



Department of Transportation  
Board of Directors  
Notice of Public Meeting  
123 East Washington  
Training Room  
Las Vegas, Nevada  
November 9, 2015 – 9:00 a.m.

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. October 12, 2015 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
4. Review and Ratify the Selection of the Design-Build Contractor for Project NEON – *For possible action.*
5. Resolution requesting the State Board of Finance to issue Highway Revenue Bonds – *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 No. 453 – *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; 1 owner – 3 parcels
10. Public Auction – *For possible action.*  
  
Disposal of NDOT right-of-way, located along Broadleaf Lane at Alexa Way in Carson City, State of Nevada SUR 09-13
11. Public Auction – *For possible action*  
  
Disposal of NDOT right-of-way, located along US-395 Freeway at Alexa Way in Carson City, State of Nevada SUR 09-14
12. Public Auction – *For possible action.*  
  
Disposal of NDOT right-of-way, located along Broadleaf Lane at Imperial Way in Carson City, State of Nevada SUR 09-15
13. Approval of Equipment Purchase in Excess of \$50,000 – High Speed Profiling System – *For possible action.*

14. 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 October 28, 2015 – *Informational item only.*
  - d. Additional Information Regarding Purchase of Digital Camera System – *Informational item only.*
15. 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.*
16. 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 Headquarters located at 1263 South Stewart Street, Carson City, Nevada in the Third Floor 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](mailto: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](http://www.nevadadot.com).

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

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Sandoval: Good Morning. Let's proceed with the agenda and I will call the Department of Transportation Board of Directors Meeting to order. Before we commence with Agenda Item No. 1, I'm very, very pleased to introduce BJ Almberg, our newest member of the Department of Transportation Board. Mr. Almberg, if you could say a few words.

Almberg: Thank you, Governor. I want to thank you for the opportunity to serve this great state. I look forward to working with yourself and our fellow members and all NDOT state employees to do a good job for the citizens, so thank you.

Sandoval: Thank you and we truly appreciate your service. Agenda Item No. 1, Presentation of Retirement Plaques to 25+ Year Employees, Mr. Director.

Malfabon: Thank you Governor. I wanted to acknowledge the service of several employees of NDOT that have recently retired. Debra Starnes is a Professional Engineer in Reno Administration, 32 years of service. Bob Thrower was an Engineering Tech III in the Materials Division. He worked on a lot of asphalt mix designs there. 25 years of service. Laurence Coon, Highway Maintenance Worker IV on Crew 905. Steve House, Supervisor III in Sparks, 26 years of service. Margaret Orci, Assistant Chief of Right-of-Way, 38 years of services. That's not a typo. We really miss Margaret. Paula Morton, another person that I worked with personally in the Construction Division years ago, Administrative Assistant IV in Planning, 26 years of service. Robert Steele, Highway Maintenance Super I in District I, 30 years of service. Halana Salazar, another mainstay of the Right-of-Way Division that recently retired with 25 years of service. Jeff Stoffer, Supervisor III, Associate Engineer on Sparks, 30 years of service. Bryan McCurdy, Transportation Planner Analyst II in Planning and Traffic, 26 years of service. James Gutierrez, Highway Maintenance Manager in Las Vegas, 30 years of service. Last but not least, Anthony Livreri, goes by Zach, Supervisor III,

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Associate Engineer in District I, 25 years of service. A total of 313 years of service, Governor and I offer you a chance to say a few words on behalf of the many years of service of these excellent staff that recently retired.

Sandoval: Thank you, Mr. Director. In this day and age when people don't hold their jobs or stay in the same place for only a few years to see that we've got individuals that are 20 plus and 30 plus years, to me is just a statement of public service and service above self and a willingness to make a lifetime commitment to the State we all love. I personally want to thank the individuals. Rudy, are any of them present today?

Malfabon: I think, is Debra Starnes is here, Governor. I'm going to have her come up but I'm going to also ask her to come possibly next month when the full Board is here, but I wanted to go ahead and take an opportunity to have a photo op with the Board Members that are present here in Carson City. Debra?

Malfabon: Are there any others present that we're not aware of? That concludes Agenda Item 1.

Sandoval: Thank you, Rudy. And, Debra, that was about the biggest smile I've ever seen, so good luck in your retirement and we truly wish you well and thank you for your service. Let's go on to Agenda Item No. 2, Presentation of Awards.

Malfabon: Thank you, Governor. The first award is presented to Bill Story, from NDOT Bike and Pedestrian Program. It's from the Vulnerable Road Uses Project, Best of the Best. So, each year, UNLV's Vulnerable Road Users Project, which is a term that we use for pedestrians and bicyclists that are more vulnerable using the roadway. They program recognizes the best of the best for vulnerable road user safety. This year, NDOT's Bill Story was honored in the Angel Category for his partnership, guidance and expertise in making Clark County safer for bicyclists and pedestrians. His efforts included bike helmets available for those in need, helping to get bike safety education into every classroom in Clark County and working on legislation for several bills to improve the safety of those on foot and bike. Let's get Bill up here for a photo opportunity with the Board Members that are here in Carson City.

Malfabon: Certainly one of the programs that we're trying to improve is the Water Quality Program. We've talked about the US EPA Storm Water Program and the appointment of Dave Gaskin to Deputy Director. I wanted to highlight one of our water quality improvement projects that won an award from the Tahoe Regional Planning Agency. The State Route 207 Reconstruction and Water Quality Improvement Project won the 2014 Best in the Basin Award, for the reconstruction and water quality improvement project on State Route 207, Kingsbury Grade.

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The project improved water quality by constructing and improving water quality basins and stabilizing and protecting road shoulders by addressing water quality, aesthetic and safety improvements. The project will continue to significantly improve the health of Lake Tahoe. I'd like to call up some of the members that may be in the audience from our Hydraulics Group in Construction. Matt Nussbaumer, Tyler Thew, John Angel and John Bradshaw, from Roadway Design. If you're here could you come on up?

Malfabon: I think that we could cue the AASHTO Video. Our photographer, Sholet Moll, won first place for her up close and personal video of a snow plow ride-along on Mount Rose Highway from the American Association of State Highway and Transportation Officials, AASHTO. It's called The Faces of Transportation Competition, which they conduct each year. NDOT Representatives have won both in the video category this year and previously with photographs. We have a great staff in our Communications Department. In this video, we have Highway Maintenance Worker, Russ Hirers, giving Sholet insight and firsthand experience what it's like to pile snow near Lake Tahoe. Do we have the video?

Speaker: We do.

[video plays]

Malfabon: As we're heading into winter in the next few months, we hope to see a lot more of that white stuff, but you could see that our plow operator was pretty amazing in his operation of that plow; how close he could get to the guard rail, to the edge of the pavement. They do a great job, especially in winter snow/ice operations. I wanted to thank them and congratulate Sholet on her award.

Sandoval: Thank you, Mr. Director. I, too, would like to congratulate all the award winners. It's always great to see this type of positive attention come on the Department and Sholet, congratulations. She always does amazing work. I've been threatening to do a ride-along on one of those trucks for a long time and I hope I get the opportunity this winter, but in any event, thank you very much for everybody in making this happen.

Malfabon: Thank you Governor. The existing Board Members up here will take a photo op with Sholet.

Sandoval: So, who is going to take the picture if Sholet's in it? [laughter]

Malfabon: I think I saw Ken Mammon with an award. We will have it at the next quarter, but I just wanted to mention it, was it a—one of the presentations later, Governor, was with the Nevada Highway Patrol and as part of the Department of Public Safety, we work hand-in-hand on the Highway Traffic Safety Campaigns. Zero Fatalities. And, just to give a prelude of the next quarter's awards, we did win a

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Telly Award through our joint efforts there with the Office of Traffic Safety, under Department of Public Safety. So, we'll highlight that next quarter. Thank you.

Sandoval: Board Members, any comments with regard to Agenda Item No. 2? We will move to Agenda Item No. 3, which is to receive the Director's Report. Mr. Director.

Malfabon: Thank you Governor. Good morning Board Members. Wanted to also start out by echoing our pleasure in having a new Board Member representing District III, BJ Almberg. And, since BJ is a professional engineer and land surveyor, he's going to understand some of the acronyms that we continually forget to stop saying. We've got to speak in terms people can understand. We appreciate BJ being appointed to the Board. Governor, great selection. BJ has a Bachelor's of Science in Civil Engineering from UNLV. He's worked in the transportation industry, working in construction on highway projects. He was an assistant resident engineer on a major interchange project in Las Vegas, in fact. Welcome BJ.

I'd like to highlight some of the new personnel. Jessen Mortensen, you might recognize that last name. He's the brother of Cole Mortensen, our Project NEON Project Manager. Jessen was recently appointed to the Bridge and Structures Division Chief position at NDOT. Jessen has been a part of NDOT since 2002. He has Bachelors of Science and Masters of Science in Civil Engineering from UNR.

Also, Alan Tinney, our Storm Water Division Chief was recently appointed to that position. Dave was able to know that his quality services at Nevada Division of Environmental Protection was able to steal him away. Alan has 25 years of state service, most recently as the Chief of the Bureau of Water Pollution Control at NDEP.

Kim Smith is formally with Fox 5, KVVU, in Las Vegas. She's going to help us develop our Storm Water Community Outreach Program and work a lot with social media here at the Department. A good addition to our Communications Division.

Jessen, Alan and Kim are you in the audience? Okay, if you could stand, we'll give you a round of applause Congratulations.

Governor, this is the latest mock-up and we are working to reduce the line spacing between the top line, Carson City, and the Deputy Sheriff legend on the sign. We did work into the sign that the badge for the Sheriff's Department. We're going to be honored as we develop the sign and install it and set up a media event for

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your office and the Sheriff's Office in memorial of Carl Howell's service as a Deputy Sheriff. His life was tragically cut short, as we all know.

We identified some locations with District II. We're going to get final buy-off on the sign after we modify the spacing, get it more uniform in that sign. It should be about four weeks to get that produced and get the mounts installed on the roadside.

Governor, I wanted to thank you for using your social media account for Walk To School Day and I have a photo there of the Bordewich-Bray Elementary School students that walk past the Governor's Mansion. It's an annual event and I appreciated the fact that you tweeted out the tips for walking safely to school. That's very important and our children are our greatest resource for the new Nevada. I know that you took it to heart in the last session and passing a lot of the education reform and education funding, but having those tips taken to heart by motorists and by the students is very important to protect our young kids as they're walking to school. We want to promote walking to school for their health and safety.

One thing to add also is that as of October 1<sup>st</sup>, there were some new laws passed that specifically address pedestrian safety. The Pedestrian Safety Zones Law were put into effect, so there will be no U-turns allowed in school zones. You can't pass vehicles that are stopped for allowing kids to disembark from cars and such. Also, increased penalties for hit and run involving pedestrians and bicyclists. It matches the types of driving while intoxicated laws that we had on the books, but had a hole to fill there in the law that was fixed this last legislative session. More protection hopefully and more tools for law enforcement to use in enforcing traffic laws to protect pedestrians and bicyclists.

In the coming months we'll have our Deputy Director, Dave Gaskin, give a more formal briefing on the Storm Water Program, but Dave's continuing, as I showed you with Alan Tinney's appointment as the Division Chief, filling key positions. The meeting with US EPA Region 9 went very well on September 25<sup>th</sup>. We have two follow-up meetings in November. So, Dave and Alan will go over there in early November for a lot of the technical discussion of the permit requirements and the administrative order of consent that we're negotiating. Then we'll have a follow-up meeting in later November with the Governor's Office staff, as well as, NDOT staff with EPA in San Francisco.

Things are looking good for what EPA saw in the legislative ask that was approved. Also, with the new positions, the new equipment the Board approved ordering, they see that there's a lot of progress being made in our Storm Water Program and I wanted to thank the Governor for your help and assistance in the last session, getting those resources granted to the Department of Transportation.

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It was a big lift, unprecedented and it's paying dividends in our efforts with the US EPA to show them that we are taking the program seriously. They reviewed District II, Reno Maintenance Yard and were pleased with some of the improvements done to date and they know that there's other improvements on the way at that facility, as well as other facilities. We're working right now on the Carson City Maintenance Yard as well as other maintenance yards across the State.

To continue with other roadway projects. US 50 Clear Creek Water Quality Project is winding down and I mentioned the maintenance yards—Dave Gaskin recently presented at the National Storm Water Summit in Philadelphia. We're going to continue to, as I said, give you more detail. I would like to say that after the November meeting, probably would be good at the December meeting, to have Dave Gaskin give you a very detailed update on our Storm Water Program efforts.

As you know, we're currently operating on a short-term extension through October 29<sup>th</sup>. That's not that far away, but the House version of the Long Term Transportation Bill is coming soon. It's going to be a six-year bill, funding at the current levels. They haven't identified where all the money is coming from for the full six-year term, but it's good that they're in alignment with the Senate on a six-year term for the bill. Funding at current levels is what we built our funding model on for the next several years, so that's good news too. Although, we'd like to see an increase from the Federal Program.

Most likely, as they're working out their differences between the Senate and the House, they'll have another short-term extension. The Highway Trust Fund at the federal level has enough funding through the end of the year. That's what we anticipate as an extension through the end of the year to settle up on their differences and pass the six-year bill.

Also, NDOT recently attended two regional forums on transportation trends in the nation. Nevada is included in two of 11 mega-regions. We joined in the conversation on how public policy and technology are going to shape the next trends in transportation to increase safety, mobility, address economic development. It's a big issue in the west and several of those other mega-regions across the State. So, I was pleased to have representation at those forums. The two mega-regions in the west that Nevada is part of are the San Francisco Bay Area Mega-Region and the Southern California Mega-Region.

We will be getting new—a great document that was put together by US DOT on support of those forums. It has a lot of interesting facts.

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Last month Member Skancke had brought up the concern, I think it was last month, about the federal funding formula and the role of population in that formula calculation for distribution of the federal transportation funds. We dug into that a little bit more along with, Governor, your staff in DC and we were able to determine that, in SAFETEA-LU; that was the Transportation Bill from Fiscal Year 2005, that they did consider population as one of the factors as well as other factors to determine the apportionment of federal funds. After 2009, it expired and they did short-term extensions by Congress, but they somewhat locked in the apportion that based on those formulas at that time. Then, when the current bill, MAP-21, came along in Fiscal Year 2013, they pretty much locked it in at pre-2010 census numbers for the population.

We talked it over with Ryan McGinness and some of our staff back in DC that keeps the finger on the pulse with Congress and it's because of the issue of opening up those formulas again, it's just unlikely that they're going to address that in this next Highway Bill, but we can at least give our point of view to our delegation so they're aware of that. It is, as I said, if it's flat funding, it's a zero sum gain, so if Nevada gains any kind of funding, then another state that's losing population will lose funding and they'll battle for maintaining the status quo. I think that it's important that Member Skancke brought that up as an issue and that we can weigh in with our delegation about at least considering addressing that, for fairness sake. If population was used as a factor in the past, then it should be considered with these growing western state's populations.

Knecht: Governor?

Sandoval: Yes, is that the Controller?

Knecht: It is, thank you Governor, just a quick question. First of all, thanks again to Member Skancke for bringing this up. That was very bright, very timely. My question to Rudy is, you say that they've locked in at pre-2010 census numbers. Now, I know the census is either April 1<sup>st</sup> or the July 1<sup>st</sup> and they're estimates that we make annually on the other date. What year or what date were the pre-2010 census numbers? It makes a bit of a difference to Nevada because Nevada continues to grow, although it did slow down a little bit there. Do you know what date that was Rudy?

Malfabon: Yes, Mr. Controller, it would've been the 2005, the numbers that they established for SAFETEA-LU were in 2005. So, it was an estimate. It wasn't the actual 2000 census numbers. It would've had to make an estimate based on growth patterns at that time. So, it's over 10 years old.

Knecht: Right. Governor and Mr. Director, I'll just say, please keep up the pressure on the folks in Washington because Nevada is unique in that, even though we had a bit

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of a lull after the great recession in our population growth, in the 10 year period that the Governor mentioned, we're still the fastest growing state in the country. So, it makes a difference to us the way it wouldn't to Illinois, Pennsylvania or whoever. Thank you Governor.

Sandoval: Thank you. Rudy, please proceed.

Malfabon: Thank you, Governor. A little update on USA Parkway. Proposals are due October 19<sup>th</sup>. That's, I believe, a Monday. So, we gave them—the four teams that are short listed are identified there, Ames, Granite, Kiewit, Q&D. Gave them a little bit more time to submit their proposals in the next few days here. Also, Governor, in considering that we want to support the new Nevada and technology companies, we are going to reach out to telecommunication companies regarding fiber on USA Parkway. It was not on the original scope of work for the design-build project. We feel that it's important to reach out to them, find out what some of their plans are with installation of fiber. We're looking at our options of including it under the design-build project, maybe the conduit under a change order, but we'd prefer not to delay the RFP progress schedule at this time, but continue in those discussions and determine how best to get fiber installed on USA Parkway without delaying the project.

Some major project updates. Recently our contractor Q&D Started work on this \$50M overlay project. It was last repaved on I-580 in Washoe Valley in 2004. You see a lot of lane reductions right now. Traffic is moving through there, just be cautious as you drive through that work zone. Next year, we will do the seismic retrofit of Bellvue Road Bridge and the East Lake Boulevard underpass as part of this scope of work on this project. A lot of the paving will be conducted this fall. There will be also some test sections for some national research projects on this section of highway. We also will make some improvements next year for the acceleration lane for the southbound direction headed into Carson City from East Lake Boulevard interchange. That will be a lot safer interchange once those improvements are made.

I'll go quickly over some other major projects that are going smoothly. Carson Freeway Earthwork Operations are underway. The I-580 Concrete Paving Rehabilitation Project, I noticed that our contracted Q&D is nearly completed with the profile grinding, maybe some minor crack sealing still to perform. That job went very well and thanks and hats off to Q&D for some of their concepts on the crossover for traffic control.

The projects in Southern Nevada, Phase 3A, the 215 and 95 interchange ramps are continuing construction. Also, I-11, Boulder City Bypass Phase 1 is continuing. Wanted to mention to the Board that we did delay the bid opening for the Phase 1 of the State Route 160, that's the road to Pahrump from Las Vegas, the widening

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project, a couple of weeks so that we could anticipate announcing the Project NEON preferred design-build team to the Board. Then, some of those contractors, it might affect and result in more competitive bids on this Phase 1 of State Route 160 Widening. It's estimated to be between \$16.5M and \$20M in construction cost.

Recently Comstock Mining closed off State Route 342 for their construction of the permanent alignment of that highway on the east side of the old mine shaft which was capped off. They anticipate reopening the highway on November 12<sup>th</sup> and will continue with some minor traffic control operations to work on the shoulder, but we're pleased that they addressed that issue of the settlement of the old mining tailings that were underneath that old alignment and it didn't cost the Department to make those improvements.

On the North Valleys, we're going to continue meeting with the developers, the RTC of Washoe County and local representatives as we determine what are the short-term improvements; maybe some longer term improvements that can be planned for and put into our Transportation Improvement Plan. We are going to have a technical team review the projects that are identified; determine cost and prioritize that with our stakeholders. We'll have more to come to the Transportation Board on an update in the months ahead for the North Valleys.

Some upcoming meetings. We have a \$35M interchange that we're doing collaboratively with the RTC of Southern Nevada and the City of Henderson. It's going to have a Public Information Meeting on October 22<sup>nd</sup> at Schorr Elementary School. Besides the interchange construction, we're also building Starr Avenue, from Dean Martin Drive to Las Vegas Boulevard. So, great east/west connectivity, as a result of this project, anticipated, as I said, to go out to bids in 2018.

We also have a Public Workshop on proposed regulations for commercial electronic variable message signs, which a lot of people call digital billboards. It's October 27<sup>th</sup> at the office. The Board is meeting their Board Members at the training room there today.

This week at the Board of Examiners, some minor settlements. We wish they were all this minor, but... Ad America is actually a payment back to NDOT for some of our legal costs that we're going to recoup in a settlement. Also, the McCarran Boulevard Project was just a small issue involving some landscape improvements on the private property. That was settled for \$800. That will go to the Board of Examiners tomorrow.

The issue of the Meadow Valley Claim for the Meadowood Interchange, on 580, we've developed initial findings and discussing that with the Federal Highway

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Administration. Today is a federal holiday, so they're not represented here today, it's Columbus Day. We will continue the discussions with Federal Highway Administration and meet with Meadow Valley contractors on that claim.

That concludes my Director's Report. Governor, I'm willing to answer any questions from the Board Members.

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

Skancke: Thank you Governor, and Rudy, thank you for the report. I have a couple of things that I just wanted to bring up around the population number. I was incorrect last month when I said the State had grown 30%. It's actually 42% since 2000. I think it's important, I agree with the Controller, that we stay on this and weigh in where we can. All the western states have had substantial growth. Arizona, 31%. Colorado, 24%. So, I think that this is obviously a western issue, but it's particularly an issue for Nevada. In the DRIVE Act, if they continue to use old census numbers, then we just continue to get robbed.

I'd also like to say that I've learned that there is going to be a correction in the DRIVE Act because I think a lot of people were caught off guard with the old number. I think we need to keep up that pressure. Whatever we can do from a western state's point of view, I think that's really important.

The second thing that I wanted to bring up and this will be no surprise to anyone but I'm going to put you all on notice that I'm not going to stop until I actually have an answer is, any progress we've made on advancing I-11 to a June 2018 delivery of some sort. So, this is just going to be a standard question, if you've got some answers, that'd be great, but I'd like to see some type of progress back to the Board maybe in December of what our strategy is going forward and how we're going to deliver that project sooner rather than later.

The third thing that I wanted to comment on was, I've had a chance to review the draft of the freight study that is online. I've got to tell you Governor, what this Department is doing in freight is remarkable. It's a great draft. I think you're heading in the right direction and your team is. I think it's well thought out. I like the fact that you're connecting the freight to the Governor's economic development strategy that was done a number of years ago. Because our transportation infrastructure system is directly connected to our economy. Most people don't remember the fact that the Transportation Department used to be in the Commerce Department. It was directly connected to economic development. So, I think the Department is delivering on your vision and mission Governor, around economic development. I think you guys have done a superb job of

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Starting that first draft. I'm looking forward to the completed document very soon.

Finally, I think as we look at I-11, there was an item in here on USA Parkway—I read an article over the weekend about the amount of growth that's happening out in the Tahoe/Reno Industrial Center. To me, I'm not an engineer, but I've spent a little time in logistics, but to me, it makes sense that I-11 somehow has got to connect to USA Parkway. If we don't start planning for that today, we'll be 20 years behind and that thing will be built. The freight study that you're conducting today and you're doing today is connected to all of that. I think that's why we really have to move quickly on advancing I-11 or we're going to be behind. We're going to have all of this development in the northern part of the State to diversify our economy and grow our economy and we're not going to have the connectivity that's needed to make that happen.

So, as we start to look at solutions, my suggestion is that we really look at how I-11 connects to USA Parkway. I know we can't presuppose things for NEPA, but if I-11 has a vision, it is to connect this state and to connect this state to the global economy. I think that what we're doing in economic development in this state to diversify our economy, we have got to keep that in mind as we build our infrastructure.

Those are my only remarks Governor, I appreciate the time. Thank you.

Sandoval: Thank you Tom. It's interesting that you bring up that issue with regard to I-11 and the USA Parkway because I had an opportunity to visit a new tenant there, Zulily, which has a 750,000 square foot internet fulfillment facility. That is one of many that are in that area now and there will be more. I was told that there are over 6,000 individuals that are employed out there now and that number will double in the next couple of years. There will be a significant amount of truck traffic.

One extra issue Rudy, and for NDOT to consider is, they expressed some concern with regard to the interchange of the 80 into USA Parkway. Not long ago there was a truck that had flipped coming in and it blocked that truck traffic. I understand there are two interchanges there, but it really disturbed the freight, the rate of freight that they were able to get in and out of there. I just want to ensure that the interchange that we have there off the 80 to USA Parkway is sufficient to handle the volume of trucks that is there and will be coming in the very near future.

The second issue that I wanted to piggyback on Mr. Skancke's comments was with regards to that population issue. The Western Governor's Meeting is in Las Vegas in December. I think that is a very good topic that perhaps we could make

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an agenda item, with regard to the population and the growth that we're seeing in the Western States, yet there isn't a proportional share of highway money that is coming our way. So, I appreciate you bringing that up and I'm going to explore making that an Agenda Item.

Skankce: Great, thank you.

Sandoval: Any other comments from Board Members with regard to Agenda Item No. 3? Northern Nevada, any comments?

Savage: Not up here Governor, thank you.

Sandoval: All right, thank you. We will move then to Agenda Item No. 4, Public Comment. Is there any member of the public in Carson City that would like to provide public comment to the Board?

Malfabon: None in Carson City.

Sandoval: Anyone present here in Las Vegas that would like to provide public comment? Yes ma'am. If you would take the lectern please.

Malfabon: If the speaker in Las Vegas could get close to a microphone, please.

Sandoval: If you would identify yourself for the record, please.

Roundy: My name is Deborah Roundy.

Sandoval: And if you'd spell your last name, just for the record.

Roundy: R-o-u-n-d-y and I've lived in Las Vegas over 35 years. My husband and I, Terry Roundy, have property in an area that NDOT is wanting to acquire a portion of. This has been going on for quite some time. At the beginning, when NDOT Started their plan to fix the interchange between 95 and 15, I went to all the public meetings. At that time, there were several at the Government Center, where you had a big table map of what it was going to be like and our lot was not going to be affected. It was that way for quite some time.

About two years ago, we were notified that they were going to do an appraisal of our property. It's a half-acre lot. It's inside Scotch 80s. It's a residential estate neighborhood with tree lined streets and it's very nice. We wanted a normal neighborhood to build our retirement home in. In that appraisal, they compared it to property where homeless people live as a comparison and our neighborhood, the former and present mayor live in there and Jerry Lewis and other—it's a very nice, secure neighborhood. There's no entrance or exits to it from—it's on Westwood and Oakey, facing Westwood. All of that around there is gated and

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you can only exit from there, except for one location. So, it's very safe and private and quiet.

Nevada Department of Transportation just recently let us know they want to acquire 10 feet along the Oakey side permanently—12 feet, I'm sorry. And, 10 feet, additional to that for four years to use it. Which make it—and our lot, that side of the lot is 116 feet wide and a 152 feet deep. By taking 10 feet permanently and 12 feet permanently and 10 feet, that's quite a bit of space. All of the houses in the neighborhood are big and wide and you would almost have to build a shotgun house there which isn't in keeping with the neighborhood. Also, it makes it not compliant with its zoned real estate, residential estates which is a minimum of 20,000 square feet. This acquisition would make it less—like, around, less than 18,000 square feet. It also changes the configuration of the lot to make it unusable for the type of house that needs to go there.

The other thing is that, on the corner of Westwood and Oakey, going into Scotch 80s, at present time there is a gate there that you can open like with a garage door opener or Fire Department or Emergency can get in and out and a lot of the residents use that gate. By removing—it's like, our lot has a curb and gutter that goes around and we can get completely out of the traffic to open and close that gate to get in and out. By acquiring that side of it, we wouldn't be able to get in and out without having our vehicles in traffic, so that makes it unsafe also.

Also, I've had a lot of nice conversations with people in Nevada Department of Transportation. The fellow who sent this letter, John Becker, his supervisor; they urged me to go to the last public meeting which was at the school down off Las Vegas Boulevard and I went to that to speak with the man in charge. I think he was the engineer or the head of it. Hoping—and all they want from this side of our lot is a merge lane, from Martin Luther King on to Oakey. There's two properties prior to ours—we're not on the corner, we're two properties in. I thought it would be plenty of room for a merge lane from Martin Luther King on to Oakey. I was trying to get him and Nevada Department of Transportation to just leave our lot alone so that it would be buildable and we would be able to use it or sell it if we need to. By taking that much off of that side it just—it really—our first hope is that you will just leave us alone and make the merge lane stop at the end of our property and then you don't have to pay any money, we don't have to—it makes it easier on everyone.

Sandoval: Ms. Roundy, if I may. You said you communicated with some individuals here at NDOT on these issues?

Roundy: Yes, I have.

Sandoval: And, have you had an opportunity to present these concerns to them?

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- Roundy: Yes. And, they agree that they're all valid points but this a hierarchy and they feel that they can't do anything about it. So then I was urged to come to this meeting.
- Sandoval: I'm glad you're here. We won't be able to solve it today, but I think that you're sitting next to the right person and then, as well as the folks that are associated with the project. So, what I'd ask you to do is, if there's anything else you'd like to say, I don't want to limit you in any way, but we're not going to be able to solve it right this moment. Given that you're here, I'm going to direct the appropriate hierarchy of NDOT staff to visit with Ms. Roundy so that we can see what direction we can go with her concerns and her property.
- Roundy: Thank you so much. I would like to add for the record, if you won't leave our property alone that you just buy the whole property because it's not—if you take 20% of the property, you don't reduce it 20% in price, you reduce it more than 50% in price by your actions.
- Sandoval: Ms. Roundy, are you represented by an attorney?
- Roundy: I've tried really hard not to do that.
- Sandoval: Okay.
- Roundy: I was just hoping that I could do it without it. I have spoke to one that I have not hired yet that I has represented, I think, Antique Mall and several others. They mostly do big commercial people. We don't want to do that if we don't have to do that. We're hoping that if we're reasonable, you would also be reasonable and avoid a lot of problems and money and everything.
- Sandoval: Well, I don't know the specific individuals that need to visit with you. Believe me, your approach is very refreshing. I think I can speak for the other Board Members and the staff, is that we would like to find a reasonable way to resolve this with you. Again, I'm not an engineer, I'm not that familiar with that area and whether it can be avoided or not, but we need to have somebody that can specifically answer your questions. So, I direct NDOT staff to spend some time with Ms. Roundy as soon as possible.
- Roundy: Thank you very much. I appreciate that.
- Malfabon: Governor, I'd like to mention that Ms. Roundy's comments are associated with Item No. 11, which we can discuss later.
- Sandoval: All right. Any further public comment?
- Malfabon: I think you're muted now. Governor, we can't hear you.

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- Sandoval: I got you. Lieutenant Governor just bailed me out. Let's move to Agenda Item No. 5 which is the consideration of the September 14, 2015 NDOT Board of Director's Meeting Minutes. I only have two changes. One is at Page 15, Paragraph 12 and it says, 'and the finally' and it should say 'and then finally'. So, that's just a very slight change. And, at Page 16, Paragraph 3, it says, 'ma'am, I can take your comments here', it should read, ma'am, I can't take your comments here'. Board Members, do any of you have any changes? Member Skancke?
- Skancke: Thank you Governor, I have a change on Page 2, last paragraph. The fifth line from the bottom, 2000—2000 and then Nevada would get more than \$5M out of the dry vac. That should be DRIVE Act. Then on Page 3, second paragraph where it starts with 'I think', two lines up, again, the dry vac appears. That should be DRIVE Act.
- Sandoval: Any others Mr. Skancke?
- Skancke: None at all, thank you Governor.
- Sandoval: Thank you. Do any of the members have any changes to the proposed minutes? If there are none, the Chair will accept a motion to approve the September 14, 2015 minutes with the changes that have been noted.
- Hutchison: Motion to approve.
- Sandoval: Lieutenant Governor has moved for approval, is there a second?
- Skancke: Second.
- Sandoval: Second by Member Skancke. Any questions or discussion on the motion? Hearing none, all in favor say aye. [ayes around]
- Almberg: Governor, I will be abstaining since I was not there.
- Sandoval: All right. Those opposed say no. And, if you would mark Mr. Almberg as having abstained giving that he was not present at the meeting. All right, the next agenda item is a public hearing to act upon a regulation converting a temporary regulation to a permanent regulation in the matter concerning road relinquishments by and between the Nevada Department of Transportation and local governments. In the Agenda, that's marked for a time certain of 9:30. It's now 9:53 AM. Counsel, are we okay to commence with this given that it's 9:53?
- Gallagher: For the record, Dennis Gallagher, Counsel for the Board. Yes, Governor, it's appropriate for the Board to proceed on this matter at this time.
- Sandoval: All right, thank you. So then it is now 9:53 AM on October 12, 2015. This is the time that has been set aside to hold the public hearing to act upon a regulation

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converting a temporary regulation to a permanent regulation in the matter concerning road relinquishments as the process is mandated in NRS 233B.063, Subparagraph 3. This is an action item on the Board's October 12, 2015 Agenda. Notices have been posted at least 30 days in advance of this hearing at all locations and in the form prescribed by the Nevada Administrative Code, Section NAC 233B. Today's action will be to hold a public hearing, to take public comment and then consider the regulation for adoption by this Board. The regulation will terminate automatically on November 1, 2015 if it is not adopted as a permanent regulation. It is the intent of the Nevada Department of Transportation to follow the process of moving this regulation from a temporary to a permanent regulation in the format prescribed by the Nevada Administrative Code before the November 1, 2015 deadline. If adopted today, this regulation becomes effective upon submittal to the Secretary of State. NDOT Staff will make a presentation on this item, after which we will open the hearing for any public comment. Public comments will be taken and considered prior to any action on this item. Staff, is there a presentation?

Madewell: There is Governor, thank you. For the record, my name is Bob Madewell, I am the Chief of the Roadway Systems Division here at NDOT. Today's public hearing is actually the culmination of over three years of work between the Department and cities and counties. The efforts to revise the road relinquishment process began back in November of 2012, that relinquishment revision required that the Department work with local agencies, cities and counties to develop a regulation and a process to deal with road relinquishments.

Those efforts continued after June 13 of the Legislative Session where that revision was completed. As most of you are aware, except the new Member, in January of this year we brought forth to you a temporary regulation that was developed through efforts with the cities and counties and a Guidebook at that time. The reason it was a temporary at that time was that during the odd number legislative year, we're required to do just a temporary regulation. After the adoption in January that was filed with the Secretary of State, we submitted that regulation and the Guidebook to the Legislative Council Bureau who reviewed that, placed it in the proper format that you have before you today.

Subsequent to that, we had also made a couple of minor changes to the manual. With that information, along with the changes in the manual, the LCB provided us the document as mentioned that you have before you today, noticed as LCB No. R012-15.

There were no changes to the regulation, in context. It was placed in its proper format as you see it today so that it could be added to the NAC, the Nevada Administrative Code. The minor changes to the manual dealt with some changes that we found during the time from January of last year until the present. That

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dealt with identifying some projects that were already under discussion. It was felt that there was no need to open formal discussions, obviously, if we were already in discussions with agencies. The purpose of then providing formal letters and beginning that process just wasn't necessary.

We've made some minor changes in your manual. You've seen those in red font. Basically all we did was provide a statement of what a project is and then that process that says, if a project is already identified, you can move right into the negotiation stage, you don't have to formally open that process.

The only other change that was made in there deals with a process where we have what's called, surplus land. Many times the State takes property, as you've heard in a number of these meetings, for road projects, but we don't actually take those into the road system itself. The only formal roads that we take into the road system get a State ID Number and a State Route Number. Those roads are the ones that need to follow the full process when we're dealing with a road relinquishment. For those surplus properties, again, you've seen many of those here, they have already been discussed with either land owners or with other individuals, they were not formally instituted into the road system, therefore can be dealt with through the surplus property process. Which I might add, still requires that they meet with the local agencies, still provide resolutions and still accomplishes the goals that the regulations set forth which is to work with those local agencies so that everyone is in agreement at the time that the process is completed with the final resolutions.

With that, we're here today because after the LCB provided us with the information, we were required now to make this a permanent regulation before November 1<sup>st</sup>. Two components to that are required. One is that we hold another public hearing—excuse me, a public workshop, which was held on September 3<sup>rd</sup>, here in Carson City, was video conferenced to Elko and Las Vegas. We had only one person show at that workshop. That person was here in Carson City. Did not offer any public comment. We also provided opportunities to all the cities and counties, both in personal comment responses to them, as well as an email to each city and county representative asking for any written comments on the regulation. None have been received. We're received actually only very positive feedback in the sense of, let's move forward, we're ready to do this.

We're here today because we did hold the public workshop, September 3<sup>rd</sup>. We had no public comment. This notice was posted as is required, 30 days in advance. Other opportunities were provided for written comment and had a deadline of September 25<sup>th</sup> for public comment. We received no public comment on this matter before you today.

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We're here today to hopefully do those final steps, which is hold the public hearing, obtain any further public comment from the audience at this time and our request would be made forward to you after there's any public comment offered at that time. Thank you Governor.

Sandoval: Thank you very much. You answered my first question, whether any formal objection has been lodged by anyone or any entity with regard to this proposed regulation?

Madewell: There has been no formal objections of any kind.

Sandoval: Have you had direct communication with NACO and the Nevada League of Cities?

Madewell: Each of those folks also were sent the email notifications, as well as I've spoken briefly to the Assistant Director at NACO. We've had continuous—they've been a part of this regulation review process for that three year period, so we've had multiple conversations with the League, as well as NACO, as well as, various city and county representatives.

Sandoval: All right, thank you. Questions from other Board Members?

Knecht: Governor?

Sandoval: Let's go to Lieutenant Governor. I'm going to go to Lieutenant Governor first and then to the Controller.

Hutchison: Great. Thank you Governor. Just a real quick question in terms of just, how this works and what the past experience has been. As I went through the regulation, and again, I think this is a fine job and all parties have an opportunity to participate. My question that surfaced for me was under this conflict resolution process, which is Section 5.2, that's in connection with 5.11, which says at the end that it's truly the goal to create a mechanism for parties to work together to find a resolution that they all agree with in terms of relinquishment. It says that the resolution of any disagreement should best represent the interests of the State of Nevada. I'm wondering, have you ever had a situation where you just couldn't agree with local governments or with parties in terms of relinquishment; an even though maybe NDOT thought it was in the best interest of the State to relinquish these properties, the parties weren't able to come to some sort of agreement. Has that happened in the past?

Madewell: Mr. Lieutenant Governor, during the term that I've been involved with this, we've not had these issues. Deputy Director Larkin has been involved in those, she may have some instances, but the entire purpose of working through this process with all of those agencies was to ensure that we hopefully don't get to that point. It's

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been the Governor's and the Director's direction to us to not force relinquishments on agencies. So, we have every opportunity to resolve all these before we get there, but no, I've not had any history with any that's had that problem.

Hutchison: Okay, thank you very much for that perspective. Because the conflict resolution really does embody this, I think, policy decision where, unless there's a win-win here, there's just no deal, right? That was the idea. Win-win, no deal, even if somebody were to decide at NDOT or the State that it really would be in the best interests of the State to relinquish these roadways or whatever was the issue, if we can't get to a win-win then we're just going to walk away from that because that's what the conflict resolution says.

Madewell: That's correct and that was the intent.

Larkin-Thomason: I'd like to add that, we have never forced property on to an entity on that. We've had some heated discussions, but for the most part, it's always been—really it comes down to, generally when they see a value in obtaining it back, that's generally where the negotiations go.

Hutchison: Those are my only questions. Thank you very much for answering them. Thank you for the lengthy process that went into this. It seems like a very thorough and fair approach. Thank you.

Sandoval: Mr. Controller.

Knecht: Thank you, Governor. I agree that this seems like a well-developed process in documentation. I do have one question on Item 6, Attachment B of Page 3. That's the proposed permanent regulation, revised proposed permanent regulation. Item 2, toward the top of that page says, after the initial approval of the proposed manual by the Board, pursuant to Subsection 1, beginning during the month of October or November of each year, the Department may revise the manual as follows. Then it's a little bit unclear from there. Am I supposed to read that as revisions happen only in October or November? Or, they happen whenever in the year that the issue is brought by someone?

Madewell: Your first observation is correct. We were trying to limit your time dealing with these changes, should some occur. We will work with the local agencies throughout time, but it should only come before this Board during October and November so that we all can plan appropriately. That gives us plenty of time to deal with any issues that may be upfront. That also was something that was real important, I might add when we were having discussions with the local agencies. They too felt that there needed to be some identified time so that they too did not have to deal throughout the year with pulling away from other governmental issues. So they could say, okay this is our time to deal with these issues. It

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helped in the planning process on both sides. The Department, as well as local agencies.

Knecht: Thank you for that, Mr. Madewell. Governor, I'll just say this, I kind of took the other point of view that one of the problems government has is that it moves too slowly and ponderously with artificial restrictions on timing. It seemed to me that if there was a need at some point to modify these regulations and the manual and the procedures that we should be able to and parties should be able to raise it as needed, as perceived and when it arises, that won't dissuade me from voting for this, but I did take the other view point that, gee, why don't we just leave it open and respond to the need as it appears. Thank you Mr. Madewell, thank you Governor.

Sandoval: Thank you. Any other questions or comments from Board Members? Hearing none we'll move to open the hearing for any public comment. Is there any member of the public that would like to comment on this proposed regulation? Why don't we begin in Carson City.

Malfabon: None in Carson City, Governor.

Sandoval: Nobody from any local government there?

Malfabon: There's some here but none willing to have any comment on this. It must be acceptable. Oh, somebody is taking a seat. No public comment in Carson City Governor.

Sandoval: Is there any public comment here in Las Vegas with regard to this specific regulation, or proposed regulation? I'll close the public comment period and ask for any further discussion from Board Members. I want to thank staff for it's hard work. This is something that has been a topic of discussion for the Board for many years now. I think it's very helpful that we now have a formal process where everybody involved knows exactly what to expect. This is a product of an extreme amount of collaboration. For the local government representatives that are in the audience, in Carson City, I want to thank them for their participation in this process and working with the Department to get to where we are today. It's a great product and I think moving forward, there will be a good opportunity for exchange between the State and the local governments that will be mutually beneficial. We don't get that to happen very often. So, it's always good when we have a result like that.

Knecht: Governor?

Sandoval: Yes?

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- Knecht: Thank you, Governor, in view of all you've said and in view of the presentation, I'll move approval of Item 6, Attachment B, the revised proposed regulation and Attachment C, the Guide to Roadway Relinquishments.
- Sandoval: Well, I appreciate your eagerness, Mr. Controller, if you would hold your motion, there's one final formal item that I have to do to make the appropriate records so that we dotted our I's and crossed our T's. So, the staff will read the information in Item No. 2 of the hearing agenda, which describes the action item and staff recommendations verbatim.
- Madewell: I apologize, Governor. After the earlier comment from Mr. Knecht, I was prepared to just move forward.
- Sandoval: You better hurry before he changes his mind.
- Madewell: Governor, Members of the Board, Bob Madewell again for the record, Chief of Roadway Systems. Basically, we recommend to the Board that—Staff recommends that the Board hold the public hearing, solicit comments regarding the proposed regulation and Guide to Road Relinquishments and consider those comments. Staff recommends that the Board consider approving the permanent regulation and Guide to Road Relinquishments and authorize staff to submit the regulation and Guide to the Secretary of State as the final step in this process. That concludes our recommendation Governor.
- Sandoval: All right, thank you very much. The Controller has moved to revise the proposed regulation of the Department of Transportation, LCB File No. R012-15, relating to roadways, providing for the establishment and subsequent revision of a manual for the relinquishment of a state highway from the Department of Transportation to a county or city, or county or city road from a county or city to the Department and providing other matters properly relating thereto. Was that your motion, Mr. Controller?
- Knecht: It was, Governor, and I haven't yet changed my mind.
- Sandoval: All right. So, we do have a motion for approval. Is there a second?
- Skanccke: Second.
- Almberg: Second.
- Skanccke: Give it to him.
- Sandoval: We'll give that to Mr. Almberg as his first formal action. So, second by Member Almberg. Any questions or discussion on the motion? Hearing none, all in favor, please say aye. [ayes around] Opposed no. That motion passes unanimously.

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This concludes the public hearing to act upon a regulation regarding the road relinquishment process. The time is now 10:12. Thank you very much.

Let's move to Agenda Item No. 7, which is report on cooperative efforts with the Nevada Department of Public Safety.

Malfabon: Thank you, Governor. I'm very pleased to have Director James Wright and Colonel Dennis Osborn, the Chief of Nevada Highway Patrol. Jim Wright is the Director of the Department of Public Safety. If you could approach the podium and give your presentation. We work collaboratively with both of these groups in the efforts to improve highway traffic safety. I wanted them to highlight a specific program.

Wright: Good morning, Governor and Board Members. For the record, Jim Wright, Director of Department of Public Safety. With me today is Colonel Dennis Osborn who serves as the Chief of the Highway Patrol Division. We want to thank you for allowing us to be here with you, to discuss this item that we are very interested in presenting to you. I'd like to make a couple of comments before I turn it over to Colonel Osborn.

As mentioned earlier by the Director, both Departments have worked together for a number of years to make traffic safety messaging very important and carry that out. Also, day in, day out, our troopers and our maintenance workers work on our roads which we all know can be very dangerous. To add to this already dangerous situation, we have work zones, which present its own hazards, not only to our workers but to the motorists as well. Speed reductions, lane reductions, diversions, just the distraction of the work that's going on can cause crashes. We want to work together with NDOT to focus on these zones and work closely to make these zones as safe as we possibly can.

I'd like to introduce Dennis Osborn.

Osborn: Thank you, Director Wright. Good morning Mr. Governor and Board Members. For the record, Dennis Osborn, Chief of the Nevada Highway Patrol.

Mr. Governor, after your conversation with Director Wright and I on September 14<sup>th</sup>, we did some research and looked into work zone fatalities and what our options were to improve on this. I just went back to calendar year 2013. As you can see, we had six fatalities in 2013, that was in five crashes. In 2014, we had 10 fatalities and that was in eight crashes. Year to date, we have five fatalities in 2015 to date and those are our in work zones.

Our research shows that having a law enforcement officer, a uniformed traffic control officer in work zone is effective. Especially when you have it just stationary with its lights going and the radar running. It's actually proved to be

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more successful than having just traffic patrolling around the area. Our recommendation is to have a uniformed traffic control officer in work zone as much as possible.

The good news, Mr. Governor, is that there is an interlocal agreement already established and in place between the Department of Transportation and the Nevada Highway Patrol. The triggers for that are all within the Department of Transportation for when the uniformed traffic control are requested and utilized. We have that in the design phase, with the Chief Construction Engineer and the Chief Traffic Engineer or District Engineer. In the construction phase, it lies with the Resident Engineer in conjunction with the contractor. In the maintenance phase, it's the Maintenance Supervisors that make the decision on when uniformed traffic control are utilized.

This criteria is a federal regulation found under CFR 630.1108(d) with the Federal Highway Administration. The interlocal specifies that during the design phase, the decision to use the uniformed traffic controls will be made with these two triggers, either road closures or complex traffic control designs are utilized. The interlocal specifies in the construction or maintenance phase, that uniformed traffic control should be considered when traffic lanes must be closed down for any period of time, when critical intersections are complex traffic control situations, when traffic speed will be reduced substantially, or if there's significant hazard existing for workman or the traveling public.

The Highway Patrol is committed to working with NDOT to utilize the uniformed traffic control. We've actually already—DOT has briefed their maintenance supervisors and reminded them of this interlocal. I have also briefed the Command Staff state-wide that we expect an increase in requests for uniformed traffic control in work zones.

That was the first proposed solution, both of the entities being reminded. Also, using the messaging boards more effectively in the work zones by saying, NHP and radar use ahead. Also, to continue to work together with different maintenance projects. Sometimes those are smaller scale and just a reminder that there might be striping or sealing going on in one of our combined areas. We could put that out to our troopers in that district for an extra presence. Maybe not even having to utilize the interlocal, but just in a cooperative effort. Finally, NHP Duty Station Command to advise beat officers of any NDOT activity within their jurisdiction.

So, to conclude, we feel that with this reminder of the interlocal that's already in place and an agreement between the two departments to utilize the uniformed traffic control in work zones that we feel that we can improve that safety and

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make a difference. That's the end of my presentation and I'm available for any questions.

Sandoval: Thank you Chief Osborn. That's very thorough. I guess my question would be, when you say that part of our action should be to remind NDOT to take advantage of this, does that suggest that we're not doing it right now?

Osborn: We have utilized it and I checked for the last two—well, Fiscal Year '14 and Fiscal Year '15 and it's been utilized six times. It was 580, the current project, the Golconda Summit and then also on Kingsbury, but certainly it could be used more frequently in my opinion.

Sandoval: Board Members, any questions for Director Wright or Chief Osborn?

Hutchison: Just a quick follow-up.

Sandoval: Lieutenant Governor.

Hutchison: Thank you. Chief Osborn, thank you for your presentation. I'm not familiar with the interlocal agreement, but is there an analysis just in terms of resources that are available when the request comes in from NDOT? Is that something that then your Department would evaluate or is it pretty much an automatic, if you request it, we're going to supply it?

Osborn: Yes sir, Lieutenant Governor, for us it would be an automatic. If NDOT requires it, we will make it happen. There is in the interlocal a seven-day notice that they need to provide to make sure that we have the resources committed to that.

Hutchison: Great, thank you very much.

Osborn: You're welcome.

Sandoval: And just a follow-up if I may, Chief Osborn. I saw that you referred to a federal regulation, in every man's speak, what's the threshold there where a project or a job would be eligible for the Department's services?

Osborn: Yes, Mr. Governor, it is a federal guideline like you said. Really the triggers are, any type of lane closures, substantial speed reductions, complex design, those are all triggers and obviously a lot of that is reimbursable by the federal government for those projects. They encourage us to utilize uniformed traffic control for work zone safety.

Sandoval: Would that basically mean every project?

Osborn: When you really diagnose it, and I did that. I even had a conversation with Director Malfabon, we were like, gee with the criteria, yes Mr. Governor, it would

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be where sometimes you could argue any type of work zone. You could have that request be made.

Malfabon: And, Governor, if I may add, we typically have this on a construction project. There's a contract bid item called a Uniformed Traffic Control Officer, which serves the purpose for hiring NHP or local law enforcement officers to perform this duty. I think that Chief Osborn hit the nail on the head though. We have to do it more often on the maintenance projects, as was mentioned in his presentation. We let the Maintenance Supervisors know this year at their annual meeting that this is available. As we go over the retirements and turnover and people getting into new positions, it's not as readily apparent that this interlocal agreement is out there for their use. We've impressed on the District Engineers and their staff, let's start using this on the maintenance projects. I feel that it's covered pretty well by the provision of the bid item and is federally reimbursable on construction projects, but on the maintenance projects we need to do a better job of expending all the efforts available to us to improve highway traffic safety.

Sandoval: Let me finish with the Chief and the Director before I come over to you because I do have some questions for you, Rudy. Having said that, I don't have any further questions for the Chief or the Director. Board Members, any other questions or comments?

Hutchison: Can I clarify one thing?

Sandoval: Mr. Lieutenant Governor.

Hutchison: Chief Osborn, I think I heard you right but did you say, or maybe it was mentioned by others, that this is the most effective way to reduce any fatalities, if we can reduce fatalities within construction zones is with the uniformed traffic control?

Osborn: Yes, Mr. Lieutenant Governor. I did say that and what the research shows and it's cited in the presentation is that actually the stationary patrol vehicle, with the lights activated and radar being used coming into this work zone is more effective than just patrol in and around the work zone area.

Hutchison: Thank you.

Osborn: You're welcome.

Sandoval: And Chief, in any of those tragedies and those fatalities in those past three years, has the patrol been utilized in any of those instances?

Osborn: Mr. Governor, not in those, no. Not as uniformed traffic control.

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- Sandoval: And you have the personnel and the resources to accommodate those types of requests, assuming that seven day notice that you talked about?
- Osborn: Mr. Governor, we do and again, these are on overtime for our personnel, so it doesn't distract from our regular calls for service and duties during patrol. So, it is on a contract service with NDOT. Yes, we do have the availability to do that.
- Sandoval: All right. Anyone else, any questions?
- Knecht: One follow-up to that Governor.
- Sandoval: Mr. Controller.
- Knecht: Thank you. Chief, do you have some idea of what the annual cost of implementing this would be?
- Osborn: Mr. Controller, I don't. I don't because it hasn't been utilized to the discussion that we've talked about today and over the last month really. I do not have an actual number of what that would cost.
- Knecht: At some point, it would be of interest to me to hear such a number if with reasonable efforts you could come to one. Thank you Governor.
- Osborn: I guess just for a little bit of an answer for that, I can give you what it cost us for the I-580 total, just to give you a little bit of an idea. With the Q&D Construction on I-580, this was for calendar year '14, it was \$14,507 that was 391 hours. Then, I know there was a larger one in there. [pause] Here's a good example. Q&D for Kingsbury and this was calendar year '14, it was a total of \$97,608. That was 2,379.5 hours billed and that was with 169 shifts. Just to give you a ballpark.
- Knecht: Thank you, Chief, and thank you, Governor. That is helpful. I believe this is an informational item only and it's helpful to have that information. I'll just say that I agree with you 100% when you say that seeing the car there before you get there with the bubblegum machines going is very effective, at least with me and I think with most people. The costs your talking about seem reasonable given the probability that it will save a life somewhere. Thank you.
- Osborn: Thank you Mr. Controller.
- Sandoval: Member Skancke.
- Skancke: Thank you, Governor. First of all, Chief, I'd like to commend you and your Department for the outstanding job you do for our State. I will give you my license plate number however and any time you can ask your folks to leave me alone, that would be great, but...

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- Sandoval: Strike that, there was static there, I didn't quite hear that.
- Skandke: The Governor is a former lawyer of mine, he knows exactly what that is. Anyway, in all seriousness, about how many officers—like, on a project like Project NEON which is a huge project or some of the projects that are happening up on the 395 up in Reno, how many officers in your Department would probably be needed on a project like that? On like the 395 in Reno, I've seen one officer at the front end of the project if you're heading north or one—are there multiple officers that are needed, is it just one on the beginning of the project to kind of deter or is it throughout the project to remind people that it's a constant practice of being cautious in a construction zone?
- Osborn: Yes sir and thank you, first of all, for those comments for the men and women of the Highway Patrol. I will pass that on and we appreciate that. To answer your question about the construction zone. Typically, yes, it's just one uniformed traffic control officer as you enter the project. Then, if it was both directions, then yes, one each way.
- Skandke: Thank you.
- Sandoval: Do we have an officer on that 580 project right now that's going on?
- Osborn: Mr. Governor, at this point, no, but we have throughout the project when it was at its initial stages, but currently they're wrapping that project up and there is not.
- Sandoval: I want to make sure we're talking about the same thing but the concrete project that's going on within the Reno City limits, that basically goes from essentially the airport to the Spaghetti Bowl or to the 80.
- Osborn: Yes sir, correct. We have had, throughout that project, we have had some but as of currently, the last few weeks, we have not.
- Sandoval: All right. Any other Board Member comments or questions?
- Savage: I have a comment Governor.
- Sandoval: Yes, Member Savage.
- Savage: Thank you Governor and Director Wright, Colonel Osborn, my sincere thanks to you both, very much, for taking the time today, as well as, thanking the men and women of the Department of Public Safety. I think this is a very good wake up call for everybody to stay on top of it from NDOT's perspective with the collaboration of DPS. I think we're on the right track. I think it's a point where you know the public safety, we know the roads and together we can make it better. I think we have to meet, whether it be monthly, with maintenance crews,

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again, to remind the contractors and the maintenance people that we can do better jobs. I appreciate your time very much and have a good day.

Osborn: Thank you Member Savage.

Sandoval: All right. Thank you. I do have some questions for the Director. I heard your comments, Rudy, but I guess it begs the question, why haven't we been doing this?

Malfabon: Well, I think it's telling the people in Maintenance that it's available. On construction it is, it has been used on 87 projects according to the facts gathered by the Construction Division. We want to make sure that it's available on every construction project as what was stated in the presentation by Chief Osborn. These types of criteria that are the federal guidelines, just about every project will meet those criteria. There is no excuse for not having it as a bid item. I think it's just promoting it more, having it used more and having the districts have their maintenance staff collaborate with the local office of the Nevada Highway Patrol to have it set up on the maintenance contracts.

Sandoval: But is that money for this protection, isn't that included in every bid?

Malfabon: Nearly every project has that bid item in it and that's the projects that are state funded. There's also federally funded projects where the Federal Highway Administration reimburses us. Most of the larger projects are federally funded, so we would get reimbursement. The cost is really not a reason not to use it. We would have the money available for either state funded; whether it's construction or maintenance operations and federally funded construction projects.

Sandoval: I just want to know, has the money been in there, but not utilized?

Malfabon: Yes, it looks like we've used about 60% of the funding available for it. We're going to impress on our construction folks, use it more often. There's no reason not to use it.

Sandoval: Well, it's not impressed upon and it's not encouraged, it's we do. Why wouldn't we do it if it's part of the bid and/or if we get reimbursed by the federal government?

Larkin-Thomason: Governor, there's one point I'd like to make. In the past, there has been the past few years there have been some resource issues where we have tried to get them and have been unable to. I also want to point out that any time during flooding or any emergency things, they have come without an agreement and helped. There has been some attempt on some to get them and have been unable to.

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Sandoval: Well, that's contrary to what the Chief reported, but I guess the point being that, in my mind we're approving a bunch of contracts today and we need to protect our people. No questions asked. Every man and woman who works for this Department should be protected and should have that NHP out there with the flashing lights or whatever it takes for traffic control.

What has brought this up is my conversation with the mother of that NDOT employee that was killed out there in Battle Mountain. It just brought to my attention an issue and that's what the conversation that the Colonel alluded to. As I said, we can't change what's happened before but we can certainly change what's going to happen moving forward. In my mind, if there's an opportunity and there's money in there then we should be doing this. It kind of like reminds me, unfortunately, of these crosswalk issues and such. We need to put this number one priority, the protection of life and safety has to be the number one priority of this Board and this Department.

