



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
September 14, 2015 – 9:30 a.m.

AGENDA

1. Receive Director's Report – *Informational item only.*
2. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
3. July 6, 2015 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. August 10, 2015 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
5. Approval of request to honor Carson City Sheriff's Deputy Carl Howell by dedicating the Carson City Freeway – *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 #451 – *For possible action.*

I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange; Project NEON; in the City of Las Vegas, Clark County; 3 owners – 2 parcels
10. Resolution of Relinquishment – *For possible action.*

Disposal of a portion of NDOT right-of-way located at the West Wendover Welcome Center, former US-93A (Wendover Boulevard), City of West Wendover, Elko County, State of Nevada; SUR 15-05
11. Approval of the Fiscal Year 2016 NDOT Work Program and Acceptance of the 2016-2019 Statewide Transportation Improvement Program – *For possible action.*
12. Proposed Programs and Projects with Additional Funding Provided by 2015 Nevada Legislature – *Informational item only.*
13. Old Business
 - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
 - b. Monthly Litigation Report – *Informational item only.*
 - c. Fatality Report dated September 1, 2015 – *Informational item only.*

14. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
15. Adjournment – *For possible action.*

Notes:

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

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

Nevada Dept. of Transportation
123 East Washington
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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

Elko County
571 Idaho Street
Elko, Nevada

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

GOVERNOR SANDOVAL: Good morning everybody. I will call the Nevada Department of Transportation, Board Meeting to order. I trust everyone had a wonderful 4th of July and everyone is so excited about going to work again today, right? All right, we will commence with Agenda Item #1, presentation of retirement plaques to 25+ year employees. Mr. Director.

DIRECTOR MALFABON: Good morning Governor and Board Members. We'd like to acknowledge nine retirees this quarter. First, Pete Baker, a Supervisor I in our Materials Lab here in headquarters, 32 years of service. Danny Murphy, a Custodial Worker, here in headquarters, 30 years of service. Good friend of mine, Dave Sangster, Highway Maintenance Manager in Las Vegas District I, 36 years of service. Terry Norcutt, Highway Equipment Supervisor I in Winnemucca, 25 years of service. And, Timothy Cameron, also from Winnemucca, Highway Equipment Mechanic II, 29 years of service. So, if there's a delay in Winnemucca getting your truck fixed, that's why. James Danen, Highway Equipment Mechanic II, in Reno, 25 years of service. Another friend of mine, Mark Elicegui. He was the Chief Structures Engineer for the Department, Admin II, here in headquarters, 29 years of service. Dana Adolph, a Program Officer III in External Civil Rights, Contract Compliance, 26 years of service. And a Resident Engineer in Reno, Jerry Connors, at 25 years of service. Total of 257 years of service from those nine retirees and we want to thank them for their service, not only to NDOT, but also to the State of Nevada.

GOVERNOR SANDOVAL: So, Rudy, none of them are present?

DIRECTOR MALFABON: I don't think that any are present, I don't see one.

GOVERNOR SANDOVAL: I mean, you can't blame them.

DIRECTOR MALFABON: It's been a long time.

GOVERNOR SANDOVAL: No, that is a long time, but I personally want to thank them, if you can convey to them, I mean, it is extraordinary, that amount of service and obviously that's going to be hard to replace.

DIRECTOR MALFABON: Yes.

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GOVERNOR SANDOVAL: When you have the least amount of service is 25 years to the State. But, to be in a position and commit—or, commit yourself to a career in public service for that, length of time in the Department really is something special. I wish they were here so I could personally thank them, again, I really want to make sure they know that.

DIRECTOR MALFABON: Thank you Governor.

GOVERNOR SANDOVAL: All right. Please continue.

DIRECTOR MALFABON: The next item is Presentation of Awards and we have two awards. One is the 2015 International Parking Institute, or IPI, Partner Project of the Year Award, for the category of \$25-\$200M transportation projects. You may recall that NDOT gave its own Internal Partnering Program Award to this project recently, but we wanted to acknowledge efforts of our NDOT Team and Q&D Construction on the Carlin Tunnels Project. The Acting Resident Engineer—Engineers on the Project, Nick Senrud and Tim Mouritsen, our Project Manager, Dale Keller, Q&D, the Contractor, Kurt Matzoll. Steve Bird was our—one of our Chief Designers on the Project. Chris Deal also. And, I want to acknowledge also the efforts of Jin Zhen, from FHWA, who is also in the audience.

I don't know if any of those individuals are present today? Yes. Okay. Let's take a quick photo op with the Board Members to acknowledge your efforts.

We also wanted to acknowledge the Department receiving the Secretary of Defense Freedom Award. This is an award giving recognition to exemplary support of the National Guard and Reserve Member Employees. We had 17 men and women serve in the last 18 months and it's appropriate that right after the 4th of July holiday that we acknowledge their service to our great nation and it acknowledges that NDOT is one of the employers and the State of Nevada in general, Governor, you've shown a lot of support for veterans. And, the member agencies of the State of Nevada always support the efforts of our employees that serve—have to take military leave for that service and then return back to their jobs with probably stacks of work to do after serving their—their country. So, we wanted to acknowledge the Freedom Award given to the Department as well.

That concludes the awards and I can move on to the Director's Report.

GOVERNOR SANDOVAL: Please proceed.

DIRECTOR MALFABON: Good news. Recently the TRIP report focused on major urban roads in each State and identified which ones are in poor condition and Nevada was second for having the least amount of—that would be interstates, freeways and major arterials, in the urban areas that are in the least amount, in the poor condition. Florida led the nation—

GOVERNOR SANDOVAL: So, we're second in the country?

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DIRECTOR MALFABON: We're second.

GOVERNOR SANDOVAL: What was that again?

DIRECTOR MALFABON: Only 1% behind Florida, so we're moving up on Florida. But, it's a good testament to the folks involved in maintaining the roads and doing the projects that keep our system preserved in good condition.

I wanted to acknowledge Tracy Larkin-Thomason's efforts for coordinating on this Autonomous Vehicle Summit. It will be held in Las Vegas, November 3rd and 4th, possibly having a workshop on regulations, working closely with the Department of Motor Vehicles. And, Tracy has been doing a great job of getting the speakers lined up and getting a venue. Governor, we heard that you will be able to greet everybody on the first day, so we'll start midday on the 3rd and continue on in the 4th and possibly the 5th.

GOVERNOR SANDOVAL: There's some—and we can visit later, but there's a lot of interest in this, so we can connect you up, Tracy, with some of the groups that would like to participate.

DIRECTOR MALFABON: Great. And, Tracy is going to attend an event in Ann Arbor, Michigan, coming up shortly on the same subject. I'm sure she'll make some connections there too.

Good news on the—we updated the NDOT logo for the Safe and Connected—the presentation from the students from UNR on our—kind of a campaign to really focus on those elements of transportation and make it simple to remember. So, it is going to be an element in our logo. I notice that we don't have that in our template for our PowerPoint slideshow, but we will next time. But, thank—again, the students from UNR and from the communication students that helped our staff in making that presentation.

A lot of action occurring on the federal funding situation. As you all know the Surface Transportation Bill was extended through the end of this month. Recently the Senate, Environmental and Public Works Committee introduce their version of the Transportation Bill called the DRIVE Act, developing a reliable and innovative vision for the economy. Senator Heller was successful in getting the I-11 language to designate that as a corridor from the Arizona/Mexico border all the way to I-80 in Northern Nevada.

This is a six-year bill with an increase about nearly 7% in funding, so that they are allowing some—a little over 2-2.5% for inflation. The rest of the increase is primarily to a couple of new programs. The National Freight Program and Major Projects Program. So, this would—the Major Projects Program or the AMP Program would replace Tiger Grants. So, Congress would be in control of that money instead of the President through the USDOT Secretary of Transportation.

So, the House Committees will be doing their efforts as well to come up with their version of the Bill and have hearings. They've been having a lot of hearings on various transportation issues.

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We expect that cash management strategies by the USDOT will start taking place in August—meaning that they'll pay a little bit slower. Right now it's just a matter of a few days to get reimbursement from the Federal Highway Administration or Federal Transit Administration. So, they might take a little bit longer or pay just a portion of what's eligible depending on action by Congress. And, while it's not likely, we could still face a federal fiscal cliff if no supplemental revenue is identified for the extension to the end of the current federal fiscal year, September 30th. Most likely we'll see a short-term extension to the end of that federal fiscal year or the end of the calendar year. But, I wanted to make the point that this issue doesn't affect USA Parkway Design Build Project, that is a State funded project. And Project NEON is going to be a bonded project. So, those two major projects are not affected and we also are putting out all of our federal funded projects this federal fiscal year. And, we'll watch that and keep the Board apprised of any actions on this issue of federal transportation funding.

Wanted to—Governor, you had brought up the point about the GST last month and I wanted to make it clear to the Board Members about the fact that NDOT and the State Highway Fund were treated very generously this last session. For one thing, the DMV cap was set at 27%. Previously since I think 2009, it was from 31-33% cap, which means that they could draw more for administrative costs from the State Highway Fund. With that reduction to 27% that's an additional \$13M that stays in the State Highway Fund each year, instead of going to administrative costs for DMV. Also, the significant one, was what you mentioned Governor, the GST. So, an increment of the—what you pay at your car registration was going to the General Fund. In State fiscal year 2017 half of that will go to the State Highway Fund which is roughly about \$31M and significantly \$63M thereafter. So, that's quite a chunk of money. I think we would like to go back to the Interim Finance Committee to ask for their blessing on that Rest Area Program that was cut from our budget. And—then on Uber and Lyft, other ride hailing companies, the first \$5M goes to the State Highway Fund, so that's \$5M a biennium. So, significant amount of money to the State Highway Fund, through legislative and your actions—

GOVERNOR SANDOVAL: Thank you Rudy, and it's everybody, but there's an important point here because this is part of what happened during the recession to help balance the budget was taking money away from the State Highway Fund and this is part of this budget reform that is occurring and shifting back to where we were before. You know, you look at those numbers and you start to do the math and then if you—you have a multiplier with regard to bonding and such, it's a significant amount of money.

DIRECTOR MALFABON: Yes.

GOVERNOR SANDOVAL: And I guess one question I have, Rudy, is that clearly we have been able to do, you know, construct the projects that we need to build and we have been doing the maintenance that we need to do but with this extra money, do you have anything in mind that you would come back to the Board with to propose other than the rest areas in terms of—you know, it's hard—we're already #2 in the country, so let's...

DIRECTOR MALFABON: Definitely—we definitely will come back with a list for Board approval for additional projects that we could deliver with that additional revenue, Governor.

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GOVERNOR SANDOVAL: You know, I don't know what that looks like. Are there more safety projects we can accomplish? Is there something to do with that EPA action? I know we—we put a lot—invested a lot of money in terms of that, but let's do a—kind of a global look in terms of what we can do and set a list of priorities. But you know, the safety one is always a big one for me and if there are some other crosswalks or lights or what have you, statewide, that we could do, that would probably be where I would start.

DIRECTOR MALFABON: We'll do that Governor and Board Members, bring that back to you, that list for additional projects.

As you know, the four teams short listed are Ames, Granite, Kiewit and Q&D for the Design Build Project. Our draft request for proposals did go out at the end of May and we're doing confidential one-on-one meetings with those four teams. We help a successful Disadvantaged Business Enterprise, or Minority Contractor Workshop so that they could meet and get with the four team members that were gracious with their time to be present at that workshop. So, it's a lot about making those connections and marketing for those smaller minority contractor firms with our prime contractors. The final RFP will be issued in early August. So, we're on schedule with USA Parkway. And, I wanted to also mention that later in the informational list of agreements to the Board, you'll see that we did receive the property right associated with the land in Lyon County. So, that was good news also for USA Parkway to keep it on schedule.

GOVERNOR SANDOVAL: Rudy, just a quick question, where does—would you remind me where the USA Parkway enters and exits off of the 50?

DIRECTOR MALFABON: So, it will be on what's currently called Opal Street in that area. If you think about where Ramsey Weeks Cutoff is, it's—Ramsey Weeks is a little bit to the west of that street.

GOVERNOR SANDOVAL: Okay.

DIRECTOR MALFABON: Update on Project NEON. We held a public meeting successfully on June 10th. A lot of public were present there to receive information on the status of the project. We issued an amendment to the request for proposals, which we felt we would give three more weeks to the Design Build Team so they could assess the impacts of their—their project schedule, their construction schedule because we did update the right of way acquisition schedule in that. Some were significant. And you'll see this month and in the coming months, a lot of condemnation actions by the Board to keep the project on schedule, as best as possible with that right of way acquisition schedule. The negotiations will continue with the property owners and I will cover that in more detail when we get to the condemnation action specifically. But, Project NEON was—the procurement schedule was—we added three more weeks so that could consider those impacts of those right of way parcel acquisitions.

We had the groundbreaking for Carson Freeway. I-11, the Boulder City Bypass is underway. We have, on August 6th, a groundbreaking scheduled for US-95 Interchange, it was recently

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awarded by the Board. Phase IIIA we call that, and we're also going to have a public meeting on September 2nd. This is just one of the many phases on US-95, widening it up all the way up to Mount Charleston. So, it will give an opportunity for NDOT to give the public an update on the current projects as well as the forthcoming projects.

GOVERNOR SANDOVAL: Controller has a question.

CONTROLLER KNECHT: Thank you Governor. Rudy, on the I-11 Boulder City Bypass, do we know yet which side of the State that bypass is going to hug?

DIRECTOR MALFABON: Yes. In response to the Controller. The previous Board action was to adopt the alignment on the west side. So, most likely up US-95 up to the area of Interstate-80. So, Senator Heller's language in the Surface Transportation Bill mirrors what the Board's decision was for the west side and we'll still consider whatever improvements are needed on US-93, on the east side for commerce and for freight movement.

CONTROLLER KNECHT: Thank you.

DIRECTOR MALFABON: Next slide, good news at the Nevada Supreme Court at the Ad America Case, as it was called was—we were—we won that case. I wanted to thank Dennis Gallagher and the legal counsel that he hired to help us win that case. It was significant in that, if we had lost it would've had—it would have cost the State a lot more money for projects like Project NEON where actions taken during the planning stages of a project could be alleged to be taking of property. So, it was important to get that decision by the lower court reversed at the Supreme Court level. What it does is, it saves us from having to pay out compounded interest on some of these properties where a property owner alleges that we took the property years before the actual date that we made an offer to buy the property.

GOVERNOR SANDOVAL: Thank you Rudy and it is a significant case. I was going to ask this question later, but do we get our fees and costs?

DENNIS GALLAGHER: Good morning, for the record, Dennis Gallagher, Counsel for the Board. We will be moving for freezing costs, Governor, regarding the inverse condemnation claim, which was what the Supreme Court reversed. There still is the other claim for pre-condemnation damages that the trial court has not yet ruled on, so we'll proceed with that.

If I might, the significance of this case cannot be overstated. It is perhaps the most significant juris prudence in this State in over a decade for eminent domain cases. Just try to put a quick value to it, well over \$40M on this one case alone, plus the precedent for other cases because the District Court had found, erroneously, but that the Department had inversely condemned this parcel back in October of 2007. So, with the value of the property, interest compounded from that, cost and fees, we probably get up close to just north of \$40M. So, I want to thank all the lawyers that were involved in this. I don't want to call this 'bet the company litigation', but had it gone the other way, it would've had not only a negative impact on Project NEON, but all major projects on a go forward basis. I'm very pleased to report that.

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GOVERNOR SANDOVAL: And, we don't always get good news like this.

DENNIS GALLAGHER: Exactly. So, we can talk about it a little bit more if you'd like.

GOVERNOR SANDOVAL: Well, maybe we'll save it for later in the agenda because I think it's important to provide the opportunity to you—for you to really lay that out. I haven't had an opportunity to view the opinion so I can get it, but I do want to read it myself. Give you some time to gather some thoughts in terms of some topline consequences because of the decision and the meaning of the precedent that it's going to set and maybe a ballpark figure—I mean, if it's \$40M for just this one parcel, I mean, just think what the proportional math is for all the other parcels that could've been involved. All right, thank you.

DIRECTOR MALFABON: Anticipated settlements at tomorrow's Board of Examiners meeting. We have the Wyckoff Settlement was associated with the I-15 South Design Build Project. This particular parcel, we relocated a NV Energy power line and we felt this was a fair and equitable settlement. Our exposure was nearly twice that amount that we settled for. Jensen is a minor settlement associated with the Pyramid and McCarren intersection, there's a lot of temporary easements that we have to obtain for construction. Then, wanted to report also that our Assistant Director of Operations, Reid Kaiser and I are meeting with Meadow Valley contractors tomorrow to discuss the claim.

The negotiation meeting with the USEPA has been postponed until August but we are proceeding with the hiring many of those important positions in our Storm Water Program, so the new Deputy Director that was approved at the legislative session, the new division chief and several other Storm Water Program positions have been announced for filling those new positions.

Last month we had one of the contracts for environmental clean-up that was—we had some discussion about. I wanted to just offer that the—the Districts are willing to prepare more detailed presentations to the Board about these—these types of efforts and the maintenance costs associated with those. Some of it is outsourced, just as the contract that you saw last month. Some of it—a substantial amount is by in-house forces. But, I wanted to show a few slides of the clean-up that's necessary for public safety and Clean Water Act compliance, as well as proper flood control maintenance.

You can see the debris that—as folks, these pictures are from Las Vegas, but we have the issue of trash and litter pick-up up here in the north, not so much the homeless problem that we have and that challenges us in Las Vegas. But, a lot of debris gets piled up in these box culverts and pipes so we have to clean that out.

You can see that we hire these services to come out and clean or sometimes we clean ourselves, power washing, where basically there's waste products left within our right of way.

You can see that there's folks living in the box culverts which is very challenging. We give

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notice to the homeless folks, that we are going to be cleaning up and then we go there again—to remind them and then, when we do show up, we have to clean up all those materials that are piled up in our box culverts. So, it can be a significant challenge and it can impede the flow of water. It's also a safety issue. So, we want to make sure that we stay on top of that and that's why we have those types of contracts to periodically clean out culverts. We found one area that we lifted up a manhole cover and there were people living in the pipes. So, it's really a challenge. But I wanted to—if the Board would like more information about the costs and more details about this type of program, the Districts are available to give a future presentation on this subject.

GOVERNOR SANDOVAL: Well, given the flash flooding that is possible in Southern Nevada, this really is a human safety problem. But when you look at that propane tank, I mean, there's really a life safety issue there.

DIRECTOR MALFABON: That concludes the Director's report and I'm willing to answer any questions. After the public comment period, also, we'd like to move up Item 12 on the agenda before the approval of the minutes.

GOVERNOR SANDOVAL: I have just a question on an update on the I-80 Project, Rudy, how is that going?

DIRECTOR MALFABON: Okay. The—well, we've got the—should have a recommended.

GOVERNOR SANDOVAL: I should say 395, excuse me.

DIRECTOR MALFABON: Yes, 395, I-80, kind of the intersection, spaghetti bowl. We have a consultant that should be selected by now, so recommendations will be coming to negotiate the contract and we've added some scope of work and anticipated adding that, doing some conceptual sketches of the flyovers and treatments that we'll be looking at as solutions. So, this consultant will be doing the traffic numbers for all of those freeways coming together at the spaghetti bowl, which will be the first step in finding what the solutions are and then, move on into—we'll move on into the environmental clearance of the project. We wanted to start out with some concepts about the constraints. You know, we have the river and the railroad tracks, some other constraints there. We want to know what—what are some of the solutions with some of the flyover bridges and work up some of those concepts.

GOVERNOR SANDOVAL: No, I appreciate that and then the pavement replacement, how is that going?

DIRECTOR MALFABON: That project is going very well. We've had—the traffic control is working well with the crossover of one lane southbound. I think that they're getting ready to switch or they have switched—I just drove through there yesterday too, but it's going very well for the amount of traffic. And, we noticed that a lot of people have found other alternative routes too. There's about a—a significant decrease of about 25% or so less volume of traffic than usual because people are finding other routes.

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GOVERNOR SANDOVAL: Thank you. Any questions from southern Nevada, good morning?

MEMBER MARTIN: None here sir.

GOVERNOR SANDOVAL: Questions from Carson City, Member Savage?

MEMBER SAVAGE: Thank you Governor, not a question, just a compliment, Rudy, administrative staff, it's a good day, when you're #2 in the country. I know everyone is a little sleepy after a three day weekend, we're #2, we saved plus \$40M. I really commend everyone in the Department. It's a huge win today, from headquarters to the districts, down to the maintenance people, I'm every thankful and thank you very much.

DIRECTOR MALFABON: Thank you Member Savage.

GOVERNOR SANDOVAL: Well said, any other questions? All right then, we will move to Agenda Item #4, Public Comment. Is there any member of the public here in Carson City that would like to provide a comment to the Board? Is there any member of the public present in Las Vegas that would like to provide public comment to the Board?

MEMBER MARTIN: No sir.

GOVERNOR SANDOVAL: Then we will fast forward to which Agenda Item is that?

DIRECTOR MALFABON: Item 12.

GOVERNOR SANDOVAL: Item 12?

DIRECTOR MALFABON: Briefing by the Regional Transportation Commission of Southern Nevada on the Transportation Investment Business Plan is Tina Quigley.

TINA QUIGLEY: Thank you for allowing us to present to you today. We've been working for a while on an effort called the Transportation Investment Business Plan. In fact, we've been working on it for almost—about a year now. Pretty hard and in a very intense coordinated manner. About two years ago, Rossi Ralenkotter, President and CEO of the LVCVA pulled a group of us together and it was interesting because it was the first time that I ever sat down with all these different groups. These are all different people who had a responsibility or a nexus for how people move within our resort corridor, like taxis, limos, convention organizers, the airport, the Chamber, the City, the County. And yet, it was the first time ever that we were sitting down as a group to talk about how are we going to make sure that as we continue to grow, that we are not inhibiting or creating a bad experience for our visitors as they travel between where they are and where they need to go. He made it very clear to us that it wasn't about us. It's not about your business, it's about Southern Nevada. So, you need to take your blinders off and if you're here at the table, it means that you're willing to participate and talk about how we're going to make sure that Las Vegas stays globally competitive in terms of

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our travel and tourism destination. He recognizes that his peers, at other convention facilities, are starting to market themselves as being a destination where it's easy to get from your airport to your convention center to your resort, to your hotels.

So, we know we've got 41 million passengers right now. We're an economic generator. The industry generates about \$45B for the State. We have 370K employees. Every weekend we're moving up the equivalent of a super bowl. There are cities who prepare for years in getting ready to move people for a super bowl and we do it every single weekend. It is our life blood.

So, we pulled this together. After a while we realized that this was a very big task and we needed a consultant to come in. We did a competitive nationwide recruit—RFP. We pulled in a consultant, CH2M Hill is the lead on it. They've been working with us for about a year. We have had several meetings and including the resorts. I also need to mention to the fact that the resorts, the Nevada Resort Association as well as members from each one of the resorts is part of this conversation.

And, we have come up with a draft list of recommendations. This draft is broken into near term, midterm and long term improvements. In the near term, we're talking about 1-5 years and in particular we're focusing on Transit Con Activity. So, moving people via mass transit. Additional pedestrian facilities and safety facilities for pedestrians. Street connectivity and mobility in particular, working with NDOT and with the County and the City in creating a network of roadway investment, roadway infrastructure investments that help take people—give some relief to some of our very congested corridors.

Also, a monorail extension. Connecting the Mandalay Bay and the Sands is what we're talking about. Rossi and the Monorail believe that if we had each one of our major convention facilities connected, via the monorail, we could market ourselves as being a destination that has X number of square footage that is connected and people can move very easily between those facilities.

Then, most interesting was our program and policy actions. These are actions that really don't require a lot of money or infrastructure investment and yet, could go a long way in terms of improving the efficiency as to how people move around.

For us, at the RTC, things like providing real time transit information and amenities at transit stops, creating an Event Transportation Management Group. I found this to be very interesting too, that we are the world's destination in terms of travel and tourism and yet, we don't really get together, all the different entities, to talk regularly about each one of our major events and how we're going to move those people. We know where they're going and where they're staying and we know at what times. And, we also know when we've got construction activity going on, or landscape maintenance going on. And we want to make sure that we have got an association where when we're having these conversations about making sure that we don't impede or the movement of that—that traffic.

We also at the RTC are the coordinators of the traffic signalization. So, we need to be taking more opportunities---taking advantage of that opportunity to make sure we're moving people.

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We can do that through the management group and some policies.

Pedestrian connections. Making sure that pedestrian walkways between resort properties break up our super blocks along Las Vegas Boulevard. Talking about addressing employee and visitor parking. Creating policies that increase capacity through consolidated employee parking facilities. Visitor information, deploying a transportation information campaign to inform visitors of their transportation options in Las Vegas. Pedestrian overpasses we talked about and also a way finder system. Implementing a more intuitive way of communicating with our visitors which exits and onramps they need to take to get to which resorts.

So, those are the near term improvements. Midterm improvements are those that should be accomplished or undertaken within the next 5-10 years. These are a little more intense. In particular interest, in requiring a lot of coordination with the airport is a multi-mobile transportation center at McCarran Airport. A center that you would have access to your rental car shuttles, to taxis, limos, mass transit. We'll talk more about that.

Let's see. Under core area high capacity transit, taking a look at bus rapid transit investments as our interim approach to increasing mass transit along the resort corridor.

Freeway, working with NDOT, suggesting new interchanges at 1-15 and Maryland Parkway—I'm sorry, 515 and Maryland Parkway at 13th Street to provide enhanced access to downtown Las Vegas, creating an I-15 express exit ramps for high occupancy vehicles, including buses, taxis, limos and shuttles. And also creating direct HOV lane connections from 215 to McCarran Airport.

Also, we are in—there is a—still conversation and we hope that there continues to be conversation about a high speed rail effort between Las Vegas and Southern California. We want to make sure that their plans are integrated with our plans in this blueprint. So, we do talk about a high speed rail station as well, and either a monorail extension to it, or some type of rail extension to it, so we can move people quickly.

Long term improvements and these are the ones that are still a few years away and are going to require a lot more engineering and conversation about financing. The first one is Core Area Light Rail Service, along Las Vegas Boulevard in particular. We want to make sure that we have got connectivity and are moving people quickly along Las Vegas Boulevard and then also, between McCarran Airport and Las Vegas Boulevard. There will be some street level—there are recommendations for street level light rail, as well as, exploring underground portions. It's always scary to say but it is something that we have to continue to have in the conversation as we're moving forward in the long term.

So, these are our major recommendations. We have a lot of work still to do in terms of the conversation and now we are also in the financial phase of it. We call it the Transportation Investment Business Plan because it did have to have a financial component to it. This was not going to be—we weren't going to pull all these people and have this conversation and come up with a master plan, a blueprint, without also having a very responsible conversation about what

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sources of revenues are available for this type of investment. We are outreach and working in DC, we're also working with some major financing houses and the public sector and we will explore—I'm sorry, private sector and we'll explore public sector options as well. We're talking to major other metropolitan areas who have done this work.

None of this is new. We are not the first metropolitan area to talk about major transportation investment. We're at that point, that tipping point where population of 2 million and we're anticipated to grow another 25% in the next 10 years. So, we're at the right time. Where all those other metropolitan areas have gotten past us—Denver is a great example, Phoenix is a great example, we're where they were 20 years ago and so we're having the same conversations that they were at that time in order to keep going.

So, that's just a brief overview and I'll take any questions if you have them.

GOVERNOR SANDOVAL: Thank you Ms. Quigley. Great presentation and very visionary. I was just in Denver and their public transportation was wonderful.

TINA QUIGLEY: I know, isn't it—oh, did you go to Denver Union Station?

GOVERNOR SANDOVAL: I did not, no.

TINA QUIGLEY: Oh my gosh, amazing, yeah.

GOVERNOR SANDOVAL: But that light rail is fantastic up there. One question on your near term improvements on the monorail extension, is there still any discussion of extending that to the airport?

TINA QUIGLEY: There is discussion—they don't see that as the top priority for them right now. They've done, of course, extensive amounts of return on investment, analysis and ridership studies. What they're showing for their business, as being the right decision right now is to connect the convention centers and focus on that market. That doesn't mean that in the future they might not take a look at ridership to the airport.

We're recommending light rail as the mode that accesses the airport. What we like about light rail is that you can expand it into the community. So, as we grow, as we become a Denver, we want to take it into, you know, along Tropicana or along Charleston to access employees or residences, moving them into the core area, that—it's got that flexibility.

GOVERNOR SANDOVAL: And, I don't want to pull you into this debate, but on the monorail, I mean, ridership is not paying for the cost of it and—

TINA QUIGLEY: Well, since post-bankruptcy, their operating in the black.

GOVERNOR SANDOVAL: Oh, they are, okay.

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TINA QUIGLEY: Well, they went from \$640M of debt to \$13M worth of debt, so.

GOVERNOR SANDOVAL: So they—you know, again, I want to make sure that with limited resources, we're putting the money where it will get the best bang for our buck. So, is—you know, is that going to improve things by extending it from Sands to Mandalay?

TINA QUIGLEY: Their ridership numbers show that it will. That extension of course is not nearly as expensive as the extension to the airport would be. So, they—they are working with our team and exploring—going over all the finances. And, we think they've got a good argument for it being a convention connector at this point.

GOVERNOR SANDOVAL: And finally, then I'll move on. You said you've talked about the financing but you didn't mention any ballpark figures.

TINA QUIGLEY: No, I mean, if you were to take a look at our long range stuff, you're certainly in the B's. This isn't the—and, it's important to note that there's different funding sources for the—I mean, this is a stack of—you're talking about a myriad of different types of investments, whether it's policy or actual infrastructure. So, likewise there will be a myriad of different types of financial structures or stacks, as they call them, associated with each project. But yeah, that—that long range stuff, that's—that's going to be in the B's.

GOVERNOR SANDOVAL: All right, any questions from Southern Nevada?

LT. GOV. HUTCHISON: Mark Hutchison here. And, Tina, thank you—thank you very much for your presentation. A couple of questions for you.

TINA QUIGLEY: Sure.

LT. GOV. HUTCHISON: So, you're here presenting to the Board and outlining, you know, near term and midterm and long term improvements, what's the ask of this Board and what's—

TINA QUIGLEY: There's no ask at this point. At this point, it really is conversation and education and coming up with a coordinated consensus blueprint as to where we want to go next. Inevitably some of these recommendations will require very close partnership with NDOT and actually NDOT is at the table with us. Some of these suggestions that are made, these recommendations originate from NDOT. So, yeah, there will be a lot of partnership with the State.

LT. GOV. HUTCHISON: Thank you. And then my—

TINA QUIGLEY: But at this point, there is no specific ask.

LT. GOV. HUTCHISON: My—thank you, my second area of inquiry is about the private sector. You know, we just had a huge debate in Carson City about Uber and taxi services and you know, some people, you know, made different representations about how Uber would

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impact the movement of people to and from the airport and how this is all going to integrate. Has that been considered, you know, or is this just sort of the public side of transportation, moving people—the equivalent of a super bowl every single weekend.

TINA QUIGLEY: So, the Liberty Operator's Association Chairperson, Brent Bell, is on our committee and then also, Iliana Dropkin from the Taxicab Authority are on our committee and they have brought that to our attention, several times. There is going to be some concern and we do need to address this that as part of this—this coordinated conversation we're having.

When we first started this, Uber wasn't even in our vernacular. It wasn't part of our lexicon, we really didn't know much about it. But, now that it is coming, it is definitely going to be part of the conversation we have. We have another meeting in late August and inevitably, that will be one of the items on the agenda list.

LT. GOV. HUTCHISON: So, that's going to be something you'll keep us updated on and we'll learn about—

TINA QUIGLEY: Yeah, as we—we're going to have to take a look at the traffic patterns and how is this affecting congestion, if it was affecting congestion and what type of amenities need to be coordinated as part of this.

LT. GOV. HUTCHISON: And, not only affecting congestion but also affecting the solution to moving people, right? That's the whole purpose of Uber, is to move people around and we were told that, you know, by a lot of people, this is going to be a big part of the solution to servicing tourists in Las Vegas who want instant access to transportation. So, that's all going to be, I'm sure, figured into the mix and it seems to me that's going to have to be sort of a recalculation for you.

TINA QUIGLEY: I think you're right.

LT. GOV. HUTCHISON: Okay. Thank you very much. Appreciate your presentation.

TINA QUIGLEY: Sure.

GOVERNOR SANDOVAL: Before I go to the Controller, just a follow-up question, on the Lieutenant Governor's, so is part of the study—the more you—

TINA QUIGLEY: Plan, business plan.

GOVERNOR SANDOVAL: Plan, excuse me.

TINA QUIGLEY: I get reprimanded all the time for that.

GOVERNOR SANDOVAL: So, the addition of public transportation is going to subtract from rental cars, Uber and taxis, so do you—is there a formula for that?

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TINA QUIGLEY: There's not—we haven't addressed that formula but what we have to remember and actually, I appreciate Iliana Dropkin from the Taxicab Authority, reiterating this regularly to her members that this isn't just—this isn't so much about taking away, this is about adding visitors as well. And certainly for taxicabs, they—they earn their fare by a quick turn. And so, the more—the less congested the roads are, they're actually able to increase the number of turns that they've got. So, yeah, there's going to be changes in how people move but we do believe there's enough for everybody.

GOVERNOR SANDOVAL: Mr. Controller?

CONTROLLER KNECHT: Thank you Governor, Tina. For the benefit of my education, elaborate a little bit on the Russell Road tunnel project, I'm not familiar with that.

TINA QUIGLEY: So, Russell Road is currently an east/west corridor that ends at the airport and yet, it has the potential to be a major east/west connector, giving some relief to some of our other east/west connectors. Going under McCarran Airport is an option that we're going to explore. It's not the first time that this discussion has been held. This is actually something that's been—it's been in the archives that we pulled up. If there is a tunnel there, that accommodates cars, it also could accommodate light rail, giving us access from the airport to the south end of the strip and then turning up towards the north end of the strip. So, that is something that's going to be explored.

CONTROLLER KNECHT: So, it would run from Las Vegas Boulevard more or less, going east, how far?

TINA QUIGLEY: Oh, it's probably one point—I don't know the distance, it's probably about a mile.

CONTROLLER KNECHT: Okay. Thank you, I appreciate that.

TINA QUIGLEY: Sure.

GOVERNOR SANDOVAL: Any closing comments Ms. Quigley?

TINA QUIGLEY: No, I just want to thank your team because they've been at the—Rudy and Tracy Larkin-Thomason, have been at the table for all of these conversations. And it's not easy. Tom Skancke was in the paper this morning and he's quoted as saying, getting to yes is hard. Getting a no is easy, anybody can say no, but getting a yes, what you're talking about is many different business groups as we're talking about in this conversation has not been easy, so I appreciate very much so—

GOVERNOR SANDOVAL: Tell me about it. Anyway, I want to thank you for all this work because I know there has been a lot of collaboration and a lot of effort that's come into that. And, for me, it's exciting. It really is, it's a part of this evolution of Southern Nevada and Las

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Vegas and continuing to keep us as the premier destination in the world. We can—you know, we're building more—these beautiful resorts, but if people come here and they hit a wall in terms of transportation or what have you, they expect the best from us. And this will deliver that. And, as you say, it's going to be quite the investment, but on the other hand it really, I guess, distinguishes us from everybody else and you know, that makes me proud to have the premier destination in the world with premier transportation to complement it.

TINA QUIGLEY: Thank you. I appreciate that, because yes, it is overwhelming and you do get exhausted sometimes, so thank you.

GOVERNOR SANDOVAL: Well, keep up the good work, thank you.

TINA QUIGLEY: Right, thank you.

GOVERNOR SANDOVAL: Okay. We'll move back to Agenda Item #5 which is approval of the June 8, 2015 Board Meeting Minutes. Have the members have an opportunity to review the minutes and are there any changes? If there are none, the Chair will accept a motion for approval.

CONTROLLER KNECHT: So moved.

GOVERNOR SANDOVAL: Controller has moved for approval, is there a second.

MEMBER SAVAGE: Second.

GOVERNOR SANDOVAL: Second by Member Savage. Any questions or discussion on the motion? All in favor, please say Aye. Motion passes 5-0. We will move on to Agenda Item #6, approval of agreements over \$300K. Good morning sir.

ROBERT NELLIS: Good morning sir, members of the Board. For the record, Robert Nellis, Assistant Director for Administration.

Today we have four agreements under Attachment A that can be found on Pages 3 of 19 for the Board's consideration. The first two, line item #1 is Parsons Transportation Group in the amount of \$2,974,924.83. This is for construction engineering services for US-395, Carson City Freeway from South Carson Street to Fairview Drive. And also we have line item #2, CA Group, in the amount of \$2,748,252.58 for construction engineering services for US-95 in Clark County.

And, Governor, I'll pause there in case the Board has any questions for Assistant Director, Reid Kaiser on these two items.

GOVERNOR SANDOVAL: Questions from Board Members? Mr. Controller.

CONTROLLER KNECHT: Thank you Governor, and Mr. Nellis, looking at page 5 of 19,

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there's a few comments at the bottom of the page, why NDOT keeps paying for consultant vehicles, cell phones, nuke gauges, question mark and then there's some discussion there but what's the issue there, that was being raised there and what's the answer to that question?

REID KAISER: Again, for the record, Reid Kaiser, Assistant Director of Operations. Member Knecht, those are just estimates and the question was, why are we paying for those? Again, those are just budget items. Those are costs that the consultant will be bearing and so we need to cover those costs somehow. Again, those are just estimates and when we do meet or negotiate with a consultant after they've been given a contract, we negotiate those prices. For cell phones and nuclear gauges, those are good estimates but for this certain agreement, we actually budgeted it or negotiated it down to \$1,300 per vehicle. We've ran those costs through our equipment division and those are real costs that you and I would also have to pay had we go—had we had to go rent a piece of equipment like that.

CONTROLLER KNECHT: So, it's a standard practice to compensate them directly for those cost elements?

REID KAISER: Yes Member Knecht.

CONTROLLER KNECHT: Thank you. Thank you Governor.

GOVERNOR SANDOVAL: No other questions?

MEMBER MARTIN: Governor?

GOVERNOR SANDOVAL: Oh, we do have a question, Mr. Martin?

MEMBER MARTIN: I see a difference, Reid, in what the—for the Parsons, for \$2,974,000 but then when I go to the same page that Member Knecht was talking about, it says the total estimate cost for the services are \$3,939,000—what's the million dollar difference?

REID KAISER: Again, those are just for budgeting purposes. On the first sheet, we have to get a—we have to have approval to go negotiate or get an agreement. So, those are just budget amounts on that first sheet and the actual agreement costs are what's in the line item that we're talking about.

MEMBER MARTIN: So, is that the \$2.9M?

REID KAISER: Yes.

MEMBER MARTIN: Not the \$3.9M.

REID KAISER: No, the \$2.9M is for the two year agreement with Parsons.

MEMBER MARTIN: Okay, but—okay, and that takes you through 2017, correct?

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REID KAISER: Yes sir.

MEMBER MARTIN: Okay. And, the next question is, at that \$2.9M for a 400 day contract, that's \$7,500 a day. That seems like a lot of help.

REID KAISER: Yeah, what's going on with that construction crew, Member Martin, is we just promoted that resident engineer to the construction office and there's rumors on the street the assistant it going to be retiring in the next couple of months, so that agreement hires Parsons as an assistant resident agent or a number two person on the project for us. And, that person who was filling that position has 25+ years with the Department. Worked as an assistant district engineer for Thor Dyson. Worked as a resident engineer for many years for the Department and we felt that that Parsons would supply some of the experience that we need to run a project like this. The people we do have coming up don't quite have the experience that this person has.

MEMBER MARTIN: Okay, thank you.

GOVERNOR SANDOVAL: Anything else Frank?

MEMBER MARTIN: Line Item #3, Reid, it has a requirement, if I can find it here of a percentage DBE. Yeah, it has a requirement of 2%. The DBE goal for this agreement has been established at 2%. I was recently involved in a discussion with Tracy and a number of other folks on the Boulder City Bypass project that was awarded to Fisher. And, it was explained to me in great detail how staff had went and got copies of bids from the DBE subcontractors, they had checked them out and done all of that kind of stuff. I'm wondering if y'all have seen the proposed list on the DBE firms and if you checked out and made sure that they had in fact provided proposals to the—to the service provider.

REID KAISER: Member Martin, I'll ask to give this over to John Terry.

JOHN TERRY: John Terry, Assistant Director for Engineering. It's a little bit different situation here in that, you were talking about a bid situation where we had specific items that were in a construction bid and in that case, they must be held exactly to what they bid and in fact, the DBE goal becomes what they bid. In this case, this is a competitive procurement for engineering services, which is negotiated after you have the successful engineering firm in this case. And so, then as a part of the negotiations with that, they submit, show that they're over 2% but then we negotiate that and they're still over 2%. So, it's a similar but slightly different process when you're talking about a negotiated agreement. But yes, they are held to the DBE percentages as we go through this and it will be tracked through the course of the agreement. Did I answer your question?

MEMBER MARTIN: No. I'm not seeing the difference between the two processes. You've got competitive proposals for this. Part of the RFP was 2% DBE, correct?

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JOHN TERRY: Yes.

MEMBER MARTIN: Which is exactly the same process that Fisher and Las Vegas Paving went through on the Boulder City Bypass, correct?

JOHN TERRY: Yes, except that we negotiate after we choose a selected consultant and—and during those negotiations, we assure they stick to that 2% or above, as they were submitted in their proposal. There is no cost in an engineering proposal when it's submitted.

MEMBER MARTIN: Okay. I—so, what you're saying is, there's two different standards. One for engineers and one for contractors.

JOHN TERRY: Because engineering procurements cannot include cost as a part of the selection process by law, that cost element has to be part of the negotiations.

MEMBER MARTIN: It can—it can include naming who the proposed DBE firms are, correct?

JOHN TERRY: Which is exactly what they do. It's just the exact percentage isn't established until the negotiations.

MEMBER MARTIN: So, you have seen the proposals or the proposed listing of the DBE firms on this.

JOHN TERRY: Yes.

MEMBER MARTIN: Okay. All right, thank you, no further questions.

GOVERNOR SANDOVAL: Member Savage.

MEMBER SAVAGE: Thank you Governor. At this time, I would like to disclose, I will need to recuse myself from voting on Line Item #1, due to a potential conflict between the Parsons Transportation Group proposed personnel and the other engineering company, CME, of whom originally proposed as well. I remain cautiously concerned about NDOT's evaluation and selection process for engineering consultants. As I have said many times in the past, NDOT's process for selection of contractors and consultants must be consistent and transparent, ensuring trust to all proposers.

I know recently at last month's Construction Working Group meeting, we initiated a review of the Department's current process to evaluate and select engineering consultants and we will continue to do so at the next CWG meeting. Thank you Governor.

GOVERNOR SANDOVAL: Thank you Member Savage.

ROBERT NELLIS: Governor, for the record, Robert Nellis. Just to finish up on

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Agenda Item #6—Item #3 is with Jacob's Engineering Group for preliminary design services in the amount of \$2,645,000. This is for the I-15 corridor, from US-95 and Rancho Drive to I-15 and Wyoming Avenue grade separation in Clark County. And, finally Item #4 is for legal services in the amount of \$400,000, to represent and advise the Department in eminent domain, condemnation matter for Project NEON. Does the Board have any remaining questions on these last two items?

GOVERNOR SANDOVAL: Questions from Board Members?

MEMBER MARTIN: One last question sir, who is—on Item 1, 2, 3 and 4, who is the proposers? In other words, who is the competitive—who is the person—who are the other people that have responded to the RFP for 10215, 13515, 55614?

ROBERT NELLIS: This is Robert Nellis, for the record, I can get that to you, Member Martin, after that Board Meeting. I don't have that information with us here.

MEMBER MARTIN: Okay. And, if you could, I'd appreciate seeing the basis on which the selections were made. In other words, the scoring sheets and all of that, following line with what Member Savage said. I too have a concern about the procurement process for these types of contracts.

ROBERT NELLIS: Okay, Member Martin, we can get that to you as well.

GOVERNOR SANDOVAL: Mr. Terry, do you have any top line response to Member Martin's question?

DIRECTOR MALFABON: Governor, I do know that at least on #1, the three firms that were interviewed, it was CME, as Member Savage mentioned, Parsons Transportation Group who was successful in winning the award and HDR was the other firm that led a team for construction management services.

LT. GOV. HUTCHISON: Governor, just a follow-up question down here.

GOVERNOR SANDOVAL: Yeah, let me ask a question first and then we'll go to Lieutenant Governor, but can you just give a brief synopsis of what are some of the considerations that are made when those selections are made?

DIRECTOR MALFABON: Typically the first step was submittal of a proposal, as Mr. Terry indicated and it includes all the team members. So, the names of the individuals on the team as well as the companies that they're associated with. And you get some background information. That ranking took place. We went to an interview of the top three firms, which were mentioned, HDR, Parsons, and CME. Those teams had an interview process and then Parsons won based on the scores, the ranking of the people represented on the team that reviewed or conducted the interviews.

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We did have a meeting with CME afterwards and they had some suggestions that we were—are talking about modifying our process to address some of those concerns. Because some of these selections are very close in scoring, so you might get a team member that ranks, team number one, and second team number two, and they might be reverse, so kind of a tie almost was broken by the—one of the other reviewers on the case of #1, Parsons Transportation Group just barely beat out the second HDR, but after the—I think what the concern was from CME was, after proposals, they were ranked #1 and we felt that it was because NDOT had not contracted out construction crew augmentation services in a while that it would be fair to go to an interview process for more information to the interviewers and they—that was how the scores came out. They take the rankings from those scores, so it's—it takes into account a ranking and then whoever wins out on the lowest ranking, closest to #1, in other words, gets awarded the project.

And then the—one of the things that CME asked for was more upfront notice and better debrief, more information on the debrief that would help them be more successful and competitive in the future procurements.

GOVERNOR SANDOVAL: Do the scorers know what each other are doing?

DIRECTOR MALFABON: Yes, there's—the process is, they submit their scores—there's two processes available, but you have to identify—the project manager for procurement staff have to know in advance what process you're going to use. So, the first process is, you submit your scores, they get compiled and then you have the clear winner based on the scoring, the ranking.

The other process is more of a collaboration, a discussion, an agreement. We use that process with construction manager at-risk procurements or CMAR procurements. Where there's more open discussion. The process used for this one, for #1 and probably #2 was more of a, here's the scores, they're compiled and then the results are what you get. There's no discussion after the scores are submitted. But, what we looked into was more of a collaborative process where there's more open discussion. It's an option available. As long as it's identified upfront, going into the procurement.

GOVERNOR SANDOVAL: But, if I were sitting with you and I was on this team, would I know what the math is on—

DIRECTOR MALFABON: You would only see it after all the scores are compiled, so.

GOVERNOR SANDOVAL: All right. Mr. Lieutenant Governor.

LT. GOV. HUTCHISON: Thank you Governor. My question is on, as you may suspect, Item #4, with the legal services. Just like to get a feel—I think I've been—we've had the discussion before that I don't believe that legal services are subject to the RFP, and if that's the case, maybe Dennis you could just help us on the same kind of spirit of what we're talking about here in terms of how Carbajal was selected. I went back and I looked at the open outside counsel contracts, it seems that they've done one—or at least currently are doing one project for NDOT.

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I'm just curious, what's the process on this new selection and this new contract for legal services?

DENNIS GALLAGHER: Good morning, Dennis Gallagher, for the record. Counsel for the Board. As you noted, Lieutenant Governor, they're doing some work for NDOT now. That was based upon a selection some time ago. Periodically we reach out to the legal communities and solicit for expressions of interest. Asking firms who might be interested in doing eminent domain work to provide us information regarding the qualifications of the lawyers who would handle the cases, a little bit about the firm, the types of cases, eminent domain cases that they've handled in the past—we've taken those responses and those with good qualifications, those with a good hourly rate, are put into a pool and I think the last time we reached out, Lieutenant Governor, for expressions of interest was perhaps a year and a half ago and we're getting ready to do it again because of the change in the legal landscape. Some of the firms that were there a year ago aren't there anymore or they're in a different firm. So, we want to get the best that we can for the State.

In this particular matter, you might have noticed that it's perhaps a little bit more than some of the other requests for legal services that we've done in the past. The reason—there's two reasons for that increase. One, I don't like coming back for increases and I'm sure the Board doesn't like to see those. Two, this particular parcel is a critical parcel in the commencement of Project NEON and it is currently occupied by a national fast food franchisee. So, it's a little more complicated.

For example, on relocation, we don't know yet until we see the agreement with the franchise, or whether or not there's any geographical restrictions on moving this business. So, this firm involvement was with Jericho Heights. That was another action that we got a very good result from. They were one of a number of firms that worked on that case.

I hope I answered your question Lieutenant Governor?

