUNTY. NV B/L#: NV20051278443
62	35213	00	RAIL CITY GARDEN	TREE TRIMMING	N	250,000.00	-	250,000.00	-	8/29/2013	7/31/2015	-	Service Provider	08-29-13: TREE TRIMMING IN CARSON CITY, CHURCHILL, DOUGLAS, LYON, MINERAL, PERSHING, STOREY AND WASHOE COUNTIES. NV B/L#: NV19961132975
63	35913	00	APPLIED MARKET ANALYSIS LLC	STATE VS GENDALL; MLK-ALTA; JE	Y	90,000.00	-	90,000.00	-	7/4/2013	9/3/2020	-	Service Provider	07-04-13: REAL ESTATE ANALYSIS SERVICES FOR 3 CASES, STATE VS GENDALL, STATE VS MLK-ALTA AND STATE VS JENKINS, CLARK COUNTY. NV B/L#: NV19971021720
64	40913	00	APPLIED MARKET ANALYSIS	STATE VS AD AMERICA	Y	30,000.00	-	30,000.00	-	8/1/2013	8/1/2015	-	Service Provider	09-19-13: REAL ESTATE ANALYSIS SERVICES FOR AN INVERSE CONDEMNATION CASE, AD AMERICA VS STATE OF NEVADA, CLARK COUNTY. NV B/L#: NV19971021720
65	41013	00	TIMOTHY R MORSE & ASSOCIATES	STATE VS JACK WOODCOCK (I-15)	Y	35,000.00	-	35,000.00	-	8/12/2013	8/12/2015	-	Service Provider	09-19-13: REAL ESTATE APPRAISAL AND EXPERT SERVICES FOR A CONDEMNATION CASE, STATE VS JACK M WOODCOCK, (I-15), CLARK COUNTY. NV B/L#: NV20101119562



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7440
Fax: (775) 888-7313

MEMORANDUM

October 7, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
Item # 9a : Action Item: Condemnation Resolution No. 440
I-15 Freeway, from Desert Inn Road to the US-95/I-515
Interchange; Project NEON; in the City of Las Vegas; Clark County.
2 Owners, 1 Parcel – 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 Phase 1 of project NEON. The department is seeking the Board's approval of condemnation action for the unresolved acquisition as described below.

Background:

Trinidad Medina and Adriana Medina - The negotiation is unresolved for the acquisition from Trinidad Medina and Adriana Medina. It is necessary to totally acquire the 12,980 square foot (0.30 acre) Single-Family Resident District-zoned parcel in fee simple. The parcel is improved with a 2,766 square foot single-family residence, a 480 square carport, a covered patio, miscellaneous landscaping and fencing. **The parcel in question, which is located at the southeast terminus of Richard Court, in the City of Las Vegas, is highlighted in green on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$130,000.00 for the 0.30 acre holding was presented on January 25, 2012. The offer consisted of \$32,000.00 for the fee simple land (at \$2.47 per square foot) and \$98,000.00 for the structure and miscellaneous on-site improvements. The property owner rejected the offer on April 20, 2012 without making a counteroffer. The State then made a revised offer of \$197,000.00 on March 18, 2013 based on a new appraisal. This offer consisted of \$39,000.00 for the fee simple land (at \$3.00 per square foot) and \$158,000.00 for the improvements. The property owner countered at \$300,000.00, but later rescinded the counteroffer. On July 25, 2013, the State made a further attempt to settle the acquisition with an offer of \$400,000.00. 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:

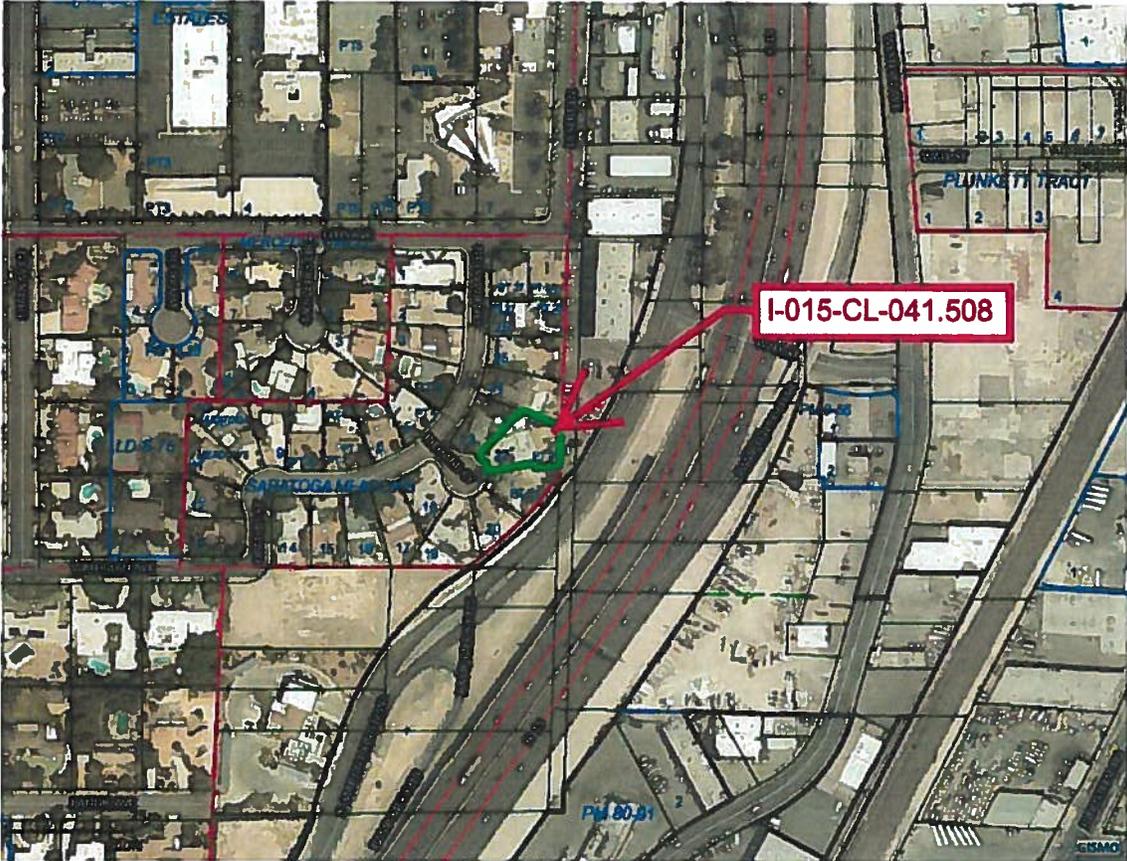
1. Location maps
2. Condemnation Resolution No. 440 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

Prepared by:

Paul Saucedo, Chief R/W Agent

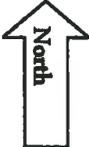


LOCATION MAP



Condemnation Resolution No. 440

DESCRIPTION: I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas, Clark County, NV.



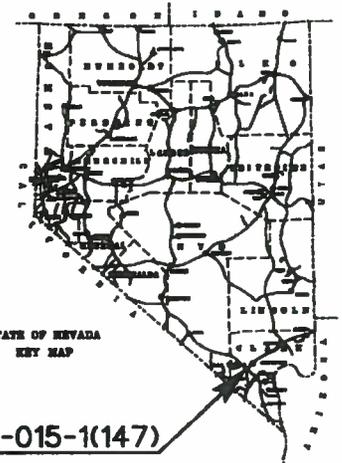
ATTACHMENT 1

INDEX OF SHEETS

- 1 TITLE SHEET
- 2 LEGEND
- 3 SHEET INDEX
- 4-15 R/W PLAN SHEETS
- 16-24 R/W ENGINEERING SHEETS
- 25-28 PROPERTY SCHEDULE

Fed. Aid Dist. No.	State	Project No.	L.A. No.	County	Sheet No.
0	Nevada	NH-STP-015-K147	73652	CLARK	1

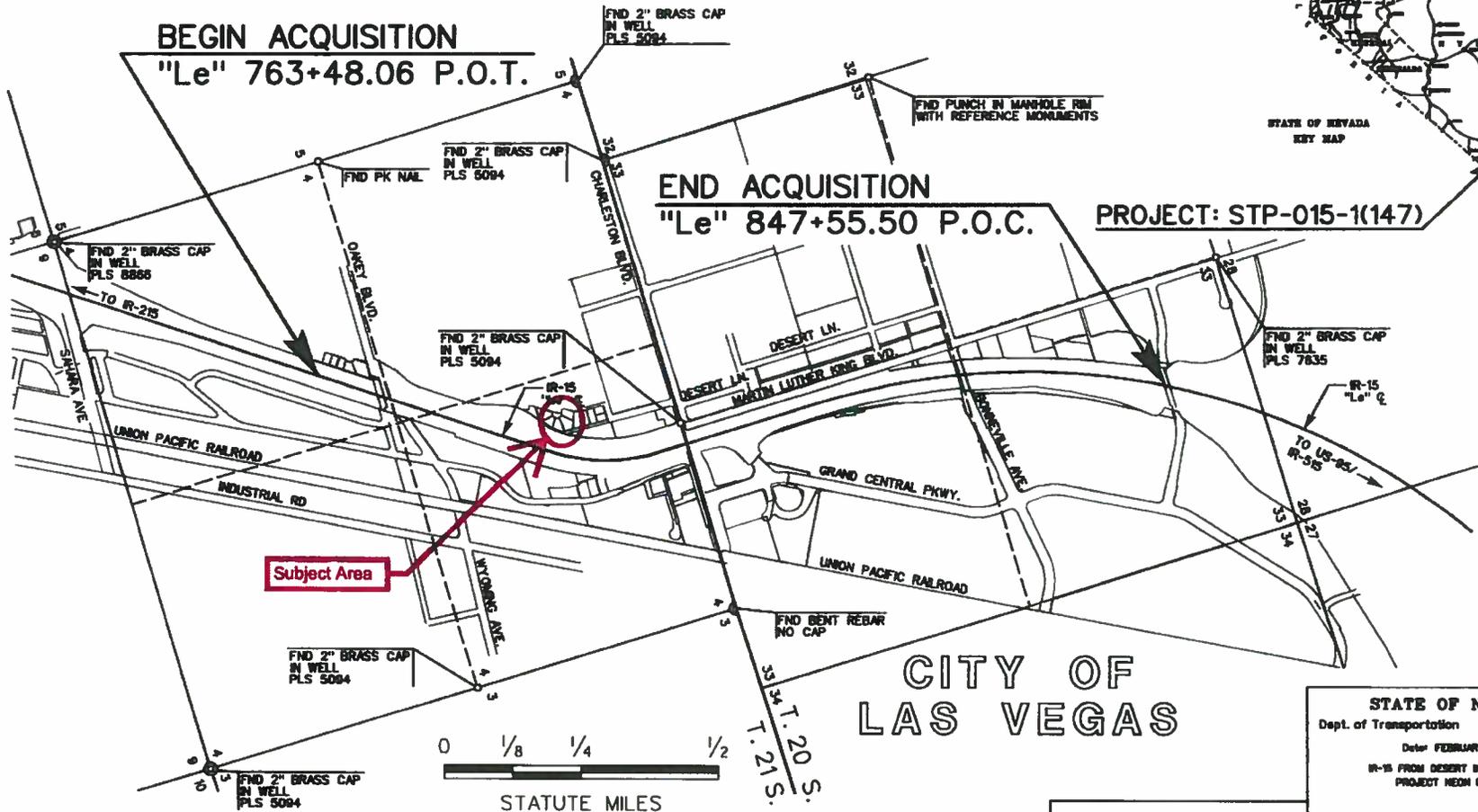
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PROJECT