I'm not going to lecture, but I want to make sure that my belief is crystal clear here. When we approve these contracts today, I'm going to ask, is there money in there if this is a project that qualifies for funding to protect the safety of the NDOT employees and the construction workers that are out there.

Board Members, I don't know if you have any questions or comments. Member Skancke.

Skancke: Thank you, Governor. I would just echo what you said and would probably add this, that we always seem to be able to find money for other things that have come down the pike, I think it should just be almost mandatory that every contract that this Board awards, there's got to be money, whether it's state funds or federal funds, regardless. You just said that the public safety of our employees and our team here at NDOT is number one priority and our contractors. If it's \$97,000, I would probably guess that there's probably \$97,000 sitting around somewhere, whether it's state funds or federal funds. We should be proactive in this and not reactive. You're right, we can change the future, we can't change the past. I would say that if it's not in every one of the Agenda Items, then there will be a question from the Board where it is, but I think every project that is on the road today should have a CHP Officer on there.

Sandoval: NHP.

Skancke: I mean, I'm sorry, NHP. Sorry.

Hutchison: Strike that one too.

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Skancke: Right, I quit. That NHP—I spent a lot of time with CHP. With NHP that we have the money to do it today and that every project beginning today should have it. Thank you Governor.

Sandoval: You're welcome and I appreciate your comments. If we've got \$2M to spend on landscaping on an off-ramp, on the 580, we have got \$97,000 or \$14,000 to put down on safety. Perhaps they're in different buckets but as you said, this is a massive budget and to me, that is—given the amount of contracts that we approve on a monthly basis, the amount that it would take to put NHP out there to provide this protection and safety is nothing. It's just nothing.

Any other Board Member comments? Mr. Lieutenant Governor?

Hutchison: Just last comment, Governor. I would suggest that if there is an issue with requests going unfulfilled that that be reported to the Board, if there is a problem with resources. We heard Chief Osborn say that that shouldn't be a problem and it hasn't been a problem; maybe there's a little conflict here. I would suggest if there is, I mean these are all state agencies that we're talking about and we've got to know that otherwise I think we should be able to safely assume that these resources are being deployed as we just described, as the Governor has directed. Thank you.

Sandoval: I got to believe that there's a lot of troopers out there that would like to get the overtime.

Hutchison: Yeah, right.

Sandoval: All right, Board Members, any other comments or questions with regard to Agenda Item No. 7? All right, let's move to Agenda Item No. 8, which is Approval of Contracts over \$5M.

Nellis: Good morning, Governor, Members of the Board. For the record, Robert Nellis, Assistant Director for Administration. In your packet there are two contracts that can be found under Agenda Item No. 8, on Page 3 of 17 for the Board's consideration.

The first contract is a resurfacing project located on State Route 593, Tropicana Avenue, from Eastern Avenue to Boulder Highway in Clark County. There are three bids and the Director recommends award to Aggregate Industries in the amount of \$7,669,990.

The second project is located on US-95, south of Tonopah in Esmeralda County to widen shoulders, flatten slopes, construct two passing lanes, widen roads for right and left turn lanes and resurfacing. There was one bid and the Director recommends award to Road & Highway Builders in the amount of \$14,141,141.

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Governor, that concludes Agenda Item No. 8, and based on the previous discussion, I assume there are no questions.

Sandoval: You brought your sense of humor with you today, Mr. Nellis. Again, here we go. We've got safety money in these contracts, right?

Malfabon: We'll confirm, Governor, and if that uniformed traffic control officer bid item isn't in there then we'll direct the staff to add it by change order. That's typical on these paving jobs that it is in there.

Sandoval: Right. And then, both of these bids are higher than the engineer's estimates, any comment on that?

Nellis: Governor, I can take a stab at it before Assistant Director John Terry comes up, but at least on the second item, that's a remote location where there's labor issues. There's also a significant amount of earthwork, so it's difficult to estimate on these rural jobs. If you'd like a more thorough explanation, Assistant Director Terry is here to provide answers to your questions.

Terry: John Terry, Assistant Director for Engineering. The first job is on Tropicana Avenue, that's kind of a difficult urban job. Yes, our engineer's estimate is lower than all three bidders. The bidders seem to be, well relatively consistent, although the low bidder is quite a bit below the other two. We did get three bids and the BRAT team does recommend approval of that one.

I assume the question that is going to come up on Number 2 is, we only had one bidder. I can't think of the last time on a contract of this size that we've had that situation. We did analyze the bids. We saw no evidence that the one bidder had any indication that they would be the lone bidder. It was done by electronic bid. We analyzed the bids and we feel it's in the best interest of the Department to award. We don't think that by rebidding the project that we would get more bidders or any better bids on the situation. That was a difficult analysis to do on Item No. 2. With that, I can answer any of your questions.

Sandoval: Thank you Mr. Terry. Your comment was right on. It shocked me that we only had one bidder on that project. I don't know if that suggests that people are busy now and there's a lot of things going on. I mean it's not as if it's that remote, right? It's Highway 95. I don't know what else to say, but I would just be curious if you could chat with some of the contractors out there, the major contractors and find out why there wasn't any other interest on this project. I don't mean right this minute.

Hutchison: Just real quick follow-up.

Sandoval: Yeah, Mr. Lieutenant Governor.

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Hutchison: Thank you. Thank you Mr. Terry. I appreciate your efforts here as well. I'm wondering, is this a reflection of, as the Governor said, more work? Maybe contractors being at bonding capacity or I mean, what's your best guess? And, are you telling the Board that you're comfortable with this one bid contractor coming in \$1.7M above the engineer's estimate, that this is in the best interest of the State? It's a concern, it sounds like, for others that we've got one bidder and it's substantially above our estimates.

Terry: Again, we did analyze the bids. It is our recommendation to approve. It was a difficult one, but we do not feel that we would get better bids, nor necessarily more bids were we to rebid the project. Yes, it was over the engineer's estimate but as you've seen in many of these meetings, that much over the engineer's estimate on these rural jobs is relatively typical, lately.

Hutchison: Thank you.

Sandoval: Member Skancke.

Skancke: Thank you Governor. John, were the bid documents prepared—sometimes it's timing. So, were these estimates done a while ago or were they done recently and could that be some of the problem? Because I know right now, there is today, material costs are going up because people are busy. The cost of projects is increasing a bit because there's a lot of projects out there. Were the bid documents done, or were the estimates done recently, the engineer estimates done recently?

Terry: Again, I'll answer that our estimates tend to do their estimates based on prices received recently on similar NDOT projects. I believe you are correct. Right now there is a lot of work in Las Vegas. Not just through us, but through many of the locals because of the Fuel Revenue Indexing. If you have seen on our various agendas, we have bid a significant amount of work lately. I believe on Item No. 1, yes, there is a lot of work in Las Vegas, perhaps were seeing prices going up and our estimators have not chased that increase quite as quickly.

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

Knecht: Governor?

Sandoval: Mr. Controller.

Knecht: Thank you Governor. I would've asked the question on the overruns, both of them if the Governor hadn't and I share the concerns. I will say this, as someone who made that drive eight and 10 days ago, going down and back, Tonopah really is that remote. I can easily see how the costs can be a lot higher. It's the halfway point, essentially. Especially making the drive back eight days ago, in a series of

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thunderstorms, rain storms, I have to say that while those are unusual, the drive is very treacherous under those circumstances and I very much welcome the construction of two passing lanes, widening Silver Peak Road, etc. with a turn lane. It seems to me that it will make material difference in the safety and navigability for drivers. I understand Mr. Terry's explanation, so I'm good with this one. Thank you.

Sandoval: Thank you Mr. Controller. Any other questions or comments from Board Members? Mr. Almberg.

Almberg: Yes, I've got a quick question. I don't believe it will have any bearing on how we vote for this today, but just to try to get me up to speed and understanding of some of this. On Contract 3605, we did have three bidders on that. When we're looking at the bid items breakdown here, there's the actual bid amount and then there's also an adjusted bid amount. I haven't seen anything in the packet to help me understand how you get an adjusted bid amount. This does not affect the low bidder, it's only the second and third bidders.

Terry: Once again, John Terry. What you're seeing is a partial. That spreadsheet is prepared for our BRAT Team that reviews all the bids. That spreadsheet is just the items that—because there were differences in the bids between the first, second and third, is how much difference it would have to be in the quantities in order to reverse the bid or influence the bid. That is not all of the bid items. That is only the bid items that they have specified could've caused reversal of the bid and it's part of the analysis we do. Just as a reminder, these are highway projects. Even though there is a final bid amount listed, we pay by the actual quantity actually measured in the field and that's part of why this analysis is done. I hope I answered your question there.

Almberg: Actually John, I think you didn't. I understood the spreadsheet and what you just explained there, but if you go back several pages in that packet, it has actual bid and adjusted bid. The second bidders have adjustments.

Malfabon: Member Almberg, I could respond to that. Adjusted bid amount has to do, I believe, when there's corrections, mathematical. What our rules are is that the unit price rules and we extend that mathematically for the quantity. Sometimes a contractor has inadvertently made a mistake, but that's the only thing I can think of is that adjusted—yes. Okay, we have an explanation.

Eyerly: Jenni Eyerly, Administrative Services Division Chief. The adjusted bid amount happens when there's a bidder's preference on a project. It's the 5% adjustment that occurs to those bidders who do not have the preference.

Malfabon: Oh, these are state funded.

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- Almberg: Thank you.
- Malfabon: Why would Las Vegas Paving have an adjustment?
- Eyerly: Again, Jenni Eyerly. Las Vegas Paving typically does have a bidder's preference and a certificate showing such. At the time of this bid opening, their certificate was not current. We did get in touch with their office and let them know this was going on. I think I checked about a week ago and we still had not received the update.
- Malfabon: Thank you.
- Sandoval: Does that answer your question, Mr. Almberg?
- Almberg: It does, thank you, Governor.
- Sandoval: Thank you. Any further questions with regard to Agenda Item No. 8? Mr. Nellis, does that complete your presentation?
- Nellis: Yes sir, it does. Just to note for the record, there are no uniformed traffic controls on any of the projects, including these two contracts as well as any of the rest on the agenda, for the rest of the day.
- Sandoval: There are not?
- Nellis: There are not, no sir.
- Sandoval: All right. Before I take a motion approving these, what do we do?
- Malfabon: Governor, we'll direct staff to add that in by change order and get a price from the contractor.
- Sandoval: Member Skancke?
- Skancke: So, in the motion, would it be appropriate to add that, that the Department has to create a change order?
- Sandoval: Yes.
- Skancke: You let me know when you're ready for a motion.
- Sandoval: Any further questions or comments from Board Members?
- Savage: Governor, I have one comment.
- Sandoval: Member Savage?

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- Savage: Determining the value of the safety between DPS and NDOT, I would recommend an allowance amount be discussed between DPS and NDOT, rather than leaving it up to the contractor. Because of the timing, the resources, and the length of the project, I think between NDOT and DPS, we'd be better off rather than having the contractor come up with the amount. That's my only comment. Thank you Governor.
- Sandoval: All right. If there are no further questions or comments, the Chair will accept a motion to approve Contracts 3605 and 3607 with the safety issues to be considered. Member Skancke.
- Skancke: So moved, Governor.
- Sandoval: Well, I want to make sure I'm clear. I was being a little vague there. If you could be more specific.
- Skancke: Sure. My motion would be that we accept Items No. 1 and 2, under Item No. 8. It's Item No. 8, correct? Okay. That we would approve those two contracts and that the Department would work with the Department of Corrections—
- Malfabon: Public Safety.
- Skancke: I'm out of here. You know what—I'll see you all next month. Let me try that again. My motion would be to approve Item No. 8, both of those contracts; work with the Highway Patrol and NDOT to include in those contracts the necessary safety provisions to provide for an NHP officer on these two projects.
- Sandoval: Thank you. You've heard the motion, is there a second?
- Martin: Second.
- Sandoval: Second my Member Martin. Any questions or discussion on the motion? All in favor say aye. [ayes around] Oppose, no. That motion passes unanimously. Let's move on to Agenda Item No. 9 which is the Approval of Agreements over \$300,000. Is that you again, Mr. Nellis?
- Nellis: Yes, thank you, Governor. Again for the record, Robert Nellis. There are three agreements that can be found under Attachment A on Page 3 of 50 for the Board's consideration. The first line item is Amendment No. 3 with CH2M. This is an increase in authority by \$18,700,000 and extending the termination date by four years, five months, to 12/31/2020, for design engineering services, construction administration and onsite management services. This agreement is eligible for federal reimbursement.
- Also, Line Item No. 2 is with Kimley-Horn and Associates in the amount of \$1,022,000, to upgrade central system software to Kimley-Horn integrated

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transportation system. This includes yearly maintenance, system support and system enhancement.

Finally, Item No. 3 is Amendment No. 1, with Biological and Environmental Consulting, LLC. This is to increase authority by \$1,288,000 and extend the termination date to 06/30/2018 for biological oversight and threatened endanger species compliance of construction contracts in Clark, Nye and Lincoln Counties.

Governor, that concludes Agenda Item No. 9. Are there any questions I may answer for the Board or direct to the appropriate person?

Sandoval: Thank you. I know there are Board Members that have a lot of questions with regard to the first contract so I'm going to defer to them on that one. I just want a little more detail on Item No. 3, for the desert tortoise surveying, why does it cost another million?

Malfabon: Governor, since the desert tortoise is a threatened species, we have a requirement that we have to have biological oversight on our construction projects. We install tortoise fencing along our right-of-way, but occasionally with floods and other issues on our right-of-way, sometimes the fence gets breached and the tortoises can get into the right-of-way. This is a requirement that we have. NDOT also has biologists on staff, just not enough to cover all of the paving projects in Southern Nevada, which are tortoise habitat. We are looking at our options to reduce these costs, but it is a necessary obligation of the Department because of the issue of Threatened and Endangered Species Act compliance.

Sandoval: I'm not suggesting that we don't need to do it. I understand that this is an important component of the contract or of construction and what we do here in Southern Nevada. Again, just for a million dollar bump, that's what I was curious about.

Malfabon: Reid Kaiser will also address some other measures we're taking to try to reduce those types of costs.

Kaiser: Governor, Reid Kaiser, Assistant Director of Operations. This agreement covers only two contracts. It will complete the Boulder City Project Phase 1 and also the project out on State Route 160. We are looking at other methods to take care of this requirement using a separate agreement in the future. This agreement here will, again get us through two contracts. We work with Park Service and the Federal Fish and Wildlife and they requested that we keep this group on board for these two jobs.

Sandoval: All right, any other questions or comments on Item No. 3? Mr. Lieutenant Governor.

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- Hutchison: Just an observation Governor. This underscores the point that we talked about in our last agenda. We're trying to scrape together and look for \$100,000 or less than that to try to protect human life and we're going to spend a million dollars protecting a tortoise. I'm not saying that we don't have to do that, I understand federal law, but sometimes a Stark contrast like that underscores the point. We can find the money to protect our folks on the road if we can come up with a million dollars to protect these tortoises.
- Kaiser: Lieutenant Governor, that's why once we get out of these two projects, we're looking at a better, cheaper method to take care of this situation.
- Sandoval: Thank you, Board Members, questions on Items 1 or 2? Oh, I'm sorry, Mr. Controller, please proceed.
- Knecht: Thank you, Governor. I'll just ask that when it comes time to take a vote on these three items that we vote separately on each of the three. I share the concerns that have been expressed and I'd like to share them with the world with a no.
- Sandoval: All right, thank you Mr. Controller.
- Savage: Governor?
- Sandoval: Member Savage?
- Savage: Thank you, Governor, I just have one comment and it pertains to Item No. 3 and No. 2, last month we'd asked for more support documentation for consultant agreements here at the Board Meeting. We also requested that at the Construction Work Group Meeting. I think it's very evident in Item No. 2 for the Kimley-Horn contract. The substantiation and the support documentation that the staff administration had put together was substantial. I think we need to make every effort in the future to have that on every item for consultant agreements moving forward. That would be my suggestion. Thank you, Governor.
- Sandoval: Thank you. Board Members, questions or comments on Items 1 and 2? Member Martin?
- Martin: Item No. 1 of this Agenda, the extension for CH2M, of \$18,700,000 and extending their contract termination date out to, I believe it is 2020. I'm uncomfortable with this amount of money in one lump sum as a change order and an extension for another five years. What I would put forth to the staff and to the Board is that this amount be reduced to \$5,000,000 and the time extension be reduced to one year. At that point in time, after some evaluation, that you come back to this Board with an evaluation and with a request for additional funds, rather than doing this in one swoop.
- Sandoval: Can we have staff comment?

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Malfabon: Yes, John Terry is approaching the podium.

Terry: Again, John Terry, Assistant Director for Engineering. As we discussed with this Board before, I mean, this is our method for doing design-build is we do phase them—we currently have them on board until award, which is essentially next month. We would like to get going on the construction phase. I understand that is a bigger number than I believe we've ever had an amendment for any consultant agreement in the past.

We're willing to work with this Board, if that's their desire to phase this over time, but I would say, we would like the program to know that as this program progresses we have the consultant on board to help us with a lot of really important tasks as a part of the NEON Project and continuing forward. There's a lot of work to do. I guess I would ask that, are we approving this for a lessor amount, or are we approving this for the full amount with the direction to this Department to monitor CH and bring back to this Board before we continue on and with that, I will add, this is essentially a time and material type of agreement with the Department having an out any time they want to. We would like to have this consultant on board through the duration of the contract. We could go either way at this Board's direction, but we do need to proceed with this agreement.

Martin: For me, the way that I was wanting to present this is that, it is an approval to move forward for now. I became aware of this thing last Friday. A \$19M change order to only a \$4.9M contract, it doesn't happen in my world very often. I would appreciate a little more warning so that we have some time to discuss and research and talk about these kind of things. In this instance, I found out about it four days ago. For me, that's not enough time to spend \$19M. I understand the project has to move forward, that's why I made the suggestion of the \$5M, which is basically, a hair over a third of it, but at this point, the \$19M is just sticking in my throat John and especially for this firm.

Savage: Governor, I have a couple of comments I'd like to add to that.

Sandoval: Member Savage, please proceed.

Savage: Along those same lines, last week I had a chance to meet with Bill Hoffman, Cole Mortensen and Dale Keller. They were kind enough to come over to my office to discuss NEON. It was a very informative discussion at a very high level, for several hours. Very constructive dialogue. My concern was, as well, with CH2M, with some of the issues they've had up here in Northern Nevada. I looked him in the eyes and I asked him one on one if we were going to get CH2M's A Team on the largest project that the State of Nevada has ever done. They reassured me time and time again and we went back and forth several times

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and at the end of the day, I was satisfied because of Cole, Dale and Bill Hoffman's response.

I too, along with Member Martin, agree that they need to prove themselves to ensure that they protect NDOT, watch our backs, communicate and get their A Team on this project in Las Vegas, because this is the biggest project that the State has ever had. So, I'm along the same lines as Member Martin, and John Terry, time is of the essence. I think we need to move forward with the revised amount and a revised timeline to ensure the project is on schedule and within budget. That's my first comment.

My second comment, in the Board Packet, within this amount, it says that there is \$300,000 on Page 24, denoted as part of the CH2M's amount to be paid to Nossaman. I need some clarification from possibly Dennis Gallagher or John Terry. In my mind, if that's the funding mechanism through the engineer, there could potentially be a conflict at a later time and I'd like to avoid that now. Maybe it is a separate funding mechanism, but I wanted to approach that for a question.

Thank you, Governor, thank you, Mr. Terry.

Terry: I'll start with the answer on Nossaman that, I believe, we are following the model that we've used getting to this point and that is, on this project, for the design-build procurement, not for the P3 Procurement that Nossaman was a sub to CH and we're just continuing that. This is one of those areas we hope we don't have to use the money, but if we do get into contract language, related issues and claims, we feel we need to have Nossaman involved in order to deal with those.

Savage: And, I'm not a legal guy, I'm a construction guy. Wouldn't that be a conflict, potentially, if we were to need legal advice on the contractor?

Terry: I was corrected there. Nossaman was a separate contract. It is only on this one that we are adding them as an amendment. So, I was incorrect in what I just told you. Our Chief of Project Management informed me of that. So, are you asking me, could we keep it separate? We could if we needed to.

Savage: Yes, according to the Board Packet, the \$300,000 is within the amount of CH2M.

Terry: That is correct.

Savage: I would think it might be better if we worked directly with Nossaman rather than through CH2M on the legal issues. That's my only comment. Thank you.

Terry: I believe we could do that. It would mean we may not have Nossaman on board as quickly as we would like but we could accommodate that.

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Sandoval: Member Skancke.

Skancke: Thank you, Governor. Relating to Item No. 1 as well, I had some similar concerns. This is a rather large change order to someone's contract. It's substantial. I, too, learned about it on Friday and have similar concerns as my colleagues. What just gave me a level of comfort on the contract itself was that it's for time and materials and that there is a departure clause at any time we want to leave. That gives me a little more comfort in that the Department and the Board has a little more latitude. I agree with the comments on making sure we have the A Team.

What I would like to recommend is maybe a bridge here to the comments and the concerns is, I think this is a large enough project and it's the largest public works project in the history of our State. I'd like to recommend Governor that we review this project almost monthly. There's got to be data coming to this Board every month. I think in that update that there should be an update on what the contractor is doing and what the engineers are doing and the program managers, because we can't make a mistake. I also will tell you that, if we don't work with this particular company then we're going to have to rebid the contract which puts us behind schedule in getting the whole thing out.

I'd like to have a little more accountability. If CH2M has guaranteed Cole and our internal folks that they're going to have their A Team, then I think it's incumbent upon this Board knowing every month that the A Team is on the project. Maybe we approve the full amount with the contingency that we have monthly updates and we have authority as a Board and Department to part ways if we don't feel that they're doing the right job. So that it doesn't slow the project down. I'm not real comfortable with a \$19M change order, but I get it. This is a really large project so I'm just trying to offer up some other comments and some suggestions.

Sandoval: Member Martin has a comment and then the Lieutenant Governor and I believe I saw Mr. Almberg, no, okay. Mr. Martin.

Martin: So, my major concern is that historically every time we approve one of these consultant agreements and we hear from staff every single time that it is a time and material arrangement. We all know that. I've been on this Board now for almost 10 years. I've heard it many, many times. The key is, we never ever hear anything about accountability. Once we have spent the money, we forget it. This is \$19M, I don't think we can spend \$19M and just forget it. My problem is that, once we vote on this, if it goes to \$19M, we'll never hear about it again. Good, bad or indifferent, we'll never hear again what the performance is, because we never have before. This is a high water mark for this State, to pay this much money in one fell swoop as a change order. You're tripling the size of the

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existing contract. As long as there is an accountability measure put in there some place so this Board continues to hear what goes on with this particular vendor, I'm good with where we go, but there has to be an accountability measure.

Sandoval: Mr. Lieutenant Governor.

Hutchison: Thank you, Governor. A couple of questions and just comments, but one is, is the idea that we're going to have the A Team which seems to be a pretty material element to our approval here, has that been reduced in writing? Is that a contractual term? I mean, we do this all the time in professional services. If they want Frank Martin on the job and Frank Martin wants the job, if Frank Martin dedicates in writing that he's going to be on the job. Is there anything other than just sort of oral assurances that we're going to get the A Team? That's one question.

My next question has to do with delay. We don't want to be delaying this at all. I know there are contractual incentives for the contractor built in. We don't want to be blamed for any kind of delay. I know that's one of the reasons that we wanted to have this amendment. Is there any concern about delay if we are going to structure this differently than Member Martin has just described, which I tend to agree with, but are we worried about delay in any way?

My final question has to do with just some wording. On Page 24 of the detail, to Item 1, that is the assumptions provision that was included in here. It says that, and I know we were talking about this a little bit before. All Nevada legal issues to be handled and supported by the Attorney General's Office, local counsel will not be secured under this Scope of Services, what does that mean? I think I know what it means, but I'd like to hear what NDOT believes it means.

Thank you Governor, those are my three areas of concerns and questions.

Terry: John Terry. I'd like to address a couple of these issues. If I could pass it on to Cole Mortensen to answer in more detail. I do believe we would like to get this and a good portion of this approved at this Board for the reason that you're going to hear later about NEON, is after the announcement of the award, we would really have the conformed contract negotiated and finalized and presented to this Board at the November meeting to keep this Board on schedule. We believe that some of the Nossaman and the CH would be valuable in getting that moving forward. As well as, getting going with the project office down in Las Vegas and getting the project moving forward. I can address that for delay, but I'd like to have Cole here answer some of your questions.

Mortensen: Good morning. For the record, Cole Mortensen, Project Management. To address the initial concern about whether or not we're getting the A Team on this group, we've gotten commitments from CH2M that they'll have the same staff

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that they've had on the project and that we've worked with in developing the RFP and the contract in moving forward here and that they're committed to continuing to provide us those services. As a testament to what they've been able to do for us, they're by and large the reason we've managed to hit all our dates and our deadlines in this procurement moving forward. They've been a great team to work with and throughout the history of their contract they've continued to strive to innovate and bring down the price of the contract and the overall project itself. Not only for the portions of the project we're moving forward with now, but for the overall program of improvements, including the later phases.

Since they've been on the project, they've reduced the overall cost of the program of improvements for Project NEON from \$2.61B down to where it's at right now with a 70% confidence of about \$1.5B. They've reduced the overall program cost about a billion dollars in the process here over the last five years. I can't stress enough how their expertise with how the technical provisions have been put together, as well as the RFP, the conformed contract language is worded and our need to have them on staff to be able to guide us through the next several months of getting this project kicked off. Through the next month and coming before you in November, their services along with Nossaman's are going to be critical in putting together the conformed contract. As we've gone out and are going to announce today the preferred proposer, over the next month, we'll be working on that we include all of the commitments that they've provided in their proposal into that contract and we need to have their staff on board making sure that we're getting that language and the appropriate locations to help move the project forward to make sure we are indeed actually getting what was proposed in the proposals that we were given.

At this point, unfortunately delaying the agreement will hurt us from meeting those schedules with the selected proposer in that, we anticipate being able to issue NTP1, considering successful negotiations occur and we're able to get a contract before you in November. From NTP1 to NTP2, they'll be developing a lot of their plans and approaches to deliver the contract as well as scheduling, along with cost load and resource loaded schedules; all of those things need to be referenced and cross correlated back to contract conformance; which of course, that's where the legal assistance comes in as well.

I think that overall... If the wish is of the Board is to limit the initial shot at this agreement, what I'd like to have the opportunity to do is actually go back and look at the budget that we prepared. I'm not sure that the amount of effort would line up from what Board Member Martin is suggesting, because the first year of the contract is going to be so labor intensive on the design end of things that we want to make sure that we have those design individuals in place so that they can go ahead and support our team. When we have a proposal, or when a submittal is submitted by the proposer, we're going to have a 10 working day turnaround. If

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it's a large enough submittal, we need to make sure that we have the resources backing our team to be able to meet those deadlines and those dates to keep the project moving forward.

Sandoval: Mr. Controller?

Knecht: Thank you Governor. Until today, along with the Lieutenant Governor, I was the new kid on the block, the rookie on this team and for that reason I thought it appropriate to listen to my elders who have a lot more experience with this one and it's been very helpful. Let me start by saying, I appreciate the briefing I got last Wednesday, a very thorough and extensive briefing from Messrs. Hoffman, Nellis and Mortensen; very good job guys. I also greatly appreciate the observations, the thoughts of Members Martin, Savage and Skancke, as well as, the questions of the Lieutenant Governor. Frankly, I agree with just about everything that's been said.

Having said that, I guess I'm in the position of trying to decide where between the proposals of Members Martin and Skancke, I'd like to come down. I recognize this is very important and that time is of the essence in this and we have to do something. I'm prepared to support a motion here that takes into account the comments just now of Mr. Mortensen and takes into account the concerns that Members Martin, Savage and Skancke have voiced. I'm prepared to support something less than an unqualified approval of the project as it was presented today. Thank you Governor.

Sandoval: Thank you Mr. Controller. I guess we probably should get to the nub of this. I think one of the biggest issues, at least from what I'm hearing is the accountability piece and the fact that some of the Members have indicated they didn't know or weren't aware of the details until less than a week ago. It really isn't adequate time to properly analyze this. I think, and I don't want to speak for you Frank, but that's the genesis of your concern here. At the same time, there's a lot at stake here. I want to make sure that this project can move forward. And as Member Savage said, that we have the A Team and I don't want to create an artificial barrier that prevents that. What I'd like to hear from you Frank is if there is an accountability component to the motion, if we could approve the amount here but then have that reporting because there is language within that contract that allows us an out or gives us some flexibility as we move forward. As you said, what happens is, we approve contracts and then they go into a black box and we don't know what's going on. Given this is, as Member Skancke talks about, the largest public works project in the history of this State. There are two million people here that reside here that are counting on us not to also talk about the amount of commerce that passes through, the economic development and the tourism and all of that, that is going to be affected about the outcome and the performance on this contract. This is a big deal. I guess Frank, you're having had

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the benefit of listening to some of this discussion where you are right now. Like I said, I support you, but at the same time, I don't want to create a situation where suddenly CH is saying, we can't get this done or we don't have the budget now to perform all this upfront work as Mr. Mortensen talked about.

Martin: All right, so my intent was to instill a motivation for CH to have that A Team. Sometimes when you pay everybody or vote to pay everybody upfront the motivation for an A Team goes away because they've got a contract in their hand and are no longer pursuing. It never ever was my intent to slow the project down, please understand that. And Cole, you and I talked about this on Friday. I do not want to slow it down. I've looked at all the schedules of approvals that you had in the packet, and you are right Member Savage, they have done an outstanding job of providing the back-up. All I'm interested in is the fact that we get a level of performance for the people of the State of Nevada, the City of Las Vegas, that guarantees this project is going to be a success. We cannot step out of line at all when it comes to the execution of this thing. Cole, I trust you beyond all doubt and I think everybody on this Board trusts you and your judgement on this project. We still have to have the level of accountability. As long as we can install a level of accountability, we'll get a report maybe not every month, but maybe every 90 days, because we're really talking about a five year project. If we can get a report or a debrief from your team, Cole, on the performance of CH and also on the eventual winner of the construction contract, I'm good with moving forward with the \$18,700,000. It has to be a max of 90 day reporting and so that we know what the key performance results are supposed to be.

Mortensen: Governor Sandoval, if I may. For the record again, Cole Mortensen. I'd be more than happy to come before the Board on a quarterly basis or sooner depending on maybe what's going on with the project to make sure that the Board has an understanding of how we're moving forward and how we're performing. What I'd also like to point out too is that at any point in time, it's not just one individual overseeing the work of the consultants. We've had upwards of six and eight project managers at any point in time and I guess where I'm going with that is along with this is accountability on our side of it as well. I want to make sure that you guys understand that we will have several individuals on the oversight of the CH2M Hill Contract. As I mentioned, I'm happy to come back before the Board and update you on their performance as well as the overall project performance.

Sandoval: Cole, can I ask you, is there anyone from CH there in attendance?

Mortensen: Yes, there is.

Sandoval: Can we have them come up?

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- Taylor: Thank you so much for offering that, I can't say thank you enough. My name is John Taylor. I am the Consultant Project Manager. I happen to be employed by CH2M, but I represent many, many consultants that have worked for me and I have an unbelievable staff.
- Hutchison: He's a consultant.
- Taylor: I am a consultant.
- Sandoval: The microphone picks up whispers.
- Hutchison: Sorry about that.
- Taylor: And I got to tell you, I do have fantastic staff and with the exception of one [inaudible] in the last seven years that we have been working with you guys, we have had a consistent staff. They are unbelievably committed to the project and we take our responsibilities to the public very seriously. You can see that, even today, in this amendment. It's the third amendment, it's the first time we've asked for money. We've had two extensions of time without any requests for additional funds and I think that speaks volumes to the way that we take care of our budgets and we deliver our projects. We're very, very proud of the work we performed for the State. I'm a Nevada resident, have been 16 of the last 18 years. Raised my kid here and I'm thrilled to death to be here today. Thank you.
- Sandoval: Thank you Mr. Taylor. And, we have complete confidence in you. I don't want you to interpret that in any way, but I think you've heard what's at stake here. I want your dream team and because there are a lot of folks that are counting on you and it sounds like that's what we're going to have, is that correct?
- Taylor: Absolutely. 100%. As a matter of fact, just to also put your mind at ease in case—since you've never met me before, I actually think that's great, because I'm supposed to be in the background. You're not supposed to know who I am. I just want to say, it is I believe part of the contract or embedded in our contract that if one of our key personnel departs, the State has the authority to terminate us if they think that that's that critical and certainly the authority to approve whoever it would be that we would install in their stead. And so, again, I want to say, we've had many, many contracts on this job and you've had the same team with the exception of one person throughout the entire duration. They're all very, very proud to be part of the team. We are like family. We consider our counterparts in NDOT as the same.
- Sandoval: And then just finally, I want to thank you for saving us a billion dollars.
- Taylor: Very happy to do it as a taxpayer myself.
- Sandoval: Mr. Lieutenant Governor.

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- Hutchison: Mr. Taylor, thank you very much and the reason I made the comment about the consultant was just to make sure that the record is clear and you are here speaking on behalf of the company CH2M and with full corporate authority and the ability to bind the company, correct?
- Taylor: I'm the Vice President of the firm. Yes sir.
- Hutchison: Okay, great. And that firm has all the authority necessary to make representations on behalf of the company?
- Taylor: Yes.
- Hutchison: Okay, that's all I needed to know, thank you.
- Savage: Governor, I have one comment.
- Sandoval: Member Savage.
- Savage: Thank you Governor, just a follow-up Mr. Taylor. I appreciate you coming to the podium and speaking. As you can see, if you were in our shoes, you'd probably feel the same way.
- Taylor: \$18.7M is a lot of money.
- Savage: We're looking for reassurance, consistency, because five years is a long time. Consultants have the tendency to change people, people move, lives are lives, I understand that. The company is always bigger than the people. You're paid to watch out for NDOT. It's a design-build contract. Our expectations of you working closely with the other designers to be top level and I'm very confident that your team can have the dream team, the A Team and the best communication and we can have a project with very little issues moving forward. I thank you for your time and thank you Governor.
- Sandoval: Member Skancke.
- Skancke: Thank you, Governor. John, first of all, thank you for being in Carson City today and I think the work that you all have done on Project NEON to date has been outstanding. Often times engineering firms, because they are behind the scenes don't get the credit for that work. I also am aware that your company does a lot of other work for the Department and I think you guys do a very good job, but I hope you understand that our concerns here on the Board is, this is a very big project for our State. It is a vital link to our economy here in Southern Nevada which is a vital link to the freight and goods movement for 17 western states. We're just trying to do our job which is make sure that we're going to get the best and make sure that we're going to have a project that is delivered on time and on budget. I've known you for a number of years and I know you will make sure

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that that happens. It's a big change order. It's a lot of money and we have to have these types of conversations because as Frank pointed out, we award contracts and then we don't hear back again. I think it's important for your company as well as for the Department and this Board that we hear from you every 90 days. I think that will help you and help us as well. Thank you Governor.

Sandoval: Thank you. Any further questions with regard to Items 1, 2 or 3? I am going to take individual motions on each. Why don't we proceed with Agenda Item No. 9, Item No. 1.

Martin: I would like to make the motion that we accept the \$18,700,000 change to CH2M's contract with the provision that every 90 days CH2M and NDOT staff provides the Board with a complete briefing on the scheduling and capabilities of the staff.

Sandoval: You've heard the motion, is there a second?

Skamcke: Second.

Sandoval: Second by Member Skamcke. Any questions or discussion on the motion?

Hutchison: One comment, I think that we heard this already. Every 90 days or sooner if the Board would need that or sooner if the Board would request that.

Martin: Or sooner.

Skamcke: I'll amend my second.

Sandoval: All right.

Savage: Excuse me, a comment, can we add that the Nossaman provision be separate from the CH2M?

Sandoval: Let's do this. Member Martin if you would withdraw your motion and your amendment to the motion and Member Skamcke, if you would withdraw your second to each.

Skamcke: Yes.

Martin: I will withdraw the motion and the amendment to the motion.

Sandoval: Start all over again, if you would.

Martin: I would make a motion that we accept the \$18,700,000 amendment to CH2M's contract as it exists today with the provision that the \$300,000 for Nossaman be removed from that award amount and with the provision that CH2M and NDOT

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staff directly connected with the Project NEON be accountable to the Board on a 90 day rotation or sooner, if requested by an individual Board Member.

Skancke: I'll second that Governor.

Sandoval: We have a motion and a second. Any discussion or comment? Hearing none, all in favor of the motion, please say aye. [ayes around] Oppose, no. That motion passes unanimously. We will move on to Item No. 2 which is with Kimley-Horn and Associates. Is there a motion for approval?

Hutchison: Motion to approve.

Sandoval: The Lieutenant Governor has moved for approval, is there a second?

Savage: Second.

Sandoval: Second by, I believe that was Member Savage or was that the Controller?

Savage: Yes, Savage.

Sandoval: Okay. Second by Member Savage, any questions or discussions? All in favor say aye—oh, I didn't see you, Mr. Controller.

Knecht: Thank you, Governor, I just want to say that I've reviewed this very carefully, very skeptically, especially given the sole source nature and continuing nature of it. I've reviewed it in the context of having to deal with similar software based projects in my own office and my aren't they are a problem. I'm going to swallow really hard here and say that because as Member Savage pointed out earlier, because we have a thorough detailed presentation on this I'm going to swallow real hard and say yes, but I always have a lot of trepidation dealing with software projects. Thank you.

Sandoval: Any further questions or comments? Hearing none, all in favor say aye. [ayes around] Oppose, no. That motion passes unanimously. Let's move on to Agenda Item No. 3 which is the Contract with Biological and Environmental Consultant, LLC. Is there a motion for approval?

Martin: I'll move for approval of Item No. 3 of Agenda Item No. 9.

Sandoval: Member Martin has moved for approval of Item No. 3 within Agenda Item No. 9, is there a second?

Skancke: Second.

Sandoval: Second by Member Skancke. Any questions or discussion on the motion? Mr. Controller.

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Knecht: Thank you Governor. I'm going to vote no on this one because it is \$1,288,000. We had discussions earlier on the opportunity cost and the way we allocate resources to needs. This one just is not the least bit compelling to me. I do understand that there are federal requirements, but at some point, we have to provide some push back to the federal requirements or they'll just continue to metastasize and so my push back is going to be to vote no on this one. Thank you for the opportunity to explain that.

Sandoval: Any further discussion, Mr. Lieutenant Governor.

Hutchison: I'm going to vote yes on this but it doesn't mean that I don't have very serious concerns about the Endangered Species Act and the billions and billions of dollars that we spend in this country on the efforts required by the Federal Government. To me, this is not the time and place to push back on this contract. We can't go forward without these contracts that are affected. They're important contracts we've already approved. I'm going to express my concern on that issue in a different way. I'll be voting yes on this motion, thank you Governor.

Sandoval: Thank you, Mr. Lieutenant Governor. Any further questions or comments? Hearing none, all in favor say aye. [ayes around] Oppose, no?

Knecht: No.

Sandoval: Motion passes. We marked the Controller as a no vote. Thank you. Mr. Nellis, does that complete all presentation with regard to Agenda Item No. 9?

Nellis: Yes, Governor, it does.

Sandoval: Are you ready to proceed on Agenda Item No. 10?

Nellis: Yes sir.

Sandoval: All right, please proceed.

Nellis: Thank you. There are three attachments under Agenda Item No. 10, for the Board's information. Beginning with Attachment A, there's seven contracts that can be found on Pages 4 and 5 of 29. I'll go through the first three and then pause for questions from the Board Members.

The first project is to replace a bridge on Nordyke Road over the East Fork of the Walker River in Lyon County. There are three bids and the Director awarded the contract to Q&D Construction in the amount of \$792,700.

The second project is located on State Route 160 in Clark County for installation of emergency median crossover and placement of cable barrier rail. There are

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three bids and the Director awarded the contract to Las Vegas Paving Corporation in the amount of \$794,000.

The third project is on Interstate 80 at the Lockwood Interchange from the Granite Pit to Lockwood Drive in Washoe County. This is a resurfacing—partly a resurfacing contract and to reconstruct the crossroad and repair bridges. There are two bids and the Director awarded the contract to Granite Construction in the amount of \$816,816.

Governor, are there any questions I may answer or direct to the appropriate person on these first three items?

Sandoval: Board Members, any questions on these first three contracts?

Almberg: I got one.

Sandoval: All right. Mr. Almberg.

Almberg: Thank you, Governor. Just a quick question, it says here, the apparent low bidder was non-responsive and so I'm just wondering what, for informational purposes, what was missing?

Nellis: Yes, I can answer that. Again, for the record, Assistant Director, Robert Nellis. There's a DBE requirement of a 4% goal on this project. The non-responsive bidder did not submit the confirmation letter for each DBE within the required time frame set by the federal government.

Almberg: Thank you.

Sandoval: Mr. Nellis, please proceed.

Nellis: Thank you Governor. Project No. 4 is on State Route 115, Harrigan Road, of the L-Line Canal in Churchill County to replace an existing bridge structure. There are three bids. The Director awarded the contract to MKD Construction in the amount of \$622,000.

The next project, Item No. 5, this is for the Reno Maintenance Yard in Washoe County to improve yard drainage and install a new wash station and a sander rack. There were four bids and the Director awarded the contract to Q&D Construction in the amount of \$715,006.15.

Item No. 6 is on Interstate 15 from the California Stateline to north of the I-215 Interchange in Clark County to replace a faulty high mass lowering system and to upgrade existing high pressure sodium fixtures to LED fixtures. There were five bids and the Director awarded the contract to Acme Electric in the amount of \$1,247,920.

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Finally, Project No. 7, is a resurfacing project on Nugget Avenue from Pyramid to McCarran in Washoe County. There were five bids and the Director awarded the contract to Granite Construction in the amount of \$786,786.

Governor, before proceeding to Attachment C, are there any questions I may answer or direct to the appropriate person?

Sandoval: I have a question on Item No. 5, which is the improvement to the Reno Maintenance Yard. I have a vague recollection that we had a significant contract for repairs there within the last year, is that accurate?

Malfabon: Yes, Governor. We had installation of a storm interceptor for the storm drain system so that it could remove any pollutants from the storm water before it was discharged. This contract is for the wash station and the sander rack in a different part of the maintenance station yard.

Sandoval: All right, thank you. That's all I had. Board Members, any other questions?

Knecht: Governor?

Sandoval: Yes, Mr. Controller.

Knecht: Just a quick observation. I suppose we could tell Granite Construction that their signature method of bidding a project with the last three digits being the same as the previous three digits was successful two out of three times.

Sandoval: A little construction humor there. All right. Mr. Nellis, please proceed.

Nellis: Thank you, Governor. Moving on to Attachment C in your packet, oh I'm sorry, B. Skipped over a big section. Attachment B. There are 62 executed agreements that can be found on Attachment B. On Pages 14-18 of 29 for the Board's information, Items 1-25 are acquisitions and cooperative agreements; 26-35 are facility agreements with two grants; 36-38 are two interlocal agreements and a lease. Lastly, Item 39-62 are right-of-way access and service provider agreements.

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

Sandoval: One is just a typo, Mr. Nellis. On Contract 33, it says Washoe, that should probably say Clark, in the notes.

Nellis: Thank you Governor. We'll make that change for the record.

Sandoval: I don't know if that's material, but I just thought that we'd make sure we had that. All right, Board Members, questions on these contracts within Attachment B.

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- Martin: I have one.
- Sandoval: Member Martin.
- Martin: On Item No. 48, Chatman Law Firm, you're asking for an increase of \$20,000. Is this on the—this is on the South Point deal which I thought we got settled.
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Board Member Martin, I believe you are correct, this is South Point and it is settled. This will just clear up some outstanding invoices for various costs associated with this litigation.
- Martin: Thank you Dennis. When I go back to the back page where you outline or towards the back of the Agenda, unless I'm mistaken, there's \$80,000 left in Chatman's account right now or as of whenever this document was produced. I was just questioning, if it's closed out, why we need the \$80,000 and another \$22,000.
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Board Member Martin, I believe if you're looking at Item 16 Attachment A, the report of Outside Counsel Contracts, if on Page 2 of that, you go down to the second to last entry, you'll see Ad America versus NDOT/South Point and it would indicate that we had \$20,000 remaining contract authority.
- Martin: Right. My bad, it was \$80,000 on the NEON. So you need \$40,000 to finish up and close that item?
- Gallagher: And close it out and get it off of your report.
- Martin: Understood, thank you.
- Gallagher: Thank you sir.
- Sandoval: Other questions, Mr. Controller?
- Knecht: My question goes to Item 37 on Page 16. The second amendment to the contract with State Public Works Division to extend and to increase by \$300,000. This contract was originally passed just about four years ago and updated two years ago. I'm just wondering if pushing this out another five years, this probably the only vendor for this, I'm pretty sure, but do we have any concerns about just continuing to extend this on the same terms? Is there any way to look at this one closely and skeptically and see if we're getting full value or whether there's some way we can get better value for the money or get the same value for less money?
- Kaiser: Reid Kaiser, for the record. Assistant Director for Operations. We actually sent this requirement to the AG's Office and got an opinion on it to see if we were following the letter of what the law wants and this is what we have to do. We really don't have a choice. We have some upcoming projects in the next couple

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of years, the fuel system and the rest areas that are going to require additional looks by the State Public Works Board. To follow the law, this is what we have to do.

Knecht: Thank you Mr. Kaiser. Thank you Governor.

Sandoval: Other questions from Board Members?

Savage: Yes Governor, I have one.

Sandoval: Member Savage.

Savage: Thank you Governor. Item No. 56. We talk about partnering at all the Construction Work Group Meetings and we believe in partnering because it mitigates the potential legal expenses. I'd just like someone to explain the \$280,000 expense for a conference with best practices for partnering. If you could expand on that, Mr. Kaiser.

Kaiser: Again, Reid Kaiser for the record. This is money that we applied for through the FHWA and it is to hold a national conference locally and to bring in all the 50 states to Nevada, to discuss best practices in partnering. We hired this consultant to arrange and take care of all the details to contact the states, contact contractors to arrange this meeting. It's supposedly going to be taking place in the Fall of 2016.

Savage: So does this price include travel expenses for people attending?

Kaiser: I couldn't answer that. I would have to assume it would not. I would have to assume that those expenses are usually associated with the people getting here. This price is just for the consultant to get this meeting taken care of.

Savage: So maybe what we can do, if you could speak with Lisa Schettler, possibly, and get some more back-up information for me, to justify that \$280,000. I'd appreciate that.

Kaiser: Jeff Freeman might be able to answer your question.

Freeman: For the record, Jeff Freeman, Assistant Construction Engineer. There are some travel costs associated with that, that is for any panel member, any speaker/presenter. It's to house it, it's to bring in the panel members, the speakers. Any state official from other states coming to this, because this is a national event, will be required to pay for themselves to come here.

Savage: Does it look high to you guys?

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- Freeman: For a conference, a national conference, not with all the costs that are involved with travel and bringing them in. Like I said, we're bringing the expert panels from across the country and so we are expecting travel for, I do not remember the number, but it is quite a few people that will be paid for travel. There will also be pre-meetings beforehand where we're going to bring them in. It's not just travel to the conference, it's travel to get the best practices put together as well.
- Savage: Thank you Jeff, thank you Reid, thank you Governor.
- Kaiser: Len, we can meet with you and go through that. It's not a problem to do that.
- Savage: That'd be helpful, Reid, if we could get some support documentation. Thank you.
- Sandoval: Thank you. I do have a question, Mr. Nellis, on Item No. 60. It's \$188,000 for landscape design.
- Nellis: Assistant Director John Terry will answer that one.
- Terry: John Terry, Assistant Director for Engineering. I believe Director Malfabon talked about the I-15 and Starr Interchange which is a project that we are moving forward with and I would point out that most of this design is really not landscaping. It's mostly aesthetic issues, essentially to make the Starr Interchange look like Cactus Interchange, Silverado Ranch Interchange and the other ones that are up I-15. It is mostly for those elements and this is to hire the consultant. We also have to go through the public process where we give the public the opportunity to give input on the landscape and aesthetic design and to hold that public meeting.
- Sandoval: I get it and actually I think our public art and the landscaping is magnificent, it's beautiful, but I just want to make sure that we always balance those costs with some of these other demands that we have. As I said, I hate to keep whipping on the \$2M we had up north, but just given what we hear during these meetings and the priorities that we have, I just want whoever is involved to have that in the back of their minds. Thank you.
- Savage: Governor, I have one comment on your concern about landscape. It was voiced a couple of meetings ago at the Department of Transportation and we have it on the agenda for December at the Construction Workgroup Meeting to thoroughly review the landscape allocations, requirements and drill down a little bit as to where we can go with that. Just wanted to let you know.
- Sandoval: I appreciate that Member Savage. I did not know that. Thank you for taking the lead on that issue. All right, any other questions on the Contracts described in Attachment B? All right, Mr. Nellis, you want to move to Attachment C?

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Nellis: Yes sir. Again for the record, Robert Nellis. There are two eminent domain settlements that can be found under Attachment C on Page 20 of 29 for the Board's information. The first line item is the amount of \$4,000. This is a temporary easement for sound wall construction for the South McCarran Widening Project. The second line item is in the amount of \$2,685,000 for the acquisition of two parcels of real property located on the northeast corner of Martin Luther King Boulevard and Alta Drive in Las Vegas for Project NEON.

Governor, that does conclude Agenda Item No. 10 and questions regarding these two settlements may be directed to Mr. Gallagher.

Sandoval: Any questions from Board Members on the settlements described in Attachment C?

Savage: Just one comment, Governor.

Sandoval: Yes, Member Savage.

Savage: Thank you, Governor. My sincere thanks to Dennis Gallagher, Joe Vidala and the rest of your AG personnel for the time and effort on the MLK for saving the Department of Transportation and the State of Nevada several million dollars. We appreciate it very much. Thank you Governor.

Sandoval: Thank you. Anything else to present, Mr. Nellis, on Agenda Item No. 10?

Nellis: No sir, that concludes that agenda item.

Sandoval: All right, before I move to 11, any questions from Board Members? All right then, let's move on to Agenda Item No. 11, which is Condemnation Resolution No. 452.

Malfabon: Governor, I would like to make a revision to this item to rescind the Southland Corporation from this Condemnation Resolution. We have a requirement to provide proper notice and we agenzized this item and missed by a few days giving the proper notice. We'd like to bring this back for later action by the Board.

The Condemnation Resolution No. 452, for the Roundy Revocable Family Trust, we'd like to go forward with this to keep the project on schedule with the anticipated direction from the Board to continue discussing this with the property owners. I think that it was positive that we're working directly with the property owner, not lawyers to lawyers. We should consider that but we still request to maintain the project schedule by having this resolution of condemnation approved, but continue looking at whether we would look at the option of a total taking of the property or other options as far as compensation and continue negotiations with the property owner.

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- Sandoval: As you all know, Ms. Roundy was the one who presented in public comment today. She's still present here. She indicated that she didn't really feel there was any meaningful exchange with the Department and I suppose, what would it harm to continue this for another 30 days to allow for Ms. Roundy to have further discussions with the NDOT Representatives on this issue.
- Malfabon: I'm going to defer to Cole Mortensen. If that's acceptable Cole, we can continue this for 30 days and continue those discussions with the property owners.
- Sandoval: I see you Mr. Controller, I just want to get an answer to my question.
- Malfabon: Governor, in response, we can live with deferring this for 30 days and then bring it back at a later date to the Board. So, we will pull Item—
- Sandoval: Well, before we do that, the Controller has a question or comment.
- Knecht: Thank you, Governor. My question was going to be just that, can't we delay this for 30 days, but in particular, when you bring this back, as I heard Ms. Roundy today and maybe I missed something but I thought there were three issues on the table. First, the use of inappropriate comparables or non-comparable comparables. Second, more damage to the property than merely the reduction in percentage area, 20%. That is that reducing the property by 20% as proposed would essentially reduce its value and it's usage possibilities much, much more than 20% of the value of the current property. Third, a request for alternate project configuration to eliminate any damage. What I would request Governor is that, when Mr. Mortensen and Mr. Malfabon at all bring this back, that they address specifically each of those issues and anything else that Ms. Roundy may have raised and give us particular answers on each of those three issues or particular modifications that they bring forth as part of this issue. Thank you.
- Sandoval: Thank you, Mr. Controller and I appreciate your being detailed on that. Frankly I agree, this is a classic case of a stitch in time saves nine and if there's a way to reach an agreement and have some good discourse with Ms. Roundy, I'd like to see it accomplished now. Maybe at the end of the day there isn't an agreement but right now I don't feel like it's sufficient in terms of the exchange that's happened between the Department and Ms. Roundy and her property. If you can get all that done in 30 days, great Mr. Director, if not, take the time necessary to make sure that there has been that exchange with Ms. Roundy.
- Malfabon: Will do so Governor. I stand corrected in discussions with Chief Counsel Dennis Gallagher. We still have a third portion of this Condemnation Resolution associated with Clark County Treasurer's Office. That would remain and we recommend that Condemnation Resolution No. 452 be amended to eliminate the Roundy Revocable Family Trust and the Southland Corporation but maintain the Clark County Treasurer's item in this Condemnation Resolution.

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Sandoval: Board Members, any questions with regard to this Condemnation Resolution concerning the Clark County Treasurer? Hearing no questions then the Chair will accept a motion to approve Resolution No. 452 excluding the Roundy Revocable Family Trust portion and the Southland Corporation.

Knecht: So moved Governor.

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

Martin: Second.

Sandoval: Second by Member Martin. Any questions or discussion? All in favor, please say aye. [ayes around] Oppose, no. That motion passes unanimously. Let's move on to Agenda Item No. 12 which is Approval of Equipment—

Malfabon: Steve Merrill will present this item to the Board.

Merrill: Thank you, Rudy. Good afternoon, Governor, Board Members. For the record my name is Steve Merrill. I'm the Chief Location Engineer for Nevada DOT. I'm here today to request the purchase of a digital aerial camera system to replace our current film system which we purchased 18 years ago.

We've started doing our aerial photography in 1959 and almost every Division within DOT has used our aerial photography for one reason or another. It goes from planning, design, environmental, pretty much all of them have used it at some point in time.

The camera that we had was the Zeiss—I know these names are really long, Zeiss RMK TOP 15 large format metric film camera. It's been a very good camera but it's coming to the end of its design life. The camera was specifically for our plane was specifically modified to have that camera fit into the plane. One of the things that occurred last year that we weren't aware was going to happen was Kodak Film quit manufacturing the colored film for the camera system. Then, this year, the other company quit making it as well. Now we're on a limited amount of film that we have for the camera system which is approximately about a year is what we have.

Here's the camera system that we would like to purchase. It's a Z/I DMC IIe140 Large Format Metric Digital Camera System. There's a lot of good benefits to the system. We can do black and white, color, infrared simultaneously as we're flying. It requires no additional aircraft modifications. For us, that was a big issue. It meets the design standards. There are other camera systems but the problem is with them, they don't have a large sensor on them. They take several sensors and stitch them together and we can't get the accuracy out of them that is required for our mapping. Just a couple of them that we looked at, Microsoft

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Ultra-Cam was one and the other one that we looked at was Soft Nav, Phase 1, IXA-R80, which is a medium format type of camera. Both of these cameras, the industry has been having a hard time with them.

The benefit for us with the digital camera that we're requesting is that we can fly higher. When you're looking at only flying at 1,500 feet, if you can get up to another 700 feet, it's a big safety improvement for us. The other thing that it does too is by flying higher, we get better fuel efficiency and the rest of it. The film now, we no longer will have to scan the film. Right now it's taking us about two weeks from the time we take the photo until the time we get it back and it's digitized, it's about a two week turnaround period.

Fewer survey points and I'll try and explain that as well as I can. By having the GPS mark where these photos are taken, you don't need as many tack points on the ground. Those tack points, I think everybody has seen them at some point in time, they're the white X's that's the control that we put out before we fly. Again, it's just reducing—actually, with this last one, what that is actually doing is reducing the amount of time it takes for us to process the actual surface once we have the pictures taken.

Like I said, we have about one year of film in stock. The contractor that we currently have has about one year in stock as well. The problem is that with the consultants that we have or that are available, they have those other types of cameras and it's not accurate enough for the type of flying that we're doing. We did end up finding one vendor down in Southern California that has the same camera system that I'm requesting that we purchase today. It's a very limited amount.

I just wanted to mention with the drones, they're a very good option for bridge inspection. You look to the Octocopter on the right. They have a whole bunch of different types of those type of copters. The other one that you're looking at, it's good for mapping but the problem is for the DOT, you can't fly these things over State Highways right now. Not only that, it requires a pilot's license to fly them. You can only fly them within line of sight and you have to be 300 feet or lower to fly them. We're very limited. In the future, I think they're going to be outstanding for doing stock pile kind of stuff, even like what you see out here with the freeway, you can get a weekly update on your volumes by having one of those.

Just to mention a little bit about Washington and Oregon. They've had the other type of camera systems that I was mentioning and they've had problems. What they've had to do in order to correct that is they use a device called a mobile Lidar unit and it gives them more control on the ground to get these things into the accuracies that they really want to use. Arizona, they're going forward with

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acquiring a new system. We didn't know which one, they didn't tell us which one they were going to buy right now but they're definitely going into the digital. Just as an example so you guys know, I think there are 16 DOTs that have their own in-house systems. Half of those or approximately 12 of those have the digital camera systems now. Six of them, which is Florida, North Carolina, North Dakota, Ohio and Illinois, have this camera system that I'm requesting. They've already purchased them.