LT. GOV. HUTCHISON: Yes, Dennis, thank you. What I think I'm hearing you say is that you really have a pool of law firms that you—I assume that you personally have reached out to as the lead lawyer at the AG's office, knowing firms who have expertise in eminent domain and condemnation actions. Then you just sort of rotate, I guess, you just kind of look and just sort of rotate it and make the selections yourself. There isn't a—there isn't a formal rotation process, there's not a formal RFP process, it sounds like it's kind of a subjective determination by you based on the needs of the case.

DENNIS GALLAGHER: Lieutenant Governor, yes, to a degree there is subjectivity to it. Some of the factors I consider is, how many cases are they currently handling for NDOT, what other cases might they have, who some of their other clients might be, are they representing the County? A utility—so, we want—we want to be their number one client for these cases, especially the Project NEON cases. We want their attention and to that degree, yes, there is some subjectivity in it, but it's also based upon their respective records, both representing the Department or other governmental agencies in eminent domain actions.

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LT. GOV. HUTCHISON: In your outreach efforts, Dennis, do you—I assume you reach out to the entire State Bar of Nevada, both north and south, rural areas—they get some sort of notice or some kind of indication that if you're interested in this kind of work, we're interested in talking to what you want to do here and what your qualifications are.

DENNIS GALLAGHER: That's correct Lieutenant Governor, in fact, the new announcement is sitting on my desk for review and we would publish that in both the Clark and Washoe County Bar Association Journals.

LT. GOV. HUTCHISON: Okay, great. Thank you very much Dennis, thank you Governor.

GOVERNOR SANDOVAL: Thank you Mr. Lieutenant Governor. Mr. Controller.

CONTROLLER KNECHT: Thank you Governor and Dennis, I have a question on the same item. It's a little different question. It goes to the staffing levels and support that the Attorney General's Office provides for these kinds of contracts and these eminent domain actions, can you tell us what level of support and staffing related to this you'll be providing and why it's necessary to go out for outside assistance on this instead of planning to do it in-house?

DENNIS GALLAGHER: For the record, Dennis Gallagher, Counsel for the Board. Mr. Controller, currently I have four deputies located in Clark County who are dedicated almost exclusively to eminent domain actions. The reason we supplement that group with outside counsel are simply the project needs. There is frankly no way that we could get the eminent domain condemnation actions that are necessary for Project NEON with—with that level of staffing.

The Legislature was kind enough to grant five new positions to the Attorney General's Office, two lawyers, two legal researchers and a legal secretary. Those five new positions are also earmarked to be dedicated to eminent domain in Clark County. Both—well, I-11 right now is almost wrapped up, we've only got one more case. But, Project NEON and then future projects, the widening of 95, that group will be dedicated but there will be times where we'll need additional resources given the project timing.

CONTROLLER KNECHT: A little follow-up on that. Do you anticipate in the next 10 years that the volume of eminent domain work will contract somewhat and that's part of the reason why you don't want to staff up to do this in-house, but rather to contract basically for case load management reasons?

DENNIS GALLAGHER: Well, Lieutenant Governor—excuse me, Controller. As I look back historically, for purposes of addressing that issue, it's been feast or famine. There have been times where there has been little or no eminent domain activity. Or, little or no significant eminent domain activity. Other times, like right now, finishing up the Boulder City Bypass, looking forward to all the properties that are necessary for Project NEON and other future projects that the Department will pursue. I think the Attorney General's Office will be fully

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engaged in eminent domain activities and will need, on a case-by-case basis, outside resources in the form of outside counsel.

CONTROLLER KNECHT: Okay, the reason, Governor and Mr. Gallagher and other members, for my question is, I received a letter from a citizen asking these questions and asking, quite frankly, whether perhaps the in-house staff wasn't too timid about litigation. You may have seen this Mr. Gallagher because a copy went to the Attorney General. But, your explanation for the record here is, that this is one of those things where, as you said, looking historically, looking forward, you can't really count on the sustained volume of work that you would need to justify in-house staffing. Since it comes in waves and slugs, you basically put this under outside contract and meet the peaks and shoulders with that?

DENNIS GALLAGHER: For the record, Dennis Gallagher. Mr. Controller, I don't want to convey the impression that the Attorney General's Office is not engaged in eminent domain. As a matter of fact, I have two deputies in court, today, in Clark County, arguing certain motions for a matter in which will commence next Monday which is scheduled to be a two-week jury trial, on Project NEON.

So, our office is very engaged. We're developing the expertise and you know, simply it's a matter of volume right now. As you may know now too, PISTOL, the constitutional amendment that was enacted a few years ago, there's a provision in that that if property is not used for the purposes for which it was acquired within five years, the property owner can buy it back at the same price he was paid for it. And, you can just imagine the chaos that that could create for something like Project NEON where property would be acquired, sold back and then we'd have new values, five years from now—it would make the Department's planning process extremely difficult and it would make the process of acquiring property, I think, far more costly to the citizens of the State of Nevada.

CONTROLLER KNECHT: Thank you Mr. Gallagher, and thank you Governor for that.

GOVERNOR SANDOVAL: I think it highlights this case that was just won in the Supreme Court. If we did litigation first, we would've settled that case a while ago and the law would remain the way it is now with that uncertainty because we took it on and frankly, we're unsuccessful at the District Court level which would've encouraged perhaps resolving it at that point, but we went on to the Supreme Court and got the decision that we got. And, that took some courage to get that done and a lot of risk, but frankly something that not only did we have to—we needed to clarify that moving forward, one way or the other. Like I said, it could've cost us \$40M plus, that we know, but on the other hand, you know, like you said before when, Mr. Gallagher, when you make your presentation later on in the agenda, that was just one case, one parcel, that \$40M and the multiplier on that I'm sure is substantial.

All right, anything else Mr. Nellis?

ROBERT NELLIS: That concludes Agenda Item #6 Governor.

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GOVERNOR SANDOVAL: Board Members, any questions with regard to Agenda Item #6? If there are none, the Chair will accept a motion to approve all of the agreements described in Agenda Item #6.

CONTROLLER KNECHT: Governor, question on that. Would it be appropriate to break that down to Item 1 motion and an Items 2-4 motion to accommodate Member Savage's need to recuse himself?

GOVERNOR SANDOVAL: Did you say you were going to recuse yourself?

MEMBER SAVAGE: Yes.

GOVERNOR SANDOVAL: Oh, I'm sorry. I missed that. All right. Then, I'll take a motion on Contracts 2-4, described in Agenda Item #6.

MEMBER MARTIN: So moved Governor.

CONTROLLER KNECHT: Second.

GOVERNOR SANDOVAL: Member Martin has moved for approval of Contracts 2, 3 and 4 in Agenda Item #6. The Controller has seconded the motion, any questions or discussion? All in favor say, aye. [all say aye] Oppose, no. That motion passes 5-0. I'll now take a motion with regard to Contract #1, in Agenda Item #6 with Parsons Transportation Group.

LT. GOV. HUTCHISON: So moved Governor.

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

CONTROLLER KNECHT: Second.

GOVERNOR SANDOVAL: The Controller has seconded the motion. Member Savage—

MEMBER SAVAGE: For the record, I will recuse myself on Item #1, abstain, thank you Governor.

GOVERNOR SANDOVAL: We have a motion and a second, any further discussion? All in favor say, aye. [all say aye] Oppose, no. That motion passes 4-0 and if the record would reflect that Member Savage has recused himself from that vote, he did not participate.

We'll move to Agenda Item #7. Mr. Nellis.

ROBERT NELLIS: Thank you Governor, Board Members. There are two attachments under Agenda Item #7 for the Board's information. Beginning with Attachment A, there was one contract that be found on Page 4 of 11 in your packet. The project is for five schools in Washoe County, under the Safe Routes to Schools Program for construction of sidewalks, gates,

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steps and pedestrian signals. There were five bids and the Director awarded the contract to Granite Construction Company in the amount of \$491,691.60. Does the Board have any questions for Assistant Director, John Terry, regarding this contract?

GOVERNOR SANDOVAL: Any questions from Board Members? Does that complete Agenda Item #7?

ROBERT NELLIS: Actually, we have Attachment B, Governor.

GOVERNOR SANDOVAL: All right, please proceed, I'm sorry.

ROBERT NELLIS: That's all right. Under Attachment B, there are four executed agreements. These can be found on Pages 7-11, for the Board's information. Items 1-5 are cooperative and inter local agreements. 6-19 are acquisitions and facility agreements. 20-23 are property sales and right of way access. And, lastly, items 24-43 are service provider agreements.

And, Governor, that concludes Agenda Item #7. Does the Board have any questions on any of these agreements?

GOVERNOR SANDOVAL: Yeah, I did have a question on 25. So, Mr. Gallagher on that Chapman Law Firm, do we pay them, do we wait on the outcome of the potential motion for fees and costs?

DENNIS GALLAGHER: For the record, Dennis Gallagher, Counsel for the Board. Governor, I believe this item is merely to extend the existing termination date of the contract. There's no additional fees that are payable at this time.

GOVERNOR SANDOVAL: Any other questions from Board Members? Member Savage.

MEMBER SAVAGE: Thank you. Governor. Mr. Nellis, Item #24, the CMAR project that we have with the escalators, I know it's been discussed at several board meetings, would just like to know current status. I know we paid close to \$290,000 to this point and we're moving forward with another approval of \$537,000. So, if you could update us, Mr. Terry, I would appreciate it.

JOHN TERRY: Again, Assistant Director, John Terry. We had hoped to come to this Board Meeting with a GMP for the first portion, which would've been the purchase of the escalators at this Board Meeting and we weren't able to get that done. It will be at the next board meeting. And, continue the struggle with the project. The reason for this amendment really is, the breaking the project into phases to try to get some of it open early and to deal with some of the other challenges of it. Frankly, this is more money under the CMAR, or the design portion where we get the contractor's assistance has become more complicated than we thought it would be. While I can't guarantee it, we're hoping some of this money will be savings in the later parts when we actually have to bid the projects, you know, through the CMAR process, because we've had additional contractor input into the process, but essentially it has become a more complicated

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design. We have, in the past, amended our design to do the more complicated—and this is really to do our contractor, to help us through these design phases. We're a little bit behind our schedule, but we continue to work on the project and anticipate it going to construction in the winter to spring of next year.

MEMBER SAVAGE: Thank you Mr. Terry and the funding of the additional funds is not by the Department, it's by the Las Vegas Convention Authority, is that correct?

JOHN TERRY: Yes, that is correct in that, until we get to about \$19.6M, we're using the LVCVA funding. We presented to their Board, they're aware of it, we know that, but as I've told this Board before, we are going to go over, I believe, the \$19.6M to get the escalators and the bridges to the level we need to. So, there will be some State funds spent on the project, but this portion is under the bonding of the LVCVA against the Room Tax for AB595, that's correct.

MEMBER SAVAGE: Thank you Mr. Terry, thank you Governor.

GOVERNOR SANDOVAL: Mr. Terry, just a follow-up. Is the end goal still to try to finish the same time the new arena is finished?

JOHN TERRY: We're not going to be able to finish at the same time as the arena is finished. The attempt is, and the reason for breaking it into different phases is to try to get the far west bridge, that would be the bridge from the Excalibur to the New York-New York corner, done near the opening of the arena, because that's where we see the vast majority of the increase in pedestrian traffic. I will note that we are even—with that, we're not closing the pedestrian bridges at any time, but you may have to make the more circuitous route while certain portions are under construction. That arena is going up awfully fast.

GOVERNOR SANDOVAL: I mean, I hate to say it, but they're building an arena faster than we can build pedestrian—

JOHN TERRY: I know. I know. I'm amazed at how fast they are building that. And, we are rehabbing old facilities and trying to do it under traffic and upgrade it, so we've had a lot of challenges in doing this but I—I am impressed with how fast they are building that arena.

GOVERNOR SANDOVAL: All right. Any other questions from Board Members on any contract? Mr. Nellis, anything else?

ROBERT NELLIS: Governor, that concludes Agenda Item #7.

GOVERNOR SANDOVAL: Okay, last chance. All right then, thank you.

ROBERT NELLIS: Thank you.

GOVERNOR SANDOVAL: We'll move to Agenda Item #8, Resolution of Relinquishment.

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DIRECTOR MALFABON: Thank you Governor, this is for relinquishment to the City of Reno for the southwest corner at West Sixth Street and North Virginia Street. So, a small corner parcel there that we're relinquishing to the City, pretty much a housekeeping issue that we had neglected to transfer to the City before.

GOVERNOR SANDOVAL: Board Members, any questions with regards to Agenda Item #8? If there are none, the Chair will make a motion to approve the resolution of relinquishment as described in Agenda Item #8.

CONTROLLER KNECHT: So moved.

GOVERNOR SANDOVAL: Controller has moved for approval, is there a second?

MEMBER SAVAGE: Second.

GOVERNOR SANDOVAL: Second by Member Savage. Any questions or discussion? All in favor say, aye. [all ayes] Oppose, no. Motion passes 5-0. We'll move to Agenda Item #9.

DIRECTOR MALFABON: Thank you Governor, this is for relinquishment by the resolution of relinquishment to Carson City. This parcel land is near I-580, south of North Lompa Lane in Carson City. It will continue to be used for public purposes and the transfer will be of benefit to the Department by eliminating all liability and future maintenance responsibilities for this parcel, for NDOT.

GOVERNOR SANDOVAL: Thank you Mr. Director, questions from Board Members with regard to Agenda Item #9? If there are none, the Chair will accept a motion to approve the resolution of relinquishment as described in Agenda Item #9.

MEMBER Martin: So moved.

GOVERNOR SANDOVAL: Member Martin has moved for approval, is there a second?

CONTROLLER KNECHT: Second.

GOVERNOR SANDOVAL: Second by the Controller. Any questions or discussion on the motion? All in favor say, aye. [all ayes] Oppose, no. The motion passes 5-10. We'll move to Agenda Item #10.

DIRECTOR MALFABON: Thank you Governor, this is for condemnation actions associated with seven parcels, five owners involved in these parcels. First one, John J. Charleston Trust of 1998, this parcel is what Dennis Gallagher was speaking to earlier, the fast food restaurant on Charleston that the McNutt Law Firm is being hired for. The State made an initial offer of \$3,239,500, which consists of the property and the improvements. We have not heard back from the owner, so just to maintain the property acquisition schedule for Project NEON, we're

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requesting this condemnation resolution approval. And, I'll move on through all of these Governor and take any questions from—Paul Saucedo, Chief of Right-of-Way is here.

Ranch Properties, LLC, the State made an initial offer of \$1.5M, which is for the land and improvements. Property owner in this case has not responded to the State's offer, and again we're just trying to maintain the acquisition schedule for this project.

Robarts 1981 Trust, we made an initial offer of \$3.0M. This one involves an inverse condemnation action, so an inverse condemnation the—typically in condemnation the State is the plaintiff. In the inverse case, the owner because the plaintiff and they allege that we had an earlier taking or affected their property values or damaged them in some manner. So, this is involved in inverse condemnation case and they have not responded to the State's initial offer of \$3.0M for the land and improvements.

Capri Village Corporation is the next one. We made an initial offer of \$2,091,000 for the land and improvements and the property owner has not responded to the State's offer.

And last is, Desert Alta, LLC. The State made an initial offer of \$1,517,000 for the land and improvements. Again, this is an inverse condemnation action case. The property owner filed against the State and he has not responded to the State's offer.

So, all of these actions are requested so that we can maintain the schedule for Project NEON and then certify the right of way to the Federal Highway Administration for the project.

Any questions?

GOVERNOR SANDOVAL: Thank you Mr. Director. Does this Supreme Court case affect the values of these properties, Mr. Gallagher?

DENNIS GALLAGHER: For the record, Dennis Gallagher. No, the case shouldn't affect the values of the property. The case may impact their inverse condemnation claims which they filed prior to the State's filing a condemnation action. Once we file a condemnation action, they'll merge but the court will look back, they'll—the lawyers involved, I think in at least one, if not the both of these are the same that were representing the property owner in the Supreme Court case. They'll make their argument that again, that the State took this property back in 2007 when the market was near its peak, we will argue it did not.

And, the result of the Supreme Court case, in my opinion, makes these cases far more favorable to the Department proceeding on a condemnation action. We really don't have to worry. I don't believe that the court will go back to 2007 and find that the Department actually took the property back then. I think we'll be looking at closer dates to 2010, '11, '12 or perhaps even 2015.

GOVERNOR SANDOVAL: Thank you Mr. Gallagher. Questions from Board Members? If

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there are none, the Chair will accept a motion for approval of Condemnation Resolution #449 as described in Agenda Item #10.

LT. GOV. HUTCHISON: So moved, Governor.

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

MEMBER MARTIN: Second.

GOVERNOR SANDOVAL: Second by Member Martin. Any questions or discussions on the motion? Hearing none, all in favor of the motion, please say, aye. [all ayes] Oppose, no. That motion passes 5-0. Let's move to Agenda Item #11.

DIRECTOR MALFABON: Thank you Governor, on the—Item 11, it's old business. We have the report of outside counsel cost on open matters and the monthly litigation report. Our Chief Counsel, Dennis Gallagher is able to answer any questions.

GOVERNOR SANDOVAL: Questions from Board Members on Agenda Item #11.

LT. GOV. HUTCHISON: Governor—

GOVERNOR SANDOVAL: Will you go through—oh, I'm sorry, Mr. Lieutenant Governor.

LT. GOV. HUTCHISON: Thank you. Dennis, just a real quick question here. I'm looking at the second page—let's see, yeah, page 2 of 2, on the outside counsel. This was the very bottom, Lambrose Brown, Paralegal Services. We've got a \$250K contract and then, you know, we've spent about \$100K. I can't remember and if I have asked, I apologize, if I've asked why is it that we are contracting out \$250K on these paralegal services?

DENNIS GALLAGHER: For the record, Dennis Gallagher. Lieutenant Governor, we—the Department and the Attorney General's Office needed supplemental paralegal services to help organize all the various documents related to Project NEON into a central database that—where all these things will be retrievable and we can use them in all the different litigations involving Project NEON.

This firm was willing to hire a paralegal for that purpose and the contract was presented and this is—you know, this is the current status of it, but yes.

LT. GOV. HUTCHISON: So—thank you Dennis. So, this is for—what is this like a document management database that's being used for all of the NEON litigation and we needed a paralegal to be able to manage that process and it really is NEON litigation centric and once we're done with that, the reason we have this paralegal, again, kind of getting back to your prior comments—we've got this huge case load, huge data management issue and so this is really a big document data management litigation paralegal service that's being contracted out for Project NEON?

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DENNIS GALLAGHER: That's a fair characterization.

LT. GOV. HUTCHISON: Okay.

DENNIS GALLAGHER: And, as I indicated earlier, the legislature had approved some additional legal researcher positions that ultimately may be able to take care of those duties. There was just an initial need to get this organized and have somebody dedicated to gathering and inputting all the various documents as we work with, really a new software document management system that the Department had acquired.

LT. GOV. HUTCHISON: And, Governor, if I may, just a quick follow-up. Dennis, is this being supervised by outside counsel or by the AG's Office?

DENNIS GALLAGHER: She's engaged by the outside counsel but works hand-in-hand on a daily basis with the AG's office. So, I guess I would characterize it as joint oversight, if you will.

LT. GOV. HUTCHISON: Okay. And then, thank you. Just one quick follow-up. I noticed on the first page of the outside counsel report, the Lemons Grundy Firm that had a great result for us in the Supreme Court that we've been talking about. The Chapman Firm, handled that at the trial level, is that right?

DENNIS GALLAGHER: That is correct.

LT. GOV. HUTCHISON: So, is it typically your practice, Dennis, to then hire different Appellate Counsel, I mean, because I know—I know that the Lemons firm is, you know, an appellate litigation specialist? Is that typically what you do?

DENNIS GALLAGHER: This is the first time I've done it since I've been here. The view was—you know, we put together a strategic legal team because we realize that it's very important that we take consistent positions in the different cases and that an outcome in one case can have a ripple effect in many other cases. When we got the lower court order in Ad America, we realized this was very, very significant litigation. And, with the support of the Director recognized that it would be in the Department's and the State's best interest to get the best appellate attorney that we could. And, Mr. Eisenberg fit that bill.

There's another very prominent appellate attorney in the State, whose name I won't mention. The reason we didn't consider that person was he was a plaintiff in an action against the Department at the time.

LT. GOV. HUTCHISON: Okay. Well, yeah, that's a good reason not to hire those kind of workers. Hey, Dennis, just one quick follow-up and Governor, I hope you don't mind if I just spend a little bit of time on this. But, you know, this whole discussion underscores the absolute vital role that you play in being a good steward of the public funds and providing us information

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and really the exercise of judgement you have. You know, I think—I think—I'll speak for myself, I won't speak of course for the Board, but we really rely on your judgement. When you can do something in-house, inexpensively because we've got staff attorneys that can handle it, then you know, we expect that to be done because that's less expensive probably than going to outside counsel. There are needs though, and this appeal is a perfect example of that. We want to get the best appellate lawyer we can to handle that appeal, that takes a—an exercise of judgment to move that outside, as opposed to maybe have [inaudible] General or the Office in the AG's Office handle that, but it is such critical judgment calls in terms of your involvement on the ground. I know that we—and I in particular—questioned all of these decisions but we are relying on you to really be an advocate for not only the Attorney General's Office but for the Nevada Department of Transportation and being a great steward of tax payers dollars here. We saved a lot of money with this appeal as the Governor has already mentioned. That could've gone the other way with a different decision. And, so my point on the record of saying this is, is that to the extent that we can do things in-house, we should do them in-house, to the extent that's going to lead to an efficient, quality outcome on the legal result we're looking for. We've got to shift that outside counsel—I think—I for one, certainly understand that. We've just got to make sure that those outside lawyers understand that they're working for the State of Nevada. We not only require the best result from them but their best rates as well. If they're working with the State of Nevada and they're getting a fair amount of work, they've got to be giving us the very best rates they can. And, that's a—that's a delicate balance and a tough job. I appreciate your efforts in that regard Dennis, it's not an easy job and I just want to thank you for your work in that regard.

DENNIS GALLAGHER: Thank you Lieutenant Governor. I couldn't do it without the AG support that we have. The deputies that I have, as I indicated, two will be starting trial next week. You may notice in this report under—where we list outstanding litigation, a number of personal injury and wrongful death actions—you'll note there's no outside counsel there. That's all in-house. And, I also would be remiss if I didn't again, recognize the Department and Rudy's support. If we have an issue, if we have a need, Rudy has always got an open door and has provided my office support time and time again. So, it's a very collaborative effort and I'm lucky to have such a good client, including a great Transportation Board.

GOVERNOR SANDOVAL: Any other questions Mr. Lieutenant Governor? Member Martin, do you have a question? Mr. Controller?

CONTROLLER KNECHT: Dennis, back on Attachment A, Page 1, we have our friends at Snell and Wilmer listed again for the Meadow Valley Public Records Case 3389 Docket. Is that action complete and at rest? Is there any—

UNIDENTIFIED SPEAKER: Your sound is muted on your end gentlemen, and ladies.

GOVERNOR SANDOVAL: Can you hear us? So, I had asked if you had any questions Member Martin.

MEMBER MARTIN: No sir, I don't.

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GOVERNOR SANDOVAL: Okay. Did you hear the Controller's question?

MEMBER MARTIN: No sir.

GOVERNOR SANDOVAL: Okay, if you'd ask the question again, Mr. Controller.

CONTROLLER KNECHT: Be happy to Governor. On the Snell and Wilmer item on Page 1 of Attachment A, my question is, is that matter completed? Is it at rest? Is there anything left to do and what are we doing concerning that matter and the status of Snell and Wilmer since we didn't approve a contract extension previously, for good cause.

DENNIS GALLAGHER: For the record, Dennis Gallagher, Counsel for the Board. Mr. Controller, there is a draft informal opinion that is being reviewed by the Attorney General's Office before it's issued. When it's issued—it was requested by the Governor's Office, it will go to the Governor's Office and I'm sure the Governor will share it with others and then it will be an item for the Board to consider. That's the current status.

They are not performing any additional work under this contract and in fact, we just received an invoice for their services, prior to the Board Meeting in May where we told them to cease and desist. So, it's moving but very, very slowly.

CONTROLLER KNECHT: And, we don't need other help to replace them on this matter?

DENNIS GALLAGHER: Not at this time.

CONTROLLER KNECHT: Okay Other general question is one I've asked before, on Attachment A and just again, to put it on the record, we have a number of law firms here with a number of contracts and—I guess I'm looking for your assurance on the record that your monitoring closely their capabilities to handle the total volume of business that we're extending to them in the time frame here going forward.

DENNIS GALLAGHER: For the record, Dennis Gallagher, Counsel for the Board. Yes. And, I think I pointed out in the past that for every one of these contracts there is a Deputy assigned to work with that outside counsel and oversee the billings, review the billings and approve the billings.

So, when we assign contracts out to different firms, we take into consideration their capacity, specifically the capacity for the lawyers at that firm who do eminent domain work. It does me no good for a 100 person firm if they've got two eminent domain lawyers that are buried. They may have a bunch of other lawyers that are available but those aren't the services that we need.

CONTROLLER KNECHT: And that latter part was my concern and I thank you Dennis and thank you Governor.

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GOVERNOR SANDOVAL: Other questions from Board Members? One for you Rudy—how are our projects going? That \$10M that we set aside for the safety—

DIRECTOR MALFABON: The—as we reported previously, the temporary signal opened up on North Virginia. The next one, I think, is the Incline Village Pedestrian Signal and we'll have to get with our designers on some of the other updates and I'll bring that forward to the Board next month. I know that we're having some challenges with utilities, some things that are in the way that maybe there's whole foundations or things like that that we need to relocate utilities which will take a little bit longer to deliver the projects. But, we'll get a full report.

GOVERNOR SANDOVAL: And then, is there any progress or discussion with regard to that Lyon County issue that was brought up by the Commissioner?

DIRECTOR MALFABON: I think that the—they had asked about a couple of issues. One was the signal and I believe that our District Engineer reported that the permit was expected to come into District II, for processing shortly after we had our County Tour Presentation to the Lyon County Commission. There was also some question about the USA Parkway intersection with US-50 and when that will require an interchange. That will, obviously be in the long range when traffic volumes would require an interchange there but for now it was going to be an intersection.

GOVERNOR SANDOVAL: Board Members, any other questions with regards to Agenda Item #11. We've done Agenda Item #12. Agenda Item #13, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Hearing none we'll move to Las Vegas. Any public comment from Las Vegas.

MEMBER MARTIN: None here sir.

GOVERNOR SANDOVAL: Move to Agenda Item #14. Is there a motion for adjournment?

MEMBER SAVAGE: So moved.

GOVERNOR SANDOVAL: Member Savage has moved, is there a second?

CONTROLLER KNECHT: Second by the Controller. All in favor say, aye. [all ayes] Motion passes 5-0, this meeting is adjourned, thank you ladies and gentlemen.

Secretary to Board

Preparer of Minutes

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August 10, 2015

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

Sandoval: So, we'll commence. Good morning everyone and welcome to the Board Meeting. I'll call the meeting to order. I believe we have enough members here, sufficient to conduct a meeting.

Gallagher: Yes, Governor, you do have a quorum.

Sandoval: We'll begin with Agenda Item No. 1, which is the Director's Report.

Malfabon: Thank you Governor and welcome back from a successful trade mission to Europe. I know that that was quite an effort and you bring back good news to the State of Nevada. I wanted to acknowledge someone in the audience first. He doesn't know it, but Paul Saucedo, could you stand up? Paul is our Chief Right-of-Way Agent and he's lost three top-level managers recently and so, a lot has fallen on his shoulders and his staff. I just wanted to thank Paul and his staff in Right-of-Way Division at NDOT, for their efforts in keeping the ball rolling on several projects. Paul, thank you.

Governor, one of the things that we are working on is setting up the Autonomous Vehicles Summit. We changed the date recently in coordination with the Las Vegas Convention and Visitor's Authority. They were very gracious in accommodating us with space for the Summit and they suggested and we agree, after checking with your schedule that during CES, get a hotel room right now if you can, but it's the same people that are in the autonomous vehicle manufacturing and regulation issues are the same people that are going to be at CES. So, it will be a good fit. It's the full first week in January, next year at the Las Vegas Convention Center. We're looking at setting up a possible workshop on regulations. That's kind of—the issue of regulations has been on the forefront

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with a lot of State DOTs, although Nevada was the first to have those laws passed in our State, but there's other issues that are being recognized as regulatory issues that have to be tackled by states. So, it'd be a good workshop.

Sandoval: And, if I may Rudy, because I don't want to wait until the end. When we were in Germany, I had the opportunity to ride in an autonomous vehicle, in Berlin; and that was one of the suggestions, why we should push that back, because the vehicle I rode in, they want to bring that to Nevada, but we have a real good opportunity here to take a global leadership role in terms of autonomous vehicles and autonomous technology. You probably already know that there is a member of the faculty at the University of Nevada, Reno, who also teaches in Germany. But he was one of the ones that really encouraged us to move it to the same time as the Consumer Electronics Show, because that will really allow for more participation in a lot of the other scientists that are building this car and have built this car. The same thing with Daimler, who is also in Germany and they tested their freightliner truck in North Las Vegas.

So, at least the individuals that I chatted with while I was there, are very excited about the opportunity and also, already view Nevada as having, being one of the top, if not the top place to be able to test. And so, this Summit is a really good opportunity for us to get international attention and really create an opportunity for us to show what we can do. There's a lot of testing that individual companies want to do and Nevada, as I said, with the regs and such can accommodate them.

So, in any event, it's really something to ride in an autonomous vehicle in Berlin at 60 miles an hour and go in a circle. So, we're in this massive circle and it reads the different lights and then a couple cyclists actually jumped in front of us and the vehicle slowed down. And, people walked in the crosswalk in front of us and the vehicle recognized that. And then we came back, so it was a few miles.

Another thing that was interesting to me, when we were finished, the individual, I don't know if I want to call him the driver, but the person who was behind the wheel asked how I felt about it and as I said, I was in complete awe because you don't get to do that every day, but the one difference and it's something they can account for is, they drive much more aggressively in Germany then they do here. And so, as that vehicle brakes a lot later than I do, because I'm kind of—So, as we approached, you know, a red light, it was like, it's time to slow down, but my toes were curling up because I wanted to push on that brake pedal, but they can

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actually adjust the vehicle and the autonomous function by the way people drive, as well.

So, I'll backup, this is a great opportunity for us. And, you know, I really—those of you who are involved in putting together this forum, this is a chance to really put Nevada on the map when it comes to autonomous vehicles and get people here testing. As I said, we now have a faculty member at the University of Nevada. We have several graduate students that are participating in that and there are international companies that are aware of what we are doing and not only do they want to test here, but there's an opportunity for them to come and build here and manufacture and develop here.

So, I feel this fall was kind of pushing it too far so I thought that, you know, to do it at the same time as CES, because all those people will be here. They'll be in Las Vegas. Sorry to interrupt but it's an exciting opportunity.

Malfabon: And, we'll definitely coordinate with Director Hill, also, from the Office of Economic Development. Thank you Governor.

Sandoval: Member Skancke is also a big part of this in terms of putting it all together. In fact, is going to be Chairing the Subcommittee in terms of putting it together, but here we go.

Skancke: It is a little scary, isn't it, when they—the car doesn't brake in your time.

Sandoval: Right. No, I thought, I'm going to be in the paper for rear-ending somebody. But, no it slowed down and it worked perfectly. Please proceed Rudy.

Malfabon: Thank you Governor. Wanted to express my appreciation to the District II Maintenance Staff that repaired a couple of highways that had some serious flooding issues recently, in the last month. State Route 447, the Pyramid Highway and Scheelite Mine Road which is State Route 839 were damaged and the District was able to get out there. SR 839 is a very low volume road, but nonetheless, it's still a safety issue when you see drop-offs, such as you can see there that they had to repair. I know that District I and District III are having flash flood events. We enjoy the moisture but not all at once in the State of Nevada.

An update on federal funding. The House and Senate passed a short-term extension prior to the expiration at the end of the July. They extended it to

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October 29th. The funding level for this extension actually will cover until the end of the year, if they need to extend it again for a short-term.

The good news is that the Senate passed a six-year DRIVE Act. DRIVE stands for Developing a Reliable and Innovative Vision for the Economy. That's what State DOTs, including NDOT want to see as a long-term bill, sustained funding from the federal government for the Federal Aid Highway Program. The levels are—well, the House and the Senate, they're still having their differences. When they get back from their recess, they'll have to reconcile those differences. Both agree that they want a long-term bill, they just don't agree on how to fund it. So, you hear things about tax reform, even some Congressmen putting in bills about a gas tax increase for the Federal Gas Tax. Not a lot of support for the gas tax increase but they have to reconcile their differences and identify what revenue sources will achieve that long-term bill and fund it properly.

We've covered some of the overview of the DRIVE Act previously, but it's funding at current levels plus a slight increase. Just to give you an idea, previously in 2015 we had about \$41B of Federal Aid Highway Program, that includes several different programs, but the DRIVE Act is about \$43.8B the first year, nationally. So, it's a slight increase. There is a new freight program, which not relatively speaking, not a lot of money nationally, but it's still a good start. As we advance our freight study, we expect some projects to come out of that study that will be benefited by that new freight program. And, Senator Heller was very instrumental on the DRIVE Act with getting some amendments that helped Nevada; such as the designation of I-11 all the way up to the I-80 area here in Northern Nevada. In Arizona, their Senators did the same thing, to get it extended all the way, designated to the Mexico border. I read recently that even in Mexico, that they're designating that major route for freight all the way to Mexico City, so that's a good thing. The Lake Tahoe issue, one thing that Senator Heller was successful in inserting the language for considering the populations around the Lake Tahoe area and California and Nevada as one single entity. That's always been a challenge for Tahoe MPO and they have Tahoe Regional Planning Agency, but the population is not considered as one population in the planning efforts, although that's basically how they work. So, this will put it into law that that entire amount of population is considered one area for Lake Tahoe. Also, some language to improve pedestrian safety was inserted in the bill by Senator Heller.

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A little update on our major Project NEON. Proposals are due August 21st, as you recall last month, we gave about a three week extension to the proposal due date so that they could see what the impacts of the right-of-way acquisition schedule changes would have on their schedule for construction. It is a best value determination. So, it's a combination of price, 60% weighted to price and 40% to technical score. The technical criteria are things such as construction approach. Their transportation management plan, how they're going to handle traffic. How they're going to manage the project in general. Their design approach, they have to anticipate a lot of reviews by staff at NDOT and our consultants. Their overall schedule. Traffic operations and public involvement approach. That comprises—all those criteria comprise the 40 points towards technical proposal. One of the important things to note is that confidentiality is very important. So, we have these proposals pretty much locked down. We allow access to the review team members. They have to sign confidentiality agreements to not discuss proposals other than in their collaborative setting of when they're meeting together because it is a consensus approach where the review teams get together and review the proposals and discuss it. Confidentiality is very important and one thing that I clarified with the project team was that the price proposal is locked down until the technical scores are finished. So, there's no concerns from the design build teams that anything is going wrong or unfair with the point scoring on the technical score. So, once the technical scores are in, then we'll evaluate the price.

A little bit about the methods. So, on the far right, there's a block that's a little hard to read in the light, but there's an administrative team that administers the procurement, makes sure that it's a fair process and that we're following our procedures. So, we have NDOT, FHWA and Deputy General Attorney Staff assigned to that team. Then you have the various committees and a plan put together. There's an orientation to the reviewer so they know what to look for in the review to develop those technical scores. So, it's apples to apples, from all the reviewers on those scores. Then there's a consensus evaluation and eventually that recommendation comes to the selection official. I serve as the selection official. So, it's a recommendation to me and then we will, in the October Transportation Board Meeting, make you aware of who the selected team is and then get feedback from you at the October Meeting and the November Meeting, that's when we actually bring back, if it's ready in November, hopefully, December at the latest—bring back the actual contract for you to approve. In the meantime, there's opportunities for the Board to, at that October Meeting, to ask questions and we can follow-up and communicate.

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So, this is kind of the schedule. At the bottom, you see the evaluation and then it goes to a selection official. Then we negotiate the contract and then the Board ratifies the selection. The reason we announce at October is so that if there is any concerns from the other teams that were not successful, we can entertain and discuss those issues. If there was a formal bid protest, of sorts on the apparent selection to the preferred team, then we can start dealing with that legally. So, November is when we expect to bring it to the Board for action.

Update on USA Parkway. As you recall, we had short-listed the four teams that are shown there. The final Request for Proposals was issued at the end of July. We are allowing, since it's a big earthwork project and some rock cut on the upper end of the project, we are allowing on-site investigation by the design build teams if they want to collect some more information, reputability of rock, maybe take some additional cores of the rock cut areas if they want to. That's where they're going to drive the price proposals from the teams. So, we're allowing them a few weeks to do some additional investigation. There is a typo on that, it's October 19th, which is actually a Monday, is when the proposals are due. We couldn't avoid any opportunity to make people work over the weekend on that submittal, I know they will be. And then, we're on schedule for completion still by the end of December of 2017 for the project. So, you'll see about the same timeline for bringing it to the selection official and then to the Board. Similar to Project NEON. Not the same months but the same type of timeframes.

We had the groundbreaking last week for the US 95, Clark County, 215 Interchange. The first phase called 3A. On the left photograph, you see Crescent Hardy, our Congressional Representative there in Southern Nevada and the group that was present. A lot of good representation of the various funding sources. We had Regional Flood Control District money. We had RTC Fuel Revenue Indexing Funds, associated with the project. Federal Highway Administration provided the lion share of the funding. We also had some State Highway Funds in the project, but it's a great project that was kicking off. It's going to build the first two bridges of that multi-phase interchange project.

And, I wanted to thank Las Vegas Paving for setting up the tent and all the chairs and those items, but really thanks to our NDOT Communications Team in a successful groundbreaking event. And, a lot of the things that they've been doing lately with national coverage, some of their stories are being picked up by the Associated Press and getting more national coverage. Engineering News Record

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is a national publication that publishes updates on our major projects as well as roads and bridges. And, Tony Illia, has been very good down there at reaching out. He has some good contacts at ENR, since he provided stories there before in his past life, before he came to NDOT. I wanted to also acknowledge the efforts of the entire team. We're doing a lot more videos. You might have noticed the video at the beginning that we were having shown at the beginning of the meeting with a construction project on 580 in Reno that was shown. A lot of videography, a lot of more interview format that's good for internal communication as well as external communication. Adrienne Packer is in the left side, in the center of the photo, is a new addition to the communications staff in Las Vegas. Some of you may know that she was previously a columnist in the Las Vegas Review Journal, a transportation column called the Road Warrior. She did a very good job in that, so she has a lot of transportation knowledge that she can bring to this communications position. So, she was a good catch for us.

Some other major projects—we avoided nighttime closures on some of the ramps during the 580 Rehab project in consideration of Hot August Nights and a lot of tourism activities that occur up here in Northern Nevada. We're still removing and replacing some of the concrete pavement. A lot of the work will continue this Fall and then in the Spring, will wrap up the project and do the final touches and profile grindings, making the concrete pavement smooth.

Sandoval: Rudy, I'm sorry. What's the anticipated date of the completion for that project?

Malfabon: I think it's in mid-2016, because I think that they're still—do you know John, for sure, or Reid? I think that it's—after the construction season commences again next Spring, it's going to probably take a couple of months to wrap up.

Savage: Excuse me Governor and Rudy, at this time too, I'd like to compliment District II, as well as, a contractor on the barrier replacement. It seemed like it went very, very well. Prior to the Hot August Nights arrival and the completion 100%. So, compliments to the private contractors, as well as, District II, thank you Governor.

Malfabon: Yes, Granite Construction did an amazing job getting that done in just a few weeks time. It was an emergency contract after the barrier rail was damaged in a vehicle crash. They collaborated very well with—and between Granite and Q&D on the South, on the 580 project, they worked well together and traffic was able to get through those construction zones.

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And, I wanted to highlight one of the minor projects that we do that's still important to children and parents and schools in Nevada. That's the Safe Routes to School Program. This program pays for coordinators that are looking for ways to get kids to bike and walk to school. This is a before and after picture on Elizabeth Lenz Elementary in Northern Nevada, in Washoe County. You can see that before they had this obstacle and really no sidewalk, so it'd be difficult for kids to walk to school in that kind of situation. Afterwards, we have a nice sidewalk along the edge of the school. So, wanted to highlight that program and the staff that worked on those Safe Routes to School projects. A lot of those projects are delivered by the local public agencies but this is one we wanted to highlight that we worked on.

Recent settlements—we took the July 2015 Board of Examiners meeting the Wykoff Settlement. This was on Warm Springs Road, associated with I-15 South Design Build Project. Nearly a \$3M settlement. I think Dennis might have some latest information, although the Board of Examiners approved that, I think during the—I don't know, Dennis, if you want to add anything about that, recent developments on that settlement.

Gallagher: For the record, Dennis Gallagher, Counsel for the Board. After the Board of Examiners approved that settlement, the settlement agreement was provided to the property owner who rejected it and now is rejecting the agreed upon settlement. We filed a motion to enforcement the judgement—enforce the settlement, which will be heard next month in District Court in Clark County.

Malfabon: So, we had an agreement with the property owner, they're kind of renegeing, so we'll find out in court whether that stands. Jensen was a minor settlement associated with temporary easements and sliver takes of property at Pyramid and McCarran and McCarran Boulevard. You're going to see more of those types of smaller settlements on those types of projects in Reno and Sparks, on the McCarran projects. The MLK/Alta was a property associated with Project NEON. We were actually in the midst of the trial, in the second week of the trial and wrapping up arguments when we reached a settlement. We were able to get some advice from the Judge and this settlement was in the best interest of the State. We feel that we'll take that the Board of Examiners soon. We polled the jury afterwards and found that this was right in the ballpark of what they were going to have as a verdict. So, we feel very comfortable with the settlement on MLK/Alta. Meadow Valley claim, we met once again with the Owner/President,

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Robert Terril and his project manager asked for some additional information. We also have an independent assessment report on the drilled shafts coming to us this month that should give us the full amount of information that we need to deliberate and discuss our alternatives.

Wanted to give you an update and we did provide this informative packet, that's in draft form. We're working with the Governor's Office on finalizing the facts in that overview. The Deputy Director position was one of the new legislative positions that we received. We're going to have interviews this Friday with the top five candidates. Out of the 42 new positions filled, I mean, approved at the last session, several have advertised. One has been filled but several more have been advertised and many more to come to have job announcements and conduct interviews and fill those positions. Some of the top-level positions, we wanted to have the Deputy Director in place to fill those direct reports to that individual. Our meeting with the US EPA to negotiate the consent decree is being scheduled for mid-September. We're continuing with several projects, not only on our highways, but also on our facilities. So, we have Clear Creek Water Quality project on US-50 that's underway as well as new projects for reconstructing the drainage systems and wash pads and making some parking lot improvements in Reno and Carson City. We'll continue doing those types of projects throughout the State at various maintenance facilities. We did have a bid protest on the project in Carson City. We have, under Nevada Revised Statutes, we have the obligation to review bids and if we see that we're going to pay more or damaged in some way from unbalanced bidding, then we determined that it was not in the best interest of the State to award to the apparent low bidder. We awarded to the second low bidder because we had a bid error in the quantities. Once we adjusted the quantities and looked at the math, it turned out that the second low bidder was actually the low bidder after we corrected that. We did receive a bid protest. We don't know if it will actually go to court, but we're handling that administratively at this point.

That concludes the Director's report and I'm willing to answer any questions. I wanted to also note that we are getting that Safe and Connected logo out there. We're using that on our PowerPoint slides and our messaging.

Sandoval: Thank you, Director Malfabon. Any questions from Board Members? Member Skancke.

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Skancke: Thank you, Governor. Just a couple of things. First of all, great news on Project NEON and that moving forward. So, I think that's exciting. I was just in Southern California and some of the proposers that we have here for Project NEON have some projects going on in Southern California and I'll tell you, these companies are becoming more and more innovative on reducing congestion and design. I'm very excited to see what type of proposals we get for Project NEON to mitigate congestion and lane closures and the creativity that they come up with on these projects. I wanted to know, what role the Board plays in that process? Do we get to see those proposals or can we go to any of the meetings or interviews? Has that been done before? I'm just personally intrigued because I've seen what these companies are coming up with and I would love to see what they're proposing.

Malfabon: Typically Board Members have not had observation roles during the deliberations or presentations, review of those proposals. I don't know if staff wanted to comment on that. The issue for us is that the perception of influence to the reviewers, it is a consensus, so they do discuss collaboratively as a team. Even if a Board Member didn't get engaged in the conversation, I think that the perception to the other teams if a Board Member wasn't there for all three reviews, then it gives a perception that we want to avoid for the sake of fairness.

Skancke: That's fair. Second, I had two other comments if I could Governor. The second thing is, on the DRIVE Act, while Congress passed a six-year bill, I think it's important for us and the Board to know that they only passed three years of funding, which puts the bill in jeopardy after the first three years. So, while it looks good on the surface, it's kind of a shell game. I probably shouldn't have said that, but that's what we end up with. So, we're going to be in the same situation, if they pass any of this, three years from now. Which is, the bill will be bankrupt. I think as a Board, we have to be cognizant of the fact that that continues to put us in a crisis every time a bill like this doesn't pass. So, while on the surface it looks great, it's actually not a fully six-year funded bill. That causes problems for contracts, for bidding, for long-term projects and bigger investments. So, I'm hoping that they can make some changes once they get to conference, if they get to a conference on this, but I don't think—there's no call for the happy dance just yet.

The final thing that I had Governor, if I could just take one more minute is, I wanted to also congratulate and thank the Communications Team. I don't know if

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there's anyone here from the Communications Team today. And, I know Tony and Adrienne are in Las Vegas—

Malfabon: Could you guys stand up and you down there in Las Vegas to be acknowledged?

Skancke: And, I'm a fan of the Southern Nevada folks because I've known them for a long time and I'm a fan of yours. I have to tell you something, the visibility of this Department over the last year has just been amazing. And, the outreach and the connections that you're making nationally and globally and regionally have really, really made this Department shine in a lot of different areas. So, as a guy that does communication work, I think you all are doing an outstanding job and I wanted to thank you for making the Department look good, but also making Nevada look good. So, thank you very much. That's all I had Governor, thank you.

Malfabon: Thank you, Member Skancke.

Sandoval: Thank you, Tom. Mr. Controller.

Knecht: Thank you, Governor. And, Member Skancke raises an interesting point, but I would assume that and maybe Mr. Malfabon can address this, I would assume that when we let contracts—a standard provision is that the continuation in subsequent fiscal years of the contract and our obligation is contingent on funding by the Legislature, Congress or whomever. Do I error in that assumption?

Malfabon: Every contract, if we had funding and from the federal government and it was a federally funded project, what we would do is negotiate for that contractor to either complete what they can and demobilize and it would cost more money for that effort—so, it's additional—the Contractor is not at risk, they have to be paid for that demobilization and that effort of completing what they can and stopping work. We also—our ending fund balance that we issued for in the State Highway Fund allows us about two months, roughly six weeks of construction contract payments. So, we consider those things in our budgeting. We do have to pay the contractors fairly for, if they did have that situation occur, which we hope doesn't happen where we have to shut down a contract.

Knecht: I too, of course, hope that those contingencies aren't realized, but I just wanted to make clear for the record that it's not exactly a crisis when it happens, it's something that we manage by proactive good contracting. Thank you, Governor.

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Sandoval: Any other comments? We'll move to Agenda Item No. 2, Public Comment. Is there any member of the public here in Carson City that would like to provide public comment to the Board? Yes ma'am, if you'd come to the lectern. And, if you would please identify yourself for the record.

Rodriguez: Sure. My name is Lori Rodriguez. And, I'm a member of the Golden Valley Homeowners Association which is a small valley north of Reno. By extension, you would be Lemmon Valley, Panther Valley, the Stead area which has the airport and Cold Springs. We are concerned about our freeway system up there. Now, what they did was they took the 395 from McCarran north and expanded it to three lanes, but the southbound is still the two lanes and is experiencing a lot of congestion. At 7:00AM in the morning, the traffic is backed up from the 580 at McCarran all the way back to Lemmon Valley Drive. Our area is absolutely exploding with housing developments. We have at least five major—sorry, I'm a little nervous.

Sandoval: Which is fine, you're doing fine.

Rodriguez: Five major developments have gone in of at least 200 homes. We have another one planned for 91 homes in Golden Valley itself. We have about 500 new homes that are trying to go in. We also have north of the Stead Airport, there's 2,200 acres that they're trying to develop with about five homes per acre. We also have probably 50-60 new warehouses and the newest one that is not even completed yet is Amazon.com, which you know, we're glad to have it, but we're looking at severe traffic problems. We do have a project already here for the US-395 North, everything is still to be determined. And, we were wanting to find out if that includes the southbound, so that we can widen—at least get three lanes going into town because it's taking close to 40-45 minutes to go 12 miles, unless you take the old Virginia, which is—there's only two routes into town from the north valleys. So, we wanted to find out how we can help that process along to open up the southbound lanes and what we can do to move the process along. I know it's a very expensive project up there, but the freeway itself also is in, shall I say major need of repair. There's a lot of cracks. I know they've tried to keep up with it, I can see it, but we just wanted to address the Board to see what we can do to get the project going, or if this is just for the northbound.