BEGIN ACQUISITION
"Le" 763+48.06 P.O.T.

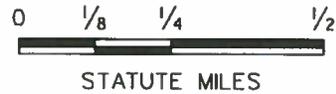
END ACQUISITION
"Le" 847+55.50 P.O.C.

PROJECT: STP-015-1(147)



Subject Area

CITY OF
LAS VEGAS



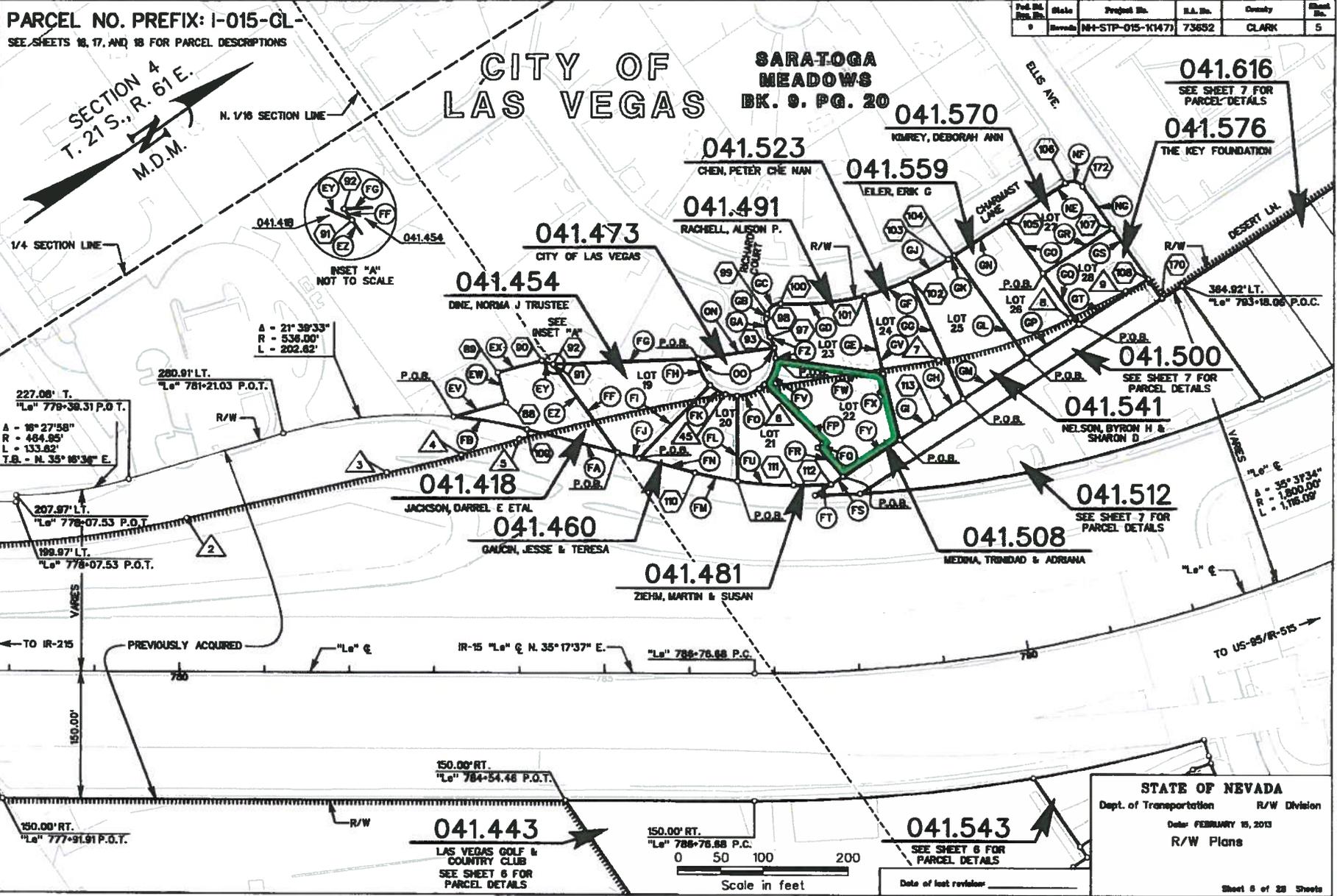
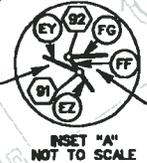
STATE OF NEVADA
Dept. of Transportation R/W Division
Date: FEBRUARY 15, 2015
R-15 FROM DESERT DR TO US-95
PROJECT NEON PHASE 1

Date of last revision: _____

PARCEL NO. PREFIX: I-015-GL-
SEE SHEETS 16, 17, AND 18 FOR PARCEL DESCRIPTIONS

Plan No.	Block	Project No.	S.A. No.	County	Sheet No.
0	0	NI-STP-015-K1471	73692	CLARK	5

CITY OF LAS VEGAS SARATOGA MEADOWS BK. 9. PG. 20



PARCEL NO. PREFIX: I-015-CL-
041.454

Pub. No.	State	Project No.	S.A. No.	County	Sheet No.
9	Nevada	NH-STP-015-N1471	73852	CLARK	7

SEE SHEETS 17 AND 18 FOR
PARCEL DESCRIPTIONS

CITY OF
LAS VEGAS



TRAFFIC MOVEMENT WILL
BE PERMITTED UNDER
INTERSTATE 15 AT
CHARLESTON BLVD.

NE 1/4 SECTION 33, T. 20 S.
SECTION 4, T. 21 S.

DESERT LANE
1/4-SECTION LINE

041.752
SEE SHEET 9 & 11
FOR PARCEL DETAILS

S. MARTIN LUTHER
KING BLVD.

208.24' L.T.
"Ls" 803+88.22 P.O.T.
207.58' L.T.
"Ls" 803+05.78 P.O.T.

TO US-95/R-515

041.766
SEE SHEET 10 FOR
PARCEL DETAILS

STATE OF NEVADA
Dept. of Transportation R/W Division
Date: FEBRUARY 10, 2013
R/W Plans