There's one model left right now. The next year's model goes up to that other price that you see, the \$637K is what we want to get right now. We have enough money in the budget, in the Highway Fund. This was due to the Fiscal Year 2015 Equipment Budget. The equipment that came in was at a lower cost and so we had an additional \$487,367 from last year's budget. Then this year's budget, the 2016 Equipment Budget, we have \$126,124. That's how we were planning on funding the purchase of this system.

Just as a really quick kind of a—try and make sense of this. For our plane, that's what it costs an hour, the personnel for the two people that are flying in the plane for photogrameters that are doing this. To try and make a little more sense out of it, we had 22 flights last year. We spent \$28,000 just on film and processing the film last year. If we were to have contracted that out, it would've been approximately \$117,000 in costs for the Department. If we were to have done it ourselves, it would've cost [inaudible] with this new camera system it would've cost us \$34,400. There would've been an \$82,600 savings or approximately 70% savings when we're going out with a consultant.

I'll do another really quick one and you guys can read this. For Kietzke Lane, if we would—we did do this one, I believe. If NDOT did it, \$995.80. Contractor costs, we get the bid from them, it was \$4,420. Just for that one job. So, it's a 77% savings.

I figure you guys would probably want to know, is there a leasing option on these? Well, the manufacturer does not want to lease these cameras, but never the less, if you give them enough money they'll lease it. The deal is with that one, \$35,000 a month, half of that would go towards the purchase price of the camera. Then at the end of the year we would have to come up with the \$390,000. If we go this way, the camera system is going to cost us \$810,000. I don't think that's a good value because it's approximately another—a little bit less than \$200,000 if we were to purchase it.

In conclusion, Location Division, after doing the analysis on all this, the time is right right now to get this camera system. We're never going to be able to purchase one at a lower rate than what this is. This is like the end-of-year model but it does exactly what we need it to do going into the future. We can get a

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really good deal on it. Again, the price will never be lower for the caliber of camera system and the increase in safety and the survey flights is immeasurable.

One of the things I didn't really point out is our survey crews, as well, putting out these tack points. By getting a camera system like this and having that technology built into it, we reduce our tack points by about 60%, a little over half of what we have to put up. Those are the tack points that we sometimes have to put out in people's fields, getting permission and all the rest of it. It would really help us out in that as well.

With that, I am done, are there any questions?

Sandoval: Thank you and incredibly thorough presentation. Just a real basic question for me, have you seen the quality of photograph?

Merrill: Yes. With all the camera systems that were looked at, they had the digital format to come so they could actually try it out in through our process. So, yes.

Sandoval: Questions from Board Members?

Martin: I have one, sir.

Sandoval: Member Martin.

Martin: You made the statement that the camera you wanted to buy, there's one available.

Merrill: Yes.

Martin: Is that because they're not manufacturing them anymore or is that because there's just one available on the market and they continue to manufacture this camera?

Merrill: No, that was last year's model camera. What they did in this coming year's model, they changed one of the sensors in it. This camera is the last one they were going to sell and they still have it in stock. It was approximately, I think a half million dollars more for next year's model camera compared to the one that we're going after.

Martin: What's the approximate life of this camera sir?

Merrill: I would venture to say it would be at least another 18 years, but not really knowing, you know, I can't directly answer that question. I can find out.

Martin: Thank you.

Sandoval: It kind of begs the question, if I may follow-up with Member Martin. If we get this camera, we basically have to use it for the next 10-15 years, yet if the drone

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technology emerges to allow us to do it that way, we wouldn't be able to take advantage of that drone technology.

Merrill: No, Governor, because when we're flying as high as what we do in these aircraft, you can get a much larger area that you're mapping in comparison to the drone technology. Not to say in the future if they lift the height of what we can fly with the drones and the camera technology, it's kind of like looking into a crystal ball, maybe it would catch up, but for right now, we're not seeing that.

Sandoval: I understand where you're going. None of us have that crystal ball and we just don't want to put a bunch of money into something that's going to be obsolete in five or six years but we just don't know. At this point, I think you've made a really good case that we can benefit from the enhanced quality of this photography and how it would be beneficial to the Department. Mr. Controller, I see you have a question.

Knecht: Thank you Governor. Actually my question follows on yours which follows on Member Martin's. I think your looking in the right place and I think also NDOT did a good job by raising the issue of alternate models but more especially of drone technology or UAV technology. As you said Governor, we don't have a crystal ball. What we do know is that UAV technology is one of those things like IT Technology, the technological progress is galloping. Things are going to be available in a year that we almost can't imagine now. While we don't have a crystal ball, it turns out that the State of Nevada, The Governor's Office of Economic Development does have a unique resource in Mr. Thomas Wilczek who is one of the experts in the country on this technology, the regulation of it and what's happening. I haven't had the chance to talk to him at all about this but I'm curious as to whether NDOT has been in touch with Mr. Wilczek and the Governor's Office of Economic Development because, I'll go back to what you said, we save \$80,000 a year but it takes 18 years of accumulated savings on a present worth. Yeah, you'll beat that \$600,000 cost, but the breakeven point, especially on a present worth basis is somewhere out there beyond the first few years and it's possible, in my mind, that we could spend that \$80,000 a year for three years and then switch over to the developing drone technology, if we have some reason to believe that it might be available on the terms that you mentioned a few years out and we might do an even better job. Have you been able to talk to Mr. Wilczek and the Governor's Office of Economic Development about this?

Merrill: I don't know if my employees have talked to Wilczek directly himself but I do know that they talked to the Governor's Office of Economic Development. We actually did have a pit set up down in Vegas for them to fly it. Again, it's right next to the highway and then you have a 500 foot clearance issue for us to have flown it. They could only fly a portion out of the pit at the time and then they

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had—I know they had a couple of glitches. There was wind one day and I don't know what happened the other day with it.

Knecht: I guess Governor, I would feel a lot more secure about basically spending \$630,000-\$640,000 a year to save \$80,000 a year, if I felt for sure that we were going to do that for 10 years and in so doing we wouldn't incur a big opportunity cost for something that may well develop. I don't know if we can put this off for a month or not, but I just think while they did an outstanding job of developing this presentation and this proposal, there's that one last option left unchecked.

Sandoval: I will say this, and I'm familiar with what's going on with the Governor's Office of Economic Development and the UAV. Right now, I believe there's some Knowledge Fund money that is being used to put out to the UAV industry to find solutions for issues such as this. For example, wildlife surveys, pipeline inspections, those types of things. GOED is putting forth the problem to the private sector for it to come forward and there are several vendors who are out there that are trying to find those solutions so that that technology can be created right here in Nevada. The dilemma that we have is, again, if we don't buy this camera now it's going to be gone, I would assume. I guess we could just basically, you know, pardon the pun, be in a holding pattern with the camera that we have now.

Hutchison: Except for the film, right? Was that an issue?

Sandoval: Wasn't the film, we're good for another year, is that right?

Merrill: Yeah, we have approximately one year of film in stock.

Sandoval: Is this the standard sales pitch, if you don't get it now, it's gone?

Savage: Governor, I have a couple of questions.

Sandoval: All right, Member Savage.

Savage: Thank you, Governor and Mr. Merrill, thank you for your very thorough presentation. Very informative. I do have a couple of questions and you might have answered them, so be patient with me if you could please. How long has this specific camera been on the market?

Merrill: Do you know John? You don't. I don't know that answer.

Savage: That's an important question.

Merrill: Okay.

Savage: Because this is the last one, is what you told me.

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Merrill: Uh huh.

Savage: Concerned about the parts and the pieces. How about the warranty on this new camera? What's the warranty on this camera?

Merrill: I don't have that either.

Savage: The projected annual maintenance?

Merrill: Do you have a number on that John? Sorry, I don't.

Savage: Okay. So, 0-3 on those. Number 4, what's the manufacturer's name on this specific camera?

Merrill: On that one I think it was the Zeiss.

Savage: Zeiss was the old one.

Merrill: Zeiss was the old one. This is a Leica—thought I had it in here. Z/I DMC IIe140 Large Format Metric—

Savage: So, is that the manufacturer's name or is that an acronym for—

Merrill: That's the camera name but Leica is the manufacturer.

Savage: Oh, Leica is the manufacturer.

Merrill: Yes.

Savage: Okay. And you said, there was one statistic you said, 12 out of the 16 DOTs have a digital camera similar to this camera but there was only one jurisdiction in Southern California that had this specific camera?

Merrill: Yes.

Savage: Or, did I misunderstand that?

Merrill: No, that was a consultant that had that camera down there. The states that had it, I forget, I'd have to find the slide, it was Florida, Ohio, South Dakota—there were six of them that had this camera system.

Savage: How many?

Merrill: Six states.

Savage: Six states have this specific camera?

Merrill: That's what I was told, yes.

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- Savage: And is this federally reimbursed?
- Merrill: No. Most of the stuff that we do is because we're upfront before everything gets funded. Our budget is a pretty low amount that's actually funded by the feds. 20% is usually where we usually end up in my Division.
- Savage: And would there be any other jurisdictions or any other RTCs or counties or anybody else that would utilize this camera besides NDOT?
- Merrill: No, but we could always fly for them. Especially during floods and things like that. In the '97 flood, I know they were flying at that point in time.
- Savage: Thank you Mr. Merrill. Thank you Governor, I'm a little bit unclear on some of these questions. I hate to see us always buying the last one. I can appreciate the comment but at the same time, there's a couple of flags that come up. I don't know where I really stand on this one at this point. Thank you Governor.
- Sandoval: Thank you Member Savage. I'll be blunt. I got to know what kind of warranty we have on that camera.
- Merrill: Go ahead and introduce yourself.
- Burgess: John Burgess, NDOT Location Division, for the record. This particular camera comes with a one-year warranty on software and manufacturers warranty.
- Savage: One year warranty—
- Sandoval: So what happens after the one year?
- Burgess: We could pay for extended warranties.
- Savage: How much would that be?
- Burgess: I believe it's \$55,000.
- Sandoval: If I may, Member Savage, we're doing this just—I shouldn't say just, but to enhance the quality of the photography. The camera we have still works and then the film is, we only have film for one more year, is that?
- Burgess: That's correct.
- Sandoval: Is there a way—do you partner with other states, can we use their camera?
- Burgess: There's no other states that are local that have that particular camera set up, within the Western United States.

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- Sandoval: We're looking at a lot of money for an extended warranty because I'd be really afraid to get this system for a year and pay \$600K and then not have anything after that and so we're looking at an agenda item each year for \$55,000.
- Hutchison: Can I ask a question?
- Sandoval: Mr. Lieutenant Governor.
- Hutchison: Have you checked all sources for film? It sounds like the reason you're bringing this—one of the reasons is in addition to just wanting to upgrade the digital, is that there's a film issue. Is there really just no other source around for this film so we can continue to use this a little bit longer and see what technology does and maybe have a little bit more comfort in that end?
- Burgess: Traditionally there has usually only been two manufacturers of aerial film. If you're familiar with it, it's a large format film. It nine inches by nine inches and it comes on large rolls. Typically the film alone costs \$2,500 for the film. I think the idea is that, they're just not going to support it, there's not enough money in the market for them to continue to support it with the digital cameras coming online.
- Hutchison: So anybody with this camera now, any state or government entity now is going to have just a supply problem with film and there's nobody else in the country or the world that supplies film apparently.
- Burgess: That's correct. It's not just the supply problem with this particular film. The parts are becoming very hard to find too, for this old metric film camera. That's another issue that we're facing is that all these moving parts for this traditional film camera are becoming out of date, hard to find. In fact, we're not even sure we can calibrate this camera anymore. Every three years we have to send it back to Virginia to be calibrated by USGS and they may not do that for much longer. It's become problematic with the technology running out of date. I can understand the concern with the digital camera and the \$55,000 warranty issues, potentially down the road, but one thing with a digital camera too is there are less moving parts with it, less things to go wrong with it and this particular camera can be upgraded in the future if something were better to come along.
- Hutchison: Do we have maintenance expenses with the old camera and what would that look like? Are these cameras a problem that way?
- Burgess: We did have it under maintenance for quite some time and then we just couldn't—they wouldn't support it anymore. So, we are flying with an unsupported camera right now.
- Sandoval: Member Skancke.

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Skancke: Thank you Governor. It appears as though that over the last year, we've had a lot of things that are really just old and outdated. I mean from snow removal equipment to graders to trucks to radios. I mean, we just flat out have old technology and in my opinion, while I've bought a lot of cars at the end of the year and I get a really good price and I think what's happening here is that we're buying a car at the end of year and we're getting a really good price. I'm not certain that this is a model that's outdated, I think they're just coming out with a different model. They might change the grill and maybe put a different set of interior in there but it's basically the same vehicle. While it's a lot of money, if you amortize that over the last 18 years of what we haven't had to spend, I think it's not that big of a cost at the end of the day. I think we need to have couple of questions answered as it relates to, if we can get a better deal on the warranty and I think a couple of Member Savage's questions need to be answered, but I think we just have to bring a lot of our technology into the 21<sup>st</sup> Century. I mean, I jokingly said over here when the item was introduced, was it a Polaroid Camera that we were using in the past? That's kind of where we are, which is, we've got to bring ourselves forward.

I actually would support this item. We don't know what's going to happen with drones. I've worked in that arena for 33 months and every report I got back from the FAA is they just can't move fast enough. I think we have to do something. If we have to hold it 30 days, I guess my question would be to get some answers, do we lose this deal with this particular company if we hold it 30 days or do we have to move on this quickly and we lose the deal and if we lose the deal, what's it going to cost us in the end to do the other camera. We're at the end of the year and we've got the opportunity to buy last year's model or 2015 model, can we get the answers for these questions and get back to the Board? Do we have 30 days or do we need to move today?

Merrill: I think we need to move as soon as possible but we'll try and get back to you.

Skancke: Do we lose the deal? My question is, do we lose the deal if we don't act today?

Merrill: Well I know that Lucy had told Leica on the system was that we were going to go to the Transportation Board today and we had a good chance of being approved. Other than that, I don't know if they would sell it or not.

Malfabon: Steve, going through State Purchasing to purchase this, is that factored into the time frame for the end of the year sale here?

Merrill: No, I didn't—do you mean going—no, Rudy.

Malfabon: Do you have to go through State Purchasing is what I'm asking, I guess.

Merrill: Okay.

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- Malfabon: Do you?
- Merrill: No, I didn't look into that.
- Malfabon: Oh, okay.
- Sandoval: Well, having listened to all this, I agree with Tom, even given the questions I had. I mean, this camera that we've had has reached it's useful life. We've actually gotten more than its useful life out of it. We need to move forward. There are, I think, too many negative consequences if we don't. It also sounds like if another DOT approaches them and wants to buy it then suddenly you're back asking for next year's model which is \$1.3M or what have you. I'll support this, but I would like to see some of that information that Member Savage had sought, provided at a later time. I don't want to lose the opportunity to purchase this last camera.
- Skanche: Governor, I'd make a motion for approval of this purchase with those contingencies of knowing the answers to Member Savage's question on the warranty. I'm going to forget what they are now, but I would make a motion for approval for this item.
- Martin: I'll second.
- Sandoval: We have a motion and a second. Member Savage, I know you may have some input so I'll take it now with regards to questions or comments on the motion.
- Savage: Thank you, Governor. Comments would be to answer the questions of the warranty, the annual maintenance, the other western state DOTs and also, most importantly, if there's a 30 day return, 60 day return, if there's a return policy if these answers are not adequate for the Board's approval.
- Sandoval: Yeah and do you know, I mean, I didn't ask this question, Mr. Merrill, do you know, is there a return policy?
- Merrill: No, I don't know that answer, what that policy actually is, no.
- Sandoval: So what if we got a lemon?
- Merrill: Yeah—
- Knecht: Governor?
- Merrill: --this type of equipment, I don't think we've ever had any problems with something like that, on a purchase like this one.
- Sandoval: I'll go to the Controller but it really, I know I keep flip flopping here, but it makes it hard when I don't even know whether if it doesn't work, whether we can return it or not.

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Knecht: Thank you, Governor, and let me make the problem a little bit harder. Mr. Merrill, did you say that six other states already use this model that you're proposing that we purchase?

Merrill: Yes.

Knecht: Only six?

Merrill: Sixteen total states that still do their own photogrammetry. Twelve of them have digital cameras, six of those are using with this model of camera. We could probably even call up those states and find out how it's been working for them, plus we could call up the manufacturer as well.

Knecht: The reason I ask that is, with 16 states, currently doing photography of this sort, four of them apparently not digital, 12 of them digital and half of those with this model. I'm not really persuaded and I appreciate Mr. Skancke's analogies, I like them. I too like to get a great deal on an almost new car. I've done it with my RX-7 about 30 years ago. Having said that, I'm not convinced that this one will get away. I'm in the same position that Member Savage, the Governor and others are, but at the moment, I'm not leaning towards supporting this. I'll certainly agree that it's a tough close question. Thank you.

Sandoval: Other questions? Mr. Almberg.

Almberg: Thank you Governor. I think I agree with those questions. I'm also concerned, is this a model that is changing or this strictly a new year that's coming out? My thing is coming back to any parts or maintenance that would be involved in that. Are they still going to manufacture those parts of anything that may go wrong? I am in support of this. I understand this and I work in this in my field and so, I'm going to go back and look at the positive aspects of this. The fact that it does run GPS on there and reduces our number of targets that we need to put on the ground. That is going to reduce our man hours. It's safer. Don't have to get out in all these areas that they're going to be.

Going back to the other question that has been raised a bunch is concerning the drones. With the present drone technology, I'm not going to be so naïve as not to say that it won't be in the future, but I think presently the drones would be used best for infill and for little tight areas because of the lack of being able to fly at any elevation. I think the drone would fill in the infill areas that were needed. I just wanted to express my point of view on this.

Sandoval: Thank you, any other questions or comments on the motion? All in favor of the motion, say aye. [ayes around] Oppose, no.

Knecht: No.

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- Savage: No.
- Sandoval: The vote is 5-2, the motion passes, please mark the Controller and Member Savage as having voted no. If you could still provide that information that's been sought, Mr. Merrill, we'd appreciate that. I don't think it needs to be a formal agenda item, but if it could be provided in writing to the Board Members, I know we'd all appreciate it.
- Merrill: I will get that to you.
- Sandoval: All right, thank you.
- Merrill: Thank you.
- Sandoval: Well move to Agenda Item No. 13, which is Approval of Equipment Purchase for a Wheel Loader.
- Malfabon: Thank you, Governor. The information is provided. I don't know if Tracy has any additional information to add but just to move the agenda along. The wheel loader attachment is to mow vegetation alongside the highways. It will improve the site distances for approaches, vehicles approaching from the side streets and driveways and approaches on the side of the highway. And it reaches hard to reach—since it's articulated, it will reach hard to reach spots with the flail mower, so behind guardrail posts, for example, on slopes, where it'd be difficult to get a mowing piece of equipment in there. Just to move the agenda along, if there's any questions from the Board, we're respectfully requesting approval of this purchase estimated at \$64,194 for the attachment to the wheel loader that will have a flail mower.
- Sandoval: I have no questions, Board Members? Is there a motion for approval.
- Skanche: So moved.
- Martin: Second.
- Sandoval: Member Skanche has moved for approval of the equipment purchase as described in Agenda Item No. 13. Member Martin has seconded the motion. Any questions or discussion? All in favor say aye. [ayes around] Oppose, no. That motion passes unanimously. Let's move on to Agenda Item No. 14, Announcement of Apparent Best Value Proposer to Design and Build Project NEON.
- Mortensen: Good afternoon, Governor, Members of the Board. For the record, my name is Cole Mortensen. I am a Project Manager for Project NEON. Today, we'd like to go over a couple of things but I guess most importantly, I'd like to mention that we do have a uniformed traffic control officer in the RFP for Project NEON.

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In moving forward, we've got a timeline up here as far as what we've done to this point. We've hit those deadlines that we've committed ourselves to. Last September we had an RFQ issued and we short-listed three teams in December of 2014. In March of 2015, we released our final RFP. We received proposals in August of 2015. We then evaluated those proposals for a best value proposer. I'd like to add that this process followed the NRS 408 and the Department's Pioneer Program Guidelines.

I would like to thank the three short-listed teams. Once again without them, we wouldn't have had the ability or the opportunity to deliver the project in this fashion. The three teams were Kiewit Infrastructures West, Las Vegas Paving Corporation and NEON Mobility Contractors. NEON Mobility Contractors was a joint venture between Granite and Skanska.

In the best value determination for this particular procurement, we decided early on that the price component of the procurement would be 60 points and the technical proposal points would be 40 points for a total of a 100 point scale. The proposals were evaluated by not only NDOT staff but our partners, City of Las Vegas, we had Mike Jansen in on the evaluation as well. We had over 35 NDOT individuals evaluating each of the proposals and we allowed observers from the FHWA and the Attorney General's Office.

As part of the process we had five basic groups involved in the best value determination. As I mentioned, the observers, we allowed the AG's Office as well as the FHWA to sit in to make sure that we're following all of our processes and protocols. As well as a Procurement Administration Team. The Procurement Administration Team consisted of Mark Stewart and Jenny Eyerly of Agreement Services, Lou Holland with the AG's Office and actually Dale Keller kind of served a member of the Procurement Administration Team. The Technical Evaluation Committees were all made of subject matter experts for each of the technical disciplines. And then, the Proposal Selection Committee, essentially after each of those technical disciplines made an evaluations, it rolled up one level to the Proposal Selection Committee. They made a recommendation on the technical scores of each of the project teams to the selection official who is Rudy Malfabon. Through this process, no one was actually made aware yet of the price component of the proposal so there wasn't any biased based on a lower bid or a higher bid. When the selection of the technical team was presented to the Selection Official, it was presented without any identifying marks. So it was Proposer A, B and C.

A little bit more about that process. Early on in the process a recommended group of individuals for the committees was presented and approved—presented to the Selection Official and approved by Director Malfabon. We developed an evaluation selection plan and that was put together and then trained, or used to

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train the committees reviewing the proposals. Basically what that was is, essentially, aligning each of those committee members as to what the project values were and how to come up with their evaluation.

Those teams then, the individuals, after we received the proposals on August 21<sup>st</sup> went to work. They had two weeks to review those proposals and they sat down with not only each of the individuals within those disciplines, but we also had CH2M Hill's counterpart who is most familiar with those technical aspects sit down with our staff. When they came to consensus at the end of the review period for each of those groups, they sat around a table, they gave their opinion of the proposals and then gave positives and concerns based on what they'd seen reviewing it. The entire group and the entire committee, during the consensus then basically decides what they want as a group to move forward with as far as the evaluation and the comments for both positives and negatives and then those were presented to the PSC.

At that level then, the PSC was basically responsible for an overall view of the proposal and then based on the evaluations and the presentations of the technical committees, they come up with an evaluation and rankings for each of the proposals. Then, that was presented to the Selection Official for final review and recommendation.

It's not every day that somebody gets to announce the winner of a construction job that's over \$500M in value. It's certainly the first time we've done it in the State of Nevada. So, with that in mind, I'd actually like to turn this over to Dale Keller.

Keller: Good afternoon, Governor and Members of the Transportation Board, my name is Dale Keller for the record, Senior Project Manager with the Department. One of the project goals for Project NEON was to obtain the best value for the cost to design and build this project through competitive procurement. To us, that value meant improve the safety and mobility of the I-15 and US-95 corridors for the traveling public, seek innovation as well as efficiencies and encourage effective design. Also with that produce productive and proactive public management plan. Also to, at the end, produce a high quality, aesthetically pleasing, durable and maintainable facility. That really drove our team and our approach to the technical proposal criteria as well as the evaluation.

First, we want to understand from the proposers their project management approach. What's their management style, their quality organization, their safety and environmental compliance. DBE performance and so forth. Number 2 and Number 3, design approach and traffic operation; illustrate to the Department your technical solutions to design this facility and once again, provide and produce a high quality, aesthetically pleasing and durable and maintainable

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facility. Number 4 was our construction approach. Tell us how you're going to build your design. Come up with an approach to how you're going to successfully deliver the construction of work. With that, with Number 5, the Transportation Management Plan, tell us your plan and how are you going to minimize impacts to motorists, to the bicyclists as well as pedestrians and how are you going maintain access. In addition, public involvement approach. Tell us how you're going to communicate your plan and collaborate with the Department for effective communication and public information. Last and most importantly, Number 7 and Number 8, tell us how long it's going to take you to do the job. The team with the lowest and shortest duration receives the maximum points and the other team's point allocation was delta off that lowest date proposed.

Now for the results. I'll give everybody a second to digest the scoring. As you can see, Proposer C clearly distinguished themselves as the best technical proposer with the shortest duration. I'd also like to note at this time that proposals were evaluated based off the evaluation criteria set forth in our Evaluation Selection Plan. They were not compared to one another.

As Cole mentioned, the price proposal, this occurred after the evaluation of our technical proposals. This was done independently of any knowledge of their technical proposals or schedule. Here are the bid results. You see Proposer C provided the lowest proposed price with roughly \$560M. Proposer B provided the highest proposed price of \$600M. [inaudible] about \$40M and Proposer C was roughly 5% lower than the second lowest proposal price.

Now, our best value determination is based off the combination, as Cole stated, of both our technical, as well as price. With that, the best value proposal is clear. Proposer C provided the highest technical score with the lowest price. There's a clear number one ranking.

At this time, it's a privilege to announce, Kiewit Infrastructure West as Preferred Design-Builder to construct—design and construct the State's largest and highest profile infrastructure project, Project NEON. Now, Kiewit is one of the largest contractors in the world. In the past 10 years they have delivered more than 1,000 transportation projects, totaling more than \$30B. Kiewit has performed public works projects in the State. Most recently they've completed the first phase of the Southeast Connector for the RTC Washoe. They do so six months ahead of schedule. They also have an active Las Vegas office.

What separated Kiewit from the other two proposals? Here's some examples. Overall they minimized the impacts to the public. They've created a very effective design and they understood our project goals. Here's some examples for the first. They reduced what we anticipated as a mile long HOV connector, which connects the HOV lanes on US-95 to the Express Lanes on I-15. They shortened

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that by over 2,000 feet. Also, they enhanced our reference design and eliminated over 40% of NDOT's approved design exceptions from FHWA by increasing shoulders and reducing sight distance.

One of the things that really distinguished themselves was their plan for construction. They provided an efficient three phases. First, was to construct the local streets, the local parallel network first and get that done by Fall of 2017. Next, Phase 2 was to construct the I-15 corridor in one construction season. That's the third bullet point here, early completion I-15 milestone. That was one of our major goals and they nailed it. They're going to do that within less than 200 days and allowable closures and put this in reference as roughly 300 days sooner than the next best proposal. They are committed to hire local craftsmen from local union halls. Also, their plan reduced number of permanent closures by over 50%.

To provide you some more specifics. Kiewit had 750 fewer ramp disruption days than the next best proposers as well as over 1,100 fewer local road disruptions, to local businesses and the community than the next best proposer. Their schedule was developed in a way where it was a non-linear blocks allowing accommodation for NDOT's right-of-way schedule, as well as opportunity for accelerated construction. They are committed to achieve substantial completion by the fourth quarter of 2019, which is roughly 10 months sooner than what NDOT anticipated and also six months sooner than the next best proposer.

What are the next steps? After today's announcements, the project management team and Kiewit have meetings to finalize the contract documents. We will discuss certain aspects of the contract as well as possibly include some of the other unsuccessful proposers work product. We do have an aggressive schedule but we do have the key pieces in place to meet our deadline and get this conformed contract to the November Transportation Board. This is after FHWA concurrence.

I'd like to say, this investment with Project NEON in Southern Nevada's most busiest stretch of freeway is definitely going to reduce congestion. It's going to improve safety, create jobs and really lay that foundation of that new Nevada. There's no doubt in my mind that the Department has selected the correct contractor to successfully deliver Project NEON and make this a successful project. At this time, I'd be happy to answer any questions. In follow up, we'll do a quick right-of-way status update.

Sandoval: Any questions from Board Members? I think part of the lack of questions is this is a lot of information in a short amount of time, but truly an impressive process. I think everybody can feel like it was fair. This piece with being able to operate it, what did you say, 300 days, or get it open 300 days sooner than we had

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thought. I mean, it obviously saves the State money, but when you think about the opportunity costs and how helpful it is that it's 300 less days that people are confronting construction, that's a huge benefit as well.

One question, so Kiewit is not based in Nevada but has an office in Nevada? Will it be—and perhaps this is premature to ask this question, but how much of that workforce will be from Nevada?

Keller: That is a great question Governor and at this time I do not have an answer for you. I will find that out for you.

Sandoval: Okay. There was something in here about hiring craftsmen from local union halls, what does that mean?

Keller: My understanding is, from their proposal, they're committed to hire labor and skilled labor out of the local union halls. That includes anywhere from your equipment drivers to your carpenters to your steel workers, those types of labor.

Sandoval: Selfishly, I want as many Nevadans on that project as possible. I would hope that in the course of these final negotiations that we can get a little bit more information on that. I know that that can't be a component of the bid, but it really would be interesting to know how many Nevadans we can expect on that job.

Keller: Yes sir.

Sandoval: Mr. Controller?

Knecht: Thank you Governor. First of all, again I want to thank the gentlemen from NDOT who gave me a briefing last Wednesday, Messrs. Mortensen, Nellis and Hoffman. It was a thorough briefing. It was detailed. Obviously like everyone else on this Board, I'm going to reserve judgement on this matter until we have the final materials in front of us and all the information in front of us a month from now, but at this point, I just want to say I'm greatly encouraged by what NDOT has done. The process by NDOT was good. The approach taken by Kiewit was thoughtful and creative and different. Because it was, the technical rating for them was strongest in the areas that I think count most. I salute NDOT for the fact that they counted those the most. That's Items 4 and 5 and 1 and 2. Those are the key areas and that's where Kiewit showed up best.

In addition, as you pointed out, we're getting the best price by a decent margin over the other two. You kept the technical evaluation separate from the price evaluation, but we still get the best of both worlds. What the Governor said about the schedule and early completion is really important to me. Minimum closures, minimum disruption for people in the Las Vegas area is really important.

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Finally, I'm encouraged by the good, long-term, world-wide record of Kiewit. I look forward to seeing this a month from now, even as I say, we reserve judgement. I think we're moving in the right direction here and I'm greatly encouraged by both NDOT and by the proposed contractor. Thank you.

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

Hutchison: Thank you Governor. Just a quick follow-up, and first this is a preliminary matter. Great job with the NDOT team that came and briefed me on this as well. Top flight analysis and information. One thing I think is important for the public to know and it certainly was impressive to me was something you had said earlier which is Kiewit is going to get the I-15 Corridor construction done within one season. Can you just expand on that just a little bit, in terms of what you meant by that and what the comparison was to the other bids in terms of that critical construction period for I-15.

Keller: Yes sir, Lieutenant Governor, great question. In our contract documents we allowed two seasons of permitted construction closures or lane reductions on I-15 Corridor. We limit this in our contract between the months of March to November. We know there's a lot of special events in the Las Vegas area, especially around downtown. Also, getting out to the Speedway for NASCAR weekend. We have a very key stakeholder to our right which is the Premium Outlet Malls for the winter and the Christmas time for holiday season.

What the Q-Team did, one of our goals is we said, we are looking for a contractor that can get this done in one construction season. We threw it out there as one of those big goals to go grab and this team went and grabbed it. They are committing to only closing I-15 for one construction season and that one construction window. It's going to be a great impact, minimizing those community impacts to the traveling public, to our businesses and also to the residential areas on the west side.

Hutchison: Thank you. I just don't think that can be underscored enough in terms of the importance of that element of the construction. Congratulations to NDOT on a great process and what seems to be a great selection here in terms of the overall project and the time in which you'll get this done. Thank you for following up on that for me.

Keller: I want to be clear as well. There is going to be construction that's occurring along the project corridor for this three and half, four year time period. I just want to make sure that the reduction of lanes is only going to occur for that small window of time. They also have reached the milestone of that completion of having that done by Fall of 2018. So the improvements, they're going to reach the I-15 milestone completion in Fall of 2018.

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Hutchison: Thank you.

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

Skancke: Thank you, Governor. This is a very exciting day for our State. This is a remarkable process that I think our NDOT team led. I personally have been involved with this since 1999 when Project NEON was a conversation. In 2000 we had an opportunity to move forward and because of the economy and certain things that occurred, Project NEON wasn't able to happen. You Governor mentioned this in the State of the State Address that Project NEON was a priority for our State. Like everything else you've done since you've been Governor, you've delivered, and I don't—I mean that very seriously. This is going to be put thousands of Nevadans to work. We've attracted two global companies to bid on this and a local company. I think we've had some great responses and I'm looking forward to getting this project under construction. I think the entire Board and the NDOT team should be commended for a well delivered process. Cole, you and your team have done an outstanding job of working with the Board and everyone inside of NDOT to make this happen. So, gentlemen congratulations and I'm very excited about seeing the completion of this project but more importantly, being out there for a ribbon cutting to get this thing going, or groundbreaking to get it going. Congratulations. Thank you.

Keller: Thank you.

Sandoval: Other questions from Board Members?

Savage: Just a comment Governor.

Sandoval: Yeah, Member Savage.

Savage: Thank you, Governor. Sincere compliments to Cole, Dale, the entire NDOT team, Rudy; it's all about confidence and consistency to the contractors. The process that I believe this Department has provided for this project had the checks and balances, had the understanding, had the confidentiality, it had everything lined up to ensure that the integrity and the honesty was never questioned in my mind. I'm very thankful for your leadership, the leadership we have here at headquarters and the people on the ground there in Las Vegas, as well as, CH2M. It's a good day, it's a work day and we have a lot of work days in the next four years. I compliment the staff. Thank you Governor.

Sandoval: Thank you, Len. I'm going to echo some of these comments of the members. For Dale and Cole, as I sit here in my almost five years on this Board, at least in this capacity, and then my few years as Attorney General, I don't know if I've ever seen a more transparent process. The amount of detail that has had to go into this is incredible. Some of you weren't here, but if you recall that we had to shift

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gears from that PPP process and go to where we are now. We're still on time to the day. I think this has been on our schedule all along. Is that right Cole? I see you nodding your head.

Mortensen: That's correct sir.

Sandoval: You hit this on the button. Often we have confidence problems with the public in terms of overpromising and not delivering and we've met this promise with regard to being on time. That's critical with regard to how we're doing, but at the same time, we've moved forward and everybody's known what's going on every step of the way. I know that's been a lot more work for all of you but at the same time it has kept this at such a high level and such a great confidence level that really puts us on great footing, as Member Skancke says, as we start to break ground.

Let's talk about these efficiencies and these cost savings, I mean, in terms of efficiency on getting this project done 300 days sooner than we thought and spending a billion dollars less than we thought we were going to and getting a better project. I don't know how else—how many other positive levers you could pull to get that done, but that's something that needs to be commented on that. In any event, there's some—there's a lot more presentation to be done as the Controller says for next month.

Cole, one thing I don't think you need to answer today, but we're all assuming that this is going to be done on time and we do have a global or an entity with a global reputation and actually a local reputation as well, given what happened with the project in Northern Nevada. I'm going to be curious as to what some of the consequences are for non-performance and making sure that there's a bit of carrot there or stick in terms of making sure that we stay on time.

Rudy, I'll ask you, you've been in this Department for a couple of decades, have you ever seen a project of this magnitude move forward in such a transparent and efficient and on time way?

Malfabon: It's unprecedented, Governor. I wanted to echo the comments. I'm really proud of the team and especially Cole Mortensen's leadership, Dale Keller's. The team has been, not just the engineering side, but also the financial, the right-of-way folks that had a heavy legal and definitely our consultants CH2M have been a big part of this successful project delivery process. It has been transparent. It has been above board and fair. I'm very pleased and congratulate Kiewit on being the proposed design-build team for this project. I know that the Board will conduct its due diligence in the coming weeks as we bring that forward to you for final approval next month.

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Sandoval: The only thing I ask, Rudy, is you get it to us more than a week before the meeting.

Malfabon: Definitely.

Sandoval: All right. Other questions or comments. Cole, do you have any concluding remarks that you'd like to make?

Mortensen: Yeah actually, Cole Mortensen, Project Manager. We actually have also prepared a right-of-way update, if the Board is interested in that. Overall, I'd like to echo basically everybody's sentiments. It takes an army to move a mountain and we had a great group of people to help us come to this point. I think that the last stretch here with the evaluation was most impressive from my standpoint that when we actually got everybody involved, when we opened those doors for the proposals and people filed in there, it was like you kicked an ant hill and everybody got after it, they got the process done and we were able to just move smoothly through it, but it took everyone to do so. I want to thank everybody that was involved as well.

Sandoval: All right. Did you want to provide that—are we doing all right on the right-of-way acquisition, Cole?

Mortensen: Well, this is largely the same information that we've been presenting to you on a quarterly basis. For Phase 1, we have ownership, legal occupancy or condemnation authority for 59 of the 60 parcels. We have one parcel outstanding. Seven relocations remaining for Phase 1. One is a large business and then three billboards. 39 parcels that settled through normal negotiations. 22 parcels have been referred to condemnation. Of those 12 property owners, eight have reached settlement, one has gone to trial and three are pending legal settlement. Then we have six parcels with the City of Las Vegas that we have the right to construct on through the cooperative agreement.

For the design-build phase and the remainder of the parcels, we've made 83 offers for 102 acquisitions. 57 property owners reached agreement or are in process. 10 property owners have been referred to condemnation and NDOT has occupancy from four of those properties. We've relocated 136 occupants and an additional 215 relocations are in process. We anticipate having all of our offers presented by the first quarter of 2016.

Along with that, to this point our Phase 1 expenditures are at \$127.5M which is just a little more than what we'd originally programmed for the right-of-way acquisitions, alone I believe that the originally programming for that was \$120M. We've spent \$30M on the design-build phase for the expenditures. Then we've got \$3.7M demolition work that's happened out there. That comes to a grand total of \$161M spent to date.

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That concludes the right-of-way update.

Sandoval: Questions from Board Members on right-of-way. All right, thank you very much.

Mortensen: Thank you.

Sandoval: All right. We'll move on to Agenda Item No. 15 which is the Update on the Replacement of the Radio System.

Malfabon: Thank you Governor. Denise Inda will present this to the Board. Very quickly.

Inda: Good afternoon Governor, Members of the Board. In recognition that this meeting has been very, very long today, I will try to step through this very quickly. We just wanted to provide you with an update of where we are on the replacement of the Nevada Shared Radio System. I would like to recognize that Director Jim Wright from DPS is still here with us this afternoon in support of the progress and the efforts that we're making.

Background, I'm not really going to cover this in great detail. We have this existing 800 MHz trunked radio system. It's been in place since the early 90s. There are three infrastructure partners NDOT, NV Energy and Washoe County, comprised of 16,000 users statewide. The manufacturer support for the system is going to end in 2017 and so we need to replace the system. We want to do it using a competitive vendor neural process. The three infrastructure owners have been working together to identify the best way to move forward with that. All three partners have signed a memorandum of understanding stating that it's in everyone's best interest for the continuity of the system, for cost and reducing the costs to all of the partners and just for continued interoperability throughout the State. It's in everyone's best interest to move forward with a uniform replacement of the system.

This is a map, you may have seen it before, showing there are over 110 sites statewide. NDOT owns and maintains about 60% of those with Washoe County maintaining about 10% and NV Energy about 30%.

Here's the meat of what I want to talk to you about today. The project phasing. The replacement process, which was Phase 1 is complete. It consisted of a needs assessment that identified alternatives and effective cost options for the system replacement. It's based on the system constraints as well as the user requirements. The final report was completed in March of this year and it's been accepted by all three infrastructure owners. That leaves us at Phase 2, which is exactly where we are. It's underway. We issued an RFP to select a firm to assist with the development of the detailed system requirements and the RFP documents. The three partners evaluated the proposals and have selected Federal

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Engineering Incorporated. The scope for this work has been finalized and negotiations are complete.

The agreement for the work will be coming to the Transportation Board for approval, possibly next month, at the November Board Meeting. We're expecting, there's just a few fine tuning on some of the accounting costs that have been added on. We're expecting that agreement to be approximately \$650,000. Each [inaudible] will be entering into a separate agreement with the same firm for the design of the replacement of the microwave system. That microwave system, as we've explained in the past, provides backbone communications for a number of statewide systems including the radio system. It's critical that this microwave be compatible with and in place prior to the replacement of the radio system. There's really close coordination between the partner agency for the radio as well [inaudible]—just an aside, the RFP that went out where we selected Federal Engineering, there was scope included in it to take care of the needs of [inaudible] and then they'll move forward with their separate agreement in that area.

That's where we are. Phase 2 is underway and we'll be talking to you ideally next month when we have an agreement here for your approval.

The next step will be Phase 3. What that phase will do is, the RFP will have gone out and there will be a thorough evaluation of those proposals that are submitted and then a selection of the system provider. At that point in time, each of the infrastructure owners is going to enter into a separate agreement for the deployment of the equipment that they are responsible for. Federal Engineering will continue to support the Department in the role of procurement support, vendor proposal review and post vendor selection support; so that means during construction and installation of the new system, we'll have those experts still supporting and assisting us with all of those technical details.

The one thing that I do want to bring to your attention because I know this is something that you look at very closely, the efforts for continuing on during Phase 3 by Federal Engineering, those were all included in the RFP. When it came time to negotiate for the current Phase 2 portion of it, we started talking about the costs and the requirements of FE to provide that continued support during Phase 3. We realized that if we were to agree on a price today, to include in the agreement that you're going to see next month, it would be a very conservative amount and by conservative I mean a high amount because there is a lot of information and details about the new system that have yet to be determined. To play it safe on the consultants end, they would be making some pretty high estimates on what that would cost.

What we would like to do is once the vendor has been selected, once the RFP is issued, a vendor for the new radio system is selected, we will then be negotiating

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on the costs and the level of effort that will be required by Federal Engineering to continue us through the installation of the system. We really feel like that will be a cost savings and a benefit to the Department and that we'll get really a better result. Federal Engineering was pleased to do it that way as well because we'll all be working from a known place instead of sort of making some estimates and guesses at this point.

What will happen is, when we get around to Phase 3, that's going to require an amendment to the existing agreement that you will be approving next month. I just wanted to lay that out. I know that you like to know all of the costs upfront and truly we would like to bring you those today but there are too many unknowns and we just felt like it was best to give you a good price for the portion that we have finite information at this time and then move forward when we have more information in the future.

We're going to work really closely with the State Budget Office, with our Financial Management Office to plan for the Department's share of the costs as we continue to move forward. What we are expecting is that the first part of the replacement will occur during the Fiscal Year '17-'18 biennium. Let me say that again, the Fiscal Year '17-'18 biennium. So we'll make sure that we put in our request the best known amount of funds for that. Then this replacement, through the Phase 1 evaluation of the system, it was recommended that we would be able to do a phased approach at replacement. By doing that, it reduces our initial costs or our initial outlay, we can break it into phases. Based on that recommendation from the Phase 1 report, we expect that it will take five or more years to replace the entire system statewide and then have our next generation radio system.

Those were the points I wanted to cover today. I'm more than happy to answer any questions today or if any of the Board Members would like more detailed information, more thorough review and explanations, we're more than happy to come and meet with you at any point along this process.

Sandoval: Thank you. I know it's late in the day, but the estimate for this project I'm told is \$124M, or what is the estimate for this project?

Inda: Good question, Governor. In the Phase 1 analysis, there were some high level estimates that were put together for the replacement of the system. If the State and the partners were to go out and replace the system straight up, buy all the equipment, the entire system would cost about \$177,000 total.

Sandoval: You mean million, right?

Inda: I need some zeros. I need some zeros in there. Yeah. \$177M. The State's portion of that would be \$95M. Purchasing all of that equipment outright is not really the current way that public agencies or even private industry moves forward

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with technology. Technology changes so quickly that the State owning all that infrastructure that will then be obsolete in some shorter than we would like timeframe, that doesn't necessarily make sense. What we had asked the consultant to do in developing those initial recommendations, we're looking at some alternative procurement processes where we could perhaps lease to own or even just lease a system that would provide the necessary requirements for the State. Those options will cost—well, I'm not going to go into any details of that, over time, if you're leasing to own, you might pay a little bit more but it does break up and break down your initial costs. The same with just a lease portion. You might end up paying a little bit more than you would but you don't have to replace the entire system in a short time frame, it's more upon the vendor to be keeping up with technology and making those advances and changes. Not having the burden put back on the State or the other agency partners. Did that answer your question Governor?

Sandoval: Not really. I don't want to weaken our negotiating power, but what kind of a budget are we looking at? So you just said, if we had outright purchased it, it would be \$177M of which \$90 some would be the State's share. A lease to own would be an option. I'm looking for some boundaries here on what we're looking at in terms of an expenditure and then would that be Highway Fund money or General Fund money?

Inda: Let me answer the question about the costs first. At this point, we don't have estimates for what these other options would cost. We have some very high level thoughts but we don't have anything concrete. Part of the reason is because in this current phase, this Phase 2 of the project, we're going to be developing more specific system requirements and user requirements. That's really going to help identify what the system is going to look like and then from there, we can identify what those costs might be. We will be able to provide more detailed information as we get a little further on in this project. We know that the worse-case scenario and a very conservative high estimate for that would be approximately \$90-95M for the State's portion of it.

The second part of your question, could you repeat that please, Governor, I'm sorry.

Sandoval: Where is the money going to come from, is that Highway money?

Inda: I think that would need to be determined. If the Department is moving forward with the replacement of the system, it is currently our system, then those funds could be Highway Funds, but I think there could be discussion and I would defer to Director Malfabon on if whether or not the legislature might allocate funds for that from other parts of the State budget.

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- Malfabon: Governor, we were thinking that it would be State Highway Fund revenues to pay for the replacement of the system. I know that it's not lost on the Board how important to public safety this radio system is. We feel that it's better to maintain control with the Transportation Board and the State Highway Fund to address the delivery of this new system.
- Inda: I will add on that, as a part of the development of the new system and the user requirements and system specifications, we are also going to be looking very closely at system governance. Looking at how the radio system is managed and governed today and looking at opportunities and areas where we can improve and fine tune that governance. I think part of that will make sure that all of the user agencies that participate in the shared radio system, making sure that they are compensating the owner agencies for their use. There is a fee currently, a yearly fee, per unit that all of the agencies pay. We'll be making sure that as we move forward, the concepts and the pre-requisites that are laid out move along forward with our new approach or our revised approach I guess I should say.
- Sandoval: I don't need an answer today, but right now we're looking at having our own standalone systems, does this RFP include consideration if there are other systems that we can join or piggyback on, or is there such another system that perhaps we can share rather than having to have our own?
- Inda: Absolutely, the RFP will take those situations into account as the proposals come in, that will be a part of what is within the proposal itself. If there is existing infrastructure within the State, maybe even existing infrastructure from our current system or other systems that are compatible with the type of system we're looking to deploy which would be a P25 Phase 2 System which is the appropriate technology for the kind of system that we're using. Yes Governor, those sorts of things will be taken into account. Just as we discussed, Cole Mortensen discussed on NEON, we will have a very similar evaluation of this where we do a qualifications based evaluation for the system as well as the cost based evaluation. They'll be separated and then they'll be combined to figure out the best solution for the Department and the rest of the State.
- Sandoval: Okay. Well and again, I think we can talk some more later, but the budget process is going to be starting very soon in earnest. These are questions and answers I'm going to need as I build that next budget. Certainly I'm not—never would I want to suggest that I would undermine public safety and its ability to communicate with one another but this certainly is something that we've got to do just like we did on Project NEON and find the best solution at the best price. That isn't to suggest that you're not doing that already, but what I'm hearing is that it's tens of millions of dollars, regardless of what we're going to do. That's going to have a significant impact on the budget or the Highway Fund. One of the two or maybe both.

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- Inda: Yes sir.
- Sandoval: All right. Other questions or comments on this agenda item? Thank you very much. The next Agenda Item is No. 16, Old Business. Mr. Director.
- Malfabon: Governor we have the Report of Counsel Costs on open matters, the Monthly Litigation Report, as well as Fatality Report and an update on Freeway Service Patrol. If there are any questions from Board Members, we can refer them to the proper person to respond.
- Sandoval: Questions from Board Members on Agenda Item No. 16.
- Hutchison: Just a real quick question.
- Sandoval: Mr. Lieutenant Governor.
- Hutchison: Thank you. Rudy or Dennis, maybe you can answer this, I saw that there was red print for our Monthly Litigation Report regarding condemnation matters, I don't see any red print on the Outside Counsel Contracts, does that mean that there are no new matters and no new cases since last Board Meeting. I think that's what it means, right?
- Gallagher: For the record, Dennis Gallagher, Counsel to the Board. Lieutenant Governor, your assumption or observation is correct.
- Hutchison: Great. Thank you very much. I don't have any further questions. Thank you.
- Sandoval: Any other Board Members have questions on Agenda Item 16? All right, let's move to 17, Public Comment. Is there any member of the public in Carson City that would like to provide comment to the Board?
- Malfabon: Yes, there is Governor.
- Quigley: Thank you. For the record, Tina Quigley with the Regional Transportation Commission of Southern Nevada. I would like to extend again congratulations to NDOT and to Kiewit, we look forward to seeing this project. I know my Board is very anxious to see this get going.

I would like to plant two seeds of thought with you. One is that, I was pleased to see that we were able to cut back some of the construction time and some of the disruption to the public, but I share with you that we have created a campaign in Southern Nevada, we call it Seeing Orange; that is an effort to have one number or one website that anybody from the public can go to to learn about any construction project in Southern Nevada. The public doesn't know whether it's a utility, or care whether it's a utility or an NDOT or a RTC or Public Works or a sewer project. I would like to plant the seed of thought very early with NDOT

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that we be included as part of your communication effort on all of your barricade plans so that we can answer those—by us answering those phone calls, you don't have to answer those phone calls.

The other seed of thought I'd like to plant is that we would look forward to the NDOT Project Management Team living in Southern Nevada for the duration of the project. That way, by having people on your project team who actually live in the community that they're having a major infrastructure project in, they get an understanding for the feel of the project by driving it, by listening to their friends and their family and their network of social—their social network, as to what is going on with that project. There's an aspect that comes with actually living where you're doing your work. Thank you.

Sandoval: Thank you, Ms. Quigley. Any other public comment from Carson City?

Malfabon: None Governor.

Sandoval: Any public comment from Las Vegas? I'll close public comment, is there a motion to adjourn?

Skancke: So moved.

Sandoval: Mr. Skancke has moved for adjournment. Member Martin has seconded the motion, all in favor say aye. [ayes around] Motion passes. This meeting is adjourned. Thank you everybody.

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Secretary to Board

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Preparer of Minutes



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

## MEMORANDUM

October 27, 2015

**To:** Department of Transportation Board of Directors  
**From:** Rudy Malfabon, Director  
**Subject:** November 9, 2015 Transportation Board of Directors Meeting  
**Item #4:** Review and Ratify the Selection of the Design-Build Contractor for Project NEON – For Possible Action

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### **Summary:**

The Board of Directors is requested to ratify the selection of the Project NEON Design-Build Contracting Team and approve the Design-Build Contract. The Contracting Team of Kiewit Infrastructure West Co. (Kiewit) was selected as the Best Value Team for this Design-Build Project.

Using the requirements set forth by Nevada Revised Statutes (NRS) 408 and the procurement process outlined in the Department's Pioneer Program Design-Build Guidelines, the Department selected the Preferred Proposer that will provide the best value and deliver the most effective Design and Construction approach.

### **Background:**

The Department is seeking a contractor to design and build certain capital improvements in the City of Las Vegas, Nevada, along Interstate 15 (I-15) and major street connections from the Sahara Avenue Interchange to the I-15/US-95 Interchange (Spaghetti Bowl), otherwise known as Project NEON Design-Build Phase.

The Department issued an RFP to those Proposers shortlisted on December 15, 2014, based on the Department's evaluation of Statements of Qualifications ("SOQs") delivered to the Department on November 20, 2014 in response to the Request for Qualifications for the Project issued on September 23, 2014 (as amended, the "RFQ").

On October 12, 2015, the Department announced the apparent best value proposer along with the scoring and ranking of the Proposing Firms.

### **Analysis:**

Pursuant to NRS 408.3886(6), the Department must review and ratify the selection and contract at a publicly noticed meeting. At the Board meeting, members can either approve or reject the selection of the Best Value Proposer and the Contract.

The Department and Kiewit have successfully negotiated a contract which will be executed based upon approval of the Transportation Board. Please refer to the Summary of Contract Terms & Conditions (Attachment D). The confirmed contract is available for your review and approval at the Board meeting on November 9, 2015.

Per the terms of the Request for Proposals (RFP), the ten (10) day protest period has ended and no protests were submitted.

Department staff also finds that each unsuccessful proposer submitted a responsive bid pursuant to the RFP. The Department will pay each of the unsuccessful proposers a stipend of \$1,500,000. The Board of Directors previously approved the stipend agreements at the March 9, 2015 Board Meeting.

**List of Attachments:**

- A. Pioneer Program Design-Build Process (flowchart)
- B. Scoring and Ranking of Proposing Firms
- C. FHWA Design-Build Contract Concurrence Letter
- D. Summary of Contract Terms & Conditions

**Recommendation for Board Action:**

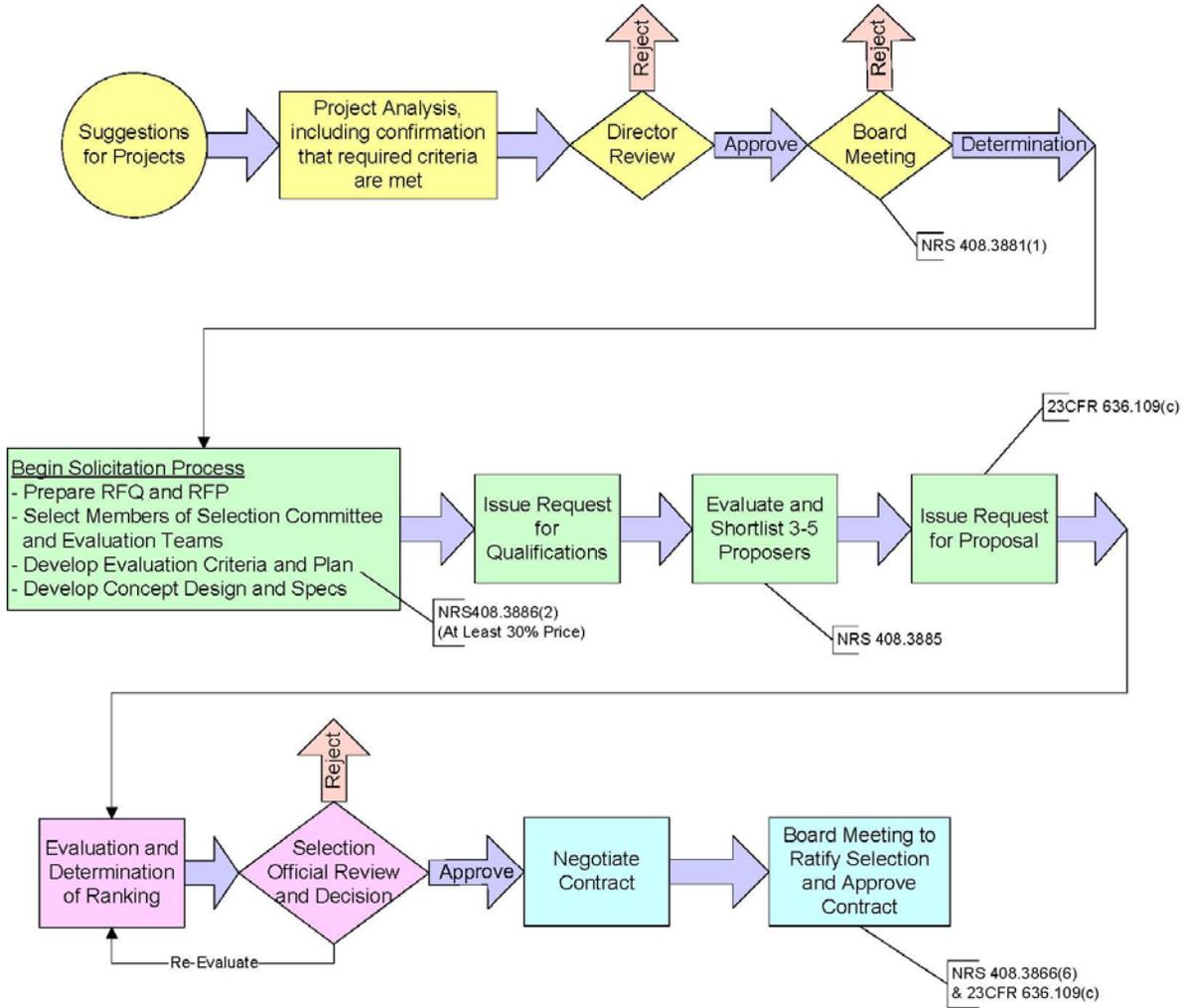
For Possible Action.