The other concern is, we have the Pyramid Highway, 395 connection, coming in, which is just going to add to the problem if the 395 is not widened by the time this project goes into effect, which this says it's complete but it's really not. Because

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they're going through Sun Valley, which already has its own problems. We don't really represent Sun Valley because they drop in usually around McCarran, but, nonetheless, they have issues too. If you watch the cars trying to merge on to the 395 in the morning, they tried to fix it and it's okay, but it really is a mess in the mornings. So, that's what I wanted to ask about.

Sandoval: Thank you Ms. Rodriguez and what I'll ask is that the Director identify somebody to meet with Ms. Rodriguez and get her contact information, perhaps answer her questions and give her some information.

Malfabon: Yes, Governor. Just to add, we are having a meeting set up with the RTC in Washoe County and Reno City Councilman Paul McKenzie, he's raised that issue. We have a traffic study going on right now that's going to feed into an environmental study that I've asked John Terry to look at a different approach to at least start considering the alternatives, the solutions available to us in that area and the Spaghetti Bowl. So, it is going to be a ways off to do the project, but we have to start doing the studies and everything that has to be precursors to the project, we're aware of that.

Rodriguez: One of our biggest concerns is Amazon because once their employees start coming—they're still building. They have one building open right now, but we're going to have their trucks coming in and out. I understand they're also going to be going to the Stead Airport and bringing in planes there, however, in the meantime, they're going to be rolling up and down that freeway to get to the Reno/Tahoe Airport, or wherever, you know, their center is. So, that's one reason we're looking at it. We also have a problem with our two off-ramps to Golden Valley and Lemmon Valley are not light controlled. They're free right turns, but to make the left you have to stop. Right now, if you come about 5:15, the line to turn left is all the way up to the freeway so the people turning right are just sitting there, or they're skirting on the right hand side to try and get around, because they're in a hurry, they need to get to Raley's, okay.

Malfabon: Thank you. And, definitely one of the elements we want to look at is what we call operational improvements; lights, ramp meters, traffic signals, those kinds of things. So, we'll definitely work on that Governor and keep the Board apprised. You had asked Governor, for the list of projects and John Terry, our Assistant Director for Engineering is working on that list to present next month. We're quite aware that this project is of a lot of interest from RTC in Washoe County, the Board Members and the public in that area.

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Rodriguez: Okay, thank you.

Sandoval: Thank you Ms. Rodriguez. Any other public comment from Carson City? Any public comment from Southern Nevada?

Martin: None here sir.

Sandoval: Thank you. The next Agenda Item are the proposed minutes. What I was going to suggest is that we continue these to next month. There are quite a few errors in here, Rudy. One of them says, 'thank you Rude', and one of them says Project Beyond, which actually isn't bad. But on Page 7, at the top, for my statement, it says, 'and we always get good news like this' and it should say, 'we don't always get good news'. So, I want to take some time to go through here because there are quite a few that I identified like that and I'd rather not do it on the fly here today.

Malfabon: Yes. And, just to mention, Governor and Board Members. We had to change the company. State Purchasing just acquired the new list of companies that does transcription services for state agencies and we just switched, so some of the errors that we see we'll have to correct and make sure that that company is providing the services that we need so it's more accurate.

Sandoval: You'll have to work with them directly because I—I mean, this is a lot of information to have to go through here. And, there's some significant errors in here that change the entire meaning of the sentence. And so, as I said, I mean, that's—this one alone is 30 plus pages. It's a better use of everyone's time.

Malfabon: Will do so, Governor, we'll get all of the Board Member's comments.

Sandoval: Controller has a comment.

Knecht: Thank you Governor, just real quickly, for the benefit of Mr. Malfabon and the staff, look at Pages 25 and 34, you'll see some things attributed to me that I'm sure the Governor said. I'll be happy to communicate with you on it.

Malfabon: Okay, thank you.

Sandoval: So, Member Skancke, do you have a motion?

Skancke: Yes, Governor, I'll move that we hold Item No. 3, the Approval of the Minutes, from the July 6th meeting until our September Board Meeting.

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Martin: Second.

Sandoval: We've heard the motion, second by Member Martin. Any questions or discussion? All in favor say aye, [ayes around] Oppose, no. Motion passes. Is that you Mr. Lieutenant Governor on the phone?

Hutchison: Yes, Governor, it's me.

Sandoval: I apologize, I didn't know that you were participating.

Hutchison: I'm sorry, yes. I would be on the phone for the meeting, I'm in North Carolina right now.

Sandoval: All right, thank you.

Hutchison: Thank you.

Sandoval: Let's move to Agenda Item No. 4, which is Approval of Agreements over \$300,000.

Nellis: Thank you Governor, Members of the Board. There are five agreements under Attachment A that can be found on Page 3 of 29 for the Board's consideration. And, I should say for the record, Robert Nellis, Assistant Director for Administration, thank you.

Regarding Line Item No. 1, Members should've received an updated memo regarding the first item. This is a contract with Horrocks Engineers in the amount of \$1,297,173.27. This is for project management support, traffic analysis and reporting, public involvement, right-of-way utility and acquisition activity services for Interstate 15, Starr Avenue interchange.

The second line item is Amendment No. 2. To increase authority by \$375,000 for continued legal support in inverse condemnation matter, regarding Blue Diamond Overpass.

Finally, Items No. 3-5 are for \$1,000,000 in each District for statewide maintenance and repair of intelligent transportation system devices and Governor, that concludes Agenda Item No. 4. Are there any questions I may answer direct to the appropriate person?

Sandoval: Questions from Board Members? Member Savage.

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- Savage: Thank you Governor. Mr. Nellis, as you stated, the Item No. 1, we received the packet this morning for, is it Horrocks Engineers?
- Nellis: Horrocks, correct sir.
- Savage: And, Ryan Wheeler, that name is not familiar to me. Are they are a new firm for the State of Nevada, Department of Transportation?
- Nellis: Just a quick answer from me and then I'll let Assistant Director, John Terry answer. They do have a Las Vegas office. They have offices in Arizona as well, but I can let Mr. Terry answer the rest.
- Terry: Assistant Director, John Terry, for the record. They are primarily a Utah based firm who has set up an office in Las Vegas in the last couple of years and has done projects for us out of Las Vegas previously.
- Savage: Okay, thank you Mr. Terry. And, one other comment, Governor. Mr. Nellis, on Items No. 3, 4 and 5, I commend the Department and yourself and your team. It's nice to see three competitors, three different vendors for the same scope of work. That's all I have, thank you Governor.
- Sandoval: Any other questions or comments?
- Hutchison: Governor?
- Sandoval: Yes, Mr. Lieutenant Governor.
- Hutchison: Thank you Governor. Just wanted to turn to Item No. 2 and this is probably best for Mr. Gallagher to respond to. I just note that you've got an amendment here for additional legal services and it sounds like, you've got a plaintiff who had a deal with the State and they're now trying to claim a basis for rescission, is that right?
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Lieutenant Governor, that is correct. He had a number of other claims, including inverse condemnation, all of which have been dismissed. The only remaining claims are all based on the breach of contract claims. Earlier in the spring, we had a five-day mini-trial, before the Judge, on whether or not the statute of limitations precludes the breach of contract claims. We're still awaiting the court's decision on that, should the court grant our motions that the statute of limitations bars the claims, that will pretty well resolve the matter at least at the District Court level. Given the

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amount of the claim, I would anticipate that the property owner would appeal it to the Supreme Court. But, right now, we're still awaiting the District Court's decision on our motion to dismiss based upon the statute of limitations.

Hutchison: Thank you very much. And, Mr. Gallagher, if the statute of limitations argument is not successful and this proceeds, what's the basis for the rescission claim?

Gallagher: The breach of contract is predicated upon an allegation of failure to disclose and a breach of the duty of fair dealing. The plaintiff is alleging that the government owes a higher standard in its dealing with citizens than to other parties, non-governmental parties. It's a novel argument.

Hutchison: Yes, so I assume if we don't win the statute of limitations argument, you would try to dispose of the claim by way of motion practice or do you think this is going to go to trial?

Gallagher: I believe it will go to trial on that issue. We filed extensive motions already to dismiss, including all the other allegations—all the other claims for relief and they were all granted via summary judgement with the exception of this last remaining breach of contract claim.

Hutchison: Okay. And then if it goes to trial, is this a bench trial or a jury trial? This will be a bench trial?

Gallagher: The trial would be a jury trial.

Hutchison: Okay. All right, Governor, thank you very much, that's all the questions I have on Item No. 2.

Gallagher: Thank you Lieutenant Governor.

Sandoval: Thank you Mr. Lieutenant Governor. Any other questions? If there are no further questions, the Chair will accept a motion for approval of the agreements over \$300,000 as described in Agenda Item No. 4.

Knecht: So moved.

Sandoval: Controller has moved for approval, is there a second?

Savage: Second.

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Sandoval: Second by Member Savage. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. Motion passes. We'll move to Agenda Item No. 5. Mr. Nellis.

Nellis: Thank you Governor. Again, for the record, Robert Nellis. There are three attachments that can be found under Agenda Item No. 5, for the Board's information. Beginning with Attachment A, there are seven contracts on Pages 4 and 5 of 31. Since there are seven contracts total, I'll summarize the first three on Page 4 and then pause for questions before continuing to Page 5.

The first project is located at Interstate 580, at South Virginia, Summit Mall, in Washoe County to construct landscape and aesthetic improvements. There are five bids and the Director awarded the bid to Q&D Construction, in the amount of \$1,915,906.50.

The second—

Sandoval: Mr. Nellis, before you move on. What are we getting in the way of landscape improvements for \$2,000,000?

Nellis: Well, and one comment on that Governor is just, this is a unique situation where there's a lot of dirt that had to be imported for these particular improvements, so that accounts for some of the costs in there, but if I could redirect to the Director, if you'd like to add.

Malfabon: Yes. There are aesthetics, similar to what you see on the Carson Freeway with sculptures, metal sculptures. They have picked a pioneer and kind of an early rancher theme, sheep ranchers. They had some landscape rock paint and aesthetics such as that. There are some trees, I asked about the trees. There's a plant establishment period, these trees are able to survive once they get established without having to install irrigation. It doesn't require irrigation. What they're doing is capturing a lot of the water onsite. There is a way that they capture water and then get it to the plants that they are going to be installing on this but it's a minimal amount of plants.

Sandoval: Is that a formula, this amount?

Malfabon: The formula is typically for new capacity projects, such as we were talking about Starr Interchange on I-15, that design contract. So, we would tell that designer to work with our landscape and architectural staff to have up to 3% is the policy that

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the Department has, as approved by a previous Transportation Board. So, it's up to 3% would be used for landscape and aesthetics. It doesn't necessarily mean landscaping. It could be paint, rock, sculptures, hardscape, that kind of thing that doesn't require water.

Sandoval: And, is that the area in that big loop as you come down?

Malfabon: Yes.

Sandoval: And, the other thing I noticed and I was interested in your comment about the water is that, when we do get rain, I just recall a couple of years ago that there was a large volume of water that passes through that area. So, that will be accounted for. Last question is, that project has been completed for quite some time, why are we waiting until now to get it done?

Malfabon: Yes, when we built the—about four interchanges on south end of Reno, on 580, we didn't have that landscape and aesthetics policy in place. We've received comments from the public and from developers in that area saying, hey you did it over there, what about us. So, we've actually hired the landscape architects to design the improvements needed and we'll go from this interchange to the north to address the lack of aesthetics that are at those older interchanges.

Sandoval: Mr. Controller.

Knecht: Thank you Governor. Rudy, you mentioned the aesthetics component of this and I thought that the public art requirement would cover that. Are the dollars that are spent on the aesthetics here being credited to whatever our public art requirement is? How do these expenditures interact with those requirements?

Malfabon: I don't know about the public art requirement. This is more of an internal policy that you adopted for our interchanges or capacity type projects, which typically interchanges and addition of lanes and bridges. We do have occasionally some projects that actually are augmented with public art, such as the red kind of porcupine looking thing near the Meadow Wood Mall, that was not—

Sandoval: Did we pay for that Rudy?

Malfabon: No, that was public art. So, we didn't pay for that. I get a lot of comments about that, I say, that's not ours. But, it's art.

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Knecht: The reason I ask, Governor and Mr. Malfabon is that, Rudy referenced some of the public art that tends the Carson City projects and I presumed that the various deer running amuck on the north end of town, the metal deer that is and the hawks and so forth and the cowboys riding and the trains and so forth, I presume all of that's covered by our public art requirement.

Malfabon: That's actually—well, NDOT installed those, but it's part of our landscape and aesthetics program too. So, we developed plans for each corridor of each major freeway and route, including the rural areas of the State, so that we can have certain themes that are reflective of the local community. That's why we have the rancher theme in Carson City. The sheep herder theme in other areas of the State. Railroad theme in Carson City. So, it is something that we do, not as a public art requirement, but because of the policy adopted years ago, under Governor Guinn, when he chaired the Board.

Knecht: Thank you Mr. Malfabon and thank you Governor.

Sandoval: Please proceed, Mr. Nellis.

Nellis: Thank you Governor. Again, for the record, Robert Nellis. Picking up on Item No. 2, a resurfacing project that's on State Route 823 in Lyon County. There were six bids and the Director awarded the contract to Sierra Nevada Construction in the amount of \$1,449,007. Finally, on this page, another resurfacing project, Item No. 3, on State Route 722, in Lander County, there were five bids and the Director awarded the contract to A&K Earthmovers in the amount of \$2,542,000. Governor, are there any questions from the Board regarding this first page before we move on to Page 5.

Sandoval: No questions.

Nellis: Picking up on Page 5. The fourth item at the top of the page in your packets is for a Maintenance Yard 925 in Independence Valley, Elko County for drainage improvements and to repave the maintenance yard. For your notes, this is related to Agreement 49, at the bottom of Page 18, where the septic tank needs to be replaced first before this project can move forward. There were three bids and the Director awarded the contract to Remington Construction Company in the amount of \$499,999.

The fifth item is on US-395 in Douglas County, for seismic retrofit, scour countermeasures and rehabilitation structures. The engineer's estimate is in the

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amount of \$1,582,882. There were three bids and the Director awarded the contract to Granite Construction Company in the amount of \$1,625,625.

The next is Item No. 6. This is the emergency contract that was referred to earlier in the Director's Report on US-395 in Washoe County to remove and replace a median barrier rail. There were two bids and the Director awarded the contract to Granite Construction Company in the amount of \$776,776.

Finally, Item No. 7, is on US-93 in Elko County for wildlife safety crossing. This is a state-funded contract. There were two bids and the Director awarded the contract to Remington Construction Company in the amount of \$2,177,777. Before moving on to Attachment B, are there any questions I may answer or direct to the appropriate person.

Sandoval: Yes, Mr. Nellis, on those Contracts 6 and 7, there were only two bidders. Do you know why—why didn't we have more?

Nellis: I could direct that to Assistant Director Terry, we'd like to get three as the minimum, there just weren't more than that.

Terry: Yes, again, John Terry, Assistant Director for Engineering. Yes, it is concerning when we only get two bids. I will note that Item 6 was an emergency contract put out in a very short period of time with very short durations that they had to do the work. So, a little bit of an unusual one, but—and again, No. 7, sometimes in the rural areas, which this is a rural area, we only got two bids, but you're right, we do not like seeing only two bids.

Sandoval: And, is Remington Construction Company a new entity?

Lee: Kevin Lee, District Engineer for District III. Remington Construction actually is a local company out of the Elko/Spring Creek area. So, they actually have a number of personnel that actually work for the likes of Frehner, and some of the other big contractors back in the day.

Dyson: Thor Dyson, District Engineer. Item No. 6, the reason—one of the reasons we only had two contractors that submitted bids is they're the ones that had that type of equipment to do a slip for them, for the barrier rail. So, really, it just came down to those two but it was advertised for anybody that wanted to bid it.

Sandoval: And then, that damage was the result of a car accident, or the repair?

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- Dyson: Well, the barrier rail in question needed attention. Yes, the accident helped accelerate the emergency. It became very apparent to the Department, to us out in the field that we had to address it quickly before a larger vehicle hit it and go into the oncoming lanes.
- Sandoval: And, this is a question for Mr. Gallagher, do we seek compensation if somebody's at fault for causing that damage?
- Gallagher: For the record, Dennis Gallagher, Counsel for the Board. Governor, yes we do, if it's called to our attention. A lot of times it will be referred to the Controller's Office for collection. And, they'll deal directly with, in a case like this, the driver's insurance company. Other times, when it can't be resolved that way, it is referred to the Attorney General's Office for collection proceedings.
- Dyson: Governor, my staff out in the field, when there is property damage to the highway, whether it's a sign, barrier rail, guidepost, whatever, we fill out all the documents. We do what's called a Property Damage Report. If the person is apprehended by the police or there's an accident investigation and we have all the information, Mr. Gallagher is absolutely correct, we collect that money and it goes through the process of the tort claim—not tort claim, but it goes to the reimbursement and it comes back into the Highway Fund.
- Sandoval: Board Members, any questions with regard to Contracts 4-7? Please proceed, Mr. Nellis.
- Nellis: Thank you Governor. Again, for the record, Robert Nellis. There are 54 executed agreements under Attachment B that can be found on Pages 14-19 for the Board's information. Items 1-17 are inter-local agreements and acquisitions. 18-27 are appraisals and facility agreements. 28-35 are grant and right-of-way access agreements. Lastly, 36-54 are service provider agreements. I do have a couple of corrections for the Board, Governor. They can be found on Page 18 of 31. Items No. 44 and 47. In the notes, they refer to Project NEON, both on 44 and 47, that is incorrect. Project NEON needs to be stricken. In the case of Item 44, this is for Interstate 15, a design build project at Warm Springs. There will be no federal funding. So, we need to cross out in the federal funding column a yes and put a no in there. The same for Item No. 47, cross out the federal funding and put in a no there. This is an Ad America, inverse case. Both are within the proximity of Project NEON, so that may have created some confusion, but they are not related to Project NEON or Project Beyond as the last minutes stated.

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The only other item to refer to for your notes is, contract—or, I'm sorry, Item 49, which is Agreement No. 49, to replace the septic tank that refers to Contract No. 4. This is the agreement I was stating that needs to move forward first before Contract No. 4, could move forward.

With that, are there any questions I may answer or direct to someone else regarding any of these agreements?

Sandoval: Thank you, I'll begin on Contract 39 and perhaps this is a question for Mr. Gallagher. Will you provide a little more detail with the progress on the resolution of this Meadow Valley construction matter?

Gallagher: For the record, Dennis Gallagher, Counsel for the Board. Governor, I would like to defer this to my colleague, Mr. Reid Kaiser, for an up to the minute report.

Kaiser: Reid Kaiser, Assistant Director of Operations. That agreement is kind of information wanted to get a third-party opinion dealing with the drilled shafts, which are the supports for the bridges on this project. And, just wanted to make sure that—we believe that the contractor is at fault, so we wanted to make sure that—the contractor thinks we're at fault, so we got a third-party and they're going to give us their opinion on whether—who they think is at fault, for the drill shafts.

Martin: Governor.

Sandoval: Yes, Mr. Martin.

Martin: Along those same lines, Reid, you and I talked about this when you were in my office the other day. This report that we were requesting, that's being paid jointly by Meadow Valley and the State of Nevada, or am I confused?

Kaiser: No, NDOT requested this, Meadow Valley was not part of the—will not be—did not request this report at all, it was only NDOT.

Martin: So, then the results of that study will be revealed only to NDOT?

Kaiser: Yes.

Martin: Okay. I had a question on one other item, Governor, if we could, unless you've got more on this—on the Meadow Valley. I too am—it's been nine months now trying to get this thing settled, so I'm rapidly running out of patience on that one.

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Sandoval: And, we will pay close attention to that. I guess I'll leave it at that.

Malfabon: Yes, just to add Governor and Member Martin. I did have a conversation with Robert Terril the President of Meadow Valley and he committed to getting the additional information that we've been requesting to us today. So, that will—with the addition of that report, which we told the consultant, we're paying you but don't be beholden to the Department just because we have the contract with you. We want to know what's a fair assessment of the facts here for the drill shaft, so with those two pieces of information coming in this week, we think that we can make some progress and further deliberation on that.

Sandoval: And, do we have a timeline, Rudy?

Malfabon: Once we receive all that information, I would think that we would be able to establish our position within 30 days.

Sandoval: And, when do you expect to get that information?

Malfabon: Well, the President of Meadow Valley said today, for the Meadow Valley information. We expect, probably in another week or two, for the consultant's report. So, probably two weeks for the consultant report and then within 30 days of that, we would have our position established.

Sandoval: Thank you. We'll move on to Contract No. 50. And, I just—it's probably my ignorance, but \$240,000 to clean up pigeon droppings?

Malfabon: Governor, I'll take this one. This is along the lines of the slides that you saw last month on the cleanup of encampments within our right-of-way. We have challenges with pigeons nesting in bridges and the girders. The pigeon droppings then get into the storm drain system and become water quality issues and public health issues. So, the pest control company that we hire puts in some of those pigeon spikes on the nesting areas, cleans out the areas and it helps us not only with the public health issue, but also the storm water program, for clean water compliance. This is a multi-year contract. We only pay them for what they actually perform, but that was the estimated amount of the agreement for, I think, two and a half years.

Sandoval: Member Savage.

Savage: Excuse me. Governor, this one has really got my hair up as well. \$240,000 from the private world. I'm sorry?

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- Sandoval: Tom, or Member Skancke, said it's ruffled your feathers.
- Savage: Yes, it has, but in all joking aside, it's a very serious matter. \$240,000, I mean, I got to believe that we can do this with in-house crews and I just question your team, Rudy, and I believe it'd be worthwhile to revisit this contract because of the overly excessive amount of dollars being spent, very serious matter in my mind. Thank you Governor.
- Malfabon: Thank you, Member Savage. One of the things I want to point out—correction, it is about a year and a half contract, but we will definitely follow-up with direction from the Board to see if we can self-perform this in the future and try to minimize the amount of this contract.
- Savage: Or, maybe even intervene with this contract, if we can perform—because I know we have the right as a Department to terminate a contract if it's in the best interest of the State of Nevada.
- Malfabon: Yes.
- Savage: Thank you, Governor. Thank you Rudy.
- Sandoval: My next question is on Contract 53.
- Nellis: Governor, I'll let Assistant Director, John Terry answer that one.
- Sandoval: We don't know whether the quarry contains materials that include the asbestos, and that's what this contract is for?
- Terry: Again, John Terry, Assistant Director for Engineering. I forget the exact month where we made the presentation, it was a few months back, about this and this is really what we said we were going to do. This is to test quarries that are not related to the Boulder City project, for asbestos, so that we can use them on other projects in the Las Vegas Valley. So, I do not know of any test results that have come back under this contract, but I do know we have started using this contract to write special provisions for contracts moving forward in this area. So, this is to test areas that are not part of Boulder City, that are contractors currently have going and like you stated, material sources in order to keep these moving forward.
- Sandoval: No, and I—you know, this has been an ongoing issue, but I want to make sure it's clear. It's very important we do this for public health and safety. That way we are not bringing—this will clarify, once and for all, regardless of the project, in

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Southern Nevada, that we'll know going in that any material that's brought in won't include that, assuming they don't find anything.

Terry: And again, this is the stopgap contract. We said we would do this amendment to Tetra Tech, to keep these projects going, and the bigger one which I believe is, out on the street, to carry us for the next couple years, statewide, it is proceeding as well. So, we said we would do this one, amend Tetra Tech, to keep us going and to test these sources and the bigger contract to cover us more statewide is out there and we are proceeding with like we said we would.

Sandoval: And, I don't know how much we have invested on this issue, but hopefully the day is not far that we will know exactly where all materials are that would include asbestos so we won't have to get into a project or a contract like this to figure this issue out once this is completed?

Terry: We hope so. We'll see what the testing shows.

Sandoval: And, do you know off the top of your head how much we have all in with regard to this airborne asbestos issue?

Terry: We presented and gave a total number a few months back, I don't remember what that was off the top, but I could pull out the minutes from that meeting.

Sandoval: Ballpark figure? \$3M? \$4M? Maybe more?

Terry: Yes. Because we counted what we estimated, both the design builder and the design bid build contract on Boulder City would've added to their bids in addition to what we have already spent. We haven't spent over \$3M. But, if you add in what we think they had to add to their bid for it, it was millions. And, I'll follow-up with that, it was in that last presentation.

Sandoval: Right, thank you. Any other questions with regards to Contract 53?

Savage: Yes.

Sandoval: Member Savage.

Savage: Yes, Governor, thank you. Mr. Terry, if you could remind me please, I thought that the Department was going to go after federal reimbursement funds for this Tetra Tech work and it denotes a no for federal funds. If you could please remind me where we stand there?

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- Terry: Yes, back when we procured Tetra Tech, we had this discussion with the Board that we didn't fully follow the federal process because we wanted to get this out quickly and the part that we didn't follow in the federal process which is what we sort of pre-selected the ones we wanted to send this out to because they had this experience and we felt that would accelerate it. That made it and all amendments to that ineligible for federal funding. So, we did intentionally do it that way in order to accelerate it.
- Savage: Yes, I remember that, but I also thought that there was a discussion that we were going to attempt retrieval of those funds and maybe that's not the case.
- Terry: I have no knowledge of us doing that.
- Savage: Okay. Thank you Mr. Terry, thank you Governor.
- Sandoval: I'll move to Mr. Martin, you had additional questions?
- Martin: Yes sir, on Items 10 and 11, flush investments. We're paying a protective rent sum of \$15,000 and I get that, you explained that to us before, but the very next item is, it would appear that we're authorizing the payment of \$316,000 to buy the property. So, we're paying the rent going forward and we're buying it at the same time? And then, I have another question about some of the other acquisitions down here.
- Nellis: We'll have our Chief of Right-of-Way, Paul Saucedo, answer that question for you sir.
- Saucedo: Yes, for the record, Paul Saucedo, Chief Right-of-Way Agent. Member Martin, yeah, we did enter into an agreement with the property owner to purchase the property. There was an extended time of vacancy that he had experienced because of a relocation of a tenant and so we agreed to go ahead and pay for that separate, that was before we actually got the agreement for the settlement. Typically, we could've handled it under one agreement, but because we hadn't reached that agreement yet, we went ahead and handled it as a typical protective rent agreement.
- Martin: Okay, thank you. And, where are we with the—I noticed there's several parcels here, being acquired. Are most of these on what would be the west side of Interstate 15?

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- Saucedo: I believe so. For these in here, we're—that's true. Most of these are on the west side. They're residential, multi-family, some commercial. Yes sir.
- Martin: Okay, thank you.
- Sandoval: Any further questions Mr. Martin?
- Martin: No sir, not at this time.
- Sandoval: Questions from Northern Nevada? Member Savage.
- Savage: Thank you Governor. Just one other question that has not been addressed, would be Line Item 36, the funding to AGC, I don't recall that in the past, maybe we have, I just want clarity on this, if we have provided funding to AGC South or AGC North in the past, on issues?
- Malfabon: Rudy Malfabon, for the record. So, we benefited from AGC's year round training to Disadvantaged Business Enterprises, the minority contractors and women owned contractors. So, we've partnered with them to use funds to train these DBEs. Our goal is really to enlarge the pool of DBEs available to our contractors. It's a very limited pool currently and we saw that AGC gives very practical educational opportunities throughout the year. They repeat classes periodically. So, we've partnered with them to have them deliver the training to these subcontractors.
- Savage: Thank you Rudy and I'm not being critical for the training for the DBE and the SBE, I know that's critical for the Department. I was just not aware of having us fund the different AGCs. Have we done that in the past?
- Malfabon: In the past, we would set up our own, hire a consultant and deliver the same type of training. We felt that that was not cost effective when there's good training already available through the AGC, the same type of training that we want to deliver. It didn't make sense for us to create our own training program when there's one there that is beneficial and available.
- Savage: Okay. That answers—again, I'm glad to see the Department pursuing the DBE and the SBE funding, so thank you Governor.
- Sandoval: And, if I may follow-up on that because it begs the question, are we paying for something that was being provided anyway?

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- Malfabon: What we're paying for Governor is the—the smaller businesses that may not have typically taken that training, we're offering to pay for them to take the training. Get involved in our DBE program and enlarge the pool of subcontractors available to our prime contractors under that program.
- Sandoval: So, in other words, are we scholarshipping small businesses to be able to attend the AGC training?
- Malfabon: In effect, that's what we're doing, instead of setting up our own training program.
- Sandoval: So, do we follow-up to make sure that the Southern Nevada AGC isn't billing those that attend?
- Malfabon: They do bill the ones that attend that are normal AGC members that are not involved in our type of work. So, if they're a DBE that does highway work, then they coordinate with us and we tell them about the opportunities for training through the AGC. So, we collaborate with the AGC, but we determine and preapprove those firms getting that training. So, it's not just a flood gate open to anyone, all takers. It's someone that has to be doing work on our type of projects.
- Sandoval: No, and I get that. I think the policy is good. I just want to make sure that we're not supplanting a regular budget item, that we are enhancing the ability for more individuals or entities to attend.
- Malfabon: Yes, that's what we're doing.
- Sandoval: Okay.
- Savage: Just to be clear, so AGC is not collecting fees for this training. And, not reimbursing the Department, that's where I need clarity, I'm sorry.
- Malfabon: Our agreement is with the AGC, so we pay them to offer the training to the DBEs. Since the training is offered year round, it's for multiple opportunities, repeats of the same classes throughout the year. And, we get out there and communicate with companies and try to get them engaged in attending the training so that they can be knowledgeable before they get on to an NDOT project as a new subcontractor.
- Savage: And, I understand the philosophy and the strategy and I commend that, I just want to ensure that there's no double collection here from the AGC.

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Malfabon: No, they don't—

Savage: That's my concern.

Malfabon: They don't double collect.

Savage: They don't collect, okay. Thank you Governor, thank you Rudy.

Sandoval: Member Skancke.

Skancke: Thank you Governor. On that same item, is there an opportunity for a cost savings here? If we partner with these types of organizations, is the Department actually saving money by not having to put a contract out to bid and not having to have staff time oversee these types of efforts, to increase this DBE/SBE participation?

Malfabon: Definitely Member Skancke, that's a good point, as it would cost us a lot more than \$75,000 a year to set up this type of program and administer it separately as our own training program. So, it's definitely a cost savings to take this approach.

Skancke: Just if I could Governor, follow-up to Member Savage's point. If there's some type of accounting or some type of—let me just say, accountability so that there isn't double dipping, not that there's going to be, but I think it's important for us as a public agency and a Board that oversees that to make sure that there's some type of accountability in place that, you know, accidents do happen and in accounting procedures there are mistakes, but I don't think we want to open up the door for us to have any type of exposure to that type of mistake. So, if there's some type of accountability measure we can put in place that Ron's not paying AGC and being sponsored by NDOT and if that, in my mind, if that happens like three or four times and it's a problem, once I get but if it's repeated, then I think we need to have some type of performance measurement so that we as an agency have that accountability.

Malfabon: We'll follow-up with that Member Skancke and the Board.

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

Nellis: Governor, there was Attachment C and then we'll be done with this Agenda Item. Again, for the record, Robert Nellis. There are two eminent domain settlements that can be found under Attachment C on Page 21 of 31 for the Board's information.

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Line Item No. 1 is in the amount of \$8,000 for a temporary easement adjacent to South McCarran Boulevard in the City of Reno for the South McCarran Widening Project.

Line Item No. 2 is the amount of \$2,990,000 for acquisition of vacant land fronting Warm Springs Road, for the widening of Interstate 15 and Warm Springs Road Project.

Governor, that does conclude Agenda Item No. 5. Questions on these items may be directed to Mr. Gallagher on either of these settlements.

Sandoval: Controller has a question.

Knecht: Thank you Governor. Mr. Gallagher, Governor, Mr. Malfabon, anyone who wants to answer, considering that \$8,000 item. Do we have a lower limit threshold that distinguishes what comes to this Board in the way of settlements for—well, this is information, but is there any range of settlements that the administration of NDOT is empowered to make on its own, or? I just wonder about the utility of including that in this meeting and in the materials.

Gallagher: For the record, Dennis Gallagher, Counsel for the Board. This particular item was presented to the Board, as you noted, for informational purposes, as it was a settlement of a claim against the State. It was presented to the Board of Examiners. The Board of Examiners currently has a policy for tort claims; they've delegated the authority on tort claims to the Tort Manager in the Attorney General's Office, of claims under \$100,000, which are then reported annually to the Board of Examiners. The Board of Examiners has not yet delegated to the Department similar settlement authority. I will note though, that what we take to the Board of Examiners are matters that have involved actual litigation. So, once the litigation is filed, it goes to the Board of Examiners. The Department in the Right-of-Way section, does have the ability, under NDOT's own policies to enter into administrative settlements. I don't know if Paul would like to elaborate on that.

Saucedo: Yes, for the record, Paul Saucedo, Chief Right-of-Way Agent. Mr. Gallagher is correct, we do have an administrative settlement process that we go through. And, if we have support for that kind of a settlement, whether it's appraisal or sales or something to indicate that that is a supportable amount, we do try to get those through our administrative process if at all possible.

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- Knecht: Thank you both and Governor, my point, I think was well answered by Mr. Gallagher that these small things can be aggregated and reported, that's important that there be some public sunshine but I just don't know that they rise to, in every event, to the level of an item on our agenda, but I was more curious than anything what our procedure is and what the thresholds are. Thanks.
- Martin: I have one question please.
- Sandoval: Member Martin.
- Martin: On the matter of the \$8,000 settlement, I went further ahead in the Agenda. It seems that we have spent \$111,000, unless I'm misreading the legal piece of the Agenda. We've spent \$111,000 in legal fees, settling this \$8,000 case, am I correct or incorrect, Dennis?
- Gallagher: For the record, Dennis Gallagher. Mr. Martin, all of the McCarran Widening Project matters are under one contract, so that \$111,000 reflects probably a half dozen to eight lawsuits that are filed there. So, it's not directly all attributable to this claim.
- Martin: Thank you sir. Because the information on the back side of the agenda refers directly to these two individuals, the Jenses. That's why I was questioning if we had actually spent the \$111,000 on the Jenses.
- Sandoval: So, the answer to the question is no.
- Gallagher: Correct Governor.
- Sandoval: Yeah, okay.
- Martin: Got it, thank you.
- Sandoval: Any other questions, Board Members, with regard to Agenda Item No. 5? If there are none, thank you Mr. Nellis, we'll move on to Agenda Item No. 6, which is Condemnation Resolution No. 450.
- Malfabon: Thank you Governor, Rudy Malfabon, for the record. So, on Project NEON, you'll be seeing a lot more of these condemnation resolutions where we make an offer of settlement to the property owner. If they choose to not respond or to not have an acceptable counteroffer, then we bring it to the Board, in order to maintain the timelines for acquisition of the properties, for our design build

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contract on Project NEON. We made an offer of roughly \$309,000 for this residential property, for the land and improvements and a temporary easement. So, we're at an impasse. We just want to maintain the schedule for the project and we request approval of the condemnation resolution associated with this parcel.

Sandoval: Thank you Mr. Director. Board Members, any questions with regard to Agenda Item No. 6? If there are none, the Chair will accept a motion to approve Condemnation Resolution No. 450, as presented in Agenda Item No. 6.

Martin: So moved.

Skanccke: So moved.

Sandoval: Member Martin has moved for approval. Member Skanccke has seconded the motion, any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes. We'll move to Agenda Item No. 7, another resolution of relinquishment.

Malfabon: Thank you Governor and Board Members. This is for a parcel of land along Mount Rose Highway in Washoe County. You may recognize it as the access point for a Park-and-Ride lot. It's adjacent to Mount Rose Highway. The parking spaces for that lot, we've had conversations with the developer and interested parties that want to expand that mall. So, the Park-and-Ride lot will remain within that area to serve the folks that park at the base of Mount Rose Highway and travel up the highway. So, this is just to relinquish the property and City of Reno consented to take this property. Pretty much, I'm available to answer any questions and we have Paul Saucedo as well.

Sandoval: Questions from Board Members? If there are none, the Chair will accept a motion to approve the Resolution of Relinquishment as described in Agenda Item No. 7.

Knecht: So moved.

Hutchison: So moved.

Sandoval: The Controller has moved for approval, Lieutenant Governor has seconded the motion. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes. We'll move to Agenda Item No. 8, another resolution of relinquishment.

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- Malfabon: Thank you Governor and Board Members. This is for relinquishment of a parcel that's near the West Wendover Welcome Center, it's the parking area there. We received it from the BLM years ago, in 1948 and the City of West Wendover has requested and consented to a resolution in May of this year. The transfer will benefit the Department with the elimination of all liability and future maintenance responsibilities for this parking area.
- Sandoval: Rudy, I do have a question on this one. It says, we have an easement interest that we're relinquishing.
- Malfabon: Yes.
- Sandoval: And, there are a significant amount of improvements on that property, were those improvements paid for by the State?
- Malfabon: I believe that we installed them. Kevin Lee might be able to answer some questions about what's going to be happening with the property in the future.
- Kevin Lee: Kevin Lee, District Engineer for District III. It's really the Welcome Center, which includes the parking for the Welcome Center and some park facility that's adjacent to it. And, what the City of West Wendover wants to do is continue to be a Welcome Center, as well as, they want a transportation hub for some of their buses. So, they plan on building some bus stops and some shelters there for some of that as well. So, it will always be a Welcome Center, until we ever build a new one in the future, on that part of the State, which I'm not sure if one is planned in the future, but they plan on some multi-mobile transportation issues to address there as well.
- Sandoval: I guess I should be a little more specific. So, did we, we being the State, NDOT, pay for the Welcome Center and the parking area?
- Kevin Lee: We as a State—it was either State or Federal money back in the, I'm going to say the 80s, mid-80s, I think it was, that that was originally installed.
- Sandoval: And, have we, we being the State, paid for the maintenance since then?
- Kevin Lee: Yes. And actually, the agreement with West Wendover ends at the end of this month because we paid them to maintain it for us.
- Sandoval: So, by virtue of this resolution, are we giving them all these improvements?

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- Kevin Lee: Yes, we are. We're giving them everything.
- Sandoval: And, what's the value of that?
- Kevin Lee: I wouldn't know the value. All I can tell you is, right now, it's in need of an HVAC upgrade, which is in maybe the \$50,000 range as well as a new roof. So, we're actually giving up some liability as well.
- Sandoval: But we paid for a building and a parking lot. I mean, we don't normally give this significant amount of improvements away.
- Malfabon: It will still be operated as a Welcome Center, Kevin?
- Kevin Lee: Kevin Lee, District Engineer, again. As part of the agreement with West Wendover, they will continue to run that as a Welcome Center for the State, as well as, West Wendover itself.
- Saucedo: Paul Saucedo, Chief Right-of-Way Agent, for the record. Governor, under the relinquishment rules, as long as the local public agency is going to use it for a public use, we are allowed to do that under that law, but whether we want to do it or not is the question.
- Sandoval: Well, it sets an interesting precedent here. And, I'm not aware of us doing this before. Or, I don't recall, I should put it that way.
- Saucedo: Yeah, I can't recall of one that may have gone to this Board, to be honest with you, it doesn't come to my mind, but—yeah. We could research it and see if we had something, but I'm just drawing a blank at this point.
- Malfabon: We have relinquished property, not a Welcome Center, but was used for a public purpose and it continued to be used for the local agency as a public purpose and it—we have language that says, if they don't use it for a public purpose, it reverts back to the Department. Would that be the case with this one?
- Saucedo: It wouldn't because it's an easement area that we own an easement in. So, it's not a fee ownership type situation. If it was a fee ownership then that language usually is in the agreement.
- Sandoval: I can only speak for me. I'd like to have a little better idea what we're relinquishing here. The value of it.

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Saucedo: We can get some pictures and have an appraiser look at it and maybe give us an idea of what kind of value we have sitting there and look at the cost to upgrade it and things of that nature, included in that analysis. That's something we could do.

Sandoval: Mr. Controller.

Knecht: Thank you Governor. And your last comment I think captures most of what I was going to say. When we get an item like this, what would be helpful to me is to have an expressed statement of roughly estimated asset value and roughly estimated liability amounts. It's not that we wouldn't give away some value in certain cases to another public agency, to a local government agency, we might well do that under the facts of the case, but I think the record should be complete that we considered it expressly what the financial values on both sides were and that we were informed at the time. Thank you.

Sandoval: Any other questions or comments with regard to Agenda Item No. 8? Member Skancke.

Martin: I have one sir.

Sandoval: I'll go with Mr. Martin and then Member Skancke.

Martin: Thank you. What do we pay the City of West Wendover annually for maintaining this station?

Kevin Lee: Excuse me, I missed the question.

Martin: How much do we pay the City of West Wendover annually to maintain this Welcome Center?

Kevin Lee: I would be guessing, Frank, I apologize. I know that we had roughly \$14,000 left on the agreement and we used a lot of that to repair the plumbing that was going bad in it, here this last month. So, I'd have to get—we could probably get that information by the end of the Board Meeting though.

Martin: Thank you.

Sandoval: Mr. Skancke.

Skancke: Thank you Governor. If it would please the Chair and the Board, I think before—in my opinion at least, I'm not comfortable moving forward with this item until

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we have all the financial data in front of us. And so, if we could move this—hold this item until next month and if we could have the value of the property and the assets and then take a look at what do we gain. I think the Controller and the Governor both made very good points. The Governor's point on this is setting a precedent, at least in the eyes of this Board. And, I think to the Controller's point of having some type of an idea of what this is worth is really important for us. So, I would, Governor, if it pleases the Chair, I would make a motion to hold this item until the September Board Meeting, until we have all of that information available to us so that we can make an educated—a fiscally responsible decision.

Knecht: Second.

Sandoval: Thank you Member Skancke. Member Skancke has made the motion to continue Agenda Item No. 8 until the next meeting of the Board in September. The Controller has seconded the motion. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes. We'll move to Agenda Item No. 9, Approval of Equipment in Excess of \$50,000.

Malfabon: Thank you Governor. We have Kenny Lee, Head of our Equipment Division, to be assisted by Kevin from District III to talk about equipment. We have three items I wanted to clarify. So, we have fleet replacement is, our legislative request includes fleet replacement and then when we're not replacing and we're actually asking for new additions to the fleet, that's a separate request to the Legislature in our budget that was approved. So, you have the next tab in your binder has additions to the fleet. Then we had a budget amendment during the last legislative session for our storm water program. So, that equipment is additions to the fleet as well, but it was a special request as a budget amendment to the Legislature and was approved. So, we have three items that are equipment related and if it's the pleasure of the Board, we can cover the three and take questions as we go through the presentations and then we can have action on all three or you can have action individually, whatever the Board's pleasure is.

Sandoval: Why don't we go ahead and take all those agenda items at once.

Kenny Lee: All right. For the record, Kenny Lee, Equipment Superintendent. I'm here today to request your approval for the replacement of vehicles which exceed \$50,000 in cost. Down there at the bottom—oh, you have corrected that, okay. We have a total cost of \$5,000,000 for Fiscal Year 2016. This is a partial list of our

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replacement criteria for the replacement of our equipment. This should be in your packet there.

NDOT has 80 classes of equipment within the fleet. These are some examples of this request; these would be what we consider our Class 1, which is a sedan. A Class 1A which is an SUV of some type. Class 3 which is a 3/4 ton pick-up, which can be numerous configurations. Class 5 which is a 1/2 ton pick-up, there again in numerous configurations. Our Class 10 and 11 are medium duty pick-ups, those can include dump beds, flat racks, a number of different ones. Our Class 12 are our single axle dump trucks, they're the smaller ones. Generally used around town and that. Class 13 are tandem axle dump trucks which are basically the work horse of the Department. Our Class 15 are an all-wheel drive dump truck, or a lot of them are configured solely as a sander and plow which are used up on Mount Rose, Mount Charleston and other regions like that. Class 21, which are small self-propelled brooms. Class 24 which is our street sweepers. These street sweepers also can be used in conjunction with our storm water projects. Class 25 which is a water truck. That also can be used in conjunction with storm water equipment projects. Class 41 which is a rotary mower which is used to mow the different right-of-ways and that. Class 54 is a tractor, which is used to pull that mower. Class 54A is a skid steer, which can also be used with the storm water projects. Class 54B is a backhoe, there again, that again can be used with the storm water projects. Transport trailer, these are used to transport, oh our excavators and different things like that, used by Materials and Testing when they're digging a test pit, or just to move equipment from one end of the State to the other. We have our programmable message boards which are put up on the highway to alert the traveling public to things ahead of them. This is our Lab Trailer, this is what the construction crews use when they're doing testing on the materials for the project. The asphalt, road base and different items like this.

This is a list of vehicles that we're proposing to replace for District I, which would be Las Vegas. The items in the, somewhat of an orange color down there, would be ones that we would want to get if we did have a cost savings amongst the others. There again, District II, same thing there, if there was cost savings, we'd look at the other two items down below. District III, same thing there. They've only got a few items. I think there's another on the other page. Nope, and this is actually for the Headquarters Division here as well as the construction crews and the Equipment Division.

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These are the different classes that we're requesting to replace right now. And, there again, if you have questions on these here.

Sandoval: I have a few, but what is the specific criteria with regard to mileage and age?

Kenny Lee: Mileage and age, it depends on what class of vehicle it is. If we go back in there, I believe a car is, geez, I'd have to look for sure, but I believe it's a 150,000 miles on it now. The larger dump trucks, the older ones were 200,000 and the newer ones are up to 250,000 with 12 years on them.

Sandoval: And, do we surplus those trucks out?

Kenny Lee: Yes, we do. We take those trucks, we take them to State Purchasing where they hold them in their lot there for anywhere from 4-6 months, generally. Then after that, they are—if no one picks them up, say one of the counties or whoever, they're taken out to the auction that they hold out there at the parkway and they're auctioned off by TNT Auctions. The money comes back to the General Fund.

Sandoval: And, when you say, we hold them for 4-6 months for other governmental entities—

Kenny Lee: Right.

Sandoval: --do they purchase those?

Kenny Lee: Yes, they do. When we take them over there, we put an estimated value on those vehicles. That's just going historically, what they've sold for for the past few years. If Accounting does want to go over there and purchase one, or that they feel it's too high, they can come back and talk to us and we can readjust that cost on that to help them out. We've had Pershing County purchase a number of those, quite a few of their dump trucks are ones that were excessed by us.

Sandoval: And, that does beg the question that if they can buy them and continue to use them, why don't we continue to use them?

Kenny Lee: We have started a rebuild program on the Class 13, back in 2008. The problem we're starting to have now is that the trucks are getting obsolete. We can no longer get cab replacement parts. Certain engines, they no longer make or remanufacture. We would have to take ours out and send it in to have them do that. There are drivetrain components we can no longer get. So, it's getting to the point that the older vehicles are getting very hard to maintain.

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Sandoval: So, why would they want them?

Kenny Lee: They do not put near the miles on them that we would. For them, they might use them around town or on some of their other roads like when they'll go plow out by Rye Patch Dam, certain things like that that they have out there that they do.

Sandoval: And then, my final question, at least on this item is the sweeper. I don't remember how long ago it was, but it feels like we just bought some. Is this just another one in the fleet that has reached that time and age?

Kenny Lee: Yes, it is. The ones you're talking about were previously purchased through a CMAQ funds as an addition to the fleet. And, these are just ones that have reached the point that they need to be replaced. The maintenance cost on them is quite extreme and we're having to replace quite a few parts.

Sandoval: Okay, Mr. Controller.

Knecht: Thank you Governor. Pointing your attention to the last table of Attachment 3, where the first half of that table is four-door sedans, I see about three of those that have reached the 150,000 threshold and some of them as low as 51,000, etc. Obviously there are a difference in ages and that sort of thing, but can you tell me why we would be replacing a vehicle with 51,000 miles? Well, that one is 18 years old, but some others here, 10 years old, etc. What's the rule or the logic that—

Kenny Lee: Well, I know some of those are very unreliable. We use these as loaner cars for either the Headquarters here, or a lot of these are out of the Equipment Division, they're in Sparks. They're used as loaners for people flying in and need to go somewhere. Those there, they cannot be depended on to take you much of anywhere other than around town. And, they're old enough that they're no longer making certain replacement parts for them. If we damage a window crank or an interior panel, we cannot buy those any more to repair that vehicle.

Knecht: Okay. So, there's one unit of each of these and you're making an informed unit specific inspection and making a judgement on each of those?

Kenny Lee: Yes.

Knecht: And the same would be true for the trucks at the bottom?

Kenny Lee: Yes, you're talking about the pick-ups and that?

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Knecht: Yes.

Kenny Lee: Yes.

Knecht: And, for that matter, there aren't as many on the District I, II and III list, but there—it would be the same principle, the same process there.

Kenny Lee: Yes, it is. And, we go out once a year and inspect every vehicle that we have. Then we have that person come back and make a report as to the condition of that vehicle and what that vehicle may need as far as repairs or other items in that respect.