041.460
SEE SHEET 5 FOR
PARCEL DETAILS

041.473
SEE SHEET 5 FOR
PARCEL DETAILS

041.481
SEE SHEET 5 FOR
PARCEL DETAILS

041.491
SEE SHEET 5 FOR
PARCEL DETAILS

041.508
SEE SHEET 5 FOR
PARCEL DETAILS

041.500
CATELLO, CARMINE V. JR.

041.443
SEE SHEET 6 FOR
PARCEL DETAILS

041.541
SEE SHEET 5 FOR
PARCEL DETAILS

041.523
SEE SHEET 5 FOR
PARCEL DETAILS

041.512
HIGHLAND 2000-ILLC

041.559
SEE SHEET 5 FOR
PARCEL DETAILS

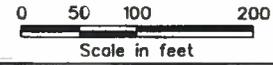
041.570
SEE SHEET 5 FOR
PARCEL DETAILS

041.576
SEE SHEET 5 FOR
PARCEL DETAILS

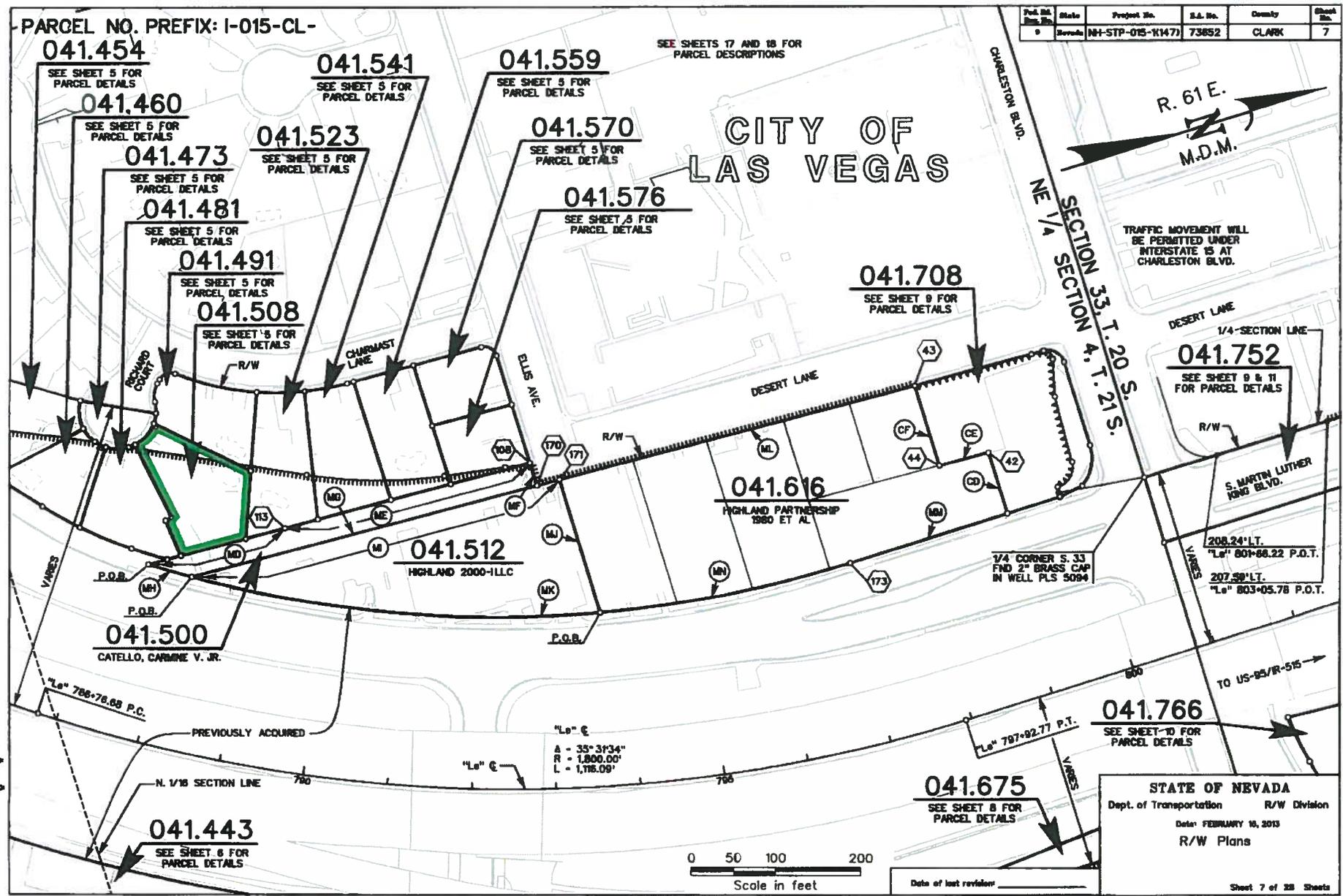
041.616
HIGHLAND PARTNERSHIP
1980 ET AL

041.708
SEE SHEET 9 FOR
PARCEL DETAILS

041.675
SEE SHEET 8 FOR
PARCEL DETAILS



Date of last revision: _____



PARCEL NO. PREFIX: I-015-CL-

Plot No.	Block	Project No.	S.A. No.	County	Sheet No.
0	Harada	NI-STP-015-K147	73652	CLARK	17

041.443	
P.O.B. - 150.00' RT. "Le" 784-54.46 P.O.T. TIE: N. 56° 08' 49" W. - 2,091.46' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 35° 17' 37" E. - 222.22'
Ⓤ	A = 8° 40' 27" R = 1,950.00' L = 329.25'
Ⓥ	S. 89° 06' 37" E. - 112.91'
Ⓦ	S. 0° 56' 24" W. - 112.63'
Ⓧ	S. 16° 22' 12" W. - 183.87'
Ⓨ	N. 89° 54' 03" E. - 100.59'
Ⓩ	S. 16° 24' 39" W. - 181.89'
ⓛ	A = 1° 32' 37" R = 242.83' L = 8.54'
ⓜ	N. 89° 07' 29" W. - 1.40'
ⓝ	N. 89° 04' 31" W. - 400.24'

041.454	
P.O.B. - 258.44' LT. "Le" 785-13.74 P.O.T. TIE: S. 59° 33' 09" W. - 2,608.92' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	S. 89° 35' 28" W. - 128.55'
Ⓤ	N. 33° 05' 04" E. - 170.03'
Ⓥ	A = 43° 56' 18" R = 45.50' L = 34.89' T.B. - S. 56° 57' 14" E.
Ⓦ	S. 10° 53' 32" E. - 119.95'
Ⓧ	S. 49° 47' 37" W. - 26.65'

041.460	
P.O.B. - 251.77' LT. "Le" 785-39.55 P.O.T. TIE: S. 59° 39' 10" W. - 2,580.65' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 10° 53' 32" W. - 119.95'
Ⓤ	A = 44° 23' 17" R = 45.50' L = 35.25' T.B. - N. 79° 06' 28" E.
Ⓥ	S. 55° 12' 07" E. - 100.95'
Ⓦ	A = 8° 19' 17" R = 484.00' L = 81.16' T.B. - S. 43° 28' 23" W.
Ⓧ	S. 49° 47' 37" W. - 67.87'

041.473	
P.O.B. - 389.37' LT. "Le" 786-08.63 P.O.T. TIE: S. 82° 40' 41" W. - 2,569.80' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 28° 58' 38" E. - 90.49'
Ⓤ	A = 192° 08' 15" R = 45.50' L = 152.58' T.B. - S. 69° 05' 29" E.

041.481	
P.O.B. - 224.77' LT. "Le" 788-55.42 P.O.T. TIE: S. 80° 17' 28" W. - 2,484.04' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 55° 12' 07" W. - 100.95'
Ⓤ	A = 44° 36' 50" R = 45.50' L = 35.43' T.B. - N. 34° 43' 11" E.
Ⓥ	N. 80° 42' 57" E. - 98.21'
Ⓦ	S. 5° 55' 23" E. - 7.81'
Ⓧ	N. 83° 50' 51" E. - 45.82'
Ⓨ	S. 2° 13' 51" W. - 16.67'
Ⓩ	A = 1° 49' 22" R = 1,390.00' L = 44.22' T.B. - S. 33° 28' 15" W.
ⓛ	A = 8° 10' 48" R = 484.00' L = 66.24' T.B. - S. 35° 17' 37" W.

041.491	
P.O.B. - 370.10' LT. "Le" 787-05.51 P.O.C. TIE: S. 63° 38' 34" W. - 2,488.82' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	A = 33° 18' 13" R = 45.50' L = 28.47' T.B. - N. 53° 38' 17" W.
Ⓤ	A = 42° 41' 03" R = 30.00' L = 22.35' T.B. - N. 86° 57' 30" W.
Ⓥ	N. 44° 10' 27" W. - 5.37'
Ⓦ	A = 82° 52' 23" R = 15.00' L = 21.70'
Ⓧ	A = 17° 27' 35" R = 325.50' L = 99.19' T.B. - N. 38° 47' 58" E.
Ⓨ	S. 88° 45' 39" E. - 94.78'
Ⓩ	S. 43° 40' 31" W. - 128.32'

041.500	
P.O.B. - 206.89' LT. "Le" 787-55.58 P.O.C. TIE: S. 60° 45' 18" W. - 2,374.61' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 2° 13' 51" E. - 167.18'
Ⓤ	N. 2° 13' 43" E. - 289.43'
Ⓥ	N. 89° 48' 55" E. - 28.14'
Ⓦ	S. 2° 18' 52" W. - 421.95'
Ⓧ	A = 2° 17' 06" R = 1,402.00' L = 53.47' T.B. - S. 32° 05' 08" W.

041.505	
P.O.B. - 504.93' RT. "Le" 787-80.55 P.O.C. TIE: N. 44° 50' 24" W. - 1,755.82' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 16° 24' 39" E. - 100.08'
Ⓤ	S. 89° 03' 30" E. - 5.19'
Ⓥ	S. 16° 24' 39" W. - 100.08'
Ⓦ	N. 89° 03' 30" W. - 5.19'

041.505TE	
P.O.B. - 902.18' RT. "Le" 788-03.42 P.O.C. TIE: N. 43° 58' 34" W. - 1,775.59' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	N. 16° 24' 39" E. - 26.00'
Ⓤ	S. 73° 35' 58" E. - 10.00'
Ⓥ	S. 16° 24' 39" W. - 26.00'
Ⓦ	N. 73° 35' 58" W. - 10.00'

041.508	
P.O.B. - 226.42' LT. "Le" 787-94.52 P.O.C. TIE: S. 61° 34' 33" W. - 2,354.21' FROM THE NE COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
Ⓣ	S. 83° 50' 51" W. - 45.82'
Ⓤ	N. 5° 55' 23" W. - 7.81'
Ⓥ	S. 80° 42' 57" W. - 98.21'
Ⓦ	A = 43° 42' 38" R = 45.50' L = 34.77' T.B. - N. 9° 53' 39" W.
Ⓧ	N. 43° 40' 31" E. - 128.32'
Ⓨ	S. 88° 45' 39" E. - 80.88'
Ⓩ	S. 2° 13' 51" W. - 79.41'

TRACED
CHECKED

STATE OF NEVADA
 Dept. of Transportation R/W Division
 Date: FEBRUARY 15, 2013
 R/W Plans

Date of last revision: _____

PARCEL NUMBER PREFIX: I-015-CL-

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET, UNLESS OTHERWISE INDICATED

Pub. Lk. Dist. No.	State	Project No.	E.A. No.	County	Sheet No.
9	Nevada	NH-STP-015-K1471	73652	CLARK	25