**Prepared by:**

Dale Keller, Senior Project Manager

ATTACHMENT A

**Summary Procurement Process**



**Legend**

<span style="display: inline-block; width: 20px; height: 20px; background-color: yellow; border: 1px solid black;"></span>	= Identification Phase	<span style="display: inline-block; width: 20px; height: 20px; background-color: pink; border: 1px solid black;"></span>	= Evaluation Phase
<span style="display: inline-block; width: 20px; height: 20px; background-color: lightgreen; border: 1px solid black;"></span>	= Solicitation Phase	<span style="display: inline-block; width: 20px; height: 20px; background-color: cyan; border: 1px solid black;"></span>	= Award Phase

**Terminology**  
 RFP = Request for Proposal  
 RFQ = Request for Qualifications

Attachment B – Scoring & Ranking of Proposing Firms

	Points Available	NMC	LVP	Kiewit
<b>1 – Project Management Approach</b>	<b>6</b>	4.26	3.9	5.88
<b>2 – Design Approach</b>	<b>6</b>	3.9	3.9	5.16
<b>3 – Traffic Operations</b>	<b>2</b>	1.3	1.48	1.48
<b>4 – Construction Approach</b>	<b>10</b>	7.7	7.4	9.8
<b>5 – Transportation Management Plan</b>	<b>8</b>	4.72	4.72	7.84
<b>6 – Public Involvement Approach</b>	<b>2</b>	1.72	1.66	1.72
<b>7 – Substantial Completion</b>	<b>2</b>	1.5	1.5	2
<b>8 – Interim Milestone</b>	<b>4</b>	2	0	4
<b>Total Technical Score</b>	<b>40</b>	27.1	24.56	37.88
<b>Total Price Proposal Score</b>	<b>60</b>	57	55.94	60
<b>Total Score (100 Points Maximum)</b>	<b>100</b>	<b>84.1</b>	<b>80.5</b>	<b>97.88</b>
<i>Final Selection Ranking</i>		<b>2</b>	<b>3</b>	<b>1</b>



BRIAN SANDOVAL  
Governor

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

RUDY MALFABON, P.E., Director

In Reply Refer to:

October 27, 2015

Susan Klekar  
Division Administrator  
c/o Greg Novak  
Federal Highway Administration  
705 North Plaza Street, #220  
Carson City, NV 89701

RE: Project Neon Design-Build, Project # STP-015-1(155)  
Request for Concurrence in Award of Contract #001-15-015

Dear Mr. Novak,

This is to advise you that on September 24, 2015, proposals were evaluated for the subject contract. Kiewit Infrastructure West was selected as the best quality and value proposer.

As required by 23 CFR 635.114 the Anti-Collusion Affidavit is on file in this office and the notices concerning "Certification of Non-Segregated Facilities" and "Implementation of Clean Air Act and Federal Water Pollution Control Act" were included in the Request For Proposal.

The best value proposer had been prequalified in accordance with our prequalification procedures and was eligible to submit a proposal for the Project.

The following table details the evaluation results for this contract:

	Points Available	NMC	LVP	Kiewit
<b>1 – Project Management Approach</b>	6	4.26	3.9	5.88
<b>2 – Design Approach</b>	6	3.9	3.9	5.16
<b>3 – Traffic Operations</b>	2	1.3	1.48	1.48
<b>4 – Construction Approach</b>	10	7.7	7.4	9.8
<b>5 – Transportation Management Plan</b>	8	4.72	4.72	7.84
<b>6 – Public Involvement Approach</b>	2	1.72	1.66	1.72
<b>7 – Substantial Completion</b>	2	1.5	1.5	2
<b>8 – Interim Milestone</b>	4	2	0	4
<b>Total Technical Score</b>	<b>40</b>	27.1	24.56	37.88
<b>Total Price Proposal Score</b>	<b>60</b>	57	55.94	60
<b>Total Score (100 Points Maximum)</b>	<b>100</b>	<b>84.1</b>	<b>80.5</b>	<b>97.88</b>
<b>Final Selection Ranking</b>		<b>2</b>	<b>3</b>	<b>1</b>

The recommendation to award this contract to Kiewit Infrastructure West will be presented to the State Transportation Board for approval by their Chairman on November 9, 2015. The conformed Design-Build Contract can be found at the following link:

[https://deliver.ch2m.com/projects/424736/DB\\_Contract\\_Pre\\_Award/Transportation%20Board%20Version](https://deliver.ch2m.com/projects/424736/DB_Contract_Pre_Award/Transportation%20Board%20Version)

Your concurrence in award of this Design-Build Contract to Kiewit Infrastructure West by your endorsement hereon is respectfully requested. Please return an approved copy to this office.

Sincerely,

DocuSigned by:

*Jenni Eyerly*

70572981EBED4AD

Jenni Eyerly

Administrative Services Officer

Concur:

DocuSigned by:

*Greg Novak*

20DE988CCZDS4ZF

Division Administrator, Federal Highway Administration

10/28/2015

Date



## MEMORANDUM

October 27, 2015

**To: John Terry, Assistant Director - Engineering**  
**From: Dale Keller, Senior Project Manager**  
**Subject: Project Neon Design-Build: Summary of Contract Terms & Conditions**

---

### **Scope of Work:**

The Design-Builder will design and construct the elements of the Project within a period of time defined in the Contract Documents. Design-Builder will be subject to liquidated damages in the event it fails to meet the schedule requirements. The major elements of the Project include:

- a) The HOV Connector Bridge
- b) The Charleston Interchange reconstruction
- c) The I-15 Freeway reconstruction from Sahara Avenue Interchange to the US 95/I-515 Interchange
- d) The US 95 reconstruction from Rancho Avenue Interchange to the US 95/I515 Interchange; and
- e) Local street connections, including Grand Central Industrial (GCI) Connector.

### **Schedule:**

The schedule submitted by Kiewit used a non-conventional approach to schedule – Kiewit developed the Maintenance of Traffic (MOT) plan first, and then sequenced construction activities around the most efficient MOT plan. The work is divided into three phases:

- Phase 1: Local Parallel Streets First
- Phase 2: Reconstruction of I-15
- Phase 3: Complete HOV Connector and GCI Connector

Kiewit has committed to achieving substantial completion in 1650 calendar days. This was 312 days before the Department's requirement.

- Notice to Proceed #1: November 16, 2015
- Groundbreaking/Construction begins – Spring 2016
- Achieve I-15 Milestone Completion – Fall 2018
- Substantial Project Completion – Fall 2019

The attached Proposal Commitments (Attachment A) captures Special Proposal Commitment Durations and Permitted Closure Commitments.

### **Price:**

The contract price of \$559,370,303 is the same as the proposal bid price.

**Innovation:**

As part of the Design-Build process as outlined in the RFP, proposers were allowed to submit Alternative Technical Concepts (ATCs) proposing innovative design and construction concepts to improve the cost, quality, and schedule for the Project. The Department received over one hundred ATCs from the three shortlisted proposers.

Ten ATCs by Kiewit were incorporated into their proposal and accepted by the Department for use in Final Design. Some of the ATCs approved for this Project are highlighted below:

- Precast Girder Concrete Compressive Strength
- Precast Girder Allowable Tension Stress
- Precast Pre-stressed Concrete Box Girders
- Wall Street Flood Control Box Ground Treatment
- Grade 75 Reinforcing Steel
- Use of Reclaimed Pavement for Portions of Existing US 95 Pavement Section.

Other innovations are captured in the attached Proposal Commitments (Attachment A).

**Attachments:**

Appendix 12 – Design-Builder's Proposal Commitments

**ATTACHMENT 1 TO APPENDIX 12**

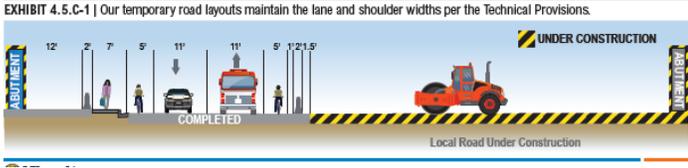
**PROPOSAL COMMITMENTS & CLARIFICATIONS**

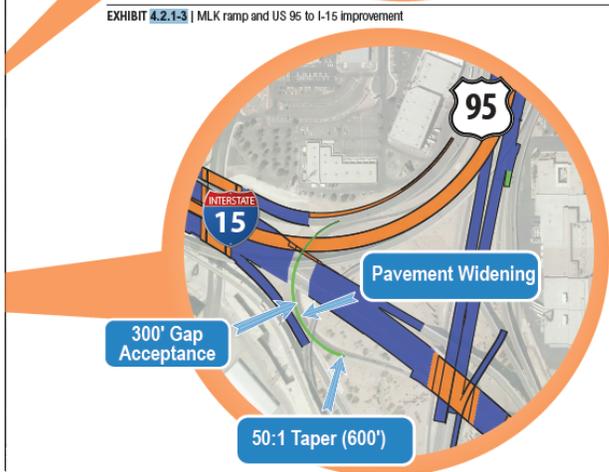
The following pages summarize certain commitments made by Design-Builder in its Proposal submitted for the Project, which Design-Builder agrees either meet or exceed the requirements of the Contract Documents. The commitments set forth herein are included in the scope of the Work. This summary is an overview of certain Design-Builder commitments and is not intended to be an exhaustive list of all commitments made in the Proposal that meet or exceed the requirements of the Contract Documents. Nothing contained herein shall limit, modify, discharge, eliminate or reduce the requirements of the Contract Documents listed in **Section 1.3** or Design-Builder's obligations under **Section 1.3.2**. *[Note: ITP Form H (DBE Certification) will be appended at the end of this Attachment 1 to Appendix 12]*

Commitment No.	Proposal Page No	Proposal Location	Proposal Commitment																																
1	5	4.1.1.B.vi Neon Team Project Office	Design-Builder's 30,000-sq. ft. Project Neon main office shall be located at Charleston and Western behind Lola's. In addition, Design-Builder shall have a 2,000-sq. ft field office located at the HOV Connector yard.																																
2	5	4.1.1.C.i Management, Interface and Collaboration with External Parties	<p>Design-Builder's Work shall meet the requirements of the Technical Provisions and shall facilitate the events including but not limited to the ones outlined in Exhibit 4.1.1-6, such as monthly brownbag meetings, Monthly Quality Tours and Executive Meetings Quarterly or as agreed with the Department.</p> <table border="1"> <thead> <tr> <th colspan="4">EXHIBIT 4.1.1-6   Regular Interactions facilitate collaboration and decision making to maintain budget and schedule.</th> </tr> <tr> <th>Meeting</th> <th>Description</th> <th>Attendees</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Discipline Task Force Meetings</td> <td>These meetings ensure appropriate levels of communications and integration between design, construction, quality personnel, and subcontractors. They are critical to continually monitor progress and develop an integrated approach to delivering a successful project.</td> <td>NDOT, third parties when impacted, Kiewit team discipline leads and key personnel, and subcontractors</td> <td>Weekly</td> </tr> <tr> <td>Quality Task Meetings</td> <td>These meetings allow the team to discuss resources, schedule, field design changes, Non-conformance Reports, and other issues that may arise.</td> <td>NDOT, Kiewit team discipline superintendents and quality personnel, and subcontractors</td> <td>Weekly, to plan for the following week</td> </tr> <tr> <td>Brown Bag Lunch Meetings</td> <td>These meetings facilitate partnership in an informal and friendly environment, while enhancing inter-discipline communication. Each month a different discipline manager presents a project update regarding their area of work.</td> <td>NDOT, Kiewit team discipline leads and key personnel, and subcontractors</td> <td>Monthly</td> </tr> <tr> <td>Owner Quality Tours</td> <td>Tours of the project to review the quality of workmanship, followed by discussion of tour and resulting issues.</td> <td>NDOT, Kiewit team discipline leads, key and quality personnel, and subcontractors</td> <td>Monthly</td> </tr> <tr> <td>Partnering Workshops</td> <td>These workshops will focus on the project progress, issues, concerns, upcoming milestones, and similar topics. Partnering meetings will be an excellent tool to meet with NDOT and other stakeholders to develop and agree on solutions.</td> <td>NDOT, third parties, Kiewit team discipline leads and key personnel, and subcontractors</td> <td>Quarterly or as necessary</td> </tr> <tr> <td>Executive Meetings</td> <td>These meetings provide an opportunity for NDOT to discuss the Kiewit team's performance and voice concerns.</td> <td>NDOT, the Executive Steering Committee</td> <td>Quarterly or as necessary</td> </tr> </tbody> </table>	EXHIBIT 4.1.1-6   Regular Interactions facilitate collaboration and decision making to maintain budget and schedule.				Meeting	Description	Attendees	Frequency	Discipline Task Force Meetings	These meetings ensure appropriate levels of communications and integration between design, construction, quality personnel, and subcontractors. They are critical to continually monitor progress and develop an integrated approach to delivering a successful project.	NDOT, third parties when impacted, Kiewit team discipline leads and key personnel, and subcontractors	Weekly	Quality Task Meetings	These meetings allow the team to discuss resources, schedule, field design changes, Non-conformance Reports, and other issues that may arise.	NDOT, Kiewit team discipline superintendents and quality personnel, and subcontractors	Weekly, to plan for the following week	Brown Bag Lunch Meetings	These meetings facilitate partnership in an informal and friendly environment, while enhancing inter-discipline communication. Each month a different discipline manager presents a project update regarding their area of work.	NDOT, Kiewit team discipline leads and key personnel, and subcontractors	Monthly	Owner Quality Tours	Tours of the project to review the quality of workmanship, followed by discussion of tour and resulting issues.	NDOT, Kiewit team discipline leads, key and quality personnel, and subcontractors	Monthly	Partnering Workshops	These workshops will focus on the project progress, issues, concerns, upcoming milestones, and similar topics. Partnering meetings will be an excellent tool to meet with NDOT and other stakeholders to develop and agree on solutions.	NDOT, third parties, Kiewit team discipline leads and key personnel, and subcontractors	Quarterly or as necessary	Executive Meetings	These meetings provide an opportunity for NDOT to discuss the Kiewit team's performance and voice concerns.	NDOT, the Executive Steering Committee	Quarterly or as necessary
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3	6	4.1.1.C.ii Cost Control and Schedule Management System	Design-Builder's Work shall meet the requirements of the Technical Provisions and shall facilitate the schedule activities including the ones outlined in Exhibit 4.1.1-7, such as 5-week schedules, Play of the Day schedules, and Linear Schedule TLOS.																																

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			<p><b>EXHIBIT 4.1.1-7  </b> Kiewit will use proven tools to ensure effective management and continual monitoring of the schedule</p> <table border="1"> <thead> <tr> <th data-bbox="691 254 792 281">Schedule Type</th> <th data-bbox="795 254 971 281">Description</th> <th data-bbox="974 254 1089 281">Updating Frequency</th> <th data-bbox="1092 254 1386 281">Benefit to NDOT</th> </tr> </thead> <tbody> <tr> <td data-bbox="691 285 792 338">CPM Schedule (P6)</td> <td data-bbox="795 285 971 338">Critical path schedule includes all major project activities, including design</td> <td data-bbox="974 285 1089 338">Progressed weekly, updated monthly</td> <td data-bbox="1092 285 1386 338">Shows a detailed path through all critical and near-critical activities. Allows for project and cash flow planning and management.</td> </tr> <tr> <td data-bbox="691 342 792 394">90-Day Schedule</td> <td data-bbox="795 342 971 394">Contains more detail than the CPM over a 3-month period</td> <td data-bbox="974 342 1089 394">Updated monthly; shows completed activities</td> <td data-bbox="1092 342 1386 394">Allows us to provide advance notice of construction impacts so information can be disseminated to stakeholders which mitigates impacts/changes.</td> </tr> <tr> <td data-bbox="691 399 792 451">5-Week Schedule</td> <td data-bbox="795 399 971 451">Four-week look-ahead with daily detail and one week of as-built</td> <td data-bbox="974 399 1089 451">Updated weekly</td> <td data-bbox="1092 399 1386 451">Provides a detailed day-by-day plan for the next month to allow NDOT and stakeholders to schedule QA crews and construction oversight in advance of work.</td> </tr> <tr> <td data-bbox="691 455 792 508">Play-of-the-Day Schedule</td> <td data-bbox="795 455 971 508">Specific detailed activities for the next 24 hours</td> <td data-bbox="974 455 1089 508">Created daily</td> <td data-bbox="1092 455 1386 508">Allows NDOT and stakeholder staff to understand safety requirements and access to site each day.</td> </tr> <tr> <td data-bbox="691 512 792 585">Linear Schedule – TLOS</td> <td data-bbox="795 512 971 585">Visually depicts work activities in time and location</td> <td data-bbox="974 512 1089 585">Updated monthly</td> <td data-bbox="1092 512 1386 585">Provides NDOT management an overview of work accomplished for use in briefing the NDOT board and others on project progress. Visually simplifies approach to work, helps identify efficiencies and conflicts with resources.</td> </tr> </tbody> </table>	Schedule Type	Description	Updating Frequency	Benefit to NDOT	CPM Schedule (P6)	Critical path schedule includes all major project activities, including design	Progressed weekly, updated monthly	Shows a detailed path through all critical and near-critical activities. Allows for project and cash flow planning and management.	90-Day Schedule	Contains more detail than the CPM over a 3-month period	Updated monthly; shows completed activities	Allows us to provide advance notice of construction impacts so information can be disseminated to stakeholders which mitigates impacts/changes.	5-Week Schedule	Four-week look-ahead with daily detail and one week of as-built	Updated weekly	Provides a detailed day-by-day plan for the next month to allow NDOT and stakeholders to schedule QA crews and construction oversight in advance of work.	Play-of-the-Day Schedule	Specific detailed activities for the next 24 hours	Created daily	Allows NDOT and stakeholder staff to understand safety requirements and access to site each day.	Linear Schedule – TLOS	Visually depicts work activities in time and location	Updated monthly	Provides NDOT management an overview of work accomplished for use in briefing the NDOT board and others on project progress. Visually simplifies approach to work, helps identify efficiencies and conflicts with resources.
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4	8	44.1.2.A.i Roles and Responsibilities of Quality Personnel including Interface with Department	<p>To augment the required quality program defined in the Technical Provisions,, Design-Builder shall use the following best practices:</p> <ul style="list-style-type: none"> <li>• Perform quality evaluations to track quality components, identify negative trends, and implement corrective actions.</li> <li>• Implement a Quality Committee of senior management and NDOT staff to review quality progress, issues, and concerns.</li> </ul> <p>Hold monthly quality tours with NDOT to observe ongoing work.</p>																								
5	10	4.1.2.B.1.2 Methods for Coordinating with NDOT	<p>Design-Builder's Work shall meet the requirements of the Technical Provisions and Design-Builder shall conduct a Design Presentation 10 days before a submittal to NDOT, enabling NDOT to assess design progress and accuracy on a continual basis, and will use over-the-shoulder plan reviews as design advances.</p>																								
6	12	4.1.3 Safety and Health	<p>In addition to protecting Project Neon workers, Design-Builder shall protect the public by:</p> <p>Design-Builder shall provide blue reflectors and signage to identify emergency pullouts.</p> <p>Design-Build shall provide courtesy patrol(s) during I-15 and US 95 Construction Work. Courtesy patrol(s) shall include similar activities as the Department's Freeway Service Patrol (FSP). The purpose of these courtesy patrol(s) is to improve highway safety through the Project by reducing the time required to remove incidents (objects) that can disrupt traffic flows and cause traffic congestion, such items as stalled vehicle, debris on the road, or a minor accident, the objective of the courtesy patrol(s) is to remove distractions from the road as quickly as possible to avoid impacting passing drivers. Courtesy patrol(s) technicians shall certified in first aid and automotive service to ensure they are prepared to quickly remove minor incidents from the roadway. The courtesy patrol(s) Work does not include vehicle towing services. Design-Builder shall provide the Department 102 weeks of courtesy patrol(s) Work beginning at the first Permitted Construction Closure. The request for courtesy patrol(s) Work will be considered a Department Directed Change.</p>																								
7	14, 15, 16	4.1.5 Risk Management Plan	<p>Design-Builder's Work shall meet the requirements of the Technical Provisions and shall meet or exceed this complete proposal section.</p>																								
8	23	4.1.7.A Strategy and Overall Approach to Achieve DBE Goals	<p>Design-Builder's Work shall meet the requirements of the Contract and Design-Builder shall distribute project information through DBE organizations and other local organizations including Strategic Alliance for Emerging Small Business and Business Opportunity and Workforce Development including the following:</p> <ul style="list-style-type: none"> <li>• Providing a DBE website that provides bidding information at <a href="http://www.kiewit.com/projectneon">http://www.kiewit.com/projectneon</a></li> <li>• Providing bidding assistance and scope clarification</li> <li>• Customizing scopes of work/bid packages to allow more local DBEs to participate</li> <li>• Working with DBEs to accommodate their business needs and expediting</li> </ul>																								

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			payments Assisting DBEs to explore future opportunities and develop best practices
9	24	4.1.7.B Approach to Encourage Participation of DBE Firms	To encourage participation of DBE firms Design-Builder shall: <ul style="list-style-type: none"> <li>• Use prompt payment plans to improve financial liquidity and stability</li> <li>• Offer the assistance of the DBE subcontractor liaison to help local subcontractors and suppliers secure the proper DBE certifications</li> <li>• Provide training and mentoring</li> </ul> Provide referral assistance for bonding
10	24	4.1.7.D Facilitating DBE Capabilities	Design-Builder shall provide scheduled training to DBE subcontractor personnel throughout the project.
11	42	4.2.4 Landscape and Aesthetics	Design-Builder's Work shall meet the requirements of the Technical Provisions and in addition Design-Builder shall perform the Work to provide the following: <ul style="list-style-type: none"> <li>• The I-15 Bridge over Symphony Parkway will now receive a Landmark level of treatment</li> <li>• The US 95 Bridge over MLK is being rebuilt and treated with a Focal level aesthetic design</li> <li>• On the groundplane Design-Builder shall add larger rock material to eroded portions of the Spaghetti Bowl, enhancing it aesthetically, and providing further slope stabilization</li> <li>• Concrete pavers will be used instead of standard concrete or decomposed granite for some medians</li> </ul> Add more than 5,000 ft. of aesthetic walls, both rammed earth and gabion
12	55	4.4 CONSTRUCTION APPROACH	Design-Builder shall maintain 8 ft. shoulder widths along I-15 in 2 out of 3 phases; during single phase of impacts to shoulders, provide emergency areas in excess of those specified in the Technical Provisions
13	55	4.4 CONSTRUCTION APPROACH	Design-Builder shall develop ramp detour for construction of the NB I-15 structure over Symphony Park Avenue to allow highly utilized NB to EB system ramp to remain open without interruption; this increases safety on local roadways and alleviates nuisance traffic and impact on surface streets
14	55	4.4 CONSTRUCTION APPROACH	Design-Builder shall minimize disruption to residents and neighborhoods and limit construction impacts <b>by providing a new MLK Boulevard by fourth quarter 2017</b>
15	56	4.4A Ensuring the safety of motorists, bicyclists, pedestrians and workers	Design-Builder shall require employees and subcontractors to participate in all appropriate training sessions, including daily, weekly, and monthly safety meetings and other special training to create and perpetuate an incident-free environment
16	73	4.4.D.viii Maintenance of ROW, Adjacent Roads and Properties, Businesses and Residential Access during Construction	Design-Builder shall use Tier 3 or Tier 4 engines in the majority of Design-Builder's equipment fleet to generate less noise and cut down on emissions. A <i>no idling</i> policy will be implemented requiring equipment to be shut down if idling is expected for five minutes or more. In noise sensitive areas, battery powered, environmentally friendly LED light plants and other light sources will be used at night, eliminating the noise and emissions of traditional diesel-powered light towers.
17	82	4.5.A.iii Non-Standard Roadway Geometric	To help mitigate negative impacts of the nonstandard geometry, Design-Builder's signage shall be placed on the mainline warning of the lower posted speed limit and curves on the I-15 NB to US 95 EB detour ramp and small horizontal radius curve. Design-Builder shall provide high intensity temporary lighting of the detour ramp to

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		Features to Accommodate Traffic Control Plans	highlight the ramp geometry. Design-Builder shall provide a temporary super elevation (7.8%) of the ramp detour to improve drive-ability of the ramp.
18	90	4.5.C.ii Planned Construction Closures	<p>On the surface streets, where bike lanes are present, Design-Builder shall continue to provide bike lanes through temporary road layouts. The bike lanes will be 5-ft. wide where achievable, but no less than 4-ft. wide. Sidewalks or temporary pedestrian routes will all have a minimum clear width of 5 ft. <b>Exhibit 4.5.C-1 shows a typical layout with lane widths.</b></p> 
19	93	4.5.E Approach to Coordinating and Communicating Detours With First Responders	Design-Builder shall conduct Incident Management workshops every 6 months.
20	28	4.2.1 Roadway Elements	Design-Builder Design Work shall enhance the Reference Design by <b>eliminating 40% of the NDOT's total number of approved design exceptions</b> , improving another three, while meeting the requirements of the Technical Provisions.
21	28	4.2.1.A Freeway Corridor Improvements	Design-Builder's optimization Design Work shall include horizontal shifts that reduce approved design exceptions for shoulder width by nearly 3,900 ft
22	28	4.2.1.A Freeway Corridor Improvements	Design-Builder's Design Work shall minimize HOV flyover overhang onto US 95 traffic below, while staying within the existing right-of-way (ROW).
23	28	4.2.1.A Freeway Corridor Improvements	Design-Builder's Design Work shall build the HOV flyover in the middle of US 95 to <b>avoid building over existing pavement.</b>
24	28	4.2.1.A Freeway Corridor Improvements	Design-Builder's Design Work shall partially replace the NW DC ramp (I-940) and <b>spanning the ultimate MLK footprint</b> , which reduces future reconstruction costs for NDOT to achieve the future width.
25	30	4.2.1.A Freeway Corridor Improvements	Design-Builder's Design Work shall widen the existing MLK to I-15 north ramp to the outside. As shown on the previous page Exhibit 4.2.1-3, (page 29) this 6-ft. widening over approximately 900ft. along the east/north ramp eliminates the yield condition and provides the 300-ft. gap acceptance length, thereby providing a safer, more consistent roadway for travelers.

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			 <p>EXHIBIT 4.2.1-3   MLK ramp and US 95 to I-15 improvement</p>
26	31/32	4.2.1.D Approach to Compatibility with Future Improvement	<p>Design-Builders Work shall meet the requirements of the Technical Provisions and incorporate the items that benefit future phases of Project Neon, including:</p> <ul style="list-style-type: none"> <li>• <b>Barrier rail/wall and drainage inlets will be set in their ultimate location</b> along I-15 SB from Sta. 768+58 to Sta. 779+95 to eliminate the need for future reconstruction. The reason for the barrier shift in the Ultimate Plan is to accommodate the lane shift and additional lane along MS. Widening the shoulder pushed the barrier wall closer to the Sahara ramp (SA3), but it did not change any alignments in the design.</li> <li>• The US 95/I-515 Corridor Improvements at HOV discussed in Section 4.2.1.A will result in the reconstruction of the NW flyover where it crosses MLK. <b>This structure will span the future section for MLK</b>, as dictated in Attachment 09-4 of the Technical Provisions, eliminating the need for future replacement.</li> </ul> <p>The Charleston NB exit and entrance ramps (CH1 and CH2) will be offset approximately 55 ft. east at the Charleston Boulevard intersection to reduce the amount of cut which will be maintained for the future NB Sahara on ramp and balance the mass haul during this final stage of construction. Excavated material will be used for the Charleston ramps and integrated into the landscaping plan; some material will be placed as embankment for the Phase B1 grade separation of the NB CD over Charleston Boulevard in the future.</p>
27	32	4.2.1.F Accommodating Vehicle, Pedestrian, and Bicycle Movement	<p>Design-Builder shall complete the Construction Work on MLK south of Alta Drive in Phase 1.</p>
28	32	4.2.1.F Accommodating Vehicle, Pedestrian, and Bicycle Movement	<p>Design-Builder's Work shall meet the requirements of the Technical Provisions and include the accommodations listed below.</p> <p>Exhibit 4.2.1-5 on the following page depicts the existing mode network, as well as the enhanced access provided by these improvements.</p> <p>Some of the key enhancement features include:</p> <ul style="list-style-type: none"> <li>• Additional sidewalk connections that meet ADA requirements</li> <li>• Enhanced walkways and bike way connections that previously did not exist</li> <li>• ADA improvements at signals to provide for the spectrum of ADA needs</li> <li>• Additional transit stops</li> <li>• Increased safety by pulling sidewalks away from the street and including landscape buffers</li> </ul>

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			<p><b>EXHIBIT 4.2.1-5   Additional transit stops, and separate bicycle and pedestrian facilities encourage all modes of travel.</b></p>
29	32	4.2.1.G Accommodating Access to Properties and Businesses	Design-Builder's Work shall meet the requirements of the Technical Provisions and shall add driveways, curb cuts and roadway access as depicted in the reference drawings to provide appropriate access to business and residential parcels.
30	4.2.1-02	4.2.1.J Preliminary Roadway Schematics Appendix E.7 Technical Drawings Vol 2, Roll Plots	Design-Builder's Work shall meet the requirements of the Technical Provisions and Design-Builder's Design Work shall not exceed the number and type of Design Exceptions listed in the Design Exception Table, located in Section 4.2.1.J Preliminary Roadway Schematics Appendix E.7 Technical Drawings, Vol 2, Roll Plots. Sheet 4.2.1-02
31	4.2.1-02	4.2.1.J Preliminary Roadway Schematics Appendix E.7 Technical Drawings Vol 2, Roll Plots	<p>Design-Builder's Work shall meet the requirements of the Technical Provisions and at a minimum shall provide the following Item Numbers from the Table titled "Project Technical Enhancements" as specifically identified on the associated proposal plan sheets.</p> <ul style="list-style-type: none"> <li>2, INCORPORATION OF FUTURE SHOULDER AND DRAINAGE INTO CURRENT DESIGN</li> <li>5, ADJUST EXIT TAPER ON HOV TO MEET ENTRANCE-EXIT SPACING REQUIREMENT</li> <li>6, IMPROVED SHOULDER FROM 8' TO 12'</li> <li>9, SHIFT WALL ST. TO ACCOMMODATE ADDITIONAL RCB STORAGE</li> <li>10, EASTBOUND CHARLESTON RAMP TO MLK DESIGN OPTIMIZATIONS</li> <li>12, MARTIN LUTHER KING BLVD TO EASTBOUND I-15 RAMP RELOCATION REMOVED</li> <li>13, I-15 OVER US 95 BRIDGE SPAN OPTIMIZATION</li> <li>14, WIDENING OF EXISTING MLK I-15 NB RAMP TO ELIMINATE YIELD CONDITION</li> <li>15, I-15 OVER UPRR BRIDGE SPAN OPTIMIZATION</li> <li>16, I-15 OVER MLK RAMP BRIDGE SPAN OPTIMIZATION</li> <li>18, IMPROVED NORTHBOUND OUTSIDE SHOULDER WIDTH TO MEET NDOT CRITERIA</li> <li>19, IMPROVED SOUTHBOUND OUTSIDE SHOULDER WIDTH TO MEET NDOT CRITERIA</li> <li>20, IMPROVED NORTHBOUND INSIDE SHOULDER WIDTH TO MEET NDOT CRITERIA</li> <li>21, IMPROVED SOUTHBOUND INSIDE SHOULDER WIDTH TO MEET NDOT CRITERIA</li> </ul>

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			22, IMPROVED NORTHBOUND INSIDE SHOULDER WIDTH TO MEET NDOT CRITERIA 23, IMPROVED STOPPING SIGHT DISTANCE ALONG SOUTHBOUND ON RAMP FROM RANCHO DR 24 IMPROVED NB & SB LANE WIDTH TO MEET CRITERIA
32	38	4.2.2.A Approach to Selecting Materials	Overhead Sign and Dynamic Messaging Sign (DMS) Structures Design-Builder shall provide overhead sign and DMS structures comprised of steel truss structures with tubular posts and concrete drilled shaft or spread footing foundations unless other materials and Work is specified in the Technical Provisions.
33	39	4.2.3.B Modifications to CCRFCD Storm Drain Facilities	Design-Builder's realignment of the Freeway Channel from Desert Inn to I-15 between Sahara Avenue and Wall Street shall provide for improved maintenance access, avoid conflicts with the proposed bridge and utilities at Oakey Boulevard, <b>and avoid any additional loading from the freeway widening.</b>
34	39	4.2.3.B Modifications to CCRFCD Storm Drain Facilities	At Wall Street, the channel crosses under the freeway to the east side of I-15 where it combines with the Western Avenue lateral and drains north. The Design-Builder's Work shall remove and replace <b>this section with an RCBC</b> structure capable of supporting the over 30 ft. of fill that will be placed on the RCBC when the Wall Street Bridge is removed.
35	39	4.2.3.B Modifications to CCRFCD Storm Drain Facilities	Design-Builder's innovative Design Work shall implement ground improvements from approximately "FC" 84+15 to "FC" 86+46 to stabilize the existing RCBC and avoid removal and replacement.
36	41	4.2.3.D Methods of Drainage Analysis	Hydraulic Methods Design-Builder shall coordinate selection and use of a two-dimensional model with the NDOT Hydraulics Section prior to beginning the analysis.
37	94	4.7 PUBLIC INVOLVEMENT APPROACH	Design-Builder's public information PI team shall fully engage and integrate with other project disciplines including maintenance of traffic (MOT) and construction teams <b>during daily meetings</b> to communicate public concerns and resolve issues. <b>This daily interaction</b> provides timely and accurate information that is disseminated to the public. Design-Builder shall use the feedback from the PI team to make adjustments that minimize impacts to the public.
38	95	4.7.A Approach to Implement and Manage Community Relations	Design-Builder's Work shall meet the requirements of the Technical Provisions and in addition, Design-Builder shall send out <b>weekly</b> email updates (eblasts).
39	95	4.7.A Approach to Implement and Manage Community Relations	Design-Builder shall display monthly photo submissions on social media and in an interactive photo gallery on the project website.
40	96	4.7.A Approach to Implement and Manage Community Relations	For major events, including those detailed in Table 6-2, 6-3, and 6-4 of the Technical Provisions, Design-Builder shall work closely with the appropriate event representatives and provide construction schedule information, maps, and detour routes for event attendees. MOT, including closures, will be coordinated to minimize effects on traffic and access during these events and holidays.  Design-Builder shall suspend or minimize major hauling operations during these times. Design-Builder's Work will take place in areas outside of locations affected by increased event traffic and Design-Builder shall take special care to open up major access points during events to accommodate increased traffic.

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41	99	4.7.E Project Visual Renderings	Design-Builder's Work shall meet the requirements of the Technical Provisions and in addition materials being displayed at the public information office, <b>these materials will be available to view or download via the project website and social media channels</b> , and still images will be printed as handouts for public distribution when appropriate.  In addition, the 3-dimensional models that create <b>these visualizations will be posted on the project website and available during public meetings as an interactive tool</b> for the public to use to further familiarize themselves with the project.
42	113/114	EXHIBIT 4.1.1-4   Qualifications and experience of personnel in sub-organizations.	Design-Builder shall provide the time commitments defined in the exhibit all individuals at 100%.
43		Appendix E.13 Concept Drawings Section 4.5 Transportation Management Plan	Design-Builder shall perform Construction Work for the Project in the basic sequence and methods for maintaining traffic depicted in the roll plots, including lane arrangements, physical dimensions and design speeds
44	84	4.5.B.1 Construction Work Staging/ Sequencing to Minimize Disruptions	Using a Local Parallel Roads First/I-15 Second Strategy, Design-Builder shall perform Construction Work for the majority of local roads in the first phase to minimize travel disruptions in later phases.
45	161	8. Traffic Incident Response Plan	Design-Builder shall provide Pull-Out-Areas* for NHP presence and/or disabled vehicles for each stage of the work are included in the TTC plans.
46	165	PROJECT NEON Preliminary Traffic Incident Response Plan August 21, 2015	Design-Builder's Work shall meet the requirements of the Technical Provisions and shall include the items listed below.  Roles and Responsibilities Kiewit Team <ul style="list-style-type: none"> <li>● Follow contractor responsibilities as outlined in this manual.</li> <li>● Provide and maintain emergency pullouts.</li> <li>● Coordinate ramp closures with businesses and law enforcement agencies.</li> <li>● Install temporary and permanent ITS electronic monitoring system.</li> </ul> Assist as necessary and capable in clearing roadway and emergency responses.
47	57	4.4 CONSTRUCTION APPROACH 4.4.A Ensuring the Safety of Motorists, Bicyclists, Pedestrians and Workers	Design-Builder shall work towards ensuring safety of construction workers, NDOT staff, and others by implementing the items included in these table as part of the Work. EXHIBIT 4.4.A-1   Value added strategies to maintain the safety of the public

Commitment No.	Proposal Page No	Proposal Location	Proposal Commitment																
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48	77	4.5 TRANSPORTATION MANAGEMENT PLAN	<p>Design-Builder shall provide a courtesy patrol during work on US 95 and I-15 to assist motorists and place an experienced team member in the Traffic Management Center (TMC) during critical traffic shifts</p>																
49	156,157,158	5.5 Work Zone Impacts Management Strategies	<p>Design-Builder shall perform the Work necessary to accomplish the comprehensive list of strategies anticipated for implementation provided in the following tables. Most of the TTC and TO strategies included on the list have been considered and included in the TTC plans (Appendix C), Chapter 7, and Chapter 8 of this report. A summary of the mitigation strategies is provided below.</p> <p>At a minimum the Design-Builder's shall perform the following Work listed in D. Traffic/Incident Management and Enforcement Strategies</p> <ul style="list-style-type: none"> <li>Courtesy Patrol(s)</li> <li>Incident /Emergency Management Coordinator</li> <li>Dedicated and/or Cooperative Police Enforcement</li> </ul> <p><b>Transportation Operations Strategies</b></p> <table border="1"> <thead> <tr> <th colspan="4" data-bbox="690 1276 1365 1297">II. Transportation Operations (TO)</th> </tr> <tr> <th data-bbox="690 1304 846 1356">A. Demand Management Strategies</th> <th data-bbox="850 1304 1024 1356">B. Corridor/Network Management Strategies</th> <th data-bbox="1029 1304 1187 1356">C. Work Zone Safety Management Strategies</th> <th data-bbox="1192 1304 1365 1356">D. Traffic/Incident Management and Enforcement Strategies</th> </tr> </thead> <tbody> <tr> <td data-bbox="690 1362 846 1415"> <ul style="list-style-type: none"> <li>Transit Service Improvements</li> <li>Ramp Metering</li> </ul> </td> <td data-bbox="850 1362 1024 1478"> <ul style="list-style-type: none"> <li>Ramp Closures</li> <li>Signal Timing Modifications</li> <li>Emergency Pullouts</li> <li>DMS</li> <li>Ramp Metering</li> </ul> </td> <td data-bbox="1029 1362 1187 1625"> <ul style="list-style-type: none"> <li>Speed Limit Reductions</li> <li>Smart Work Zone</li> <li>Temporary Traffic Barriers</li> <li>Impact Attenuators</li> <li>Construction Safety Supervisors/Inspectors</li> <li>TMP Monitor/Inspection Team</li> <li>Team Meetings</li> </ul> </td> <td data-bbox="1192 1362 1365 1688"> <ul style="list-style-type: none"> <li>ITS for Traffic Monitoring/Management</li> <li>Coordination with Media</li> <li>Local Detour Routes</li> <li>Incident /Emergency Management Coordinator</li> <li>Incident/Emergency Response Plan</li> <li>Dedicated and/or Cooperative Police Enforcement</li> <li>Increased Penalties for Work Zone Violations</li> </ul> </td> </tr> </tbody> </table>	II. Transportation Operations (TO)				A. Demand Management Strategies	B. Corridor/Network Management Strategies	C. Work Zone Safety Management Strategies	D. Traffic/Incident Management and Enforcement Strategies	<ul style="list-style-type: none"> <li>Transit Service Improvements</li> <li>Ramp Metering</li> </ul>	<ul style="list-style-type: none"> <li>Ramp Closures</li> <li>Signal Timing Modifications</li> <li>Emergency Pullouts</li> <li>DMS</li> <li>Ramp Metering</li> </ul>	<ul style="list-style-type: none"> <li>Speed Limit Reductions</li> <li>Smart Work Zone</li> <li>Temporary Traffic Barriers</li> <li>Impact Attenuators</li> <li>Construction Safety Supervisors/Inspectors</li> <li>TMP Monitor/Inspection Team</li> <li>Team Meetings</li> </ul>	<ul style="list-style-type: none"> <li>ITS for Traffic Monitoring/Management</li> <li>Coordination with Media</li> <li>Local Detour Routes</li> <li>Incident /Emergency Management Coordinator</li> <li>Incident/Emergency Response Plan</li> <li>Dedicated and/or Cooperative Police Enforcement</li> <li>Increased Penalties for Work Zone Violations</li> </ul>				
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1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7440  
Fax: (775) 888-7201

## MEMORANDUM

October 23, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 9, 2015 Transportation Board of Directors Meeting  
**Item #5:** Resolution Requesting the State Board of Finance to Issue Highway Revenue Bonds – For Possible Action

---

### **Summary:**

To accelerate the delivery of projects and to refinance existing Highway Revenue Bonds, the Department requests that the Department of Transportation Board of Directors adopt a resolution requesting the State Board of Finance to issue Highway Revenue Bonds in an amount not to exceed 365 million dollars.

### **Background:**

This is the first in a series of bond issues to finance project NEON, approximately \$200 million of the bond proceeds will be used for construction costs. An additional amount, not to exceed, \$160 million of the bond proceeds may be used to refund bonds previously issued.

### **Analysis:**

Bond funding is a cost-effective mechanism to advance the funding of projects as interest rates remain relatively low. Currently, the Department has \$486.1 million of outstanding bonds and debt service payments in the 68 million dollar range for the next four years. Beginning in 2019 the existing debt service payments will decline and by 2026 all of the currently existing debt will be retired. After the issuance of the requested Bonds it is anticipated that all of the debt will be retired by 2029. The Department's Gas Tax and Special Fuel Tax is more than three and a half times our maximum annual debt service and it is expected to remain above 3 times our maximum annual debt service after the issuance of these Bonds. In addition we anticipate structuring these bonds to allow for additional bonds in 2017 and 2018 to complete the financing of project NEON.

It is anticipated that transaction costs for the Treasurer's Office, financial and legal advisors will be paid out of the proceeds of the Bonds.

### **List of Attachments:**

- A. Existing Debt Service Charts
- B. Resolution Requesting the State Board of Finance to Issue Highway Revenue Bonds

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

The Department recommends approval of Resolution Requesting the State Board of Finance to Issue Highway Revenue Bonds

### **Prepared by:**

Robert Nellis, Assistant Director of Administration

## Attachment A

## State of Nevada

## Highway Improvement Revenue Bonds

November 2015

Existing Parity Securities	Original Principal Amount	Principal Balance Outstanding
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2005	191,445,000	13,850,000
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2006	192,730,000	78,935,000
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2008	129,970,000	110,290,000
State of Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Refunding Bonds, Series 2012	66,490,000	65,800,000
State of Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Refunding Bonds, Series 2013	131,245,000	131,245,000
State of Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Refunding Bonds, Series 2014	86,020,000	86,020,000
<b>Total</b>	<b>\$797,900,000</b>	<b>\$486,140,000</b>

Annual Debt Service Requirements As of November 2015			
Year Endec Highway Improvements Revenue (Motor Vehicle Fuel Tax) Bonds			
December 1	Principal	Interest	Total
2015	45,600,000	22,467,475	68,067,475
2016	48,595,000	20,187,475	68,782,475
2017	50,610,000	18,062,425	68,672,425
2018	52,990,000	15,688,425	68,678,425
2019	46,905,000	13,201,875	60,106,875
2020	51,645,000	10,920,850	62,565,850
2021	29,970,000	8,500,375	38,470,375
2022	31,465,000	7,001,875	38,466,875
2023	32,910,000	5,557,325	38,467,325
2024	34,530,000	3,937,325	38,467,325
2025	36,050,000	2,412,125	38,462,125
2026	24,870,000	818,050	25,688,050
<b>Total</b>	<b>\$486,140,000</b>	<b>\$128,755,600</b>	<b>\$614,895,600</b>

### Debt Service Coverage

The following Table reports Fuel Taxes included in Gross Pledged Revenues securing the Parity Securities for the five fiscal years ended June 30, 2015, and pro forma debt service coverage on the Parity Securities.

#### Fuel Taxes and Pro Forma Debt Service Coverage (1)

Fiscal year ended June 30, 2015

(000 omitted)

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Gas Tax	\$ 186,165	\$ 185,171	\$ 185,651	\$ 187,785	\$ 193,392
Special Fuel Tax	78,534	79,198	80,913	79,094	81,120
Total Fuel Taxes (2)	\$ 264,699	\$ 264,369	\$ 266,564	\$ 266,879	\$ 274,512
Coverage of Maximum Annual Debt Service (3)	3.29	3.29	4.25	3.88	3.99

(1) Calculated using Fuel Taxes only. Does not include any debt service coverage from federal aid funds.

(2) Fuel Taxes constituting Gross Pledged Revenues do not include "Direct Distributions and Other Exclusions" consisting of tax proceeds that are not collected because of exempt sales and other exempt transactions, dealers' collection and handling fees, tax proceeds to be used for refunds, motor vehicle fuel tax proceeds paid on fuel used in watercraft or recreational purposes, tax proceeds distributed to counties, tax proceeds derived from motor vehicle fuel used in aircraft; and the costs of administration for the collection of excise taxes on gasoline or other motor vehicle fuel (subject to a limitation of not exceeding 1% of the total proceeds so collected).

(3) Based on schedule debt service on the Existing Parity Securities and assuming no other debt outstanding.

**RESOLUTION REQUESTING THE STATE BOARD OF FINANCE TO ISSUE HIGHWAY REVENUE BONDS OF THE STATE OF NEVADA AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO**

WHEREAS, pursuant to Nevada Revised Statutes (“NRS”) 408.273, the Board of Directors of the Nevada Department of Transportation (the “Board of Directors”) of the State of Nevada (the “State”) is authorized to request the State Board of Finance (the “Finance Board”) to issue the State of Nevada Highway Revenue (Motor Vehicle Fuel Tax) Improvement and Refunding Bonds, Series 2016 (the “2016 Bonds”) to provide money to enable the State Department of Transportation (“NDOT”) to complete pending and currently projected highway projects (the “Improvement Project”) and to refund certain outstanding highway revenue bonds previously issued by the State (the “Refunding Project”).

NOW THEREFORE, be it resolved by the Board of Directors that:

Section 1. The Board of Directors hereby requests the Finance Board to issue the 2016 Bonds in the aggregate principal amount not to exceed \$365,000,000 (\$205,000,000 for the Improvement Project plus the amount necessary to effect the Refunding Project estimated not to exceed \$160,000,000).

Section 2. The Secretary of the Board of Directors is authorized and directed to forward a signed copy of this resolution to the Finance Board.

Section 3. In order to permit NDOT to reimburse itself for prior expenditures relating to the Improvement Project with the proceeds of the 2016 Bonds, the Board of Directors determines and declares as follows:

(i) NDOT reasonably expects to incur expenditures with respect to the Improvement Project prior to the issuance of the 2016 Bonds and to reimburse those expenditures from the issuance of the 2016 Bonds; and

(ii) The maximum principal amount of the 2016 Bonds expected to be issued for the Improvement Project and used to reimburse such expenditures is \$205,000,000.

PASSED, ADOPTED AND APPROVED on November 9, 2015.

State of Nevada, Department of Transportation  
Board of Directors

---

Chairman

---

Secretary to the Board of Directors

Approved to Legality and Form:

---

Chief Deputy Attorney General



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

## MEMORANDUM

November 2, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 9, 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 September 19, 2015, to October 15, 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, September 19, 2015, to October 15, 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  
September 19, 2015 to October 15, 2015**

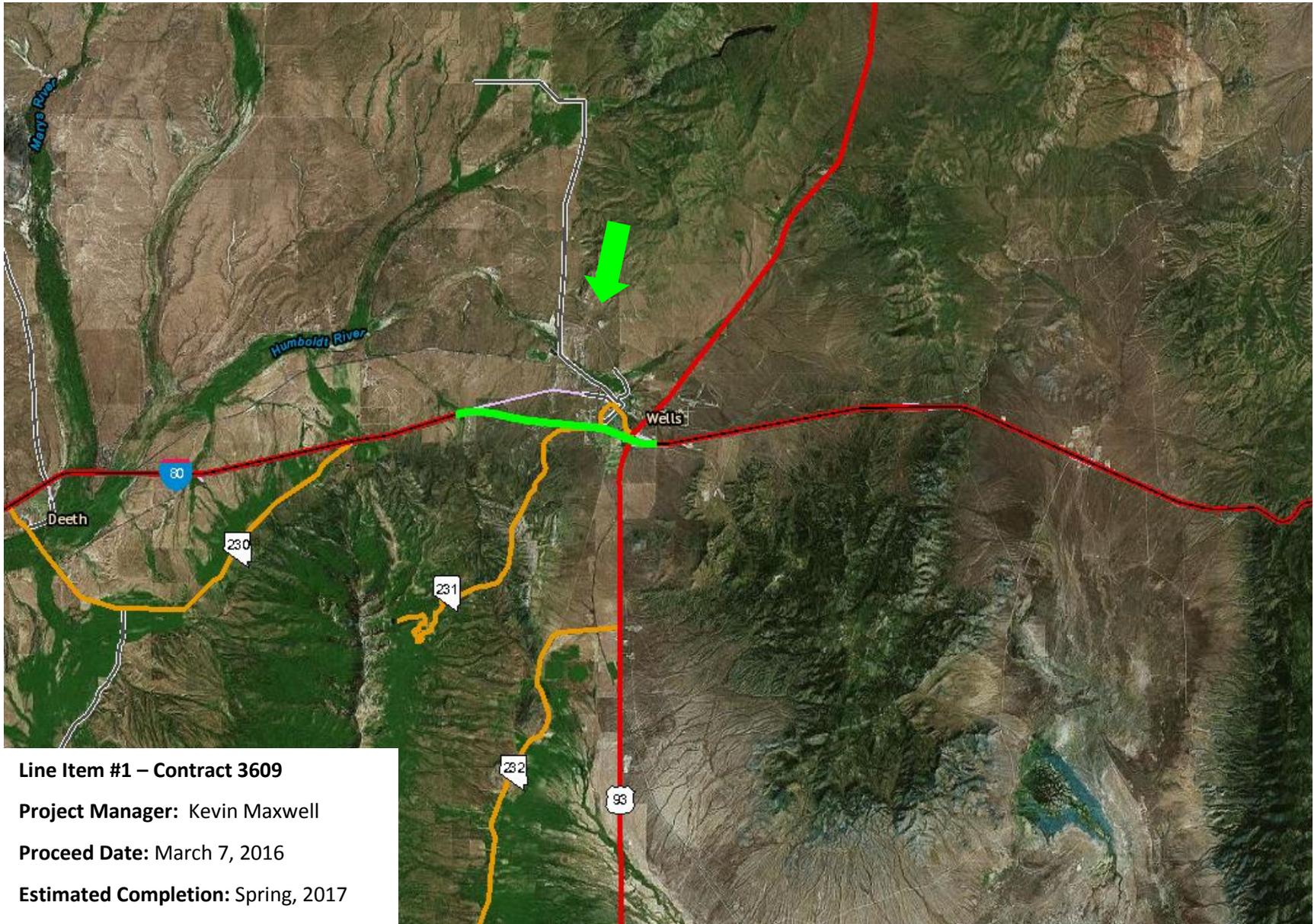
1. September 17, 2015, at 1:30 PM, the following bids were opened for Contract 3609, Project No. IM-080-4(090), I 80 from 0.05 Miles West of the Willow Creek Grade Separation to 0.82 Miles East of the East Wells Interchange, in Elko County, for cold mill, rubblization, and overlay with leveling course, plantmix bituminous surface, and open graded wearing course.

W.W. Clyde & Co. ....	\$16,394,527.13
Road and Highway Builders LLC.....	\$16,888,888.00
Granite Construction Company .....	\$18,396,396.00
Staker & Parson Companies .....	\$20,703,916.13

**Engineer's Estimate** .....\$16,838,503.45

The Director recommends award to W.W. Clyde & Co. for \$16,394,527.13

# Line Item 1



**Line Item #1 – Contract 3609**  
**Project Manager:** Kevin Maxwell  
**Proceed Date:** March 7, 2016  
**Estimated Completion:** Spring, 2017



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Carson City, Nevada 89712  
Phone: (775) 888-7070  
Fax: (775) 888-7101

**MEMORANDUM**  
**Administrative Services**

October 13, 2015

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

**From:** Teresa Schlaffer, Business Process Analyst III



**Subject:** Concurrence in Award for Contract No. 3609, Project No. IM-080-4(090), I 80 from 0.05 Miles West of the Willow Creek Grade Separation to 0.82 Miles East of the East Wells Interchange, Elko County, described as cold mill, rubblization, and overlay with leveling course, plantmix bituminous surface, and open graded wearing course, Engineer's Estimate \$16,838,503.45.

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

Bid proposals were opened on September 17, 2015. W.W. Clyde & Co. is the apparent low bidder at \$16,394,527.13 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Road and Highway Builders LLC with a bid of \$16,888,888.00.

The project is Federally funded, required 2.5% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by the two lowest bidders 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:  
  
F8669DD9AEC97416...  
John Terry, Assistant Director

DocuSigned by:  
  
8DD40160434471...  
Reid Kaiser, Assistant Director

DocuSigned by:  
  
C4C7CE56D58444E...  
Rudy Malfabon, Director

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



**Nevada Department of Transportation**  
**Unofficial Bid Results**  
 September 17, 2015

<b>Contract Number:</b> 3609	<b>Bid Opening Date and Time:</b> 9/17/2015 1:30 PM
<b>Designer:</b> JOHN LOVELESS	<b>Liquidated Damages:</b> \$6,300.00
<b>Senior Designer:</b> KEVIN MAXWELL	<b>Working Days:</b> 180
<b>Estimate Range:</b> R32 \$16,500,000.01 to \$20,000,000	<b>District:</b> DISTRICT 3
<b>Project Number:</b> IM-080-4(090)	

**County:** ELKO  
**Location:** I 80 from 0.05 Miles West of the Willow Creek Grade Separation to 0.82 Miles East of the East Wells Interchange  
**Description:** Cold mill, rubblization, and overlay with leveling course, plantmix bituminous surface, and open graded wearing course

	Actual Bid
<b>Apparent Low Bidder:</b> <u>W.W. Clyde &amp; Co.</u>	<u>\$16,394,527.13</u>
<b>Apparent 2nd:</b> <u>Road and Highway Builders LLC</u>	<u>\$16,888,888.00</u>
<b>Apparent 3rd:</b> <u>Granite Construction Company</u>	<u>\$18,396,396.00</u>

Bidders:	Actual Bid Amount
1 W.W. Clyde & Co. PO Box 350 Springville, UT 84663- (801) 802-6800	\$16,394,527.13
2 Road and Highway Builders LLC 96 Glen Carran Circle #106 Sparks, NV 89431 (775) 852-7283	\$16,888,888.00
3 Granite Construction Company PO Box 50085 Watsonville, CA 95077-5085 (831) 724-1011	\$18,396,396.00
4 Staker & Parson Companies 2350 South 1900 West Suite 100 Ogden, UT 84401-3481 (801) 409-2431	\$20,703,916.13



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Carson City, Nevada 89712  
Phone: (775) 888-7497  
Fax: (775) 888-7235

**MEMORANDUM**  
**External Civil Rights Division**  
**Contract Compliance Section**

**September 24, 2015**

**To:** Jenni Eyerly, Administrative Services Division Chief

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

**Subject:** NDOT Bidder DBE & Subcontract Information – Contract no. 3609

I 80 from 0.05 Miles West of the Willow Creek Grade Separation to 0.82 Miles East of the East Wells Interchange

Coldmill, Rubblize and Overlay with Leveling Course, Plantmix bituminous Surface and open Graded Wearing Course.

---

The subcontractors submitted by the apparent low bidder, W. W. Clyde & Co. have been reviewed by Contract Compliance and we have concluded:

They are currently licensed by the Nevada State Board of Contractors and hold an active State of Nevada Business License, except Dan Lafferty Construction, Inc. who is listed as a subcontractor, but is not currently licensed in the State of Nevada.

Dan Lafferty Construction, Inc. has applied for the State of Nevada Business License as well as the State of Nevada Contractors Board License, and will submit a copy of the licenses as soon as they are obtained.

The DBE goal of 2.5% has been met with a 4.96% DBE committed participation by the apparent low bidder W. W. Clyde & Co. by Nevada certified DBE firms.

cc: Contract Services



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

**MEMORANDUM**  
**Administrative Services**

October 9, 2015

**To: Jenni Eyerly, Chief - Administrative Services**  
**From: Bid Review and Analysis Team**  
**Subject: BRAT Summary Report for Contract #3609**

---

The Bid Review and Analysis Team met on October 7, 2015, to discuss the bids for the above referenced contract. The following were in attendance:

- Paul Frost, Chief Roadway Design Engineer
- Sharon Foerschler, Chief Construction Engineer
- Casey Connor, Assistant Chief Roadway Design Engineer
- Shawn Howerton, Principal Roadway Design Engineer
- Scott Hein, Principal Roadway Design Engineer
- Shawn Paterson, Principal Roadway Design Engineer
- Jeff Cobb, Constructability
- Kevin Maxwell, Senior Designer
- John Loveless, Designer
- Teresa Schlaffer, BPA III, Administrative Services

Via Teleconference:  
Jesse Anderson, Resident Engineer

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

The apparent low bidder, W. W. Clyde and Company, Inc., submitted a bid which is 97.36% of the Engineer's Estimate. The BRAT recommends award of this contract.