Knecht: Okay. Thank you, that satisfies my question, Governor.

Sandoval: Member Savage.

Savage: Thank you Governor. Mr. Lee, just a quick question on funding. I'm not real clear, this \$1,500,000 that's in front of us today for this fleet replacement, is that coming out of the 2015 or the 2016?

Kenny Lee: This will be 2016 and that should be \$5,000,000.

Kevin Lee: Kevin Lee, if I could just apologize on the Board Memo, that's an error, it should be \$5,000,000 on that last sentence. That was a carryover from February's Board Meeting. So, it should be \$5,000,000.

Savage: So, it's \$5,000,000 for the 2016 Fiscal Year.

Kevin Lee: That is correct.

Kenny Lee: Yes.

Savage: By the Legislature, but what's in front of us today for this fleet replacement is \$1,500,000, with my math, just in this Section No. 9.

Malfabon: Rudy Malfabon for the record. I added them up, Member Savage and I had about \$1,250,000 for District I. District II was the same, and District III a little bit over \$1,250,000. Then the Headquarters and the construction crews was \$1,147,000, for a total of about \$4,900,000. So, it was close to the \$5,000,000. As Kenny Lee indicated, there are some additional—there's savings on the individual purchases. They would like to get those additional line items that are in orange.

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Kenny Lee: What it was, we were authorized \$5,000,000 for FY '16, and what we did, we split that up to \$1,250,000 per District. So, the three districts and then the Headquarters and Equipment Division.

Savage: Okay. So, this purchase is for 2016, not 2015?

Kenny Lee: Yes.

Savage: Okay, thank you. That's all I have. Thank you Rudy, thank you Governor.

Sandoval: Any other questions with regard to Agenda Item No. 9? Just one last one for me. Are there any high mileage aged vehicles that are running well that you've kept?

Kenny Lee: Yes, there are.

Sandoval: Okay.

Kenny Lee: Even with our equipment rebuild program, a lot of times we will rebuild the truck, ask the District to replace one that shows it has high mileage, but they may have another one that has lower mileage that's in far worse condition. So, we will retain the one with high mileage and replace the one with the lower that has all the problems. So, we've done that in the past.

Sandoval: The only reason I ask that question is because I think it's important for the record that it's not this 100% replacement, that we do essentially exhaust, no pun intended, every vehicle and get everything out of them that we can.

Kenny Lee: Right, we do. And, that was part of why we started the rebuild program, was back when we couldn't purchase.

Malfabon: District Engineer, Thor Dyson has a comment—but, Kevin was showing me statistics that show that this \$5,000,000 purchase of replacement equipment, although very substantial, was a very small percentage of the fleet that's eligible for replacement. So, I don't know, Thor, if you want to comment.

Dyson: Governor, Thor Dyson, District II Engineer, one real quick comment to yours or your question. The Reno area had a couple of garbage trucks that we use 24 hours a day, seven days a week, throughout the year. They had over 560,000 miles and we didn't want to give it up because it was running pretty well. So, I just wanted to state that.

Sandoval: Is that a State record?

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Sandoval: 560,000 miles. Wow. All right. Let's move to—does that complete the presentation on No. 9?

Kenny Lee: Yes, it does.

Sandoval: Why don't I go ahead and just take a motion on that. Any further questions from Board Members on Agenda Item No. 9. If there are none, the Chair will accept a motion for approval of equipment purchases described in that Agenda Item.

Skanche: Move to approve.

Sandoval: Member Skanche has moved for approval.

Martin: Second.

Sandoval: Member Martin has seconded the motion. Any questions or discussion? All in favor say aye. [ayes around] Mr. Lieutenant Governor, are you still on the line?

Hutchison: I am, yes, that was an aye.

Sandoval: Thank you, I just want to make sure that you're on the record for having voted.

Hutchison: Yes, I am, thank you.

Sandoval: Let's move to Agenda Item No. 10.

Kevin Lee: Kevin Lee, District Engineer for District III.

Sandoval: Mr. Lee, can I ask you to speak up, just a little bit?

Kevin Lee: I'm sorry, yeah. Kevin Lee, District Engineer for District III. As Rudy mentioned, this would be an addition to the fleet. And, as mentioned in the 2016 Legislature, they approved \$1,300,000 for additions the fleet. And of those there are some sweepers, culvert cleaner and one item that is not on this request right now is the High Speed Profilograph which is an attachment which we'll have to take before the Board at a later date.

To just give you an idea, there would be three sweepers, a culvert cleaner truck and two tow plows for District III. This will just give you an idea what a PM-10 Sweeper looks like. This one happens to be an Elgin. This doesn't mean exactly what we're buying, but just to give you an idea. A culvert cleaner truck—and I'll go over some of our issues with the amount of money we have in there for this

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one. And then, the tow plows which we brought before the Board on other occasions. There would be two more for District III in this. Just to give you an idea, this is a picture of a tow plow, for Board Members that haven't seen what a tow plow looks like. This is District III's.

Then the cost benefit analysis are shown on Attachment 2. Just one corrective note, I updated the cost on the tow plow in the Board Packet. I think it had \$100,000 instead of \$115,000 and that brought our costs from a negative number to a positive number; from I think it was a negative \$6.00, to a positive \$7.00. So, the more we use these units, the more they pay for themselves.

Any questions? What I'd like to note is the culvert cleaner, we only have \$250,000 and that is not enough to buy a culvert cleaner. We're hoping that some savings in the environmental program or the other fleet replacement, if we can use that money towards this, that's what we're going to be researching. They're closer to \$420,000. You can buy what I pictured in here, is just a DI Cleaner, it doesn't have some of the high pressure wash capabilities but it's still going to be more than the \$250,000.

Sandoval: Why are we short on that one?

Kevin Lee: Originally, I'm doing a little bit of guessing here, but originally when District I put in for that culvert cleaner, they put in \$250,000 and they didn't check on the cost. It was just a guesstimate at that point and then it got through the process and we're here today.

Sandoval: That's not going to undermine any of our EPA storm water efforts, is it?

Malfabon: No, Governor. We'll continue to acquire those trucks for our storm water program, those cleaner trucks. And, hopefully as Kevin Lee indicated, we'll have the savings that will offset that increase in the actual cost of that piece of equipment.

Sandoval: And, on those trailer plows, part of—I recall when we purchased them, perhaps it was a couple of years ago?

Kevin Lee: Actually, just to refresh your memory, we had one probably three to four years ago and we went before the Board last May, those are in Reno right now. We actually haven't put the next two into service yet. So, that means we have two in service, two ready to be put in service and then we'll have two more coming.

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- Sandoval: I don't even know if we had an opportunity to use them, given the winter we just had.
- Kevin Lee: Last year, we had minimal hours on ours in District III, but we're still trying to use them as much as we can and hopefully, I guess you don't pray for snow—
- Sandoval: Oh, yes we do.
- Kevin Lee: In this case, yes we do.
- Sandoval: Yes, we do. I'm just curious because part of the policy of buying those is that we didn't have to buy the big trucks because they were more efficient. We just really haven't had an opportunity to see if that has proven out.
- Kevin Lee: What we have determined in using ours, we need to go to a higher horsepower truck, which in our May request last year, we actually put trucks on there. They're going to be built and hopefully have them and put them in service this December, to try them on some of our summits. What we've found is the lower horsepower trucks, we couldn't pull the summits as quickly as we'd want to. So, we're still learning as we go.
- Sandoval: Fair enough. Questions from other Board Members, Member Skancke and then the Controller.
- Skancke: Thank you Governor. You mentioned—and this is kind of a, not just for you, but maybe globally on equipment, I just had a thought. On the PM-10 Sweepers, maybe even statewide, is this the newest technology that's available, if we acquire these, based upon the new EPA regulations coming from the administration on transportation funding? The reason why I ask the question is, if those regulations are implemented and we're using old technology, I'd hate to have you come back before this group and say, well, that's all changed. Now, this may be the most recent and the new regs are going to change it, but I think we need to be cognizant if there's going to be massive changes, like should we wait and find out what happens or do we need to do this right away?
- Kenny Lee: Kenny Lee, Equipment Superintendent. This is the latest and greatest on the requirements for sweepers. It is a PM-10. We've talked to the manufacturers, there's nothing out there that they're aware of to get this down to a finer particular matter on these. So, these would be what is the newest technology for that.

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Skancke: Thank you, and Governor, if I could just follow-up with Rudy, just out of curiosity, have we done an analysis yet on the new regulations for EPA? The only reason why I ask is, if we've not done an internal analysis and those new regulations are going to affect our ability to make these investments, I don't want to hold it off, but if they're going to have an adverse effect on our decision today, I'd rather hold this, have the analysis and come back and say, we've got to do—it's $X + 1$, or $X - 1$. These new regs are, from what I've read, are to say the least, interesting.

Malfabon: In response to Member Skancke, I haven't seen an analysis. I'm aware that the sweepers, because of all the moving parts in them, they wear out quickly. They unfortunately don't last much more than five or six years and then they're on the downline quite often. So, we do need these sweepers, but we will ask the Environmental Air Quality group to look into those—the PM 2.5 Regulations that are coming.

Skancke: Thank you. I support this. You need to have equipment and we've got to run a Department. I just want to make sure that we're not putting the cart before the horse with what's going on in Washington DC, because those unfunded mandates cost us money to play catch-up in a year or two and technology changes and regulations change, and I'd rather have us be ahead of the game than behind. Thank you, thank you Governor.

Sandoval: Mr. Controller.

Knecht: Thank you Governor, and I agree with Mr. Skancke said. Only other comment I'll make is, please don't make any comments about my age, but I had my coin collector's magnifying glass here and I still can't read this. In the future, can we— We're not going there. In the future, can the cost benefit analysis be accessible to all of us.

Malfabon: Yes sir, will do so.

Knecht: Those who have hair and those who don't.

Malfabon: Mr. Controller, we will do so. I take offense too, Tom. So.

Sandoval: Any other questions with regard to Agenda Item No. 10? I have one more question and it would apply to all of these equipment purchases. Do we use in-state vendors, if at all possible?

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Kenny Lee: For the record, Kenny Lee, Equipment Superintendent. Yes, we do. When they are available. Generally these sweepers are not. The dealer for most of them come out of California. There are certain ones that are in Nevada and for the most part, most all of our equipment comes from a Nevada dealer.

Sandoval: All right, thank you. Any other questions on Agenda Item No. 10? If there are none, the Chair will accept a motion for approval.

Knecht: So moved.

Sandoval: Controller has moved for approval.

Martin: Second.

Sandoval: Mr. Martin has seconded the motion. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes. We'll move on to Agenda Item No. 11.

Kevin Lee: Again, Governor, Transportation Board, Kevin Lee, District Engineer for District III. This would be the new equipment for the Environmental Program, or the amendment that was in the Legislature for our budget. In this is approximately \$4,900,000 to \$5,300,000, what was approved in the budget is the \$5,300,000. What we have shown, we're estimating it at the \$4,900,000 right now, which there's the savings for the culvert cleaner to put towards the other item, if we get the approval to do so.

This is just the approval of the Biennial Legislative Budget with the \$5,300,000 for the purchases. This just gives you a rundown of the sweepers, the culvert cleaners, the remote controlled track loaders and the 22 vehicles that were approved for the Environmental Program. Again, just an idea, nine sweepers in this approval, or this request, which would mean 12 new ones to the total fleet. Three culvert cleaners, one for each District. If we have enough money savings, there'd be one more for District III, so that'd be two for District III, or two for District I, excuse me, and one for the other two Districts. And, the remote controlled track loader, which in this picture depicts a diesel one on the left, an electric one on the top right. I'm not exactly sure which one we're going to go for. I believe the diesel one because it's narrower but a little taller. The electric one is wider but not as tall, so we're just going to have to determine which one is going to work best for our needs.

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Just to give you an idea of the light vehicles, anywhere from sedans to flatbeds or maybe a dump body, depending on if we try to load the track loader. We're still trying to work out those details, if we can haul it in on one of these flatbeds. And, the pick-ups for the environmental group.

The cost analysis is in your packet. And, I think that's it.

Sandoval: On the specialized equipment, the cleaning equipment, is there a delay from the time we order and the time we receive?

Kevin Lee: I would say, yes, but I'll let Kenny explain that, because a heavy fleet, like we said, for those Class 13s, it's going to be about a year and a half before we actually put them in service. So, hopefully these won't take that long.

Kenny Lee: For the record, Kenny Lee, Equipment Superintendent. On the sweepers, the sweepers are approximately eight months out from the day they receive a purchase order to build them, culvert cleaners are about the same thing. Eight to nine months out from the purchase date.

Sandoval: And, the reason I ask that, and perhaps you can help me with this Rudy is, I don't want to get dinged by the EPA. I mean, they should know that we've made this investment. It's a significant investment for compliance. But then now we have this time where we don't have the equipment in service and I don't want to be penalized for that.

Malfabon: Governor, that is a good point to make then in this packet, that is our statement and overview of what we've done so far and if we are going to be acquiring this new equipment for our storm water and environmental program, we have to make that clear that it takes a while to get it into the fleet and into the hands of our maintainers.

Kenny Lee: Also, plus in the interim, District II is also renting culvert cleaners. Right now they have two of them that they're renting. Elko is renting some brooms. So, we do have rentals going on so that we are in compliance.

Sandoval: Other questions from Board Members, with regard to Agenda Item No. 11? If there are none, the Chair will accept a motion for approval.

Savage: Moved to approve.

Sandoval: Member Savage has moved for approval, is there a second?

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- Skancke: Second.
- Sandoval: Second by Member Skancke, any questions or discussion? All in favor, say aye. [ayes around] Oppose, no. That motion passes. We'll move on—
- Kevin Lee: Governor?
- Sandoval: Did I skip one? No, okay.
- Kevin Lee: I have one update, Governor, excuse me. On the Welcome Center, I have some update on some—what we spend is approximately \$1,500 to \$2,000 a month and that varies due to, we pay for the cost of some of the maintenance items in the Welcome Center. So, it's approximately \$24,000 a year, just an update, thanks.
- Sandoval: Thank you. We still need to know the value of the improvements.
- Kevin Lee: Correct, but that's just what we pay them, West Wendover, in our agreement.
- Sandoval: Thank you.
- Hoffman: Governor, we lost Lieutenant Governor, we don't know if it was on purpose, but we're trying to connect up to Lieutenant Governor again. Okay?
- Sandoval: Did the Lieutenant Governor participate in that last vote?
- Hoffman: I don't believe so.
- Sandoval: Okay. So, let the record reflect that he wasn't participating in the vote. We'll move to—do you want to wait for a minute to see—does he need to call back in?
- Menzel: Yeah, he left at 11:01 and I haven't seen him try to call back.
- Sandoval: All right. Let's move to Agenda Item No. 12, Update on Pedestrian Safety Improvement Projects.
- Malfabon: Thank you Governor, PD Kiser will update the Board on this.
- PD Kiser: Governor, Members of the Board, for the record, PD Kiser, I'm the Assistant Chief of Traffic Safety Engineering. Back in February, we had a very interesting meeting on pedestrian safety and as a result of that the Board directed us to really address the problem, this epidemic of pedestrian fatalities that we're having. And, I will say, at least right now, our pedestrian fatalities are less than they were this same time last year. So, hopefully that trend will continue. What I'm going

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to do is give you an update today on where we are with that direction from the Board.

So, let me go through, this—I'm going to talk about the projects up north here, as well as, down south. These are the projects that we are spending approximately \$10,000,000 on pedestrian safety improvements. First is the project at Incline Village, that's two locations where we're going to have pedestrian safety improvements that would be pedestrian activated flashers with additional street lighting at those locations. This project is actually already advertised and we anticipate that the construction will start this next month. It will take about 30 days to complete that project.

Moving over to the Kietzke Lane Project. These locations were selected from the Safety Management Plan that was conducted for Kietzke Lane, in the last—couple of years ago. Again, these are locations that have been identified for pedestrian improvements, that would include the pedestrian activated flashers and street lighting and potentially some pedestrian refuge, in the center of the street and bulb-outs to shorten up the pedestrian walking distance. This project is approximately—the 60% design submittal should be completed this month. We anticipate advertising this project in January 2016 and having the construction done in May of 2016.

Moving up to the Sun Valley Boulevard locations. This location or this segment of roadways was selected based on a corridor study that was done by the RTC recently and so they had identified these locations for pedestrian improvements. So, those were selected and again, those are pedestrian activated flashers with additional street lighting. There's a possibility that we'll do pedestrian refuges in the middle of the street to assist the pedestrians. This project is also about 60% designed—about 60% is done. It will be done this month and we will also anticipate advertising this project right after the first of the year with the construction in May of next year.

Moving over to the Virginia Street location, at the Bonanza Casino. The temporary signal was installed and is operational at this point. We are looking at some additional design or geometric improvements, perhaps to line up the driveway at the casino with the street across the street, so we can have a nice, straight, crosswalk across the street. Some of those design concepts have been reviewed with the casino owners and we'll figure out what we're going to do from there as far as a full time or permanent signal at that location. Also, on North

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Virginia Street, we've got three locations that have been identified for pedestrian improvements. Again, some of these are locations where we've had pedestrian fatalities in the past and those are also under design at this point. We hope to have a 60% design review this month for those locations. They would include the pedestrian activated flashers and the street lighting at those locations. We would anticipate the advertising of those projects after the first of the year and construction in May of this year.

Moving on to the Las Vegas locations. Up at the top of the map is the Lake Mead Boulevard Project. These were projects that were actually already underway and so we saw the opportunity where we could make pedestrian improvements on these. The Lake Mead Project is a road diet or a Complete Streets type project. They've identified several locations on this project for pedestrian improvements throughout that project. That project is—the 60% design should be done later this month and again, we would anticipate advertising this project after the first of the year, with a May start date for construction.

Sandoval: Will you explain a little bit more what a road diet means?

PD Kiser: The road diet, what they're looking at doing at this location, right now I think there's six lanes on the roadway, so three in each direction. They're going to reduce the number of lanes, put in a center median. They're going to have bike lanes. They're going to actually widen the sidewalks, bring them out into the street further, so it's a much more pedestrian friendly facility along that stretch of roadway. And so, that's why the cost is as high as it is. So, it's more than just pedestrian, but it's to also slow down the traffic. They feel like they—with the additional capacity they have on the other streets, that they can actually squeeze down the number of lanes on this roadway and improve that.

The Charleston Boulevard Project. That one came out of a Road Safety Audit that was conducted from that location. There were really numerous issues with this involving pedestrians. So, they have identified a number of locations on this route where we will put in the pedestrian refuge islands, the pedestrian activated flashers, as well as, enhanced street lighting for the location. That project is also about 60% designed, is done and we'll be doing a review on that here shortly. We will anticipate advertising that project in January of this next year and construction in May.

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Then, just south of Charleston on Boulder Highway, there is a location there at Sun Valley Drive and Boulder Highway. There is the Cannery Casino on the eastside of Boulder Highway and we have a Denny's Restaurant on the west side. So, a fair amount of pedestrian traffic is going on there. Boulder is a very wide roadway and so to try to give the pedestrians a better way to get across there, we are installing a pedestrian refuge. Actually, there's a median there now but we're modifying that. Then flashers, pedestrian activated flashers and enhanced street lighting at that location. Again, that one is being reviewed as part of the Charleston Project, so it's part of the 60% review that we'll be doing here shortly. It will also advertise after the first of the year and construction, hopefully in May, along with the Charleston Project.

And then, the last one is, the two traffic signals out on Blue Diamond Road at El Capitan and Fort Apache. Those signals, the 60% design is complete and we're moving forward with the review and the final design for that. Again, it would also probably, we're anticipating an advertising date in January, this next year along with construction in May.

That's the sum totals—there's about \$7,000,000 here in the Las Vegas area, about \$3,000,000 up in Reno. So, it's going to come in fairly close, hopefully to the \$10,000,000 that we've been given to work with.

Following that at the, I think it's the March Board Meeting, we were directed to continue our effort to try to find locations for pedestrian improvements. We have done that. You can see the little blue dots, they're kind of scattered around the State, with probably most—there's a big bunch of them down in the Las Vegas area and I'll show you another map where those are, but we reached—we went through all of our crash data for pedestrian crashes. We contacted the local jurisdictions, got a lot of feedback from them on locations that they were aware of where there were state highways and their jurisdictions where we could do some pedestrian improvements.

Down in the Las Vegas area, you can see, they're kind of scattered in a lot of places. A lot of emphasis on Boulder Highway. There's a lot of problems in that location. We ended up with about 50 locations at this point. We have gone through and done a ranking of those locations. I don't have time to go in and give you all the details on that, but we would like to come back at a later meeting and give you a little more information on how we prioritized those.

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What we're doing now is we're actually going back to the local jurisdictions. We've already done Reno. We've met with them, we've showed them the locations. We've shown them the priorities that we've come up with. The methodologies that we use for that. So, we're getting good feedback from them. But, as the word gets out around the State that we're doing this, we're getting a lot more locations. So, our list is going to get bigger, but now we have a methodology to evaluate these and put them into some type of ranking. Hopefully, we were talking about \$5,000,000 more in pedestrian improvements. It would probably do maybe about half of that list of 50. But, we're going to continue on. Hopefully if we have success with this, you'll give us another \$5,000,000 or \$10,000,000 or whatever it is. But, we hope that we can, you know, really start to address the problem with the pedestrian fatalities here in the State.

Sandoval: Does that complete your presentation?

PD Kiser: Yes.

Sandoval: All right. I want to thank you. So, I want to make sure I heard you right. So, for \$5,000,000, we could get 25 more projects, give or take?

PD Kiser: Give or take, yes.

Sandoval: Also, as we do maintenance, can't we incorporate these improvements, pedestrian improvements into the project cost for the bid?

PD Kiser: Well, if there's other projects out there, roadway projects that we can, you know, include them into those projects, I mean, certainly we could try to do that. You know, we're always looking to see where there's projects coming up, roadway projects where we can do that. But you know, it's—we're looking at about \$200,000 or so per location to do these pedestrian activated flashers and the lighting and so forth. So, it's not a small expense, by any means.

Sandoval: No, and I guess where I'm going with this is, we should include this in all our projects so we're not constantly chasing our tails with regard to trying to fix all this. So, as we move forward, I just want to make sure that we're taking care of it from the get-go, rather than having to go back.

PD Kiser: Well, up until February, really all of the money that we've had to spend on safety has been federal dollars. There has not been really a pot of state money that was

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specifically for safety. So, this is really our first opportunity to address this. I mean, before then, we didn't really have a way to or a pot of money that we could go to and say, hey we've got these problems, these pedestrian safety problems. So, I mean, you know, this has been a windfall for us to be able to do this but the \$20,000,000 something that we get a year from the federal dollars, most of that money is obligated in to other safety projects that we've had, you know, that are just as important as the ones that we're looking at today.

Sandoval: The reason I ask that, and I'm not trying to pit art against safety, but we're spending \$2,000,000 on art and landscaping on 395 and that exit there and at least on my priority list, pedestrian safety ranks above that. So, when we spend \$2,000,000 on an art installation and landscaping and then I see that we can get 25 projects completed for \$5,000,000, which would—again, I wasn't a math major, that's the Controller, but we could get 12 more projects if we have, you know, if we were a little bit more specific with our money.

Malfabon: And, I think the Board would agree that our vision was to have a continuing program. Roughly, that \$10,000,000 a year target. I think that we should continue to reach out, identify those within the Department from our several road safety assessments that we've conducted already, as well as reaching out to the local jurisdictions and the public, where they've identified some safety issues. So, I see it as an ongoing program.

To speak to your point Governor, we do—in the past, when we did the maintenance projects, we did add safety elements but they were focused on roadway safety and that's typical, as part of our process, but it wasn't focused on pedestrian safety, typically at least. So, I think that it's a good program to continue and have that kind of target of \$10,000,000 a year.

Sandoval: And, I'm not questioning that. This is a huge priority for me, but when we have these other contracts that we're putting out, I think we have to keep in mind, could we have a \$1,000,000 public art and landscaping and take that other \$1,000,000 savings and put it towards this.

Malfabon: We could. We could look at—those priorities, obviously, safety is a higher priority than the landscape and aesthetics program.

Sandoval: Maybe because that area that we're landscaping hasn't been landscaped—I don't know how long that's been there, but it's been at least five or six years.

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Malfabon: Oh, it's longer.

Sandoval: Yeah, and as I said, we have limited money and rather than—for \$2,000,000, like I said, we can get that many more done. So, I would rather wait on installing that landscaping and art and put it towards this pedestrian safety. It's too late, I suppose.

Malfabon: We have the funding to do both presently. But, I think that it's that type of direction is clear to us that the priorities of the Board, and Governor, to be on safety and less so on the aesthetics program, that we can still accomplish both but maybe do less costly treatments that are still aesthetically pleasing at the interchanges, that are not landscaped currently. We can do both, but put the money where it's more important.

Sandoval: Okay. Mr. Controller.

Knecht: Thank you Governor. I don't usually take up people's time on the record with 'me toos', but I'll make an exception on this one. I completely agree with everything the Governor said.

Sandoval: Member Skancke.

Skancke: Thank you Governor. I want to go back to a point that you made on maintenance and see if I understand, if I got the answer to that Rudy. If we're in the right-of-way maintaining a project or we're doing a project and I think what you're saying Governor, if there's an opportunity for us to add that safety component and maybe you're already doing it. If we've got a project going out and let's say that bid is \$1,000,000 and for another \$500,000 in the bid we could get some of this, is that occurring? Because maybe that's \$1,000,000 and the maintenance is \$1,000,000, but if we combine them it might be \$1,500,000 because you're already out there. Is that where you're headed Governor? I mean, I'm trying to get my hands around how we might be able to save money.

Sandoval: Well, save and what I'm trying to do is work both ends against the middle. So, if some of those—if you go back to that map, if we've got any projects going, we should be fixing those as we maintain them because invariably, if we're maintaining them, we fix it and then we go back and tear it up to put the safety component, I'd rather do it all at once. There's your efficiency point. But also, it expedites our ability to solve all these little dots if we're including that as part of our maintenance program.

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- Malfabon: Yes, and when we do have those types of pavement projects that we can make pedestrian improvements on, we have been doing some of that, but it's always a balance between, if we add the pedestrian safety elements, in the past it was late in the game when they made those requests. Now we're very aware of doing this and marrying up those projects to do them at the same time. Less impact, cost efficiencies. So, we're doing it now, but in the past I can say that that's not the approach that we took on pedestrian safety. Now, we're doing it.
- Skanccke: And, just finally Governor, Rudy, thank you for your answer by saying we could do both. I think that's what the Board is asking, is to find us a way to do both. I mean, if it's one less sheep or horse, okay, we get that. But, there has to be enough money in the budget and in our budget that we can accomplish both. That we can have an aesthetically pleasing environment, right, and a safe environment for which our driving and walking public can participate. So, I just wanted to thank you for that answer, that was the right answer for me.
- Sandoval: I don't know, I want to ask this question before it goes. Rudy, what happens if I was contemplating reversing our decision or asking for a reversal of our decision to take that money and put it towards this and putting off the installation of the landscape and the art.
- Malfabon: I suppose it would be—we've had public meetings on this, so there's an expectation from the residents and the business owners that we're going to be doing these types of projects in that area. I would say that—I would recommend that we modify the designs going forward to make it more of a reasonable cost. Still look nice, but use some of that money towards these types of projects that are going to enhance safety.
- Sandoval: But again, if we were to take that money, how much of a delay would there be on the installation of the landscaping and the art?
- Malfabon: I don't know the response to that Governor. I'd have to check with staff on how much of a delay there would be.
- Skanccke: Thank you, what if we went back, Mr. Gallagher and held that item, until September, until we could get the right answers, because Governor, I think you're on the right line there. It's not an either or, so to Rudy's point, can we afford both and if not, I like the way you're heading in the prioritization of what's important to the driving and walking public. It's always nice to have things look

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good. So, maybe we can go back. I'm not sure we can legally do that, but maybe we go back, reconsider the item and then hold it, a motion to hold that item until September.

I mean, this is a great meeting of really drilling down into things, from a policy point of view. So, I don't know who made that motion, but Governor, if you want, I'd make another motion to hold it.

Malfabon: Well, Member Skancke if I could, the contract for that landscaping was already awarded. It was one of those that's below the threshold for Board approval, so it didn't require Board action, it was there for information only. Since the project was awarded, that's why I would recommend that we just go forward with that and change the design of the future projects in that area.

The question was raised previously in the meeting about, what if we have to shut down a project subject to available funds, this is a case where we've awarded and if they're mobilizing or they've incurred some expenses already, we pay for it and not getting any benefit out of it. So, I say, go forward is what my recommendation would be, is just go forward with this one and modify the design on future ones to kind of lower the expenses and have that money available for other uses such as pedestrian safety.

Sandoval: Then there isn't a way to do it, I guess is the bottom line. But, I hope, you know, not everybody is here who is responsible for that decision making chain, but I really want to get rid of those dots.

Malfabon: I do too.

Sandoval: And so, every time there is an opportunity to achieve savings where we can put the money towards those projects, I'd like to do that. Because it sounds like, we bought the Cadillac plan for the landscaping over there on the 395 and if we can get the Ford and maintain that savings and put it towards those safety projects, that's what I would like to do.

Malfabon: I agree Governor. We'll take that direction forward with both of those program areas. And, I wanted to also put a plug in for the City of Las Vegas, has added lots of dots for their pedestrian safety projects on State Highway System as well. So, they used some of that Fuel Revenue Indexing from the RTC of Southern Nevada to improve pedestrian safety. I just wanted to mention that. That other

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agencies are recognizing the pedestrian safety issue and doing projects with some of their local funding as well.

Sandoval: Member Savage.

Savage: Thank you Governor. I feel it's quite clear that the Board is looking to make this process more efficient as well as fiscally responsible. Mr. Kiser, so that begs my question, on the speed of the design. I look at the north, we're looking about \$3,000,000, south we're looking at about \$7,000,000. To me, looking from the outside in, the dollar values are a little bit lower in the north, so I would expect the design would be moving quicker, because of the less volume and I don't see that. So, the question to you and your staff, do you feel that design speed has been sufficient to this point for these projects?

PD Kiser: I mean, I think so. Designing the project—there's so much and I'm learning a lot more about this as we go along, but there's a lot that goes into designing any kind of project. And so, there's steps that we've got to all follow. If we've got to deal with—in these types of projects, we've got to deal with the utility companies, there's potential right-of-way issues, potential environmental issues. So, all of that really is part of the process that we go through. We're moving along pretty quickly. Actually with most of these projects, we're at 60% design, pretty much right now or this month for those projects and that's actually moving along pretty good. And, we've mixed up some of the designs being done in-house, by in-house staff that were available. And, where we didn't have in-house staff, we've been using consultants to do that. So, I think, yeah, I think it's—I mean, we all wish it could be done a lot faster. I know the signal at the Bonanza got done quickly because there was equipment available and we were able to put together—and again, it was a temporary signal. So, that was—that took three months to do that. But, I don't have a lot of control over how all this design goes. We're kind of pushing the project along, saying these are the elements that we need, but it does—perhaps our engineering folks could maybe elaborate on that a little more, but I think we're going about as fast as we can, given the process that we have to work through.

Savage: I guess that's my concern because I think the Governor and the Board make it very clear, as the priority for the safety of the pedestrians and I do believe that we can do a quicker design. When there's a will there's a way. I know the Department has the in-house and I know we have the outside consultants, so I'd just like to make sure that we're doing everything possible to expedite the upfront

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design in order for the construction to be implemented as soon as possible. That's all I had, thank you Governor. Thank you Mr. Kiser, thank you Rudy.

Sandoval: Any other questions with regard to Agenda Item No. 12? Any further comments?

PD Kiser: I wanted to show these photographs. These are some of the types of improvements that you'll see out there, as we get started with these projects. The one on the upper right is for where we have our multi-lane roads, or two or more lanes in each direction and over 35 mile an hour speed limit. We will have overhead signs with the flashers on them. These are some of the offsets, the refuge areas that we have. Then the lower left here is the—just the comment about the lighting, we're actually using a higher lumen light at these crosswalks to really light up the crosswalk area and also give advanced kind of lighting, so as the driver comes up, with this LED lighting, it's the bright white lighting, gives you much better contrast. So, we're going to a 16,500 lumen fixture. All the other LED lights are normally around 12,000, so it's going to help quite a bit at night.

Sandoval: Thank you very much. Agenda Item No. 13, Demonstration of the new eSTIP System.

Peacock: Good morning, Governor, Members of the Board. For the record, Coy Peacock, Program Development under the Planning Division. It's my distinct pleasure to be able to bring forward to you a demonstration of the Electronic Statewide Transportation Improvement Program, or as we like to call it eSTIP.

Nevada is one of the first states in the nation to actually bring together the Regional Transportation Improvement Programs and the STIP, all in electronic format. Utah has one but it took them several years to actually get all of the MPOs or the Metropolitan Planning Organizations on board and we've done it in under a year. I'm really proud of the partnership that we've created with the Metropolitan Planning Organizations, FHWA, FTA. The many phone calls, the many sit-downs, Adobe Connects, to develop this STIP, but it was a great partnership between all of us.

All electronic adoptions, administrative modifications, amendments are set in place right now electronically. What happens is, we send out emails each time someone needs to review or approve a particular action that we put forward. And, once the action is approved, finally, it is sent out to a distribution list, so anyone

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that's involved in that project will know that the action has been taken. An example is the MPO submits an amendment and the amendment goes to NDOT's staff. We forward that to our Director, for approval. Then it gets forwarded, automatically, through this electronic system, to FHWA or FTA for their final approval and then the distribution list is sent out to notify everyone.

What used to take several weeks, now we can do in days. So, it's quite a unique system. Right now the new public website is in place and I'll be showing that to you in a few minutes. And, we're out for a 30-day Public Comment Period. Hopefully some of you, we actually sent out an email, a press release, hopefully some of you have had the opportunity to actually play with it. So, we'll show you that in a few minutes.

The RFP started in 2012. Actually, this started for me back in the 90s. I've been looking forward to this program for many, many years. I've been in the Program Development Division for over 20 years and this has been one of my vision and one of my goals and I appreciate the Board supporting that. I think you're really going to enjoy what we've put together. We've brought it before you in July 2014, you guys approved it. Very good vision, foresight. We selected Eco Interactive, January 2015. I tell you what, that was one of the best choices we could've made, was Eco Interactive. They've been doing this for over 10 years and Software as a Service—on a six month deployment, Software as a Service is a modular program and is currently being used by several of the largest MPOs in the United States, San Diego, Indianapolis has been working with Eco Interactive for over 10 years. Los Angeles has been working with them about five years. Their programs—their four-year program is larger than our 20-year program, just in the MPOs alone. So, that's a lot for a very low upfront cost in the development side, because they'd already had the program built.

There are separate MPO and NDOT interfaces. Each MPO has their own interface, which they totally control. What that does is, it allows less duplication of effort. In the past, they would give us a report and we would turn around and enter it into our database. You know, they'd enter it and we'd enter it. Now, they have total control of it and it automatically goes in the eSTIP once we go through the approval process. They also can let their locals enter data for their review and then submit it to us. So, it's like that same data is being used over and over.

We've got—it includes a long-range element function. Eco Interactive, during the process, actually decided to give us a long-range element at no additional cost.

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We're going to be working on that this month and there will be a separate location in the eSTIP for the long-range plan. We're also going out with an RFP for a long-range policy plan and performance based project levels as well. These are two separate things. This is just a database, the long-range plan is an actual plan.

Each of the four MPOs has an eTIP, or an E-Transportation Improvement Program. That's the interface that I talked about. They have total control of it and then we get included into the STIP through that electronic process. We have over 15 custom reports that we've created and we have many more that is a part of the agreement with Eco Interactive. Now that we've got this out on the street, I've been getting some feedback and we've already got some new reports that we're going to be creating. Also, the MPOs needed several specialized reports that they report to their Boards and we were able to develop those and provide those to them as well.

Okay. Here is the eSTIP. This mouse is really sensitive, so I'm going to—okay, one of the things you can do is you can sort it. You can sort it by ID Number. Project Type, all of these across the board at the top level, Project Title, Total Cost, you can sort it by all of those. And, you can actually sort it by the other way as well. We can filter this by different MPOs.

This is all the Clark County projects in the draft STIP. Now, this is our draft STIP. You can sort it by Lead Agency. Those are all the agencies in the State, or you can sort it by Project Type. These are all of our bike and ped projects that we plan on doing for the next four years. You can also sort it by multiple. You can select MPO and Project Type or Lead Agency, however you'd like to do that. You can also sort it by ID. If you have an ID Number, you can sort it by that ID Number. Then you can drill down into the project. This actually gives you the project description, project status, the limits and the dollar amounts, type of funding there is, what year, what phase we're actually doing those projects. We also have these projects maps, through a GIS System. This is a Google System that we use. You can actually zoom in and zoom out, all the way down to the street level.

We also have funding history. This will tell you what the project has been through, the type of changes. As you notice, you can see the actual dollar amounts, as you go down, change. This happens to be the VRT Program in Washoe, with a Tiger Grant that they received to do this particular project. You also have an amendment history. It's been amended three times and this is our,

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for fiscal year '16, its pending. Once the Board approves it and it goes to FHWA for approval, there will actually be a date put in there.

We have another feature that I really like. It's the County Dashboard. What this does is it allows you to kind of look at the overall project categories, number of projects and the total funding in the different areas of the State. This happens to be Clark County, and this is the four-year program. We also have Washoe County. Then you can actually drill down into the actual projects themselves. So, there are all the projects that are in that particular category. Also, you can select by multiple counties, you don't have to go—you can select here, it will bring up Elko and you can select Humboldt County as well.

We also have a link to our NDOT Website. This is the, About eSTIP and it kind of gives you an overview of the whole overall program and what the STIP is about. We also have links back to our system. This is our work program. Now, the work program and the STIP are actually similar. The STIP is just the federally funded projects and the Work Program is all of the projects. The transit projects, the state funded projects. We've got over 700 projects that we had entered into this database in the last six months, so we were pretty busy.

Now, we can go into an advanced search. You can search on all kinds of types of things.

Sandoval: Can you do a run through? I'm glad Ms. Rodriguez is still here. So, let's go to that roadway that she was talking about.

Peacock: Which roadway?

Sandoval: 395. Oh, you got it. So, it's the same thing—then we don't have to go through it, but— It works! No, but I think let's go through this demonstration so if there's a member of the public who is curious about a project, we can walk through this.

Peacock: Pedestrian Safety Project, do you see that? Not that one? This is the actual Work Program. The whole statewide and 20-year program. Here's the information on the—so, for North Virginia to Parr Boulevard, about 3.13 miles, they're going to be doing a widening. So, that's the—this project right now, the funding has not been identified, and it's scheduled outside of the four-year program, that's why it says 'future project', right here. But, it's definitely on our long-range plan and we're actually doing studies to study what we're going to be doing out there right now. We've got a traffic study, the RFP has gone out on it.

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Sandoval: I guess the point I want to make because it's probably not good news for Ms. Rodriguez, in terms of right now, it doesn't show anything for four years, but you, yourself or anybody else, can know exactly what's going on with a specific road by just coming to the website and going through all this.

Peacock: You bet. You can search by all kinds of different things. Just for US-395, you can bring up all the projects for US-395 and then drill down in from that.

Rodriguez: This is how I found out the...

Peacock: We've actually had more comments in the last week than we've had in the last three years on this program, so I'm pretty excited about that.

Back to our interactive map. One of the things we can sort it by is the different project types. We can turn on and off these layers. So, just the groups, and remember, this is a 20-year program. We can actually zoom in and zoom out, just like we do on all the other maps. As you'll notice, down at the bottom here, every time we get closer and we zoom in, it actually changes the list of projects down below, so you can actually keep going in and going in and it will actually limit the amount of projects. Whatever your view is, is what's left. You can see that keep changing, then you can zoom back out. You can also select projects from this view and it will actually pull up, kind of a highlight. Gives you the TSP number, the STIP Number, the Title, the Project Description. And, no matter where you are in this system, when you see that TSP or ID Number highlighted, underlined, you can drill right down into that project, no matter where you are in the system. It takes you all the way down into the—you can put the satellite on any time you want and like I said, you can zoom all the way down in.

I wanted to show you the advanced search. We didn't get to finish that part of it because there's a lot of ways you can actually search this information. Sometimes it appears slow, but 700 projects is a lot of projects. So, it takes a little while to load. Let's go back to the advanced search. You can type in a project number, which we did. You can look at the status. One of the things that you have to remember when you're in here is you've got to clear it. Because when you come back in here, the key words will be there, but not always. Could you type in US-50 for me—so these are all the projects on US-50 for the next 20 years that we're going to be working on. So, when you go back to the search, make sure you clear it. Because if I type Douglas County and US-50, well US-50 isn't in Douglas County, so. These are all the projects in Douglas County.

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When we go out on our consultation tours, we sort—we bring out to each County, which—again, remember that you have to make sure you clear it. We can go by Lead Agency. You can select it by MPOs. These are all the projects in Clark County or the RTC of Southern Nevada for the next 20 years. And, they're not all our projects, they're their projects as well. There's a lot. About 160.

Knecht: Question on that real quickly.

Peacock: Sure.

Knecht: When I drove it yesterday, Douglas County, US-50 went into Douglas County. It took me up to the California side for—

Peacock: Oh, I'm sorry. I apologize, you're right. Up at the lake, I forgot. Thanks for pointing that out. But, even so, the point was, is that if you have multiple different selections and you don't clear the selections, it could mess up your searches. You can select it by Project Type. You can look at the road reconstruction and rehabilitation throughout the State.

One of the things we're going to do, I've talked to Eco Interactive, is when we run a search, we want to be able to map just the search that we ran. So, we're actually working on that right now as well. Then you can do multiple—say you wanted to know what the CMAQ projects were in Clark and Washoe Counties, say in fiscal year '16 and '17. This will bring all the CMAQ projects for the next two years in Clark and Washoe. You can select multiples of these.

We've also got an 'About Work Program' selection. We kind of went through the interactive map, so I'm not going to go through that again. It will take you back to our Work Program. This is our old PDF files. We're actually—I've got a work order out right now, we're going to be cleaning this up and we'll have a link added to it this week.

So, one of the things, one of the features I really liked about this particular program is that you can actually have an approved STIP, we have a draft STIP, we have a draft Work Program and next year we'll actually have an approved program, Work Program. So, we can do multiple things on this site. So, people will still be able to search the old site, or the old program and they'll actually be able to search the new program and the draft as we're going.

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Next month, we'll be bringing this back for your approval, as a draft, at the September—we have, if you guys would like, a one-on-one talk, you know, we can sit down with you, kind of go through this. I hope it's fairly intuitive, so you know, it's fairly easy to use, but if there are any one of you would like to have us help you go through that, we would be more than happy to do that. We want this to be open and transparent. One of the things this allows is the MPOs actually can see the fiscal constraint sheet now, whereas before we actually kept creating a hard copy, which it will be automatically created through this system. And, we actually have a backlog to the FMIA System which is our Financial Management Information System, through the federal government. So, when projects get programmed, it automatically loads back into our system. We're loaded to our financial management system so that EA numbers, the PSAMS numbers are going to be able to be utilized on the public website as well.

I'd like to, our work is not done yet. We still have things that we can create and if there's any reports you guys would like, just let us know. We can have that created for you on the fly.

I'd like to acknowledge a few people. Obviously I'd like to acknowledge the Board. Thank you very much for giving us the opportunity to be able to create this. I think everyone is going to really enjoy it. The front office, Rudy Malfabon, Bill Hoffman, Sondra Rosenberg, without their support we couldn't have accomplished this either. All of the MPOs, FHWA, FTA, all worked together in a partnership to create this system and to do it in such a short period of time, I was very, very impressed. I'd like to thank the Project Manager, Holly Smith. Holly, you raise your hand there. With our her guidance and focus, she kept us focused on what we needed to do. And, special thanks to Joseph Spencer, he spent a lot of time and effort. His computer skills are off the charts. I don't think we could've ever accomplished this without Joseph. David Wooldridge, Melvin McCallum, Cleveland Dudley, Ryan Agiletti and last but not least, Anne Happle, with Eco Interactive, she was tremendous in her experience and her knowledge. One of the first people I had ever talked to outside of our world, the STIP world, that could actually speak my language. So, thank you very much and if there's any questions, I'd be more than happy to answer.

Sandoval: Thank you Mr. Peacock. This is really impressive. I want to thank everyone who has been involved with it as well. It's an incredible amount of information, complexity. So, if it works as well as what you've just demonstrated, it really will

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be a service to the public so individuals can know exactly what's going on. I guess my only question is, do they work on DMV issues as well?

Peacock: Not that I know of. No, but you can find stuff—remember that book we used to have, that great big book, well it's—I still keep them for nostalgic reasons, because I created the first one, so—

Sandoval: But it's not just that. I mean, what's important to me is that anybody, regardless of where they reside in the State can click and know exactly what's going on on a road that they travel each and every day. As I said, for Ms. Rodriguez, we're going to look into this some more and hopefully we'll make that connection for you within the Department, you didn't get the news that you wanted in terms of what's going to be happening in the very near future, but you know. And that's important. Is for the transparency here for everybody to have access to meaningful information. So, as I said—

Peacock: In a few points and clicks. I mean, it's very nice.

Sandoval: But the other end of the—the other side of the ledger here, what are we paying for this, do you know?

Peacock: I do know. The start-up cost—the overall contract was \$262,000. We're looking at \$14,000-\$14,500 a month as a Software as a Service. And, no matter what happens with the reauthorization, all of that is taken care of as a part of that service.

Sandoval: You said \$262,000 for this—

Peacock: For the start-up. If you subtract the \$14,000 per month, then it was about \$175,000.

Sandoval: Wow. I mean, that's cheap.

Peacock: That is cheap. Yeah.

Sandoval: Now I'm going to use this against everybody else in the State, because you know, I'm not a technician, but this is very, very impressive and for that amount of money, congratulations. I mean, it will pay for itself in paper.

Peacock: We're trying to get away from paper. People have asked me for PDF files, but we're trying to get away from that. If they want something, you can actually

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export to an Excel spreadsheet, so you can take that—whatever you query, whatever search that you do, you can actually export it to Excel and then you can have a hard copy if you want one. Yeah, there's the export feature right there. You can do either the whole database or just whatever you searching on.

Sandoval: Member Savage.

Savage: Thank you, Governor. And, I can't agree more. This is a game changer. A game changer for the Department. Ultimate in transparency at the Governor's direction and I know, as far as my personal grade on electronic proficiency, I'm about a C-, and I think my sons and my wife will probably give me a D-. Over the weekend, I took the time to surf and I can't tell you how easy it was to get from Point A to Point B, look-up the different categories, the different agencies, the dollars. Rudy, compliments to you, Sondra, Mr. Peacock, Mr. Spencer, Ms. Smith and everyone in NDOT. It's a huge day and very proud to be part of NDOT today. Thank you Governor.

Sandoval: Thank you, Member Skancke.

Skancke: Thank you Governor. I just wanted to also congratulate you all. This is a very exciting day. To the cost saving point, Governor, if you take a look at the amount of time, personnel time of having to input all of this, across every agency, for \$175,000 and the long-term cost savings to the tax payers of the State is huge. And, I just want to say that, really, welcome to the new Nevada, right? I mean, this is this Department delivering on your vision for our State and delivering on building a new vision and a new Nevada. So, congratulations, you really delivered. Thank you.

Sandoval: Other comments? Well done Mr. Peacock.

Peacock: Thank you.

Sandoval: Thank you. Let's move to Agenda Item No. 14, Old Business.

Malfabon: Thank you Governor and Board Members. We have the monthly items for old business, reported outside counsel costs on open matters and monthly litigation report. Chief Deputy Attorney Dennis Gallagher is available to answer any questions.

Sandoval: Questions from Board Members on Agenda Item No. 14?

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Martin: I have a couple sir.

Sandoval: Please proceed.

Martin: I'm taking a look at this outside counsel, and it's Item No. 14, Attachment A and I'm looking at the Ad America, there was two places, Chatman Law Firm is one and then Lemons Grundy and that got settled but it's still in appeal. I notice there isn't a lot of money left in those accounts, are you going to come back looking for some additional money or how is that going to work Dennis?

Gallagher: For the record, Dennis Gallagher. The Ad America appeal was decided, Mr. Martin, last month. So, it will really depend on what Ad America does. They may walk away, given the decision or they may decide to continue to litigate it. So, the contract with those firms really are just in limbo right now until we determine what action the property owner is going to take, Mr. Martin.

Martin: Thank you. I know there's still a grievance that have to be drawn, so that's why I was asking about the hours and the dollars left. I have the same question about the Wykoff, you know, \$69,000 left in that account for Sylvester and—yeah. So, I'm wondering, since that's been settled, is that enough money to draw the—and these numbers are old, so I'm just wondering if it's enough money or are you going to have to come back for an extension on that one as well?