PARCEL NO.	GRANTOR	GROSS AREA	PREV. ACQY.	NET AREA	B/V AREA	ACQUISITION RECORDING DATA				SURPLUS LAND DATA		REEL NO.	REEL LY.	REMARKS	
						EX.	PG.	TYPE	DATE	AREA	DATE				
041.044	WARREN, COLLEEN K. TRUSTEE	7,973		7,973	7,973										TOTAL ACQUISITION
041.058	SORRELLS, GLEN R. & MAMA L.	7,988		7,988	7,988										TOTAL ACQUISITION
041.071	MOORE, MEREDITH E.	7,882		7,882	7,882										TOTAL ACQUISITION
041.084	WANG, ALEXANDER AND VIRGINA	8,876		8,876	8,876										TOTAL ACQUISITION
041.111	BUTTERFIELD, STELLA	21,578		21,578	21,578										TOTAL ACQUISITION
041.137	CITY OF LAS VEGAS	18,238		18,238	18,238										
041.137FE	CITY OF LAS VEGAS	1,888		1,888											BRIDGE CONSTRUCTION AND MAINTENANCE
041.388	ANDREW T. VALDEZ, LLC	810		810	810							25,731			TO BE DEDED TO CITY OF LAS VEGAS
041.388TE	ANDREW T. VALDEZ, LLC	280		280											SIGN CONSTRUCTION
041.418	JACKSON, DARNEL E. ETAL.	8,481		8,481	8,481								85,588		
041.443	LAS VEGAS GOLF & COUNTRY CLUB	2.87 AC		2.87 AC	2.87 AC										TOTAL ACQUISITION
041.484	EDNE, NORMA J. TRUSTEE	12,879		12,879	12,879										TOTAL ACQUISITION
041.480	GAUCH, JESSE & TERESA	7,788		7,788	7,788										TOTAL ACQUISITION
041.473	CITY OF LAS VEGAS	3,888		3,888	3,888										
041.481	ZEDRA, MARTIN & SUSAN	8,988		8,988	8,988										TOTAL ACQUISITION
041.481	RACHELL, ALISON P.	8,088		8,088	8,088										TOTAL ACQUISITION
041.500	CASTELLO, CARMINE V. JR	12,383		12,383	12,383										TOTAL ACQUISITION
041.505	SHAPPLES, JOHN & BONNIE	801		801	801								13,788		
041.505TE	SHAPPLES, JOHN & BONNIE	280		280											SIGN CONSTRUCTION
041.508	MEDINA, TRINIDAD & ADRIANA	12,880		12,880	12,880										TOTAL ACQUISITION
041.512	HIGHLAND 2000-11LC	43,785		43,785	43,785										TOTAL ACQUISITION
041.523	CHEN, PETER CHE MAN	11,882		11,882	11,882										TOTAL ACQUISITION
041.541	NELSON, BYRON H & SHARON D	11,088		11,088	11,088										TOTAL ACQUISITION

TRACED

CHECKED

STATE OF NEVADA
 Dept. of Transportation R/W Division
 Date: FEBRUARY 15, 2013
 PROPERTY SCHEDULE

Date of last revision: _____

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. 440

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 parcel 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, 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 I-015-CL-041.508 owned by TRINIDAD MEDINA and ADRIANA MEDINA, Husband and Wife as joint tenants, to be acquired in fee simple.

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 a portion of the NW 1/4 of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and further described as follows, to wit:

Parcel One (1)

Lot Twenty-Two (22) in Block Two (2) of SARATOGA MEADOWS, as shown by map thereof on file in Book 9 of Plats, Page 20 in the Office of the County Recorder of Clark County, Nevada

Parcel Two (2)

That portion of Lot Twenty-One (21) in Block Two (2) of SARATOGA MEADOWS recorded in Book 9 of Plats, Page 20 of Plats, records of Clark County, Nevada more particularly described as follows:

COMMENCING at the most Northerly corner of said Lot 21, said point being the True Point of Beginning;

Thence South 2°51'14" West, a distance of 10.50 feet;
Thence South 84°28'29" West, a distance of 45.59 feet;
Thence North 5°31'31" West, a distance of 7.81 feet;
Thence North 81°20'50" East, a distance of 47.19 feet to the True Point of
Beginning.

It is the intent of this description to describe and it does describe all that real property described by that certain GRANT, BARGAIN, SALE DEED, filed for record on November 30, 1999, as Book 19991130, Instrument No. 02026, in the Office of the Recorder, Clark County, Nevada.

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, 2013.

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

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 his character, alleged misconduct, professional competence, or physical or mental health; 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

September 30, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
ITEM #10: Approval of Amendments and Administrative Modifications to the FFY 2012-2015 Statewide Transportation Improvement Program (STIP) – For Possible Action.

Summary:

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

Background:

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

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

Attachment "A" details Amendments to projects which include any actions taken in Washoe, Clark, CAMPO, and TMPO Transportation Improvement Plans (TIP) and areas outside of the MPO boundaries since the last time the Board approved changes to the STIP on June 10, 2013.

Attachment "B" details Administrative Modifications to projects which include any actions taken in Washoe, Clark, CAMPO, and TMPO Transportation Improvement Plans (TIP) and areas outside of the MPO boundaries since the last time the Board approved changes to the STIP on June 10, 2013.

Analysis:

The attached listing of amendments and administrative modifications to projects are those completed since the August 14, 2013 Transportation Board approval of the *Transportation System Projects* notebook for fiscal years 2012-2021.

Recommendation for Board Action:

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

List of Attachments:

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

Prepared by:

Jason Van Havel, Acting Chief, Transportation & Multimodal Planning Division

Project Amendments List (8/2/13 – 9/30/2013)

RTC of Southern Nevada

Amendment CL #12A: This Amendment is is part of the Regional Transportation of Southern Nevada's Amendment 12 which approved by the RTC of Southern Nevada board on August 8, 2013. The changes requested were to the following:

CL20130106, RTC #6005, Multi-State Operation and Management Program Study under I-15 Mobility Alliance, deletes RTC local funds in the amount of \$25,000 and increases California and Nevada State Gas Tax funds from \$100,000 to \$106,250 respectively with all other funding remaining unchanged (US DOT MCOM Grant \$1,250,000 and Utah DOT \$100,000).

CL 201101, RTC #4148, US 95 North Package 2A, widen from 6 to 8 lanes, add auxiliary and HOV lanes, increases total funding from \$4 million to \$44 million; State Gas Tax increase from \$4 million to \$12 million, adds National Highway System funding in the amount of \$18,050,000, adds State Match funding in the amount of \$1,450,000, adds STP Statewide in the amount of \$9,500,000 and adds local funding in the amount of \$3,000,000.

Washoe County RTC

(NO AMENDMENTS MADE)

Carson Area MPO

(NO AMENDMENTS MADE)

Tahoe MPO

(NO AMENDMENTS MADE)

Statewide/Rural

(NO AMENDMENTS MADE)

List of Administrative Modifications (8/2/13 – 9/30/2013)

RTC of Southern Nevada

Admin Modification CL #17: This action changes the funding for NDOT project CL201101, US95 North (Package 2A) from Ann to Durango Dr. by decreasing the State Gas Tax portion from \$4 million to \$2 million and increasing the NHPP portion from \$18,050,000 to \$27,550,000.

Washoe County RTC

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Carson Area MPO

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Tahoe MPO

Admin Modification #TMPO 6: This action modifies project DO2010024, SR207 Kingsbury Grade, by adding \$312,650 in State Match and reduces STP Area<5000 to \$5,940,360.

Statewide/Rural

Admin Modification #1: This action makes adjustments to the STP statewide, changing funding amounts and descriptions by adding \$2,567,600 to cover the final engineers estimate. The additional costs are due to finalizing landscape design, repairing bridge structures I-901 and G-1414, and various small revisions to the plans and unit costs.



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

MEMORANDUM

September 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
ITEM #11: Discussion of the Draft Fiscal Year 2014 Annual Work Program and the 2015-2016 Short Range and Long Range Element and the 2014-2017 Statewide Transportation Improvement Program (STIP) – Informational item only

Summary:

NDOT staff has spent the last 12 months working with the federal and regional agencies, local governments and planning boards to develop the enclosed Transportation System Projects (TSP) notebook for fiscal years 2014-2023. The final documents will be presented to the Board for approval and acceptance at the November 13, 2013 Board Meeting.

This document contains the:

- Draft Statewide Transportation Improvement Program (STIP), FY 2014-2017
- Draft Annual Work Program (AWP), FY 2014
- Draft Short Range Element (SRE), FY 2015-2016
- Draft Long Range Element (LRE), FY 2017-2023

Following consultations with Nevada's seventeen counties and a thirty-day public comment period, the STIP is submitted to the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and the Environmental Protection Agency (EPA) for approval. This agenda item is to provide a briefing and seek approval of the Draft Final TSP prior to it being submitted to the appropriate agencies.

Background:

The STIP lists all capital and non-capital transportation projects proposed for funding under Title 23 of the Federal Aid Highway Act and the Federal Transit Act. These projects that improve the capacity of Nevada's transportation system, such as increasing the number of lanes, constructing new roads, road extensions, and the intersection improvements along with the Department Maintenance Program. It also includes transit, rail, pedestrian walkway and bicycle facility projects.

The Department is required to include, without change, all projects listed in the Metropolitan Planning Organizations' (MPO) approved Regional Transportation Improvement Program

(RTIP). The Washoe County MPO adopted their RTIP on September 20th, 2013; the Clark County MPO adopted their new RTIP on August 8th, 2013, the Lake Tahoe MPO adopted their RTIP on January, 23, 2013; and the Carson Area MPO adopted their RTIP on August 14, 2013. The STIP is approved by the Governor's Designee (Director of the Department of Transportation) and submitted to the FHWA, FTA and the EPA for approval.

The Annual Work Program and the Short Range and Long Range Elements list projects the Department intends to work on during the current fiscal year and proposed projects for the succeeding nine years. These documents satisfy Nevada Revised Statute (NRS 408.203) requiring the Director of NDOT to submit a three and ten year list of transportation projects to the State Legislative Council Bureau every even year and the State Legislature every odd year. The AWP lists projects that the Department plans to complete using state forces and projects NDOT plans to contract for preservation, safety and construction. The Short and Long Range Elements identify projects that the state or local governments are seeking initiation within the next ten years.

NDOT will submit the TSP document to the State Legislature/Legislative Council Bureau following the State Transportation Board and USDOT approval.

As part of the Department's public participation process, staff meets with the 14 rural County Commissions, all MPOs and Nevada's Tribal communities to present the proposed FY 2014-2023 program of projects. Comments from each of the counties are then incorporated into a final draft document and redistributed for additional review and input. The "Final Draft" is presented as attached for approval by the State Transportation Board at the end of the Federal Fiscal Year.

Analysis:

The attached Transportation System Projects notebook includes a section that describes the project development and selection process and compliance information to the Federal Legislation (SAFETEA-LU) Safe Accountable Flexible Transportation Efficiency Act a Legacy for Users. The Department is using conservative estimates for incoming revenue and has prepared a similar work program for Fiscal Year 2014.

Recommendation for Board Action:

Informational item only.

List of Attachments:

None.

Prepared by:

Jason Van Havel, Acting Chief, Transportation & Multimodal Planning Division



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

MEMORANDUM

October 4, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
ITEM #12: Briefing on Statewide Transportation Funding – Informational item only.