Submitted:

DocuSigned by:  
*Paul Frost*  
916B64045CA947F...

Paul Frost, BRAT Co-Chair

DocuSigned by:  
*Sharon Foerschler*  
67A4C09A4CB7477...

Sharon Foerschler, BRAT Co-Chair

cc: attendees  
Pierre Gezelin, Legal  
Design Admin

## Price Sensitivity

10/13/2015

Contract No.: 3609

Project No.: IM-080-4(090)

Project ID No.: 73667

County: Elko

Range: R32 (\$16,500,000.01 to 20,000,000.00)

Working Days: 180

RE: ANDERSON, JESSE

Designer: LOVELESS, JOHN

Engineer's Estimate	W.W. Clyde & Co.	Road and Highway Builders LLC	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % EE
\$16,838,503.46	\$16,394,527.13	\$16,888,888.00	\$494,360.87	-\$443,976.33	97.36%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2010100	1.000	CLEARING AND GRUBBING	LS	\$60,000.00	\$18,050.41	\$25,000.00	N/A	N/A	30.08%	Yes	EE price ok. Quantity verified.
2020400	4630.000	REMOVAL OF CONCRETE BARRIER RAIL	LINFT	\$13.00	\$10.39	\$10.00	1,267,591.97	27377.80%	79.92%	No	EE price ok. Quantity verified.
2020965	9515.000	REMOVAL OF BITUMINOUS SURFACE	SQYD	\$8.00	\$7.05	\$10.00	-167,579.96	-1761.22%	88.13%	No	EE price ok. Quantity verified.
2020990	346919.800	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	\$3.75	\$3.02	\$4.00	-504,449.87	-145.41%	80.53%	No	EE price ok. Quantity verified.
2030140	4900.000	ROADWAY EXCAVATION	CUYD	\$15.00	\$17.25	\$20.00	-179,767.59	-3668.73%	115.00%	No	EE price ok. Quantity verified.
2030230	39510.000	BORROW EMBANKMENT	CUYD	\$9.50	\$12.93	\$12.00	531,570.83	1345.41%	136.11%	No	EE price ok. Quantity verified.
2060110	1597.300	STRUCTURE EXCAVATION	CUYD	\$55.00	\$18.98	\$25.00	-82,119.75	-5141.16%	34.51%	Yes	EE price ok. Quantity verified.
2110150	34.600	SEEDING	ACRE	\$7,000.00	\$2,391.87	\$1,500.00	554.30	1602.01%	34.17%	Yes	No bid history in this area. Quantity verified.
3020130	7648.200	TYPE 1 CLASS B AGGREGATE BASE	TON	\$40.00	\$19.23	\$20.00	-642,027.10	-8394.49%	48.08%	Yes	No bid history at this quantity in this area. Quantity verified.
4020180	32924.800	PLANTMIX SURFACING (TYPE 2)(WET)	TON	\$100.00	\$65.07	\$65.00	7,062,298.14	21449.78%	65.07%	Yes	EE price ok. Quantity verified.
4020190	59493.900	PLANTMIX SURFACING (TYPE 2C)(WET)	TON	\$75.00	\$65.14	\$80.00	-33,267.89	-55.92%	86.85%	No	EE price ok. Quantity verified.
4030110	14215.300	PLANTMIX OPEN-GRADED SURFACING (3/8-INCH)(WET)	TON	\$100.00	\$93.54	\$120.00	-18,683.33	-131.43%	93.54%	No	EE price ok. Quantity verified.
4060100	335.000	CUTBACK ASPHALT, TYPE MC-70NV	TON	\$500.00	\$548.99	\$69.00	1,029.94	307.44%	109.80%	No	EE price ok. Quantity verified.
4100170	285113.200	RUBBLIZE CONCRETE PAVEMENT	SQYD	\$2.25	\$2.13	\$4.00	-264,364.10	-92.72%	94.67%	No	EE price ok. Quantity verified.
5020110	1.000	REPAIR BARRIER RAIL	LS	\$50,000.00	\$77,850.80	\$5,000.00	N/A	N/A	155.70%	Yes	EE price ok. Quantity verified.
5020172	13635.000	CONCRETE BARRIER RAIL (TYPE FA) (MODIFIED)	LINFT	\$60.00	\$85.92	\$60.00	19,072.56	139.88%	143.20%	No	EE price ok. Quantity verified.
5020210	716.000	CONCRETE BARRIER RAIL (TYPE FB) (MODIFIED)	LINFT	\$75.00	\$120.03	\$40.00	6,177.19	862.74%	160.04%	Yes	EE price ok. Quantity verified.
5020750	40.010	CLASS AA CONCRETE (MINOR)	CUYD	\$2,000.00	\$700.28	\$1,800.00	-449.53	-1123.55%	35.01%	Yes	EE price ok. Quantity verified.
5020990	332.000	CLASS DA CONCRETE, MODIFIED (MAJOR)	CUYD	\$600.00	\$818.07	\$500.00	1,554.25	468.15%	136.35%	No	EE price ok. Quantity verified.
5021860	906.000	ASPHALT PLUG EXPANSION JOINT	LINFT	\$140.00	\$189.94	\$80.00	4,496.64	496.32%	135.67%	No	EE price ok. Quantity verified.
5050130	15344.000	REINFORCING STEEL (EPOXY COATED) (DOWELED)	POUND	\$9.00	\$7.80	\$4.00	130,094.97	847.86%	86.67%	No	EE price ok. Quantity verified.
6230575	13.000	STEEL POLE, TYPE 7 WITH SAFETY BASE	EACH	\$2,800.00	\$6,068.46	\$6,000.00	7,221.16	55547.41%	216.73%	Yes	EE price ok. Quantity verified.
6231140	1.000	COMMUNICATION SYSTEM	LS	\$15,000.00	\$53,630.03	\$20,000.00	N/A	N/A	357.53%	Yes	EE price ok.
6231820	3856.000	3-INCH CONDUIT	LINFT	\$12.00	\$15.43	\$20.00	-108,175.25	-2805.37%	128.58%	No	EE price ok. Quantity verified.
6240140	180.000	TRAFFIC CONTROL SUPERVISOR	DAY	\$400.00	\$1.00	\$2,000.00	-247.30	-137.39%	0.25%	Yes	EE price low, should be \$800. Quantity verified.
6250490	1.000	RENT TRAFFIC CONTROL DEVICES	LS	\$132,000.00	\$514,840.89	\$300,000.00	N/A	N/A	390.03%	Yes	EE price ok. Quantity verified.
6270190	5316.080	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	\$65.00	\$81.05	\$60.00	23,485.08	441.77%	124.69%	No	EE price ok. Quantity verified.
6280120	1.000	MOBILIZATION	LS	\$951,710.49	\$1,614,239.98	\$1,005,790.69	N/A	N/A	169.61%	Yes	EE price ok.
6370190	1.000	DUST CONTROL	LS	\$22,151.50	\$122,961.46	\$40,000.00	N/A	N/A	555.09%	Yes	EE price ok.
6460150	862.000	CRACK SEALANT	GAL	\$70.00	\$137.96	\$50.00	5,620.29	652.01%	197.09%	Yes	EE price ok. Quantity verified.

Additional Comments:



## MEMORANDUM

November 2, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 9, 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 September 19, 2015, through October 15, 2015.

### **Background:**

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute new agreements and amendments which take the total agreement above \$300,000 during the period from September 19, 2015, through October 15, 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, September 19, 2015, through October 15, 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  
September 19, 2015, through October 15, 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	19811	05	JACOBS ENGINEERING GROUP, INC	DESIGN BUILD CONTRACT ADMINISTRATION	N	2,067,804.15	3,550,000.00	8,622,716.65	-	8/31/2011	6/30/2018	11/9/2015	Service Provider	PEDRO RODRIGUEZ	AMD 5 11-09-15: INCREASE AUTHORITY \$3,550,000.00 FROM \$5,072,716.65 TO \$8,622,716.65 AND EXTEND TERMINATION DATE FROM 03-31-16 TO 06-30-18 TO ASSIST THE DEPARTMENT WITH CONTRACT ADMINISTRATION SUPPORT SERVICES FOR THE USA PARKWAY PROJECT. AMD 4 12-15-14: INCREASE AUTHORITY \$2,931,800.00 FROM \$2,140,916.65 TO \$5,072,716.65 AND EXTEND TERMINATION DATE FROM 04-30-15 TO 03-31-16 TO ASSIST THE DEPARTMENT WITH ADMINISTRATION SUPPORT SERVICES DURING THE DESIGN BUILD PROCUREMENT PHASE FOR THE USA PARKWAY PROJECT. AMD 3 10-09-14: INCREASE AUTHORITY \$50,000.00 FROM \$2,090,916.65 TO \$2,140,916.65, DUE TO AN INCREASE IN THE SCOPE OF WORK TO HELP THE DEPARTMENT WITH SUPPORT SERVICES DURING THE ENVIRONMENTAL AND PRELIMINARY ENGINEERING PHASE OF THE PROJECT. AMD 2 05-09-14: INCREASE AUTHORITY BY \$23,112.50 FROM \$2,067,804.15 TO \$2,090,916.65, AND EXTEND TERMINATION DATE FROM 09-30-14 TO 04-30-15 DUE TO AN INCREASE IN THE SCOPE OF WORK OF RIGHT OF WAY COST ESTIMATING ACTIVITIES. AMD 1 08-29-13: EXTEND TERMINATION DATE FROM 09-30-13 TO 09-30-14 TO COMPLETE SCOPE TASKS FOR THE USA PARKWAY PROJECT ENVIRONMENTAL PHASE. 08-31-11: ENVIRONMENTAL PHASE FOR USA PARKWAY SR 439 FROM US 50 TO I-80, LYON AND STOREY COUNTIES. NV B/L#: NV20081035082-R
2	06615	00	EIDE BAILLY, LLP	OPERATIONAL AUDIT	N	877,875.00	-	877,875.00	-	11/9/2015	12/31/2017	-	Service Provider	DAVID OLSEN	11-09-15: SERVICES CONSIST OF OPERATIONAL AUDITS OF VARIOUS AREAS OF THE DEPARTMENT TO IDENTIFY OPPORTUNITIES FOR IMPROVING INTERNAL CONTROLS AND TO EVALUATE EFFECTIVENESS AND EFFICIENCY. STATEWIDE. NV B/L#: NVF20001000409-R
3	13615	00	FEDERAL ENGINEERING, INC.	STATEWIDE PUBLIC SAFETY RADIO SYSTEM	N	633,199.00	-	633,199.00	-	11/9/2015	3/31/2017	-	Service Provider	RICHARD BROOKS	11-09-15: SERVICES TO HELP THE DEPARTMENT WRITE A TECHNICAL SCOPE OF SERVICES FOR A REQUEST FOR PROPOSALS (RFP) THAT WILL IDENTIFY THE NEXT GENERATION COMMUNICATIONS SYSTEMS, BASED UPON RECOMMENDATIONS OF AECOM FOR A P25 PHASE 2 RADIO, AND BASED UPON THE REQUIREMENTS DEVELOPED BY THE STATE THROUGH ENTERPRISE INFORMATION TECHNOLOGY SERVICES (EITS) FOR A STATEWIDE MICROWAVE TRANSPORT SYSTEM. SERVICES INCLUDE TECHNICAL RESEARCH, PRELIMINARY DESIGN, ASSISTANCE WITH DEVELOPING EVALUATION CRITERIA, AND GUIDANCE DURING PROPOSAL EVALUATIONS. THIS AGREEMENT MAY BE AMENDED AFTER AWARD OF THE RFP TO ADD IMPLEMENTATION AND MONITORING SERVICES UP TO \$4,157,890.00. STATEWIDE. NV B/L#: NVF20131260427-R
4	13315	00	CA GROUP, INC	NORTHERN NEVADA TRAFFIC STUDY	N	2,400,000.00	-	2,400,000.00	-	11/9/2015		-	Service Provider	JEFF LERUD	11-09-15: PROVIDE A TRAFFIC STUDY FOR I-80/I-580/US-395 INTERCHANGE IMPROVEMENTS WITHIN THE STUDY AREA. WORK CONSISTS OF TRAFFIC FORECASTING, MODELING, AND ANALYZING FOR THE PURPOSE OF EVALUATING CAPACITY, OPERATIONAL AND SAFETY IMPROVEMENTS. WASHOE COUNTY. NV B/L#: NVD20081407877-R

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Dept. Project Manager	Notes
5	27313	03	SNELL & WILMER, LLP	LEGAL SUPPORT SERVICES	N	30,000.00	450,000.00	620,000.00	-	7/18/2013	7/30/2016	11/9/2015	Service Provider	DENNIS GALLAGHER	AMD 3 11-09-15: INCREASE AUTHORITY \$450,000.00 FROM \$170,000.00 TO \$620,000.00 AND EXTEND TERMINATION DATE FROM 07-30-15 TO 07-30-16 TO PROCEED WITH DISCOVERY, SETTLEMENT NEGOTIATION, MEDIATION, LITIGATION, AND APPEAL. AMD 2 12-09-14: INCREASE AUTHORITY BY \$90,000.00 FROM \$80,000.00 TO \$170,000.00, IN ORDER TO RESOLVE PENDING LAWSUIT. AMD 1 07-29-14: INCREASE AUTHORITY BY \$50,000.00 FROM \$30,000.00 TO \$80,000.00, AND EXTEND TERMINATION DATE FROM 07-30-14 TO 07-30-15 IN ORDER TO RESOLVE PENDING LAWSUIT. 07-18-13: LEGAL SUPPORT RE: MEADOW VALLEY CONTRACTORS AND CONTRACT 3399, WASHOE COUNTY. NV B/L#: NV20011000455-S

# Line Item 1

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Request to Solicit Services and Budget Approval (2A)

Initial Budget Request or Request for Amendment # 5 or Task Order #

If Amendment or Task Order, name of Company:

Agreement #: Project ID #(s): 73900

Type of Services: Administration Services for USA Parkway Design-Build Project during Construction

Originated by: Pedro Rodriquez Division: Project Mgmt Date Originated: 10/19/2015

Division Head/District Engineer: Amir Soltani

Budget Category #: 466006 Object #: 814Z Organization #: C015

Estimated Cost: \$3,700,000 Type of Funding: State % of Fund: 100

Funding Notes: State Fiscal Year(s): FY16-FY19

FY 16 - 20%, FY 17 - 40%, FY 18 - 35%, FY 19 - 5%

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

Purpose of, and Justification for, Budget Request:

Due to the experience of Jacobs (the consultant) with the contract documents for the USA Parkway Project (Project), and the need for on-site management support at the project location in Storey County and Lyon County, NV, the Project Management Division is requesting additional funding be authorized for an amendment to the Consultant Agreement.

The original RFP under which this Agreement was negotiated included DB procurement support in its scope.



Scope of Services:

Jacobs (the consultant) will provide Engineering Services to assist the Nevada Department of Transportation (NDOT) in administering the design elements of the USA Parkway Design-Build Project (Project).

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

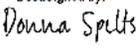
Through subcontractors, the Consultant will provide subject-matter experts (SME's) as needed.

Additional Information Attached X

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



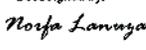
STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

**Signed:**  10/20/2015 Approve  
DocuSigned by: Donna Spelts  
11 034350988 141 3  
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 by Felicia Denney.

**Signed:**  10/20/2015 Approve  
DocuSigned by: Norja Lannya  
507 4107638 78291  
Project Accounting \_\_\_\_\_ Date

Project Accounting Comments:

This 2A was actually approved by David Olsen

**Signed:**  10/20/2015 Approve  
DocuSigned by: Lady Mayhew  
640701 5033984448  
Director \_\_\_\_\_ Date

Director Comments:

- Requires Transportation Board presentation
- Does not require Transportation Board presentation



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

**MEMORANDUM**

**October 18, 2015**

**To: John Terry, Assistant Director - Engineering**  
**From: Pedro Rodriguez, Project Manager** *PR*  
**Subject: Negotiation Summary for RFP P198-11-015 Amendment #5 (Jacobs)**

A negotiation meeting was held at NDOT Headquarters in Carson City, Nevada, on October 16, 2015 with Ken Lambert, Charlie Trujillo, Steve O'Brien from Jacobs and Amir Soltani, Cole Mortensen, and Pedro Rodriguez of the Nevada Department of Transportation in attendance. In addition, numerous email exchanges on the scope and fee estimate for the Project were discussed. NDOT technical personnel assisted in the scope negotiations for the specific disciplines.

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

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

The following schedule was agreed to by both parties:

December 2015	Notice to Proceed (NTP) #1
April 2015	NTP #2 (Design Reviews Begin)
September 2016	Final Design Completion (Anticipated)
December 2017	Substantial Completion
May 2018	Final Completion

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

- Project Manager
- Senior Manager/Quality Manager – (1 FTE)
- Engineers – (2 FTE's through Final Design)
- Schedule Reviewer / Payment Analyst
- Document Controller – (1 FTE)

The scope of services was modified using a Work Breakdown Structure (WBS). This WBS was utilized in preparing the man-hour and fee estimates for the Project. An initial attempt at using the NDOT standard estimating spreadsheet did not prove to be successful as this is not a standard NDOT design project and

modifying that spreadsheet to fit this Project was much more difficult than creating a new spreadsheet. The estimating was carried on three fronts:

- NTP1 to NTP2 (3 months)
- NTP2 to Final Design (5 months)
- Final Design to Substantial Completion ( 1 years 3 months)

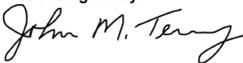
The proposal was review by task. NDOT's original estimate was roughly \$3,500,000.00. The Consultant's original estimate was \$4,300,000.00. Both initial estimates includes direct labor, overhead rate, fee, direct expenses, and sub-consultant expenses. The fee for profit will be 12%.

The negotiations yielded the following:

1. The total man-hours allotted to Design-Build Contract Administration was reduced from 22,213 man-hours to 15,059 man-hours. The largest reduction in scope was the reduction of design review support supplemented by NDOT staff.
2. The total cost of services by the Service Provider shall not exceed \$3,550,000.00.
3. The scope of services is through Final Acceptance (June 2018).
4. The total proposed cost of \$3.55M correlates to an anticipated \$70M bid price at the anticipated 5.1% ratio to construction.

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

Reviewed and Approved:

DocuSigned by:  
  
F0003DD9AE67415...  
Assistant Director

10/19/2015

## **ATTACHMENT A**

### **DESIGN-BUILD ADMINISTRATION DELIVERY PHASE SCOPE OF SERVICES**

#### **USA PARKWAY (SR-439) DESIGN-BUILD PROJECT**

#### **BACKGROUND**

The USA Parkway (SR-439) Design-Build Project (PROJECT) will provide for a high-quality, aesthetic, durable, and maintainable facility; improve mobility and safety for the public, maintain stakeholders' trust; and uphold the DEPARTMENT's integrity. The PROJECT is a proposed transportation link between Interstate 80 (I-80) in Storey County and US 50 in Lyon County, approximately 18.5 miles total. A six mile portion of the PROJECT roadway already exists in Storey County servicing The Tahoe Reno Industrial Center. This estimated \$70-\$80 million PROJECT would provide a new north-south link between I-80 and US 50 that will enhance local and regional access and mobility. It would provide an alternative route for traffic in case of an emergency or closure on I-80, US 50, or US 95A. The PROJECT would support planned land uses and economic development and improve efficiency of freight movement from areas east of Reno to points south.

To meet the desired award of a design-build contract for the PROJECT in December of 2015 and a Substantial Completion in December of 2017, the DEPARTMENT desires the support of the SERVICE PROVIDER to assist the DEPARTMENT in program management and administration of the design-build contract.

#### **GENERAL REQUIREMENTS**

The SERVICE PROVIDER shall assist the DEPARTMENT in administering and managing the Design-Build Contract (CONTRACT) for the PROJECT by providing CONTRACT compliance support services. The SERVICE PROVIDER shall provide personnel, including but not limited to the following functional categories: project manager (PM), senior manager/quality manager, technical reviewers (by discipline), administrative/document controls, project controls, scheduler/cost estimator, environmental compliance, legal support and other disciplines to assist the DEPARTMENT in administering and managing CONTRACT compliance for the PROJECT to meet the requirements and be in reasonable conformance with the CONTRACT.

The scope of services provided herein are estimated based on the CONTRACT Schedule and the following proposed milestone dates:

Pre-Notice to Proceed (NTP)	November, 2015 to December, 2015
Notice to Proceed 1 (NTP1)	January, 2016 to April, 2016
Notice to Proceed 2 (NTP2)	April, 2016 to December, 2017
Final Acceptance	January, 2018 to May, 2018

SERVICE PROVIDER services performed during the last 5 months of NTP2, based on the milestone dates shown herein, shall be compensated through an additional support service described in Section 1.0 and identified in the SERVICE PROVIDER's fee proposal to accommodate the Design-Builder's PROJECT schedule and only if directed in writing by the DEPARTMENT's PM prior to the performance of such services.

Attached to this Attachment A is Exhibit A. Exhibit A includes Table 25-1 from Section 25 of the CONTRACT Technical Provisions and is used for the purpose of establishing general guidance for the SERVICE PROVIDER's support and coordination to assist the DEPARTMENT in administering, managing and providing CONTRACT compliance oversight of the Design-Builder's required submittals. Exhibit A shall be incorporated into a Project Management Plan developed by the SERVICE PROVIDER to refine and document DEPARTMENT and SERVICE PROVIDER roles during the CONTRACT.

### **1.0 General Project Administration and Management Support**

The SERVICE PROVIDER shall assist the DEPARTMENT's Project Manager (PM), coordinate PROJECT activities, provide staff to support the PROJECT, assist with communications, participate in PROJECT meetings, manage the SERVICE PROVIDER's team, prepare reports and advise the PM to help ensure the Design-Builder's CONTRACT requirements are met.

The SERVICE PROVIDER shall provide an Administrative Project Assistant/Document Controls lead who shall serve as a Project Office Manager providing various administrative services, including but not limited to, preparation of meeting notes for appropriate meetings as necessary, distribution of meeting notes, reports, scheduling and attending meetings, supporting partnering activities, assisting with dispute resolution activities, monitoring document controls using the Design-Builder's Electronic Document Control System (EDCS) and other duties as directed.

The SERVICE PROVIDER shall not direct the Design-Builder's design work activities or construction work activities, lead the design review activities or provide approvals related to such work on behalf of the DEPARTMENT.

All legal issues will be handled and supported by the Nevada Attorney General's Office.

The SERVICE PROVIDER's fee proposal provides for additional support services that may become necessary for the PROJECT and appropriate for the SERVICE PROVIDER to perform. Such services shall be provided to the DEPARTMENT only if directed in writing by the DEPARTMENT's PM prior to the performance of such services. Such services may include, but not be limited to, Environmental Compliance Support, Legal Support, Additional Design and/or Design Review Support, Extended NTP2 Duration Support, Additional Encroachment Permit Support, Right-of-Way Support, Additional Utility Coordination Support, and such other support services as determined by the DEPARTMENT's PM as necessary for the PROJECT and appropriate for the SERVICE PROVIDER to perform, and as acceptable to the SERVICE PROVIDER.

The SERVICE PROVIDER shall report directly to the DEPARTMENT's PM and advise independently and impartially on a range of technical and other CONTRACT compliance matters to the DEPARTMENT. The DEPARTMENT will decide how to address any technical and/or compliance conflicts, make final decisions or approve submittals as appropriate and the SERVICE PROVIDER shall support the DEPARTMENT in the resolution of any such conflicts at the request of the PM.

The SERVICE PROVIDER shall conduct oversight reviews of the Design Builder's draft and final approved Quality Management System (QMS) and all elements thereof for CONTRACT compliance. The SERVICE PROVIDER shall review and assess whether the Design Builder is performing the work in compliance with the QMS Plan approved by the DEPARTMENT. The SERVICE PROVIDER shall make recommendations to the DEPARTMENT for corrective action relating to QMS compliance, conduct surveillance audits, attend QMS meetings, and attend internal audits and external audits.

## **2.0 Pre-NTP Phase Support**

The SERVICE PROVIDER shall implement a limited mobilization and a transition to collocate with the Design Builder for the PROJECT as directed by the DEPARTMENT. The SERVICE PROVIDER shall support the DEPARTMENT prior to issuance of Notice to Proceed 1 (NTP1) by providing the following:

- The SERVICE PROVIDER shall review and confirm the qualifications of Design-Builder personnel as required in the CONTRACT.
- The SERVICE PROVIDER shall prepare a draft Project Management Plan (PMP) for review by the DEPARTMENT. The Draft PMP will include the communications plan and tactical alignment of both the DEPARTMENT Technical Leads and the SERVICE PROVIDER's staff for the performance of all reviews and other DEPARTMENT obligations during PROJECT delivery. The PMP shall be updated regularly and serve as a living document to maintain effective alignment between the DEPARTMENT, Design-Builder and SERVICE PROVIDER. The PMP shall be reviewed during the Design-Build Contract NTP1 and updated to incorporate appropriate information from the Design-Builders PMP.
- The SERVICE PROVIDER shall conduct workshops for the DEPARTMENT relating to project communications, alignment of design review personnel, roles, responsibilities and timelines, CONTRACT requirements, design and construction management.
- The SERVICE PROVIDER shall develop and implement a transition plan for the Procurement Phase to Delivery Phase.

## **3.0 NTP1 Phase Support**

The SERVICE PROVIDER shall provide CONTRACT compliance review to include, but not be limited to, the Design-Builder's submittals identified in Exhibit A attached to this Scope of Work.

The SERVICE PROVIDER shall provide design review support services during NTP1 based on the activities the Design Builder advances as part of its NTP1 submittals subject to the limitations set forth in the CONTRACT and in Section 5.0 hereof.

The SERVICE PROVIDER shall complete and provide appropriate updates to its PMP and incorporate appropriate information to be consistent with the Design-Builder's PMP to align the DEPARTMENT's and SERVICE PROVIDER's roles for the PROJECT.

#### **4.0 Document Control Support**

The SERVICE PROVIDER shall prepare and implement a Document Control Plan that uses the Design-Builder's EDMS for receiving submittals, distributing such submittals to the appropriate DEPARTMENT reviewers and returning submittal comments to the Design-Builder.

SERVICE PROVIDER shall review the Design-Builder's monthly submittals, assess and verify the Design-Builder's Baseline Schedule for contract compliance and prepare an evaluation of Design-Builder's updated cost loaded schedule.

The SERVICE PROVIDER shall provide timely review and evaluation of CONTRACT issues and change order requests submitted by the Design-Builder for compliance with the CONTRACT. This review shall include an evaluation of costs and an evaluation of impacts to the Design-Builder's Baseline Schedule Critical Path and prepare a recommendations with respect to such issues and on of approval or disapproval for such change order requests

The SERVICE PROVIDER shall provide support to the DEPARTMENT in resolving any disputes that may arise in accordance with the CONTRACT. The task may include assembling the DEPARTMENT's documentation for presenting its position in any dispute.

#### **5.0 Design Oversight and Review Support**

The SERVICE PROVIDER shall provide periodic coordination of all design review and oversight activities of the Design-Builder in complying with the CONTRACT requirements, including the Project Baseline Schedule. The SERVICE PROVIDER shall review and comply with the design review submittal plan prepared by the Design-Builder and approved by the DEPARTMENT.

The SERVICE PROVIDER shall coordinate with the DEPARTMENT's designated technical contacts for each discipline of work. The SERVICE PROVIDER shall use the Design-Builder's EDMS to monitor and oversee all design reviews, including but not limited to all interdisciplinary reviews.

The SERVICE PROVIDER shall support the DEPARTMENT's review of Design-Builder's design submittals, provide independent submittal review on an as-needed basis as requested by the DEPARTMENT's PM subject to the limitations set forth herein, monitor distribution of submittals to the DEPARTMENT technical review contacts, track progress, send reminders to DEPARTMENT reviewers regarding their progress, consolidate all DEPARTMENT and SERVICE PROVIDER comments, compile consolidated reviews, monitor submission of the various design package reviews to the Design-Builder through the Design-Builder's review

process and EDMS and attend Design-Builder comment resolution meetings. The SERVICE PROVIDER shall assist the DEPARTMENT in preparing Non-Conformance Reports (NCRs) for design elements that do not conform to the CONTRACT.

The SERVICE PROVIDER shall also assist the DEPARTMENT in evaluating Design-Builder's submittals, if such submittal has been identified by the Design-Builder as requiring a design exception.

The SERVICE PROVIDER shall assess the number of submittals by the Design-Builder that are subject to review, comment and approval in compliance with the CONTRACT. The SERVICE PROVIDER shall report to the DEPARTMENT whenever the number of Design-Builder submittals exceeds the CONTRACT thresholds.

The SERVICE PROVIDER shall provide the following technical discipline staff to support the DEPARTMENT's design submittal review and comment resolution efforts for NTP1, NTP2 and Final Acceptance based upon the efforts provided in its fee proposal:

- Roadway Engineers
- Structural Engineers
- Drainage Engineers - Hydrology (Two-Dimensional Flow Model Review Task)
- Drainage Engineers - Hydraulics and Drainage Systems Design
- Traffic Engineers - Design, Intelligent Transportation Systems, Signals & Lighting, Traffic Control & Maintenance of Traffic
- Landscape Architect (Contract Compliance Tasks)
- Geotechnical Engineer (Slope Stability and Rockfall Model Review Tasks)
- Scheduling/Cost Estimator
- Environmental Compliance

The SERVICE PROVIDER and DEPARTMENT acknowledge that the above staff and the efforts reflected in the SERVICE PROVIDER's fee proposal represent a reasonable estimate of the SERVICE PROVIDER's technical support to assist the DEPARTMENT and that such support services may be performed at the SERVICE PROVIDER's (or SERVICE PROVIDER subconsultant's) home offices unless noted otherwise.

The SERVICE PROVIDER shall provide a weekly report to the DEPARTMENT's PM documenting the actual effort provided by the SERVICE PROVIDER for technical support by discipline. SERVICE PROVIDER will provide written notice to the DEPARTMENT's PM upon such date that 80 percent of the effort estimated in the SERVICE PROVIDER's fee proposal for support of any discipline is exhausted. Should the SERVICE PROVIDER's documented technical support efforts be forecasted to exceed those estimated in the SERVICE PROVIDER's fee proposal, the DEPARTMENT will evaluate the need for reallocation of the SERVICE PROVIDER's technical support efforts and/or further amendment to Service Agreement P198-11-015. In such an event that the SERVICE PROVIDER's technical support effort for any discipline is exhausted, SERVICE PROVIDER shall not be required to provide further technical

support for the subject discipline without receipt of prior written direction from the DEPARTMENT.

Subject to this Section 5.0, SERVICE PROVIDER shall review and comply with the design review plan prepared by the Design-Builder and approved by the DEPARTMENT. The SERVICE PROVIDER shall coordinate its reviews with the DEPARTMENT, monitor distribution of Design-Builder's submittals for review, coordinate with the DEPARTMENT'S technical leads, track progress of each submittal, attend review resolution meetings, track resolution of comments and provide recommendations to the DEPARTMENT on the Design-Builder advancing to the next Design Stage. The SERVICE PROVIDER shall also assist the DEPARTMENT with review of design submittals issued after the Release for Construction (RFC) design with regard to any changes made after RFC.

The SERVICE PROVIDER shall validate cost estimates and schedules presented for change orders or other Contract changes by the Design-Builder as directed by the DEPARTMENT.

The SERVICE PROVIDER shall prepare weekly updates and report progress on design submittals to the DEPARTMENT. The report will include, but not limited to, the number of submittals and status of review efforts, work flow processes, design unit status, phases of submittal, disciplines submitted, comment resolution status, and a summary of the design phase progress against the Design-Builder's Baseline PROJECT Schedule.

If a submittal is returned to the Design-Builder due to noncompliance, the SERVICE PROVIDER shall notify the DEPARTMENT and prepare a NCR. The SERVICE PROVIDER shall include the status of any NCRs as part of its reports.

The SERVICE PROVIDER shall participate in meetings and conduct reviews, assessments and prepare recommendations to the DEPARTMENT in matters where a right-of-way occupancy permit is requested adjacent to or impacting the PROJECT during the CONTRACT as requested by the DEPARTMENT. Such permits may include but are not limited to temporary or permanent occupancy and/or access requests, land use development and utilities that may impact the PROJECT during the CONTRACT.

## **6.0 Construction Support**

The SERVICE PROVIDER shall provide a Scheduler/Cost Estimator to provide support to the DEPARTMENT's review and evaluating on the progress of PROJECT in compliance with the Design-Build Contract.

The SERVICE PROVIDER shall support the DEPARTMENT in assessing claims. On a monthly basis, the SERVICE PROVIDER will review and assess the Design-Builder's progress for conformance with the submitted and approved Baseline Schedule and CONTRACT requirements. The SERVICE PROVIDER shall provide support for compiling all CONTRACT and EDMS documents to support the DEPARTMENT in evaluating and confirming Substantial Completion of the PROJECT. The SERVICE PROVIDER shall coordinate assembling and confirming that all required documentation is in reasonable conformance with the CONTRACT.

The DEPARTMENT's PM will make the final decisions confirming Substantial Completion and Final Acceptance.

CONTRACT Construction compliance oversight and review services beyond those described herein are excluded from this Scope of Work.

## **7.0 Final Acceptance**

The SERVICE PROVIDER shall support the DEPARTMENT in reviewing and evaluating that the Design-Builder is in compliance with the CONTRACT terms for Final Acceptance. This support is limited to a document review by the SERVICE PROVIDER for the purpose of confirming that the Design-Builder is in compliance with the CONTRACT such that the DEPARTMENT may issue notice of Final Acceptance.

Upon the DEPARTMENT's issuance of a notice of Final Acceptance to the Design-Builder, the SERVICE PROVIDER shall make all documents prepared by the SERVICE PROVIDER in the EDMS, or otherwise in its possession, available to the DEPARTMENT. The SERVICE PROVIDER shall assist the DEPARTMENT with its PROJECT close-out processes for a period not to exceed one calendar month following issuance of notice of Final Acceptance by the DEPARTMENT.

## Scope of Work – Assumed Commitment

Functional Category	Pre-NTP	NTP1	NTP2	Final Acceptance
Project Manager	100%	81%	28%	
Document Controls/Admin.	100%	100%	99%	97%
Office Project Controls	6%	6%	6%	6%
Scheduler/Cost Estimator		16%	24%	9%
Senior Manager/Quality Manager	80%	55%	84%	49%
Roadway Engineers		21%	65%	
Traffic Engineer – Design		23%	5%	5%
Traffic Engineer – ITS		5%	15%	
Traffic Engineer – TCP; Signals & Lighting		5%	23%	1%
Structural Engineer		19%	2%	
Drainage Engineer		4%	41%	
Environmental Compliance Lead		9%	9%	2%

## EXHIBIT A

Table 25-1, included in Exhibit A, is taken from the CONTRACT, Technical Provisions. Table 25-1 serves as a general guide for the purpose of the SERVICE PROVIDER support and coordination to assist the DEPARTMENT in activities including submittal reviews, workshop participation, meetings, mobilizing staff, and providing CONTRACT compliance support.

The SERVICE PROVIDER shall not direct the Design-Builder. All responses to the Design-Build Contractor's submittals will be coordinated with the DEPARTMENT's PM, Final DEPARTMENT, Design-Builder and SERVICE PROVIDER submittal roles will be identified in the PMP.

**Table 25-1 Submittals**

Submittal Name	Submittal Schedule	Technical Provisions Reference Section
	<b><u>NTP1</u></b>	
List and cost of NTP1 Mobilization Work	10 days after issuance of NTP1	1.1.5
RFIs and updated RFIs log	When necessary	1.2.11
Existing condition video and photos	Prior to issuance of NTP2	1.3.2
Construction progress photos and videos	Commencing at Construction Work and submitted every 6 months through the expiration of the Warranty period	1.3.2
Changes to Project Management Plan (PMP) or components thereof	Within 14 days after occurrence of change	1.5
Project Baseline Schedule	With PMP	1.6.1.1.1, Attachment 01-4
Project Baseline Schedule updates	No more frequently than on a 3-month interval	1.6.1.1.1, Attachment 01-4
Project Status Schedule	Monthly by the first Business Day following the seventh day	1.6.1.1.2
Progress Report	Monthly from NTP1 until Substantial Completion; within 7 days following each month's end	1.6.1.1.4 and 1.6.5.2
As-built Schedule	30 days before Final Acceptance	1.6.1.1.5
Time Impact Analysis	For each change request, submit with Project Status Schedule	1.6.1.3
Recovery Schedule	When necessary, submit with Project Status Schedule	1.6.1.4
Qualifications of lead personnel	With PMP	1.6.4
Invoice Materials	Monthly, submit with invoice	1.6.5.2
Communications Plan	With PMP	1.5, Attachment 01-3
Safety Plan	With PMP	1.5, Attachment 01-2
Emergency Plan	With PMP as part of the Safety Plan	6.3.8
Incident Management Plan	With PMP as part of the Safety Plan	6.3.8
Electronic Document Management System (EDMS)	With PMP	1.6.2

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Meeting minutes preparation for all meetings with action items	Within 3 Business Days of the meeting	1.6.5.3
Closeout Report submittals	With the corresponding monthly draft invoice	1.6.5.4
Updates to Quality Management System (QMS) or components thereof	Within 30 days of identifying the need for a revision	2.1.2
Quality Management System (QMS) – Quality Manual	With PMP	Attachment 02-1
Design Quality Management Plan (DQMP)	With PMP as part of the QMS	Attachment 02-2
Construction Quality Management Plan (CQMP)	With PMP as part of the QMS	Attachment 02-3
Traffic Quality Management Plan (TQMP)	With PMP as part of the QMS	Attachment 02-4
Environmental Quality Management Plan (EQMP)	With PMP as part of the QMS	Attachment 02-5, Section 7.3
Quality Audit Plan (QAP)	With PMP as part of the QMS – Quality Manual	2.2.10.1
Quality Audit Plan Updates	At yearly intervals, or when altered thereafter, following QAP submittal	2.2.10.1
QMS Reports	Monthly in accordance with Section <u>1.6.1.1.4</u> ( <i>Progress Report</i> )	2.2.3.5
Quality Audit Report	Within 14 days after audit completion	2.2.10.2
Corrective Action Plan	Within 15 days following the audit closing meeting	2.2.8
Preventive Action Plan	Within 15 days following the audit closing meeting	2.2.8
Nonconformance Report	Within 2 Business Days of discovery of the Nonconforming Work	2.2.7.2
Nonconformance Report Tracking System	Within 90 days after NTP1; prior to NTP2	2.2.7.2.1
Quality Books and Records	Maintain updated records at all time; upon request by the DEPARTMENT	2.2.3.4
Design Unit Report	Within 45 days of NTP1	3.3
Design Review Plan and Schedule	Within 45 days of NTP1, update monthly	3.5, 3.7
Document occurrences of preexisting cheatgrass and red brome within the Project Site	During NTP1	5.4.4
Environmental Compliance and Mitigation Plan (ECMP)	Within 90 days after NTP1	7.3.2
Utility Adjustment Master Plan	30 days after NTP1, update monthly	18.4.8
Maintenance Work Plan	60 days after NTP1	20.2
	<b><u>NTP2</u></b>	
Stage 1 Design Review Submittal	Upon certification by DQM	3.9.1
Stage 2 Design Review Submittal	Upon certification by DQM	3.9.2
Released-for-Construction Design Submittal	After receiving Lead Engineer's certification	3.9.3

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Final Design Review Submittal	When Design Documents, Construction Documents, and Design Units are 100 percent complete	3.9.4
Working Drawings	Prior to construction	3.10
Record Drawings	Prior to Final Acceptance	3.11
Design Nonconformance Report	When necessary	3.12.4
Design Exceptions	No later than Stage 1 Design Review	3.13
Design Workshop records	Within 10 days after the workshop	3.16
Construction schedule of pay items and quantities	Prior to construction	3.17
Design quality review report	Monthly	3.18.2
Inspection and Testing Plan	Submit with CQMP, as part of the PMP	4.2.2
Pavement Subgrade Verification Report	When necessary	4.2.2
Notice of witness points or hold points occurrence	24 hours before test	4.2.3
Final inspection and testing procedures	Submit with Inspection and Testing Plan	4.2.8
Inspection and test records	Within 1 day of the inspection or test	4.2.9
Weekly planned Construction Work activities	Weekly by noon on Friday	4.6
Daily inspection reports	Daily	4.7
Weekly testing records	Weekly	4.7
Material source information	Within 30 days after NTP2	4.8
Certificate of compliance for materials	Prior to Final Acceptance	4.8
Preliminary Landscape and Aesthetic (L&A) Plan	Submit with Stage 1 Design Review	5.3.1
L&A personnel and approach memorandum	With the Preliminary L&A Plan	5.6.1
Mitigation Planting Plan	Submit with Stage 1 Design Review	5.3.2
Mockup of the color treatments for each surface	Submit with Stage 1 Design Review	5.3.4
Soil tests for all imported and in situ soils	Submit prior to importing any soils or prior to any final soil placement following grading	5.3.17, 5.4.3
L&A Plans (30%)	Submit with Stage 1 Design Review	5.6.1
L&A Plans (80%)	Submit with Stage 2 Design Review	5.6.2
Final corridor roll plot locating all L&A elements	Submit with RFC Design Review	5.6.3
Landscape Design Documents	During each stage of Design Submittals	5.3.3
Noxious and Invasive Weed Control Plan	Prior to NTP2, update annually	5.4.4
Plant material health recommendation report	Quarterly from 30 days after NTP2 through Final Acceptance	5.4.6

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Fractured rock treatment textures	Submit with Stage 1 Design Review	Attachment 05-1
Boulder grouping final locations	Submit with Stage 1 Design Review	Attachment 05-1
Seeding and/or hydro-seeding erosion control specification	Submit with Stage 1 Design Review	Attachment 05-1
Final seed mix for native re-vegetated areas	Submit with Stage 1 Design Review	Attachment 05-1
Topsoil salvage plan	Submit with Stage 1 Design Review	Attachment 05-1
Vegetation reference plan	Submit with the proposed seed mix and planting plans	Attachment 05-1
Concept drawing of all sculptures	Submit with Preliminary L&A Plan	Attachment 05-1
Intermediate design drawings of all sculptures	Submit with Stage 2 Design Review	Attachment 05-1
Final design drawings of all sculptures	Submit with RFC Design Review	Attachment 05-1
Public Involvement Plan (PIP)	With PMP	6.3.1
Community Outreach Plan	Submit with PIP	6.3.1
Public Information Meeting materials	Meeting notices will be placed 15 days before the meeting, 1 day before the meeting, and the day of the meeting. The schedule for other materials will be determined during the Project	6.3.2
Public notifications	10 days before being sent to public	6.3.5
Project information packets	When requested	6.3.3
Project renderings	When requested	6.3.3
Nevada Transportation Board presentation materials	When requested	6.3.3
Social media Project information materials	When requested	6.3.10
Adjacent property owner notices	Between 7 and 14 days in advance of affecting any property or access	6.3.6
Public contact records	Monthly and submitted with Progress Report	6.3.7
Specific notifications	When needed or requested	6.3.7, Table 6-1
Safety Plan	With PMP	6.3.8, Attachment 01-3
Environmental impacts checklist	Submit with ECMP, update quarterly	7.3
Environmental compliance and mitigation training program	Submit with ECMP	7.3.5
Environmental Quality Management Plan (EQMP)	With PMP	7.3.3
List of required Governmental Approvals, including Environmental Approvals	Within 15 days following NTP2	7.4
Copy of issued permit and related documentation for Governmental Approvals	When available	7.4.1
Nesting survey report	14 days before land disturbance	7.5.1

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Hazardous Materials Management Plan (HMMP)	Submit with PMP	7.8.1.1
Hydrologic analysis	Submit with Drainage Design Report	8.3.1
Hydrograph or models for detention facilities	If applicable	8.3.10
Stormwater Pollution Prevention Plan (SWPPP)	Before any earth-disturbing activities begin	8.4.2.1, 8.4.4
Erosion and Sediment Control Plan (ESCP)	Submit with RFC Design Review	8.4.2.1
Drainage Design Report	Submit with Stage 1 Design Review	8.5.1
Final Drainage Design Report	Submit with Stage 2 Design Review	8.5.2
Dam design submittal	If applicable, submit with Stage 2 Design Review	8.5.2
Plans for temporary and permanent BMPs	Submit with Stage 2 Design Review	8.5.2
Final Drainage Report supplement	Submit with RFC Design Review	8.5.3
Maintenance Access and Instruction Plan	Submit with Stage 2 Design Review	9.3.8
Preliminary design exception requests	Submit with Stage 1 Design Review	9.5.1
Plan view, profiles, typical cross-section drawings, and other preliminary design documents	Submit with Stage 1 Design Review	9.5.1
US 50 Future Improvements design modifications	If applicable, submit with Stage 1 Design Review	9.5.1
Design exception requests	Submit with Stage 2 Design Review	9.5.2
Geometric approval request memorandum	Submit with Stage 2 Design Review	9.5.2
Design calculations for all proposed and temporary roadways	Submit with Stage 2 Design Review	9.5.2
Final design exception report	Submit with RFC Design Review	9.5.3
Interim Milestones Released-for-Construction Design Submittal	Before starting Construction Work for the Interim Milestone	9.5.3
Open grade and/or pavement marking Released-for-Construction Design Submittal	Before starting Construction Work for the open grade and/or pavement marking work	9.5.3
Traffic operational analysis results	Submit with Stage 1 Design Review	11.3
HCS and SIDRA files	Submit with Stage 1 Design Review	11.2.1, 11.4
Updated HCS and SIDRA files	Submit with Stage 2 Design Review	11.2.1, 11.4
Final HCS and SIDRA files with narrative summary report	Submit with RFC Design Review	11.2.1, 11.4
Transportation Management Plan (TMP)	Submit with the PMP and at each Design Review Stage	12.3
Temporary Traffic Control Plan (TTCP)	Submit with the TMP	12.3.1
Access and mobility plan	Submit with the TMP	12.5.1
Notice of any construction activity that would affect traffic operations	See Table 12-1	12.5.2

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Daily record of traffic control activities	Within 24 hours	12.5.3
Lane Closure Request (LCR) Form	Submit with the TMP	12.4.5
Geotechnical Subsurface Exploration Planning Memorandum	Submit with Stage 1 Design Review	13.3.1.2
Geotechnical Design Planning Memoranda	Submit with Stage 1 Design Review	13.3.2.1
Determination of the presence of undisturbed bedrock	As necessary	13.3.2.14
Subgrade testing information of unsuitable materials in cut areas 10 feet or greater below the existing grade	Prior to performing any overexcavation in cut areas 10 feet or greater below the existing grade	13.3.2.14
Details of the load test program	Before implementation	13.3.2.4.1
Interim Design Memorandum	Submit with Stage 2 Design Review	13.3.3
Subgrade Verification Document	Prior to foundation construction and backfill placement	13.4.3.1
Wave equation analysis of piles (WEAP)	30 days prior to driving piles	13.4.3.2
Deep foundation testing and monitoring programs	30 days prior to deep foundation construction	13.4.3.2
Driven Pile Analysis	30 days before pile driving	13.4.3.2
Remedial Action Plan for field-testing results reflecting a lower-than-required resistance	Submit with RFC Design Review	13.4.3.2
Qualifications of drilled shaft inspectors and pile driving inspectors	30 days prior to drilled shaft installation or pile driving	13.4.3.3, 13.4.3.5
Drilled shaft validation results	Within 14 days after the results are validated by Design-Builder's Lead Geotechnical Engineer	13.4.3.3
Proposed resolution for non-compliance drilled shaft	Within 14 days after noncompliance is identified	13.4.3.3
Pile driving records	Prior to backfilling	13.4.3.4
Proposed resolution for non-compliance pile	Within 14 days after noncompliance is identified	13.4.3.5
MSE wall retrofit system design	As necessary	13.4.4.1
Source and material properties of all fills	Before the start of fill embankment activity	13.4.4.2
Settlement data of embankments	Prior to subsequent construction activities	13.4.4.3
Final Geotechnical Reports	Submit with Final Design Review	13.5.4.1
Load rating deliverables	Submit with RFC Design Review	14.3.3.3
Bridge demolition plan	Prior to bridge demolition operation	14.4.3
Bracing plan	Prior to column construction	14.4.4
Thermal Control Plan	Prior to typical concrete pour	14.4.6
Design Criteria Memo for Structure	With Stage 1 Design Review	14.5.1

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Definitive Design for Structure	With Stage 1 Design Review	14.5.1
Substructure Design Submittal (80%)	With Stage 2 Design Review	14.5.2
Superstructure Design (80%)	With Stage 2 Design Review	14.5.2
Approved Design Criteria Memo	With RFC Design Review	14.5.3
Approved Definitive Design Submittal	With RFC Design Review	14.5.3
Traffic signal warrant analyses	If necessary, submit with Stage 1 Design Review	15.3.1
Testing Program Plan	Prior to any testing	15.5
Test procedures, software, and data forms for all required FATs, PITs, SALTs, SSTs, and SATs	60 days before the scheduled testing	15.5.1.2
Installation, service, or maintenance manual in conjunction with the test plans for all materials and equipment	With test plan submittals	15.5.1.2
Approved test data forms	Within 3 days of test completion	15.5.1.4
Preliminary traffic signal plan	With Stage 1 Design Submittal	15.3.2.1, 15.3.2.2
Sightline profiles	Submit with Stage 1 Design Review	15.3.2.6
Temporary traffic signal studies	Prior to installation of temporary signals	15.3.3
Lighting analyses calculations	Submit with Stage 1 Design Review	15.4.1.1
Lighting Removal Plan	Submit with Stage 1 Design Review	15.5.1
Design signing roll plan	Submit with Stage 1 Design Review	16.3.1.1
Signing Plans	Prior to RFC review	16.3.1.2
Sight distance analysis	Submit with signing plans	16.3.1.3
Pavement marking Plans	Submit with signing plans	16.4.1.1
Protection Plan for Utility facilities	Submit with Stage 1 Design Review	18.1.12
Prepare supplemental agreement(s)	As necessary	18.1.2
Weekly updated report of events (including all Utility Owner coordination meetings, design progress, and construction progress)	Weekly	18.1.2
Notice of untimely Utility Owner	As necessary	18.1.2
Notice of unpermitted Utility work by Utility	As necessary	18.2.3
Minutes of Utility Meeting	Within 5 Business Days after meeting	18.2.3
Design-Builder Utility Agreement	Prior to Adjustment of the affected Utility	18.3.1
Documentation of contact and discussions with Utility Owner(s)	1 Business Day of receiving or sending the correspondence	18.2.2.3
Utility Conflict Matrix	Submit the initial matrix at NTP2; provide updates monthly until RFC	18.3.3

**Table 25-1 Submittals**

<b>Submittal Name</b>	<b>Submittal Schedule</b>	<b>Technical Provisions Reference Section</b>
Change to Utility Adjustment designs	Prior to Adjustment of the affected utility	18.3.2
As-Built Utility Plans	Upon completion of Utility Adjustment	18.3.7
Daily records of Utility Adjustment Work performed	As requested	18.4.2
Utility Damage Report form	Submit a template prior to the start of construction; any utility damage must be reported immediately and the Utility Damage Report form must be submitted within 2 days of the damage	18.4.7
Documentation of Project assets	Before Final Acceptance	20.2
Maintenance activity reports	Every 6 months	20.2
Final centerline alignment and as-built ROW Plans to represent Design-Builder's Final ROW	Before Final Acceptance	21.1
Date of occupancy and duration for the Temporary Construction Easement list	Prior to issuance of NTP2	21.3

# Line Item 2

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

**Request to Solicit Services and Budget Approval (2A)**

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

If Amendment or Task Order, name of Company: Eide Bailly LLP

Agreement #: P066-15-002

Project ID #(s):

Type of Services: Operational Audit

Originated by: David Olsen

Division: Directors' Ofc

Date Originated: 10/5/2015

Division Head/District Engineer: David Olsen

Budget Category #: 466004

Object #: 7638

Organization #: A002

Estimated Cost: 877875

Type of Funding: State

% of Fund: 100

Funding Notes:

State Fiscal Year(s): 16 and 17

Previously \$650,000 was approved with State funds in FY 15. To date, no expenses have been incurred

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

**Purpose of, and Justification for, Budget Request:**

The original budget request was an estimate prior to receiving the bids and for only one year.

This revised budget request represents an amount sufficient to complete the entire project and covers both FY 16 and FY 17.

**Scope of Services:**

see attached

**Additional Information Attached**

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

DS  
DO



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

Signed: DocuSigned by:  
Donna Spelts 10/8/2015 Approve  
0254120174263 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:  
David Olsen 10/8/2015 Approve  
0106453043142 North Lanuzza Project Accounting Date

Project Accounting Comments:

Signed: DocuSigned by:  
Ruby Mayhew 10/8/2015 Approve  
0409255858443 Director Date

Director Comments:

- Requires Transportation Board presentation
- Does not require Transportation Board presentation

Transportation Board will approve the agreement. Director's Office will cover the overview of this agreement. Thanks for the assistance. - RM

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

# MEMORANDUM

October 5, 2015

**TO:** Robert Nellis, Assistant Director  
**FROM:** David Olsen, Project Manager *David Olsen*  
**SUBJECT:** Negotiation Summary for RFP P066-15-002 Operational Audit

Negotiation meetings were held by phone and by e-mail in Carson City and Reno on August 24 and September 16, 18, and 28, and October 5, 2015, with Kristen Chinvarasopak of Eide Bailly and David Olsen of the Nevada Department of Transportation (DEPARTMENT) in attendance.

The DBE goal for this agreement has been established at zero percent (0%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset.

## Scope of Services

The Scope of Services consists of operational audits of various areas of the DEPARTMENT to identify opportunities for improving internal controls and to evaluate effectiveness and efficiency. The objectives of each audit include an initial assessment and a detailed assessment. The DEPARTMENT reserves the right to engage the selected firm in none or all of the identified tasks.

The DEPARTMENT will issue one or more Task Orders to the SERVICE PROVIDER which will address the specific scope of services, including agreed upon procedures and specific methodologies (including sampling methodology, when applicable), that will be performed to address the objectives in this Attachment A.

The overall objectives of said audits are:

### 1. PROCUREMENT CARDS

- a. Initial assessment
  - i. Read for understanding the current policies and procedures related to Procurement Cards;
  - ii. Gain an understanding of the current segregation of duties related to the Procurement Card processes;
  - iii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment
  - i. Perform tests to ascertain if the current policies and procedures are being followed;
  - ii. Perform tests to ascertain if the proper accounting records and other documentation is available to support charges;
  - iii. Perform tests to ascertain if the segregation of duties is adequate;
  - iv. Report on exceptions;
  - v. Recommend opportunities for improvements to the policies and procedures and internal controls.

### 2. PURCHASING SUPPLIES AND EQUIPMENT

- a. Initial assessment
  - i. Read for understanding the current policies and procedures related to Purchasing Supplies and Equipment;

- ii. Read for understanding the established policies and procedures for purchasing non-rental equipment;
  - iii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment
- i. Perform tests to ascertain if the current policies and procedures are being followed by HQ Divisions, and Districts;
  - ii. Perform tests to ascertain if the appropriate controls are being followed consistently in the stockrooms located statewide for supplies and equipment;
  - iii. Perform tests to ascertain if the established policies and procedures for purchasing vehicles (light fleet) and heavy equipment estimated to cost over \$50,000.00 are being followed (proper justification, approvals, procurement and reporting);
  - iv. Perform tests to ascertain if the proper accounting records and other documentation is available to support charges;
  - v. Report on exceptions;
  - vi. Recommend opportunities for improvements to the policies and procedures and internal controls

### **3. MAINTENANCE AND EQUIPMENT SHOPS**

- a. Initial assessment
- i. Read for understanding the current policies and procedures related to Maintenance and Equipment Shops;
  - ii. Read for understanding the established policies and procedures for coding productive labor and overhead activities appropriately on time sheets;
  - iii. Recommend opportunities for improvements to the policies and procedures and internal controls.
- b. Detailed assessment
- i. Perform tests to ascertain if the equipment mechanics are coding productive labor and overhead activities appropriately on time sheets;
  - ii. Perform tests to ascertain if activities that should be coded as overhead are appropriately identified by equipment mechanics on time sheets;
  - iii. Report on exceptions;
  - iv. Recommend opportunities for improvements to the policies and procedures and internal controls.

### **4. OVERTIME**

- a. Initial assessment
- i. Read for understanding the current policies and procedures related to Overtime;
  - ii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment
- i. Perform tests to ascertain if overtime is pre-approved per adopted policies and procedures (HQ Divisions, and Districts statewide);
  - ii. Perform tests to ascertain if maintenance call-out procedures have been adopted in each District and are being followed for emergency maintenance activities;
  - iii. Perform tests to ascertain if furlough restrictions on overtime are being followed;
  - iv. Report on exceptions;
  - v. Recommend opportunities for reducing the amount of overtime incurred at the District and Division level.
  - vi. Recommend opportunities for improvements to the policies and procedures and internal controls.

### **5. STATE VEHICLE USAGE**

- a. Initial assessment
- i. Read for understanding the current policies and procedures related to State Vehicle Usage;
  - ii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment
- i. Perform tests to ascertain if prior approvals are obtained for home storage;

- ii. Perform tests to ascertain if home storage is properly reported to Accounting Division;
- iii. Perform tests to ascertain if reported improper use of state vehicles is investigated, and appropriate corrective measures are taken, if necessary;
- iv. Report on exceptions;
- v. Recommend opportunities for improving the policies and procedures and internal controls.