Gallagher: On the Wykoff matter, that's the one we discussed a little bit earlier where when we present the Board of Examiners approved the settlement, but when we presented them with the settlement document, the property owner rejected it. My best guess is, it's buyer's remorse. We have a motion now in District Court that will be heard next month to enforce the judgement, the agreed upon settlement. If the court grants our motion and Wykoff agrees then to continue with it, this will be ample money, but Mr. Wykoff has on one occasion already gone up to the Supreme Court in this case. So, if the District Court does order that the settlement is an enforceable judgement, it's quite possible that Mr. Wykoff would then seek another appeal before the Supreme Court, in which case, I would probably be back before the Board requesting additional authorization for more fees for this case.

Martin: Thank you Dennis. And then the last one was the Fitz House Enterprises, I thought that got settled here a while back, didn't it?

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Gallagher: It did. We've still got a couple of loose ends on it and until the entire file is closed, I won't remove it from this report.

Martin: Okay, thank you very much sir.

Gallagher: Yes, thank you.

Sandoval: Board Members, any other questions with regard to Agenda Item No. 14? Hearing none, we'll move to Agenda Item No. 15, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Ms. Rodriguez, please.

Rodriguez: Hi Lori Rodriguez again, tax payer this time. I find it hard to believe that on a landscaping project that a nearly \$2,000,000 sticker price didn't cause some sticker shock. There's this thing out there called haggling, frankly, I find that landscaping at \$2,000,000 to be outrageous. Absolutely outrageous. That particular area is a very small area. We live in a desert, let it be a desert. If the people and the business owners in that area find it offensive, let them get together with a volunteer action committee to do something about it. I understand there are rules and regulations, you know, EPA, but if they really want something done, they can get together and get the materials donated. They can do something about it. The State on the other hand, could pay for the insurance for them to put it in, which would probably be more like a \$25,000 bill instead of nearly \$2,000,000. Also, is there not a way, at this point, has the work already begun? You said the order have been made.

Malfabon: The contract was awarded on June 11th, so they typically have a 30-day notice to proceed period. I don't know specifically what has been performed to date. I haven't—don't have personal knowledge of what's been performed.

Rodriguez: So, at this point, could we not change the plan and tell the contractor we need to cut some, you know, cut the budget here instead of putting in trees that will, if in a drought need to be replaced, how much is that going to cost us? Put in decorator boulders. Why can't we go back to the contractor and say, okay we need to save some money on this project. And, I don't know, I think going forward any project over \$1,000,000 should be approved, that's a lot of money. \$2,000,000 for landscaping, especially that small an area. I mean, I don't know how many of you know that area, that loop goes around. The people coming around on that loop don't see it. They should be watching the road, and they're not because you can

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tell by the tire tracks that are on the barrier there. Okay, so they don't need to be looking at it. There's very few people traveling that part of South Virginia that are going to take the time to look over. What they should be looking for is that traffic that's merging with them.

So, like I said, if the businesses and the residents want it done so much, they need to get together and do it themselves with the State's help, not the State jumping in to the tune of \$2,000,000. That's all.

Sandoval: Thank you Ms. Rodriguez.

Rodriguez: Thank you.

Sandoval: Is there any public comment from Southern Nevada?

Martin: None here sir.

Sandoval: Let's move to Agenda Item No. 16, Adjournment. Is there a motion to adjourn?

Skancke: So moved.

Sandoval: Member Skancke has moved, is there a second?

Savage: Second.

Sandoval: Second by Member Savage. All in favor say aye. [ayes around] Thank you ladies and gentlemen, this meeting is adjourned.

Secretary to Board

Preparer of Minutes



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

MEMORANDUM

Date: August 27, 2015

TO: Department of Transportation Board of Directors
FROM: Governor Brian Sandoval
SUBJECT: September 14, 2015 Transportation Board of Directors Meeting
Item #5: Approval of request to honor Carson City Sheriff's Deputy Carl Howell by dedicating the Carson City Freeway – For Possible Action

Summary:

On August 15, 2015, Carson City Sheriff's Deputy Carl Howell was tragically killed in the line of duty while serving and protecting the residents of Carson City. Deputy Howell was a husband and a father. He served the Carson City Sheriff's Office and the residents of Carson City for nine years. In addition to his service as a Carson City Sheriff's Deputy, he also served our nation as a member of the United States Marine Corps.

Background:

Carson City Sheriff's Deputy Carl Howell's service and ultimate sacrifice should be honored and forever remembered by all Nevadans and visitors who travel through the Carson City area by naming and dedicating the Carson City Freeway the "Carson City Sheriff's Deputy Carl Howell Memorial Freeway."

Analysis:

There is precedence for naming a state highway after a fallen law enforcement officer. In 1975, Nevada Highway Patrol Trooper Gary Gifford was killed in the line of duty on U.S. 50 at Cave Rock. Signs were placed on U.S. 50 naming it the "Trooper Gary Gifford Memorial Highway" to honor his service and ultimate sacrifice. The Nevada Department of Transportation shall place signs along the completed segment of the Carson Freeway honoring Deputy Howell.

Recommendation for Board Action:

Approve the dedication and naming of the Carson City Freeway in honor of Carson City Sheriff's Deputy Carl Howell.

Prepared by:

The Office of the Governor of the State of Nevada.



MEMORANDUM

September 4, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 14, 2015, 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 which are over \$5,000,000 for discussion and approval.

Background:

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

The attached construction contracts constitute all contracts over \$5,000,000 for which the bids were opened and the analysis completed by the Bid Review and Analysis Team and the Contract Compliance section of the Department from July 17, 2015, to August 19, 2015.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Contracts for Approval, July 17, 2015, to August 19, 2015.

Recommendation for Board Action:

Approval of the contract listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS FOR APPROVAL
July 17, 2015 – August 19, 2015.

1. July 16, 2015, at 1:30 PM the following bids were opened for Contract 3597, Project No. STP-580-1(032), I 580 from the Southbound off ramp at the North Carson St. Interchange, in Carson City and Washoe Counties, for roadway rehabilitation, widening for auxiliary lane and seismic retrofit:

Q & D Construction, Inc.....	\$14,823,785.92
Granite Construction Company	\$15,333,333.00
Road and Highway Builders, LLC	\$15,777,777.00
Engineer's Estimate	\$14,854,859.50

The Director recommends award to Q & D Construction, Inc. for \$14,823,785.92.

2. August 24, 2015, at 3:00 pm, the following GMP bids were opened for Contract 3614, Project No. SPI-080-1(077), I 80 at the Truckee River near Verdi for concrete substructure repair on B-764 and G-772:

Granite Construction Company	\$2,554,554.00
Estimate from Independent Cost Estimator – Stanley Consultants, Inc.	\$2,585,045.80
Engineer's Estimate	\$2,556,304.30

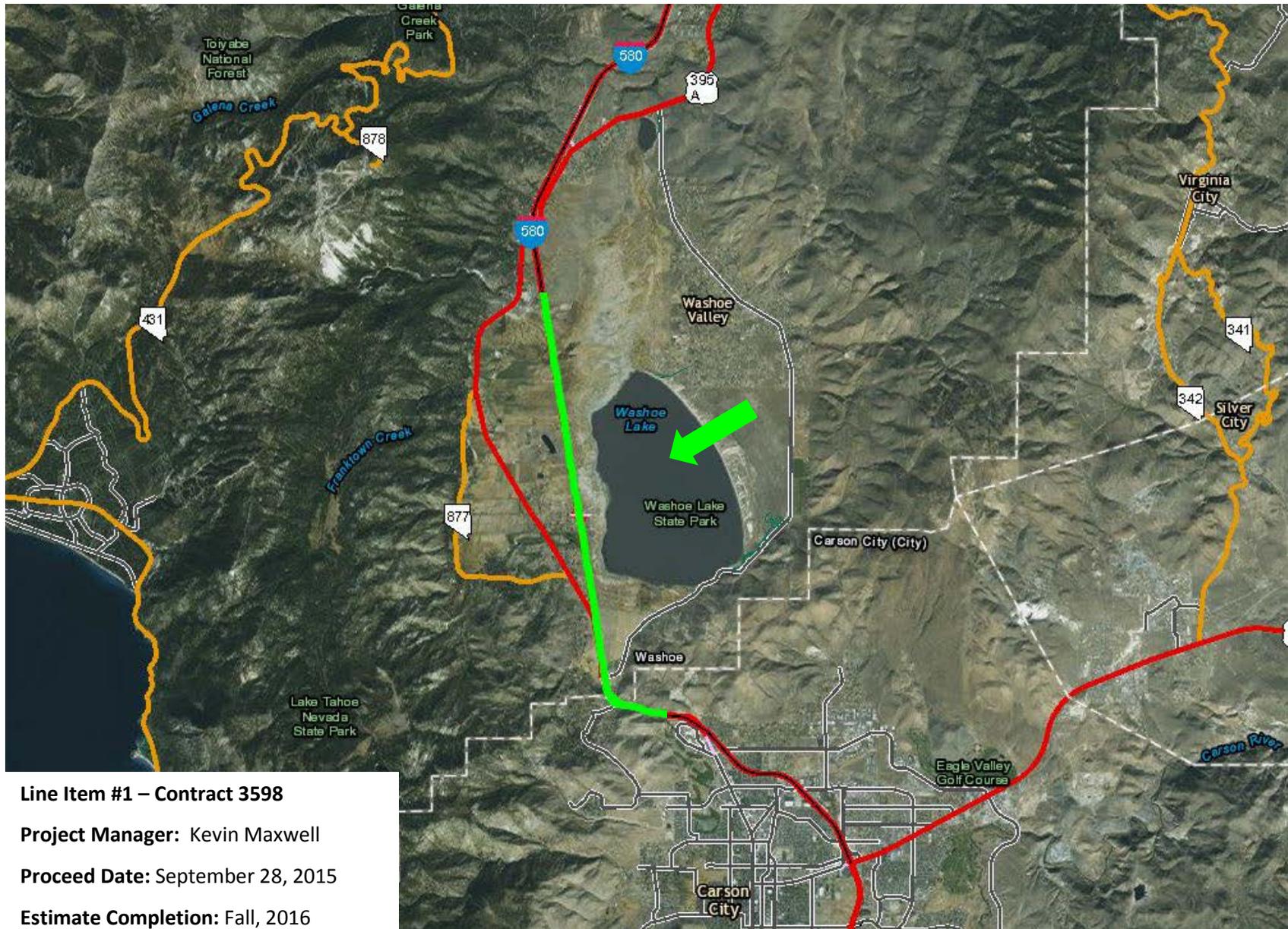
The Director recommends award to Granite Construction Company for \$2,554,554.00.

3. August 28, 2015, 2:00 pm, the following GMP bids were opened for Contract 810-15, Project No. SP-000M(203), SR 593, Tropicana Avenue, and SR 604, Las Vegas Boulevard to remove and replace sixteen escalators, and to design and construct structural and aesthetic improvements for four bridges and eight escalators:

The Whiting Turner Contracting Company	\$35,265,209.00
Estimate from Independent Cost Estimator – Atkins N. Amer. Inc.	\$36,083,200.00
Engineer's Estimate	\$33,986,897.00

The Director recommends award to The Whiting Turner Contracting Company for \$35,256,209.00

Line Item 1



Line Item #1 – Contract 3598
Project Manager: Kevin Maxwell
Proceed Date: September 28, 2015
Estimate Completion: Fall, 2016



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

MEMORANDUM
Administrative Services

July 29, 2015

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

From: Teresa Schlaffer, BPA III 

Subject: Concurrence in Award for Contract No. 3598, Project No. STP-580-1(032), I 580 from the southbound off ramp at the north Carson Street Interchange to 0.86 miles south from the Bowers Interchange, Carson City and Washoe Counties, described as roadway rehabilitation, widening for auxiliary lane and seismic retrofit, Engineer's Estimate \$14,854,859.50.

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

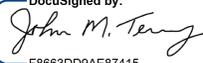
Bid proposals were opened on July 16, 2015. Q & D Construction, Inc., is the apparent low bidder at \$14,823,785.92 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Granite Construction Company with a bid of \$15,333,333.00.

The project is Federally funded, required 2% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by Q & D Construction, Inc., has 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 Co-Chairs have provided their recommendation to award, and the report is attached.

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

Concurrence in award:

DocuSigned by:

F8663DD9AE87415

John Terry, Assistant Director

DocuSigned by:

8DDD40160434471

Reid Kaiser, Assistant Director

DocuSigned by:

C4C7CE5CD584445

Rudy Malfabon, Director

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



Nevada Department of Transportation
Unofficial Bid Results
 July 16, 2015

Contract Number: 3598	Bid Opening Date and Time: 7/16/2015 1:30 PM
Designer: DAN WINTERS	Liquidated Damages: \$6,400.00
Senior Designer: KEVIN MAXWELL	Working Days: 170
Estimate Range: R31 \$13,500,000.01 to \$16,500,000	District: DISTRICT 2
Project Number: STP-580-1(032)	

County: CARSON CITY; WASHOE
Location: I 580 from the southbound off ramp at the north Carson Street Interchange to 0.86 miles south from the Bowers Interchange
Description: Roadway rehabilitation, widening for auxiliary lane and seismic retrofit

Apparent Low Bidder: Q & D Construction, Inc.	Actual Bid
	\$14,823,785.92
Apparent 2nd: Granite Construction Company	\$15,333,333.00
Apparent 3rd: Road and Highway Builders LLC	\$15,777,777.00

Bidders:	Actual Bid Amount
1 Q & D Construction, Inc. 1050 South 21st Street Sparks, NV 89431 (775) 786-2677	\$14,823,785.92
2 Granite Construction Company PO Box 50085 Watsonville, CA 95077-5085 (831) 724-1011	\$15,333,333.00
3 Road and Highway Builders LLC 96 Glen Carran Circle #106 Sparks, NV 89431 (775) 852-7283	\$15,777,777.00



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

MEMORANDUM

Contract Compliance Office

July 20, 2015

To: Jenni Eyerly, Administrative Services Division Chief
From: Jaye Lindsay, Contract Compliance Investigator
Subject: NDOT Bidder DBE & Subcontract Information – Contract No. 3598

On I 580 from the southbound off ramp at the north Carson Street Interchange to 0.86 miles south of the Bowers Interchange

Roadway rehabilitation, widening for auxiliary lane and seismic retrofit.

The subcontractors listed by the apparent low bidder, Q & D Construction, Inc., is currently licensed by the Nevada State Board of Contractors.

The DBE goal of 2% has been met with a 2.70% DBE committed by the apparent low bidder Q & D Construction, Inc. to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract Compliance Division.

Kwik Bond Polymers and Center Line Supply are only delivering materials to the job site no labor will be completed by these companies. As they are out of state and only delivering materials there is no Nevada Business License required.

jvl



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

MEMORANDUM
Administrative Services

July 29, 2015

To: Jenni Eyerly, Chief - Administrative Services
From: Bid Review and Analysis Team
Subject: BRAT Summary Report for Contract #3598

The Bid Review and Analysis Team met on July 28, 2015, to discuss the Bids for the above referenced contract. The following were in attendance:

- Paul Frost, Chief Roadway Design Engineer
- Sharon Foerschler, Chief Construction Engineer
- Stephen Lani, Assistant Chief Construction Engineer
- Shawn Howerton, Principal Roadway Design Engineer
- Shawn Paterson, Principal Roadway Design Engineer
- Jeff Cobb, Constructability
- Kevin Maxwell, Senior Designer
- Dan Winters, Designer
- Brad Durski, Resident Engineer
- Teresa Schlaffer, BPA III, Administrative Services
- Paula Aiazzi, BPA I, Administrative Services
- Dale Wegner, FHWA

There were two items which had incorrect quantities, but when adjusted did not affect the bid order. The Price Sensitivity report, with comment, is attached.

The apparent low bidder, Q & D Construction, Inc., submitted a bid which is 99.79% of the Engineer's Estimate. The BRAT recommends award of this contract.

Submitted:

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

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

cc: attendees
Pierre Gezelin, Legal
Design Admin

Contract No.: 3598
 Project No.: SP-580-1(032)
 Project ID: 60616
 County: Carson City and Washoe Counties
 Range: R31 \$13,500,000.01 to \$16,500,000.00
 Working Days: 170

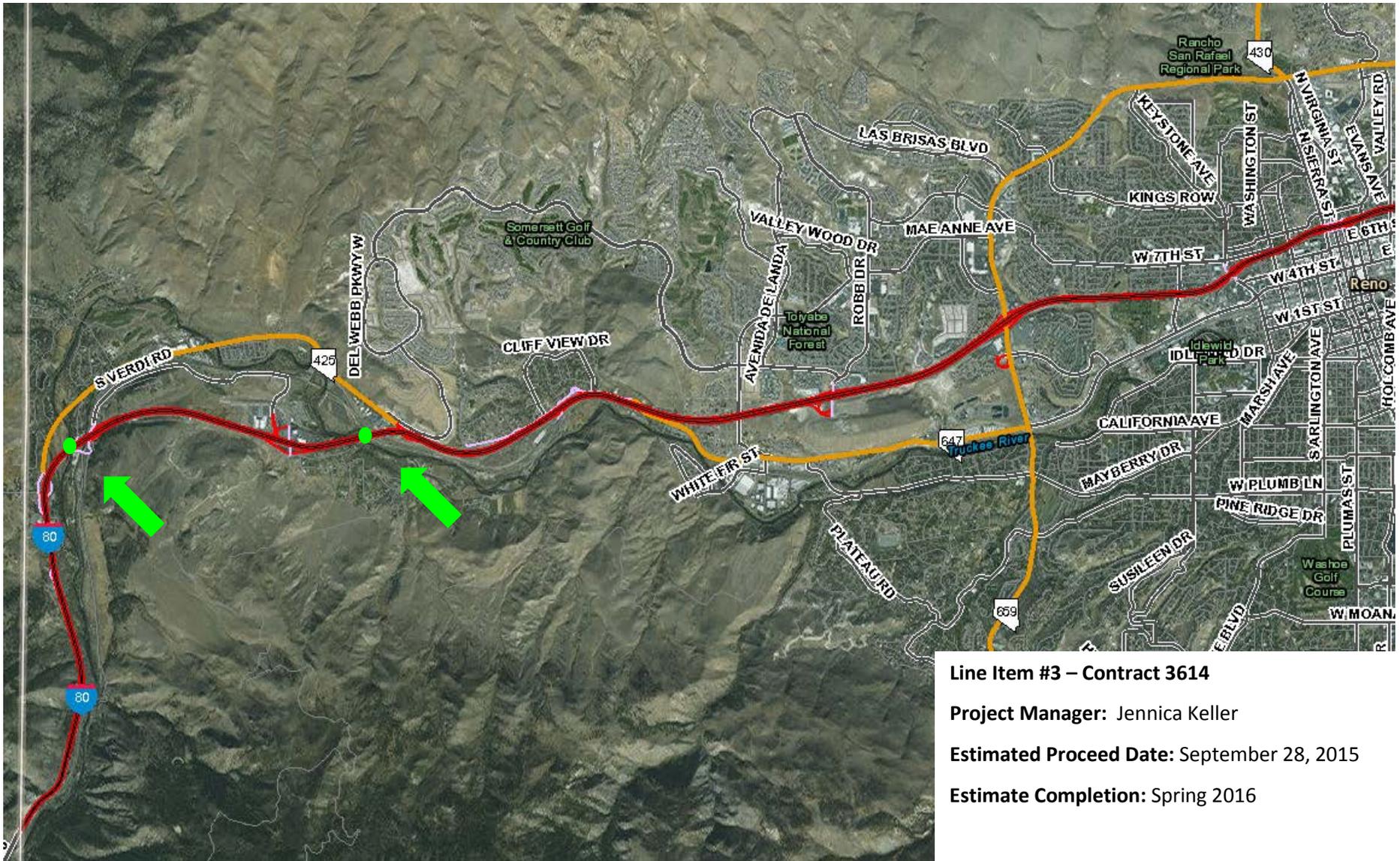
Engineer's Estimate	Q & D Construction, Inc.	Granite Construction	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$14,854,859.52	\$14,823,785.92	\$15,333,333.00	\$509,547.08	-\$31,073.60	99.79%

RE: Brad Durski
 Designer: Dan Winters

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2010120	24.800	CLEARING AND GRUBBING	ACRE	\$2,500.00	\$2,200.00	\$2,000.00	2,547.74	10273.13%	88.00%	No	EE price ok. Quantity verified.
2020125	1.000	REMOVAL OF PORTION OF BRIDGE	LS	\$150,000.00	\$75,000.00	\$125,000.00	N/A	N/A	50.00%	Yes	EE price ok.
2020400	9089.000	REMOVAL OF CONCRETE BARRIER RAIL	LINFT	\$15.00	\$12.00	\$12.00	N/A	N/A	80.00%	No	EE price ok. Quantity verified.
2020990	319900.400	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	\$1.34	\$1.50	\$1.50	N/A	N/A	111.94%	No	EE price ok. Quantity verified.
2020995	12797.000	REMOVAL OF BITUMINOUS SURFACE (MISCELLANEOUS COLD MILLING)	SQYD	\$2.59	\$5.00	\$1.00	127,386.77	995.44%	193.05%	Yes	EE price ok. Quantity verified.
2021287	101347.300	GRINDING FOR PAVEMENT MARKINGS	LINFT	\$0.53	\$0.40	\$0.41	-50,954,708.00	-50277.32%	75.47%	No	EE price ok. Quantity verified.
2030140	8232.950	ROADWAY EXCAVATION	CUYD	\$18.00	\$28.00	\$35.00	-72,792.44	-884.16%	155.56%	Yes	EE price ok. Quantity verified.
2030230	3533.000	BORROW EMBANKMENT	CUYD	\$20.00	\$12.00	\$1.00	46,322.46	1311.14%	60.00%	Yes	EE price ok. Quantity verified.
2060110	3812.700	STRUCTURE EXCAVATION	CUYD	\$75.00	\$35.00	\$40.00	-101,909.42	-2672.89%	46.67%	Yes	EE price high. Should have been \$40-\$50 per CUYD. Quantity verified.
2070110	2045.700	GRANULAR BACKFILL	CUYD	\$45.00	\$65.00	\$50.00	33,969.81	1660.55%	144.44%	No	EE price ok. Quantity verified.
2110100	14253.800	TOP SOIL	CUYD	\$20.00	\$25.00	\$1.00	21,231.13	148.95%	125.00%	No	EE price ok. Quantity incorrect. Correct quantity is 4.800 ACRE.
2110260	35.050	HYDRO-SEEDING	ACRE	\$4,500.00	\$3,000.00	\$3,000.00	N/A	N/A	66.67%	Yes	EE price ok. Quantity incorrect. Correct quantity is 1,936 CUYD.
2120045	2671.000	PAINTING	SQYD	\$8.00	\$45.00	\$46.00	-509,547.08	-19077.02%	562.50%	Yes	EE price ok. Quantity verified.
2120390	1.000	PLANT ESTABLISHMENT WORK	LS	\$763,389.00	\$15,000.00	\$50,000.00	N/A	N/A	1.96%	Yes	EE price ok. Quantity verified.
3020140	7074.680	TYPE 1 CLASS B AGGREGATE BASE	CUYD	\$35.00	\$53.00	\$40.00	39,195.93	554.03%	151.43%	Yes	EE price ok. Quantity verified.
3070100	9799.730	SHOULDERING MATERIAL	TON	\$20.00	\$18.00	\$22.00	-127,386.77	-1299.90%	90.00%	No	EE price ok. Quantity verified.
4020190	43028.400	PLANTMIX SURFACING (TYPE 2C)(WET)	TON	\$80.00	\$88.00	\$87.00	509,547.08	1184.21%	110.00%	No	EE price ok. Quantity verified.
4030110	13729.200	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	TON	\$115.00	\$102.00	\$120.00	-28,308.17	-206.19%	88.70%	No	EE price ok. Quantity verified.
5020170	9901.000	CONCRETE BARRIER RAIL (TYPE FA)	LINFT	\$42.89	\$45.00	\$50.00	-101,909.42	-1029.28%	104.92%	No	EE price ok. Quantity verified.
5020250	2196.000	CONCRETE BARRIER RAIL (TYPE FD)	LINFT	\$70.00	\$65.00	\$60.00	101,909.42	4640.68%	92.86%	No	EE price ok. Quantity verified.
5020450	1.000	SEISMIC RETROFIT OF COLUMNS	LS	\$90,000.00	\$110,000.00	\$80,000.00	N/A	N/A	122.22%	No	EE price ok.
5020990	1360.000	CLASS DA CONCRETE, MODIFIED (MAJOR)	CUYD	\$400.00	\$550.00	\$500.00	10,190.94	749.33%	137.50%	No	EE price ok. Quantity verified.
5021010	85.000	CLASS EA CONCRETE, MODIFIED (MAJOR)	CUYD	\$806.45	\$400.00	\$500.00	-5,095.47	-5994.67%	49.60%	Yes	EE price ok. Quantity verified.
5050100	100344.000	REINFORCING STEEL	POUND	\$1.35	\$0.85	\$1.00	-3,396,980.53	-3385.33%	62.96%	Yes	EE price ok. Quantity verified.
5050120	133563.000	REINFORCING STEEL (EPOXY COATED)	POUND	\$1.50	\$1.05	\$1.00	10,190,941.60	7630.06%	70.00%	Yes	EE price ok. Quantity verified.
6170780	2.000	28-FOOT PRECAST CATTLE GUARD	EACH	\$22,390.67	\$28,000.00	\$30,000.00	-254.77	-12738.68%	125.05%	No	EE price ok. Quantity verified.
6230236	70.000	NO. 7 PULL BOX, MODIFIED	EACH	\$1,250.00	\$1,100.00	\$892.00	2,449.75	3499.64%	88.00%	No	EE price ok. Quantity verified.
6230570	16.000	STEEL POLE, TYPE 7	EACH	\$3,000.00	\$4,000.00	\$3,700.00	1,698.49	10615.56%	133.33%	No	Price is reasonable, quantity is good
6230875	6.000	SPECIAL DETECTOR INSTALLATION	EACH	\$7,500.00	\$13,500.00	\$15,500.00	-254.77	-4246.23%	180.00%	Yes	Looks like they placed the cost of integration into the flow detector and not spread out between all items. Quantity is good.
6231115	1.000	ROAD AND WEATHER INFORMATION SYSTEM	LS	\$85,000.00	\$70,000.00	\$90,000.00	N/A	N/A	82.35%	No	Price is reasonable, quantity is good
6231780	141990.000	1-INCH CONDUIT	LINFT	\$2.50	\$3.00	\$2.65	1,455,848.80	1025.32%	120.00%	No	Price is reasonable, quantity is good
6231820	60790.000	3-INCH CONDUIT	LINFT	\$8.00	\$7.50	\$10.00	-203,818.83	-335.28%	93.75%	No	Price is reasonable, quantity is good
6232175	35530.000	FIBER OPTIC CABLE	LINFT	\$4.00	\$4.10	\$5.00	-566,163.42	-1593.48%	102.50%	No	Price is reasonable, quantity is good
6232885	1.000	DYNAMIC MESSAGE SIGN (TYPE 1)	EACH	\$85,000.00	\$90,000.00	\$100,000.00	-50.95	-5095.47%	105.88%	No	Price is reasonable, quantity is good
6232895	1700.000	DIRECTIONAL DRILLING	LINFT	\$60.00	\$41.50	\$44.00	-203,818.83	-11989.34%	69.17%	Yes	Market price,

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
6233000	1.000	WEIGH-IN-MOTION SYSTEM (4-LANE CONFIGURATION)	LS	\$140,000.00	\$180,000.00	\$200,000.00	-25.48	-2547.74%	128.57%	No	Price is reasonable, quantity is good
6233115	37700.000	NO. 4/0 CONDUCTOR (ALUMINUM)	LINFT	\$3.75	\$1.50	\$2.00	-1,019,094.16	-2703.17%	40.00%	Yes	Price is reasonable, new bid item, not a lot of history
6233131	38680.000	NO. 4 CONDUCTOR (ALUMINUM)	LINFT	\$1.50	\$1.00	\$1.10	-5,095,470.80	-13173.40%	66.67%	Yes	Price is reasonable, new bid item, not a lot of history
6240140	170.000	TRAFFIC CONTROL SUPERVISOR	DAY	\$600.00	\$700.00	\$850.00	-3,396.98	-1998.22%	116.67%	No	EE price ok. Quantity verified.
6250490	1.000	RENT TRAFFIC CONTROL DEVICES	LS	\$351,696.78	\$550,000.00	\$400,000.00	3.40	339.70%	156.38%	Yes	EE price ok.
6270110	1.000	PERMANENT OVERHEAD SIGN SUPPORT STRUCTURES	LS	\$150,000.00	\$110,000.00	\$105,000.00	101.91	10190.94%	73.33%	Yes	EE price ok.
6270190	2723.270	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	\$75.00	\$62.00	\$63.00	-509,547.08	-18710.85%	82.67%	No	EE price ok. Quantity verified.
6280120	1.000	MOBILIZATION	LS	\$839,701.95	\$1,028,000.00	\$1,360,175.22	-1.53	-153.40%	122.42%	No	EE price ok.
6410100	5.000	IMPACT ATTENUATOR	EACH	\$22,000.00	\$30,000.00	\$30,000.00	N/A	N/A	136.36%	No	EE price ok. Quantity verified.
Additional Comments:											

Line Item 2





MEMORANDUM

September 1, 2015

To: Department of Transportation Board of Directors
From: Rudy Malfabon, Director
Subject: September 14, 2015 Transportation Board of Directors Meeting

Line Item #2: Approval of the first Guaranteed Maximum Price (GMP) for the I-80 at Truckee River near Verdi Construction Manager at Risk (CMAR) Project – For possible action

Summary:

The Nevada Department of Transportation is seeking approval by the Board of Directors to award the following Construction Contract to Granite Construction Company (Granite) for a negotiated Guaranteed Maximum Price (GMP) not to exceed \$2,554,554.00. The GMP was achieved in accordance with the Department's Pioneer Program Process for Construction Manager at Risk (CMAR) procurements as approved by the Board on December 12, 2011, and in accordance with applicable sections of Nevada Revised Statute (NRS) Chapter 338 and the Department's Pioneer Program. The CMAR procurement process requires Board review and approval of the CMAR construction contract after its negotiation by the parties.

This is the first of two or more GMPs. Based on the current preconstruction schedule, The Board of Directors can expect a second GMP presented at the May 2016 Transportation Board meeting.

Background:

The Department proposes to construct scour countermeasures for structures B-764 E/W at milepost WA 3.12 and G-772 E/W at milepost WA 5.53. These structures have been identified as scour critical by the Department evaluation of criteria set forth by Federal Highway Administration (FHWA). The project is to construct scour countermeasures to protect bridge piers and riprap bank stabilization in the Truckee River, to build a new access road for B-764, to repair spalled/corroded existing concrete substructure and to construct river mitigation measures including, but not limited to, river diversion and dewatering, fish salvage, and vegetation as required by the United States Army Corps of Engineers (USACE) and others.

This first GMP will repair the spalled/corroded existing concrete substructure and install bird mitigation measures to prevent migratory birds from nesting. Completion of this work will allow the scour countermeasure work at both locations to be completed in one construction season which is limited to approximately July 1 through September 30.

In May 2015, the Department assembled the Project Team consisting of Granite Construction Company (Granite), Stanley Consultants [Independent Cost Estimator (ICE)] and the NDOT Design Team (Engineer) to implement the CMAR delivery method. The Project Team developed the final design and construction documents in a manner to minimize overall project risk, improve the project delivery schedule, and apply innovation to meet the project goals. The contractor offered their expertise regarding the schedule, budget, and constructability.

Analysis:

With the help of Granite and Stanley Consultants, the Project Team alleviated the risk associated with nesting migratory birds causing delay through execution of this first package. By installing the bird mitigation measures prior to nesting season, work on the scour countermeasures can begin approximately July 1.

Granite, Stanley Consultants, and the Engineer each evaluated the design plans, assessed project risks, and independently prepared an independent Opinion of Probable Construction Costs (OPCC) at specified Milestones during the design process:

- The NDOT Design team advanced design plans based on the input of Granite and the ICE.
- During the risk workshop, the project team identified, evaluated, and mitigated project risks. At each OPCC the Engineer, the ICE and Granite submitted independent estimates of construction costs which were reviewed and discussed by the Project Team. The estimates began to come closer together based upon a common understanding of the design and construction including risk, schedule, and methods of construction.
- Following the final OPCC and prior to the GMP, the Department began negotiations with Granite.
- The final Project documents were placed into NDOT's electronic bidding system and both Granite and Stanley Consultants bid the project separately and independently. The bids submitted by the Contractor and ICE were within 1.5% of one another, further verifying the reasonableness and accuracy of this bid.

The attached Concurrence in Award (Attachment A) summarizes the work completed by the Project Team during the preconstruction development of the Project and summarizes the Construction Contract terms and conditions.

Prepared by:

Jenica Keller, Senior Project Manager

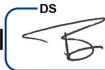


1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7070
Fax: (775) 888-7101

MEMORANDUM
Administrative Services

September 1, 2015

To: Rudy Malfabon, Director
Bill Hoffman, Deputy Director

From: Teresa Schlaffer, BPA III 

Subject: Concurrence in Award for CMAR Contract No. 3614, Project No. SPI-080-1(077), I 80 at Truckee River near Verdi. WA MP 3.12 and WA 5.53, GMP #1, Washoe County, described as Concrete substructure repair B-764 E/W and G-772 E/W, Engineer's Estimate \$2,556,304.30.

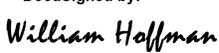
This memo is to confirm concurrence in award of the subject contract.

Granite Construction Company submitted their Guaranteed Maximum Price (GMP) on August 24, 2015, in the amount of \$2,554,554.00. Stanley Consultants, Inc., submitted their Independent Cost Estimate (ICE) on August 24, 2015, in the amount of \$2,585,045.80.

The subcontractor listing documentation submitted by Granite Construction Company has been reviewed and certified by the Contract Compliance Officer. The bid is within 99.93% of the Engineer's Estimate. The BRAT co-chairs have provided their recommendation to award, and the report is attached.

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

Concurrence in award:

DocuSigned by:

2A815875ECE94E1
William Hoffman, Deputy Director

DocuSigned by:

C4C7CE5CD584445
Rudy Malfabon, Director

Enclosures:
Unofficial Bid Tab
Contract Compliance Memo
BRAT Summary Report

**Bid Tabulation
Nevada Department of Transportation**

Contract No.: 3614-READV
Project No(s): SPI-080-1(077)

Contract Description:
CONCRETE SUBSTRUCTURE REPAIR B-764 E/W AND G-772 E/W.

Awarded To:

Bids Opened: August 24, 2015, 3:00 PM

Contract Location: I 80 AT TRUCKEE RIVER NEAR VERDI. WA MP 3.12 AND WA 5.53.
GMP #1

Amount: \$0.00
Date:

Certified by: _____
Administrative Services Officer

Item No.	Quantity	Unit	Description	Engineer's Estimate		Granite Construction Company PO Box 50085 Watsonville, CA 95077-5085		Stanley Consultants - ICE CMAR 383 West Vine Street Murray, UT 84123		Unit Price	Amount	Unit Price	Amount
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount				
2020585	200.000	LINFT	REMOVAL OF FENCE	\$10.00	\$2,000.00	\$8.00	\$1,600.00	\$5.96	\$1,192.00				
5020402	2,610.000	SQFT	REPAIR SUBSTRUCTURE	\$520.00	\$1,357,200.00	\$482.00	\$1,258,020.00	\$424.52	\$1,107,997.20				
6160720	200.000	LINFT	TYPE A-4B FENCE	\$20.00	\$4,000.00	\$14.00	\$2,800.00	\$9.12	\$1,824.00				
6240140	100.000	DAY	TRAFFIC CONTROL SUPERVISOR	\$700.00	\$70,000.00	\$1,150.00	\$115,000.00	\$716.45	\$71,645.00				
6250490	1.000	LS	RENT TRAFFIC CONTROL DEVICES	\$180,000.00	\$180,000.00	\$184,134.00	\$184,134.00	\$139,104.00	\$139,104.00				
6280120	1.000	LS	MOBILIZATION	\$144,492.00	\$144,492.00	\$165,000.00	\$165,000.00	\$440,017.60	\$440,017.60				
6370110	1.000	LS	TEMPORARY POLLUTION CONTROL	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00	\$28,750.00	\$28,750.00				
6370190	1.000	LS	DUST CONTROL	\$3,612.30	\$3,612.30	\$18,000.00	\$18,000.00	\$14,516.00	\$14,516.00				
6670010	1.000	LS	RISK RESERVE	\$780,000.00	\$780,000.00	\$780,000.00	\$780,000.00	\$780,000.00	\$780,000.00				
Totals:					\$2,556,304.30		\$2,554,554.00		\$2,585,045.80				



1263 South Stewart Street
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MEMORANDUM

Contract Compliance Office

August 27, 2015

To: Jenni Eyerly, Administrative Services Division Chief
From: Jaye Lindsay, Contract Compliance
Subject: NDOT Bidder Subcontract Information – Contract No. 3614

On I 80 at Truckee River near Verdi, Washoe County.

Repair concrete substructure on structures B-764 and G-772.

The subcontractors listed by the apparent low bidder, Granite Construction Company, are currently licensed by the Nevada State Board of Contractors.

West Coast Under the Bridge Platforms is based out of California and will do training of the equipment, and there for does not have to be licensed with the Nevada Secretary of State's Office.

Bird B Gone, Inc., is based out of California and is supplier only, not required to be licensed with the Nevada Secretary of State's Office

All subcontractors listed are suppliers and therefore not required to be licensed with the State of Nevada Contractors Board.

jvl



1263 South Stewart Street
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MEMORANDUM
Administrative Services

August 31, 2015

To: Jenni Eyerly, Chief - Administrative Services
From: Bid Review and Analysis Team
Subject: BRAT Summary Report for Contract #3614

The Bid Review and Analysis Team met on August 19, 2015, to discuss the GMP proposals for the above referenced contract. The following were in attendance:

Paul Frost, Chief Roadway Design Engineer
Sharon Foerschler, Chief Construction Engineer
Stephen Lani, Assistant Chief Construction Engineer
Jenica Keller, Project Manager
Shawn Howerton, Principal Roadway Design Engineer
Shawn Paterson, Principal Roadway Design Engineer
Mary Gore, ASO II, Administrative Services
Teresa Schlaffer, BPA III, Administrative Services
Paula Aiazzi, BPA I, Administrative Services

The overall GMP proposal was evaluated and determined to be acceptable.

The apparent low bidder, Granite Construction Company, submitted a bid which is 99.93% of the Engineer's Estimate. The BRAT recommends award of this contract.

Submitted:

DocuSigned by:
Paul Frost
916B64045CA947F...

Paul Frost, BRAT Co-Chair

DocuSigned by:
Sharon Foerschler
67A4C09A4CB7477...

Sharon Foerschler, BRAT Co-Chair

cc: attendees
Pierre Gezelin, Legal
Design Admin

Line Item 3



Line Item #3 – Contract 810-15

Project Manager: Luis Garay

Estimated Proceed Date: October 13, 2015

Estimate Completion: Spring 2018



1263 South Stewart Street
Carson City, Nevada 89712
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MEMORANDUM

August 28, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 14, 2015 Transportation Board of Directors Meeting
LINE ITEM 3: Approval of the Construction Contract with Whiting-Turner Contracting Company for the Removal and Replacement of Escalators and Associated Maintenance, Safety and Aesthetic Improvements at Tropicana Avenue and Las Vegas Boulevard South – Project Delivery via Construction Manager at Risk (CMAR) Process – For Possible Action

Summary:

The Nevada Department of Transportation is seeking approval by the Board of Directors to award the following Construction Contract to Whiting-Turner Contracting Company (W-T) for a negotiated Guaranteed Maximum Price (GMP) not to exceed \$35,263,209. The GMP was achieved in accordance with the Department's Pioneer Program Process for Construction Manager at Risk (CMAR) procurements as approved by the Board on December 12, 2011, and in accordance with applicable sections of Nevada Revised Statute (NRS) Chapter 338. The CMAR procurement process requires Board review and approval of the CMAR construction contract after its negotiation by the parties.

Background:

The facilities currently in place at the intersection were the first pedestrian bridges and escalators constructed in southern Nevada. Originally constructed in the early 1990's, the escalator manufacturer is no longer producing replacement parts for these units with the result that the escalators are out of service for extended periods while replacement parts are custom machined and cost prohibitive. Additionally, there are safety hazards in the equipment rooms due to water leakage and the current construction makes cleaning and maintenance of the bridges difficult due to the need to close traffic lanes to perform all maintenance. As a result of the excessive costs of upkeep and associated safety issues, it was determined that the facilities would be replaced or upgraded to meet the most current standards. Additionally, Clark County has verbally agreed that once the facilities are up to date, the County will assume the ownership and maintenance of the facilities. An agreement to this effect will be finalized upon completion of the improvements to these facilities.

Due to the unique nature of this project, it was determined that the project would be best developed and delivered using the CMAR delivery method. The Project Team, consisting of the Engineer, Architect, Construction Manager, and Independent Cost Estimator, developed the final design and construction documents in a manner to minimize overall project risk, improve the project delivery schedule, and apply potential innovation to meet the project goals. The contractor offered their expertise regarding the schedule, budget, and constructability.

Analysis:

W-T, the Independent Cost Estimator (ICE), and the Engineer each evaluated the design plans, assessed project risks, and independently prepared an Opinion of Probable Construction Costs (OPCC) at specified milestones during the design process:

- The Engineer/Architect team advanced design plans based on the input of W-T and the ICE
- During the risk workshops, the project team identified, evaluated, and mitigated project risks which resulted in schedule reductions and construction cost savings
- At each OPCC the Engineer/Architect, the ICE and W-T submitted independent estimates of construction costs which were reviewed and discussed by the Project Team. The estimates began to come closer together based upon a common understanding of the design and construction including risk, schedule, and methods of construction.
- Following the final OPCC and prior to the GMP, the Department began negotiations with W-T
- The final Project documents were submitted to NDOT Contract Services and both W-T and the ICE bid the project separately and independently. The bids submitted by the Contractor and ICE were within 2.3% of one another, further verifying the reasonableness and accuracy of this bid. In addition, the Contractor was the low bidder by \$819,991.

Prepared by:

Luis Garay, Project Manager

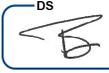


1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7070
Fax: (775) 888-7101

MEMORANDUM
Administrative Services

September 1, 2015

To: Rudy Malfabon, Director
Bill Hoffman, Deputy Director

From: Teresa Schlaffer, BPA III 

Subject: Concurrence in Award for CMAR Contract No. 810-15, Project No. SP-000M(203), SR 593, Tropicana Avenue, from MP CL 0.49 to MP CL 0.65; SR 604, Las Vegas Boulevard, from MP CL 37.99 to MP CL 38.11, Clark County, to Remove and replace sixteen escalators, design and construct structural and aesthetic improvements for four bridges and eight elevators, Engineer's Estimate \$33,986,897.00.

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

The Whiting-Turner Contracting Company submitted their Guaranteed Maximum Price (GMP) on August 28, 2015, in the amount of \$35,265,209.00. Atkins North America, Inc., submitted their Independent Cost Estimate (ICE) on August 24, 2015, in the amount of \$36,083,200.00.

The bid is within 103.76% of the Engineer's Estimate.

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

Concurrence in award:

DocuSigned by:

2A815875ECF94F1...
William Hoffman, Deputy Director

DocuSigned by:

C4C7CE5CD584445...
Rudy Malfabon, Director

Attachment: Unofficial Bid Tab

Contract No.: 810-15 Project ID No.: 73824 Location: SR 593, Tropicana Avenue, from MP CL 0.49 to MP CL 0.65; and SR 604, Las Vegas Boulevard, from MP CL 37.99 to MP CL 38.11	Awarded to: Amount: Date:	Bids opened: Certified by: _____ Administrative Services Officer
---	--	--

Division	Description	Engineer's Estimate	Whiting-Turner Contracting Company	Independent Cost Estimator - Atkins
		Amount	Amount	Amount
01-01	Mobilization	410,967.00	119,015.00	119,700.00
01-02	Pollution Control	114,623.00	34,633.00	77,800.00
01-03	Janitorial Service	195,262.00	200,734.00	137,600.00
02	Existing Conditions	1,170,551.00	1,262,697.00	1,058,500.00
03	Concrete	1,333,104.00	1,299,295.00	1,303,400.00
04	Masonry	137,904.00	87,783.00	100,000.00
05	Metals	3,866,009.00	4,711,440.00	4,594,800.00
06	Wood, Plastics and Composites	982,890.00	960,684.00	700,200.00
07	Thermal and Moisture Protection	419,121.00	585,535.00	572,000.00
07-24	Exterior Insulation and Finish System	209,899.00	304,534.00	326,300.00
07-42	Metal Composite Material Panels	2,167,395.00	1,397,272.00	2,498,700.00
07-95	Expansion Joint Control	177,239.00	226,687.00	204,800.00
08	Openings	53,499.00	44,784.00	41,300.00
08-80	Glazing	4,638,429.00	5,186,626.00	5,298,000.00
09	Finishes	1,203,559.00	1,779,052.00	1,627,300.00
10	Specialties	14,851.00	0.00	0.00
14	Conveying Equipment	7,339,685.00	7,399,964.00	7,546,300.00
22	Mechanical/Plumbing	681,326.00	418,465.00	225,200.00
23	Heating, Ventilating and Air Conditioning	160,392.00	208,204.00	229,300.00
26	Electrical	1,825,090.00	2,165,781.00	2,880,100.00
26-01	Existing Permanent Power	71,450.00	41,799.00	41,900.00
33	Utilities	1,418,023.00	1,433,100.00	1,200,000.00
34	Transportation/Traffic Control	595,629.00	597,125.00	500,000.00
Subtotal:		\$29,186,897.00	\$30,465,209.00	\$31,283,200.00
Risk Reserve:		\$4,800,000.00	\$4,800,000.00	\$4,800,000.00
Total:		\$33,986,897.00	\$35,265,209.00	\$36,083,200.00



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

MEMORANDUM

September 4, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 14, 2015, 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 July 17, 2015, through August 19, 2015.

Background:

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements, new task orders on existing agreements, and all amendments which take the total agreement above \$300,000 during the period from July 17, 2015, through August 19, 2015.

Analysis:

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

List of Attachments:

- A) State of Nevada Department of Transportation Agreements for Approval, July 17, 2015, through August 19, 2015

Recommendation for Board Action:

Approval of all agreements listed on Attachment A

Prepared by: Administrative Services Division

Attachment A

**State of Nevada Department of Transportation
Agreements for Approval
July 17, 2015, through August 19, 2015**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Dept. Project Manager	Notes
1	29411	02	CA GROUP, INC.	ENVIRONMENTAL AND ENGINEERING SERVICES	Y	2,079,000.00	2,999,900.00	6,091,900.00	-	11/14/2011	12/31/2016	9/14/2015	Service Provider	LUIS GARAY	AMD 2 09-14-15: INCREASE AUTHORITY \$2,999,900.00 FROM \$3,092,000.00 TO \$6,091,900.00 FOR ENVIRONMENTAL, HYDRAULICS, RIGHT-OF-WAY UTILITIES, AND GEOTECHNICAL SERVICES. AMD 1 06-06-14: INCREASE AUTHORITY BY \$1,013,000.00 FROM \$2,079,000.00 TO \$3,092,000.00, AND EXTEND TERMINATION DATE FROM 12-31-14 TO 12-31-16 TO COMPLETE TECHNICAL SUPPORT AND FINAL DESIGN OF PROJECT. 11-14-11: COMPLETE ENVIRONMENTAL PHASE (NEPA) AND PRELIMINARY ENGINEERING DESIGN ON SR 160, CLARK COUNTY. NV B/L#: NVD20081407877-R
2	21712	02	CONVERSE CONSULTANTS	HAZARDOUS MATERIAL AND ASBESTOS SURVEY SERVICES	Y	261,292.92	200,000.00	477,292.92	-	10/5/2012	12/31/2016	7/30/2015	Service Provider	ROB PIEKARZ	AMD 2 07-31-15: INCREASE AUTHORITY \$200,000.00 FROM \$277,292.92 TO \$477,292.92, AND EXTEND TERMINATION DATE FROM 12-31-15 TO 12-31-16 TO PROVIDE BUILDING HAZARDOUS MATERIAL AND ASBESTOS SURVEY ON AN INCREASED NUMBER OF PROPERTIES REQUIRING DEMOLITION. AMD 1 07-10-14: INCREASE AUTHORITY BY \$16,000.00 FROM \$261,292.92 TO \$277,292.92, AND EXTEND TERMINATION DATE FROM 12-31-14 TO 12-31-15 TO IDENTIFY RECOGNIZED ENVIRONMENTAL CONDITIONS, AND TO PROVIDE AN ENVIRONMENTAL SITE ASSESSMENT REPORT. 10-05-12: ASBESTOS AND HAZARDOUS MATERIAL SURVEY SERVICES FOR PHASE 1 OF PROJECT NEON, CLARK COUNTY. NV B/L#: NVF19971267942-R

Line Item 1

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

Initial Budget Request or Request for X Amendment # 2 or Task Order #

If Amendment or Task Order, name of Company: CA Group, Inc.