Summary:

As the Transportation Board of Directors considers the 2014 – 2017 Statewide Transportation Improvement Program, it is appropriate to also provide an overview of transportation revenue and the allocation of those funds to various projects in the recent past, present and near future. A presentation will be provided on current funding categories, where transportation funds were spent in the past and the distribution of funds anticipated in 2014. Also, information will be presented on the hierarchy and importance of state highways.

Background:

The Statewide Transportation Improvement Program (STIP) is a four-year program of transportation projects which is generated by the four Metropolitan Planning Organizations (MPOs) and NDOT. The projects in the STIP are funded by federal, state, and other funds. Federal funds have been modified under the current transportation bill, known as MAP-21. Several funding categories were consolidated. A significant amount of federal funds are "sub-allocated", or directly flow through NDOT to the MPOs. These MPOs (Washoe, Southern Nevada, Carson Area, and Tahoe) collaborate with NDOT to establish their respective programs. In addition, some federal funds must be spent in rural areas.

An analysis of the FY 2008-2012 work programs was performed in order to view the average distribution of funds by county. Due to its population, Clark County is a significant generator of fuel tax revenue. In the five years analyzed, Clark County generated 60.5% of fuel tax revenue and received 55.7% of the revenue through project allocations. Washoe County generated 15.5% and received 12.7%. All other counties generated 24.0% and received 32.2%. Although this could be viewed as a disparity, there are a variety of reasons for this distribution.

NDOT has a hierarchy of roads which are critical to movement of people and freight throughout the state. Interstates have the highest priority due to their national and regional significance, followed by major U.S. routes, then state routes. Much of Interstate 80 runs through the counties of Humboldt, Lander, Eureka and Elko, and a significant amount of funding has been committed recently to rehabilitation projects on I-80.

NDOT maintains 20% of the improved roads in Nevada, but that portion of roads carries 54% of the vehicle miles traveled. In addition, 70% of all truck traffic and 80% of heavy truck traffic is carried on the state-maintained system.

As a recipient of federal funds, NDOT commits to maintain its entire system in a state of good repair. This is a challenge, given that Nevada is the 7th largest state by area, but 35th by population. NDOT also has a responsibility to all Nevadans in rural and urban areas and its visitors to provide a safe, reliable transportation system.

Going forward, a significant amount of funding will be expended on major projects in Clark County. In FY 2014, it is expected that \$100 million will be allocated to right-of-way acquisition and utility relocation expenses for Project NEON. Also in FY 2014, utility relocation and a frontage road construction project will occur for the Boulder City Bypass, Phase 1 (Future I-11). In addition, \$35 million of federal funds will be provided by NDOT for the Clark County Airport Connector project.

List of Attachments:

- A. Overview of Fuel Tax Revenue and Distribution of Highway Spending in Nevada

Recommendation for Board Action:

This item is provided for information only.

OVERVIEW OF FUEL TAX REVENUE
AND DISTRIBUTION OF HIGHWAY SPENDING IN NEVADA

FY 2008 – FY 2012

Fuel tax revenue in Nevada is obtained primarily from two sources, gasoline and special fuels (mainly diesel taxes). The following chart shows estimated state fuel tax revenue generated in the last five state fiscal years:

COUNTY	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	Total
Clark	\$176,969,802	\$164,205,153	\$160,563,316	\$159,927,292	\$159,505,097	\$821,170,660
Washoe	\$45,541,245	\$42,324,406	\$41,647,702	\$40,667,038	\$40,921,875	\$211,102,266
All Others	\$71,430,132	\$62,949,339	\$63,276,398	\$64,104,438	\$63,942,438	\$325,702,745
TOTAL	\$293,943,188	\$269,478,898	\$265,487,416	\$264,698,768	\$264,369,410	\$1,357,977,680

Source: State of Nevada Department of Motor Vehicles

Based on this data, the average of state fuel tax revenue generated by county from FY 08-12, expressed as a percentage, is as follows:

Clark County: 60.5%

Washoe County: 15.5%

All Other Counties: 24.0%

The average amount of revenue obligated to projects from FY 08-12, expressed as a percentage, is as follows:

Clark County: 55.1%

Washoe County: 12.7%

All Other Counties: 32.2%

The following charts summarize project obligations by fiscal year, broken out by funding source. These charts include preliminary engineering, right-of-way and construction costs:

CLARK COUNTY	FISCAL YEAR	FEDERAL	STATE	OTHER	TOTAL	% OF STATE TOTAL
	2008	\$162,143,807	\$87,171,584	\$260,839,036	\$510,154,427	76.08%
	2009	\$79,644,390	\$36,203,020	\$39,895,588	\$155,742,998	42.40%
	2010	\$225,439,800	\$50,311,616	\$286,819,254	\$562,570,670	71.18%
	2011	\$251,998,034	\$102,101,202	\$12,753,470	\$366,852,706	51.73%
	2012	\$70,602,303	\$33,522,158	\$2,391,718	\$106,516,179	34.18%
		5-YR AVERAGE			\$340,367,396	55.11%

WASHOE COUNTY	FISCAL YEAR	FEDERAL	STATE	OTHER	TOTAL	% OF STATE TOTAL
	2008	\$22,786,251	\$24,823,140	\$171,683	\$47,781,074	7.13%
	2009	\$19,496,931	\$17,605,895	\$1,070,021	\$38,172,847	10.39%
	2010	\$60,974,551	\$18,815,879	\$20,593,828	\$100,384,258	12.70%
	2011	\$82,448,127	\$51,546,015	\$7,526,769	\$141,520,911	19.96%
	2012	\$8,429,859	\$30,063,899	\$2,840,481	\$41,334,239	13.26%
	5-YR AVERAGE				\$73,838,666	12.69%

ALL OTHER COUNTIES	FISCAL YEAR	FEDERAL	STATE	OTHER	TOTAL	% OF STATE TOTAL
	2008	\$83,415,097	\$38,824,630	\$382,781	\$112,622,508	16.80%
	2009	\$136,283,264	\$32,237,735	\$4,921,508	\$173,442,507	47.21%
	2010	\$75,421,486	\$51,380,056	\$605,737	\$127,407,279	16.12%
	2011	\$132,799,747	\$67,628,656	\$344,846	\$200,773,249	28.31%
	2012	\$87,492,357	\$75,105,212	\$1,203,673	\$163,801,242	52.56%
	5-YR AVERAGE				\$155,609,357	32.20%

These charts summarize project obligations by the fiscal year in which the projects were obligated, however, it should be noted that some projects are delivered over several years. The average of the obligated projects over a 5-year time frame provides a representative illustration of the statewide distribution of project funding.

When considering how much transportation investment occurs in a specific area, it is important to consider the entire mix of project funding, that is, federal, state, and other sources (primarily local RTC, city or county funds). When federal funds are used they typically require a 5% match from a source other than federal revenue. State funds are typically used to leverage available federal funds. It is imperative that every dollar of federal funding available to Nevada be used.

DISTRIBUTION OF HIGHWAY FUNDING FY 2013

Based on NDOT’s Annual Work Program for FY 2013, the following distribution was calculated:

COUNTY	FY 2012 AMOUNT	FY 2012 PERCENTAGE
Clark	\$131,161,267	51.9%
Washoe	\$11,505,477	4.5%
All Others	\$110,201,331	43.6%
TOTAL	\$252,868,075	100%

In FY 2013, significant projects were obligated in four counties in the All Others category, amounting to approximately 25% of All Others funding:

- Humboldt County, \$7.6M seismic retrofit of bridges on I-80
- Humboldt County, \$8.9M slope flattening and passing lanes on US 95
- Eureka County, \$10.9M concrete pavement rehab on I-80
- Eureka County, \$14.8M asphalt pavement mill and overlay on I-80
- Elko County, \$8.3M slope flattening and passing lanes on US 93
- Elko County, \$3.0M procure early acquisition items for Carlin Tunnels CMAR on I-80
- Carson City, \$10.6M Carson Freeway at US 395

PROJECTED DISTRIBUTION OF HIGHWAY FUNDING IN FY 2014

The distribution of highway funding in FY 2014 is subject to approval of the 2014-2017 STIP by the Transportation Board and Federal Highway Administration (FHWA). The draft STIP contains projects submitted by the four MPOs and NDOT. FY 2014 funding distribution will be provided after public comment is received and revisions are made. Approval will subsequently be obtained from the Transportation Board and FHWA.

Initial review indicates an equitable distribution of funds, with three major projects in Clark County worthy of mention: Project NEON, Boulder City Bypass Phase 1 (Future I-11), and the 215 Beltway, Airport Connector.

- **PROJECT NEON**
Project NEON is a massive project on I-15 in Clark County which NDOT plans to deliver as a public-private partnership (P3). The P3 project includes widening I-15 from Sahara Avenue to the US 95 Spaghetti Bowl interchange, constructing a direct connection flyover bridge between US 95 high occupancy vehicle (HOV) lanes and the I-15 express lanes, reconstructing the Charleston Boulevard Interchange at I-15. Other elements include a half-diamond interchange at Alta Drive and the recent addition of braided ramps for southbound I-15 traffic north of the Charleston Boulevard Interchange. The Transportation Board has approved the development of a Request for Proposals for this P3.
- **BOULDER CITY BYPASS**
Boulder City Bypass, Phase 1, is the realignment of the existing US 93/US 95 highway, building it to interstate standards with controlled access. An interchange is proposed at the Railroad Pass for traffic continuing to Boulder City and another interchange is planned at US 95. This bypass alignment is part of a Congressionally designated future Interstate 11 between Phoenix and Las Vegas. NDOT is currently acquiring right-of-way and has installed tortoise fencing and conducted plant salvage along the new alignment. Utility relocations and construction of a new frontage road will occur in FY 2014, with phased construction to US 95 in the next few years. This project will tie into the actual bypass around Boulder City, known as Phase 2, which will be constructed by the RTC of Southern Nevada using a design-build procurement. NDOT is coordinating its

Phase 1 project delivery schedule to coincide with the RTC of Southern Nevada Phase 2 project, with construction occurring in 2015-2017.

- **AIRPORT CONNECTOR**

This project is a Clark County Beltway project with \$35 million of NDOT's federal funds. Clark County is contributing nearly \$17 million of Beltway funds for this project, which will construct a flyover bridge from the Airport Connector to the 215 Beltway to improve the flow of traffic headed to Henderson.