## **6. PROPER MAINTENANCE OF DEPARTMENT FACILITIES**

### **a. Initial assessment**

- i. Read for understanding the current policies and procedures related to Maintenance of Department Facilities;
- ii. Recommend improvements to policies and procedures and internal controls.

### **b. Detailed assessment**

- i. Perform tests to ascertain if maintenance schedules are kept for various building control systems (for example, HVAC) for each DEPARTMENT facility;
- ii. Perform tests to ascertain if facility maintenance is managed at each DEPARTMENT facility;
- iii. Report on exceptions;
- iv. Recommend opportunities for improving the policies and procedures and internal controls.

## **7. COST EFFECTIVENESS OF EQUIPMENT REBUILD PROGRAM – For the last six years, the DEPARTMENT Equipment Division has rebuilt drive trains for selected heavy fleet such as trucks, loaders, and paint strippers. Some rebuild work is contracted out and some is performed in-house. The equipment mechanics working on the rebuild program are less available for day-to-day equipment maintenance functions. The DEPARTMENT has also had major maintenance on agency aircraft, such as new engines. The DEPARTMENT would like to assess the cost effectiveness of the major equipment rebuild program in the equipment division and the major maintenance program of agency aircraft and determine if it is an efficient use of DEPARTMENT resources.**

### **a. Initial assessment**

- i. Read for understanding the current policies and procedures related to Equipment Rebuild Program;
- ii. Recommend improvements to policies and procedures and internal controls.

### **b. Detailed assessment**

- i. Perform tests and analyze DEPARTMENT data to ascertain the cost effectiveness of the equipment rebuild program and major maintenance on agency aircraft;
- ii. Recommend improvements to increase cost effectiveness or;
- iii. Recommend other alternatives that would be more cost effective than the current program;
- iv. Recommend opportunities for improving the policies and procedures and internal controls.

## **8. PROPER MANAGEMENT AND ADMINISTRATION OF MAINTENANCE CONTRACTS –**

The DEPARTMENT contracts out various maintenance services. This can be outsourced work normally performed by maintenance forces (street sweeping, contracted surface treatments on pavements, janitorial services, facilities maintenance) and unique work that the DEPARTMENT does not have resources to perform (certain facilities maintenance activities, maintenance of elevators and escalators at pedestrian bridges). The DEPARTMENT would like to assess if the managers of maintenance contracts have the proper skills and training to monitor performance by contracted service providers and training for proper administration. For example, does a DEPARTMENT maintenance contractor manager receive training on proper review of invoices for work performed? How is performance monitored on maintenance contracts?

### **a. Initial assessment**

- i. Read for understanding the current policies and procedures related to Equipment Rebuild Program;
  - ii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment
- i. For outsourced maintenance contracts, identify who administers the contracts and perform tests to ascertain whether the administration of contracts is delegated to the appropriate level;
  - ii. Perform tests to ascertain whether the administrators of maintenance contracts receive appropriate training;
  - iii. In general, make recommendations to improve the effectiveness of administering and monitoring maintenance contracts;
  - iv. Recommend opportunities for improving the policies and procedures and internal controls

**9. INTERLOCAL AGREEMENTS** – An agreement between public agencies to obtain a service from a public agency is known as an Interlocal Agreement. The DEPARTMENT also can enter into a Cooperative Agreement, which is an agreement between two or more public agencies for the joint exercise of powers, privileges and authority. Authority is granted under NRS 277.045 and 277.180. An example of an Interlocal agreement is the DEPARTMENT distributing federal funds to a metropolitan planning organization (MPO) for their use on programs and projects.

- a. Initial assessment
- i. Read for understanding the current policies and procedures related to Interlocal Agreements;
  - ii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment
- i. Read for understanding the Interlocal Agreements executed in the last four state fiscal years (2011 – 2014) and perform tests to ascertain if they were appropriate as authorized under NRS;
  - ii. Read for understanding the amendments to Interlocal Agreements executed in the last four state fiscal years (2011 – 2014) and perform tests to ascertain if they were appropriate as authorized under NRS;
  - iii. Read for understanding the reported Interlocal Agreements and amendments and perform tests to ascertain if the Interlocal Agreements were in compliance with the reporting matrix approved by the Board of Transportation (as appropriate for the execution date of the agreement/amendment; the reporting matrix has been amended periodically);
  - iv. Report on exceptions;
  - v. Recommend opportunities for improving the policies and procedures and internal controls.

**10. PROFESSIONAL SERVICES CONTRACTS** – The DEPARTMENT uses professional services contracts when it has insufficient resources to perform the work in-house, when it does not have in-house expertise, or to meet delivery schedule requirements in a timely manner. The DEPARTMENT would like to assess and improve how its technical Divisions determine when to outsource professional services. The following technical Divisions which use professional services contracts shall be considered under this item: Project Management; Roadway Design; Structures; Hydraulics; Landscape & Aesthetics; Right-of-Way; Environmental; Maintenance & Asset Management; Architectural; Traffic Operations; Construction; Materials; Roadway Systems; Multimodal Planning; Program Development; Safety; Locations. This task shall be limited to a review of state fiscal years 2011-2014.

- a. Initial assessment
- i. Read for understanding the current policies and procedures related to Professional Services Contracts;
  - ii. Interview the technical divisions listed above to ascertain how they determine the need to outsource professional services;
  - iii. Recommend improvements to policies and procedures and internal controls.
- b. Detailed assessment

- i. Perform tests over sample scopes of work to ascertain if all or a portion of work should be considered to be eliminated from outsourcing in the future;
- ii. Read for understanding the amendments to professional services contracts and analyze amendments to ascertain if the amendments were anticipated in the original agreement or unanticipated. (For instance, that the original agreement allowed for the addition of future phases of work that was substantially more effort than the original scope of work, as with preliminary engineering proceeding after environmental clearance on design projects);
- iii. Make recommendations to improve how the assessment to determine the need to outsource professional services is conducted;
- iv. Make recommendations on reducing the number and cost of amendments to professional services contracts;
- v. Make recommendations regarding where current staff may be better utilized before hiring outside professional services.

**11. CONSTRUCTION CONTRACT CHANGE ORDERS** – Construction contracts can be revised by change order. The contracts closed out in state fiscal years 2011 – 2014 shall be reviewed.

a. Initial assessment

- i. Read for understanding the current policies and procedures related to Construction Contract Change Orders;
- ii. Recommend improvements to policies and procedures and internal controls.

b. Detailed assessment

- i. Work with the Construction Division, and analyze the percentage of cost overruns/underruns due to change orders;
- ii. Perform tests to ascertain the cause of change orders (design error; unforeseen conditions; added scope; etc.) and report on the distribution of the cause of the change orders;
- iii. Identify areas that commonly resulted in change orders that could be avoided through improved design review and other measures;
- iv. Make recommendations on reducing the number of Construction Contract Change Orders.

**12. MAINTENANCE AND EQUIPMENT SHOPS**

a. Initial assessment

- i. Read for understanding the current policies and procedures related to Maintenance and Equipment Shops;
- ii. Recommend improvements to policies and procedures and internal controls.

b. Detailed assessment

- i. Perform tests to ascertain data regarding the productivity of the Equipment Division and District equipment shops;
- ii. Perform tests to ascertain that for equipment maintenance and repair that is outsourced whether the work should continue to be outsourced or performed in-house;
- iii. Perform tests to ascertain that for equipment maintenance and repair that is performed in-house whether the work should continue to be performed in-house or outsourced;
- iv. Perform tests and analyze DEPARTMENT data to identify discrepancies of productivity statistics between the equipment shops;
- v. Make recommendations on how to improve the overall productivity of equipment shops.

The following schedule was agreed to by both parties:

The operational audit is to be completed by June 30, 2018, with no new Task Orders issued subsequent to December 31, 2017.

Key personnel dedicated to this project are as follows:

Kristen Chinvarasopak will be the Engagement Partner for Eide Bailly, key staff at Edie Bailly assisting her will be:

Eric Berman	Technical Partner
Eric Pulse	Technical Partner
Caesar Ibarra	Objective Lead Partner
Bobby Lawrence	Objective Lead Partner
Rich McRae	Senior Manager
Pam Truss	Senior Manager

Assisting Eide Bailly will be the engineering firm Beam, Longest & Neff (BLN), key staff at BLN will be:

Mark Eckert	Senior Engineer
Tim Harris	Program Engineer

The DEPARTMENT's original estimate was a lump sum of \$650,000 to complete the initial assessments of the audit during FY 15.

The SERVICE PROVIDER's original estimate was a lump sum of \$877,875 (including sub-consultant expenses).

The negotiations yielded the following:

1. The "lump sum" method of compensation shall be used for the SERVICE PROVIDER's services. The lump sum amount is to be determined based upon each Task Order, the compensation for which is as outlined in the SERVICE PROVIDER's Cost Proposal for Statewide NDOT Operational Audit Services No. 066-15-002.
2. No additional costs shall be allowed to the SERVICE PROVIDER for travel expenses.
3. No additional costs shall be allowed to the SERVICE PROVIDER for any other related expenses including but not limited to: rent, printing, faxing, computers, express mail, phone charges, cell phone charges, internet charges, copying, and rental of equipment or space.
4. The Department reserves the right to select which, if any, Task Orders the SERVICE PROVIDER delivers. All task orders will require the execution of an engagement letter. Each engagement letter will address the specific scope of the Task Order, deliverables, cost, time schedule, agreed upon procedures, and any other items deemed necessary.
5. Payment will be based on actual Tasks Orders delivered.
6. The DEPARTMENT shall pay the SERVICE PROVIDER in installments, based upon monthly invoices showing the status of the professional services for each Task Order, and the degree of completion. Payment will be made for one hundred percent (100%) of the amount of each invoice, until a maximum of ninety percent (90%) of the costs by Task Order amount have been billed by the SERVICE PROVIDER. Thereafter, payment for the remaining ten percent (10%) of the costs by Task Order amount shall be withheld by the DEPARTMENT, until such time as the professional services delivered by the SERVICE PROVIDER have been completely accepted by the DEPARTMENT for the respective Task Order.
7. The total negotiated lump sum amount for this agreement, including direct labor, overhead, fee and direct expenses will not exceed \$877,875.

Reviewed and Approved:

  
\_\_\_\_\_  
Assistant Director

# Line Item 3

### Request to Solicit Services and Budget Approval (2A)

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

If Amendment or Task Order, name of Company:

Agreement #: Project ID #(s):

Type of Services: Engineering and Project Management Services

Originated by: Richard Brooks Division: Traffic Ops Date Originated: 3/12/2015

Division Head/District Engineer: Denise Inda

Budget Category #: 466004 Object #: 814E Organization #: B016

Estimated Cost: \$4,157,890.00 Type of Funding: State % of Fund: 100

Funding Notes: State Fiscal Year(s): 2015 - 2022

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

**Purpose of, and Justification for, Budget Request:**

See Attachment A

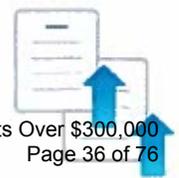


**Scope of Services:**

See Attachment B

**Additional Information Attached** X

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



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

Signed: DocuSigned by:  
Donna Spelts 3/13/2015 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 Lanuza 3/16/2015 Approve  
Project Accounting Date

Project Accounting Comments:

Signed: DocuSigned by:  
Luby Mayston 3/17/2015 Approve  
Director Date

Director Comments:

- X Requires Transportation Board presentation
- Does not require Transportation Board presentation

Prepare a presentation for Transportation Board to coincide with Board approval of this contract. Board approval of the contract is required after successful negotiations with the selected firm are completed.

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

DS  
TM

MEMORANDUM

October 16, 2015

DS  
TM

**TO:** Reid Kaiser, Assistant Director  
**FROM:** Richard Brooks, Project Manager  
**SUBJECT:** Negotiation Summary for RFP 136-15-016 Statewide Public Safety Radio System – Phase 2

A negotiation meeting was held at Nevada Department of Transportation in Carson City, Nevada on September 8, 2015, with Skip Funk, Senior Vice President, Business Development; John Murray, Executive Vice President; Chief Operating Officer and Rajit Jhaver, Director of Operations for Federal Engineering, Inc.; and Thomas Moore, Assistant Chief Traffic Engineer, and Richard Brooks, Information Technology Professional IV, of the Nevada Department of Transportation (DEPARTMENT) in attendance.

A DBE goal is not required for this agreement.

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

1. Review existing documentation and conduct project initiation meeting
2. Evaluate existing infrastructure
3. Compile user requirements
4. Identify potential P25 Enhancements
5. Develop final NSRS existing system analysis and P25 system requirements report
6. Develop a preliminary conceptual design of a statewide P25 network
7. Develop a requirements tracking matrix
8. Prepare a draft Request For Proposal (RFP) document
9. Provided procurement support for vendor proposal review and post selection vendor support

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

Key personnel dedicated to this project are as follows:

John Murray, Executive Vice President .....	Federal Engineering, Inc
Richard Brooks, Project Manager.....	NDOT Traffic Operations

At the negotiation meeting Federal Engineering Inc. initially quoted the cost of required services at \$685,903.00. During negotiations it was identified Federal Engineering's proposed scope of services could be refined to save costs but not reduce the quality of effort required for this project. After negotiations the cost was reduced to \$633,199.00 saving the Department \$52,704.00.

This is a Lump Sum contract with the total cost not to exceed Six Hundred Thirty Three Thousand Three Hundred Ninety Nine (\$ 633,199.00) as shown in Attachment A.

The negotiations yielded the following:

1. Federal Engineering will facilitate weekly status meetings, monthly technical meetings, maintain project schedule review all existing documentation, establish and conduct project initiation meetings, Assess our current governance and recommend modifications. The total cost for these services shall not exceed \$84,468.00 with payments based upon percentage of completion of work.
2. Federal Engineering will evaluate existing infrastructure by conducting site surveys as directed, identify issues that will affect the upgrade of the system. Evaluate existing infrastructure and conduct 20 site surveys and selected dispatch centers (time and materials task). The total cost for these services shall not exceed \$76,470.00 with payments based upon percentage of completion of work.
3. Federal Engineering will compile user requirements; work with representatives from NDOT, NV Energy and Washoe County to identify requirements for the new system. The total cost for these services shall not exceed \$59,554.00 with payments based upon percentage of completion of work.
4. Federal Engineering will identify potential P25 Enhancements that will augment or improve the current system operation. Identify P25 Phase 2 features and functions that will enhance or augment the features and functions of the existing system. The total cost for these services shall not exceed \$26,149.00 with payments based upon percentage of completion of work.
5. Federal Engineering will develop NSRS systems analysis report and P25 Systems requirements report providing summary of findings and recommendations. The total cost for these services shall not exceed \$40,379.00 with payments based upon percentage of completion of work.
6. Federal Engineering will develop a preliminary conceptual design of a statewide P25 network, review coverage and spectrum analysis, system capacity analysis, interoperability analysis, budgetary estimates, system migration strategy and preliminary conceptual design. The total cost for these services shall not exceed \$102,484.00 with payments based upon percentage of completion of work.
7. Federal Engineering will develop a Requirements Tracking Matrix (RTM) a detailed matrix that will facilitate design and specification activities, vendor proposal evaluation and monitoring radio system vendor's compliance to each requirement during implementation. The total cost for these services shall not exceed \$15,075.00 with payments based upon percentage of completion of work.
8. Federal Engineering will prepare a draft Request for Proposal (RFP) document, developing the technical specifications, high level scope of work, high level deployment plan, develop evaluation criteria and vendor payment schedule. The total cost for these services shall not exceed \$89,956.00 with payments based upon percentage of completion of work.
9. Federal Engineering will provided procurement support for vendor proposal review and post selection vendor support, participate in vendor pre-proposal conference and function as technical advisor, escort vendors to 3 sites and 2 dispatch centers, review proposals and assist in post vendor selection support. The total cost for these services shall not exceed \$138,664.00 with payments based upon percentage of completion of work.

Reviewed and Approved:

DocuSigned by:  
  
8DDD40180434471...  
Assistant Director  
NDOT  
070-069  
Rev 09/14



*"Unleashing the Power of Technology"*

**Federal  
Engineering®**

**Federal Engineering, Inc.**

10600 Arrowhead Drive  
Fairfax, VA 22030  
703-359-8200

**STATEMENT OF WORK (SOW)**  
Issued: October 15, 2015

**ATTACHMENT TO NEVADA CONTRACT**  
CONTRACT NO.: \_\_\_\_\_  
Dated: \_\_\_\_\_

**ATTACHMENT A**  
**STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION (NDOT)**  
**LAND MOBILE RADIO (LMR) NETWORK**  
**PROCUREMENT SUPPORT**  
**SCOPE OF WORK (SOW)**

**1. INTRODUCTION AND ISSUES**

The State of Nevada is faced with a complex undertaking due to the impending end of life of its land mobile radio (LMR) network. In addition, Nevada Statewide Radio System (NSRS) users are experiencing coverage and system capacity issues. The Nevada Department of Transportation (NDOT), Nevada Energy (NV Energy), and Washoe County, the three primary stakeholders in the NSRS, will greatly benefit from Federal Engineering's (**FE**) considerable knowledge of the technical, operational, and governance aspects of the NSRS.

The success of this project, and ultimately the P25 Phase 2 statewide radio network, depends on the ability of stakeholders to reach consensus on LMR system requirements-targeted, vendor-neutral specifications, and a smooth transition between today's EDACS system to the new P25 Phase 2 network.

NDOT's existing LMR system is utilized for voice communications and control of interactive devices. That system has effectively reached its end of life. As of 2017, the current LMR system will no longer be supported by the manufacturer. NDOT, on behalf of the NSRS, desires that **FE** evaluate the needs of the NSRS, evaluate current system infrastructure, and identify the best technology solution for the next generation LMR communications system.

This Scope of Work (SOW) includes activities for Phase 2A (all activities through post-vendor contract award). Phase 2B will consist of the implementation and final acceptance of the P25 Phase 2 radio system selected during Phase 2A. The Phase 2B scope of services for consultant support will be established after the new radio system vendor has been selected and contract awarded.

## **2. TASKS TO BE PERFORMED DURING PHASE 2A**

### **2.1 Task 1: Project Management and Project Initiation**

#### **2.1.1 Project Management**

*FE* will conduct the following project management activities throughout the project:

- *FE* will facilitate and attend monthly on-site technical meetings
- *FE* will facilitate and attend weekly teleconferenced status meetings
- *FE* will coordinate all meetings and teleconferences
- *FE* will establish and maintain the project schedule

*FE* will prepare and present up to ten on-site stakeholder presentations to counties, agencies, and end-user groups that NDOT will identify:

- *FE* will maintain all program-related documentation and reports through vendor contract award
- *FE* will prepare and submit weekly status reports
- *FE* will maintain an action item tracking log and report status of actions in the weekly status reports

#### **2.1.2 Review Existing Documentation**

Prior to the project initiation meeting, *FE* will request and review any LMR documents including previous studies, radio network configurations, FCC licenses, site surveys, inventories, maintenance contracts, and other relevant documents. Regarding the review of FCC licenses, *FE* will identify any FCC licenses that have expired or are close to expiry and require renewal.

#### **2.1.3 Project Initiation Meetings**

*FE* will conduct a project initiation meeting with NDOT's LMR and microwave resources, Washoe County's resources, NV Energy's (responsible for both the North and South) resources, and other participants as identified by NDOT on a mutually agreed date following contract signing.

This initial meeting will cover both LMR and microwave to develop a synergistic project plan and schedule, objectives and goals.

**FE** will then conduct a LMR project initiation meeting with appropriate NDOT, Washoe County, and NV Energy representatives immediately following the combined meeting. NDOT will determine which agencies will attend this coordination meeting. We will focus specifically on LMR activities including:

- **FE**, NDOT, Washoe County, and NV Energy roles and responsibilities
- Project objectives and expectations
- Key issues
- Key milestones and schedule
- Deliverables
- Interview planning and identify interview participants
- Site visit schedule
- Status reporting methodologies
- Progress review meeting schedule
- Immediate issues

After this meeting, **FE** will deliver a project plan and schedule that will serve as guiding documents throughout the program. **FE** will assist in the establishment of a stakeholder oversight structure, and document recommendations in a memo to the NDOT Project Manager.

#### **2.1.4 Governance Assessment**

**FE** will review available documentation on the current MOU and any other agreements in place between NDOT, NV Energy and Washoe County. **FE** will meet with a representative of each of the three entities to determine strengths and weaknesses of the current documents and to identify the desired structure for agreements that the three entities will require in the future.

**FE** will review pertinent models of governance agreements in place in comparable statewide situations and identify potential opportunities for use in the NDOT, NV Energy, and Washoe County relationships with the proposed new LMR network configuration. **FE** will summarize these findings in a Governance Report and will make recommendations on changes to be made to these agreements as well as identifying at a high level changes in the overall governance structure for the group to consider for further study.

## **2.2 Task 2: Evaluate Existing Infrastructure**

We understand that the NSRS comprises 110 sites. **FE** recommends on-site surveys *at this point in the project* as opposed to post-system award to provide critical input into requirements definition, coverage analysis, and technical specifications.

### **2.2.1 Site Surveys**

**FE** will survey up to twenty (20) representative NDOT LMR sites, selected by NDOT, and dispatch centers as desired by NDOT. We will leverage the existing documentation and other

available information regarding NSRS sites. We will survey LMR equipment and microwave equipment during the same site visits. This scope of work covers only LMR sites.

During the site surveys, **FE** will evaluate LMR control equipment, repeaters, base stations, dispatch equipment, and other critical LMR communications infrastructure installations. We will assess whether the existing physical infrastructure can accommodate new/upgraded equipment, support both the EDACS and P25 equipment during testing and cutover, sustain long-term P25 system operation, and/or if site improvements to the shelter, tower, electrical, backup generator, and battery plant need to be made.

This assessment does not include structural analysis and tower climbs, however those services can be performed as an option if desired. If site improvements are necessary, the team will recommend whether standard components meet requirements or if custom work is required, and a schedule will be proposed that allows for a timely radio deployment as a result of the custom work.

**FE** will identify any issues that may affect the modification and use of NDOT's sites for a new/upgraded statewide system. We will validate site documentation provided by NDOT for the sites visited, and review site documentation for non-visited sites to establish implementation cost assumptions.

**FE** will recommend a course of action if major discrepancies are found.

**FE** will incorporate site survey findings in the *NSRS Existing System Analysis and P25 System Requirements Report*. We will review the report with the NDOT Project Manager and incorporate appropriate changes as NDOT desires.

### **2.3 Task 3: Compile User Requirements**

**FE** will work with the NDOT Project Manager to define an assessment questionnaire that fills in the gaps from the existing system analysis, highlights current issues and concerns, and captures future LMR requirements for the upgraded LMR system. Because we recognize that this task establishes the foundation for all future work, we will gather sufficient information necessary to accurately document NSRS' needs.

**FE** will meet with representatives from NDOT, NV Energy, Washoe County, the Nevada Highway Patrol, and the State of Nevada Enterprise IT Services. Using the pre-approved assessment questionnaire as a basis for discussion, we will collect NSRS' issues, concerns, and expectations for the future LMR system

**FE** will meet with up to three counties or agencies in addition to the stakeholders identified above. NDOT will identify which counties/agencies **FE** will visit based on their involvement in the NSRS LMR system.

**FE** will meet with up to two adjoining states in addition to the counties and agencies identified above. NDOT will identify which states **FE** will visit based on other state agencies' involvement in the NSRS LMR system.

**FE** will document in the *NSRS Existing System Analysis and the P25 System Requirements Report* the collected information and conduct follow-up discussions with participants as necessary to complete the assessments.

#### **2.4 Task 4: Identify Potential P25 Enhancements**

**FE** will identify P25 Phase 2 features and functions that will enhance or augment the features and functions of the existing system. This list will include items such as:

- Better coverage
- Less noise
- Encrypted voice quality comparable to non-encrypted (clear) operation
- Increase in voice channel efficiency
- Open data interface standards
- Greater product selection from multiple manufacturers
- Replacement of infrastructure vendor without subscriber equipment replacement
- More competitive vendor component pricing

**FE** will conduct a briefing with NSRS stakeholders for the following:

- Provide an overview of the requirements collected during Task 3
- Discuss relevant P25 features and functions to be included in the requirements
- Gain consensus among stakeholders of the requirements
- Gain approval of the requirements

#### **2.5 Task 5: NSRS Existing System Analysis and P25 System Requirements Report**

**FE** will develop a *NSRS Existing System Analysis and P25 System Requirements Report* that includes the results of Tasks 1-4 above.

**FE** will present the highlights of the report at an on-site meeting to NSRS system stakeholders.

**FE** will update the report according to NSRS recommendations during the meeting and submit a draft for review and comment. We will update the draft accordingly and submit a final report.

#### **2.6 Task 6: Preliminary Conceptual Design**

**FE** will execute the below activities to develop a preliminary conceptual design of a statewide P25 network.

### **2.6.1 Coverage and Spectrum Analysis**

*FE's* RF performance specialist, will conduct an interactive, on-site Coverage and Spectrum Workshop to analyze coverage and use of frequencies for the new system. This hands-on session using *FECoverage*<sup>™</sup> allows Nevada participants to immediately see the impact of adding and/or deleting existing and greenfield sites, as well as the impact of changing spectrum.

### **2.6.2 Capacity Analysis**

*FE* will use documented traffic information and the approved requirements to assess the expected traffic load of the system. We will then estimate the number of sites and channels required to meet NSRS' system capacity needs using *FENetwork*<sup>™</sup>.

### **2.6.3 Interoperability Analysis**

*FE* will identify interoperability methods to meet the approved requirements. This will include interoperability among public safety and public service agencies that will use the new network, interoperability with surrounding states and jurisdictions, and interoperability with other P25 and non-P25 users.

### **2.6.4 Budgetary Estimates**

Using our in-house *FECostPro*<sup>™</sup> tool, *FE* will provide a high-level, budgetary cost estimate for NDOT to deploy the statewide conceptual design. We will delineate estimated costs specific to NV Energy and Washoe County for LMR radio equipment. This high-level, quantitative analysis can be used by NDOT to establish a budget for the system and prepare for negotiations with system vendors.

### **2.6.5 System Migration Strategy**

*FE* will work with NDOT, NV Energy, and Washoe County to define a high-level, phased migration strategy for the conceptual design that outlines the steps necessary to efficiently transition NDOT, NV Energy, and Washoe County to the new radio network.

*FE* will develop migration plans for NDOT that will typically take into account the following implementation activities related to the overall new or upgraded system, so that internal planning can be done in a logical sequence well in advance of vendor contract award.

- Radio site development
- Dispatch center development
- Procurement
- Negotiations
- Deployment
- Training

- Acceptance testing
- Acceptance
- Cutover

## **2.6.6 NSRS Statewide Land Mobile Radio System Preliminary Conceptual Design Report**

*FE* will develop a draft *NSRS Land Mobile Radio P25 Phase 2 System Preliminary Conceptual Design Report* and submit to NDOT for review and comment. This report will address the high-level timeline for the overall project.

*FE* will review the report with NDOT and update the draft report with comments and submit up to two iterations of the draft version prior to submitting the final version.

## **2.7 Task 7: Requirements Tracking Matrix**

*FE* will develop a Requirements Tracking Matrix (RTM) based on the approved requirements as identified in the requirements report. The RTM will be a detailed matrix that will facilitate design and specification activities, vendor proposal evaluation, and monitoring the radio system vendor's compliance to each requirement during implementation.

During each phase of implementation (detailed design through acceptance testing), *FE* will track deliverables against the RTM, checking to make sure each requirement is met. The RTM will also track testing results against the requirements.

## **2.8 Task 8: Request for Proposal (RFP) Development**

*FE* will perform the following activities to support the procurement of a Nevada Statewide P25 Phase 2 radio system:

1. Develop a technical specification for inclusion in a competitive RFP based on the system recommendations developed during the previous phase. The technical specification will define requirements for the following:
  - Functionality of the system
  - Performance (coverage and capacity)
  - Spectrum
  - Preferred site locations
  - Infrastructure/site equipment
  - Site shelters and towers
  - Backhaul of the LMR system over IP/MPLS
  - Dispatch

- Paging (optional)
  - Fire alerting (optional)
  - Network management
  - Subscriber units
  - Training
  - Warranty
  - Hardware and software updates
  - Maintenance/service (require 10-year support for system and parts, pricing and availability)
  - Purchase/financing options
  - System implementation, test, and acceptance
  - Reviews and documentation
  - Redundancy and survivability
  - SCADA (optional)
2. Develop a high level scope of work to be included in the RFP
  3. Develop a high level deployment plan to be included in the RFP so that internal planning can be done in a logical sequence well in advance of vendor contract award: radio site development, dispatch center development, procurement, negotiations, implementation and testing, training, cutover
  4. The following additional sections and appendices will be included in the specification, as approved by the NSRS stakeholders:
    - Vendor project management requirements
    - Requirements to meet project management goals
    - Specific points in the design process that require additional design review
    - Requirements the vendor must guarantee in its proposal so that the detailed design meets RFP technical specifications
    - Life-cycle maintenance and warranty requirements
    - Vendor pricing template
  5. Update the technical specifications based on the NSRS stakeholders review and comment and submit a final version to be used in a competitive RFP
  6. Work with NDOT to incorporate existing 'boilerplate' sections, such as administrative procurement sections, provided by the purchasing department, into the RFP
  7. Work with NDOT and stakeholders to develop a set of evaluation criteria and an evaluation process, and incorporate the evaluation criteria into the RFP

8. Include requirements for a vendor payment schedule that are consistent with deliverable milestones and subsystem/system acceptance
9. Work with NDOT and stakeholders to identify which items in the RFP require a point-by-point response

## **2.9 Task 9: Procurement Support, Vendor Proposal Review, Post Vendor Selection Support**

*FE* will participate in the radio system vendor procurement activities as follows:

1. Attend the pre-proposal conference and participate as a technical advisor to the State and answer questions as needed.
2. Escort the vendor representatives on up to five (5) site and dispatch center visits
3. Assist NDOT and stakeholders in responding to vendor questions, provide clarification during the solicitation, and contribute to addenda as needed
4. Assist NDOT and stakeholders in reviewing up to four (4) vendor proposals, participate in evaluation meetings and vendor presentations, and assist the State with proposal scoring and vendor selection
5. Assist NDOT with post vendor selection support and provide support for technical issues that may arise during post vendor selection support

### 3. TASKS/MILESTONES FOR PHASE 2A

The State of Nevada's Statewide Public Safety Radio System LMR Phase 2A project schedule below assumes contract execution and notice to proceed is received no later than December 1, 2015.

<b>Statewide Public Safety Radio System Estimated Schedule LMR Phase 2A</b>	
<b>LMR System Task/Milestone</b>	<b>Est. Completion-Weeks from NTP Phase 2A</b>
<i>Consultant Contract Execution</i>	0
Project Initiation Meeting	2
Complete Existing System Documentation Review	5
Complete Site Surveys (number and weather dependent)	8
Complete Governance Recommendations	10
Deliver draft <i>NSRS Existing System Analysis and P25 System Requirements Report</i>	16
Deliver draft <i>NSRS Land Mobile Radio P25 Phase 2 System Preliminary Conceptual Design Report</i>	22
Deliver draft RFP	26
Deliver Final LMR System RFP	29
Publish RFP	34
Commence Vendor Proposal Reviews	50
Commence Selected Vendor Negotiations	56
LMR Vendor Under Contract	68

This tentative schedule will be adjusted and refined through discussions with NDOT and NSRS Project Managers.

### 4. COST FOR PHASE 2A

The firm-fixed-price cost for this SOW Phase 2A (excluding optional and time and materials tasks) is \$633,199, which includes labor, travel and other direct costs.

<b>Phase 2A Fixed Price</b>	
<b>Task</b>	<b>Cost</b>
<b>Task 1 – Review Existing Documentation and Conduct Project Initiation Meeting</b>	\$84,468
<u>Deliverable</u> – Project Plan and Presentation	
<u>Deliverable</u> – Governance Report	
<b>Task 2 – Evaluate Existing Infrastructure and Conduct up to 20 Site Surveys</b> (\$3,824 per site for 20 sites)	\$76,470
<u>Deliverable</u> – Site Survey Spreadsheet Data	
<b>Task 3 – Compile User Requirements</b>	\$59,554
<u>Deliverable</u> – Raw Interview Data from User Requirements	
<b>Task 4 – Identify Potential P25 Enhancements</b>	\$26,149
<u>Deliverable</u> – Conduct a P25 Requirements Presentation with NSRS Stakeholders	
<b>Task 5 – Develop Final NSRS Existing System Analysis and P25 System Requirements Report</b>	\$40,379
<u>Deliverable</u> – Final NSRS Existing System Analysis and P25 System Requirements Report	
<b>Task 6 – Develop a Preliminary Conceptual Design of a Statewide P25 Network</b>	\$102,484
<u>Deliverable</u> – NSRS Land Mobile Radio P25 Phase 2 System Preliminary Conceptual Design Report	
<b>Task 7 – Develop a Requirements Tracking Matrix (RTM)</b>	\$15,075
<u>Deliverable</u> – NSRS Requirements Tracking Matrix (RTM)	
<b>Task 8 – Prepare a Draft Request for Proposal (RFP) Document</b>	\$89,956
<u>Deliverable</u> – Draft RFP	
<b>Task 9 – Provide Procurement Support for Vendor Proposal Review and Post Selection Vendor Support</b>	\$128,264
<u>Deliverable</u> – Draft Proposal Summaries Memo	
<u>Deliverable</u> – Memo Following Vendor Negotiations	
<b>Task 9 – Provide Procurement Support – One FE staff to Escort Vendors to 3 sites and 2 centers</b> (\$2,080 per location for 5 locations)	\$10,400
<u>Deliverable</u> – Memorandum indicating which vendors visited which sites	
Total	<b>\$633,199</b>


The above are the costs for each task and not intended to represent invoicing milestones. Invoicing milestones are listed in the Milestone Payment Schedule below.

#### 4.1 Milestone Payment Schedule

Invoicing Milestone	Weeks After NTP	Invoice Amount
Complete Project Initiation Meeting	2	\$35,000
Deliver Project Plan and Governance Report	10	\$50,000
Deliver Interview Data from User Requirements	12	\$15,000
Deliver Site Survey Data	13	\$76,470
Deliver Final <i>NSRS Existing System Analysis and P25 System Requirements Report</i>	16	\$40,000
Deliver Final <i>NSRS Land Mobile Radio P25 Phase 2 System Preliminary Conceptual Design Report</i>	22	\$105,000
Deliver Draft Requirements Tracking Matrix	26	\$25,000
Deliver LMR System RFP	29	\$90,000
Commence Vendor Proposal Reviews and Escort Vendors	50	\$90,400
Commence Selected Vendor Negotiations	56	\$40,000
Vendor Contract Awarded	68	\$20,000
Post-Contract Award Support	76	\$46,329
Total		<b>\$633,199</b>

#### 4.2 Optional Tasks

**FE** can conduct a TIA inspection, tower mapping, and/or structural analysis of the existing radio towers.

**FE** can visit potential greenfield sites and assess the location's use in a new system.

**FE** can provide detailed narratives of the site survey reports of each site we visit.

**FE** can assess reported interference problems or the potential for interference at a given site using our interference analysis tool, **FEMitigate™**.

## 5. BASIS FOR THIS SCOPE OF WORK

1. This SOW assumes Federal Engineering, Inc., will perform all of the tasks as called out in Phase 2a.
2. NDOT will provide information necessary for the project regarding NDOT needs, the radio system RFP, FCC licenses, current radio systems, existing sites, and current performance.
3. The pricing for up to 20 site surveys in Task 2 assumes that all site surveys will be done in contiguous business days not exceeding 20 days total. Any additional site surveys will be priced at a mutually agreed rate.
4. The pricing for up to five vendor site escorts in Task 9 assumes that all visits will be completed in one contiguous period of not more than five business days. Any additional vendor escort visits will be priced at a mutually agreed rate. **FE's** ability to fulfill these tasks depends, in part, on the willingness and ability of the NDOT, Washoe County, NV Energy, equipment vendors, service providers, third parties, and others to provide information in a timely manner, and upon the accuracy of the information as supplied. The accuracy of input data, whether provided in electronic or hard copy form, and the recommendations, actions, system designs, and license filings resulting therefrom cannot, therefore, be warranted by **FE** nor can the performance, suitability, or reliability of said systems be warranted by **FE**.
5. The level of effort for contract negotiation support in Task 2.9 (5) for post vendor selection support can vary greatly depending upon the winning system vendor and the NDOT procurement practices. **FE** will provide 40 hours of on-site support to the NDOT during the post vendor selection support process. If additional hours are required, a mutually agreeable amendment to the scope of work for Phase 2A will be executed by both parties.
6. This proposal is based upon a start date on or before December 1, 2015 and assumes a 68-week schedule to completion for Phase 2a tasks. Delays to the project schedule due to actions or lack of actions on the part of NDOT, NDOT participants, third parties, and others including, but not limited to vendor protests, protracted contract negotiations, vendor delays that impact the program schedule and/or costs to NDOT will be brought to the attention of NDOT's project manager in a timely manner, and may be a mutually agreed upon contract amendment.
7. **FE** will provide draft and final deliverables, electronically and printed, to NDOT.
8. This SOW assumes that **FE**, with the assistance of NDOT's Project Manager, will schedule meetings, provide meeting facilities, notify attendees, and arrange for on-site visits. NDOT will provide attendee, location, and network access information necessary to accomplish this task.
9. This proposal assumes a mutually agreeable invoicing schedule for work completed.

10. Federal Engineering reserves the right to assign/reassign work efforts and associated costs across tasks and between our professional staff members in order to meet our contractual obligations to NDOT.

## **SCHEDULE A**

### **LONG TERM CONSULTING RATES**

**Assistant Vice President** **\$245.00 per hour**  
(Performs in a Major Program(s) Director role; 15-20 years' experience. Regarding relevance to this project, the AVP provides oversight and QA for this engagement as well as overall supervision of the Project Director and consulting staff.)

**Director/Chief Consultant** **\$215.00 per hour**  
(Performs in a Program Director/Chief Technical Advisor role; 15-20 years' experience. Regarding relevance to this project, the Project Director role is filled by this position.)

**Senior Consultant** **\$180.00 per hour**  
(Performs in a senior technical analysis/design role; 10-15 years' experience. Regarding relevance to this project, a Senior Consultant functions as the Project Manager who will provide day-to-day project oversight and management of the assigned resources as well as provide technical expertise for design, coverage analysis, and pricing. The SC will also provide, among other tasks, support for conceptual P25 network design work, development of the RTM, and support of RFP development and vendor evaluations.)

**Consultant** **\$155.00 per hour**  
(Performs in a technical analysis/design role; minimum 10 years' experience. Regarding relevance to this project, there are no Consultants assigned. Should this resource be required for potential add-on tasks, he/she would, among other tasks, support RF network design and deployment.)

**Senior Analyst** **\$130.00 per hour**  
(Performs in a program performance role; 8-10 years' experience. Regarding relevance to this project, there are no Senior Analyst personnel assigned. Should this resource be required for potential add-on tasks, he/she would, among other tasks, prepare document deliverables and other reporting documents and memoranda.)

**Analyst** **\$95.00 per hour**  
(Performs in a program analytics role; 5-8 years' experience, Regarding relevance to this project, Analyst resources will, among other tasks, support the development of document deliverables and other reporting documents and memoranda.)

**Administrative/Computer Services** **\$65.00 per hour**  
(Performs in an administrative assistant role; 3-5 years' experience. Regarding relevance to this project, Administrative resources will, among other tasks, support the coordination of all consulting activities, schedule meetings, prepare communications documents, and perform pertinent administrative functions.)



## NDOT LMR Hours by Task by Resource (10/14/15)

Task	Description	Program Manager	Project Manager	Senior Consultant - Coverage	QA/Chief	Asst VP	Analyst	DCC sub	Total
1	Project initiation, Review Existing Documentation and Conduct Project Initiation Meeting	219	118	8	2	40	30	8	425
2	Evaluate Existing Infrastructure and Conduct 20 Site Surveys	20	526	160	0	8	40	0	754
3	Compile User Requirements	106	144	8	4	12	12	4	290
4	Identify Potential P25 Enhancements	46	72	0	4	4	4	2	132
5	NSRS Existing System Analysis and P25 System Requirements Report	83	80	0	6	16	20	0	205
6	Develop a Preliminary Conceptual Design of a Statewide P25 Network	174	206	76	40	28	28	6	558
7	Develop a Requirements Tracking Matrix (RTM)	26	40	0	4	4	10	0	84
8	Draft Request for Proposal (RFP) Document	159	196	4	28	20	52	0	459
9	Provide Procurement Support for Vendor Proposal Review and Contract Negotiations	412	208	0	36	14	0	0	670
	<b>Total:</b>	1245	1590	256	124	146	196	20	3577

# Line Item 4

**STATE OF NEVADA**  
**DEPARTMENT OF TRANSPORTATION**

## Request to Solicit Services and Budget Approval (2A)

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

If Amendment or Task Order, name of Company:

Agreement #: Project ID #(s):

Type of Services: For a Request For Proposal (RFP) for a Traffic Study for I-80/I-580/US-395 Reno/Sparks, Nevada

Originated by: Kent Steele Division: Design Date Originated: 3/18/2015

Division Head/District Engineer: Paul Frost

Budget Category #: 466006 Object #: 814D Organization #: 010

Estimated Cost: \$2,400,000.00 Type of Funding: Federal/State % of Fund: 80/20

Funding Notes: State Fiscal Year(s): 16/17

50% FY16 50% FY 17

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

### **Purpose of, and Justification for, Budget Request:**

Due to the request for proposal to solicit consulting services, the Roadway Design Division will be contracting with an undetermined Consultant for services to perform the designated scope of services as listed below.

The estimated costs for the services are \$2,400,000.00, Federal-aid (80%) \$1,920,000.00, State (20%) \$480,000.00, for Fiscal Year 2016 and 2017. The funding will be divided into two years, in FY 2016-\$1,200,000.00 (Federal-aid \$960,000.00/State \$240,000.00), and in FY 2017-\$1,200,000.00 (Federal-aid \$960,000.00/State \$240,000.00).



### **Scope of Services:**

The scope of services will be to provide a traffic study for I-80/I-580/US-395 interchange improvements within the study area as defined below. The work consists of traffic forecasting, modeling and analyzing for the purpose of evaluating capacity, operational and safety improvements. The study area focuses on the urbanized portions of the freeway system located within the Reno/Sparks metropolitan area in Washoe County, Nevada. For the purpose of this RFP, the PROJECT location will be divided into two sections:

1. INTERIOR LIMITS (Micro-simulation) - The inner, localized limits of the project location are centered on the I-80/I-580/US-395 system interchange (Spaghetti Bowl). The portion of the I-580/US-395 corridor under study extends from South Virginia/Kietzke interchange to McCarran/Clear Acre interchange. The portion of the I-80 corridor under study extends from Keystone Avenue interchange to Pyramid Way (SR 445) interchange; and,
2. REGIONAL LIMITS (Macro-simulation) - The portion of the I-580/US-395 corridor under study extends from Neil Road interchange to Parr Boulevard interchange. The portion of the I-80 corridor under study extends from West McCarran Boulevard (SR 659) interchange to East McCarran Boulevard interchange.

### **Additional Information Attached**

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



**STATE OF NEVADA**  
**DEPARTMENT OF TRANSPORTATION**

# MEMORANDUM

10/26/15

**TO:** John Terry, Assistant Director

**FROM:** Jeff Lerud, Project Manager DS  
JL

**SUBJECT:** Negotiation Summary for RFP 133-15-010 I-80/I-580/US-395 Traffic Study

Negotiations were held the week of October 19, 2015 and concluded on October 26, 2015. A negotiation meetings were held at NDOT Headquarters and at the CA Group. The NDOT staff that participated were as follows:

NDOT		Consultant Team	
Jeff Lerud	Project Management	Chad Anson	CA Group
Hoang Hong	Traffic Operations	Fidel Calixto	CA Group
Judy Tortelli	Traffic Operations	Vinay Virupaksha	CA Group
Randy Travis	Traffic Information	Paul Wolf	PBQ&D
Mark Wooster	Traffic Information	Scott Rickert	PBQ&D
		Christie Thompson	PBQ&D

The DBE goal for this agreement has been established at two percent (2%).

The scope of services that are to be provided by the SERVICE PROVIDER was reaffirmed by both parties at the outset. See attached.

The consultant team and the NDOT team prepared independent cost estimates based on the agreed to scope of work.

The fixed fee of 10% was agreed to by both parties. The Internal Audit Division performed a pre-negotiation audit for the project and a provisional indirect cost rate of 110.34% were recommended to use for the negotiations. If there is a significant change in the indirect cost rate (either side) for the year ended December 30, 2014, an Amendment to the Agreement can be executed.

The DEPARTMENT's original estimate was \$1,595,925 including direct labor (8,366 man-hours of work by the SERVICE PROVIDER), overhead rate of 110.34%, a 10% fee.

The SERVICE PROVIDER's original estimate was \$1,820,436, including direct labor (11,717 man-hours of work by the SERVICE PROVIDER), overhead rate of 110.34%, a 10% fee, and direct expenses at \$483,984 (including sub-consultant expenses).

The negotiations yielded the following:

1. There will be 10,737 total man-hours allotted to the project throughout the course of this agreement at a direct labor cost of \$535,340, including a prorated amount for anticipated raises, which will take effect over the term of the agreement.
2. Based upon the direct labor costs and an overhead rate of 110.34%, the overhead amount will be \$590,694.

3. A fee of 10% was agreed to by both parties, and will be \$112,603 for this agreement based upon direct labor costs and an overhead rate of 110.34%.
4. The direct expenses agreed to total \$483,984 for sub-consultants, reproduction, communication, travel and per diem. There will be no direct compensation for computer time.
5. The total negotiated cost for this agreement, including direct labor, overhead, fee and direct expenses will be \$1,722,622.

Reviewed and Approved:

DocuSigned by:

10/26/2015



Assistant Director

**Estimate of Hours and Direct Expenses**

<b>Man Hours Agreement 133-15-010</b>			
Task	NDOT	Service Provider	Agreed
1. Project Management	1352	992	992
2. Traffic Study	5547	8805	7865
3. Concepts Analysis	1387	1360	1360
4. Initial Environmental Coordination/ PEL Questionnaire	80	184	124
5. Stakeholder Outreach (Part of Task 1 NDOT)		376	376
6.			
7.			
8.			
9.			
10.			
<b>Totals</b>	<b>8366</b>	<b>11717</b>	<b>10717</b>

## NORTHERN NEVADA TRAFFIC STUDY

### SCOPE OF SERVICES

#### 1.0 GENERAL

##### 1.1 STUDY LOCATION AND PURPOSE

The study is located within Reno/Sparks Metropolitan area in Washoe County, Nevada and encompasses the area's freeway system including Interstate 80 (I-80), Interstate 580 (I-580) and US Route 395 (US 395).

The study area focuses on the urbanized portions of the freeway system described above. For the purpose for the study's scope of work, the area has been divided into two areas:

- **INTERIOR LIMITS (Micro-simulation near Spaghetti Bowl and 1<sup>st</sup> adjacent interchange, HCM elsewhere)** - The inner, localized limits of the study location are centered on the I-80/I-580/US-395 system interchange (Spaghetti Bowl). This portion extends from South Virginia/Kietzke interchange to the south to McCarran/Clear Acre interchange to the north. The portion of the I-80 corridor under study extends from Keystone Avenue interchange to the west to Pyramid Way (SR 445) interchange to the east; and,
- **REGIONAL LIMITS (Macro-analysis, HCM analysis)** - The portion of the I-580/US-395 corridor under study extends from Mt. Rose Highway (SR 431) Interchange to the south to Red Rock Interchange to the north. The portion of the I-80 corridor under study extends from Robb Interchange to the west to USA Parkway to the east.

Analysis years for the Study is are as follows:

Base Year: 2015  
Opening Year: 2020  
Interim Year: 2030  
Design Year: 2040

##### 1.2 GENERAL DESCRIPTION OF SERVICES

Services include providing a traffic study for interchange improvements within the study area. The work consists of traffic forecasting, traffic modeling and operational analysis for the purpose of evaluating capacity, operational and safety improvements.

The Consultant will provide a licensed professional engineer in the State of Nevada as a Project Manager.

The scope of services for this work shall include the following major tasks:

- Traffic forecasting

## Northern Nevada Traffic Study – Scope of Work

- Traffic modeling and operational analysis
- Concepts analysis
- Initial environmental coordination/PEL questionnaire
- Project management
- Benefit cost analysis

The Consultant will:

- Be responsible for obtaining and verifying with the DEPARTMENT that they have the most current version of applicable technical references.
- Follow all Federal, State and Local adopted and accepted criteria. Any deviation from criteria will need to be documented and submitted to the DEPARTMENT for approval

### 1.3 SCHEDULE AND DELIVERABLES

The Consultant will prepare a milestone/deliverables schedule to identify significant and major Study related milestones that may surface during the course of the study. The schedule will use the NTP date as the start date. The schedule will be updated monthly or whenever there is a significant change. The schedule will consist of traffic forecasting, traffic modeling and operational analysis, and concepts analysis phase. It is desired that the schedule be organized based on the following prioritized list:

1. Provide traffic forecasts within the REGIONAL LIMITS of the STUDY per the approved methodology;
2. Create and calibrate existing conditions model per the approved methodology for use in opening, interim, and design years within the INTERIOR LIMITS of the STUDY;
3. Perform traffic modeling and operational analysis for both the INTERIOR and REGIONAL LIMITS of the STUDY; and
4. Prepare Traffic Study Report with recommendations and B/C analysis.
5. Provide concepts analysis and prepare a summary Report with recommendations.

The Consultant shall anticipate the following deliverables and each one with a (REPORT) designation will be submitted in draft form first for review and comment by the DEPARTMENT. All electronic files for the models and operational analysis, including those from support software, shall also be submitted as a deliverable. The Consultant shall provide the DEPARTMENT with a DVD that includes the electronic files of all the deliverables.

- Traffic Forecasting Methodology Memorandum (REPORT)
- Traffic Forecasts with Associated Documentation (REPORT)
- Traffic Modeling and Analysis Methodology Memorandum (REPORT)
- Model Calibration Methodology Memorandum (REPORT)
- VISSIM Models for INTERIOR LIMITS (Base, Open, Interim, Design)
  - Base Models (2)
    - AM & PM Peak Period (year 2015)
  - No-build Models (6)

## Northern Nevada Traffic Study – Scope of Work

- AM & PM Peak Period (years 2020, 2030, and 2040)
- Ultimate Configuration (8)
  - AM & PM Peak Period (years 2030 and 2040)
  - Assume ultimate configuration, no ROW constraints; Design to a density of 35 pc/ln-mi or less
- Completed VISSIM Models (years 2020 and 2030) for up to 3 concepts through collaboration with the Department.
  - 12 Build Models
    - AM & PM Peak Period (years 2020 and 2030)
- REGIONAL LIMITS
  - Completed No-Build HCS Analysis for years 2015, 2020 and 2040
  - Completed General Improvements for years 2020 and 2040
- Traffic Study Recommendations (REPORT)
- Concepts Analysis Summary and Recommendations (REPORT)

## 2.0 STANDARD CRITERIA

The Consultant will follow all Federal, State, and Local adopted and accepted criteria for the study. Any deviation from the criteria will be prepared in a Design Memorandum by the Consultant and submitted to NDOT for approval. A list of applicable references for this study will include the most recent versions of the following:

- NDOT Standard Plans for Road and Bridge Construction
- NDOT Standard Specifications for Road and Bridge Construction
- NDOT Drainage Manual
- AASHTO A Policy on Geometric Design of Highways and Streets
- AASHTO Roadside Design Guide
- Manual on Uniform Traffic Control Devices / Red Book
- NDOT Road Design Guide
- NDOT Geotechnical Policies and Procedures Manual 2005
- NDOT Access Management Standards
- NDOT Project Management Guidelines
- NDOT Scoping Guidelines
- NDOT Risk Management Guidelines
- NDOT CORSIM Modeling Guidelines
- NDOT Traffic Forecasting Guidelines
- NDOT Managed Lane and Ramp Metering Manual

## 3.0 PROJECT MANAGEMENT

### 3.1 PROJECT MANAGEMENT AND COORDINATION

The Consultant shall manage / coordinate study development activities with the DEPARTMENT, other agencies, property owners, and the major commercial interests within the footprint of the study area. Project Management will be executed in coordination with the DEPARTMENT's Project Manager and in accordance with the DEPARTMENT's Project Management Guidelines.

#### 3.1.1 Schedule

The Consultant will provide an initial detailed study schedule in Microsoft Project within 3 weeks of the notice to proceed. Updates to the study schedule will be submitted whenever a significant change occurs (>2 weeks) that would affect study completion within the scheduled time period. NDOT will be notified of schedule updates.

### **3.1.2 Progress Reports**

The Consultant will submit a monthly status report with each invoice indicating the status of the study. The report will indicate tasks that were performed during the month to coincide with monthly invoices. Any changes or potential conflicts in scheduling or budget will be noted in the report.

### **3.1.3 Project Management Plan**

The Consultant must prepare a draft project management plan according to the DEPARTMENT's Project Management Guidelines within four (4) weeks of NTP. The plan must define the Consultant's approach on managing the scope, budget, cost, and schedule and quality aspect of their work. The plan must also address communication plan/protocols, stakeholder outreach plan, risk management plan, change management plan and other activities required for effectively managing this study.

### **3.1.4 PMT and NDOT Coordination Meetings**

All meetings will be made available to remote attendees utilizing a minimum of desktop image sharing and teleconferencing.

**Monthly PMT Meetings:** Project management team meetings will convene with project key staff. Meetings will be held in Carson City. The Consultant will prepare agenda and meeting notes. The NDOT PM will distribute meeting invites, agendas, and minutes to the study team. 18 meetings are assumed.

**Miscellaneous NDOT Coordination Meetings:** Various NDOT coordination meetings will be necessary as the study progresses, such as front-office updates, scope and schedule management meetings, and agency updates. The Consultant will prepare for, attend, and document 18 meetings throughout the study. NDOT PM is to be included in all meetings.

### **3.1.5 Quality Control/Quality Assurance**

The Consultant will perform ongoing review and checks of all deliverables by an independent reviewer. Consultant shall prepare and provide the appropriate QC checklists as provided in the NDOT Traffic Forecasting and CORSIM Modeling Guidelines.

## **4.0 TRAFFIC STUDY**

## Northern Nevada Traffic Study – Scope of Work

The Traffic Study Task shall include traffic forecasting, traffic modeling and operational analysis. Traffic forecasting shall be completed following methodologies in the *NDOT Traffic Forecasting Guidelines*. Although the Consultant may use VISSIM analysis software, all traffic operational analysis shall be completed in accordance with the *NDOT CORSIM Modeling Guidelines*. The Consultant will coordinate with the DEPARTMENT's Traffic Information Division and the Regional Transportation Commission of Washoe County (RTC) to develop consensus traffic forecasts for the corridor. The purpose of the traffic study is to:

- Develop design year (2040) travel demand forecasts to verify lane requirements and define capacity improvement projects, assuming 2015 base year and 2020 opening year and 2030 interim year; and
- Perform operational analysis of concepts and prepare a summary report including recommendations

## 4.1 TRAFFIC FORECASTING

### 4.1.1 Traffic Forecasting Methodology Memorandum

The Consultant shall prepare a Traffic Forecasting Methodology Memorandum for review and approval by the DEPARTMENT. Existing traffic volume information shall be collected in enough detail to address traffic parameters as listed in the *NDOT Traffic Forecasting Guidelines* for the following types of projects:

- Environmental Analysis
- Conceptual Layout/Design
- Operational Analysis

### 4.1.2 Traffic Forecasting

The Consultant shall complete the traffic forecasting based on the approved Methodology Memorandum. The traffic forecasts for Build and No Build scenarios shall be based on the Regional Transportation Commission of Washoe County's (RTC) travel demand model (TransCAD) and as approved by the DEPARTMENT. Forecasts will include turning movements for all interchanges. The traffic forecasts with associated documentation will be submitted to the DEPARTMENT's Traffic Information Division for approval prior to use in the operational analysis.

#### 4.1.2.1 Socio-Economic Validation, Analysis and Forecast: 2015-2040

The purpose of RCG's Socio-Economic Validation, Analysis & Forecast is to "reality check" and reconcile (from other sources) the Transcad's model assumptions and results for the subject study area in five-year increments from 2015 through 2040. It also includes making recommendations for any indicator-specific assumptions and results that should be revised. Socio-economic patterns and trends potentially exert a major influence on future residential and commercial (primarily retail and office) travel

demands in the study area. The indicators that will be identified are illustrated in the matrix below.

Our proposed Demographic Analysis & Forecast will combine regional population, employment and other demographic indicators. The focus of our research will be to identify the socio-economic character of the study area between 2015 and 2040. Our research on the project will be based on RCG’s knowledge of the Northern Nevada economy, our forecasting expertise and our previous work in regional demographic and economic analysis.