Agreement #: 294-11-015 Project ID #(s): 73395

Type of Services: Engineering Services

Originated by: Luis Garay Division: Project Mgmt Date Originated: 8/21/2015

Division Head/District Engineer: Amir Soltani

Budget Category #: 06 Object #: 814D Organization #: B110

Estimated Cost: \$2,999,900.00 Type of Funding: Federal/State % of Fund: 95/5

Funding Notes: State Fiscal Year(s): 2016, 2017

85% in FY 16 and 15% in FY 17

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

Purpose of, and Justification for, Budget Request:

Due to the need to proceed with the engineering design of the State Route 160 project in Clark County, Nevada, the Project Management Division has contracted with the above referenced firm for services and request approval to amend agreement P294-11-015. Amendment No.2 cost is \$2,999,900.00.

Scope of Services:

The amended No.2 scope of services will be to provide engineering services to complete the Final Design for Design-Bid-Build delivery of the SR 160 Phase 2 widening project. Please see the attached detailed scope of work and fee estimate.

Additional Information Attached X

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



AS

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Signed: DocuSigned by:
Donna Spelts 8/25/2015 Approve
C25A12001A12015 Financial Management Date

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

Financial Management Comments:

Signed: David Olson 8-26-15
Project Accounting Date

Project Accounting Comments:

Signed: DocuSigned by:
Ledy Mayhew 8/26/2015
C4C7CE5CD584445 Director Date

Director Comments:

- Requires Transportation Board presentation
- Does not require Transportation Board presentation



MEMORANDUM
Project Management Division

August 18, 2015

TO: John Terry, P.E., Assistant Director
FROM: Luis Garay, P.E., Senior Project Manager DS
LG
SUBJECT: 73395 - SR 160 Negotiation Summary for Amendment 2 to CA Group Inc. Agreement P249-11-015

An initial draft scope of services was received by the Department from the CA Group (Service Provider) on 04/15/2015. This was distributed to all team members for review and comment. Comments were received from many team members with formal teleconferenced meetings held between the CA Group and Department personnel on the scopes for Environmental Services, Hydraulics, ROW Utilities and Geotechnical. The team members also provided to the Project Management Division (PMD) the estimated number of man-hours needed to develop the specific scope of work for Phase 2. This data was used to establish a base cost for use in negotiations with the consultant.

Two more meetings were held in Las Vegas with videoconference to Carson City. On July 28, 2015 the Service Provider, represented by James Caviola and Jack Sjostrom, met with the Department, represented by Luis Garay, Nick Johnson, Lynnette Russell and Amir Soltani, to refine the project scope of work and discuss man-hour estimate. After this meeting, on July 30, 2015 the Service Provider submitted the final scope of work with its respective fee estimate to the Department. On August 12, 2015 the Department and the Service Provider met to finalize the consultant proposal and the project schedule.

The following schedule was agreed to by both parties:

Description	Duration	Due Date
Notice to Proceed		September 14, 2015
Develop Preliminary design / Geometric Approval / R/W impacts (Survey, Geotechnical, etc.).	2 months	November 16, 2015
Develop intermediate (60%) Submittal	4 months	March 25, 2016
NDOT Intermediate Review Meeting		April 29, 2016
R/W setting - Stop point.		May 6, 2016
Develop QA (90%) Submittal	2 months	June 20, 2016
Develop PS&E (100%) Submittal		July 11, 2016
NDOT PS&E Review Meeting		August 8, 2016
Doc Date		August 29, 2016
Develop FINAL Advertisement Docs (Ad Date)	2 wks.	September 12, 2016

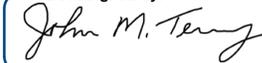
The proposal was reviewed by task. The Department's original estimate was \$2.8 million. The Service Provider's original estimate was \$3.4 million with a fixed fee for profit of 10% and a provisional overhead rate of 109.39%.

The negotiations yielded the following:

1. There will be 14,356 total man-hours allotted to prepare the final design plans for the SR 160 Phase 2 project throughout the course of this agreement at a direct labor cost of \$820,100.00, including a prorated amount for anticipated raises, which will take effect over the term of the agreement.
2. Based upon the direct labor coats and an overhead rate of 109.34%, the overhead amount will be \$897,100.00.
3. A fee of ten (10%) percent was agreed to by both parties and will be \$171,750.00 for this agreement based upon direct labor costs and an overhead rate of 109.34%.
4. The direct expenses agreed to total \$1,110,950.00 for sub consultants, reproduction, communication, travel and per diem.
5. The total negotiated cost for this amendment, including direct labor, overhead, fee and direct expenses will be \$2,999,900.00.

The DBE goal for this agreement has been established at five percent (5%).

Reviewed and Approved:

DocuSigned by:

F8663DD9AE87415
Assistant Director

Negotiated Scope and Negotiated Fee Estimate
Signed Form 2a

Line Item 2

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

Initial Budget Request or Request for X Amendment # 2 or Task Order #

If Amendment or Task Order, name of Company: Converse Consultants Inc.

Agreement #: P217-12-013

Project ID #(s):

Type of Services: Engineering Services

Originated by: Robert Piekarz

Division: Environmental

Date Originated: 7/7/2015

Division Head/District Engineer: Steve Cooke, P.E.

Budget Category #: 6

Object #: 814F

Organization #: C013

Estimated Cost: \$200,000.00

Type of Funding: State

% of Fund: 100

Funding Notes:

State Fiscal Year(s): 2016

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

Purpose of, and Justification for, Budget Request:

Additional funding is necessary due to the increased number of properties requiring environmental actions prior to and in support of demolition as necessary for subsequent turnover to the Project Neon design/build awardee.

Scope of Services:

Continuation of environmental support services per the Agreement as necessary for Project Neon.

Additional Information Attached

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

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Signed: DocuSigned by:
Donna Spelts 7/8/2015 Approve
Financial Management Date

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

Financial Management Comments:

Signed: DocuSigned by:
Norfa Laruza 7/8/2015 Approve
Project Accounting Date

Project Accounting Comments:

Current Project NEON number is 73652

Signed: DocuSigned by:
Lily Mayson 7/9/2015 Approve
Director Date

Director Comments:

- Requires Transportation Board presentation
- Does not require Transportation Board presentation

This indicates amendment #2. Depending on whether amendment #1 put this revised agreement amount over \$300k, you may require Transportation Board approval. The original agreement was under \$300k and this amendment places the total revised agreement over \$300k, Transportation Board approval will be required unless it was already obtained for Amendment #1. If appropriate, prepare some additional information for the Board Packet for agreements over \$300k. - RM

MEMORANDUM

August 26, 2015

TO: John Terry, Assistant Director
FROM: Robert Piekarz, Project Manager
SUBJECT: Negotiation Summary for RFA P217-12-013

Agreement P217-12-013 with CONVERSE CONSULTANTS for Asbestos Management and Environmental Services in support of Project Neon was agreed upon implemented on October 5, 2012. Scope of services has not changed but the scope of work is expanding requiring increased funding of the Agreement.

The funded amount of the original "costs plus fixed fee" agreement was of \$261,292.92 including an overhead rate of 140.83% (provided by the Internal Audit Division) and 13% "fixed fee" as based upon CONVERSE CONSULTANT's cost estimate and projected Project Neon property inventory. The agreement was previously amended under the existing terms and conditions to \$277,292.92.

Scope of work has been modified to include expanded property inventories and environmental responsibilities consistent with the original scope of services. Empirical per unit values and previous cost estimates were used to determine additional funding request of \$200,000.00. Thereby amending the original agreement to \$477,292.92 under previously agreed upon terms and conditions.

Reviewed and Approved:


Assistant Director



MEMORANDUM

September 4, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 14, 2015, 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 July 17, 2015, through August 19, 2015
- Agreements under \$300,000 executed July 17, 2015, through August 19, 2015

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

Background:

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

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

The attached construction contracts, settlements and agreements constitute all that were awarded for construction from July 17, 2015, through August 19, 2015, and agreements executed by the Department from July 17, 2015, through August 19, 2015. 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, July 17, 2015, through August 19, 2015
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, July 17, 2015, through August 19, 2015

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS AWARDED - INFORMATIONAL
July 17, 2015 to August 19, 2015**

1. July 9, 2015, at 2:00 p.m., the following bids were opened for Contract 3600, Project No. SP-HQ-0702(068), MY 922, Carson City Maintenance Yard, in Carson City County, for drainage improvements and repave maintenance yard.

Q & D Construction, Inc.	Original \$2,906,000.00	Adjusted * \$2,783,568.00
Sierra Nevada Construction, Inc.	\$2,894,007.00	\$2,890,181.00
A & K Earthmovers, Inc.	\$3,053,000.00	\$3,051,087.00
Granite Construction Company	\$4,192,192.00	\$4,134,802.00
Road and Highway Builders LLC	\$4,353,353.00	\$4,299,789.00
Engineer's Estimate		\$3,493,429.51

The Director awarded the contract, July 31, 2015, to Q&D Construction, Inc. for \$2,783,568.00.

* **Note:** After bid opening and before the Bid Review and Analysis Team (BRAT) evaluation of this contract the Department found an error in the quantity of bid item #3020140 Type 1 Class B Aggregate Base. The advertised quantity was 17,640 cubic yards, and the actual anticipated quantity is 13,814 cubic yards. Adjusted bid amounts on this report reflect the updated quantity. The BRAT evaluated the bids in accordance with *Standard Specifications for Road and Bridge Construction* section 102.07 and determined that the anticipated variation in quantity would result in the lower bidder Sierra Nevada Construction, Inc. (SNC) not remaining as the low bidder. Pursuant to NRS 408.343(1)(d) the Director rejected SNC's bid. SNC subsequently filed a protest. The Department evaluated the protest, found it to be without merit, and rejected it. The Department executed the contract and Change Order #1 with Q&D Construction, Inc. to make the overall contract value \$2,783,568.00.

2. July 23, 2015, at 1:30 p.m., the following bids were opened for Contract 3597, Project No. NHP-015-1(154), on I-15 in North Las Vegas, in Clark County, for seismic retrofit and rehabilitation of structures.

Granite Construction Company	\$2,050,050.00
Las Vegas Paving Corporation.....	\$2,327,500.00
Engineer's Estimate	\$1,563,961.37

The Director awarded the contract, August 14, 2015, to Granite Construction Company for \$2,050,050.00.

3. July 30, 2015, at 2:00 p.m., the following bids were opened for Contract 3603, Project No. SP-HQ-0702(068), SR 140 Denio Road, Adel Road, Oregon Road, in Humboldt County, for patching and chip seal.

Sierra Nevada Construction, Inc	\$2,344,007.00
Intermountian Slurry Seal, Inc.....	\$2,689,986.00

Engineer's Estimate\$2,429,587.74

The Director awarded the contract, August 18, 2015, to Sierra Nevada Construction, Inc., for \$2,344,007.00.

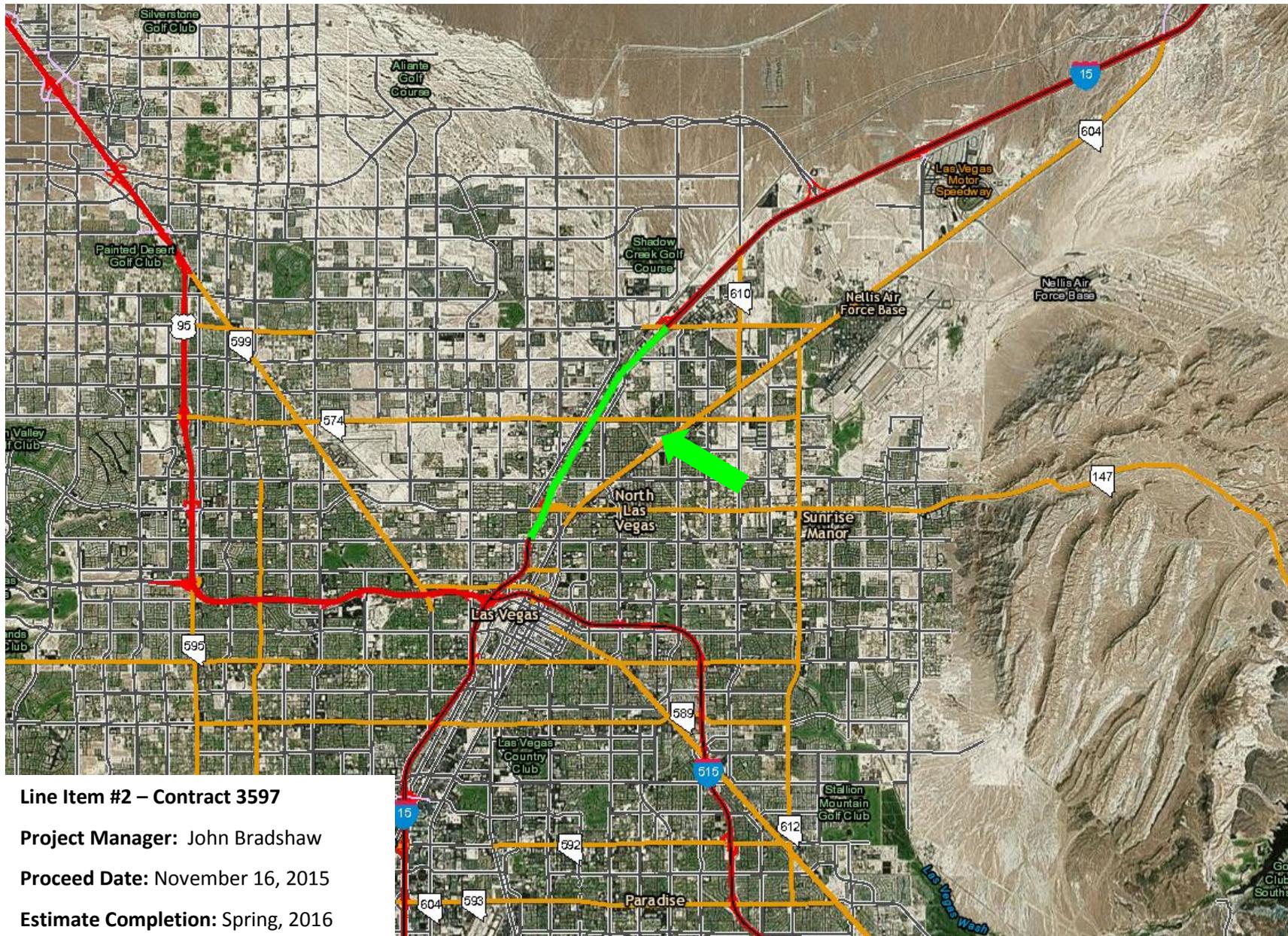


Line Item #1 – Contract 3600

Project Manager: Phil Kanegsberg

Proceed Date: August 31, 2015

Estimate Completion: Summer, 2016

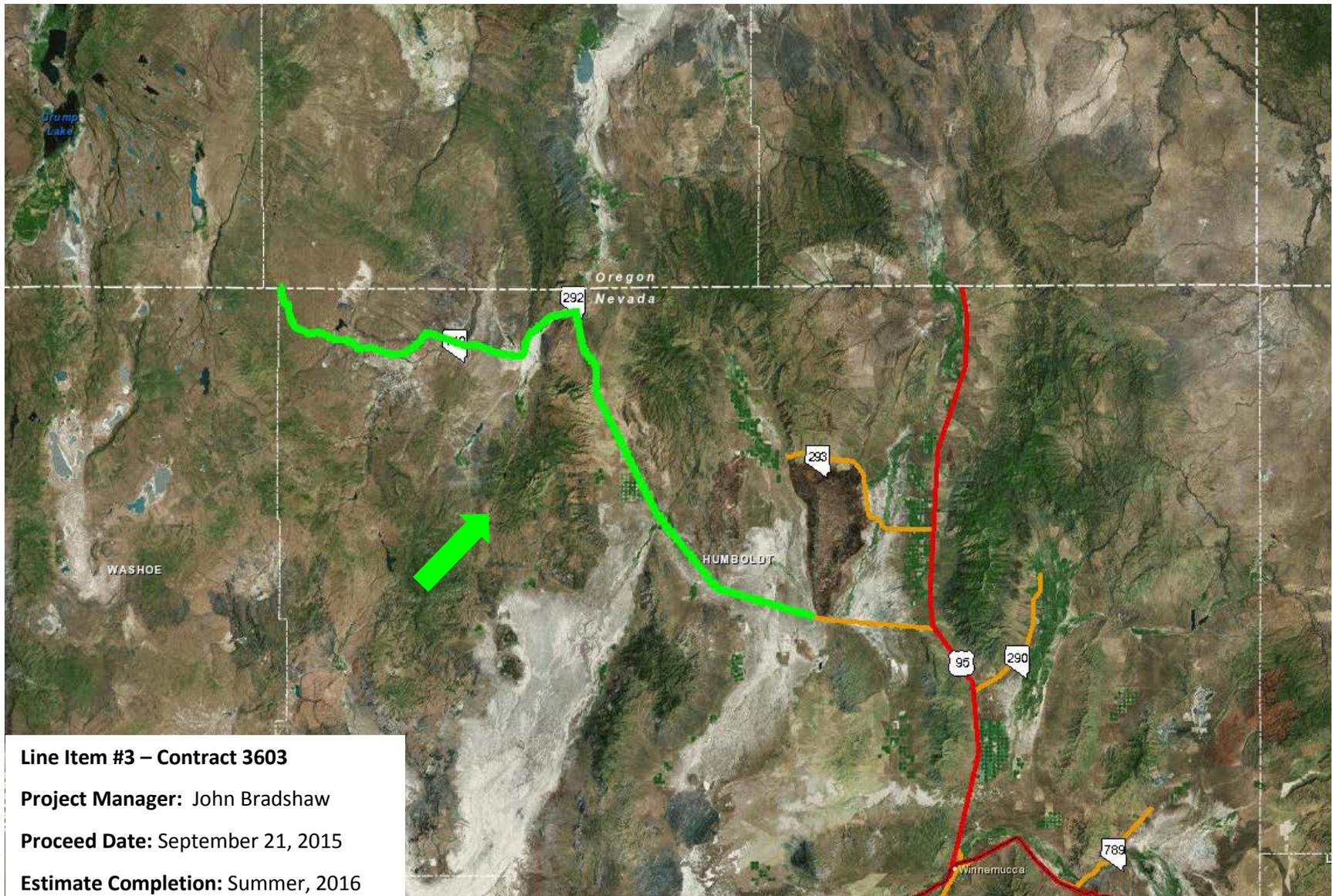


Line Item #2 – Contract 3597

Project Manager: John Bradshaw

Proceed Date: November 16, 2015

Estimate Completion: Spring, 2016



Line Item #3 – Contract 3603
Project Manager: John Bradshaw
Proceed Date: September 21, 2015
Estimate Completion: Summer, 2016

Attachment B

State of Nevada Department of Transportation
Executed Agreements - Informational
July 17, 2015, through August 19, 2015

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Dept. Project Manager	Notes
1	45815	00	BEKINS A-1 MOVERS	PARCEL I-015-CL-042.069	Y	5,650.33	-	5,650.33	-	8/4/2015	7/31/2016	-	Acquisition	TINA KRAMER	08-06-15: COST OF MOVING FOR PARCEL I-015-CL-042.069 FOR PROJECT NEON DESIGN BUILD, CLARK COUNTY. NV B/L#: NVF20001188398
2	45615	00	BERGER TRANSFER AND STORAGE	PARCEL I-015-CL-041.949	Y	2,198.25	-	2,198.25	-	8/6/2015	7/31/2016	-	Acquisition	TINA KRAMER	08-11-15: COST OF MOVING FOR PARCEL I-015-CL-041.949 FOR PROJECT NEON DESIGN BUILD, CLARK COUNTY. NV B/L#: NVF20141052565
3	47615	00	CAPRI VILLAGE CORPORATION	PARCEL I-015-CL-041.995 UNIT L	Y	18,868.00	-	18,868.00	-	8/10/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-19-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.995, 670 S MARTIN LUTHER KING BLVD, UNIT L, CLARK COUNTY. NV B/L#: NVD20051306881
4	47715	00	CAPRI VILLAGE CORPORATION	PARCEL I-015-CL-041.995 UNIT M	Y	18,894.50	-	18,894.50	-	8/10/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-19-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.995, 670 S MARTIN LUTHER KING BLVD, UNIT M, CLARK COUNTY. NV B/L#: NVD20051306881
5	47915	00	CAPRI VILLAGE CORPORATION	PARCEL I-015-CL-041.995 UNIT Z	Y	19,080.00	-	19,080.00	-	8/10/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-19-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.995, 670 S MARTIN LUTHER KING BLVD, UNIT Z, CLARK COUNTY. NV B/L#: NVD20051306881
6	47815	00	CAPRI VILLAGE CORPORATION	PARCEL I-015-CL-041.995 UNITS A, D, E, F, I, J, N, Q, W, AND X	Y	196,954.83	-	196,954.83	-	8/10/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-19-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.995, 670 S MARTIN LUTHER KING BLVD, UNITS A, D, E, F, I, J, N, Q, W, AND X, CLARK COUNTY. NV B/L#: NVD20051306881
7	47515	00	CAPRI VILLAGE CORPORATION	PARCEL I-015-CL-042.995 UNIT T	Y	19,080.00	-	19,080.00	-	8/10/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-19-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.995, 670 S MARTIN LUTHER KING BLVD, UNIT T, CLARK COUNTY. NV B/L#: NVD20051306881
8	41015	00	DESERT LANE MLK INVESTMENT LTD	PARCEL I-015-CL-042.071 UNIT 1	N	13,494.00	-	13,494.00	-	7/16/2015	6/30/2017	-	Acquisition	TINA KRAMER	07-21-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.071, 620 MARTIN LUTHER KING BLVD, UNIT 1, CLARK COUNTY. NV B/L#: NVD19891031914
9	41615	00	DESERT LANE MLK INVESTMENT LTD	PARCEL I-015-CL-042.071 UNIT 3	N	10,800.00	-	10,800.00	-	7/16/2015	2/28/2018	-	Acquisition	TINA KRAMER	07-21-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.071, 610 MARTIN LUTHER KING BLVD, UNIT 3, CLARK COUNTY. NV B/L#: NVD19891031914
10	41215	00	DESERT LANE MLK INVESTMENT LTD	PARCEL I-015-CL-042.071 UNIT 4	N	13,200.00	-	13,200.00	-	7/16/2015	1/31/2017	-	Acquisition	TINA KRAMER	07-21-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.071, 620 MARTIN LUTHER KING BLVD, UNIT 4, CLARK COUNTY. NV B/L#: NVD19891031914
11	42415	00	GARY & PATRICIA MENKEL	PARCEL I-015-CL-042.007 UNIT 2	N	10,800.00	-	10,800.00	-	7/16/2015	6/30/2017	-	Acquisition	TINA KRAMER	07-20-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.007, 681 DESERT LANE, UNIT 2, CLARK COUNTY. NV B/L#: NVD19891031914
12	42515	00	GARY & PATRICIA MENKEL	PARCEL I-015-CL-042.007 UNIT 3	N	9,600.00	-	9,600.00	-	7/16/2015	6/30/2017	-	Acquisition	TINA KRAMER	07-21-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.007, 671 DESERT LANE, UNIT 3, CLARK COUNTY. NV B/L#: NVD19891031914
13	42615	00	GARY & PATRICIA MENKEL	PARCEL I-015-CL-042.007 UNIT 4	N	13,590.32	-	13,590.32	-	7/16/2015	6/30/2017	-	Acquisition	TINA KRAMER	07-21-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.007, 681 DESERT LANE, UNIT 4, CLARK COUNTY. NV B/L#: NVD19891031914

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14	41815	00	MEYERS ELECTRIC, INC	PARCEL I-015-CL-041.443	N	20,569.53	-	20,569.53	-	5/1/2012	6/30/2015	-	Acquisition	TINA KRAMER	08-05-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.443, 1410 WESTERN AVENUE, FOR THE PERIOD OF 04-24-12 TO 06-30-15, CLARK COUNTY. NV B/L#: NVD19861006742
15	46515	00	PEACEFUL SUNDAYS TRUST	PARCEL I-015-CL-041.081 UNIT A	Y	8,633.33	-	8,633.33	-	8/6/2015	6/30/2017	-	Acquisition	TINA KRAMER	08-19-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.081, 1020 DESERT LANE, UNIT A, CLARK COUNTY. NV B/L#: EXEMPT
16	45415	00	PEACEFUL SUNDAYS TRUST	PARCEL I-015-CL-041.801	Y	400,717.00	-	400,717.00	-	8/5/2015	8/1/2016	-	Acquisition	TINA KRAMER	08-06-15: ACQUISITION OF PARCEL I-015-CL-041.801 FOR PROJECT NEON DESIGN BUILD, CLARK COUNTY. NV B/L#: EXEMPT
17	47115	00	RAJ L. & DAWN CHAMPANERI	PARCEL I-015-CL-042.089 UNIT 1	Y	11,960.00	-	11,960.00	-	8/7/2015	6/30/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.089, 601 DESERT LANE, UNIT 1, CLARK COUNTY. NV B/L#: NVF20151362473
18	46715	00	RAJ L. & DAWN CHAMPANERI	PARCEL I-015-CL-042.089 UNIT 3	Y	9,500.00	-	9,500.00	-	8/7/2015	6/30/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.089, 601 DESERT LANE, UNIT 3, CLARK COUNTY. NV B/L#: NVF20151362473
19	46315	00	RAJ L. & DAWN CHAMPANERI	PARCEL I-015-CL-042.089 UNIT 4	Y	12,480.00	-	12,480.00	-	8/7/2015	6/30/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.089, 601 DESERT LANE, UNIT 4, CLARK COUNTY. NV B/L#: NVF20151362473
20	46615	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 101	Y	15,444.83	-	15,444.83	-	8/6/2015	8/31/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 S MARTIN LUTHER KING BLVD, UNIT 101, CLARK COUNTY. NV B/L# NVD20061644436
21	46215	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 102	Y	16,791.33	-	16,791.33	-	8/6/2015	3/31/2017	-	Acquisition	TINA KRAMER	08-06-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 500 S MARTIN LUTHER KING BLVD, UNIT 102, CLARK COUNTY. NV B/L#: NVD20061644436
22	46815	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 107	Y	26,516.66	-	26,516.66	-	8/6/2015	10/30/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 S MARTIN LUTHER KING BLVD, UNIT 107, CLARK COUNTY. NV B/L#: NVD20061644436
23	46415	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 108	Y	17,783.87	-	17,783.87	-	8/6/2015	3/31/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 S MARTIN LUTHER KING BLVD, UNIT 108, CLARK COUNTY. NV B/L#: NVD20061644436
24	46115	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 109	Y	15,465.32	-	15,465.32	-	8/6/2015	5/31/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 500 S MARTIN LUTHER KING BLVD, UNIT 109, CLARK COUNTY. NV B/L#: NVD20061644436
25	46015	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 111	Y	15,705.66	-	15,705.66	-	8/7/2015	4/30/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 S MARTIN LUTHER KING BLVD, UNIT 111, CLARK COUNTY. NV B/L#: NVD20061644436
26	47215	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 205	Y	17,303.71	-	17,303.71	-	8/7/2015	7/31/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 S MARTIN LUTHER KING BLVD, UNIT 205, CLARK COUNTY. NV B/L# NVD20061644436

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27	47015	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 UNIT 208	Y	25,776.66	-	25,776.66	-	8/6/2015	11/30/2017	-	Acquisition	TINA KRAMER	08-11-15: PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 S MARTIN LUTHER KIND BLVD, UNIT 208, CLARK COUNTY. NV B/L#: NVD20061644436
28	41315	00	SEARS ROEBUCK AND COMPANY	CONSTRUCTION OUTSIDE ROW	N	-	-	-	-	7/14/2015	1/31/2018	-	Acquisition	TINA KRAMER	07-22-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE OF RIGHT-OF-WAY TO RECONSTRUCT A SEGMENT OF SR 648, GLENDALE AVENUE FROM KIETZKE LANE TO MCCARRAN BLVD, WASHOE COUNTY. NV B/L#: NVF19281000088
29	37115	00	CITY OF YERINGTON	TRANSFER OF RESPONSIBILITY	N	-	-	-	-	8/4/2015	12/31/2020	-	Cooperative	JANELLE THOMAS	08-04-15: NO COST AGREEMENT FOR THE DEPARTMENT'S TRANSFER OF OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR THE SIDEWALK AREAS ON SR 208, MAIN ST, IN THE CITY OF YERINGTON, LYON COUNTY. NV B/L#: EXEMPT
30	35015	00	DOUGLAS COUNTY PUBLIC WORKS	WIDEN ROADWAY FOR BIKE LANE	Y	631,579.00	-	631,579.00	31,579.00	7/20/2015	12/31/2018	-	Cooperative	STEVE BIRD	07-20-15: ADDRESS EACH PARTY'S RESPONSIBILITIES CONCERNING THE DESIGN, CONSTRUCTION, CONSTRUCTION MANAGEMENT, MAINTENANCE, AND 5% LOCAL FUNDING MATCH TO WIDEN ROADWAY FOR BIKE LANES ALONG SR 756, DOUGLAS COUNTY. NV B/L#: EXEMPT
31	45515	00	NV ENERGY	UTILITY LINE EXTENSION	Y	7,023.00	-	7,023.00	500.00	8/6/2015	7/31/2018	-	Facility	TINA KRAMER	08-12-15: UTILITY LINE EXTENSION FOR E-TAHOE BLVD (930A)-COM SVC-E-NDOT 3001095572, CARSON CITY. NV B/L#: NVD1983105840
32	45715	00	NV ENERGY	UTILITY LINE EXTENSION	Y	3,671.31	-	3,671.31	500.00	8/6/2015	7/31/2018	-	Facility	TINA KRAMER	08-12-15: UTILITY LINE EXTENSION FOR E-TAHOE BLVD (887)-COM SVC-E-NDOT 3001095661, CARSON CITY. NV B/L#: NVD1983105840
33	42315	00	NV ENERGY	UTILITY LINE EXTENSION DESIGN	Y	23,717.00	-	23,717.00	-	7/14/2015	7/31/2020	-	Facility	TINA KRAMER	07-20-15: UTILITY LINE EXTENSION DESIGN FOR BLUE DIAMOND WIDENING PROJECT, CLARK COUNTY. NV B/L#: NVD19831015840
34	28515	00	CITY OF MESQUITE	MESQUITE WELCOME CENTER MAINTENANCE	N	33,600.00	-	33,600.00	-	8/5/2015	10/31/2019	-	Interlocal	DEAN MOSHER	08-05-15: TO FUND LANDSCAPE MAINTENANCE SERVICES FOR THE MESQUITE WELCOME CENTER WHICH WILL BE PROVIDED BY CITY OF MESQUITE'S FORCES, CLARK COUNTY. NV B/L#: EXEMPT
35	21815	00	DEPT HEALTH & HUMAN SERVICES	800 MHZ RADIO SYSTEM	N	146,000.00	-	-	146,000.00	8/1/2015	6/30/2019	-	Interlocal	RICHARD BROOKS	08-05-15: RECEIVABLE AGREEMENT TO ESTABLISH RESPONSIBILITIES FOR DHHS / DPBH'S USE IN OPERATING AND MAINTAINING THE 800MHZ RADIO SYSTEM, STATEWIDE. NV B/L#: EXEMPT
36	33715	00	DPS OFFICE OF TRAFFIC SAFETY	ROAD USER BEHAVIOR CAMPAIGN	Y	3,050,000.00	-	3,050,000.00	-	8/11/2015	9/30/2023	-	Interlocal	JAIME TUDDAO	08-11-15: SUPPORT FOR STATEWIDE ROAD USERS' BEHAVIORAL CAMPAIGN TO PROMOTE AWARENESS ON HIGHWAY SAFETY MATTERS CONSISTENT WITH THE STRATEGIC HIGHWAY SAFETY PLAN (SHSP), STATEWIDE. NV B/L#: EXEMPT
37	38715	00	LYON COUNTY PUBLIC WORKS	REMOVAL OF CULVERTS	N	-	-	-	-	7/28/2015	12/31/2017	-	Interlocal	PEDRO RODRIGUEZ	07-28-15: NO COST AGREEMENT TO IDENTIFY RESPONSIBILITIES CONCERNING THE REMOVAL OF THE EXISTING DRAINAGE CULVERTS UNDER OPAL AVENUE FROM US 50 TO MACKEY AVENUE, LYON COUNTY. NV B/L#: EXEMPT
38	38615	00	LYON COUNTY PUBLIC WORKS	TRAFFIC SIGNAL RESPONSIBILITY	N	-	-	-	-	7/27/2015	7/31/2019	-	Interlocal	ROD SCHILLING	07-27-15: NO COST AGREEMENT TO IDENTIFY EACH PARTY'S RESPONSIBILITIES FOR THE TRAFFIC SIGNAL SYSTEM AT THE INTERSECTION OF USA PARKWAY, SR 439, AND US 50, LYON COUNTY. NV B/L#: EXEMPT

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39	45215	00	TMCC	MICROSOFT TRAINING	N	60,000.00	-	60,000.00	-	7/31/2015	6/30/2016	-	Interlocal	MARK EVANS	08-05-15: TRAINING FOR MICROSOFT OFFICE 2013, STATEWIDE. NV B/L#: EXEMPT
40	43615	00	THE TERRACES #3 LLC	OFFICE LEASE FOR ELKO CREW	N	537,518.40	-	537,518.40	-	7/7/2015	7/31/2020	-	Lease	SANDY SPENCER	07-20-15: OFFICE SPACE LEASE WITH JANITORIAL SERVICES FOR CONSTRUCTION AND STORMWATER CREWS IN DISTRICT 3. LEASE ALSO INCLUDES SPACE FOR EQUIPMENT AND VEHICLE STORAGE. CONTRACT NEGOTIATED AND EXECUTED BY STATE BUILDINGS AND GROUNDS. APPROVED AND SIGNED BY BOARD OF EXAMINERS ON 7-7-15, ELKO COUNTY. NV B/L#: NV20001015286
41	44615	00	AMERIGAS PROPANE LLP	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	7/24/2015	1/31/2018	-	ROW Access	TINA KRAMER	07-28-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT A SEGMENT OF PRESENT SR 648, GLENDALE AVE FROM KIETZKE LANE TO MCCARRAN BLVD, WASHOE COUNTY. NV B/L#: NVF19281000088
42	41415	00	ANER IGLESIAS	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	7/14/2015	7/13/2017	-	ROW Access	TINA KRAMER	07-22-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT DRIVEWAY, CURB, GUTTER SIDEWALK AND PAVEMENT ALONG SR 604, CLARK COUNTY. NV B/L#: EXEMPT
43	40915	00	EAGLE TRACE SPE CORP	CONSTRUCTION OUTSIDE ROW	N	-	-	-	-	7/14/2015	7/31/2017	-	ROW Access	TINA KRAMER	07-20-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT DRIVEWAY, CURB, GUTTER, SIDEWALK AND PAVEMENT ALONG SR 604, LAS VEGAS BLVD, CLARK COUNTY. NV B/L#: NVD19981393523
44	43215	00	FINLEY FAMILY TRUST	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	7/23/2015	1/31/2018	-	ROW Access	TINA KRAMER	07-24-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT A SEGMENT OF PRESENT SR 648, GLENDALE AVE FROM KIETZKE LANE TO MCCARRAN BLVD, WASHOE COUNTY. NV B/L#: NVD19981257082
45	45915	00	JOSEPHS FAMILY LAND LP	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	8/6/2015	1/31/2018	-	ROW Access	TINA KRAMER	08-11-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT DRIVEWAY, CURB, GUTTER, SIDEWALK AND PAVEMENT ALONG SR 604, LAS VEGAS BLVD, CLARK COUNTY. NV B/L#: NVD19981088932
46	42215	00	NELLIS LBNV GROUP PARTNERSHIP	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	7/17/2015	1/31/2018	-	ROW Access	TINA KRAMER	07-21-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT DRIVEWAY, CURB, GUTTER, SIDEWALK AND PAVEMENT ALONG SR 604, CLARK COUNTY. NV B/L#: EXEMPT
47	43315	00	QUESTAR CORPORATION	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	7/23/2015	1/31/2018	-	ROW Access	TINA KRAMER	07-24-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT A SEGMENT OF PRESENT SR 648, GLENDALE AVE FROM KIETZKE LANE TO MCCARRAN BLVD, WASHOE COUNTY. NV B/L#: NVD19871015643
48	44315	00	QUICK SELL LTD	CONSTRUCTION OUTSIDE OF ROW	N	-	-	-	-	7/24/2015	1/31/2018	-	ROW Access	TINA KRAMER	07-28-15: NO COST AGREEMENT FOR CONSTRUCTION OUTSIDE RIGHT-OF-WAY TO RECONSTRUCT A SEGMENT OF PRESENT SR 648, GLENDALE AVE FROM KIETZKE LANE TO MCCARRAN BLVD, WASHOE COUNTY. NV B/L#: NVD20021039077

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49	36313	01	ADOPT A HIGHWAY LITTER REMOVAL SERVICE OF AMERICA	ADMINISTER THE ADOPT HIGHWAY PROGRAM	N	-	-	-	-	1/29/2014	9/30/2020	8/17/2015	Service Provider	ED WILSON	AMD 1 08-14-15: EXTEND TERMINATION DATE FROM 09-30-15 TO 09-30-20 FOR CONTINUATION OF LITTER REMOVAL PROGRAM SERVICES. 01-29-14: NO COST AGREEMENT FOR LITTER REMOVAL SERVICES ON VARIOUS HIGHWAYS IN NEVADA, STATEWIDE. NV B/L#: NVF20021456927
50	36213	01	ADOPT A HIGHWAY MAINTENANCE CORPORATION	ADMINISTER THE ADOPT HIGHWAY PROGRAM	N	-	-	-	-	1/29/2014	9/30/2020	8/17/2015	Service Provider	ED WILSON	AMD 1 08-14-15: EXTEND TERMINATION DATE FROM 09-30-15 TO 09-30-20 FOR CONTINUATION OF LITTER REMOVAL PROGRAM SERVICES. 01-29-14: NO COST AGREEMENT FOR LITTER REMOVAL SERVICES ON VARIOUS HIGHWAYS IN NEVADA, STATEWIDE. NV B/L#: NVF20001412349
51	39513	01	ATKINS NORTH AMERICA	INDEPENDENT COST ESTIMATOR (ICE) SERVICES FOR LAS VEGAS ESCALATORS	N	209,976.64	86,491.00	296,467.64	-	4/29/2014	6/30/2016	8/10/2015	Service Provider	LYNNETTE RUSSELL	AMD 1 08-10-15: INCREASE AUTHORITY \$86,491.00 FROM \$209,976.64 TO \$296,467.64 AND EXTEND TERMINATION DATE FROM 12-31-15 TO 06-30-16 TO COVER ADDITIONAL SCOPE OF SERVICES INCLUDING REVIEW OF ESCALATOR QUOTES FROM COMMERCIAL VENDOR NOT IN ORIGINAL SCOPE. 04-29-14: PROVIDE SERVICES AS AN INDEPENDENT COST ESTIMATOR TO ASSIST IN THE DEVELOPMENT OF TRANSPORTATION IMPROVEMENT PROJECTS INCLUDING PEDESTRIAN BRIDGES, ELEVATORS, AND SIXTEEN ESCALATORS ON TROPICANA AVE AND LAS VEGAS BLVD, CLARK COUNTY. NV B/L#: NVF19981347315
52	09113	02	CH2M HILL, INC.	TECHNICAL ADVISOR PROJECT NEON	Y	4,900,547.33	-	9,884,367.44	-	4/10/2013	7/31/2016	7/31/2015	Service Provider	DALE KELLER	AMD 2 07-31-15: EXTEND TERMINATION DATE FROM 07-31-15 TO 07-31-16 FOR CONTINUATION OF SERVICES THROUGH EVALUATION AND SELECTION. AMD 1 01-13-14: INCREASE AUTHORITY BY \$4,983,820.11 FROM \$4,900,547.33 TO \$9,884,367.44 AND EXTEND TERMINATION DATE FROM 07-31-14 TO 07-31-15 TO DEVELOP AND PREPARE THE OVERALL P3 PROCUREMENT AND FINANCIAL APPROACH TO THE PROJECT, TO ASSIST WITH RFP INDUSTRY REVIEW, TO PREPARE AND REVIEW ALL TECHNICAL DOCUMENTS AND SPECIFICATIONS, TO DEVELOP AND PREPARE THE RFP DOCUMENTS, TO ANALYZE AND REVIEW PROPOSED CONCEPTS, AND TO PROVIDE SUPPORT DURING THE SELECTION PROCESS. 04-10-13: PROVIDE TECHNICAL ADVISORY SERVICES AND DESIGN SUPPORT SERVICES FOR A PUBLIC PRIVATE PARTNERSHIP FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NVF19931065492-R
53	41915	00	CR DRAKE AND SONS	ELECTRICIAN SERVICES QUINN RIVER	N	21,174.00	-	21,174.00	-	7/20/2015	9/30/2015	-	Service Provider	ANNETTE BALLEW	07-20-15: QA-006-16: TO PROVIDE ELECTRICIAN SERVICES FOR A NEW WELL AT QUINN RIVER MAINTENANCE STATION, INCLUDING INSTALLING POWER CONDUCTORS, CONDUITS, AND CONTROLLERS, HUMBOLDT COUNTY. NV B/L#: NVD19751002973-Q

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54	53814	00	ENVIROSYSTEMS MANAGEMENT	AIRPORT WILDLIFE HAZARD ASSESSMENTS	Y	97,345.00	-	97,345.00	-	7/7/2015	12/31/2016	-	Service Provider	KURT HAUKOHL	07-07-15: COMPLETE WILDLIFE HAZARD ASSESSMENT STUDIES AT CARSON, AND MINDEN-TAHOE AIRPORTS, CARSON CITY AND DOUGLAS COUNTY. NV B/L#: NVF20151092747-R PROPOSERS: AIRPORT WILDLIFE CONSULTANTS, BEC ENVIRONMENTAL, CROSSWINDS WILDLIFE MITIGATION, MEAD & HUNT, SWCA, AND STANTEC.
55	40615	00	FRED ANDERSON DRILLING, INC.	DRILL WELL AT QUINN RIVER	N	77,523.75	-	77,523.75	-	7/30/2015	9/30/2015	-	Service Provider	ROSS BAKER	07-30-15: DRILLING OF A NEW WELL AT QUINN RIVER MAINTENANCE STATION, HUMBOLDT COUNTY. NV B/L#: NVD19781006269-S
56	29115	00	HORROCKS ENGINEERING	SUE SERVICES	Y	18,780.00	-	18,780.00	-	7/16/2015	12/31/2015	-	Service Provider	TINA KRAMER	07-17-15: PROVIDE SUBSURFACE UTILITY ENGINEERING (SUE) AROUND BRIDGE STRUCTURES AT CENTERVILLE BRIDGE, DOUGLAS COUNTY. NV B/L#: NVF19991246016-Q
57	43415	00	INFINITY TECHNOLOGIES, LLC	PROVIDE IT SERVICES	N	10,000.00	-	10,000.00	-	7/1/2015	7/30/2016	-	Service Provider	TINA KRAMER	07-22-15: PROVIDE INFORMATION TECHNOLOGY SERVICES TO ASSIST IN THE CONDEMNATION TRIAL OF STATE OF NEVADA V. MLK-ALTA LLC, CLARK COUNTY. NV B/L#: NVD20131018357-S
58	04115	00	JACOBS ENGINEERING GROUP, INC.	UPDATE NDOT ACCESS MANAGEMENT SYSTEM	N	200,000.00	-	200,000.00	-	7/17/2015	12/31/2016	-	Service Provider	HOANG HONG	07-17-15: UPDATE THE 1999 NDOT ACCESS MANAGEMENT SYSTEM AND STANDARDS MANUAL, STATEWIDE. NV/BL#: NVF20081035082-R PROPOSERS: KIMLEY-HORN AND ASSOCIATES
59	29815	00	KLEINFELDER	MATERIALS TESTING FOR NOA	N	24,900.00	-	24,900.00	-	8/14/2015	12/31/2019	-	Service Provider	DARIN TEDFORD	08-14-15: SOURCE TESTING OF AGGREGATES FOR NATURALLY OCCURRING ASBESTOS ON BOULDER CITY BYPASS PHASES 1 AND 2, CLARK COUNTY. NV B/L#: NVF19801004246-Q
60	44015	00	MIKON CONSTRUCTION, INC	DRAINAGE FACILITY IMPROVEMENTS	N	120,579.00	-	120,579.00	-	7/31/2015	3/31/2016	-	Service Provider	JENNIFER MANUBAY	07-31-15: Q1-025-15: TO PERFORM DRAINAGE IMPROVEMENTS ON SR 582 AT WHITNEY AVE, CLARK COUNTY. NV B/L#: NVD19851006168-Q
61	45315	00	Q&D CONSTRUCTION, INC	BRIDGE REPAIR	N	163,000.00	-	163,000.00	-	8/14/2015	12/31/2016	-	Service Provider	MARLENE REVERA	08-14-15: Q2-014-15: TO REPAIR SPALLS, DELAMINATION, CLEAN EXPANSION AND RELIEF JOINTS, OVERLAY BRIDGE DECK, APPROACH SLABS AND ASPHALT APPROACHES WITH THIN BONDED MULTILAYER OVERLAY AT I-2297 NORTH AND SOUTH ON US 395 AT MP CC 6.65, CARSON CITY. NV B/L#: NVD19671000639-Q
62	40015	00	SIGNATURE LANDSCAPES, LLC	TREE TRIMMING SERVICES	N	250,000.00	-	250,000.00	-	7/24/2015	3/31/2018	-	Service Provider	MARLENE REVERA	07-24-15: Q2-025-15: TO PROVIDE TREE TRIMMING, PRUNING, AND REMOVAL SERVICES, CARSON CITY, CHURCHILL, DOUGLAS, LYON, MINERAL, PERSHING, STOREY, AND WASHOE COUNTIES. NV B/L#: NVD200111064513-Q
63	51114	02	SPILLMAN TECHNOLOGIES	CAD SYSTEM	N	442,000.00	-	442,000.00	-	12/23/2014	6/30/2016	8/12/2015	Service Provider	ERIC PENNINGTON	AMD 2 08-12-15: SCOPE AMENDED TO CHANGE THE MODULES TO BE INCLUDED WITH THIS PROJECT. AMD 1 05-19-15: SCOPE AMENDED BY DELETING THE ORIGINAL ATTACHMENT A AND REPLACING IT WITH A NEW ATTACHMENT A THAT ONLY IDENTIFIES NDOT AS THE RECIPIENT OF THE CAD SOLUTION. 12-23-14: IMPLEMENTATION OF THE SPILLMAN CAD SYSTEM TO BE USED BY EACH DISTRICT'S ROADWAY OPERATIONS CENTER, STATEWIDE. NV B/L#: NVF20101073893-S

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Dept. Project Manager	Notes
64	42915	00	TL SNYDER ENTERPRISES	INSTALL NEW WATERLINE	N	8,500.00	-	8,500.00	-	8/3/2015	9/30/2015	-	Service Provider	ANNETTE BALLEW	08-03-15: QA-005-16: TO INSTALL A NEW WATERLINE AT THE QUINN RIVER MAINTENANCE STATION, HUMBOLDT COUNTY. NV B/L#: NVD20101422771-Q
65	53214	00	UNION PACIFIC RAILROAD	FLAGGING & TRACK CONTROL	Y	200,000.00	-	200,000.00	-	5/1/2014	4/30/2024	-	Service Provider	NANCY KENNEDY	05-01-14: MASTER GRADE SEPARATION INSPECTION AGREEMENT FOR NDOT TO OBTAIN FLAGGING AND TRACK CONTROL SERVICES FROM UPRR TO COMPLETE FEDERALLY REQUIRED BRIDGE INSPECTIONS, STATEWIDE. NV B/L#: NVF19691003146-S



Fax: (775) 888-7201
Fax: (775) 888-7201

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

MEMORANDUM

September 7, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: September 14, 2015 Transportation Board of Directors Meeting
Item #9: Action Item: Condemnation Resolution No. 451
I-15 Freeway, from Desert Inn Road to the US-95/I-515
Interchange; Project NEON; in the City of Las Vegas; Clark County.
3 Owners, 2 Parcels – For possible action

Summary:

The department is acquiring property and property rights for the widening and reconstruction of the I-15 Freeway, from Desert Inn Road to the US-95/I-515 Interchange, in the City of Las Vegas, Clark County. These properties are for the design/build phase of project NEON. The department is seeking the Board's approval of a condemnation action for the unresolved acquisition as described below.