FEDERALLY ELIGIBLE TRANSPORTATION SYSTEM

Not all public roads in the state of Nevada are eligible to receive federal funds. The federal government requires roads be classified by their function. The highest priority roads in the state are the interstate highways, I-15 and I-80. Other arterials such as U.S. routes (US 95 for example), state routes, and major arterial streets (Flamingo Road for example) can receive federal funds. Low volume county roads and residential streets are not typically eligible for federal funds. Additional local roads have been added recently to the network of roads eligible for federal funds.

While it is important to recognize that 60.5% of the fuel tax revenue is raised in Clark County (5-year average over FY08-FY12), NDOT is responsible for managing a statewide transportation system. This system is critical for the movement of freight, serving the needs of daily commuters, as well as tourism and recreation. Twenty percent of Nevada's roads are on the state-maintained system, however, the state-maintained system carries 54% of the total vehicle miles of travel. This state-maintained system also carries 70 % of all truck traffic and 80 % of heavy truck traffic.

STATE OF GOOD REPAIR

NDOT is the steward of a statewide transportation system and has the responsibility of meeting the transportation needs across the entire state. Because NDOT receives federal funds, it must commit to maintaining its transportation system in a state of good repair. To eliminate the risk of reduced federal funding, it is essential that the state's transportation system be kept in an acceptable condition. This commitment requires NDOT to invest in the entire system, not just the urban areas where most of the state's population lives.

NDOT ANNUAL WORK PROGRAM AND PASS-THROUGH FEDERAL FUNDS

The Nevada Department of Transportation (NDOT) reports at the beginning of the Legislature a list of projects from the previous two fiscal years. The projects listed in the previous biennium's Annual Work Program (AWP) are funded by a mix of federal, state, and/or local funds. NDOT must account for every federal dollar it receives, even if those funds pass through to a local Metropolitan Planning Organization (MPO). The NDOT AWP includes federally funded projects delivered by local agencies that received pass-through federal funds. Projects are reported in the state fiscal year for which the funds are obligated, that is, the state fiscal year when federal, state and local funds were committed to a specific project.

There are four MPOs in Nevada: the Regional Transportation Commission of Southern Nevada, Washoe County Regional Transportation Commission, Carson Area MPO and Tahoe MPO. These MPOs select which projects receive federal funds under their jurisdiction through their respective Boards' approval of their Regional Transportation Improvement Programs (RTIP). NDOT must get MPO approval of NDOT's federally funded urban projects so the NDOT projects are in the MPO's regional plan. The regional plans are submitted to NDOT for incorporation in the Statewide Transportation Improvement Program (STIP), which is approved by the State of Nevada Transportation Board. NDOT must accept the regional plans as submitted or reject them; NDOT cannot modify the regional plan on its own.

The projects reported to the Legislature are the programmed construction amount. Projects can also have significant right-of-way costs for acquiring private property or relocating utilities. There are also significant design costs (preliminary engineering or PE) and construction management costs associated with the administration of these projects.

SUMMARY

NDOT recognizes the need to have a balanced work program based on capacity needs, highway safety, pavement preservation, and addressing structural deficiencies and functional obsolescence in bridges throughout the state. The movement of freight on the interstate system and major U.S. routes is also critical. Add to that recreational needs of Nevada's citizens and visitors, and it is a challenge to strike that balance, however, NDOT feels that it has provided a fairly balanced program through the recent years. With recent emphasis on Project NEON and the Boulder City Bypass, Phase 1 (also known as Future I-11), southern Nevada transportation projects are receiving attention.



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

MEMORANDUM

October 1, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
ITEM #13: Receive a Report on the Status of Project NEON – *Informational Item only*

Summary:

This item is a follow up discussion from below Board Meetings:

- June 25, 2012
- November 6, 2012
- April 8, 2013
- June 10, 2013

Statement of Qualifications

Statements of Qualifications (SOQ) for the Public Private Partnership (PPP) were received on September 27, 2013.

Phase 2

The City of Las Vegas has requested to include Phase 2 as part of the project.

Interim Finance Committee Briefings

The Department has briefed the Interim Finance Committee in preparation for requesting approval to sell bonds to fund the right of way (ROW) necessary for Project NEON.

Right of Way

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

Schedule

The project team is currently evaluating the schedule and the impacts that the addition of phases 2 and 4 have had on the team's ability to meet the previously anticipated schedule.

Background:

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

Analysis:

Statement of Qualifications

A total of 4 SOQs were received on September 27, 2013. The SOQs are currently being evaluated. The Department will inform the Transportation Board of the short list of proposers in the November Board Meeting.

Phase 2

The City of Las Vegas has requested to include Phase 2 as part of the project. Phase 2 is the re-establishment of Martin Luther King Boulevard from Alta Drive to Oakey Boulevard. This additional work will help with local mobility and access during and after construction.

NDOT is working with the City to develop an agreement to include the City funded project as part of the P3 procurement and project. If those negotiations with the City are successful, it is currently anticipated that the City will provide NDOT lump sum payments for the additional work. The relationship between the City and NDOT will be defined in the agreement between the City and NDOT. The Public Private Agreement (PPA) will remain between two parties, NDOT and the Developer and the City will not be party to the PPA.

Interim Finance Committee Briefings

The Department has briefed the Interim Finance Committee (IFC) in preparation for requesting approval to sell bonds to fund the right of way (ROW) necessary for Project NEON. The Department will request bonding authority from the IFC at a future IFC meeting.

Phase 1 Right of Way

As of September 26, 2013, 26 out of 48 parcels have been acquired, for a total expenditure of approximately 52% of the right-of-way budget for Phase 1.

Schedule

The inclusion of Phases 2 and 4 have created considerably more work than originally considered in the schedule that was developed last November. At this time, the project team is re-evaluating the project schedule.

The Next Steps:

The project team will continue to develop the RFP and anticipate having it to the Transportation Board for approval with a current target being the February 2014 Board Meeting.

List of Attachments:

None

Recommendation for Board Action:

Informational item only.

Prepared by: Cole Mortensen, Senior Project Manager



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

MEMORANDUM

September 30, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: October 14, 2013 Transportation board of Directors Meeting
ITEM #14: Update on NDOT-LVCVA Agreement for Reconstruction of the Las Vegas Boulevard/Tropicana Avenue Escalators and Elevators on Pedestrian Overpasses – Informational item only.

Summary:

AB 595 (2007) allocated a portion of the room tax for use on transportation projects. The Nevada Department of Transportation (NDOT) has worked with the Las Vegas Convention and Visitors Authority (LVCVA) on the projects, bonding, and payments for Southern Nevada transportation improvements. Per agreements with NDOT, the LVCVA has bonded for \$300 million and has funded most of the I-15 Express Lanes and I-15 South Design/Build projects. \$19.6 million remains from the bond sale and NDOT and LVCVA have executed an agreement to expend the remaining funds on the escalators, elevators, and other improvements to the Las Vegas Blvd./Tropicana Ave. pedestrian bridges.

Background:

One portion of the 2007 Legislature AB 595 funding was for the room tax money to be spent on transportation projects. NDOT has worked with the LVCVA to develop the I-15 Express Lanes and I-15 Design/Build projects. Both projects were funded by a LVCVA \$300 million bond sale, both are complete. LVCVA has made all payments under the terms of the two agreements. \$19.6 million remains and NDOT and LVCVA have a newly executed agreement to expend the remaining amount on the Las Vegas Blvd./Tropicana Avenue project.

Analysis:

The existing pedestrian bridges, escalators and elevators at Las Vegas Blvd./Tropicana Ave. were constructed in 1992 and are the first such pedestrian facilities constructed on the Las Vegas Strip. NDOT currently maintains all aspects of the pedestrian structures and the maintenance has become very expensive, especially the escalators which are not appropriate for outsider operation. NDOT will be designing and constructing the new escalators, elevator machinery, etc. to minimize future maintenance costs. NDOT is working with the resorts on the design and construction at the four corners and coordinating closely with Clark County to turn over the upgraded facilities at completion. NDOT has selected the CMAR method of project delivery for this project.

Recommendation for Board Action:

For information only.

Attachments:

None

Prepared by: John Terry, Assistant Director - Engineering



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

MEMORANDUM

September 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 Transportation Board of Directors Meeting
Item #15: Briefing on Statewide and Local Bike Plans – Informational item only

Summary: An overview of the recent update to the State's Bicycle Plan and will be given. An overview of a current project to develop Bicycle Plans for 14 rural counties will also be presented.

Background: The NDOT is required to develop a Bicycle Plan under NRS 408.234, part G, and also under our Annual Statewide Planning and Research Program with FHWA. This plan provides the overarching framework by which facilities, policies, programs and initiatives are identified and developed. As a result of the need identified by the Statewide Bicycle Plan, NDOT staff is now moving forward with developing 14 rural county plans for areas outside MPO jurisdiction, so that every region of the state will have a bicycle planning document.

Analysis: Bicycle plans provide a guiding document to the development of needed bicycle infrastructure, education programs, encouragement programs, regulatory frameworks, enforcement initiatives, and cycle-tourism initiatives. Once adopted, stakeholders can move forward with building programs, facilities and campaigns to develop more bicycle friendly communities and give citizens more transportation choices. These programs and facilities can lead to enhanced community mobility and safety, as well as increases in tourism and economic development.

Recommendation for Board Action:

Informational item only.

List of Attachments:

- a. 2013 Statewide Bicycle Plan
- b. 2013 State Bicycle Map

Prepared by: Bill Story, Manager, Bicycle & Pedestrian Programs



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

MEMORANDUM

September 30, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: October 14, 2013 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. Report on Settlement out of State Tort Fund – *Informational item only.*
Please see Attachment C.
- d. Fatality Report dated September 16, 2013 - *Informational item only.*
Please see Attachment D.
- e. Report of Costs Associated with Self Performing Freeway Service Patrol (FSP) in Reno – *Informational item only.*
Please see Attachment E.