**Socio-Economic Analysis: Transcad Model Validation – 2015-2040 in Five-Year Increments**

<b>Socio-Economic Indicators to be Validated and Reconciled: Project Study Area</b>
Total households(does not include group quarters)
Low-income households
Medium-income households
High-income households
Total zonal household population (does not include group quarter population)
Total zonal group quarter population (population in dorms, retirement communities, etc.)
Households with 1 person
Households with 2 people
Households with 3 people
Households with 4 people
Households with 5 people
Households with 6 people
Population of age 0 to 19 i
Population of age 0 to 19
Population of age 20 to 54
Population 55 years of age or older
Elementary school enrollment
Secondary school enrollment
University enrollment
Agriculture, mining, and construction employment
Agriculture, mining, and construction employment
Manufacturing, transportation, communications, utilities and wholesale employment
Retail employment
Retail employment
Service and office employment
Other employment
Gaming employment

**4.1.2.2 Region Economic Overview (Economic-Base Analysis)**

RCG’s analysis of the study area’s economy and its influence on the traffic demand model includes an Economic-Base Analysis. RCG’s analysis will address two major issues: (1) Current sources employment in the study area, and (2) the expected changes in the composition of the study area economy. Our analysis will identify historical and current patterns and those that are likely to occur as the economy matures and evolves. The three components of our research are:

<b>Economic-Base Analysis</b>
Economic Composition (Location Quotient)
Economic Patterns & Trends (Shift Share)
Regional Economic Strengths, Weaknesses, Opportunities & Threats

**4.1.2.3 Development Patterns and Trends Overview**

RCG will provide an overview of the study area’s current and future residential and commercial development factors. It must be noted that RCG’s analysis is not designed to be a comprehensive evaluation of the market support for specific development projects, highest-and-best-use analyses of individual parcels or sets of parcels. It is an overview of general patterns and trends as shown below:

<b>Current &amp; Future Residential Development Trends</b>
Absorption
Vacancy
Inventory
<b>Current &amp; Future Commercial Development Indicators</b>
<i>Office</i>
Absorption
Vacancy
Inventory
<i>Anchored Retail</i>
Absorption
Vacancy
Inventory
<i>Industrial</i>
Absorption
Vacancy
Inventory

### 4.1.3 Additional Data Collection

The Consultant's data collection shall include information as necessary to provide the basic items listed below, which are required as inputs to perform a traffic operations analysis and Benefit/Cost (B/C) Analysis. Data collection under this task will be limited to entrance/exit ramps and mainline associated with the Spaghetti Bowl.

- Length of peak period in hours
- Number of general traffic lanes (Build and No Build conditions)
- Freeway free-flow speeds (Build and No Build conditions)
- Average daily traffic Current Year
- Average daily traffic Base Year and Forecast Year (Build and No Build conditions)
- Percent traffic in weave if applicable
- Percent trucks (include RVs if applicable)
- Hourly ramp volume (Build and No Build conditions)
- Metering strategy (1,2 or 3)
- Queue formation if queuing or grade crossing study
  - Arrival rate in vehicles per hour (Build and No Build conditions)
  - Departure rate in vehicles per hour (Build and No Build conditions)
- General traffic during non-peak periods
  - General traffic during peak periods
- Collision reduction factors after improvements

#### 4.1.3.1 Traffic Counts

NDOT Traffic to provide all mainline and ramp traffic count data. Data will be from 2014 due to significant construction activities within the project corridor during 2015. Consultant to collect 2 hour AM and PM peak hour turning movement counts at the intersections identified in Exhibit "S1".

#### 4.1.3.2 Measures of Effectiveness (MOE's)

Model input data (data for model development) and calibration MOE data (data for model calibration) will be provided by the Consultant. This data includes travel time runs and identifying queue lengths and providing video during the field reviews:

- 2 hours of total field calibration
- 30 minutes of build up
- 1 hours of peak traffic
- 30 minutes of dissipation
- Video of survey to identify approximate queuing lengths

Data will be post-processed/prepared to be used for VISSIM analysis (to develop balanced 30-minute volumes, etc.).

## 4.2 TRAFFIC MODELING AND OPERATIONAL ANALYSIS

#### **4.2.1 Model Task Force**

The Consultant shall coordinate and facilitate a Traffic Model Task Force comprised of representatives from NDOT, RTC of Washoe County, City of Reno, City of Sparks, Lyon County and Storey County. The purpose of this task force will be to gain consensus on the traffic model assumptions, land uses, and other variable to be used within the traffic model.

#### **4.2.2 Model Calibration Methodology Memorandum**

The Consultant shall prepare a Model Calibration Methodology memorandum for review and approval by the DEPARTMENT's Traffic Operation's staff.

#### **4.2.3 Model Calibration**

The Consultant shall create and calibrate the existing base year model based on the approved Methodology Memorandum.

#### **4.2.4 Traffic Modeling and Operational Analysis Methodology Memorandum**

The Consultant shall prepare a Traffic Modeling and Operational Analysis Methodology memorandum for review and approval by the DEPARTMENT's Traffic Operation's staff. The limits of analysis (geographic and temporal), data sources, peak period intervals, and other key items that need to be reviewed and agreed upon will be identified in this Methodology memorandum.

Traffic models will be developed for the purpose of completing environmental analysis, roadway design and operational analysis. Analysis shall include obtaining traffic signal timing data from the appropriate agency for service street connections at each interchange.

#### **4.2.5 Traffic Modeling and Operational Analysis – Base, Opening, Interim, and Design Years**

The Consultant shall complete traffic modeling and operational analysis based on the approved Methodology memorandum. Concepts will be developed by the Consultant in collaboration with the DEPARTMENT and traffic modeling and operational analysis shall be performed for:

- Micro-simulation (VISSIM and SYNCHRO) within the INTERIOR limits of the STUDY
- Macro-simulation (HCS 2010) within the REGIONAL LIMITS of the STUDY

The following analysis shall be performed:

- REGIONAL LIMITS

## Northern Nevada Traffic Study – Scope of Work

- HCS analysis of freeway and ramp weaving/merging movements for Existing 2020 and 2040
  - HCS analysis of freeway and ramp weaving/merging for one scenario of general improvements (i.e. adding a ramp lane) for 2040.
  - For the interchanges located along US 395 at Stead, Lemmon and Golden Valley; and along I-80 at Sparks, Patrick and USA Parkway additional analysis will include the above while also incorporating a SYNCHRO analysis of the interchange cross street including ramp intersection and the first adjacent significant intersection of each side of the interchange (when applicable). Analysis will include HCS/SYNCHRO analysis for one scenario of general improvements including potential laneage modifications at the ramps and intersections for 2020 and 2040.
- INTERIOR LIMITS
    - VISSIM analysis to be provided for a calibrated existing (No Build) model for 2015, 2020, 2030 and 2040 AM and PM peaks.
    - VISSIM analysis to be provided for an Ultimate Concept (no ROW constraints; Design to a density of 35 pc/ln-mi or less) for 2030 and 2040 AM and PM peaks.
    - VISSIM analysis of up to three (3) concepts as identified in Section 5.2 for 2020 and 2030 AM and PM peaks.

### 4.3 TRAFFIC STUDY RECOMMENDATIONS

The Consultant shall prepare a Traffic Study Report that includes documentation of all analysis performed with geometric recommendations for Spaghetti Bowl based on the operational analysis performed. The draft report will be submitted first for review and comment by the DEPARTMENT. The final report that addresses all comments will then be submitted. All electronic files for the models, including those from support software, shall also be submitted.

## 5.0 CONCEPT ANALYSIS

### 5.1 CONCEPTUAL ALTERNATIVES

The Consultant shall develop conceptual alternatives that provide capacity, operational, and safety improvements within the study area. The Consultant will collaboratively work with the DEPARTMENT to identify, develop, and refine up to three (3) concepts for improvements to the Spaghetti Bowl interchange.

Concepts shall be developed based upon aerial mapping and photography provided by the DEPARTMENT. Concepts will be developed to a level of providing appropriate horizontal geometry in accordance with AASHTO. Profiles will not be required; however, Consultant shall consider vertical geometry at crossing roadways and tie-ins to existing pavement. Plans and profiles are not part of the study scope.

## **5.2 CONCEPT TRAFFIC ANALYSIS**

The Consultant shall develop micro-simulation models to evaluate the effectiveness, operational efficiency and identify potential impacts of the preferred conceptual improvements within the study area. As various concepts are being developed and analyzed based on the results of the Traffic Study, the DEPARTMENT will coordinate with the Consultant to determine which concepts shall be modeled under this task through an two one-day workshops between the Consultant and NDOT staff. The preferred concepts may include modifying the ultimate build-out (Spaghetti Bowl layout that meets the design year traffic volume requirements) geometrically to address R/W, environmental and utility constraints based on need, constructability, overall impacts and funding. The Consultant shall anticipate up to three meetings with the DEPARTMENT to refine the limits and determine which concepts will be modeled.

Operational analysis to be conducted as described in Section 4.2.5.

The Consultant shall prepare a report to document work performed under this task. Information will include, but not be limited to: documenting the advantages, disadvantages and screening process of concepts analyzed; validating concepts, and providing recommendations.

## **5.3 ITS ALTERNATIVES**

The Consultant shall review potential short term and long term ITS improvements to the study. Improvements shall be conceptual in nature and not include any detailed traffic analysis. Potential improvements to be discussed include, but are not limited to, ramp metering, advanced traffic management systems (ATMS), and high occupancy vehicle lanes.

## **6.0 INITIAL ENVIRONMENTAL COORDINATION/PEL QUESTIONNAIRE**

The Consultant will coordinate with the DEPARTMENT to select the highest priority study. Any analysis provided under this task will include Planning and Environmental Linkages (PEL) of all modes of transportation.

## **7.0 PUBLIC AND STAKEHOLDER OUTREACH**

### **7.1 STAKEHOLDER OUTREACH**

Additional meetings with RTC of Washoe County, City of Reno, City of Sparks, and other study stakeholders may be necessary as the study progresses. The Consultant will prepare for, attend, and document 20 meetings throughout the study.

### **7.2 PUBLIC OUTREACH**

One (1) public meeting will be noticed, convened, and facilitated for the study. The Consultant will handle all logistics for the meeting, including venue, audio/visual needs, ADA compliance, stakeholder invitations, and media/public calendar notification. A minimum of two (2) weeks prior to the public meeting, the Consultant

Northern Nevada Traffic Study – Scope of Work

will attend “dry run” meeting with NDOT to review the content of exhibits, handouts, and other public meeting information, and make any changes necessary to those items as required by NDOT. Two Consultant team members will attend the pre-meeting in person and others will join via a conference call.

Meeting notification will be conducted through NDOT and social and printed media. NDOT will be responsible for placing ads. Consultant will provide NDOT with advertisement write-up. Consultant will work with NDOT and project stakeholders for advertising the meeting through their social media sites.

# Line Item 5

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

RECEIVED

APR 02 2015

FINANCIAL MANAGEMENT

MEMORANDUM

**DATE:** April 1, 2015

**TO:** 1. Donna Spelts, Budget Section  
2. Norfa Lanuza, Project Accounting *N Lanuza 4/9/15*  
3. Rudy Malfabon, P.E., Director

**FROM:** Dennis Gallagher, Chief Deputy Attorney General, Legal Division *DF*  
E. Pierre Gezelin, Senior Deputy Attorney General, Legal Division

**SUBJECT:** REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL  
FOR AMENDMENT #3 TO AGREEMENT NO. P273-13-004  
FOR SNELL & WILMER, L.L.P.  
IN THE MATTER OF *MEADOW VALLEY CONTRACTORS*  
CONTRACT 3389

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This Agreement was initiated as a contract with outside legal counsel to advise and assist the Nevada Department of Transportation (Department) in the public records request of Meadow Valley Contractors regarding Contract 3389. The review of information required the assistance of an outside contractor to gather, review, analyze, and review thousands of documents for confidentiality and privilege that had been requested under a public records request.

This Agreement was further amended for legal counsel to represent the Department in the construction claim of Meadow Valley Contractors, Inc. (MCVI), regarding Contract 3389. The Firm is to be representing the Department in an attempt to settle the \$14.3 million dollar claim submitted by MCVI on November 17, 2014. If the claim is not settled, Snell and Wilmer, LLP will represent the Department through litigation and appeal, if necessary.

On July 18, 2013, NDOT contracted with Snell & Wilmer for \$30,000 for assistance with the public records request. On July 29, 2014, Amendment No. 1 expanded the term and allowed for continued support regarding this construction claim in the amount of \$50,000.

On November 17, 2014, Meadow Valley Contractors presented and certified another claim to the DEPARTMENT, and Meadow Valley Contractors now claims over \$14.3 million. On December 9, 2014, Amendment No. 2 increased the amount of this agreement by Ninety Thousand Dollars (\$90,000.00) to continue to provide legal counsel.

New Agreement with Snell & Wilmer

Re: Meadow Valley Contractors Public Records Request on Contract 3399

Page 2

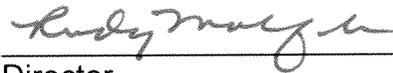
This Amendment No. 3 increases the amount to be paid to the SERVICE PROVIDER by Four Hundred Fifty Thousand Dollars (\$450,000.00) and extends the term of the agreement to July 30, 2016. These monies are necessary to proceed with discovery, settlement negotiation, mediation, litigation and appeal.

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

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

Approved:

Approved



Director



Budget Section

Requires Transportation Board Presentation

Requires IT Review

COMMENTS:

Agreement Total cost = \$620,000.00  
Determining if NDOT is responsible for any of claimed costs. Will request FHWA participation if appropriate. - RM



## MEMORANDUM

November 2, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 9, 2015, Transportation Board of Directors Meeting  
**Item #8:** Contracts, Agreements, and Settlements – Informational Item Only

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### **Summary:**

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

- Construction contracts under \$5,000,000 awarded September 19, 2015, through October 15, 2015
- Agreements under \$300,000 executed September 19, 2015, through October 15, 2015
- Settlements entered into by the Department which were presented for approval to the Board of Examiners September 19, 2015, through October 15, 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 September 19, 2015, through October 15, 2015, and agreements executed by the Department from September 19, 2015, through October 15, 2015. There were two (2) settlements during the reporting period.

**Analysis:**

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

**List of Attachments:**

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, September 19, 2015, through October 15, 2015
- B) State of Nevada Department of Transportation Executed Agreements – Under \$300,000, September 19, 2015, through October 15, 2015
- C) State of Nevada Department of Transportation Settlements - Informational, September 19, 2015, through October 15, 2015

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

**Prepared by:** Administrative Services Division

# Attachment

# A

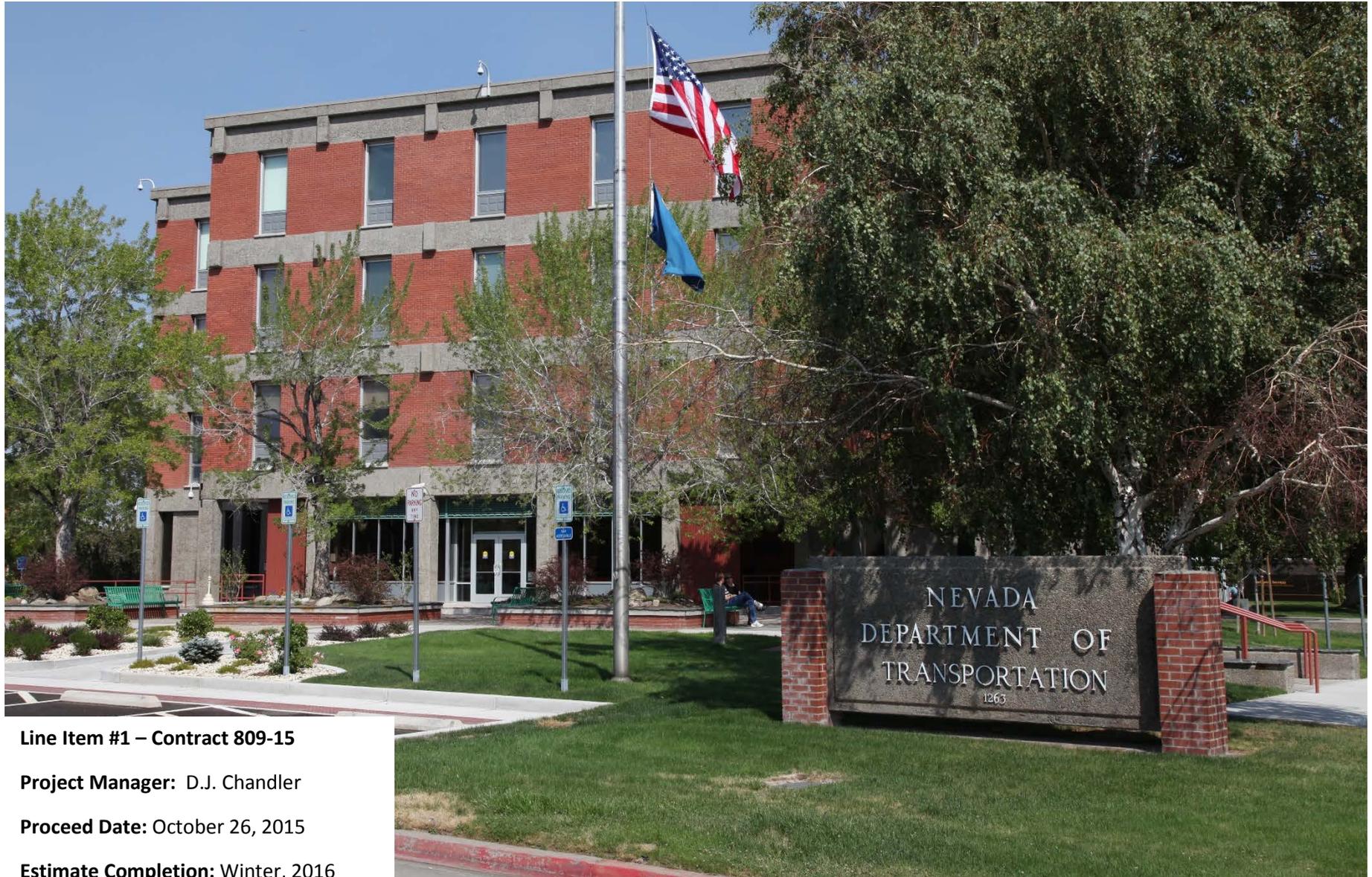
**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION  
CONTRACTS AWARDED - INFORMATIONAL  
September 19, 2015 to October 15, 2015**

1. September 10, 2015, at 1:30 PM, the following bids were opened for Contract 809-15, Project No. SP-HQ-0702(066), NDOT Headquarters Building, 3rd Floor Computer Server Room, in Carson City County, for Server Room Upgrade: mechanical and fire protection systems; workroom for existing servers; and rack-mounted UPS power distribution package.

Silver Knolls Electric, Inc.....	\$508,880.00
Building Solutions, Inc.....	\$637,111.00

**Engineer's Estimate** .....\$731,678.00

The Director awarded the contract, September 22, 2015, to Silver Knolls Electric, Inc. for \$508,880.00.



**Line Item #1 – Contract 809-15**

**Project Manager: D.J. Chandler**

**Proceed Date: October 26, 2015**

**Estimate Completion: Winter, 2016**

# Attachment B

State of Nevada Department of Transportation  
Executed Agreements - Informational  
September 19, 2015, through October 15, 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	59015	00	BERGER TRANSFER AND STORAGE	PARCEL I-015-CL-041.443	Y	23,787.27	-	23,787.27	-	9/25/2015	7/31/2016	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON COMMERCIAL MOVER FOR PARCEL I-015-CL-041.443 FOR MEYERS ELECTRIC, CLARK COUNTY. NV B/L#: NVF20141052565
2	59415	00	DESERT LANE MLK INVESTMENT LTD	PARCEL I-015-CL-042.071	N	600,000.00	-	600,000.00	-	9/28/2015	6/30/2017	-	Acquisition	TINA KRAMER	10-02-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.071, CLARK COUNTY. NV B/L#: EXEMPT
3	57715	00	GARY AND PATRICIA MENKEL	PARCEL I-015-CL-042.007 #1	N	13,040.32	-	13,040.32	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-28-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.007, 671 DESERT LANE UNIT 1, CLARK COUNTY. NV B/L#: EXEMPT
4	57915	00	GARY AND PATRICIA MENKEL	PARCEL I-015-CL-042.007 #1	N	12,791.93	-	12,791.93	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.007, 681 DESERT LANE UNIT 1, CLARK COUNTY. NV B/L#: EXEMPT
5	57815	00	GARY AND PATRICIA MENKEL	PARCEL I-015-CL-042.007 #2	N	8,927.49	-	8,927.49	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.007, 671 DESERT LANE UNIT 2, CLARK COUNTY. NV B/L#: EXEMPT
6	57515	00	MVR CORPORATION	PARCEL I-015-CL-041.236	N	52,900.00	-	52,900.00	-	9/25/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.236, 1618 WESTERN AVENUE, CLARK COUNTY. NV B/L#: NVD19891031914
7	57615	00	MVR CORPORATION	PARCEL I-015-CL-041.236	N	23,045.80	-	23,045.80	-	9/25/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.236, 1566 WESTERN AVENUE, CLARK COUNTY. NV B/L#: NVD19891031914
8	58515	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.935 #2	N	14,107.25	-	14,107.25	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.935, 800 MARTIN LUTHER KING BLVD UNIT 2, CLARK COUNTY. NV B/L#: NVD20041124752
9	58615	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.935 #2	N	14,280.00	-	14,280.00	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.935, 820 MARTIN LUTHER KING BLVD UNIT 2, CLARK COUNTY. NV B/L#: NVD20041124752
10	60315	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.935 #4	N	16,378.22	-	16,378.22	-	10/1/2015	9/30/2017	-	Acquisition	TINA KRAMER	10-07-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.935, 800 MARTIN LUTHER KING BLVD, UNIT #4, CLARK COUNTY. NV B/L#: NVD20041124752

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
11	58015	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.937 #2	N	14,280.00	-	14,280.00	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.937, 811 DESERT LANE UNIT 2, CLARK COUNTY. NV B/L#: NVD20041124752
12	33615	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.937 #2	N	14,280.00	-	14,280.00	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.937, 821 DESERT LANE UNIT 2, CLARK COUNTY. NV B/L#: NVD20041124752
13	58115	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.937 #3	N	14,011.20	-	14,011.20	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.937, 811 DESERT LANE UNIT 3, CLARK COUNTY. NV B/L#: NVD20041124752
14	63715	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.937 #3	N	14,203.22	-	14,203.22	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.937, 821 DESERT LANE UNIT 3, CLARK COUNTY. NV B/L#: NVD20041124752
15	58415	00	RANCH PROPERTIES, LLC	PARCEL I-015-CL-041.937 #4	N	16,478.22	-	16,478.22	-	9/22/2015	9/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-041.937, 821 DESERT LANE UNIT 4, CLARK COUNTY. NV B/L#: NVD20041124752
16	59115	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 #200	Y	16,996.00	-	16,996.00	-	9/23/2015	11/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 SOUTH MARTIN LUTHER KING BLVD UNIT 200, CLARK COUNTY. NV B/L#: NVD20061644436
17	59215	00	REICH SERIES LLC	PARCEL I-015-CL-042.112 #210	Y	16,897.33	-	16,897.33	-	9/23/2015	11/30/2017	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON PROTECTIVE RENT AGREEMENT FOR PARCEL I-015-CL-042.112, 550 SOUTH MARTIN LUTHER KING BLVD UNIT 210, CLARK COUNTY. NV B/L#: NVD20061644436
18	58815	00	UNION PACIFIC LAND RESOURCES	PARCEL I-015-CL-042.225	Y	45,000.00	-	45,000.00	-	9/21/2015	9/15/2016	-	Acquisition	TINA KRAMER	09-24-15: PROJECT NEON ACQUISITION OF PARCEL I-015-CL-042.225, CLARK COUNTY. NV B/L#: EXEMPT
19	59515	00	WMCV PHASE 2, LLC	PARCEL I-015-CL-042.276TE	N	147,200.00	-	147,200.00	-	9/25/2015	12/31/2019	-	Acquisition	TINA KRAMER	09-29-15: PROJECT NEON TEMPORARY EASEMENT FOR PARCEL I-015-CL-042.276TE, CLARK COUNTY. NV B/L#: EXEMPT
20	58915	00	CUSHMAN & WAKEFIELD OF NEVADA	APPRAISAL SERVICES NEON	Y	14,006.25	-	14,006.25	-	9/18/2015	3/31/2016	-	Appraisal	TINA KRAMER	09-24-15: PROJECT NEON REAL ESTATE APPRAISAL SERVICES FOR PARCELS I-015-CL-042.225, I-015-CL-041.756, I-015-CL-041.756TE, I-015-CL-041.410, I-015-CL-041.410TE, I-015-CL-041.189, I-015-CL-041.189TE, CLARK COUNTY. NV B/L#: NVF20011348467
21	58315	00	DOUGLAS AREA REGIONAL TRANSIT	VEHICLE GRANT	Y	76,496.80	-	76,496.80	15,299.36	9/24/2015	9/16/2020	-	Cooperative	MICHELLE GARDNER	09-24-15: FEDERAL TRANSIT AUTHORITY (FTA) VEHICLE GRANT FOR PURCHASE OF AN AMERICANS WITH DISABILITIES ACT (ADA) VAN FOR USE IN DOUGLAS AREA REGIONAL TRANSIT'S (DART) PUBLIC TRANSPORTATION PROGRAM, DOUGLAS COUNTY. NV B/L#: EXEMPT

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Dept. Project Manager	Notes
22	36215	00	UNIVERSITY OF NEVADA, RENO	PAVEMENT DESIGN AND MATERIALS RESEARCH	N	150,000.00	-	150,000.00	-	10/1/2015	6/30/2017	-	Interlocal	CHARLIE PAN	10-13-15: TO CONDUCT RESEARCH AND DEVELOPMENT TO PROMOTE INCREASED EFFICIENCY IN THE DESIGN AND CONSTRUCTION OF HIGHWAY PAVEMENTS IN NEVADA, STATEWIDE. NV B/L#: EXEMPT
23	60215	00	COX COMMUNICATIONS	ADJUST MANHOLE AND VALVE COVER	N	-	-	-	-	10/5/2015	9/30/2018	-	Facility	TINA KRAMER	10-07-15: NO COST AGREEMENT TO ADJUST MANHOLE AND VALVE COVERS ON BLUE DIAMOND AND FORT APACHE ROADS, CLARK COUNTY. NV B/L#: NVF19981315619
24	58715	00	LAS VEGAS VALLEY WATER DISTRICT	ADJUST MANHOLE & VALVE COVERS	N	15,900.00	-	15,900.00	15,400.00	9/18/2015	12/31/2017	-	Facility	TINA KRAMER	09-24-15: ADJUST APPROXIMATELY SEVEN (7) MANHOLE, NINE (9) VALVE COVERS, AND ONE (1) ANODE TESTING STATION BOX ON SR 160, BLUE DIAMOND AND FORT APACHE/EL CAPITAN WAY. TOTAL ESTIMATED COST OF THE AGREEMENT IS \$15,900.00 WITH \$15,400.00 TO BE REIMBURSED TO THE DEPARTMENT. CLARK COUNTY. NV B/L#: EXEMPT
25	55215	00	NV ENERGY	ADJUSTMENT OF UTILITIES	N	1,052,298.00	-	1,052,298.00	-	9/16/2015	8/31/2018	-	Facility	TINA KRAMER	09-21-15: ADJUSTMENT OF UTILITY FACILITIES FOR SR 439 USA PARKWAY FROM LYON COUNTY TO I-80, STOREY COUNTY. NV B/L#: NVD19831015840
26	60115	00	NV ENERGY	DESIGN APPROVAL AGREEMENT	N	-	-	-	-	9/29/2015	2/28/2018	-	Facility	TINA KRAMER	10-02-15: NO COST AGREEMENT FOR APPROVAL OF UTILITY DESIGN FORT APACHE AND EL CAPITAN SERVICE PEDESTAL, CLARK COUNTY. NV B/L#: NVD19831015840
27	60015	00	NV ENERGY	DESIGN INITIATION AGREEMENT	N	-	-	-	-	9/29/2015	2/28/2018	-	Facility	TINA KRAMER	10-02-15: NO COST AGREEMENT TO INITIATE UTILITY DESIGN FOR US-95 AND MILLERS ROADSIDE, CLARK COUNTY. NV B/L#: NVD19831015840
28	59315	00	NV ENERGY	PRELIMINARY ENGINEERING	N	10,000.00	-	10,000.00	-	9/28/2015	5/19/2017	-	Facility	TINA KRAMER	10-02-15: PRELIMINARY ENGINEERING FOR THE ADJUSTMENT OF UTILITY FACILITIES, LYON AND STOREY COUNTIES. NV B/L#: NVD19831015840
29	57215	00	NV ENERGY	RELOCATION DESIGN	N	10,000.00	-	10,000.00	-	8/24/2015	2/28/2016	-	Facility	TINA KRAMER	09-25-15: PRELIMINARY DESIGN OF UTILITY FACILITY RELOCATIONS FOR NV ENERGY, CLARK COUNTY. NV B/L#: NVD19981212884
30	54215	00	TRUCKEE MEADOWS COMMUNITY COLLEGE (TMCC)	LOCAL TECHNICAL ASSISTANCE PROGRAM (LTAP)	Y	600,000.00	-	600,000.00	-	10/1/2015	10/31/2017	-	Interlocal	KEN CHAMBERS	10-09-15: FHWA PROVIDES FUNDING AND THE DEPARTMENT ADMINISTERS THE LOCAL TECHNICAL ASSISTANCE PROGRAM (LTAP) AS PART OF THE TECHNOLOGY TRANSFER PROGRAM. TMCC WILL RENDER TECHNICAL ASSISTANCE TO THE DEPARTMENT IN FULFILLING TASKS FOR THE LTAP PROGRAM, STATEWIDE. NV B/L#: EXEMPT
31	48815	00	TRUCKEE MEADOWS COMMUNITY COLLEGE (TMCC)	MAINTENANCE TRAINING	N	90,000.00	-	90,000.00	-	9/14/2015	12/30/2016	-	Interlocal	MARK EVANS	09-21-15: TO DEVELOP, ORGANIZE, AND HOST THREE, TWO DAY TRAINING ACADEMIES FOR MAINTENANCE WORKERS AND SUPERVISORS, CLARK, ELKO, AND WASHOE COUNTIES. NV B/L#: EXEMPT

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Dept. Project Manager	Notes
32	52412	02	UNIVERSITY OF NEVADA, RENO	NEVADA ITS MOBILE PROJECT	Y	312,445.00	-	701,445.00	-	1/14/2013	12/30/2016	9/28/2015	Interlocal	ROD SCHILLING	AMD 2 09-28-15: NO COST AMENDMENT TO INCLUDE IN THE SCOPE OF WORK: GENERAL MANAGEMENT OF THE PROJECT, PROTOTYPING, DETAILED DESIGN, INSTALLATION AND DEPLOYMENT OF HARDWARE, APPLICATION TRAINING, BACK-END DEVELOPMENT, WINTER WEATHER PILOT OPERATIONS, AND PERFORMANCE DATA ANALYSIS AND INTERPRETATION. AMD 1 12-01-14: INCREASE AUTHORITY \$389,000.00 FROM \$312,445.00 TO \$701,445.00 TO CONTINUE LEVERAGING EXISTING COMMUNICATION INFRASTRUCTURE, AND VEHICLE-INSTALLED EQUIPMENT ALONG US395/180 CORRIDOR FOR A CONNECTED VEHICLE PILOT CORRIDOR, AND EXTEND TERMINATION DATE FROM 12-31-14 TO 12-30-16 DUE REQUIRED TIME TO INSTALL THE NECESSARY EQUIPMENT AND INCORPORATE THE COLLECTED DATA AS PART OF THE PROJECT INTO PRACTICAL APPLICATIONS. 01-14-13: PHASE 2 OF THE NEVADA INTELLIGENT TRANSPORTATION SYSTEM (ITS) MOBILE OBSERVATION PROJECT, STATEWIDE. NV B/L#: EXEMPT
33	45015	00	UNIVERSITY OF NEVADA, RENO	RESEARCH PROJECT	Y	200,016.00	-	200,016.00	-	9/30/2015	8/31/2017	-	Interlocal	MANJU KUMAR	10-02-15: CONDUCT A RESEARCH PROJECT ENTITLED "MAINTENANCE DECISION SUPPORT SYSTEM (MDSS): PHASE 3." DEMANDS FOR BUDGET EFFICIENCIES, COUPLED WITH THE GROWING EXPECTATION FROM THE PUBLIC TO KEEP ROADS CLEAR OF SNOW AND ICE CAN PLACE STRAIN ON NDOT'S WINTER ROAD MAINTENANCE SYSTEM. IN RESPONSE TO THIS, THE DEPARTMENT IS IN THE PROCESS OF CONDUCTING A PILOT TEST OF THE INFRASTRUCTURE CAPABILITIES NECESSARY TO IMPLEMENT SYSTEMS SUCH AS INTELLIGENT TRANSPORTATION SYSTEMS (ITS), MATERIALS MANAGEMENT SYSTEMS (MMS) AND/OR MAINTENANCE DECISION SUPPORT SYSTEMS (MDSS), ALL THREE OF WHICH DIRECTLY IMPACT TWO OF THE DEPARTMENTS 2015 CRITICAL TASK AREAS. DEVELOPMENT OF THESE CAPABILITIES WOULD HELP MITIGATE STRAINS ON THE MAINTENANCE PROGRAM BY REDUCING OVERLOAD AND INCREASING EFFICIENCY. STATEWIDE. NV B/L#: EXEMPT
34	57315	00	JJJ INVESTMENTS, LLC	ROW ACCESS	N	-	-	-	-	9/16/2015	3/31/2017	-	ROW Access	TINA KRAMER	09-22-15: NO COST AGREEMENT FOR ROW ACCESS, SR 529 SOUTH CARSON STREET FROM OVERLAND STREET TO FAIRVIEW DRIVE, CARSON CITY. NV B/L#: NVD2011127369
35	54315	00	AGGREGATE INDUSTRIES	REMOVE CATTLE GUARD	N	116,900.00	-	116,900.00	-	9/28/2015	6/30/2016	-	Service Provider	JENNIFER MANUBAY	09-28-15: TO REMOVE CATTLE GUARD AND RECONSTRUCT ROADWAY ON US95 MP CL 0.00, CLARK COUNTY. NV B/L#: NVD19701000737-Q

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
36	62715	00	BATTLE BORN TREE SERVICE	SNOW REMOVAL SERVICES	N	24,000.00	-	24,000.00	-	11/1/2015	11/1/2017	-	Service Provider	JIM PRENTICE	10-13-15: SNOW REMOVAL SERVICES FOR HEAD QUARTERS CAMPUS, CARSON CITY. NV B/L#: NVD20131580674-Q
37	63315	00	BRAMCO CONSTRUCTION COMPANY	FUEL ISLAND FALLON	N	191,974.00	-	191,974.00	-	10/7/2015	7/31/2016	-	Service Provider	ANNETTE BALLEW	10-7-15: TO RENOVATE FUEL ISLAND AT FALLON MAINTENANCE STATION, CHURCHILL COUNTY. NV B/L#: NV19811010649-Q
38	43115	00	CARDNO, INC.	SUE SVCS US50 AT CAVE ROCK	N	9,200.00	-	9,200.00	-	9/25/2015	9/15/2016	-	Service Provider	CHRIS PETERSEN	09-28-15: SUBSURFACE UTILITY ENGINEERING (S.U.E.) SERVICES TO EXTEND WEST BOUND TUNNEL ON US 50 AT CAVE ROCK, DOUGLAS COUNTY. NV B/L#: NVF20111772626-Q
39	80414	01	CLEAN HARBORS ENVIRO. SERV.	CULVERT CLEANING CC, DO & WA	N	539,749.10	8,813.35	548,562.45	-	7/8/2014	12/31/2015	9/24/2015	Service Provider	GREG MINDRUM	AMD 1 09-24-15: INCREASE AUTHORITY \$8,813.35 FROM \$539,749.10 TO \$548,562.45 TO ACCOMMODATE ADDITIONAL UNANTICIPATED SERVICES INCLUDING THE DEPARTMENTS ENVIRONMENTAL SECTION'S REQUIREMENTS FOR DEWATERING AT THE INCLINE VILLAGE DEWATER FACILITY. 07-08-14: PROVIDE CULVERT CLEANING SERVICES AT VARIOUS LOCATIONS IN THE LAKE TAHOE BASIN, CARSON CITY, DOUGLAS AND WASHOE COUNTIES. NV B/L #: NVF20021375471
40	60415	00	DONNA SUE MASON, CPL	MINERAL ANALYSIS AND CONSULT	Y	15,000.00	-	15,000.00	-	9/1/2015	7/1/2016	-	Service Provider	TINA KRAMER	10-07-15: SURFACE LAND AND MINERAL TITLE ANALYSIS AND CONSULTATION SERVICES, LYON COUNTY. NV B/L#: NVD20131282255-S
41	40615	01	FRED ANDERSON DRILLING, INC.	DRILL WELL QUINN RIVER MAINTENANCE	N	77,523.75	-	77,523.75	-	7/30/2015	11/30/2015	9/28/2015	Service Provider	ROSS BAKER	AMD 1 09-28-15: NO COST AMENDMENT TO EXTEND TERMINATION DATE FROM 09-30-15 TO 11-30-15 DUE TO CONSTRUCTION DELAYS AND DRILLING COMPLICATIONS. 07-30-15: DRILLING OF A NEW WELL AT QUINN RIVER MAINTENANCE STATION, HUMBOLDT COUNTY. NV B/L#: NVD19781006269-S
42	63215	00	GALT DEVELOPMENT	REPAIR ROADWAY I-15/US95	N	233,934.00	-	233,934.00	-	10/12/2015	9/30/2016	-	Service Provider	JENNIFER MANUBAY	10-12-15: TO PROVIDE REPAIR OF CONCRETE SPALL, CRACK AND BRIDGE JOINTS ON I-15 MP41 AND US95/I-515 MP74, CLARK COUNTY. NV B/L#: NV20101761769-Q
43	57115	00	REYMAN BROTHERS CONSTRUCTION	RENO MS LAB REMODEL	N	90,733.00	-	90,733.00	-	9/30/2015	3/31/2016	-	Service Provider	ANNETTE BALLEW	09-30-15: TO REMODEL RENO MAINTENANCE STATION PROGRESS LAB, WASHOE COUNTY. NV B/L#: NV19931038130-Q
44	43914	01	SCIENCE APPLICATIONS INTERNATIONAL CORPORATION	APPLICATION DEVELOPMENT	N	100,000.00	100,000.00	200,000.00	-	11/12/2014	6/30/2016	9/25/2015	Service Provider	DEB MCCURDY	AMD 1 09-29-15: INCREASE AUTHORITY BY \$100,000.00 FROM \$100,000.00 TO \$200,000.00 AND EXTEND TERMINATION DATE FROM 10-01-15 TO 06-30-16 FOR CONTINUED SUPPORT WITH VARIOUS APPLICATION DEVELOPMENTS. 11-12-14: APPLICATION DEVELOPMENT, CARSON CITY. NV B/L#: NVF20131264972-R

# Attachment C

**State of Nevada Department of Transportation  
Settlements - Informational  
September 19, 2015, through October 15, 2015**

Line No	Type	Second Party	Settlement Amount	Notes
1	SETTLEMENT OF EMINENT DOMAIN LAWSUIT	BRUCE B. MILLER	800.00	THE SETTLEMENT PROVIDES FOR \$800.00 TO BE PAID TO BRUCE B. MILLER, FOR A TWO YEAR WITH A THIRD YEAR OPTION TEMPORARY EASEMENT OF A 315 SF PORTION OF THE MILLER'S PERSONAL RESIDENCE FOR SOUNDWALL CONSTRUCTION FOR THE SOUTH MCCARRAN WIDENING PROJECT.
2	SETTLEMENT OF EMINENT DOMAIN LAWSUIT	AD AMERICA, INC.	(13,500.00)	THE SETTLEMENT PROVIDES FOR \$13,500.00 TO BE PAID TO THE STATE FOR LEGAL FEES IN AN UNSUCCESSFUL COMPLAINT AGAINST THE STATE IN REGARDS TO PROJECT NEON.

# Line Item 1

**OFFICE OF THE ATTORNEY GENERAL**

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

ADAM PAUL LAXALT  
*Attorney General*

WESLEY K. DUNCAN  
*Assistant Attorney General*



DENNIS V. GALLAGHER  
*Chief Deputy Attorney General*

**MEMORANDUM**

**DATE:** October 15, 2015

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

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

**SUBJECT:** Informational Item – Approval of Settlement in the matter of  
*State of Nevada ex rel. its Department of Transportation*  
*v. Bruce B. Miller, et al.*  
Second Judicial District Court Case No. CV14-01164

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

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At their October 13, 2015 meeting, the Board of Examiners approved the settlement in the amount of \$800.00 to be paid from NDOT funds to resolve the contested condemnation case referenced above which is part of widening and reconstruction of South McCarran Boulevard from Longley Lane to Greg Street, the City of Reno and City of Sparks in Washoe County.

Attached is the September 9, 2015 memorandum to the Board of Examiners from Director Rudy Malfabon and myself setting forth a summary of the settlement.



**MEMORANDUM**

1263 South Stewart  
Street  
Carson City, Nevada

September 9, 2015

**To:** Board of Examiners  
Governor Brian Sandoval  
Attorney General Adam Paul Laxalt  
Secretary of State Barbara Cegavske

*for William Miller* **DEPUTY DIRECTOR**

**From:** Rudy Malfabon, Director, Nevada Department of Transportation  
Dennis Gallagher, Chief Deputy Attorney General

**Subject:** Proposed Settlement of an Eminent Domain Action  
*State of Nevada v. Bruce B. Miller, et al.*,  
Second Judicial District Court Case No. CV14-01164

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**SUMMARY**

NDOT filed the above-referenced eminent domain action in 2014 to acquire a temporary easement for soundwall construction purposes for a two year period for the widening and reconstruction of South McCarran Boulevard from Longley Lane to Greg Street, the City of Reno and City of Sparks in Washoe County.

NDOT now requests an additional \$800.00 as full and just compensation for the acquisition of the Property, temporary access easement, and severance damage to any and all remainder property belongings to the Defendant for court settlement and fully resolve the action.

**THE SUBJECT PROPERTY**

The subject property is a 315 square feet of land lying in the City of Reno. It comprises a five foot strip of a residential back yard owned and occupied by Mr. Miller. NDOT is acquiring a temporary easement over the subject property for a duration of two years, with a third year option.

**THE ACTION**

NDOT filed a direct condemnation action CV14-01164 on May 30, 2014. NDOT moved for, and was granted, occupancy of the subject property, supported by an appraisal from Mr. Anthony Wren, MAI for \$500. Washoe County filed an answer, due to tax issues. Those issues were subsequently resolved, and Washoe County later disclaimed interest. All other parties, except the landowner, disclaimed interest.

Mr. Miller did not file an answer, but appeared in person at the occupancy hearing. He consented to occupancy, and expressed a desire to settle the matter. After negotiation with Mr. Miller, and after it was determined that some landscaping improvements in his backyard would be removed due to the project, Mr. Miller offered to settle for an additional \$800.00.

### **POINTS THAT FAVOR SETTLEMENT**

The key issue in this matter was the valuation of some landscaping improvements. Pre-litigation, the appraiser was unable to inspect the property and did not find any landscaping improvements within the project area. During the course of the case, Mr. Miller explained to counsel that there had been some decorative rock ground covering and other landscaping which would be removed by the project. Mr. Miller requested \$800 for the landscaping. The amount requested by Mr. Miller is within the standard appraisal guidelines for landscape restoration.

Additionally, the pre-litigation appraisal from Mr. Wren is dated October 24, 2013, while the actual date of value in this case would be May 30, 2014. A new appraisal would need to be obtained and paid for if this matter were to proceed to trial. Given the rise in the real estate market in the past few years, it is nearly certain that a new appraisal would be for a higher amount. In other actions in this same project, updated appraisals have come in at higher amounts.

Furthermore, if litigated, Mr. Miller's own costs, such as a countervailing appraisal, would be recoverable against NDOT, regardless of the outcome of the case.

### **RECOMMENDATION**

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT requests the authority to settle the Action for the total amount of \$1,300.00 (\$800.00 in new money plus the \$500.00 fair market value just compensation deposited with the Court as the initial filing of this condemnation matter).

### **FISCAL NOTE STATEMENT**

NDOT will use State Highway Funds for this proposed settlement amount which is within the fiscal year 2016 legislatively approved budget.

# Line Item 2

**OFFICE OF THE ATTORNEY GENERAL**

TRANSPORTATION DIVISION  
1263 South Stewart Street  
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ADAM PAUL LAXALT  
*Attorney General*

WESLEY K. DUNCAN  
*Assistant Attorney General*



DENNIS V. GALLAGHER  
*Chief Deputy Attorney General*

**MEMORANDUM**

**DATE:** October 15, 2015

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

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

**SUBJECT:** Informational Item – Approval of Settlement in the matter of  
*Ad America, Inc. v. State of Nevada*  
Settlement of an Appeal from Award of Attorney Fees in an Inverse  
Condemnation Action,  
Eighth Judicial District Court Case No.: A-11-653502-C  
Supreme Court Docket No.: 66556

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At their October 13, 2015 meeting, the Board of Examiners approved settlement in favor of the State of \$13,500.00 to resolve the contested condemnation cases referenced above which is part of Project Neon.

Attached is the September 8, 2015 memorandum to the Board of Examiners from Director Rudy Malfabon, former Senior Deputy, Ruth Miller, and myself setting forth a summary of the settlement.



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

Transportation Division  
555 E. Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101

ADAM PAUL LAXALT  
*Attorney General*

WESLEY K. DUNCAN  
*Assistant Attorney General*

NICHOLAS A. TRUTANICH  
*Chief of Staff*

**MEMORANDUM**

DATE: September 8, 2015

TO: Board of Examiners  
Governor Brian Sandoval  
Attorney General Adam Paul Laxalt  
Secretary of State Barbara K. Cegavske

FROM: Rudy Malfabon, Director, Nevada Department of Transportation  
Dennis Gallagher, Chief Deputy Attorney General  
Ruth Miller, Senior Deputy Attorney General

SUBJECT: Proposed Settlement of an Appeal from Award of Attorney Fees in an  
Inverse Condemnation Action,  
*Ad America, Inc. v. State of Nevada*  
Eighth Judicial District Court Case No.: A-11-653502-C  
Supreme Court Docket No.: 66556

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**SUMMARY**

Ad America, Inc., is the owner of several commercial properties in the Las Vegas area. Since 2011, Ad America, Inc. has filed several inverse condemnation actions against the State of Nevada, and other public entities, claiming that the planning of the I-15 South Design-Build Project ("Project NEON") has caused various injuries.

This matter was an unsuccessful suit from Ad America against the State of Nevada, in which the complaint was dismissed without prejudice and attorney fees and costs were awarded in favor of the State in the amount of \$53,023.67 (costs of \$6,457.46 and attorney fees of \$46,566.21), which was entered as a judgment. Ad America appealed.

Board of Examiners  
Proposed Settlement of an Appeal from Award of Attorney Fees  
in an Inverse Condemnation Action  
*Ad America, Inc. v. State of Nevada*  
8<sup>th</sup> JD Case No.: A-11-653502-C/ NSC Docket No. 66556  
September 8, 2015  
Page 2

After negotiations, NDOT now requests authority to settle the appeal as follows:  
**Ad America, Inc. will pay \$13,500.00 to NDOT spread over two payments, \$8,500 paid within seven days of approval by the Board, and the remaining \$5,000 paid within 90 days.**

### THE ACTION

Ad America, Inc., filed a complaint alleging inverse condemnation and pre-condemnation damages against the State of Nevada, on December 20, 2011. The complaint was amended twice. The second amended complaint was filed on January 28, 2013, after the district court resolved the State's motion to dismiss by granting alternative relief in the form of ordering a more definite statement with respect to the second cause of action of pre-condemnation damages.

During the course of litigation, Ad America's counsel withdrew from representation. As a business entity, Ad America could not proceed without counsel. After repeatedly failing to obtain counsel, Ad America's complaint was dismissed without prejudice. The State submitted, and the district court entered, a judgment on the dismissal without prejudice. The State then filed a motion for attorney fees and costs, which explained that the underlying case had been without merit for various reasons, including that Ad America had not owned the subject property at the time of the alleged taking. Ad America did not oppose the motion, and the district court granted it.

Ad America's prior counsel then filed a motion for reconsideration. However, that counsel failed to reappear in the case, so the motion was stricken. Ad America's prior counsel then filed a notice of appearance, and renewed motion for reconsideration. The State opposed the motion, and the district court denied the motion.

Ad America, represented by the same counsel, filed a notice of appeal. The Supreme Court set a settlement conference. The parties did not agree to a settlement at that time. Ad America then filed its opening brief. Before the filing of the answering brief, the parties held additional negotiations concerning settlement, resulting in an agreement subject to this Board's approval.

### POINTS THAT FAVOR SETTLEMENT

There are novel legal issues raised in the appeal. Notably, there is a constitutional prohibition against a landowner paying the government's costs or attorney fees in an eminent domain action. Nev. Const. Art. 1 §22(7). The Nevada Supreme Court has recently issued an opinion affirming an award of costs in a pre-condemnation

damages action, *Buzz Stew v. City of N. Las Vegas*, 131 Nev. \_\_\_\_, 341 P.3d 646 (2015), citing to a California case in which an award of costs in an unsuccessful inverse condemnation action.

The primary issue is whether a landowner must have some success in their eminent domain claim to enjoy the constitutional protection, or whether making the claim is sufficient to serve as a shield. Thus, while NDOT's counsel believes that the award of attorney fees was proper under the same logic announced by *Buzz Stew*, and the California case it relies upon, the issue is one of first impression, and success is uncertain.

From a pragmatic standpoint, this proposed settlement of a reduced payment achieves payment of some, although not all, of the attorney fees awarded by the district court order. Proceeding through the full appeal process, with the likelihood of oral argument for this issue of first impression on a constitutional matter, would be likely cost more than the difference between the original judgment, and the settlement amount.

#### **RECOMMENDATION**

NDOT has considered the benefits of settlement and has made the decision that settlement is reasonable, prudent, and in the public interest. NDOT now requests authority to settle the entire dispute as follows: **Ad America, Inc. will pay \$13,500.00 to NDOT spread over two payments, \$8,500 paid within seven days of approval by the Board, and the remaining \$5,000 paid within 90 days.**

If the Board approves the settlement, NDOT intends to enter into a settlement agreement and/or stipulated order to resolve the appeal in full for the said amount, inclusive of all attorneys' fees, costs and interest.

#### **FISCAL NOTE STATEMENT**

The proposed settlement would be deposited into the State Highway Fund.



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

November 2, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, P.E., Director  
**SUBJECT:** November 9, 2015 Transportation Board of Directors Meeting  
**Item # 9:** Action Item: Condemnation Resolution No. 453  
I-15 Freeway, from Desert Inn Road to the US-95/I-515  
Interchange; Project NEON; in the City of Las Vegas; Clark County.  
1 Owner, 3 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:**

The Southland Corporation - The negotiations are unresolved for the acquisition from The Southland Corporation. It is necessary to acquire a 9,526 square foot (0.22 acre) acquisition in fee, a 2,999 square foot (0.07 acre) permanent easement for construction and maintenance purposes and a 1,907 square feet (0.04 acre) temporary construction easement for a four-year period, all from a 71,645 square foot (1.64 acre) Industrial-zoned parcel. The acquisitions fall within the largely vacant westerly half of the site. The only improvement consists of a small outdoor advertising sign. The easterly portion of the site, which will not be affected by the proposed acquisition, is improved with a 2,940 square foot service station/convenience store and miscellaneous site improvements. **The acquisitions in question, which are located on the east side of the I-15 Freeway, between Highland Drive and Oakey Boulevard, in the City of Las Vegas, are highlighted in red on the right-of-way plans that are part of the Condemnation Resolution (Attachment 2).** The State's initial offer of \$372,550.00 was mailed on May 12, 2015. The offer consisted of \$155,000.00 for the fee simple land (at approximately \$16.25 per square foot), \$160,000.00 for the contributory value of the sign site, \$45,000.00 for the permanent easement (which was valued at 90% of the approximate \$16.25 per square foot fee land value) and \$12,550.00 for the temporary easement (which is a 10% per year return on the approximate \$16.25 per square foot fee land value for a period of four years). The property owner has not responded to the State's offer. The department is continuing to work towards settlement, but is requesting this condemnation resolution to meet construction deadlines.

### **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:**

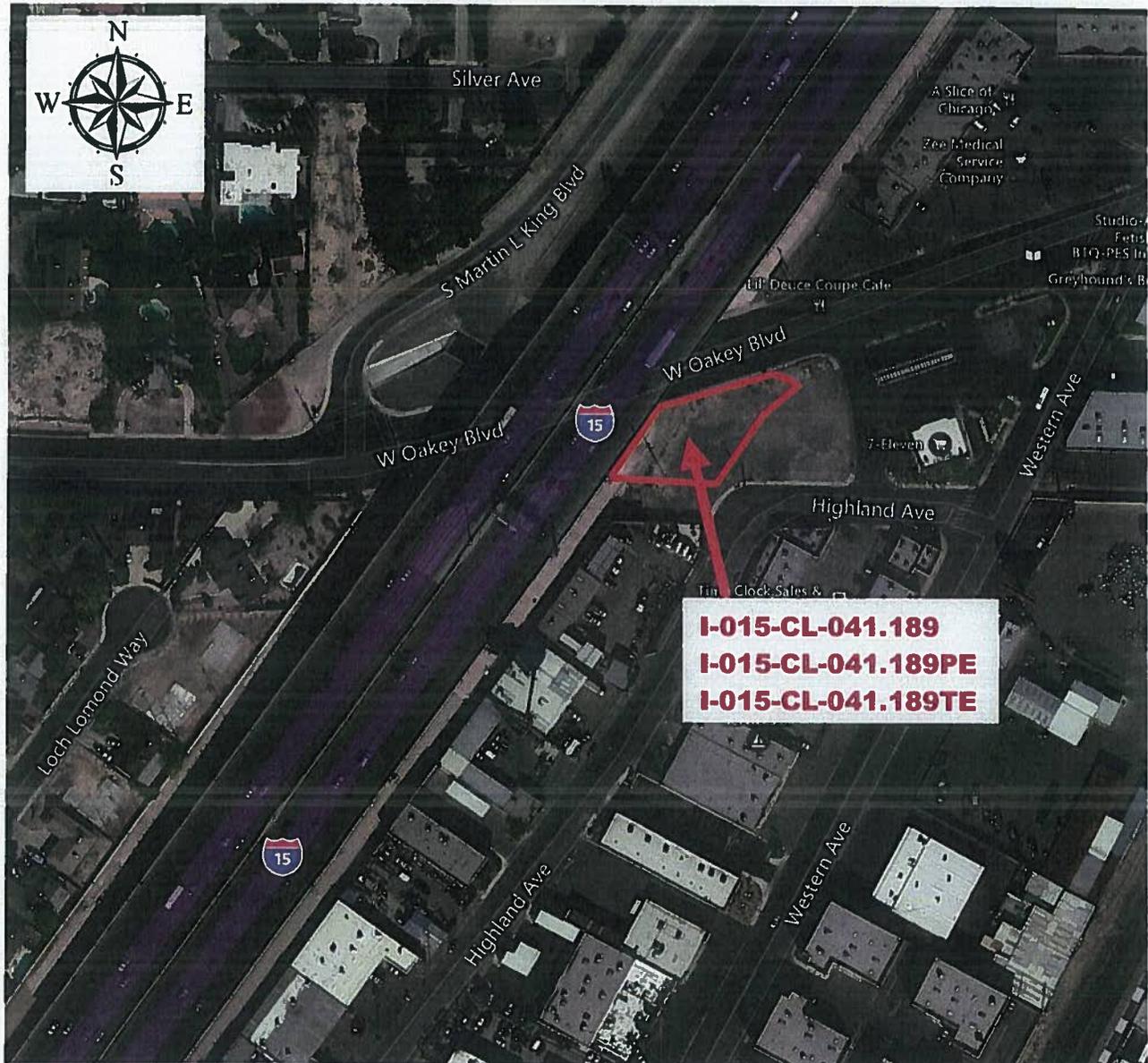
1. Location map
2. Condemnation Resolution No. 453 with Right-of-Way plans
3. Section 408.503 of the Nevada Revised Statutes
4. Section 241.034 of the Nevada Revised Statutes

**Prepared by:**

Paul Saucedo, Chief R/W Agent

A handwritten signature in blue ink, appearing to be 'PS', is written over the text 'Paul Saucedo, Chief R/W Agent'.

## LOCATION MAP



### CONDEMNATION RESOLUTION No. 453

**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. 453

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

**ATTACHMENT 2**

interest and necessity require the highway improvement and that the property described is necessary for such improvement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department, pursuant to section 408.503 of the Nevada Revised Statutes:

That the public interest and necessity require the acquisition, construction, reconstruction, improvement, maintenance or completion by the State of Nevada, acting through the Department, of a public improvement, namely a freeway; and that the real property hereinafter described is necessary for said public improvement; and

That the proposed construction of said public highway improvement on and along an alignment heretofore approved is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury.