Background:

Darrell E. Jackson, Thomas M. Strawn Jr. and Andrew S. Levy - The negotiation is unresolved for the acquisition from Darrell E. Jackson, Thomas M. Strawn Jr. and Andrew S. Levy. It is necessary to acquire a 12,137 square foot (0.28 acre) acquisition in fee and a 1,728 square feet (0.04 acre) temporary construction easement for a four-year period, both from a 64,049 square foot (1.47 acre) Office-zoned parcel which is unimproved. **The acquisitions in question, which are located on the west side of Martin Luther King Boulevard, approximately 1,300 north of Oakey Boulevard, in the City of Las Vegas, are highlighted in blue on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's total offer of \$100,005.00 was presented on May 20, 2015. The offer consisted of \$97,100.00 for the fee simple land (at \$8.00 per square foot) and \$2,905.00 for the temporary easement (which is a 5.25% per year return on the \$8.00 per square foot fee land value for a period of four years). On July 13, 2015 the owners of the property sent a letter requesting that the property be taken by the condemnation process. No monetary counter-offer has been made and negotiations are now at an impasse. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

Analysis:

A condemnation resolution is requested so that the Department can certify the right-of-way to the Federal Highway Administration to meet the project schedule. Prior to construction all environmental testing, demolition and utility relocations must be accomplished. Pursuant to Chapter 241 of the Nevada Revised Statutes, the required notices regarding this open meeting have been served.

Recommendation for Board Action:

Board approval of this resolution of condemnation is respectfully requested.

List of Attachments:

1. Location map
2. Condemnation Resolution No. 451 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. 451

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

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AUTHORIZING ACQUISITION BY CONDEMNATION OF PROPERTY FOR THE WIDENING AND RECONSTRUCTION OF THE I-15 FREEWAY, FROM DESERT INN ROAD NORTH TO THE U.S. 95/I-515 INTERCHANGE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONDEMNATION RESOLUTION NO. 451

WHEREAS, the Department of Transportation of the State of Nevada (hereinafter the "Department") is empowered by chapter 408 of the Nevada Revised Statutes to acquire real property, interests therein, and improvements located thereon for the construction and maintenance of highways; and

WHEREAS, the Department has determined that the public interest and necessity require the acquisition, reconstruction, and completion by the State of Nevada, acting by and through the Department, of a public improvement, namely the widening and reconstruction of the I-15 Freeway, from Desert Inn Road north to the U.S. 95/I-515 Interchange, in the City of Las Vegas, Clark County, State of Nevada and that the real property hereinafter described is necessary for said public improvement; and

WHEREAS, the right-of-way plans are attached hereto and incorporated herein depicting the parcels described herein; and

WHEREAS, the Department plans to obligate federal-aid funds for this project, and let a construction contract for said project, and the real property hereinafter described will be needed for said freeway project; and

WHEREAS, pursuant to section 408.503 of the Nevada Revised Statutes, the Department shall not commence any legal action in eminent domain until the Board of Directors of the Department adopts a resolution declaring that the public interest and

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ATTACHMENT 2

necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion by the State of Nevada, acting through the Department, of a public improvement, namely a freeway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to

deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NOS. I-015-CL-041.410 and I-015-CL-041.410TE owned by DARRELL E. JACKSON, a married man, as his sole and separate property as to an undivided one-third (1/3) interest; THOMAS M. STRAWN, JR., a married man, as his sole and separate property as to an undivided one-third (1/3) interest; and ANDREW S. LEVY, a married man, as his sole and separate property as to an undivided one-third (1/3) interest

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the SW 1/4 of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-041.410 to be acquired fee simple

COMMENCING at the section corner common to Sections 32, 4 and 5, a BRASS CAP IN SURVEY WELL STAMPED "32/5/4 PLS5094", shown and delineated as a FD. WELL MON. #5094 on that certain RECORD OF SURVEY FOR JOHN W. BANKS AND MARJORIE N. BANKS filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W, along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said RECORD OF SURVEY), to the 1/4 corner common to Sections 4 and 5, being a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FD. R/AC on said RECORD OF SURVEY; thence

N. 67°45'05" E. a distance of 3,130.55 feet to the POINT OF BEGINNING; said point of beginning being on the left or northwesterly right-of-way line of IR-15, 321.18 feet left of and at right angles to Highway Engineer's Station "Le" 782+65.63 P.O.T; thence along said northwesterly right-of-way line the following three (3) courses and distances:

1. N. 25°10'11" E. – 79.27 feet;
2. N. 2°26'05" E. – 93.39 feet;
3. N. 89°35'26" E. – 156.82 feet, the first 28.29 feet being along said northwesterly right-of-way line;

thence S. 49°47'12" W. a distance of 109.76 feet to a non-tangent curve; thence from a tangent which bears S. 49°47'38" W., curving to the left with a radius of 536.00 feet, through an angle of 13°54'15", an arc distance of 130.07 feet; thence S. 89°35'24" W. a distance of 22.45 feet to the point of beginning; said parcel contains an area of 12,137 square feet.

PARCEL NO. I-015-CL-041.410TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy

COMMENCING at the section corner common to Sections 32, 4 and 5, a FOUND 2" BRASS CAP IN MONUMENT WELL STAMPED "32 5|4 PLS5094" shown and delineated as a FOUND WELL MON. #5094 on that certain Record of Survey for John W. Banks & Marjorie N. Banks, filed for record on June 29, 1995, in Book 950629, Instrument No. 01574, File 77, Page 35, in Official Records Clark County, Nevada; thence S. 0°55'21" W, along the west line of said Section 4, a distance of 2,662.39 feet (Record S. 0°11'11" W. – 2,662.33 feet per said Record of

Survey), to the 1/4 corner common to Sections 4 and 5, a FOUND 0.10' ALUM CAP FLUSH WITH OIL UNREADABLE, shown and delineated as a FOUND REBAR IN AC on said Record of Survey; thence N. 67°45'05" E. a distance of 3,130.55 feet to the POINT OF BEGINNING; said point of beginning being a point on the left or northwesterly right-of-way line of IR-15, 321.18 feet left of and at right angles to Highway Engineer's Station "Le" 782+65.63 P.O.T; thence along the following four (4) courses and distances:

1. S. 89°35'24" W. – 11.09 feet;
2. N. 25°10'11" E. – 82.04 feet;
3. N. 2°26'05" E. – 90.88 feet;
4. N. 89°35'26" E. - 10.01 feet to said northwesterly right-of-way line;

thence S. 2°26'05" W., along said right-of-way line, a distance of 93.39 feet; thence S. 25°10'11" W., along said right-of-way line, a distance of 79.27 feet to the point of beginning; said parcel contains an area of 1,728 square feet (0.04 acres).

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

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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 September, 2015.

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

Secretary to the Board
William H. Hoffman

Chairman – Brian Sandoval
Governor

APPROVED AS TO LEGALITY
AND FORM

Dennis Gallagher, Chief Counsel
Department of Transportation

STATE	LA NO	PROJECT NO	COUNTY	SHEET NO
NEVADA	73652	NH-STP-015-10147	CLATSOP	01

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY PROJECT

FOUND MONUMENTS

- | | |
|-------------|--------------|
| 1 26505.0L | 11 44701.0L |
| 2 26505.2L | 12 76103.2L |
| 3 420200.1L | 13 76104.6L |
| 4 43801.1L | 14 118200.8L |
| 5 43802.6L | 15 118201.0L |
| 6 43802.7L | 16 118202.3L |
| 7 43802.8L | 17 118202.6L |
| 8 43803.0L | 18 44701.1L |
| 9 43804.5L | 19 118202.9L |
| 10 44700.7L | 20 118202.7L |

SEE SHEET 32 FOR MONUMENT DESCRIPTIONS

"Le" C
A = 35° 37' 35"
R = 1,800.00'
L = 1,116.09'

"Le" C
A = 56° 25' 55"
P = 9,800.00'
L = 6,697.45'



SAHARA AVENUE INTERCHANGE

DISCOVERY DRIVE GRADE SEPARATION

ALTA DRIVE GRADE SEPARATION

PROJECT LOCATION

NH-STP-015-10147

END ACQUISITION

BEGIN ACQUISITION

DOWNTOWN EXPRESSWAY INTERCHANGE

CHARLESTON BLVD. INTERCHANGE

OAKLEY BLVD. GRADE SEPARATION

CITY OF LAS VEGAS

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

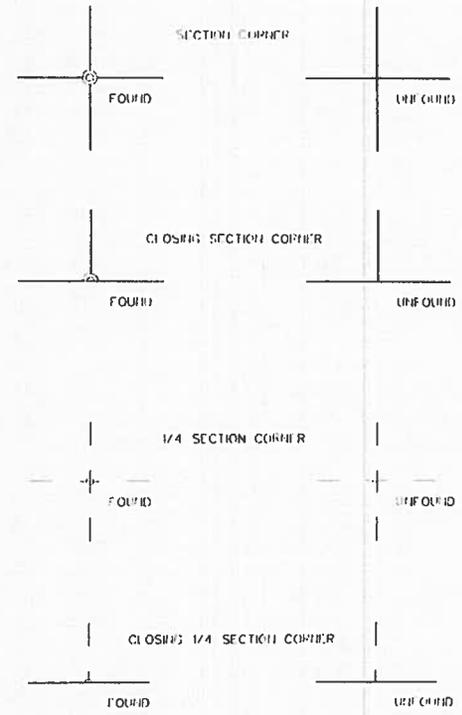
DATE: APR. 24 2011
115 DESERT INN
NEON PACKAGE 1
COVER SHEET

NEVADA DOT	R/W DIVISION	
	TRACED	DBP - JMD MRW - TIG MFC
	CHECKED	JMR
PHONE: (775) 888-1470		SCALE: 1"=100'

LEGEND OF RIGHT-OF-WAY SYMBOLS

C/A	CONTROL OF ACCESS
℄	CENTERLINE
C/P	PERMISSION TO CONSTRUCT
Δ	DELTA
L	ARC LENGTH
LT	LEFT
P.C	POINT OF CURVE
P.C.C	POINT OF COMPOUND CURVATURE
PE	PERMANENT EASEMENT
P/L	PROPERTY LINE
P.O.B.	POINT OF BEGINNING
P.O.C	POINT OF CURVE
P.O.E	POINT OF ENDING
P.O.T	POINT ON TANGENT
P.R.C	POINT OF REVERSE CURVATURE
P.T	POINT OF TANGENCY
R	RADIUS
REM.	REMAINDER
RI	RIGHT
R/W	RIGHT-OF-WAY
TE	TEMPORARY EASEMENT
△	SUBDIVISION BLOCK

	CONTROL OF ACCESS WITH FENCE OR BARRIER
	CONTROL OF ACCESS WITHOUT A FENCE OR BARRIER
	LOCATION AT WHICH ACCESS TO THE FREEWAY IS PERMITTED BY THE STATE
	SUBDIVISION BOUNDARY
	PRESERVATION OR PARK BOUNDARY
	STATE LINE
	COUNTY LINE
	CITY OR TOWN LIMITS
	SECTION LINE
	1/4 SECTION LINE
	1/16 SECTION LINE
	1/32 SECTION LINE
	FENCE LINE

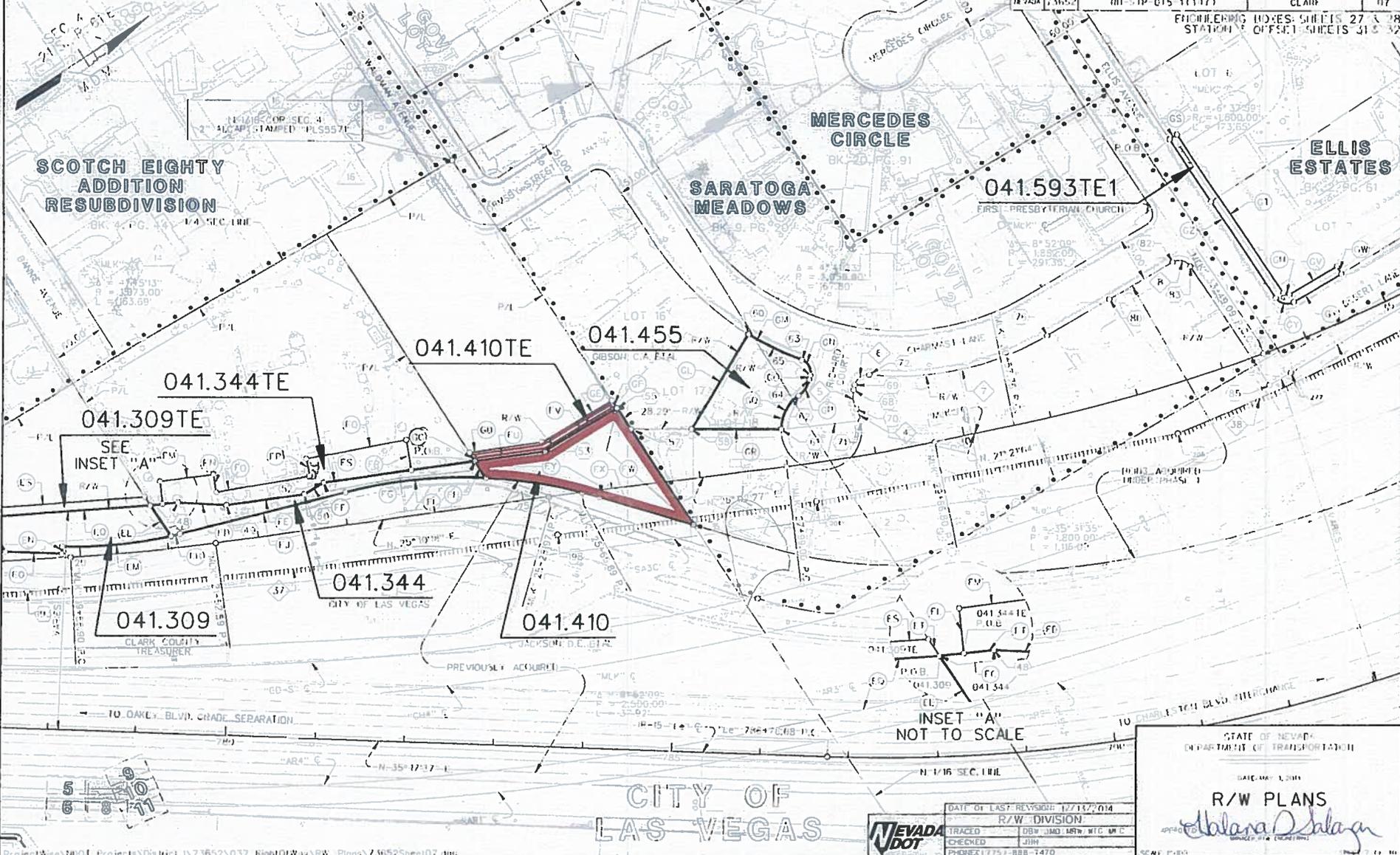


STATE OF NEVADA
 DEPARTMENT OF TRANSPORTATION
 MAY 1, 2014
R/W PLANS

PARCEL NUMBER PREFIX: I-015-CL-

STATE	F.A. NO.	PROJECT NO.	DATE	SHEET
NEVADA	73652	III-STP-015-1(117)	CLAIR	117

ENGINEERING NOTES: SHEETS 27 & 28
STATION & OFFSET - SHEETS 31 & 32



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DATE: MAY 1, 2014

R/W PLANS

Blana D. Shagan
Blana D. Shagan
REGISTERED PROFESSIONAL ENGINEER

SCALE: P.L.O.

DATE OF LAST REVISION:	12/16/2014
BY:	R/W DIVISION
TRACED:	DBJ, JMD, ARW, WTC, MTC
CHECKED:	JHM
PHONE:	775-888-7470

041.275TE	
P.O.B. = 230.73' LT "Lc" 776+85.74 P.O.T. THE N 72° 39' 18" E - 2,627.69' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
RC	N 2° 27' 06" E - 19.05'
RD	N 32° 33' 37" E - 127.35'
RE	N 89° 35' 49" E - 11.92'
RF	S 32° 33' 37" W - 151.08'

041.309	
P.O.B. = 258.13' LT "Lc" 779+05.04 P.O.T. THE N 72° 40' 55" E - 2,870.74' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
RI	N 89° 35' 43" E - 41.68'
RII	A = 15° 12' 10"
RII	R = 464.95' L = 123.39'
RII	T.B. = S. 30° 04' 17" W.
RII	S. 54° 42' 17" E - 8.00'
RII	S. 35° 17' 37" W - 63.49'
RII	S. 89° 35' 49" W - 41.74'
RII	N. 29° 10' 28" E - 189.47'

041.309TE	
P.O.B. = 258.13' LT "Lc" 779+05.04 P.O.T. THE N 72° 40' 55" E - 2,870.74' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
RI	S. 29° 10' 28" W - 189.47'
RII	S. 89° 35' 49" W - 11.50'
RII	N. 29° 10' 28" E - 189.47'
RII	N. 89° 35' 43" E - 11.50'

041.324	
P.O.B. = 213.52' RT "Lc" 783+97.25 P.O.T. THE N 57° 48' 25" W - 2,030.34' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
RA	A = 3° 27' 49"
RA	R = 3,644.00' L = 220.28'
RA	T.B. = S. 31° 07' 05" W
RB	S. 34° 34' 54" W - 247.91'
RC	A = 1° 22' 54"
RC	R = 3,433.00' L = 82.79'
RD	S. 89° 36' 01" W - 93.60'
RE	N. 35° 17' 37" E - 416.48'
RF	N. 89° 55' 25" E - 27.11'
RG	N. 2° 01' 07" E - 41.34'
RH	N. 45° 17' 37" E - 169.85'
RI	S. 28° 13' 18" E - 70.97'

041.324PE	
P.O.B. = 213.52' RT "Lc" 783+97.25 P.O.T. THE N 57° 48' 25" W - 2,030.34' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
RU	S. 28° 13' 18" E - 17.42'
RV	A = 3° 19' 28"
RV	R = 3,659.00' L = 212.30'
RV	T.B. = S. 31° 15' 25" W
RW	S. 34° 34' 54" W - 247.92'
RX	A = 1° 11' 53"
RX	R = 3,448.00' L = 72.10'
RX	T.B. = N. 35° 46' 45" E
RY	S. 89° 36' 01" W - 18.61'
RZ	A = 1° 22' 54"
RZ	R = 3,433.00' L = 82.79'
RZ	T.B. = N. 35° 57' 49" E
SA	N. 34° 34' 54" E - 247.11'
SB	A = 3° 27' 49"
SB	R = 3,644.00' L = 220.28'

041.324TE	
P.O.B. = 229.11' RT "Lc" 783+89.48 P.O.T. THE N 58° 03' 05" W - 2,015.21' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
SC	S. 28° 13' 18" E - 11.60'
SD	A = 0° 50' 37"
SD	R = 3,669.00' L = 63.63'
SD	T.B. = S. 31° 20' 57" W
SE	N. 54° 42' 23" W - 8.02'
SF	A = 0° 10' 27"
SF	R = 3,660.99' L = 11.13'
SF	T.B. = S. 32° 20' 11" W
SG	S. 27° 46' 56" W - 87.89'
SH	S. 34° 34' 54" W - 161.95'
SI	S. 34° 34' 54" W - 140.99'
SJ	A = 1° 04' 38"
SJ	R = 3,458.00' L = 65.01'
SK	S. 89° 36' 01" W - 12.38'
SL	A = 1° 11' 53"
SL	R = 3,448.00' L = 72.10'
SL	T.B. = N. 35° 46' 45" E
SM	N. 34° 34' 54" E - 247.92'
SN	A = 3° 19' 28"
SN	R = 3,659.00' L = 212.30'

041.344	
P.O.B. = 218.13' LT "Lc" 779+05.04 P.O.T. THE N 72° 40' 55" E - 2,870.74' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
TC	N. 26° 59' 28" E - 30.74'
TD	N. 36° 13' 07" E - 53.90'
TE	N. 25° 10' 32" E - 87.49'
TF	N. 1° 53' 09" E - 25.10'
TG	N. 25° 10' 11" E - 171.72'
TH	N. 89° 35' 24" E - 22.45'
TI	A = 17° 05' 47"
TI	R = 536.00' L = 159.94'
TI	T.B. = S. 35° 53' 22" W
TJ	S. 18° 47' 37" W - 189.53'
TK	A = 1° 15' 30"
TK	R = 464.95' L = 10.23'
TK	T.B. = S. 18° 48' 38" W
TL	S. 89° 35' 33" W - 41.69'

041.344TE	
P.O.B. = 260.10' LT "Lc" 779+18.54 P.O.T. THE N 72° 29' 16" E - 2,880.29' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
UL	N. 63° 16' 00" W - 25.85'
UM	N. 25° 50' 27" E - 59.49'
UN	S. 65° 02' 59" E - 19.99'
UO	N. 23° 21' 44" E - 105.29'
UP	N. 68° 14' 25" W - 19.91'
UQ	N. 22° 50' 33" E - 114.47'
UR	S. 66° 43' 37" E - 53.90'
US	S. 25° 10' 11" W - 99.55'
UT	S. 1° 53' 10" W - 25.80'
UU	S. 25° 10' 32" W - 87.49'
UV	S. 36° 13' 07" W - 53.90'
UW	S. 26° 59' 28" W - 17.09'

041.410	
P.O.B. = 321.18' LT "Lc" 782+65.13 P.O.T. THE N 67° 45' 05" E - 3,130.55' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VU	N. 25° 10' 11" E - 79.27'
UV	N. 2° 26' 05" E - 93.39'
VV	N. 89° 35' 26" E - 156.82'
VW	S. 49° 47' 12" W - 109.76'
VX	A = 12° 54' 15"
VX	R = 536.00' L = 159.94'
VX	T.B. = S. 49° 47' 38" W
VY	S. 89° 35' 24" W - 22.45'

041.410TE	
P.O.B. = 321.18' LT "Lc" 782+65.13 P.O.T. THE N 67° 45' 05" E - 3,130.55' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VZ	S. 89° 35' 24" W - 11.09'
WA	N. 25° 10' 11" E - 82.04'
WB	N. 2° 26' 05" E - 90.88'
WC	N. 89° 35' 26" E - 10.01'
WD	S. 2° 26' 05" W - 93.39'
WE	S. 25° 10' 11" W - 79.27'

041.420	
P.O.B. = 213.52' RT "Lc" 783+97.25 P.O.T. THE N 57° 48' 25" W - 2,030.34' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
ZN	N. 28° 13' 18" W - 70.97'
ZO	N. 35° 17' 37" E - 25.56'
ZP	S. 89° 04' 32" E - 67.03'
ZQ	A = 1° 30' 00"
ZQ	R = 3,644.00' L = 95.40'
ZQ	T.B. = S. 29° 37' 04" W

041.420PE	
P.O.B. = 213.52' RT "Lc" 783+97.25 P.O.T. THE N 57° 48' 25" W - 2,030.34' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
ZR	A = 1° 30' 00"
ZR	R = 3,644.00' L = 95.40'
ZR	T.B. = N. 31° 07' 38" E
ZS	S. 89° 04' 32" E - 17.69'
ZT	A = 1° 41' 04"
ZT	R = 3,659.00' L = 112.89'
ZT	T.B. = S. 29° 23' 22" W
ZU	N. 28° 13' 18" W - 17.42'

041.420TE	
P.O.B. = 229.11' RT "Lc" 783+89.48 P.O.T. THE N 58° 03' 05" W - 2,015.21' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VA	A = 1° 40' 04"
VA	R = 3,659.00' L = 112.89'
VA	T.B. = N. 31° 15' 25" E
VB	S. 89° 04' 32" E - 11.38'
VC	A = 1° 50' 41"
VC	R = 3,669.00' L = 124.53'
VC	T.B. = S. 29° 24' 16" W
VD	N. 28° 13' 18" W - 11.09'

NEVADA DOT
DATE OF LAST REVISION: 1/8/2015
R/W DIVISION
TRACED DBW JMD BRW WIG MFC
CHECKED JHM
PHONE: (775) 888-7470

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
DATE MAY 1, 2014
R/W PLANS
APPROVED: *Blana Salazar*
WORKSHEET NUMBER: _____
SHEET 27 OF 40

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET
UNLESS OTHERWISE NOTED

STATE OF NEVADA DEPT. OF TRANSPORTATION

NH-STP-015-1(147)

73652

CLARK

36

PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	PREV. ACQ.	NET AREA	R/W AREA	REMAINDER		ACQUISITION RECORDING DATA			SURPLUS LAND DATA			REMARKS
						LT.	RT.	INST. OR DOC.	BK PG.	DATE TYPE	AREA	INST. OR DOC.	BK PG.	
041.190	THE SOUTHLAND CORP	9,526		9,526	9,526		62,119							
041.190PE	THE SOUTHLAND CORP	2,999		2,999										Maintenance Easement
041.190TE	THE SOUTHLAND CORP	1,907		1,907										Temporary Construction Easement
041.202	CITY OF LAS VEGAS	11,915		11,915	11,915									
041.236	MVR CORP	38,205		38,205	38,205		54,000							
041.236PE	MVR CORP	5,716		5,716										Maintenance Easement
041.236TE	MVR CORP	48,284		48,284										Temporary Construction Easement
041.247	CLARK COUNTY TREASURER	5,267		5,267	5,267	34,683								
041.247TE	CLARK COUNTY TREASURER	1,886		1,886										Temporary Construction Easement
041.256	MVR CORP	3,448		3,448	3,448									To be Deeded to the City
041.271	MARLON FAMILY TRUST	116		116	116									Total Acquisition
041.275	CLARK COUNTY TREASURER	6,319		6,319	6,319	4,810								
041.275TE	CLARK COUNTY TREASURER	1,392		1,392										Temporary Construction Easement
041.309	CLARK COUNTY TREASURER	7,904		7,904	7,904	19,531								
041.309TE	CLARK COUNTY TREASURER	1,895		1,895										Temporary Construction Easement
041.324	GRANT PROPERTIES LV LLC	42,522		42,522	42,522		65,073							
041.324PE	GRANT PROPERTIES LV LLC	8,126		8,126										Maintenance Easement
041.324TE	GRANT PROPERTIES LV LLC	4,823		4,823										Parcel Deleted Per Memo Dated 5/08/15
041.344	CITY OF LAS VEGAS	6,130		6,130	6,130	78,118								
041.344TE	CITY OF LAS VEGAS	7,232		7,232										Temporary Construction Easement
041.410	JACKSON, D.E. ET AL	12,137		12,137	12,137									Parcel Revised to Include 041.418 from Phase 1
041.410TE	JACKSON, D.E. ET AL	1,728		1,728										Temporary Construction Easement
041.420	GRANT A.G. & J.M. TRUSTEES	3,616		3,616	3,616		27,699							

STATE OF NEVADA

DEPT. OF TRANSPORTATION R/W DIVISION

DATE: MAY 1, 2014

R/W PLANS

SHEET 36 OF 40 SHEETS

DATE OF LAST REVISION: 5/26/15

NRS 408.503 Eminent domain: Resolution by Board; precedence over other legal actions.

1. The Department shall not commence any legal action in eminent domain until the Board adopts a resolution declaring that the public interest and necessity require the acquisition, construction, reconstruction, improvement or completion by the State, acting through the Department, of the highway improvement for which the real property, interests therein or improvements thereon are required, and that the real property, interests therein or improvements thereon described in the resolution are necessary for such improvement.

2. The resolution of the Board is conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property, interests therein or improvements thereon are necessary therefor.

(c) That such proposed public improvement is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

3. All legal actions in all courts brought under the provisions of this chapter to enforce the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon must be quickly heard and determined.

(Added to NRS by 1957, 691; A 1960, 392; 1987, 1810; 1989, 1306)

ATTACHMENT 3

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.

1. Except as otherwise provided in subsection 3:
 - (a) A public body shall not consider at a meeting whether to:
 - (1) Take administrative action against a person; or
 - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,
 - ⇒ unless the public body has given written notice to that person of the time and place of the meeting.
 - (b) The written notice required pursuant to paragraph (a) must be:
 - (1) Delivered personally to that person at least 5 working days before the meeting; or
 - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
 - ⇒ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
 2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
 3. The written notice otherwise required pursuant to this section is not required if:
 - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
 - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)

ATTACHMENT 4



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

MEMORANDUM

August 27, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: September 14, 2015 Transportation Board of Directors Meeting
Item #10: Action Item: Disposal of a portion of NDOT right-of-way located at the West Wendover Welcome Center Former US-93A (Wendover Blvd.), City of West Wendover, Elko County, Nevada

SUR 15-05 – For Board Approval

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above-referenced right-of-way by Resolution of Relinquishment. The right-of-way parcel to be relinquished is a portion of NDOT right-of-way located at the West Wendover Welcome Center Former US-93A (Wendover Blvd.), City of West Wendover, Elko County, Nevada. The parcel is currently improved with a 2,565 sq. ft. building, with landscape and parking consisting of approximately 2.91 acres (126,760 sq. ft.) as depicted on the attached sketch map labeled Exhibit "A".

Background:

On August 10, 1948, the Department acquired the property as an easement deed from the Bureau of Land Management for highway purposes.

On June 7, 1988, the Department entered into the Wendover Welcome Station Cooperative Agreement with the Unincorporated Town of West Wendover to jointly participate in the construction of a welcome station building with a parking area and landscaping (Agreement No. NM389-87-010). This joint venture was to be a mutual benefit to promote tourism development for the Town of West Wendover as an Eastern Nevada gateway Welcome Center for Interstate 80 as well as to the Department and the traveling public in general. This agreement was amended on March 26, 1990 to include revisions to better define joint operational responsibilities.

Subsequently on February 3, 2011, the Department entered into a subsequent Cooperative Agreement with the City of West Wendover to provide for the operation of the Welcome Center at West Wendover Boulevard (Agreement No. P055-11-301). Two amendments to this agreement were executed to include termination date extensions and to adjust the Department's reimbursable maintenance costs cap.

Associated operational costs to the Department for its portion of the cooperative agreement total approximately \$24,000.00/year. The costs include maintaining the exterior of

Rudy Malfabon, P.E., Director
August 27, 2015

the building; major repairs such as roofing, structural, sewer lines, water lines, and electrical; HVAC; restroom maintenance, supplies and cleaning costs; the costs exclude snow removal; pavement maintenance and striping, etc., as such costs are performed on an as needed basis. Department personnel travel approximately 3 to 4 hours between Elko and West Wendover and back to make the necessary repairs and perform maintenance needed at the facility.

The City of West Wendover consented by resolution passed and adopted on May 19, 2015, to the Department's relinquishment of a portion of NDOT right-of-way located at the West Wendover Welcome Center Former US-93A (Wendover Blvd.), City of West Wendover, Elko County, Nevada. This transfer will benefit the Department with the elimination of all liability and future maintenance expenditures and responsibilities.

At the Transportation Board's request, on August 19, 2015 a Restricted Use Appraisal Report was prepared in order to provide the estimated value of the building. This value was estimated to be \$290,000.00.

Analysis:

On March 31, 2015, the Surplus Committee determined the easement interest is no longer required for highway purposes. The release of NDOT's interest in this parcel is being made in accordance with NRS 408.527. The Department currently holds an easement interest in this parcel.

Recommendation for Board Action:

Approval of disposal of NDOT right-of-way for a portion of NDOT right-of-way located at the at the West Wendover Welcome Center Former US-93A (Wendover Blvd.), City of West Wendover, Elko County, Nevada.

List of Attachments:

1. Location Map
2. Original Resolution of Relinquishment with attached sketch maps depicted as Exhibit "A"
3. Executed Copy of Resolution Consenting to Relinquishment and Land Transfer Agreement with attached location map depicted as Exhibit "A".
4. Environmental Approval
5. NRS 408.527
6. Two Cooperative Agreements with Amendments
7. Site Photo
8. City of West Wendover Historical Briefing

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



pas/dtc/jl

LOCATION MAP



SUR 15-05
DESCRIPTION: West Wendover Welcome Center
Former US-93A (Wendover Blvd.),
City of West Wendover, Elko County, Nevada



301

Ptn. of : BLM Application No. CC 023497
Control Section: EL-11
Project: F.I.-90

Former Route: US-93A
Surplus No.: SUR 15-05
Surplus Parcel: U-93A-EL-053.109 XS1

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

LEGAL DESCRIPTION PREPARED BY:

ANTHONY J. WHITTINGTON
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
1263 S. STEWART ST.
CARSON CITY, NV 89712

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

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, presently holds an easement interest in that certain right-of-way for a portion of former US-93A (Wendover Blvd.), extending from the easterly right-of-way line of said former US-93A, to the westerly right-of-way line of said former US-93A a distance of 0.14 of a mile; and

WHEREAS, said right-of-way is delineated and identified as Parcel U-93A-EL-053.109 XS1 on EXHIBIT "A" attached hereto and made a part hereof; and

WHEREAS, as set forth in NRS 408.527, the Nevada Department of Transportation may, by resolution of the board, relinquish to cities and counties any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs; and

ATTACHMENT 2

WHEREAS, said right-of-way is of no further contemplated use by the Department due to that portion of former US-93A (Wendover Blvd.), being in excess of its needs; and

WHEREAS, the City of West Wendover has requested the relinquishment of aforesaid portion of former US-93A (Wendover Blvd.) for the purpose of a public facility; and

WHEREAS, the City of West Wendover has agreed to accept the relinquishment of said right-of-way for the aforesaid portion of former US-93A (Wendover Blvd.) together with any and all revocable leases and licenses entered into between the Department and the adjoining owners for the multiple use of the right-of-way; and

WHEREAS, the City of West Wendover entered into an agreement with the Department on June 8, 2015, to accept the hereinafter described portion of former US-93A (Wendover Blvd.), as a part of the City of West Wendover's Public Facilities; and

WHEREAS, the City Council of the City of West Wendover, State of Nevada, consented by resolution passed and adopted on May 19, 2015, to the Department relinquishing the aforesaid portion of said former US-93A (Wendover Blvd.) to the City of West Wendover; and

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

THEREFORE, it is hereby determined by the Board of Directors of the Nevada Department of Transportation, State of Nevada, that the following described right-of-way and incidents thereto, being all that land, delineated and identified as Parcel U-93A-EL-053.109 XS1 on EXHIBIT "A" attached hereto and made a part hereof, is hereby relinquished to the City of West Wendover of the State of Nevada. Said right-of-way is described as follows: situate, lying and being in the City of West Wendover, County of Elko, State of Nevada, and more

particularly described as being a portion of Government Lots 4 and 13 of Section 15, and Government Lot 1 and the NE 1/4 of the NE 1/4 of Section 16, all in T. 33 N., R. 70 E., M.D.M., and more fully described by metes and bounds as follows:

COMMENCING at a .76M GLO BRASS CAP, accepted as the northeast corner of said section 16, shown and delineated as a "FOUND BRASS CAP MONUMENT" on that certain Record of Survey No. 2802 titled Boundary And Topographic Survey - WEST RECREATION PARCEL WEST WENDOVER RECREATION DISTRICT, filed for record on August 7, 2008, as Document No. 601176, Official Records, Elko County, Nevada; thence S. 5°01'32" E. a distance of 1,503.67 feet to the POINT OF BEGINNING; said point of beginning being on the westerly right-of-way line of US-93A, 100 feet left of Highway Engineer's Station "C2" 977+98.70 P.O.T., and further described as being the southeast corner of said parcel; thence along the southerly right-of-way line of former US-93A (Wendover Blvd.) N. 78°06'35" W. a distance of 736.90 feet; thence the following four (4) courses and distances;

- 1) N. 11°53'25" E. – 147.50 feet;
- 2) from a tangent which bears the last described course, curving to the right with a radius of 24.50 feet, through an angle of 90°00'00", an arc distance of 38.48 feet;
- 3) S. 78°06'35" E. – 712.40 feet;
- 4) S. 11°53'25" W. – 172.00 feet to said point of beginning; said parcel contains an area of 2.91 acres.

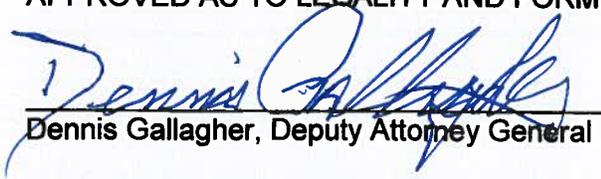
The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, East Zone as determined by the State of Nevada, Department of Transportation.

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

DATED this 10th day of August, 2015.

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

APPROVED AS TO LEGALITY AND FORM:


Dennis Gallagher, Deputy Attorney General

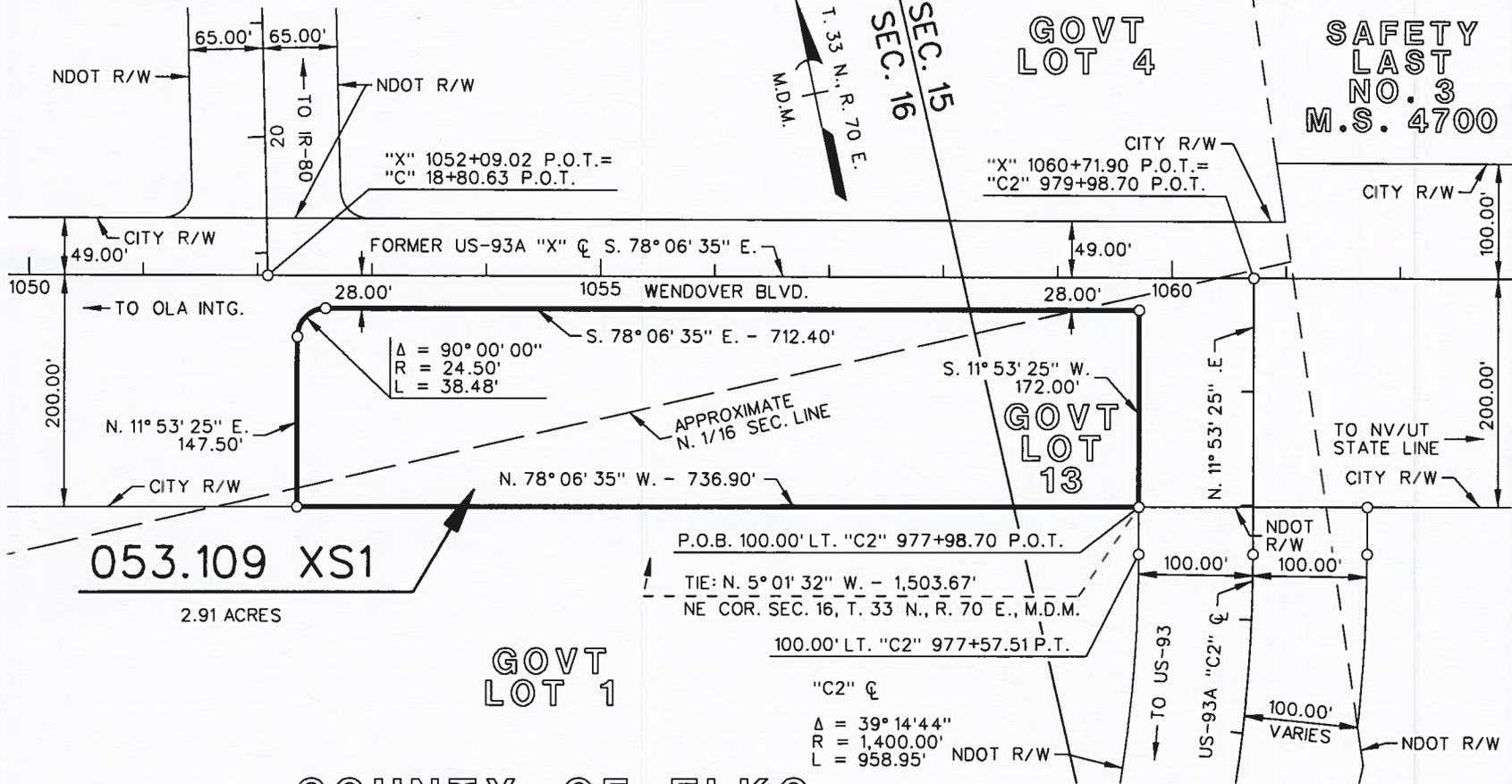
Brian Sandoval, Chairman

ATTEST:


William H. Hoffman, Secretary to the Board

PARCEL NO. PREFIX: U-93A-EL-

BLM APPLICATION No. CC023497
PROJECT: F.I.-90



053.109 XS1

2.91 ACRES

GOVT LOT 1

COUNTY OF ELKO
CITY OF WEST
WENDOVER

EXHIBIT "A"

MAP ID NO. 56181
\\SURPLUS\SUR 15-05\SUR 15-05.DGN



TRACED	SCT
CHECKED	CJH
DATE OF LAST REVISION:	

SUR 15-05 STATE OF NEVADA EL-11
DEPARTMENT OF TRANSPORTATION

DATE: JULY 27, 2015

SKETCH MAP

APPROVED: *[Signature]*
MANAGER, R/W ENGINEERING

SCALE 1"=150'

SHEET 1 OF 1

Control Section: EL-011
Route: Off System
Former Route: US-93A
Surplus No.: SUR 15-05
Project: F.I.-90
Portion of: BLM Application No.
CC 023497
Parcel: U-93A-EL-053.109 XS1

RESOLUTION CONSENTING TO RELINQUISHMENT
AND LAND TRANSFER AGREEMENT

WHEREAS, the State of Nevada, Department of Transportation, hereinafter called the Department, desires to relinquish a portion of former US-93A (Wendover Blvd.), being a parcel of land known as the West Wendover Welcome Center, lying within the City of West Wendover, State of Nevada, extending from the easterly right-of-way line of said former US-93A to the westerly right-of-way line of said former US-93A, a distance of approximately 0.14 of a mile, said portion of former US-93A is identified as Parcel U-93A-EL-053.109 XS1 on EXHIBIT "A" attached hereto and made a part hereof; and

WHEREAS, the City Council of the City of West Wendover, State of Nevada, desires that the aforesaid portion of said highway be relinquished to the City of West Wendover; and

WHEREAS, the City of West Wendover has requested the relinquishment of aforesaid portion of former US-93A for public purposes; and

WHEREAS, the City of West Wendover has agreed to accept the relinquishment of said portion of former US-93A.

NOW THEREFORE be it resolved that the City Council of the City of West Wendover, does in consideration of the actions of the Department as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the City of West Wendover, that portion of former US-93A (Wendover Blvd.), being a parcel of land known as the West Wendover Welcome Center, lying within the City of West Wendover, State of Nevada, extending from the easterly right-of-way line of said former US-93A to the westerly right-of-way line of said former US-93A, a distance of approximately 0.14 of a mile, being all that portion of said former US-93A delineated and identified as Parcel U-93A-EL-053.109 XS1 on EXHIBIT "A" attached hereto and made a part hereof.

ATTACHMENT 3

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

[USE FOR "CITY" USE ONLY]

IN WITNESS WHEREOF the parties hereto have executed this agreement dated this 8th day of June, 2015.

ATTEST:

CITY COUNCIL

[Signature]

, City Clerk

Emily Carter

, Mayor

REVIEWED AND RECOMMENDED BY:

APPROVED AS TO LEGALITY AND FORM:

[Signature]

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

[Signature]

, Chief Deputy Attorney General
Chief Counsel, Department of Transportation

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STATE OF NEVADA acting by and through its Department of Transportation

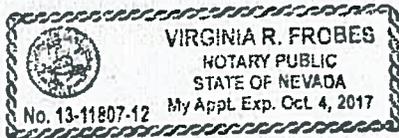
[Signature]

, Director

STATE OF NEVADA
CARSON CITY

On this 17th day of June, 2015, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, Rudy Malfabon personally known (or proved) to me to be the _____ Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he/she affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

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

[Signature]

LOCATION MAP



SUR 15-05

**DESCRIPTION: West Wendover Welcome Center
Former US-93A (Wendover Blvd.),
City of West Wendover, Elko County, Nevada**



EXHIBIT "A"



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

MEMORANDUM

Environmental Services Division

April 15, 2015

To: Diana Callahan, Staff Specialist, Acquisitions, Right-of-Way

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

Subject: Environmental Clearance for Transportation Board
Surplus No.: SUR 15-05
Project No.: IR-080-5(26)409
EA: 71297
Parcel: U-93A-EL-053.109 XS1, West Wendover Welcome Center
Surplus Property Disposal *fa*

The Environmental Services Division reviewed the requested action and found it clear of any documented environmental concern. The Categorical Exclusion for disposal was approved by the Federal Highway Administration on April 15, 2015.

EC: R. Borrelli, Surplus Property Committee, Chair
M. Orci, Asst Chief Right-of-Way Agent
H. Salazar, Surplus Property Committee, Vice-Chair
Project E-File

ATTACHMENT 4

NRS 408.527 Procedure for relinquishment of roadways; regulations.

1. Whenever the Department and the county or city concerned have entered into a written agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city:

(a) Any portion of any state highway which has been deleted from the state highway system by legislative enactment; or

(b) Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. Whenever the county or city concerned and the Department have entered into a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.

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

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

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

6. If the Board relinquishes property pursuant to subsection 5, and the purpose for which the property was relinquished is abandoned or ceases to exist, then, absent an agreement or a provision of law to the contrary, and regardless of the interest of the Department in the property before it was relinquished, all right, title and interest in the property shall vest in the county, city or Division without reversion to the Department.

7. The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.

8. A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.

9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.

10. The Department, in cooperation with local governments, shall adopt regulations governing procedural documents that address the process by which highways and roads are relinquished.

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

(Added to NRS by 1960, 68; A 1983, 338; 1987, 1102, 1812; 1989, 1308; 1991, 1173; 2013, 1844)

ATTACHMENT 5

WENDOVER WELCOME STATION
COOPERATIVE AGREEMENT

NM 389-87-010
71297
IA-080-5(24)409

THIS AGREEMENT, made and entered into by and between THE STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "STATE" and the UNINCORPORATED TOWN OF WEST WENDOVER, NEVADA, hereinafter referred to as "WEST WENDOVER."

W I T N E S S E T H:

WHEREAS, pursuant to the provisions of N.R.S. 277.180, STATE and WEST WENDOVER are authorized to enter into agreements for the performance of any governmental service which either STATE or WEST WENDOVER is authorized to perform and which includes, but is not limited to, jointly participating in the construction of parking areas, welcome station building, landscaping and beautification on 2.91 acres of land within the existing highway right-of-way on State Route 224 (Old U.S. 40) in the Town of West Wendover, County of Elko, State of Nevada;

WHEREAS, WEST WENDOVER desires STATE to construct a welcome center project on State Route 224 in the Town of West Wendover and WEST WENDOVER agrees to staff said center;

WHEREAS, said improvements are of great benefit to the citizens of WEST WENDOVER, STATE and to the traveling public in general; and

WHEREAS, WEST WENDOVER shall rely upon donated labor and funds from Wendover U.S.A., an association formed for non-profit purposes, to staff the Welcome Center.

NOW, THEREFORE, in consideration of the premises and of the covenants herein contained, the parties hereto agree as follows:

TERMS

1. WEST WENDOVER and STATE agree that the term of this Agreement shall begin upon the date first written above and shall continue for ten (10) years thereafter unless sooner terminated by either party as described hereinafter.
2. Should either party to this Agreement materially breach a covenant or condition, after notice and failure to correct as described herein, this Agreement may be terminated.
3. Upon a material breach by either party, notice of such breach may be given by the non-breaching party allowing the party who committed the breach thirty (30) days to correct the breach. Failure to correct the breach within

such period, in addition to any other remedies allowed in law or equity, shall give the non-breaching party the right to terminate this Agreement. Thereafter, if a termination notice is given by the non-breaching party, this agreement shall terminate in ninety (90) days from such notice.

4. All notices given herein shall be deemed given upon the date of receipt or such notice by either certified mail, return receipt or personal delivery.

5. Unless changed in writing, all notices shall be to the following addresses:

(a) STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION
1263 South Stewart Street
Carson City, Nevada 89712
Attention: Director

(b) BOARD OF ELKO COUNTY COMMISSIONERS
Elko County Courthouse
Elko, Nevada 89801
Attention: County Manager

STATE AGREES

1. To design the Wendover Welcome Station project and bear the costs thereof.
2. To prepare, advertise, award and administer any and all contracts necessary for construction of the project and bear the costs thereof.
3. To supervise and bear costs of engineering and construction of the project.
4. To maintain the paved areas, including sidewalks, for the Welcome Station.
5. To maintain the exterior of the Welcome Station.
6. To bring electrical power to the site.
7. To allow WEST WENDOVER to enter the STATE's right-of-way for the purpose of occupying a welcome station for the purposes herein specified.

WEST WENDOVER AGREES

1. To provide adequately trained personnel to staff the welcome center, unless otherwise mutually agreed in writing by the parties, for a minimum of eight (8) hours per day, five (5) days per week on a year-round basis.
2. To occupy and maintain in a neat and attractive manner the welcome center for the purpose of operating an advertising and promotion center in accordance with Federal and State law.
3. To refrain from advertising or other displays on the exterior building without the prior written approval of STATE.