List of Attachments:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Report on Settlement out of State Tort Fund – *Informational item only.*
- d. Fatality Report dated September 16, 2013 - *Informational item only.*
- e. Report of Costs Associated with Self Performing Freeway Service Patrol (FSP) in Reno – *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF SEPTEMBER 16, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Pioneer Program Legal and Financial Planning NDOT Agmt No. P282-09-002	9/23/09 - 7/1/13 Amendment #1 Amendment #2 Amendment #3 Amendment #4	9/23/2009 2/23/2010 10/6/2010 10/26/2010 8/31/2011	\$ 125,000.00	\$ 630,000.00	\$ 189,025.42
				\$ 80,000.00		
				\$ 30,000.00		
				\$ 30,000.00		
				\$ 365,000.00		
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 3/11/15	3/11/2013	\$ 1,400,000.00	\$ 1,400,000.00	\$ 1,047,984.48
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 150,000.00	\$ 150,000.00	\$ 20,279.23
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 3/30/2015 Amendment #1	3/1/2012 2/18/13	\$150,000.00 \$75,000.00 \$ 225,000.00	\$ 225,000.00	\$ 1,898.46
Snell & Wilmer, LLP	<i>Construction Claims Williams Brother, Inc.</i> Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 30,000.00	\$ 30,000.00	\$ 26,822.50
Chapman Law Firm	<i>NDOT vs. Carrie Sanders</i> 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00	\$ 541,800.00	\$ 483,601.65
Chapman Law Firm	<i>NDOT vs. Gendall</i> 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00	\$ 541,800.00	\$ 503,597.74
Chapman Law Firm	<i>NDOT vs. Roberts 1981 Decedents Trust</i> 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 10/12/14	10/23/2012	\$ 475,725.00	\$ 475,725.00	\$ 442,377.96
Chapman Law Firm	<i>NDOT vs. Catello Family Trust</i> 8th JD - A-12-671920-C Project Neon - Las Vegas NDOT Agmt No. P476-12-004	11/16/12 - 11/30/15	11/16/2012	\$ 449,575.00	\$ 449,575.00	\$ 435,593.46
Chapman Law Firm	<i>NDOT vs. MLK-ALTA</i> 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 455,525.00	\$ 455,525.00	\$ 433,098.86
Chapman Law Firm	<i>NDOT vs. Highland Partnership 1980</i> 8th JD - Project Neon - Las Vegas NDOT Agmt No. P507-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 434,121.32

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF SEPTEMBER 16, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	NDOT vs. Highland 2000-I, LLC 8th JD - A-12-671915-C Project Neon - Las Vegas NDOT Agmt No. P501-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 423,607.42
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14	12/16/2012	\$ 300,000.00	\$ 1,150,000.00	\$ 558,243.33
	Amendment #1		8/12/2013	\$ 850,000.00		
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/22/15	1/22/2013	\$205,250.00	\$ 205,250.00	\$ 162,542.74
Sorokac Law Office dba Reisman & Sorokac	NDOT vs. Jericho Heights 8th JD A12-665909-C Boulder City Bypass Project	2/7/13 - 4/17/13	2/7/13 - 4/17/13	\$75,000.00	\$ 75,000.00	\$ 0.00
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/2013	\$275,000.00	\$ 275,000.00	\$ 122,766.99
Sylvester & Polednak, Ltd.	NDOT vs. Railroad Pass 8th JD - A-12-665330-C Boulder City Bypass Project NDOT Agmt No. P072-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 242,375.94
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 255,200.66
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 200,000.00	\$ 200,000.00	\$ 196,015.00
Sylvester & Polednak, Ltd.	JYTYJK, LLC dba Wireless Toyz vs. NDOT 8th JD A-13-681291-C Project Neon - Las Vegas NDOT Agmt No. P127-13-004	4/19/13 - 2/28/13	4/19/2013	\$ 175,000.00	\$ 175,000.00	\$ 169,395.20
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 - 4/30/15	4/30/2013	\$ 275,000.00	\$ 275,000.00	\$ 95,651.66

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF SEPTEMBER 16, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Sylvester & Polednak	Fitzhouse Enterprises (acquired title as Westcare) 8th JD - A-13-660564-C Project Neon - Las Vegas NDOT Acmt No. P201-13-004	5/31/13 - 5/31/15	5/31/2013	\$ 290,000.00	\$ 290,000.00	\$ 243,677.88
Chapman Law Firm	54 B LLC vs. Clark County & NDOT 8th JD - A-12-674009 NDOT Acmt No. P217-13-004	6/6/13 - 11/30/15	6/6/2013	\$ 250,000.00	\$ 250,000.00	\$ 241,354.35
Snell & Wilmer	Meadow Valley Public Records Request K3399 NDOT Acmt No. P273-13-004	7/18/13 - 7/30/14	7/18/2013	\$ 30,000.00	\$ 30,000.00	\$ 25,658.90
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Acmt No. P290-13-004	7/17/13 - 6/30/15	7/17/2013	\$ 280,000.00	\$ 280,000.00	\$ 280,000.00
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Acmt No. P291-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 200,000.00	\$ 200,000.00	\$ 174,225.99
Chapman Law Firm	Ad America vs. NDOT (Cactus Direct and Inverse) 8th JD A-10-631520-C & A-12666482-C NDOT Acmt No. P292-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 250,000.00	\$ 250,000.00	\$ 244,366.35
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Acmt No. P293-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 70,000.00	\$ 70,000.00	\$ 66,364.93
Kemp, Jones & Coulthard	NDOT vs. City of Los Angeles 8th JD A-13-687717-C Boulder City Bypass Project NDOT Acmt No. P405-13-004	9/1/13 - 9/30/15	9/1/2013	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
* 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	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

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

Monthly Litigation Report to the Nevada Department of Transportation - September 16, 2013				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. 2.5 Acres @ Dean Martin, LLC	Eminent domain - I-15 Cactus			
NDOT vs. AD America, Inc. (Cactus - Direct)	Eminent domain - I-15 Cactus	\$ 108,252.51	\$ 25,046.14	\$ 133,298.65
NDOT vs. Bawcon	Eminent domain - Elko			
NDOT vs. Catello Family Trust, Carmine V.	Eminent domain - Project Neon	\$ 12,545.75	\$ 1,435.79	\$ 13,981.54
NDOT vs. City of Los Angeles, et al.	Eminent domain - Boulder City Bypass			
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 18,975.00	\$ 27,347.12	\$ 46,322.12
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 35,697.11	\$ 2,505.15	\$ 38,202.26
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 11,833.75	\$ 3,619.93	\$ 15,453.68
NDOT vs. Highland 2000-I, LLC	Eminent domain - Project Neon	\$ 23,662.61	\$ 2,304.97	\$ 25,967.58
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 3,950.00	\$ 35.00	\$ 3,985.00
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	37,540.50	3,752.56	\$ 41,293.06
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 386,440.00	\$ 205,316.67	\$ 591,756.67
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 18,350.00	\$ 1,449.34	\$ 19,799.34
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Eminent domain - I-15 and Warm Springs			
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 20,436.25	\$ 1,989.89	\$ 22,426.14
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 29,625.00	\$ 2,999.06	\$ 32,624.06
NDOT vs. Smith Family Trust, et al	Eminent domain - Project Neon			
NDOT vs. Union Pacific Railroad Co.	Eminent domain - Recnstr. of SR 317			
NDOT vs. Woodcock, Jack	Eminent domain - I-15 and Warm Springs			
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 130,875.78	\$ 21,357.23	\$ 152,233.01
Inverse Condemnations				
54 B LLC	Inverse condemnation	\$ 8,523.03	\$ 122.62	\$ 8,645.65
AD America, Inc. vs. NDOT (Cactus)	Inverse condemnation - I-15 Cactus	\$ 40,895.25	\$ 24,997.94	\$ 65,893.19
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 280,949.50	\$ 55,562.59	\$ 336,512.09
AD America, Inc. vs. NDOT (SouthPoint)	Inverse condemnation - I-15 Cactus	\$ 33,446.05	\$ 4,332.03	\$ 37,778.08
JYTYJK, LLC dba Wireless Toyz vs. NDOT	Inverse condemnation - Project Neon	\$ 4,850.00	\$ 754.80	\$ 5,604.80
MLK-ALTA vs. NDOT	Inverse condemnation - Project Neon	\$ 20,436.25	\$ 1,989.89	\$ 22,426.14
Nassiri, Fred vs. NDOT	Inverse condemnation			
P8 Arden, LLC vs. NDOT	Inverse condemnation - Blue Diamond Road			
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 31,554.83	\$ 1,792.21	\$ 33,347.04
Rural Telephone vs. Dorsey Ln, NDOT	Public utility seeks permanent easement			

Monthly Litigation Report to the Nevada Department of Transportation - September 16, 2013				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
<u>Torts</u>				
Allstate Insur. vs. Las Vegas Paving;NDOT	Plaintiff alleges property damage and negligence			
Austin, Renee vs. State, NDOT	Plaintiff alleges negligence causing personal injury			
* Bell, Katherine M. et al vs. NDOT	Plaintiff alleges negligence and personal injury			
* Bennett, Blaine A. et al vs. NDOT	Plaintiff alleges negligence and personal injury			
Chadwick, Estate of Lonnie Joe vs. NDOT	Estate alleges transfer of property w/o court order			
* Curtis, Alexandra, et al vs. NDOT	Plaintiff alleges negligence and personal injury			
* D'Alessandro, Richard et al vs. NDOT	Plaintiff alleges negligence and personal injury			
Daisy Investments, LLC vs. State	Plaintiff alleges property damage and negligence			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Ewasko vs. State, NDOT	Plaintiff alleges negligence in design of truck ramp			
Harper, Kenneth J. vs. NDOT	Plaintiff alleges negligence/wrongful death			
* Knox, Marissa et al vs. NDOT	Plaintiff alleges negligence and personal injury			
* Knox, William, et al vs. NDOT	Plaintiff alleges negligence			
* Lee, Christopher et al vs. NDOT	Plaintiff alleges negligence and personal injury			
Lopez, Jewellee Marie vs. NDOT	Plaintiff alleges negligence and personal injury			
Marshall, Charles vs. State, NDOT	Plaintiff alleges personal injury			
Mullen, Janet vs. NDOT	Plaintiff alleges personal injury			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
* Schumacher, Jeanie et al vs. NDOT	Plaintiff alleges negligence and personal injury			
* Shirey, Stephen Michael et al vs. NDOT	Plaintiff alleges negligence and personal injury			
Slegers, Gloria vs. NDOT	Plaintiff alleges negligence			
State Farm Fire and Casualty Co. vs. NDOT	Plaintiff alleges negligence to maintain roadway			
Wang, Zexland et al vs. NDOT	Plaintiff alleges negligence and personal injury			
<u>Contract Disputes</u>				
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207	\$ 212,732.00	\$ 10,369.54	\$ 223,101.54
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93	\$ 125,482.00	\$ 4,238.77	\$ 129,720.77
Pacific Coast Steel vs. State, NDOT	Plaintiff alleges delays/incomplete design on I-580	\$ 147,392.00	\$ 31,956.34	\$ 179,348.34
<u>Personnel Matters</u>				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cooper, Jennifer vs. State, NDOT	Plaintiff appeals trial verdict of alleged discrimination			
Hettinger, Travis vs. State Employees	Plaintiff alleges wrongful termination			
Lau, Stan vs. State, NDOT	Plaintiff is appealing termination			

* Arising out of June 2011 Amtrak Accident

OFFICE OF THE ATTORNEY GENERAL

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

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General



DENNIS V. GALLAGHER
Chief Deputy Attorney General

MEMORANDUM

DATE: September 26, 2013

TO: Board of Directors
Nevada Department of Transportation

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

SUBJECT: Informational Item – Settlement out of State Tort Fund
Ewasko vs. NDOT, et al., 2nd JD Case No. CV11-02130

A handwritten signature in black ink, appearing to read "D. Gallagher", written over the "FROM:" line of the memorandum.

On August 22, 2013 the above referenced lawsuit was settled through mediation by all parties for \$637,500.00 with the State paying \$25,000.00, or 4% of the total settlement. The case presented the risk of potential exposure in the amount of \$150,000.00 to the Department excluding attorneys' fees and costs of litigation. This settlement was approved by the Nevada Tort Claims Manager, Nancy Katafias.

9/16/2013

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

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

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

	CURRENT		SAME DATE LAST YEAR			# CHANGE		
	Yesterday	Crashes	Fatals	Yesterday	Crashes	Fatals	Crashes	Fatals
9/15/2013		1	1	9/15/2012	1	3	0	-2
MONTH		6	6	MONTH	11	16	-5	-10
YEAR		167	184	YEAR	175	196	-8	-12

CRASH AND FATAL COMPARISON BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Crashes	2013 Crashes	% CHANGE	2012 Fatalites	2013 Fatalities	% Change	2012 Alcohol Crashes	2013 Alcohol Crashes	% Change	2012 Alcohol Fatalities	2013 Alcohol Fatalities	% Change
CARSON	0	4	400.00%	0	5	500.00%	0	2	200.00%	0	3	300.00%
CHURCHILL	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%
CLARK	119	120	0.84%	134	129	-3.73%	36	26	-27.78%	40	30	-25.00%
DOUGLAS	3	6	100.00%	5	6	20.00%	1	2	100.00%	3	2	-33.33%
ELKO	10	2	-80.00%	11	3	-72.73%	3	0	-100.00%	3	0	-100.00%
ESMERALDA	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
EUREKA	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	5	2	-60.00%	5	3	-40.00%	1	0	-100.00%	1	0	-100.00%
LANDER	4	0	-100.00%	4	0	-100.00%	1	0	-100.00%	1	0	-100.00%
LINCOLN	2	4	100.00%	2	4	100.00%	1	2	100.00%	1	2	100.00%
LYON	3	4	33.33%	6	6	0.00%	1	0	-100.00%	1	0	-100.00%
MINERAL	2	1	-50.00%	2	1	-50.00%	0	0	0.00%	0	0	0.00%
NYE	6	7	16.67%	6	10	66.67%	0	1	100.00%	0	1	100.00%
PERSHING	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	17	14	-17.65%	17	14	-17.65%	4	3	-25.00%	4	3	-25.00%
WHITE PINE	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%
YTD	175	167	-4.57%	196	184	-6.12%	48	36	-25.00%	54	41	-24.07%
TOTAL 12	236	-----	-29.2%	259	-----	-29.0%	60	-----	-40.00%	66	-----	-37.88%

2012 AND 2013 ALCOHOL CRASHES AND FATALITIES ARE BASED ON PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Vehicle Occupants	2013 Vehicle Occupants	% Change	2012 Peds	2013 Peds	% Change	2012 Motor- Cyclist	2013 Motor- Cyclist	% Change	2012 Bike	2013 Bike	% Change	2012 Other	2013 Other
CARSON	0	3	300.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0
CHURCHILL	0	0	0.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
CLARK	78	68	-12.82%	33	32	-3.03%	20	23	15.00%	1	4	300.00%	2	2
DOUGLAS	3	4	33.33%	1	1	0.00%	1	0	-100.00%	0	1	100.00%	0	0
ELKO	10	3	-70.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
ESMERALDA	1	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	1	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	3	3	0.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0
LANDER	3	0	-100.00%	0	0	0.00%	1	0	-100.00%	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	5	4	-20.00%	0	0	0.00%	1	1	0.00%	0	1	100.00%	0	0
MINERAL	2	1	-50.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
NYE	4	7	75.00%	1	1	0.00%	0	2	200.00%	1	0	-100.00%	0	0
PERSHING	1	1	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
WASHOE	8	5	-37.50%	5	4	-20.00%	3	5	66.67%	0	0	0.00%	1	0
WHITE PINE	0	1	100.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
YTD	121	103	-14.88%	41	40	-2.44%	29	33	13.79%	2	6	200.00%	3	2
TOTAL 12	156	-----	-33.97%	58	-----	-31.03%	38	-----	-13.16%	3	-----	100.00%	4	-----

Total 2012 259



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

MEMORANDUM

Traffic Operations Division

September 30, 2013

To: Richard J. Nelson, P.E., Assistant Director
From: Denise Inda, P.E., Chief Traffic Operations Engineer 
Subject: Analysis of NDOT Self-Performed Freeway Service Patrol Pilot Project, Reno, Nevada

The Traffic Operations Division has prepared the attached analysis of the self-performed Freeway Service Patrol Pilot project to provide an overview of performance measures related to costs and units of service provided for comparison with similar services provided by contractor, Samaritania.

The pilot project was performed by the NDOT Equipment Division in cooperation with District II Northern Nevada Road Operations Center, District II Maintenance, NHP, and the Traffic Operations Division. Modifications in the service hours of operation and routes were implemented at the beginning of the pilot project based on an analysis of traffic volume and crash records on I-80 and on I-580 in Reno. For the purpose of comparison with the contractor provided service and costs, the service data was normalized to produce costs and units of service (assists) based on a "van-hour" defined as one FSP van for one hour of service.

The analysis indicated that self-performing the FSP service was not a cost-effective alternative to a contractor provided service.

**Analysis of NDOT Self-Performed Freeway Service Patrol Pilot Project
In Reno, Nevada**

**Prepared by
NDOT Traffic Operations Division
September 30, 2013**

The NDOT Freeway Service Patrol (FSP) Pilot Project launched Monday, April 1, 2013, with two NDOT vehicles equipped to perform FSP functions on I-580 from Golden Valley Road to S. Virginia Street (Exit 61); and on I-80 from West McCarran Boulevard to Vista Boulevard. The program was launched in coordination with NDOT District II and the Nevada Department of Public Safety. NDOT's Equipment and Traffic Operations Divisions worked closely with the Northern Nevada Road Operation Center, NDOT District II Maintenance, and Nevada Highway Patrol to continually evaluate the program to safely and efficiently relieve congestion while ensuring the safety of the patrol drivers and the traveling public.

The following tables summarize the activities and performance analysis of the pilot project for the month of May 2013.

Table 1. NDOT (May 2013) Type of Incident Mitigation

Incident Type	Number of Mitigations	% of Total
Abandoned Vehicle	57	17.07
Debris	3	0.90
Accident	15	4.49
Disabled Vehicle	98	29.34
Stopped Vehicle	147	44.01
Lost Motorist	5	1.50
Other	9	2.69
TOTAL	334	100.00

Table 2. NDOT Pilot Project Performance Analysis

	Units	Original Estimate	Actual
Staff Pay Grade	N/A	33-1	33-8
Staff Costs	\$ / hour	\$26.24	\$40.68
Patrol Staff-Hours (Van-hours)	Hours	16	18.5
Vehicle Cost, Vehicle #DOT 1535	\$ / mile	\$1.66	\$1.61
Vehicle Cost, Vehicle #DOT 2888	\$ / mile	\$1.66	\$1.75
Patrol Mileage	Miles	400	610
Miscellaneous Supplies	\$ / day	\$20	\$20
Average Incident Mitigations / Day	Mitigation / day	N/A	14.5
Incident Mitigations / Van-hour	Mitigation / van-hour	N/A	0.78
Total Hourly Cost (per van-hour)	\$ / hour	\$68.94	\$97.53
Total Cost / Incident Mitigation	\$ / mitigation	N/A	\$124.43

NOTES:

- 1) The higher staff pay grade used was due to staff availability.
- 2) The actual vehicle-miles driven totaled 610 per day and actual staff time totaled 18.5 hours per day as a result of adjustments to the routes and hours of operation to meet traffic congestion demands.

NDOT advertised for a new FSP contractor in early 2013 to replace the expiring agreements for the Reno and Las Vegas FSP services. At that time, NDOT had an opportunity and an interest in launching a self-performance pilot program to evaluate both service levels and costs. In order to complete the procurement process in time to process a new agreement, if required, the analysis of the self-performance pilot project was initiated with the beginning of the project and the May data analysis was reviewed in June 2013. This analysis was the basis for evaluating the self-performance service in the Reno area.

NDOT received a proposal with a proposed cost of \$65.00 per van-hour for the Reno area and \$61.50 per van-hour for the Las Vegas area. The analysis of the pilot program indicated that a self-performed program was not more cost effective than a contractor provided Freeway Service Patrol program. As a result, it was determined that the pilot program would be discontinued effective September 30, 2013, the earliest time possible to contract a new FSP service provider with allowances for new equipment procurement and mobilization time. The new contractor, United Towing, began providing FSP services in both Reno and Las Vegas on October 1, 2013.