4. To keep the interior of the building, landscape, irrigation, pruning, mulching, fertilizing, lighting, and weather protection in good order, normal wear and tear excepted, and to bear the maintenance costs thereof.
5. To assume all costs of power and water including meter service charges, use fees of any nature and all lighting.
6. To provide and install all necessary plant replacements after expiration of the plant establishment period allowed by the stated terms of the construction contract. The Elko County Engineer shall have the right to review and approve or reject all landscaping plans.
7. WEST WENDOVER shall indemnify and hold harmless STATE and its agents and employees for and against all liability arising from injury or damage on the premises to persons or property, occasioned wholly or in part by any negligent act or omission of WEST WENDOVER or its agents or employees.
8. To maintain, at its own expense, public liability insurance against liability for injury to persons and property on or about the Welcome Center premises. The limits of liability under such insurance shall not be less than one million dollars (\$1,000,000.00) for combined bodily injury and property damage. The policy shall name STATE as an additional insured against any liability to the public resulting from the use of or occurring in or about the Welcome Center premises. WEST WENDOVER shall furnish STATE with a certificate of insurance or with a certified copy of each policy of insurance obtained in compliance herewith.

IT IS MUTUALLY AGREED

1. The Welcome Station shall be owned by the STATE.
2. All work performed and materials furnished shall be in accordance with plans and specifications approved by the STATE and the Elko County Engineering Department and in accordance with County, State and Federal requirements applicable to the area of work.
3. The right is hereby expressly reserved to the STATE, its officers, agents, and employees to enter upon the said premises at any time and for any purpose necessary or convenient in connection with the operation of the Welcome Station.
4. Subject to prior review and approval of STATE, WEST WENDOVER may perform additional planting in the area.
5. The State of Nevada Tourist Information Sign Committee shall determine what State and local points of interest will be given space at the information center, and shall approve all informational and promotional displays.

6. It is mutually agreed that each of the parties will cooperate in every way possible in the successful operations of this project and that the STATE, at its expense, shall provide adequate identification signs approaching said information center.

7. Each party and counsel for each party have reviewed the Agreement and, accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of the Agreement.

8. In the event that one or more of the provisions, or portions thereof of the Agreement is determined to be illegal or unenforceable, the remainder of the Agreement shall not be affected thereby and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.

9. This Agreement shall constitute the entire contract between the parties hereto, and no modification shall be binding unless in writing and signed by the parties.

IN WITNESS WHEREOF, STATE and WEST WENDOVER have caused this Agreement to be executed by their duly authorized representatives.

DATED THIS 7th day of June, 1988.

STATE OF NEVADA,
By and Through its
Department of Transportation

UNINCORPORATED TOWN OF WEST
WENDOVER, NEVADA, ACTING BY AND
THROUGH THE BOARD OF ELKO COUNTY
COMMISSIONERS AS ITS GOVERNING
BODY

By: *Garth F. Dull*
GARTH F. DULL,
Director

Ernie Hall
ERNIE HALL,
Chairman

Approved as to Legality and Form:

Approved as to Legality and Form:

Norman Allen
NORMAN ALLEN,
Deputy Attorney General
Department of Transportation

Gary E. Di Grazia
GARY E. DI GRAZIA,
Attorney for the Unincorporated
Town of West Wendover, Nevada

Attest:

Attest:

Roger Laird
for: ROGER LAIRD, Administrative Officer

Karen Vasquez
KAREN VASQUEZ, County Clerk

PAID - 88
6-7-88

AMENDMENT NO. 1
TO
AGREEMENT NO. NM 389-87-010

THIS AMENDMENT made on this 26TH day of MARCH, by and between the STATE OF NEVADA acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "STATE" and the Unincorporated Town of West Wendover, Nevada, hereinafter referred to as "WEST WENDOVER".

WITNESSETH:

WHEREAS, the STATE wishes to amend certain conditions of the original agreement; and

WHEREAS, WEST WENDOVER has agreed to said amendments;

NOW, THEREFORE the STATE and WEST WENDOVER each agree to amend the original agreement as follows:

1. The article STATE AGREES is amended by adding paragraph 8 which will read: "To be responsible for major repairs (as roofing, structure, sewer lines, water lines, electric service, and fuel service) to the premises, and to keep in repair heating, air conditioning and major appliances.

2. The article STATE AGREES is amended by adding paragraph 9 which will read: Upon receipt of WEST WENDOVER'S billing, to reimburse WEST WENDOVER for costs associated with maintaining restroom facilities on a 7 day week, 24 hour per day basis."

3. Paragraph 4 of WEST WENDOVER AGREES is amended by striking the sentence "To keep the interior of the building, landscape, irrigation, pruning, mulching, fertilizing, lighting, and weather protection in good order, normal wear and tear excepted, and to bear the maintenance costs thereof" and substituting the sentence "To keep the interior of building in good order and to bear the maintenance cost thereof."

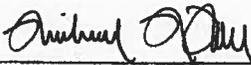
4. The article WEST WENDOVER AGREES is amended by adding paragraph 9 which will read: "9. To provide for and maintain restroom facilities in good order and in a presentable manner on a 7 day week, 24 hour per day basis, and further to provide STATE with billing for said costs on a monthly basis.

5. All the other provisions of Agreement No. NM389-87-010 shall remain in full force and effect as if set forth in full.

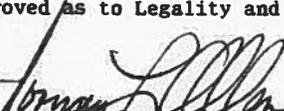
IN WITNESS WHEREOF, STATE and WEST WENDOVER have caused this AMENDMENT to be executed by their duly authorized representatives.

Dated this 26TH day of MARCH, 1990

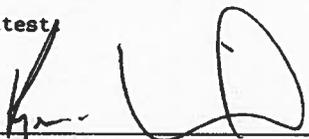
STATE OF NEVADA
By and Through its Department
of Transportation

By: 
Garth F. Dull, Director

Approved as to Legality and Form:


Deputy Attorney General
Department of Transportation

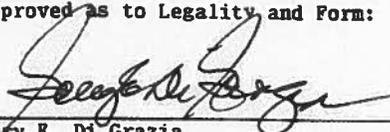
Attest:


Roger Laird, Administrative Officer

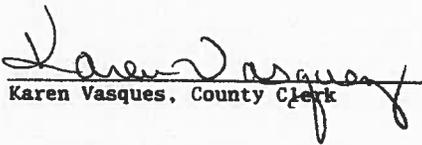
UNINCORPORATED TOWN OF WEST
WENDOVER, NEVADA, Acting by and
through its Board of Elko County
Commissioners as its Governing
Body


Ernie Hall, Chairman

Approved as to Legality and Form:


Gary E. Di Grazia
Attorney for Unincorporated Town
West Wendover, Nevada

Attest:


Karen Vasques, County Clerk

COOPERATIVE AGREEMENT

This Agreement is made and entered into this 3RD day of February, 2011, by and between the STATE OF NEVADA, acting by and through it's Department of Transportation, hereinafter called the DEPARTMENT, and the City of West Wendover, a municipal corporation of the State of Nevada, hereinafter called "WEST WENDOVER".

WITNESSETH:

WHEREAS, a Cooperative Agreement is defined as an agreement between two or more public agencies for the "joint exercise of powers, privileges and authority;" and

WHEREAS, pursuant to the provisions contained in Chapter 408 of the Nevada Revised Statutes, the Director of the DEPARTMENT may enter into agreements necessary to carry out the provisions of the Chapter; and

WHEREAS, NRS 277.110 authorizes any two or more public agencies to enter into agreements for joint or cooperative action; and

WHEREAS, the parties to this Agreement are public agencies and authorized to enter into agreement in accordance with NRS 277.080 to 277.110; and

WHEREAS, the purpose of this Agreement is to provide for the continued operation of the Welcome Center at West Wendover (specifically located at 735 West Wendover Boulevard), hereinafter called the PROJECT; and

WHEREAS, the operation of the Welcome Center at West Wendover is of benefit to the DEPARTMENT, and to the people of the City of West Wendover and the State of Nevada; and

WHEREAS, the parties hereto are willing and able to perform the services described herein;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

ARTICLE I – CITY OF WEST WENDOVER AGREES

1. To provide properly trained personnel to staff the Welcome Center, unless otherwise mutually agreed in writing by both parties, for a minimum of forty (40) hours per week on a year-round basis.
2. To occupy and maintain in a state of good, clean and sanitary order the interior of the Welcome Center except as otherwise provided herein for the purpose of operating an advertising and promotion center in accordance with federal and state law.
3. To refrain from placing advertising or other displays on the exterior of the building without prior written approval of the DEPARTMENT.
4. The leasing of space in the interior of the Welcome Center shall be done in compliance with the provisions of 23 CFR § 752.8 and all other applicable state and federal

laws and regulations. WEST WENDOVER will be responsible for all costs associated with said interior leasing. The DEPARTMENT may, without notice, require cessation of the leasing of interior space of the Welcome Center if it determines, in its sole discretion, that such an act violates state or federal law. Upon a request for cessation of said leasing activity from DEPARTMENT, WEST WENDOVER shall cause immediately, and without delay, the Wendover Area Chamber of Commerce and Tourism to cease the interior leasing activity.

5. To remove accumulated snow and ice on the sidewalks.
6. To assume costs associated with minor cleaning and filter replacement of heating, air conditioning and major appliances.
7. To assume all costs of power and water, including meter service charges, use fees of any nature, and lighting.
8. To provide, install and maintain all necessary plant replacements.
9. To be responsible for all weed control, maintenance of plant irrigation system, and litter control.
10. To initiate and perform vandalism repairs.
11. To immediately report vandalism to DEPARTMENT'S DISTRICT ENGINEER at the address set forth in Article III, paragraph 7.
12. To dispose of all accumulated garbage.
13. Subject to the DEPARTMENT'S duties stated in Article II, paragraph 4 and 5, to ensure that restroom facilities are maintained in a clean and sanitary condition and available to the public during hours of operations of the Welcome Center.
14. WEST WENDOVER shall invoice the DEPARTMENT on a monthly basis for all costs associated with this agreement under Article II, paragraph 5 and Article III, paragraph 12.

ARTICLE II - DEPARTMENT AGREES

1. To provide parking lot snow removal, to maintain paved areas including, striping at a minimum of once every two (2) years and to maintain the structural integrity of sidewalks, for the Welcome Center.
2. To maintain the exterior of the Welcome Center building.
3. To allow WEST WENDOVER to enter DEPARTMENT'S right-of-way for the purpose of occupying a Welcome Center to the extent herein specified.
4. To be responsible for major repairs (such as roofing, structural, sewer lines, water lines, electric and fuel service) to the premise, including the costs of vandalism repairs, and to keep in good repair such HVAC and other major appliances necessary for Welcome Center operation.
5. The State of Nevada Tourist Information Sign Committee shall determine what

state and local points of interest will be given space at the information center, and shall have the power to approve all informational and promotional displays, with the concurrence of the DEPARTMENT'S District III. Advertising must be limited to matters relating to and of interest to the traveling public.

6. The DEPARTMENT, at its expense, shall provide adequate identification signs approaching said information center.

7. To be responsible for restroom maintenance, supplies and cleaning costs. In this regard DEPARTMENT shall pay WEST WENDOVER up to 16 hours of work per week at a rate of Twenty Dollars and 74/100 (\$20.74) per hour for labor costs and pay WEST WENDOVER for normal supplies for cleaning and operation such as tissue paper, paper towels, soap, floor wax, cleansers, and garbage disposal.

8. The DEPARTMENT'S obligation to WEST WENDOVER under Article II, paragraph 7 shall be limited to Ninety One Thousand Dollars and 00/100 (\$91,000.00) over the next four (4) years. If the DEPARTMENT'S obligation exceeds this amount and the DEPARTMENT does not appropriate any additional sums to cover such liability, prior to February 7, 2015, it shall be considered a substantial breach of this agreement and may be cause for termination of the agreement.

ARTICLE III - IT IS MUTUALLY AGREED

1. The term of this Agreement shall be from the date first written above through and including the 7th day of February, 2015.

2. The DEPARTMENT shall own the Welcome Center.

3. The right is hereby expressly reserved to the DEPARTMENT through its officers, agents and employees to enter upon the premises at any time for any purpose necessary or convenient in connection with the operation of the Welcome Center.

4. Subject to prior review and written approval of DEPARTMENT, WEST WENDOVER may perform additional planting in the area.

5. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each party.

6. This Agreement may be terminated by either party prior to the date set forth above, provided that a termination shall not be effective until thirty (30) days after a party has served written notice upon the other party. This Agreement may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Agreement shall be terminated immediately if for any reason Federal and/or State Legislature funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

7. All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile or electronic mail with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below:

FOR DEPARTMENT:

Susan Martinovich, P.E., Director
Attn.: Kevin Lee District Engineer
Nevada Department of Transportation
District III Division
1263 South Stewart Street
Carson City, NV 89712
Phone: (775) 777-2700
Fax: (775-777-2705)
E-mail: klee@dot.state.nv.us

FOR City of West Wendover:

City Manager, Chris Melville
City of West Wendover, Nevada
P.O. Box 2825
West Wendover, Nevada 89883
Phone: (775) 664-3081
Fax: (775) 664-3720
E - mail: cmelville@westwendovercity.com

8. Neither party shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including without limitations, earthquakes, floods, winds or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Agreement after the intervening cause ceases.

9. To the fullest extent of NRS Chapter 41 liability limitations, each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs, caused by the negligence, errors, omissions, recklessness or intentional misconduct of its own officers, employees and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described herein. This indemnification obligation is conditioned upon the performance of the duty of the party seeking indemnification (indemnified party), to serve the other party (indemnifying party) with written notice of actual or pending claim, within thirty (30) days of the indemnified party's notice of actual or pending claim or cause of action. The indemnifying party shall not be liable for reimbursement of any attorney's fees and costs incurred by the indemnified party due to said party exercising its right to participate with legal counsel.

10. The parties do not waive and intend to assert available NRS Chapter 41 liability limitations in all cases. Agreement liability of both parties shall not be subject to punitive damages. Actual damages for any DEPARTMENT breach shall never exceed the amount of funds which have been appropriated for payment under this Agreement, but not yet paid, for the fiscal year budget in existence at the time of the breach.

11. Failure to declare a breach or the actual waiver of any particular breach of the Agreement or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

12. An alteration ordered by the DEPARTMENT which substantially changes the

services provided for by the expressed Intent of this Agreement will be considered extra work, and shall be specified in an Amendment which will set forth the nature and scope thereof. The method of payment for extra work shall be specified at the time the amendment is written.

13. This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the exclusive jurisdiction of the Nevada state district courts for enforcement of this Agreement.

14. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement and this Agreement shall be construed as if such provision did not exist. The unenforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

15. Except as otherwise expressly provided within this Agreement, all or any property presently owned by either party shall remain in such ownership upon termination of this Agreement, and there shall be no transfer of property between the parties during the course of this Agreement.

16. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement.

17. Each party agrees to keep and maintain under generally accepted accounting principles full, true and complete records and documents pertaining to this Agreement and present, at any reasonable time, such information for inspection, examination, review, audit and copying at any office where such records and documentation is maintained. Such records and documentation shall be maintained for three (3) years after final payment is made.

18. The parties are associated with each other only for the purposes and to the extent set forth in this Agreement. Each party is and shall be a public agency separate and distinct from the other party and shall have the right to supervise, manage, operate, control and direct performance of the details incident to its duties under this Agreement. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

19. In connection with the performance of work under this Agreement, the parties agree not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship. The parties further agree to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

20. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Agreement without the prior written consent of the other party.

21. The parties hereto represent and warrant that the person executing this

Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to engage in the cooperative action set forth herein.

22. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is confidential by law or a common law balancing of interests.

23. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required to be kept confidential by this Agreement.

24. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each party.

25. This Agreement constitutes the entire agreement of the parties and such is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Attorney General.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF WEST WENDOVER

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Emily Carter
Signature

Ludy Macgibbon
for Director

Emily Carter
Name (Print)

Approved as to Legality & Form:

Mayor Pro-tem
Title (Print)

[Signature]
Deputy Attorney General

Approved as to Form:

[Signature]
Attorney

1/22/11
Date

Amendment No. 1 to
Cooperative Agreement No. P055-11-301

This Amendment is made and entered into this 22nd day of January, 2015, between the State of Nevada, Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of West Wendover, PO Box 2825, West Wendover, NV 89883, hereinafter referred to as WEST WENDOVER.

WITNESSETH:

WHEREAS, on February 3, 2011, the Parties entered into Agreement No. P055-11-301 to provide for the operation of the Welcome Center at West Wendover (specifically located at 735 West Wendover Boulevard); hereafter called the PROJECT; and

WHEREAS, the amount to be paid to WEST WENDOVER must be increased to cover the cost for the additional six months of the PROJECT; and

WHEREAS, the termination date must be amended due to the need to negotiate a new agreement for the PROJECT; and

WHEREAS, the Parties hereto desire to make certain amendments to Agreement No. P055-11-301.

NOW, THEREFORE, the Parties agree as follows:

- A. The termination date referenced in Article III, Paragraph 1, shall be changed from February 7, 2015 to August 31, 2015.
- B. Article II, Paragraph 8, is amended by increasing the dollar amount from Ninety-One Thousand and No/100 Dollars (\$91,000.00) to One Hundred Three Thousand and No/100 Dollars (\$103,000.00).
- C. Article III, Paragraph 7, shall be deleted in its entirety and replaced with the following:

"All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile or electronic mail with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below:

FOR DEPARTMENT: Rudy Malfabon, P.E., Director
Attn.: Kevin Lee District Engineer
Nevada Department of Transportation
District III Division
1263 South Stewart Street
Carson City, NV 89712
Phone: (775) 777-2700
Fax: (775-777-2705)
E-mail: klee@dot.state.nv.us

FOR City of West Wendover: City Manager, Chris Melville
City of West Wendover, Nevada
P.O. Box 2825
West Wendover, Nevada 89883
Phone: (775) 664-3081

Fax: (775) 664-3720
E - mail: cmelville@westwendovercity.com"

D. All of the other provisions of Agreement No. P055-11-301 dated February 3, 2011, shall remain in full force and effect as if set forth herein.

IN WITNESS WHEREOF, the above named Parties have herunto set their hands and executed this Amendment on the date first written above.

CITY OF WEST WENDOVER

STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION

Emily Carter
Signature

DocuSigned by:
Lucy Lake Hanson
Director

Emily Carter
Name (Print)

Approved as to Legality and Form:

MAYOR
Title (Print)

DocuSigned by:
Louis F. Holland
Deputy Attorney General

Approved as to Form:
Suzanne Stogin
Attorney

Amendment No. 2 to
Cooperative Agreement No. P055-11-301

This Amendment is made and entered into this 19th day of August, 2015, between the State of Nevada, Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of West Wendover, PO Box 2825, West Wendover, NV 89883 hereinafter referred to as WEST WENDOVER.

WITNESSETH:

WHEREAS, on February 3, 2011, the Parties entered into Agreement No. P055-11-301 to provide for the operation of the Welcome Center at West Wendover (specifically located at 735 West Wendover Boulevard); hereafter called the PROJECT; and

WHEREAS, on January 22, 2015, the Parties entered into Amendment No. 1 to Agreement No. P055-11-301 to extend the termination date from February 7, 2015 to August 31, 2015 and to increase the dollar amount from \$91,000.00 to \$103,000.00; and

WHEREAS, the termination date must be amended due to the need to allow sufficient time to negotiate a new agreement for the PROJECT; and

WHEREAS, the amount to be paid to WEST WENDOVER must be increased to cover the cost for an additional six (6) months of the PROJECT; and

WHEREAS, the Parties hereto desire to make certain amendments to Agreement No. P055-11-301.

NOW, THEREFORE, the Parties agree as follows:

- A. Article II, Paragraph 8, is amended by deleting it in its entirety and inserting in its place: "The DEPARTMENT's obligation to WEST WENDOVER under Article II, Paragraph 7, shall be limited to One Hundred Twenty-Three Thousand and No/100 Dollars (\$123,000.00). If the DEPARTMENT's obligation exceeds this amount and the DEPARTMENT does not appropriate any additional funds to cover such liability prior to February 29, 2016, it shall be considered a substantial breach of this Agreement and may be cause for termination of this Agreement."
- B. Article III, Paragraph 1, is amended by deleting it in its entirety and inserting in its place: "The term of this Agreement shall be from the date first written above through and including the 29th day of February, 2016."

- C. All of the other provisions of Agreement No. P055-11-301 dated February 3, 2011, and Amendment No. 1 dated January 22, 2015, shall remain in full force and effect as if set forth herein.

IN WITNESS WHEREOF, the above named Parties have hereunto set their hands and executed this Amendment on the date first written above.

City of West Wendover

STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION

Emily Carter
Signature

DocuSigned by:
Marcy Jenkin Thomason
Director
92931E930B041F...

Emily Carter
Name (Print)

Approved as to Legality and Form:

Mayor
Title (Print)

DocuSigned by:
Louis F. Holland
Deputy Attorney General
C250DFEE0E154EA



West Wendover Welcome Center Street View

ATTACHMENT 7

City of West Wendover Briefing for

Judy Price, ROW Agent
Nevada Department of Transportation

In Regards to West Wendover Welcome Center, 735 Wendover Boulevard

- The original facility was constructed in the mid/late 1980's under contract with Eastline Construction a local West Wendover contractor. The facility initially proposed to be a maintenance facility was actually constructed as an eastern Nevada gateway Welcome Center for Interstate 80.
- At the time of construction of the main facility, a center monument island located on the eastern portion of the paved parking area was also added which included a monolith type monument with dedicatory plaques and a bronze B-29 aircraft. This monument (termed the 509th Monument) was paid for by community/private contributions. This monument honors the 509th Composite Group which was formed at Wendover Airfield in September of 1944 to train and develop the atomic aerial delivery systems for the Manhattan Project using B-29's. This Group was headed by Colonel Paul W. Tibbets. A portion of the Group departed Wendover Field in June of 1945 to Tinian Island in the Pacific eventually carrying out the atomic bombardment missions against Japan in August of 1945, ultimately bringing an end to WWII. Coincidentally the 509th is holding their last reunion at this very monument on September 25, 2015. This will be their 70th and final reunion as a Group.
- Once the facility was finished and open, NDOT committed to provide basic maintenance for the facility but never at any time did NDOT staff or operate the facility.
- The facility was first operated by Wendover USA, a non-profit community group dedicated to tourism development. In the late 1990's this group was succeeded by a new non-profit called the Wendover Area Chamber of Commerce & Tourism. This group operated the facility until 2001 when the organization disbanded.
- In 2001, seeing significant issues with the operation and its lack of sustainability, the City of West Wendover's Community Development Department took over the operation. For the last 15 years, the City has operated the facility successfully providing an appropriate venue for tourists to obtain information on the community as well as the State of Nevada on whole. The City has provided an open and welcoming facility with full staffing, a minimum of 40 hours per week excluding holidays. During the 15 years of operations the City has:
 - Operated the facility with gross expenditures on average of \$250,000 per year with over \$130,000 or 52% of that directly attributable to staff costs. Under previous and current operating agreements, NDOT has contributed approximately \$19,000 per year for assistance with janitorial related expenditures; the City has thus carried the burden of facility operational costs annually; over 90%.
 - During its 15 years of operational control under agreement with NDOT, the City has made, with NDOT approvals, significant facility improvements in addition to those initially made by the community when the facility was constructed. These have included:
 - Removal of pea gravel (which was being used as ground cover and had resulted in a terrible view shed and presentation to the traveling public entering the community and the State).
 - Top soil replacement through all islands and grounds.
 - Tree replacement.
 - Placement of turf through all islands and grounds.
 - New and complete landscape irrigation systems and related controls.
 - Upgraded exterior electrical service lines and monument lighting.
 - New traffic and parking signage.
 - Installation of curb, gutter and sidewalk along with paved parking on the south side of the facility. After initial facility construction this was left as dirt/gravel parking area with no curb/gutter/sidewalk. The improvements now provide a complete paved vehicle and ADA access for the traveling public completely around the facility as well as providing safe access to the adjacent city park.
 - Installation of new storm drainage drop inlets and storm drainage piping on the east side of facility.
 - Upgrade of main water service in rear of facility to ensure adequate supply.
 - New electronic Welcome Sign added to northwest corner of the property to be visible to Interstate traffic at Exit 410.

- The City would like to receive ownership of the facility/property given the substantial commitments made since the facilities initial construction not only in physical improvements but in operational costs. These costs as noted have been primarily by the community, not by NDOT.
- With ownership, the City intends to continue to operate the facility as a Welcome Center for the community and the State of Nevada with future use as a multi-modal transportation hub. This given the State's long-term I-80 corridor plan which included construction of a new Gateway Welcome Center immediately adjacent to I-80 at Exit 410 (north side/west bound).
 - The City currently has a Memorandum of Understanding (**Exhibit 1**) in place with National Railroad Passenger Corporation (Amtrak) to build and operate an Amtrak rail passenger station approximately ¼ mile south from the Welcome Center (within walking distance) on Florence Way (**Exhibit 2, 3 & 4**). We are currently awaiting approvals from Union Pacific Railroad to move forward with the project. When completed, this will be the first time in nearly 70 years that the Wendover community has had rail passenger service ensuring additional local access to the National Transportation System.
 - The City's intent long-term is to use the existing facility as an intermodal transportation hub, providing connections to the various modes of transportation including: Local transportation options, national bus service, rail service and future scheduled air service (currently large commercial air charter service is in operation with Allegiant Airlines, enplaning nearly 60,000 passengers annually).
 - The proposed future modifications for use as an intermodal transportation hub will once again require the City to provide substantial cost allocations to complete the necessary improvements to allow pedestrian, vehicular and bus service to operate with safety and maximum efficiency (conceptual facility improvements attached as **Exhibit 5**).

In light of the costs attributed over the last near 30 years by the community in operating the Welcome Center and minimal cost outlays by the State of Nevada, the City believes it is appropriate for the State to transfer ownership of the facility to the City. This, given the continued financial burden that the City would undertake for the facility's continued operation under what could only be anticipated as similar operating agreements into the future with NDOT such as those that are in place today.

We believe this is a win-win proposal for the State and the City in that:

- The State will continue to have a Welcome Center presence at the State's eastern gateway.
- The State will eliminate cost contributions to the operation of the facility which are approximately \$19,000 per year.
- The State will be providing a suitable facility to the City, which will continue to be used as a Welcome Center for the traveling public but will also be used to further enhance public access to the National Transportation System and its linking to the other transportation modes.
- The City will view the continued expenditure commitments by the taxpayer as appropriate, given ownership of the facility.
- The City will be able to make transportation improvements at the facility without burdensome approval processes in order to service the long-term needs of the community and the traveling public.



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MEMORANDUM

September 2, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: September 14, 2015 Transportation Board of Directors Meeting
ITEM #11: Approval of the Fiscal Year 2016 NDOT Work Program and Acceptance of the 2016-2019 Statewide Transportation Improvement Program – For Possible Action.

Summary:

This agenda item is to request your acceptance of the FFY16-FFY19 Statewide Transportation Improvement Program (STIP) and your approval of the 2016 NDOT Work Program. NDOT staff has spent the last 12 months working with federal and regional agencies, local governments and planning boards to develop the 2016 Transportation System Projects (TSP). The TSP contains the following documents required by federal and state laws:

- Statewide Transportation Improvement Program (STIP), FFY2016-FFY2019
- 2016 Work Program, which consists of:
 - Annual Work Program (AWP), FY 2016
 - Short Range Element (SRE), FY 2017-2019
 - Long Range Element (LRE), FY 2020 and Beyond

Following consultations with Nevada's seventeen counties and a thirty-day public comment period, the STIP, upon your action today, is then submitted to the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) for approval and to the Environmental Protection Agency (EPA) for consultation. The 2016 Work Program WP, consisting of the AWP, SRE, and LRE, will be approved with your affirmative action.

Background:

The STIP is a federally required planning document. This document includes federally funded or regionally significant transportation projects in the state planned for the next four years. The STIP must be shown to be fiscally constrained based on anticipated federal, state and local funding sources.

The Department is required to include, without change, all projects listed in the Metropolitan Planning Organizations' (MPO) approved Regional Transportation Improvement Programs (RTIPs) following review by NDOT staff and approval by the NDOT Director. All projects outside of the MPOs are included in the Non MPO portion of the STIP, thus capturing all federally funded or regionally significant projects over the four year period.

The STIP is approved by the Governor's Designee (Director of the Department of Transportation), upon acceptance from this board, and submitted to the FHWA, FTA for approval and the EPA for consultation.

The Work Program (WP) lists the projects the Department intends to work on during the current fiscal year (Annual Work Program), proposed projects for short term (Short Range Element 2017-2019) and proposed projects outside of that time frame (Long Range Element). This 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 WP lists projects that the Department plans to complete using state resources, in addition to the federal funds as outlined in the four year STIP.

NDOT will provide the Work Program to the State Legislature/Legislative Council Bureau following the State Transportation Board approval.

As part of the Department's public participation process, staff met with the 14 rural County Commissions, and all MPOs to present the proposed FY 2016 program of projects. In addition, outreach was made to Nevada Tribal communities, and to the Statewide Transportation Technical Advisory Committee (STTAC). Comments from each of the counties, as well as comments from members of the public during the open comment period were documented and addresses as appropriate. The "Final Draft" is presented for acceptance/approval by the State Transportation Board prior to the beginning of the Federal Fiscal year covered by the documents.

Analysis:

The STIP includes a section that describes the project development and selection process, including compliance information to the Federal Legislation (MAP-21) Moving Ahead for Progress in the 21st Century. The Department uses best available estimates for incoming federal and state revenue to develop the 2016 Work Program. Due to a lack of Federal Transportation Authorization beyond October 2015, the Department assumes consistent federal funding for the four year time frame.

Recommendation for Board Action:

Approval of FY 2016 Work Program (WP) and acceptance of the 2016-2019 Statewide Transportation Improvement Program (STIP).

List of Attachments:

Link to eSTIP and WP public sites

STIP: https://estip.nevadadot.com/default.asp?view_type=DRAFT

WP: https://estip.nevadadot.com/default.asp?view_type=AWP

Prepared by:

Joseph Spencer, Program Development
Sondra Rosenberg, Assistant Director, Planning



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(Use Local Information)

MEMORANDUM

August 24, 2015

To: Department of Transportation Board of Directors
From: John Terry, Assistant Director – Engineering/Chief Engineer
Subject: September 14, 2015 Transportation Board of Directors Meeting
Item #12: Proposed Programs and Projects with Additional Funding Provided by 2015 Nevada Legislature – For Information Only

Summary:

The 2015 Nevada Legislature provided additional funding to the State Highway Fund (SHF). Funds in the SHF are utilized by Nevada Department of Transportation (NDOT), Department of Motor Vehicles (DMV), and Department of Public Safety (DPS). These additional State funds are provided in this biennium, State Fiscal Years 2016 and 2017 and into future years if not changed by future Legislatures. These funds are State funds that were not available in the previous biennium, State Fiscal Years 2014 and 2015. There were additional expenditures against the SHF approved by the 2015 legislature.

This memo and the Board presentation will describe amounts of additional funding per fiscal year and the programs and projects proposed for additional funding with justification of why these allocations of the funding best meet the needs and performance measures of the Department.

Background:

The 2015 Nevada State Legislature appropriated the following additional funding to the SHF:

- SB 376 – Revenue from ride-hailing companies -\$5 million in first year of biennium
- SB 483 – Modifies distribution of Governmental Services Tax (GST)
 - \$30.5 million in 2017
 - \$61 million in 2018
- NRS 408.235 – DMV Administrative Cap - \$13 million per year

The added revenue listed above results in the following distribution of additional revenue to SHF per State fiscal year:

- State Fiscal Year 2016 (July 1, 2015 to June 30, 2016) \$18 million
- State Fiscal Year 2017 (July 1, 2016 to June 30, 2017) \$44 million
- State Fiscal Year 2018 (July 1, 2017 to June 30, 2018) \$80 million

The Department currently delivers projects under the following categories:

- Capacity
- 3R (Preservation)
- Bridge and Structures
- Safety
- Pedestrian Safety
- Stormwater
- ITS and Traffic Operations
- ADA
- Bike and Pedestrian
- Landscape and Aesthetics
- Tahoe
- District Contacts
- Architecture

Rest area improvements, a new category of projects, were proposed but not approved in the 2016/7 biennial budget submitted to the legislature.

Please note the categories above are utilized in the 5- year plan. The category descriptions in the eSTIP are different as they match MPO programs.

Analysis:

The presentation will discuss the goals and performance measures of the Department and the justifications for the additional allocations to programs and projects presented below.

The following programs are proposed for the additional funding:

<u>Program</u>	<u>Project(s)</u>
Pedestrian Safety/Bike & Ped	Statewide projects
Stormwater	Maintenance yards, pits, highways
Rest Areas	Trinity Rest Area (I-80/US 95), Millers (US 95)
ADA	Freeway Ramps and Arterials
3R	Statewide 3R, Category 4 & 5
Bridge/Structures	Major Maintenance Projects
Capacity	Operational Improvements
Capacity	Complete Streets

The following projects are proposed for the additional funding:

<u>Program</u>	<u>Project(s)</u>
Misc.	LV Blvd/ Tropicana Bridges and Escalators
Capacity	I-15 Starr Int. (Fully fund)

These programs and projects will be amended and modifications made to the Departments 5-year Plan and eSTIP. Board approval of future eSTIP modifications and amendments and contract approvals will be requested as needed.

Recommendation for Board Action:

For Information Only

Prepared by:

John M. Terry, Assistant Director-Engineering/Chief Engineer



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MEMORANDUM

September 3, 2015

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: September 14, 2015 Transportation Board of Directors Meeting
Item #13: Old Business

Summary:

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

Analysis:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
Please see Attachment A.
- b. Monthly Litigation Report - *Informational item only.*
Please see Attachment B.
- c. Fatality Report dated September 1, 2015 - *Informational item only.*
Please see Attachment C.

List of Attachments:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated September 1, 2015 - *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF AUGUST 21, 2015						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 12/31/17 Amendment #1	3/11/13 1/14/14	\$ 1,400,000.00 \$ 2,000,000.00 \$ 3,400,000.00	\$ 3,400,000.00	\$ 333,986.58
Chapman Law Firm	NDOT vs. Robarts 1981 Decedents Trust 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 9/30/16 Amendment #1 Amendment #2	10/23/12 9/12/14 8/12/14	475725 Extension of Time Expansion of Scope \$ 475,725.00	\$ 475,725.00	\$ 299,347.29
Chapman Law Firm	NDOT vs. MLK-ALTA 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/16	1/14/13	\$ 455,525.00	\$ 455,525.00	\$ 229,972.04
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/17 Amendment #1 Amendment #2 Amendment #3	12/16/12 8/12/13 1/22/14 5/12/14	\$ 300,000.00 \$ 850,000.00 \$ 750,000.00 \$ 800,000.00	\$ 2,700,000.00	\$ 563,366.06
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/31/16 Amendment #1	1/22/13 1/22/15	\$205,250.00 Extension of Time	\$ 205,250.00	\$ 41,197.82
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Sorinos Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 1/31/17 Amendment #1 Amendment #2	2/27/13 1/23/15 5/13/15	\$275,000.00 Extension of Time \$ 150,000.00	\$ 425,000.00	\$ 65,234.21
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 1/31/17 Amendment #1	2/27/13 1/23/15	\$ 275,000.00 Extension of Time	\$ 275,000.00	\$ 143,114.91
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/28/17 Amendment #1	2/27/13 2/17/15	\$ 200,000.00 Extension of Time	\$ 200,000.00	\$ 39,093.73
** Varela, Lee, Metz & Guarina, LLP - Novation Agreement 2/28/14 from Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/17	4/30/13	\$ 275,000.00	\$ 275,000.00	\$ 59,870.66
Snell & Wilmer	Meadow Valley Public Records, K3389 NDOT Agmt No. P273-13-004	7/18/13 - 7/30/15 Amendment #1 Amendment #2	7/18/13 7/29/14 12/9/14	\$ 30,000.00 \$ 50,000.00 \$ 90,000.00	\$ 170,000.00	\$ 582.14
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 2/28/17 Amendment #1 Amendment #2	7/17/13 2/12/15 8/12/15	\$ 280,000.00 \$ 475,000.00 \$ 375,000.00	\$ 1,130,000.00	\$ 375,313.54
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/15 Amendment #1	7/25/13 4/28/14	\$ 200,000.00 \$ 250,000.00	\$ 450,000.00	\$ 80,872.59
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Agmt No. P293-13-004	7/25/13 - 7/30/15	7/25/13	\$ 70,000.00	\$ 70,000.00	\$ 89.66
Chapman Law Firm	NDOT vs. LGC, 231, LLC 8th JD NDOT Agmt No. P561-13-004	12/20/13 - 12/15/15	12/20/13	\$ 453,650.00	\$ 453,650.00	\$ 275,553.77

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF AUGUST 21, 2015						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Laura FitzSimmons, Esq.	Risk Management Analysis for Project NEON Costs for Risk Management Analysis NDOT Agmt No. P006-14-004	1/13/14 - 12/31/17 Amendment #1 Amendment #2	1/13/14 8/21/14 4/21/15	\$ 900,000.00 \$ 310,000.00 \$ 250,000.00	\$ 1,460,000.00	\$ 139,651.05
Chapman Law Firm	McCarran Widening 2nd JD - Various Temporary Easements NDOT Agmt No. P142-14-004	5/14/14 - 5/30/16	5/14/14	\$ 200,000.00	\$ 200,000.00	\$ 79,400.92
*** Downey Brand, LLP Novation Agreement 2/12/15 from Armstrong Teasdale, LLP	Legal Support for utility matters relating to Project Neon and Boulder City Bypass NDOT Agmt No. P210-14-004	5/14/14 - 5/30/16	5/14/14	\$ 250,000.00	\$ 250,000.00	\$ 245,570.00
Sylvester & Polednak	First Presbyterian Church vs. NDOT 8th JD A-14-698783-C Project Neon NDOT Agmt No. P327-14-004	7/17/14 - 7/30/16	7/17/14	\$ 280,000.00	\$ 280,000.00	\$ 228,996.63
Carbajal & McNutt, LLP	Las Vegas Golf & Country Club 8th JD A-14-705477-C Project Neon NDOT Agmt No. P362-14-004	9/8/14 - 8/30/15	9/8/14	\$ 375,000.00	\$ 375,000.00	\$ 359,420.29
Kemp, Jones & Coulthard	Walker Furniture Project Neon NDOT Agmt No. P431-14-004	10/13/14 - 11/30/16	10/13/14	\$ 350,000.00	\$ 350,000.00	\$ 202,223.85
Lambrose Brown	Grant Properties Project Neon NDOT Agmt No. P433-14-004	10/14/14 - 10/30/16	10/14/14	\$ 275,000.00	\$ 275,000.00	\$ 257,362.79
Lambrose Brown	Sharples Project Neon NDOT Agmt No. P434-14-004	10/16/14 - 10/30/16	10/16/14	\$ 275,000.00	\$ 275,000.00	\$ 266,093.00
Laura FitzSimmons, Esq.	Project Neon Eminent Domain Actions NDOT Agmt No. P480-14-004	11/10/14 - 11/30/15	11/10/14	\$ 600,000.00	\$ 600,000.00	\$ 484,720.00
Varela, Lee, Metz & Guarino	Sequoia Electric K3409 NDOT Agmt No. P526-14-004	10/16/14 - 10/30/16	10/16/14	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Lambrose Brown	Paralegal Services - Project Neon NDOT Agmt No. P547-14-004 Amendment #1	11/20/14 - 11/30/16 Amendment #1	11/20/14 2/12/15	\$ 250,000.00 \$ 250,000.00	\$ 250,000.00	\$ 156,777.28
Carbajal & McNutt, LLP	John J. Charleston Trust Project Neon NDOT Agmt No. P374-15-004	07/17/15 - 10/31/18	7/17/15	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/12	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

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

** The firm of Varela, Lee, Metz & Guarino, LLP took over representing the Department in the matter of Pacific Coast Steel vs. NDOT Case as of 2/28/14 from the firm of Watt, Tieder, Hoffar & Fitzgerald.

*** The firm of Downey Brand, LLP took over representing the Department on 2/12/15 in utility matters relating to condemnation actions and acquisitions from the firm of Armstrong Teasdale, LLP.

Contracts Closed Since Last Report:

Sylvester & Polednak	Fitzhouse Enterprises (acquired title as Westcare) 8th JD - A-13-660564-C Project Neon - Las Vegas NDOT Agmt No. P201-13-004	5/31/13 - 5/31/15	5/31/13	\$ 290,000.00	\$ 290,000.00	\$ 160,011.56
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Monthly Litigation Report to the Nevada Department of Transportation - August 21, 2015				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. John J. Charleston Trust of 1998	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Custom Landco. (Walker Furniture)	Eminent domain - Project Neon	\$ 141,774.66	\$ 6,001.49	\$ 147,776.15
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 140,625.00	\$ 20,281.27	\$ 160,906.27
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 112,525.00	\$ 19,360.09	\$ 131,885.09
NDOT vs. LGC 231, LLC - (Holsom Lofts)	Eminent domain - Project Neon	\$ 121,902.50	\$ 56,193.73	\$ 178,096.23
NDOT vs. Las Vegas Golf & Country Club	Eminent domain - Project Neon	\$ 11,312.75	\$ 1,684.46	\$ 12,997.21
NDOT vs. Loch Lomond Trust, et al.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 195,283.45	\$ 30,269.51	\$ 225,552.96
NDOT vs. Reich Series, LLC, et al.	Eminent domain - Project Neon			
NDOT vs. Sharples, John; Sharples, Bonnie	Eminent domain - Project Neon	\$ 8,907.00	\$ -	\$ 8,907.00
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 311,150.78	\$ 48,615.01	\$ 359,765.79
McCarran Widening - Condemnations				
NDOT vs. Chavez, Dawn R.	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
NDOT vs. Hackler, Connie L.	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
NDOT vs. Manaois, Randy M.	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
NDOT vs. Marsh, Nita, et al.	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
NDOT vs. Miller, Bruce B.	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
NDOT vs. Stanford Crossing, LLC	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
NDOT vs. Turner, Ronald Lee	Eminent domain - McCarran Widening *	\$ 12,247.03	\$ 2,827.85	\$ 15,074.88
Inverse Condemnations				
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 513,748.06	\$ 113,858.70	\$ 627,606.76
AD America, Inc. vs. NDOT (NEON-Silver Ave.)	Inverse condemnation - Project Neon			
AD America, Inc. vs. NDOT (South Point)	Inverse condemnation - South Point	\$ 64,929.00	\$ 4,981.34	\$ 69,910.34
Eastman, Brandon vs. NDOT	Inverse condemnation - Project Neon			
First Presbyterian Church of LV vs. NDOT	Inverse condemnation - Project Neon	\$ 47,925.00	\$ 3,078.37	\$ 51,003.37
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 609,610.49	\$ 136,803.00	\$ 746,413.49
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 166,481.08	\$ 9,896.63	\$ 176,377.71
Cases Closed and Removed from Last Report:				
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 88,350.00	\$ 41,638.44	\$ 129,988.44
* McCarran Widening fees and costs are under one contract with each reflecting a pro-rata share for the open cases.				

Monthly Litigation Report to the Nevada Department of Transportation - August 21, 2015				
Case Name	Nature of Case	Outside Counsel to		
		Fees	Costs	Total
Torts				
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harris Farm, Inc. vs NDOT	Plaintiff alleges negligence and personal injury			
Jorgenson & Koka, LLP	Plaintiff alleges negligence causing property damage			
Knowlton, Jane vs. NDOT	Plaintiff alleges personal injury and property damage			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Pyjas, Estate of Robert Charles	Plaintiff alleges wrongful death			
Semmens, Cynthia & Trevor vs. NDOT, et al.	Plaintiff alleges negligence causing personal injury			
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury			
Woods, Willaim and Elaine	Plaintiff alleges wrongful death			
Zito, Adam vs. NDOT	Plaintiff alleges negligence and property damage			
Contract Disputes				
None currently in litigation				
Miscellaneous				
Nevada Power Co., Inc. vs. KAG Development; NDOT	Plaintiff seeking quiet title			
Road & Highway Builders vs. NDOT	Petition for Judicial Review of Prevailing Wage			
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cerini, Cheri	Petition for Judicial Review			
Cases Removed from Last Report:				
Oneal, Brenda vs. NDOT	Tort Fund - Settlement reached. Dismissal with Prejudice.			
Richard, Eboni vs. NDOT	Tort Fund - Settlement reached. Dismissal with Prejudice.			

Outside Counsel
Fees and Costs of Open Cases
as of August 21, 2015

<u>Category</u>	<u>Fees</u>	<u>Costs</u>	<u>Total</u>
Condemnation Litigation	\$ 1,129,210.35	\$ 202,200.51	\$ 1,331,410.86
Inverse Condemnation Litigation	\$ 1,402,693.63	\$ 268,618.04	\$ 1,671,311.67
Construction Litigation	0	0	0
Personnel Litigation	0	0	0
Tort Claim Litigation	0	0	0
	<u>\$ 2,531,903.98</u>	<u>\$ 470,818.55</u>	<u>\$ 3,002,722.53</u>

9/1/2015

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

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

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

	CURRENT		SAME DATE LAST YEAR		# CHANGE		
	Crashes	Fatals	Crashes	Fatals	Crashes	Fatals	
8/27/2015	1	1	8/27/2014	1	1	0	0
MONTH	17	18	MONTH	15	16	2	2
YEAR	172	190	YEAR	167	184	5	6

CRASH AND FATAL COMPARISON BETWEEN 2014 AND 2015, AS OF CURRENT DATE.

COUNTY	2014 Crashes	2015 Crashes	% CHANGE	2014 Fatalities	2015 Fatalities	% Change	2014 Alcohol Crashes	2015 Alcohol Crashes	% Change	2014 Alcohol Fatalities	2015 Alcohol Fatalities	% Change
CARSON	2	1	-50.00%	3	1	-66.67%	0	1	100.00%	0	1	100.00%
CHURCHILL	4	1	-75.00%	4	1	-75.00%	0	0	0.00%	0	0	0.00%
CLARK	99	107	8.08%	105	118	12.38%	27	22	-18.52%	30	27	-10.00%
DOUGLAS	3	5	66.67%	3	5	66.67%	0	1	100.00%	0	1	100.00%
ELKO	7	7	0.00%	10	8	-20.00%	3	1	-66.67%	6	1	-83.33%
ESMERALDA	1	3	200.00%	2	3	50.00%	0	0	0.00%	0	0	0.00%
EUREKA	3	3	0.00%	4	3	-25.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	8	2	-75.00%	9	3	-66.67%	1	0	-100.00%	1	0	-100.00%
LANDER	3	4	33.33%	3	4	33.33%	0	0	0.00%	0	0	0.00%
LINCOLN	0	4	400.00%	0	4	400.00%	0	1	100.00%	0	1	100.00%
LYON	5	3	-40.00%	6	4	-33.33%	3	1	-66.67%	3	1	-66.67%
MINERAL	0	1	100.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%
NYE	6	6	0.00%	7	6	-14.29%	3	2	-33.33%	3	2	-33.33%
PERSHING	3	0	-100.00%	3	0	-100.00%	2	0	-100.00%	2	0	-100.00%
STOREY	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	22	22	0.00%	24	25	4.17%	5	5	0.00%	6	5	-16.67%
WHITE PINE	0	2	200.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%
YTD	167	172	2.99%	184	190	3.26%	44	34	-22.73%	51	39	-23.53%
TOTAL 14	267	----	-35.6%	290	----	-34.5%	----	----	#DIV/0!	----	----	#DIV/0!

2014 AND 2015 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2014 AND 2015, AS OF CURRENT DATE.

COUNTY	2014 Vehicle Occupants	2015 Vehicle Occupants	% Change	2014 Peds	2015 Peds	% Change	2014 Motor-Cyclist	2015 Motor-Cyclist	% Change	2014 Bike	2015 Bike	% Change	2014 Other moped,at v	2015 Other moped,at v
CARSON	0	1	100.00%	0	0	0.00%	3	0	-100.00%	0	0	0.00%	0	0
CHURCHILL	3	1	-66.67%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
CLARK	43	58	34.88%	30	26	-13.33%	26	19	-26.92%	1	8	700.00%	5	7
DOUGLAS	1	4	300.00%	1	0	-100.00%	1	1	0.00%	0	0	0.00%	0	0
ELKO	10	6	-40.00%	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0
ESMERALDA	2	3	50.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	4	3	-25.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	7	3	-57.14%	1	0	-100.00%	0	0	0.00%	0	0	0.00%	1	0
LANDER	2	2	0.00%	1	1	0.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	0	3	300.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
LYON	3	4	33.33%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	0	0
MINERAL	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
NYE	6	6	0.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
PERSHING	3	0	-100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	0	0.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%	0	0
WASHOE	9	16	77.78%	4	4	0.00%	6	5	-16.67%	3	0	-100.00%	2	0
WHITE PINE	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
YTD	93	114	22.58%	38	32	-15.79%	40	28	-30.00%	5	8	60.00%	8	7
TOTAL 14	147	----	-22.45%	71	----	-54.93%	55	----	-49.09%	8	----	0.00%	9	----

Total 2014 290