BE IT FURTHER RESOLVED THAT the Department be and is hereby authorized and directed:

To acquire in the name of and in behalf of the State of Nevada, in fee simple absolute, unless a lesser estate is hereinafter described, the following described real property and interests therein by the exercise of the power of eminent domain in accordance with the provisions of chapters 37 and 408 of the Nevada Revised Statutes;

To commence and prosecute, if necessary, in the name of the State of Nevada, condemnation proceedings in the proper court to condemn said real property and interests therein; and

To make application to said court for an order permitting the Department to take possession and use of said real property as may be necessary for construction of said public highway improvement, and to pledge the public faith and credit of the State of Nevada as security for such entry or, should the Department deem such advisable, to deposit with the Clerk of such court, in lieu of such pledge, a sum equal to the value of the premises sought to be condemned as appraised by the Department, and to acquire the following real property:

PARCEL NOS. I-015-CL-041.190, I-015-CL-041.190PE, and I-015-CL-041.190TE owned by THE SOUTHLAND CORPORATION, a Texas Corporation.

Said real property situate, lying and being in the City of Las Vegas, County of Clark, State of Nevada, and more particularly described as being portions of the SW 1/4 of the NE 1/4 of Section 4, T. 21 S., R. 61 E., M.D.M., and more fully described by metes and bounds as follows:

PARCEL NO. I-015-CL-041.190 to be acquired in fee simple.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as

Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094", shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on said Plat Map; thence N. 88°54'17" W., along the East-West 1/4 Section Line of Section 4, a distance of 2,482.12 feet to the POINT OF BEGINNING; said point of beginning being on the right or southeasterly right-of-way line of IR-15, 187.94 feet right of and at right angles to Highway Engineer's Station "Le" 771+11.97 P.O.T., said point being coincident with said 1/4 section line and the former northerly right-of-way line of Highland Drive; thence N. 88°54'17" W., along said former northerly right-of-way line, a distance of 76.10 feet to the former right or southeasterly right-of-way line of IR-15; thence N. 35°17'37" E., along said former right or southeasterly right-of-way line, a distance of 119.56 feet to the former southerly right-of-way line of Oakey Boulevard; thence N. 71°49'00" E., along said former southerly right-of-

way line, a distance of 119.85 feet to the right or southeasterly right-of-way line of IR-15; thence S. 38°06'58" W., along said right or southeasterly right-of-way line, a distance of 85.12 feet; thence S. 38°01'20" W., continuing along said right-of-way line, a distance of 88.18 feet to the point of beginning; said parcel contains an area of 9,526 square feet.

PARCEL NO. I-015-CL-041.190PE to be acquired as a permanent easement for highway construction and maintenance purposes.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094",

shown and delineated as a FOUND WELL MONUMENT  
STAMPED "PLS 5094" on said Plat Map; thence  
N.  $88^{\circ}54'17''$  W., along the East-West 1/4 Section Line of  
Section 4, a distance of 2,482.12 feet to the POINT OF  
BEGINNING; said point of beginning being on the right or  
southeasterly right-of-way line of IR-15, 187.94 feet right of  
and at right angles to Highway Engineer's Station  
"Le" 771+11.97 P.O.T., said point being coincident with said  
1/4 section line and the former northerly right-of-way line of  
Highland Drive; thence along said right or southeasterly  
right-of-way line, the following three (3) courses and  
distances:

- 1) N.  $38^{\circ}01'20''$  E. – 88.18 feet;
- 2) N.  $38^{\circ}06'58''$  E. – 85.12 feet;
- 3) N.  $71^{\circ}49'00''$  E. – 20.33 feet;

thence along the following four (4) courses and distances:

- 1) from a tangent which bears the last described  
course, curving to the right with a radius of  
25.00 feet, through an angle of  $66^{\circ}25'19''$ , an  
arc distance of 28.98 feet;
- 2) S.  $71^{\circ}49'00''$  W. – 38.70 feet;
- 3) S.  $38^{\circ}06'58''$  W. – 80.58 feet;

4) S. 38°02'03" W. – 76.90 feet to said right or southeasterly right-of-way line;

thence N. 88°54'17" W., along said right or southeasterly right-of-way line, a distance of 18.74 feet to the point of beginning; said parcel contains an area of 2,999 square feet.

PARCEL NO. I-015-CL-041.190TE to be acquired as a temporary easement for construction purposes for a four-year period commencing on the date of occupancy.

COMMENCING at the section corner common to Sections 3, 4, 9 and 10, a FOUND 2" BRASS CITY OF LAS VEGAS DISK FLUSH ON A 0.6' CONC CYLINDER STAMPED "CLV S4/S3/S10/S9 PLS 5094" shown and delineated as a FOUND WELL MONUMENT STAMPED "PLS 5094" on that certain Plat Map of WESTERN FLEX WAREHOUSE, filed for record on August 23, 2005, as Instrument No. 200508230001630, as Map File 126, Page 31, in Official Records Clark County, Nevada; thence N. 4°23'15" E., along the east line of said Section 4, a distance of 2,783.81 feet (Record N. 4°23'41" E. – 2,783.89 feet per said Plat Map), to the 1/4 corner common to Sections 3 and 4, a FOUND 2" BRASS CAP ON A 0.6' CONC POST STAMPED "CITY OF LAS VEGAS PLS5094",

shown and delineated as a FOUND WELL MONUMENT  
STAMPED "PLS 5094" on said Plat Map; thence  
N. 88°54'17" W., along the East-West 1/4 Section Line of  
Section 4, a distance of 2,463.37 feet to the POINT OF  
BEGINNING; said point of beginning being on the right or  
southeasterly right-of-way line of IR-15, 203.44 feet right of  
and at right angles to Highway Engineer's Station  
"Le" 771+22.50 P.O.T., said point being coincident with said  
1/4 section line; thence along the following seven (7)  
courses and distances:

- 1) N. 38°02'03" E. – 76.90 feet;
- 2) N. 38°06'58" E. – 80.58 feet;
- 3) N. 71°49'00" E. – 38.70 feet to a non-tangent  
curve;
- 4) from a tangent which bears S. 41°45'41" E.,  
curving to the right with a radius of 25.00 feet,  
through an angle of 23°34'41", an arc distance  
of 10.29 feet;
- 5) S. 71°49'00" W. – 37.76 feet;
- 6) S. 38°06'58" W. – 77.55 feet;
- 7) S. 38°02'32" W. – 69.37 feet to said right or  
southeasterly right-of-way line;

///

thence N. 88°54'17" W., along said right or southeasterly right-of-way line, a distance of 12.50 feet to the point of beginning; said parcel contains an area of 1,907 square feet.

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

BE IT FURTHER RESOLVED that the Director, Deputy Director, and Chief Counsel of the Department have the power to enter into any stipulations or file any necessary pleadings in any condemnation proceeding and to bind the Department of Transportation in the completion of this project.

Adopted this \_\_\_\_\_ day of November, 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 OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
RIGHT-OF-WAY PROJECT

STATE	L.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NH-STP-015-R1477	CLARK	01

- FOUND MONUMENTS
- |            |             |
|------------|-------------|
| 1 265051L  | 11 447010L  |
| 2 265052L  | 12 761032L  |
| 3 420200L  | 13 761046L  |
| 4 438011L  | 14 1182008L |
| 5 438026L  | 15 1182010L |
| 6 438027L  | 16 1182023L |
| 7 438028L  | 17 1182026L |
| 8 438030L  | 18 447011L  |
| 9 438045L  | 19 1182029L |
| 10 447007L | 20 NCL407   |

SEE SHEET 32 FOR MONUMENT DESCRIPTIONS

"Lc"  $\epsilon$   
 $\Delta = 35^{\circ}31'55"$   
 $R = 1,800.00'$   
 $L = 1,194.09'$

DISCOVERY DRIVE GRADE SEPARATION

ALTA DRIVE GRADE SEPARATION

PROJECT LOCATION  
NH-STP-015-1(147)

END ACQUISITION  
"Lc" 854+24.71 P.O.C.

BEGIN ACQUISITION  
"Lc" 752+26.76 P.O.T.

SUBJECT AREA

SAHARA AVENUE INTERCHANGE

GLEN HEATHER ESTATES UNIT NO. 3  
 SAHARA/RANCHO OFFICE-PARK  
 GLEN HEATHER ESTATES UNIT NO. 2  
 GLEN HEATHER ESTATES UNIT NO. 4

SCOTCH BIGHTY ADDITION REUBDIVISION

MERCEDES CIRCLE

DANATOGA MEADOWS

BURHA VICTA ADDITION

PARKWAY CENTER

CHARLESTON BLVD. INTERCHANGE

DOWNTOWN EXPRESSWAY INTERCHANGE

OAKEY BLVD. GRADE SEPARATION

CITY OF LAS VEGAS



STATE OF NEVADA  
FEDERAL HIGHWAY ADMINISTRATION  
NEVADA DIVISION

APPROVED  
 ORIGINAL ON FILE  
 DIVISION ADMINISTRATOR DATE

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

(DATE) APRIL 24, 2014  
 I15 DESERT INN  
 NEON PACKAGE 1  
 COVER SHEET

NEVADA DOT		R/W DIVISION	
TRACED	DOB JMO HRW WTC MP C	CHECKED	JHT
PHONE 1.775.888.7470		SC&T 1-1000	

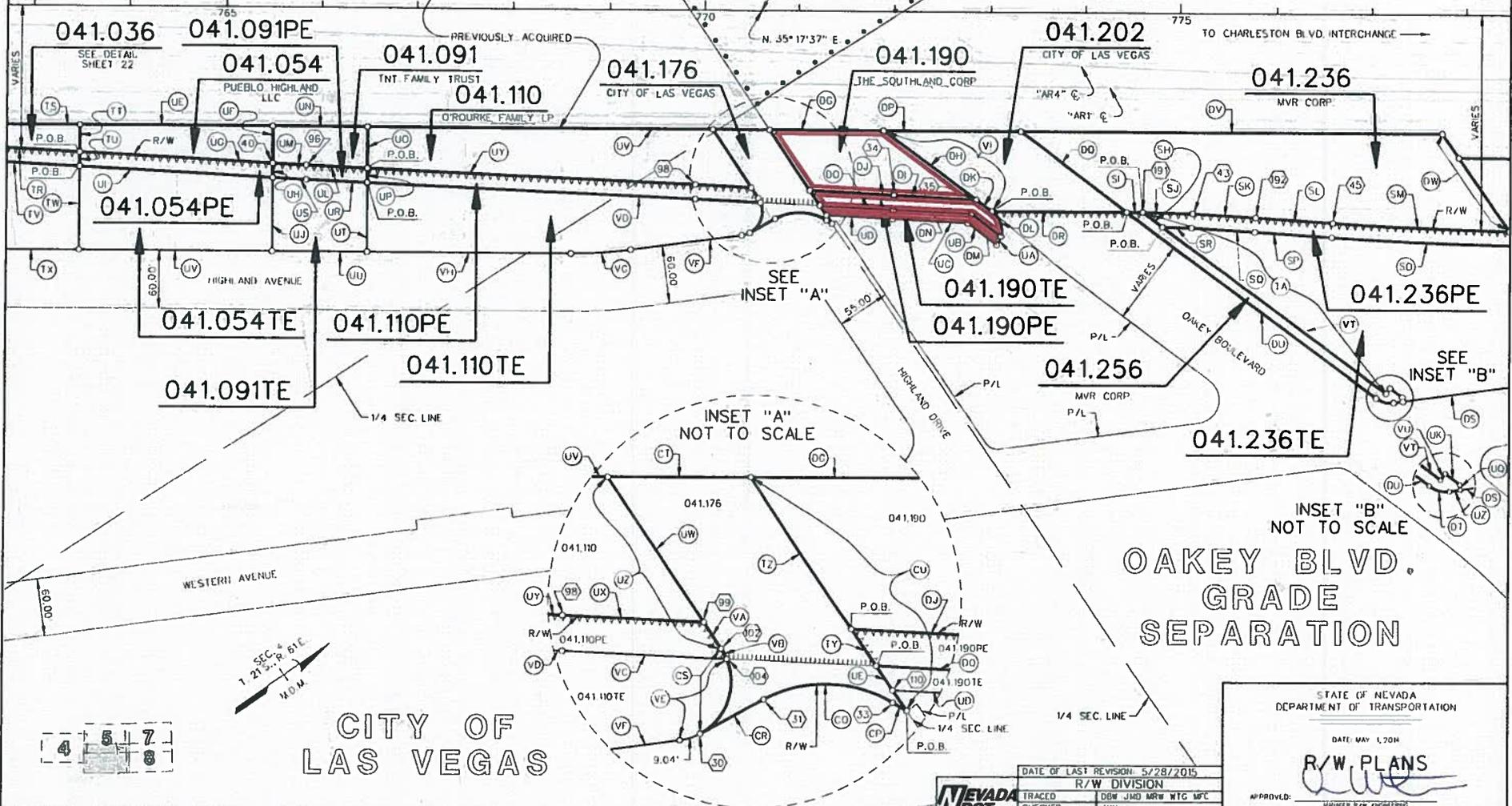
PARCEL NUMBER PREFIX: I-015-CL-

STATE	E.A. NO.	PROJECT NO.	COUNTY	SHEET NO.
NEVADA	73652	NIH-STP-015-1(147)	CLARK	06

ENGINEERING BOXES: SHEETS 25 & 26  
STATION & OFFSET: SHEETS 31 & 32

### SCOTCH EIGHTY ADDITION RESUBDIVISION

TRAFFIC MOVEMENT WILL BE PERMITTED UNDER THE FREEWAY AT OAKLEY BLVD.



## OAKLEY BLVD. GRADE SEPARATION

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

DATE: MAY 1, 2014

R/W PLANS

APPROVED: *[Signature]*  
MANAGER R/W ENGINEERING

SCALE: 1"=20'

SHEET 6 OF 40

DATE OF LAST REVISION:	5/28/2015
R/W DIVISION	
TRACED	DBW JMD MRW WIG MFC
CHECKED	JHH
PHONE:	1775 888-7420

041.176	
P.O.B. = 222.39' RT. "Le" 771+35.38 P.O.T. TIE: N. 88°54'17" W. - 2,440.47' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
CP	S. 66°01'31" W. - 6.69'
CC	Δ = 59°05'01" R = 55.00' L = 56.72'
CR	S. 6°56'30" W. - 30.65'
CS	Δ = 95°50'47" R = 25.00' L = 41.82' T.B. = N. 6°56'30" E.
CT	N. 88°54'17" W. - 86.26'
CU	N. 35°17'37" E. - 60.45'
CV	S. 88°54'17" E. - 117.75'

041.190	
P.O.B. = 187.94' RT. "Le" 771+11.97 P.O.T. TIE: N. 88°54'17" W. - 2,482.12' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
TC	N. 88°54'17" W. - 76.10'
TD	N. 35°17'37" E. - 119.56'
TE	N. 71°49'00" E. - 119.85'
TF	S. 38°06'58" W. - 85.12'
TG	S. 38°01'20" W. - 88.18'

041.202	
P.O.B. = 208.43' RT. "Le" 773+01.40 P.O.T. TIE: N. 85°22'58" W. - 2,363.16' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VI	S. 71°49'00" W. - 140.18'
VP	N. 35°17'37" E. - 142.82'
VQ	N. 71°49'00" E. - 140.18'
VR	S. 35°17'37" W. - 142.82'

041.236TE	
P.O.B. = 223.81' RT. "Le" 774+81.81 P.O.T. TIE: N. 81°39'01" W. - 2,262.69' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
SR	N. 36°20'24" E. - 30.11'
SS	N. 38°50'43" E. - 65.60'
SP	Δ = 0°10'20" R = 26,906.00' L = 80.88' T.B. = N. 38°55'21" E.
SO	Δ = 3°18'51" R = 3,448.00' L = 199.44' T.B. = N. 39°05'41" E.
SI	N. 89°36'01" E. - 125.29'
SJ	N. 86°47'59" E. - 41.56'
SK	S. 27°39'53" W. - 224.94'
SL	N. 62°19'36" W. - 4.45'
SM	S. 71°36'52" W. - 16.07'
SN	S. 18°21'07" E. - 7.04'
SO	S. 71°49'00" W. - 291.03'

041.256	
P.O.B. = 208.43' RT. "Le" 774+44.23 P.O.T. TIE: N. 82°18'46" W. - 2,293.59' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
TA	N. 35°17'37" E. - 16.80'
TB	N. 71°49'00" E. - 316.89'
TC	N. 18°21'07" W. - 7.04'
TD	N. 71°36'52" E. - 16.07'
TE	S. 62°19'36" E. - 4.45'
TF	S. 27°39'53" W. - 9.83'
TG	Δ = 44°09'07" R = 25.00' L = 19.26'
TH	S. 71°49'00" W. - 325.07'

041.189	
P.O.B. = 267.92' LT. "Le" 770+75.22 P.O.T. TIE: N. 85°21'40" E. - 2,260.51' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
CV	N. 35°33'22" E. - 32.71'
CA	N. 0°39'37" E. - 187.61'
CB	S. 89°20'23" E. - 144.70'
CC	N. 0°39'37" E. - 30.00'
CD	S. 89°20'23" E. - 88.00'
CE	S. 35°17'37" W. - 90.14'
CF	Δ = 22°56'37" R = 460.00' L = 184.20'
CG	S. 58°14'14" W. - 80.95'

041.190PE	
P.O.B. = 187.94' RT. "Le" 771+11.97 P.O.T. TIE: N. 88°54'17" W. - 2,482.12' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
TO	N. 38°01'20" E. - 88.18'
TP	N. 38°06'58" E. - 85.12'
TQ	N. 71°49'00" E. - 20.33'
TR	Δ = 66°25'19" R = 25.00' L = 28.98'
TS	S. 71°49'00" W. - 38.70'
TT	S. 38°06'58" W. - 80.58'
TU	S. 38°02'03" W. - 76.90'
TV	N. 88°54'17" W. - 18.74'

041.236	
P.O.B. = 208.43' RT. "Le" 774+44.23 P.O.T. TIE: N. 82°18'46" W. - 2,293.59' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
TO	S. 71°49'00" W. - 140.18'
TP	N. 35°17'37" E. - 442.38'
TQ	N. 89°36'01" E. - 124.38'
TR	Δ = 3°07'52" R = 3,433.00' L = 187.61' T.B. = S. 35°57'49" W.
TS	Δ = 0°10'20" R = 26,921.00' L = 80.92' T.B. = S. 39°05'41" W.
TT	S. 38°50'43" W. - 65.62'
TU	S. 36°21'38" W. - 51.82'
TV	S. 35°17'37" W. - 16.80'

041.247	
P.O.B. = 244.59' LT. "Le" 773+88.29 P.O.T. TIE: N. 80°10'19" E. - 2,489.64' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
TY	N. 39°45'34" E. - 177.99'
TZ	S. 2°27'06" W. - 56.71'
UA	S. 35°17'37" W. - 98.98'
UB	N. 89°20'23" W. - 54.22'

041.271	
P.O.B. = 199.97' LT. "Le" 775+18.20 P.O.T. TIE: N. 78°51'26" E. - 2,613.78' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
UC	N. 2°27'06" E. - 18.64'
UD	N. 89°35'38" E. - 12.45'
UE	S. 35°17'37" W. - 22.93'

041.189TE	
P.O.B. = 267.92' LT. "Le" 770+75.22 P.O.T. TIE: N. 85°21'40" E. - 2,260.51' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VO	S. 58°14'14" W. - 25.93'
VP	N. 35°33'22" E. - 70.97'
VQ	S. 0°39'37" W. - 17.48'
VR	S. 35°33'22" W. - 32.71'

041.190TE	
P.O.B. = 201.44' RT. "Le" 771+22.50 P.O.T. TIE: N. 88°54'17" W. - 2,463.37' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VO	N. 38°02'03" E. - 76.90'
VP	N. 38°06'58" E. - 80.58'
VQ	N. 71°49'00" E. - 38.70'
VR	Δ = 23°34'41" R = 25.00' L = 10.29' T.B. = S. 41°45'41" E.
VS	S. 71°49'00" W. - 37.76'
VT	S. 38°06'58" W. - 77.55'
VU	S. 38°02'32" W. - 69.37'
VV	N. 88°54'17" W. - 12.50'

041.236PE	
P.O.B. = 208.43' RT. "Le" 774+61.03 P.O.T. TIE: N. 81°55'23" W. - 2,285.85' FROM THE E 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
VW	N. 36°21'38" E. - 51.82'
VX	N. 38°50'43" E. - 65.62'
VY	Δ = 0°10'20" R = 26,921.00' L = 80.92' T.B. = N. 38°55'21" E.
VZ	Δ = 3°07'52" R = 3,433.00' L = 187.61' T.B. = N. 39°05'41" E.
WA	N. 89°36'01" E. - 18.61'
WB	Δ = 3°18'51" R = 3,448.00' L = 199.44' T.B. = S. 35°46'49" W.
WC	Δ = 0°10'20" R = 26,906.00' L = 80.88' T.B. = S. 39°05'40" W.
WD	S. 38°50'43" W. - 65.60'
WE	S. 36°20'24" W. - 30.11'
WF	S. 71°49'00" W. - 25.85'

041.247TE	
P.O.B. = 244.59' LT. "Le" 773+88.29 P.O.T. TIE: N. 80°10'19" E. - 2,489.64' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
WG	N. 89°20'23" W. - 12.89'
WH	N. 39°45'34" E. - 199.24'
WI	S. 2°27'06" W. - 16.50'
WJ	S. 39°45'34" W. - 177.99'

041.275	
P.O.B. = 230.73' LT. "Le" 775+65.74 P.O.T. TIE: N. 77°39'18" E. - 2,627.69' FROM THE W 1/4 COR. SEC. 4, T. 21 S., R. 61 E., M.D.M.	
WK	N. 32°33'37" E. - 151.08'
WL	N. 89°35'49" E. - 46.74'
WM	S. 35°17'37" W. - 202.90'
WN	S. 89°35'38" W. - 12.45'
WO	N. 2°27'06" E. - 38.07'

PROPERTY SCHEDULE

ALL AREAS ARE SHOWN IN SQUARE FEET  
UNLESS OTHERWISE NOTED

PROJECT NO.

E.A. NO.

COUNTY

SHEET NO.

STATE OF NEVADA DEPT. OF TRANSPORTATION

NH-STP-015-1(147)

73652

CLARK

38

PARCEL NO.	GRANTOR	GROSS AREA OF ACQSN.	PREV. ACQ.	NET AREA	RW 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									
041.238	MVR CORP	38,205		38,205	38,205		54,000							
041.238PE	MVR CORP	5,716		5,716										Maintenance Easement
041.238TE	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 RW DIVISION

DATE: MAY 1, 2014

R/W PLANS

SHEET 38 OF 40 SHEETS

DATE OF LAST REVISION: 10/12/15

**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)

**NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.**

1. Except as otherwise provided in subsection 3:
    - (a) A public body shall not consider at a meeting whether to:
      - (1) Take administrative action against a person; or
      - (2) Acquire real property owned by a person by the exercise of the power of eminent domain,
    - ↪ unless the public body has given written notice to that person of the time and place of the meeting.
    - (b) The written notice required pursuant to paragraph (a) must be:
      - (1) Delivered personally to that person at least 5 working days before the meeting; or
      - (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.
    - ↪ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.
  2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
  3. The written notice otherwise required pursuant to this section is not required if:
    - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
    - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.
  4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)



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

## **MEMORANDUM**

**Right-of-Way Division**

**October 29, 2015**

**To: Department of Transportation Board of Directors**

**From: Rudy Malfabon, Director**

**Subject: November 9, 2015 Transportation Board of Directors Meeting**

**Item # 10: Disposal of NDOT property along Broadleaf Lane at Alexa Way in  
Carson City, State of Nevada**

**SUR 09-13 – For possible action**

---

### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Public Auction. The property to be sold is located along Broadleaf Lane at Alexa Way in Carson City, State of Nevada. The property is currently unimproved land consisting of 9,246 sq. ft. as depicted on the attached sketch map marked Exhibit "A".

### **Background:**

The Department originally acquired this property on January 22, 1988, in fee, for the construction of Phase 1 of the US-395, Carson City Freeway. Phase 1 of the US-395, Carson City Freeway Project is now complete and operational and the Department has determined that this surplus property is no longer needed for the project.

### **Analysis:**

The Department has completed an appraisal of the surplus property to obtain fair market value in the amount of \$36,000.00, as required by N.R.S. 408.533. A public auction will benefit the State in potential revenue and eliminate liability. The release of NDOT's interest in this property is being made in accordance with N.R.S. 408.533.

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

Approval of disposal of NDOT property located along Broadleaf Lane at Alexa Way in Carson City, State of Nevada.

Department of Transportation Board of Directors  
October 22, 2015

**List of Attachments:**

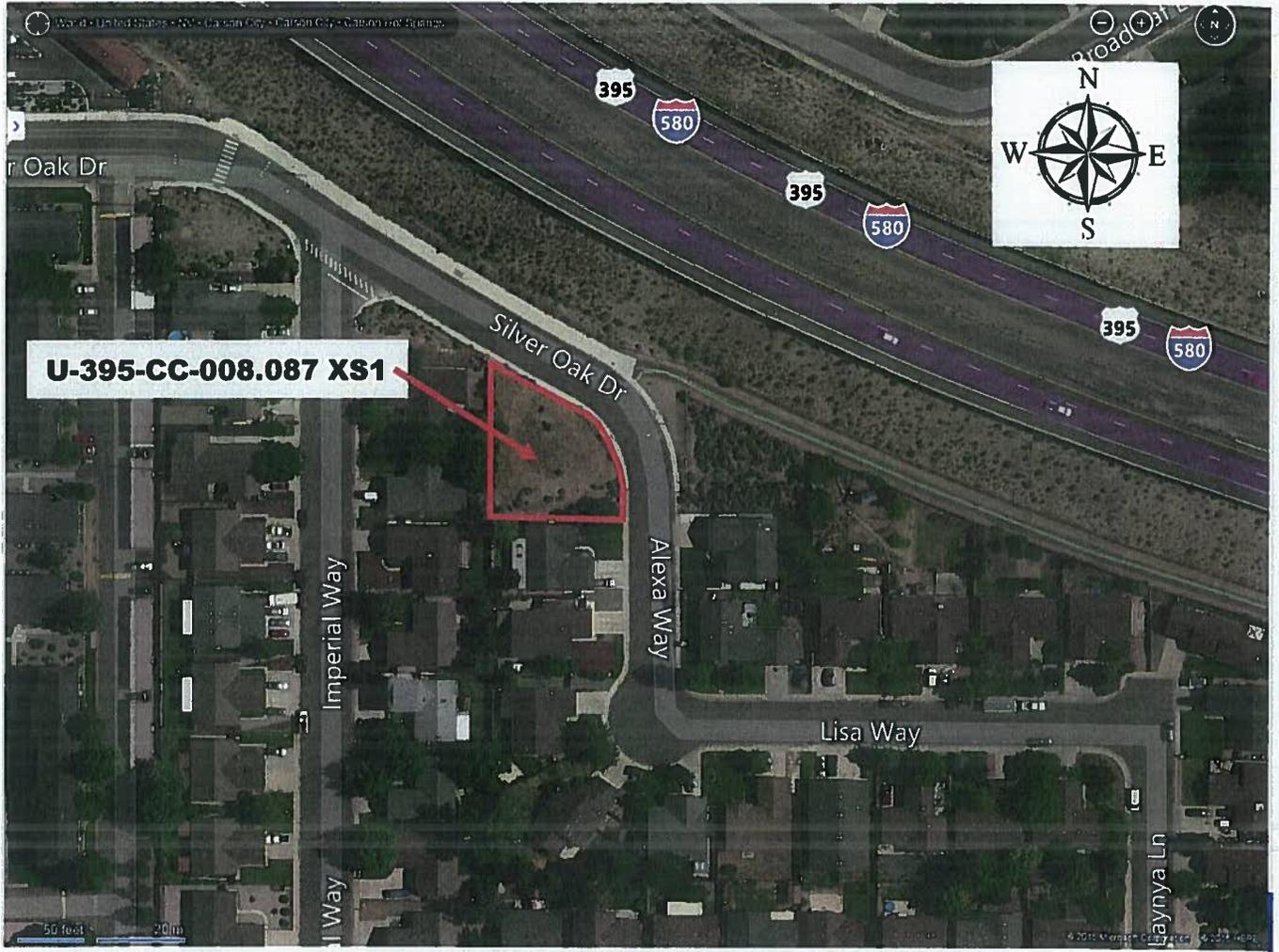
1. Location Map
2. Sketch Map marked Exhibit "A"
3. Copy of Proof and Affidavit of Publication
4. Environmental Approval
5. FHWA Approval
6. N.R.S. 408.533

**Prepared by:** Paul A. Saucedo, Chief Right-of-Way Agent



rm/pas/dtc/dc

# LOCATION MAP



**SUR 09-13**

**DESCRIPTION: A parcel of land of IR-580/US-395  
(West of Alexa Way)  
in Carson City, State of Nevada**

PARCEL NUMBER PREFIX: U-395-CC-

# EXHIBIT "A"

PROJECT: NH-395-2(033)  
E.A. 72616  
PTN. OF PARCEL: U-395-CC-008.087

# CARSON CITY

US-395 R/W

BROADLEAF

LANE

"AB" 5+91.12 P.R.C.

P.O.B. = 198.90' LT "O" 442+21.98 P.O.C.

TIE: N. 84° 16' 11" E. - 261.63' FROM  
THE W 1/4 COR. OF SEC. 5,  
T. 15 N., R. 20 E.

$\Delta = 1^\circ 24' 20''$   
R = 2,798.90'  
L = 68.66'  
T.B. = S. 59° 54' 58" E.

"O"  $\phi$   
 $\Delta = 47^\circ 39' 37''$   
R = 2,600.00'  
L = 2,162.76'

## 008.087 XS1

STATE OF NEVADA  
9,246 SQ. FT.

FD. 2 1/2" ALUM. CAP  
STAMPED "S5/6 1984 RLS 3519"

IMPERIAL WAY

ALEXA WAY

1/4 SECTION LINE

"AB" 2+90.74 P.R.C.

TO COLLEGE PARKWAY  
INTERCHANGE

$\Delta = 62^\circ 00' 02''$   
R = 75.00'  
L = 81.16'  
T.B. = S. 61° 19' 18" E.

S. 0° 40' 44" W. - 23.98'

US-395 R/W

T. 15 N., R. 20 E.  
M.D.M.

SECTION 6  
SECTION 5

N. 0° 40' 44" E. - 123.17'

N. 89° 19' 16" W. - 100.00'

CONTROL OF ACCESS WITH  
FENCE OR BARRIER

AREA TO BE SOLD

TRACED: DBW CHECKED: *[Signature]*

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

CC-017

SUR 09-13

### STATE OF NEVADA

Dept. of Transportation

R/W Division

Date: October 21, 2010

### Sketch Map

Approved: *[Signature]*

Manager, R/W Engineering

Scale: 1" = 100'

Sheet 1 of 1 Sheets



580 Mallory Way, Carson City, NV 89701  
 P.O. Box 1888, Carson City, NV 89702-2288  
 (775) 881-1201

Account Number: 7895957

Right-of-Way- NDOT  
 1263 South Stewart Street  
 Carson City, NV 89701  
 Attn: Craig Reynoldson

Cora Jeffreys says:  
 That (s)he is a legal clerk of the NEVADA  
 APPEAL, a newspaper published Tuesday through  
 Sunday at Carson City, in the State of Nevada.

NOI Dispose of Real Property

AD# 11395711

of which a copy is hereto attached, was published in  
 said newspaper for the full required period of 4  
 times commencing July 29, 2015, and ending on  
 August 9, 2015 all days inclusive

Signed: 

STATEMENT:

Date	Amount	Credit	Balance
08/09/15	\$882.84	\$0.00	\$882.84

## Proof and Statement of Publication

### NOTICE OF INTENT TO DISPOSE OF REAL PROPERTY

Pursuant to Nevada Revised Statute 408.533, the State of Nevada Department of Transportation (Department) hereby gives notice that it intends to dispose of the following property, subject to final approval of the Transportation Board of Directors.

**SUR 09-13** 3850 Alexa Way, Carson City, NV; Single Family Residential property; 9,246 square foot parcel; Vacant lot; Located southwest side of Alexa Way approximately 120 feet north of Lisa Way; Assessor's Parcel Number 002-502-36; NDOT Parcel U-395-CC-008.087 XS1. The Department's appraisal of fair market value is \$36,000 as established by a certified appraiser.

**SUR 09-14** 3865 Alexa Way, Carson City, NV; Single Family Residential property; 7,101 square foot parcel; Vacant lot; Located on the southeast corner of Alexa Way and the I-580 right of way; Assessor's Parcel Number 002-502-35; NDOT Parcel U-395-CC-008.061 XS1. The Department's appraisal of fair market value is \$34,000 as established by a certified appraiser.

**SUR 09-15** 3884 Imperial Way, Carson City, NV; Single Family Residential property; 5,426 square foot parcel; Vacant lot; Located on the southwest corner of Broadleaf Lane and Imperial; Assessor's Parcel Number 002-501-13; NDOT Parcel U-395-CC-008.139 XS1. The Department's appraisal of fair market value is \$30,000 as established by a certified appraiser.

Any person from whom the property was originally purchased by the Department or their heir or grantee may purchase the property at its fair market value by direct sale. Any person or entity who believes that they have the right to directly purchase and who desires to exercise their right must respond in writing within sixty (60) calendar days from the last publication of this notice. If no written responses are received, all rights pursuant to NRS 408.533 (1)(d) shall be extinguished and the property will be sold by public auction with sealed bids accepted. Please submit all written responses to:

Nevada Department of Transportation  
 Right-of-Way Division  
 Attn: Jessica Biggin,  
 Supervisory Right-of-Way Agent  
 1263 S. Stewart St.  
 Carson City, NV 89712

For more information, please refer to NRS 408.533 and/or contact Jessica Biggin at (775) 888-7384 or by email at jbiggin@dot.state.nv.us

Pub: July 29, August 2, 5, 9, 2015 Ad#11395711

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

April 11, 2012

To: Jessica Biggin, Right-of-Way

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

Subject: Environmental Clearance for Transportation Board  
Surplus No.: SUR 09-09, 10, 12, 13, 14, 15 & 16  
Parcels: U-395-CC-005.795 & 995 XS1; AND, U-395-CC-008.087, 118,  
061, 139 & 439 XS1  
Carson City, NV  
Disposal by Public Auction

The Environmental Services Division (ESD) reviewed the requested action and found it clear of any documented environmental concern. A Categorical Exclusion was approved by the FHWA on April 6, 2012 for this action.

SMC/dlh

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



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

RECEIVED  
 4/18/12

BRIAN SANDOVAL  
 Governor

April 17, 2012

SUSAN MARTINOVICH, P.E., Director

In Reply Refer to:

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

**Disposal by Public Auction**  
 Surplus No.: SUR 09-13  
 Project: NH-395-2(033)  
 E.A. No.: 72616  
 Parcel: U-395-CC-008.087 XS1  
 Description: Disposal of NDOT  
 property located along Broadleaf  
 Lane at Alexa Way in Carson City,  
 NV.

Dear Ms. Klekar:

Enclosed are Exhibit "A" (sketch map), location map and one set of right-of-way plans depicting the area of surplus property to be sold at Public Auction, pursuant to N.R.S. 408.533. It has been determined that the property is no longer needed by NDOT. The aforementioned property is located in Carson City, Nevada.

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

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

Your concurrence in this proposal is requested.

Sincerely,

Paul A. Saucello  
 Chief Right-of-Way Agent

CONCUR:

Hugh Hadscek  
 Kevin Resler, Right-of-Way Program Manager  
 Hugh Hadscek

5/7/12  
 Date

pas/jb/jm

Enclosures

cc: H. Salazar, Manager, R/W Engineering  
 J. Biggin, Staff Specialist

**NRS 408.533 Disposal of property.**

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) A butter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



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

## **MEMORANDUM**

**Right-of-Way Division**

**October 29, 2015**

**To: Department of Transportation Board of Directors**

**From: Rudy Malfabon, Director**

**Subject: November 9, 2015 Transportation Board of Directors Meeting**

**Item # 11: Disposal of NDOT property located along US-395 Freeway at Alexa Way in Carson City, State of Nevada**

**SUR 09-14 – For possible action**

---

### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Public Auction. The property to be sold is located along US-395 Freeway at Alexa Way in Carson City, State of Nevada. The property is currently unimproved land consisting of 7,101 sq. ft. as depicted on the attached sketch map marked Exhibit "A".

### **Background:**

The Department originally acquired this property on January 15, 1988, in fee, for the construction of Phase 1 of the US-395, Carson City Freeway. Phase 1 of the US-395, Carson City Freeway Project is now complete and operational and the Department has determined that this property is no longer needed for the project.

### **Analysis:**

The Department has completed an appraisal of the surplus property to obtain fair market value in the amount of \$34,000.00, as required by N.R.S. 408.533. A public auction will benefit the State in potential revenue and eliminate liability. The release of NDOT's interest in this property is being made in accordance with N.R.S. 408.533.

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

Approval of disposal of NDOT property located along US-395 Freeway at Alexa Way in Carson City, State of Nevada.

**Department of Transportation Board of Directors  
October 22, 2015**

**List of Attachments:**

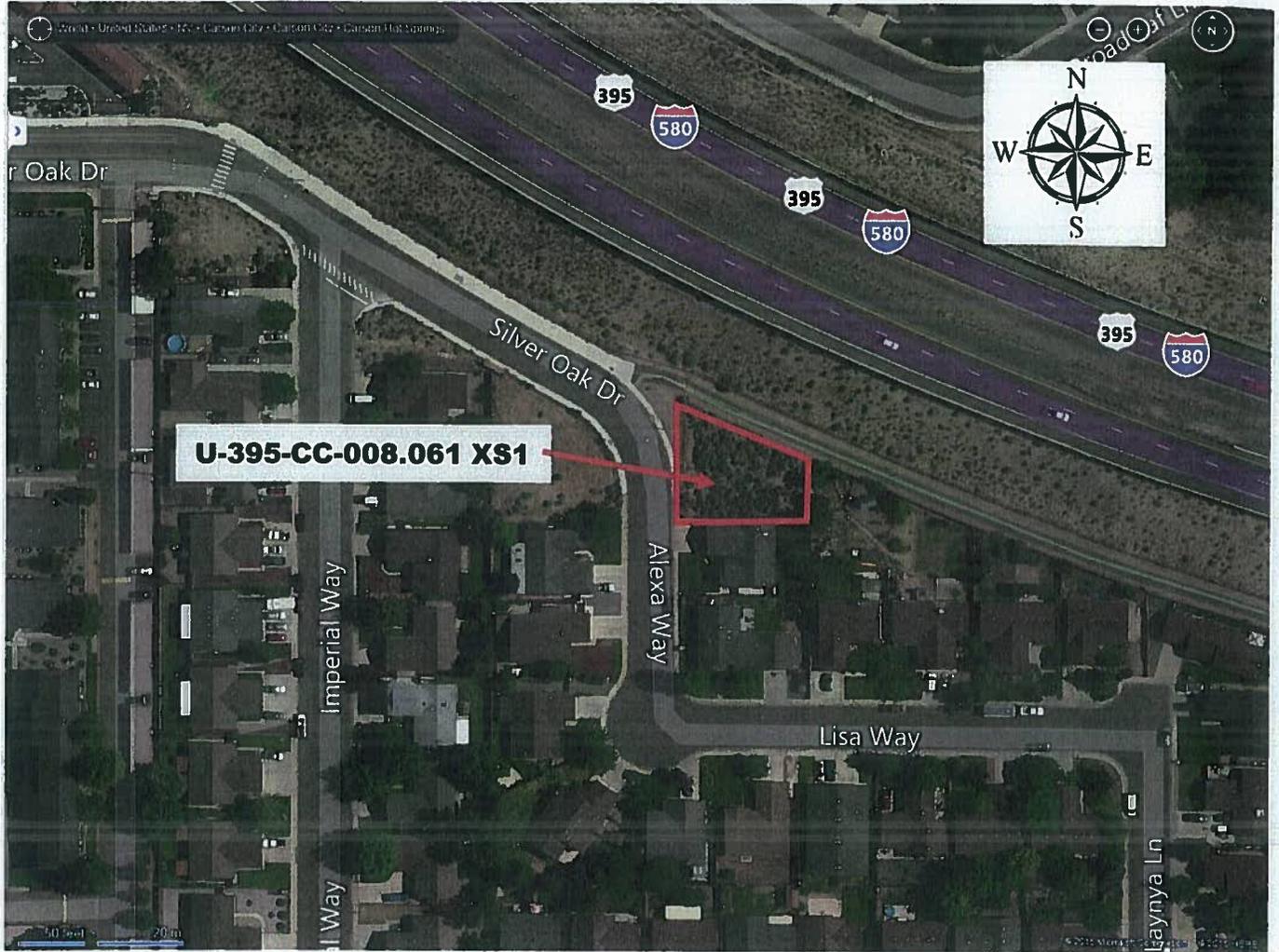
1. Location Map
2. Sketch Map marked Exhibit "A"
3. Copy of Proof and Affidavit of Publication
4. Environmental Approval
5. FHWA Approval
6. N.R.S. 408.533

**Prepared by: Paul A. Saucedo, Chief Right-of-Way Agent**



rm/pas/dtc/dc

# LOCATION MAP

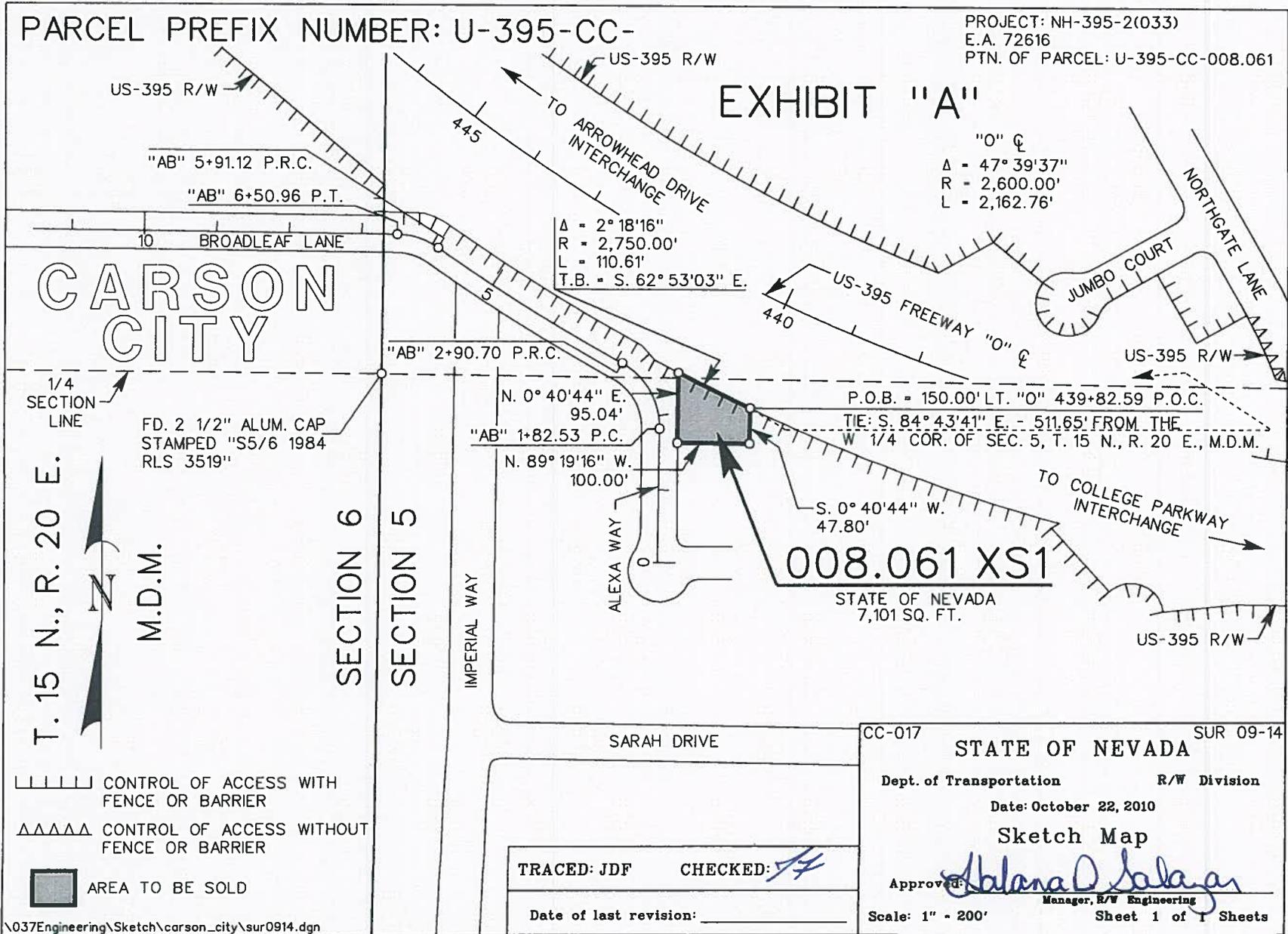


**SUR 09-14**  
**DESCRIPTION: A parcel of land of IR-580/US-395**  
**(East of Alexa Way)**  
**in Carson City, State of Nevada**

PARCEL PREFIX NUMBER: U-395-CC-

PROJECT: NH-395-2(033)  
E.A. 72616  
PTN. OF PARCEL: U-395-CC-008.061

# EXHIBIT "A"



$\Delta = 2^\circ 18' 16''$   
 $R = 2,750.00'$   
 $L = 110.61'$   
 $T.B. = S. 62^\circ 53' 03'' E.$

$"O" \text{ } \phi$   
 $\Delta = 47^\circ 39' 37''$   
 $R = 2,600.00'$   
 $L = 2,162.76'$

$P.O.B. = 150.00' LT. "O" 439+82.59 P.O.C.$   
 $TIE: S. 84^\circ 43' 41'' E. - 511.65' FROM THE$   
 $W \text{ } 1/4 \text{ COR. OF SEC. 5, T. 15 N., R. 20 E., M.D.M.}$

CC-017 SUR 09-14  
**STATE OF NEVADA**  
 Dept. of Transportation R/W Division  
 Date: October 22, 2010  
 Sketch Map  
 Approved: *Alana D. Salazar*  
 Manager, R/W Engineering  
 Scale: 1" = 200' Sheet 1 of 1 Sheets

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

\\037Engineering\Sketch\carson\_city\s0914.dgn



*Proof and  
Statement of Publication*

580 Mallory Way, Carson City, NV 89701  
 P.O. Box 1888, Carson City, NV 89702-2288  
 (775) 881-1201

Account Number: 7895957

Right-of-Way- NDOT  
 1263 South Stewart Street  
 Carson City, NV 89701  
 Attn: Craig Reynoldson

Cora Jeffreys says:  
 That (s)he is a legal clerk of the NEVADA  
 APPEAL, a newspaper published Tuesday through  
 Sunday at Carson City, in the State of Nevada.

NOI Dispose of Real Property

AD# 11395711

of which a copy is hereto attached, was published in  
 said newspaper for the full required period of 4  
 times commencing July 29, 2015, and ending on  
 August 9, 2015 all days inclusive

Signed: \_\_\_\_\_

STATEMENT:

Date	Amount	Credit	Balance
08/09/15	\$882.84	\$0.00	\$882.84

**NOTICE OF INTENT TO  
DISPOSE OF REAL PROPERTY**

Pursuant to Nevada Revised Statute 408.533, the State of Nevada Department of Transportation (Department) hereby gives notice that it intends to dispose of the following property, subject to final approval of the Transportation Board of Directors.

**SUR 09-13** 3850 Alexa Way, Carson City, NV; Single Family Residential property; 9,246 square foot parcel; Vacant lot; Located southwest side of Alexa Way approximately 120 feet north of Lisa Way; Assessor's Parcel Number 002-502-36; NDOT Parcel U-395-CC-008.087 XS1. The Department's appraisal of fair market value is \$36,000 as established by a certified appraiser.

**SUR 09-14** 3865 Alexa Way, Carson City, NV; Single Family Residential property; 7,101 square foot parcel; Vacant lot; Located on the southeast corner of Alexa Way and the I-580 right of way; Assessor's Parcel Number 002-502-35; NDOT Parcel U-395-CC-008.061 XS1. The Department's appraisal of fair market value is \$34,000 as established by a certified appraiser.

**SUR 09-15** 3884 Imperial Way, Carson City, NV; Single Family Residential property; 5,426 square foot parcel; Vacant lot; Located on the southwest corner of Broadleaf Lane and Imperial; Assessor's Parcel Number 002-501-13; NDOT Parcel U-395-CC-008.139 XS1. The Department's appraisal of fair market value is \$30,000 as established by a certified appraiser.

Any person from whom the property was originally purchased by the Department or their heir or grantee may purchase the property at its fair market value by direct sale. Any person or entity who believes that they have the right to directly purchase and who desires to exercise their right must respond in writing within sixty (60) calendar days from the last publication of this notice. If no written responses are received, all rights pursuant to NRS 408.533 (1)(d) shall be extinguished and the property will be sold by public auction with sealed bids accepted. Please submit all written responses to:

Nevada Department of Transportation  
 Right-of-Way Division  
 Attn: Jessica Biggin,  
 Supervisory Right-of-Way Agent  
 1263 S. Stewart St.  
 Carson City, NV 89712

For more information, please refer to NRS 408.533 and/or contact Jessica Biggin at (775) 888-7384 or by email at jbiggin@dot.state.nv.us

Pub: July 29, August 2, 5, 9, 2015 Ad#11395711

**ATTACHMENT 3**

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

April 11, 2012

To: Jessica Biggin, Right-of-Way

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

Subject: Environmental Clearance for Transportation Board  
Surplus No.: SUR 09-09, 10, 12, 13, 14, 15 & 16  
Parcels: U-395-CC-005.795 & 995 XS1; AND, U-395-CC-008.087, 118,  
061, 139 & 439 XS1  
Carson City, NV  
Disposal by Public Auction

The Environmental Services Division (ESD) reviewed the requested action and found it clear of any documented environmental concern. A Categorical Exclusion was approved by the FHWA on April 6, 2012 for this action.

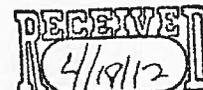
SMC/dlh

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



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

1263 S. Stewart Street  
Carson City, Nevada 89712



BRIAN SANDOVAL  
Governor

April 17, 2012

SUSAN MARTINOVICH, P.E., Director

In Reply Refer to:

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

**Disposal by Public Auction**  
Surplus No.: SUR 09-14  
Project: NH-395-2(033)  
E.A. No.: 72616  
Parcel: U-395-CC-008.061 XS1  
Description: Disposal of NDOT  
property located along a portion of  
US-395 Freeway at Alexa Way in  
Carson City, NV.

Dear Ms. Klekar:

Enclosed are Exhibit "A" (sketch map), location map and one set of right-of-way plans depicting the area of surplus property to be sold at Public Auction, pursuant to N.R.S. 408.533. It has been determined that the property is no longer needed by NDOT. The aforementioned property is located in Carson City, Nevada.

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

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

Your concurrence in this proposal is requested.

Sincerely,

Paul A. Saucedo  
Chief Right-of-Way Agent

CONCUR:

Nugh Hadcock  
Kevin Resler, Right-of-Way Program Manager

Nugh Hadcock  
pas/jb/jm

Enclosures

cc: H. Salazar, Manager, R/W Engineering  
J. Biggin, Staff Specialist

5/7/12  
Date

**NRS 408.533 Disposal of property.**

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



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

## **MEMORANDUM**

**Right-of-Way Division**

**October 29, 2015**

**To: Department of Transportation Board of Directors**

**From: Rudy Malfabon, Director**

**Subject: November 9, 2015 Transportation Board of Directors Meeting**

**Item # 12: Disposal of NDOT property located along Broadleaf Lane at Imperial Way in Carson City, State of Nevada**

**SUR 09-15 – For possible action**

---

### **Summary:**

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Public Auction. The property to be sold is located along Broadleaf Lane at Imperial Way in Carson City, State of Nevada. The property is currently unimproved land consisting of 5,426 sq. ft. as depicted on the attached sketch map marked Exhibit "A".

### **Background:**

The Department originally acquired this property on January 19, 1999, in fee, for the construction of Phase 1 of the US-395, Carson City Freeway. Phase 1 of the US-395, Carson City Freeway is now complete and operational and the Department has determined that this surplus property is no longer needed for the project.

### **Analysis:**

The Department has completed an appraisal of the surplus property to obtain fair market value in the amount of \$30,000.00, as required by N.R.S. 408.533. A public auction will benefit the State in potential revenue and eliminate liability. The release of NDOT's interest in this property is being made in accordance with N.R.S. 408.533.

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

Approval of disposal of NDOT property located along Broadleaf Lane at Imperial Way in Carson City, State of Nevada.

**Department of Transportation Board of Directors  
October 22, 2015**

**List of Attachments:**

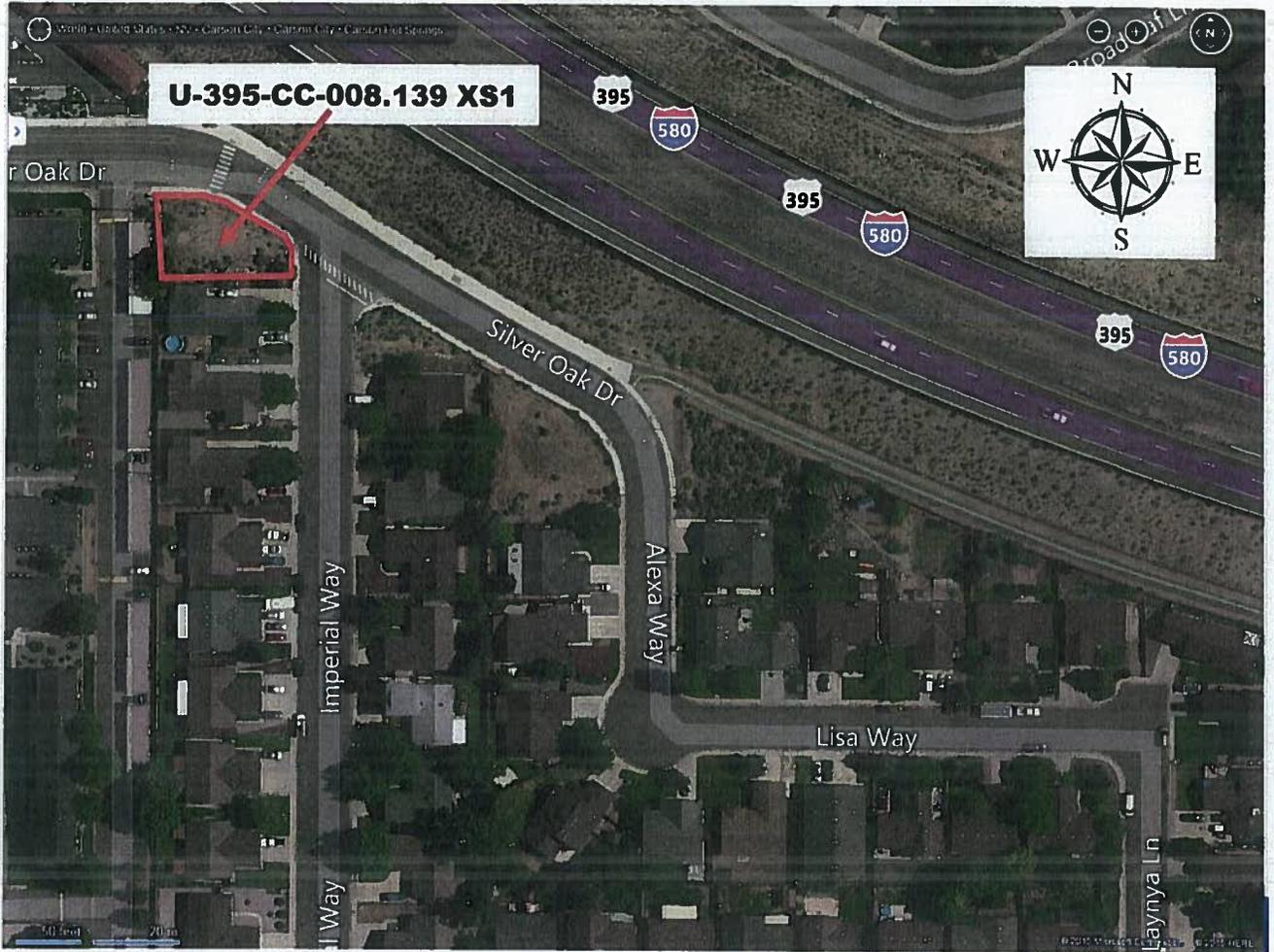
1. Location Map
2. Sketch Map marked Exhibit "A"
3. Copy of Proof and Affidavit of Publication
4. Environmental Approval
5. FHWA Approval
6. N.R.S. 408.533

**Prepared by: Paul A. Saucedo, Chief Right-of-Way Agent**



rm/pas/dtc/dc

# LOCATION MAP



**SUR 09-15**

**DESCRIPTION: A parcel of land of IR-580/US-395  
(South of Silver Oak Drive)  
in Carson City, State of Nevada**

PARCEL NUMBER PREFIX: U-395-CC-

PROJECT: NH-395-2(033)  
E.A. 72616  
PTN. OF PARCEL: U-395-CC-008.139

# EXHIBIT "A"

T. 15 N., R. 20 E.  
M.D.M.

US-395 R/W

"AB"  $\phi$   
 $\Delta = 34^\circ 17' 14''$   
R = 100.00'  
L = 59.84'

## CARSON CITY

"AB" 6+50.96 P.T.

"AB" 5+91.12 P.R.C.

CONTROL OF ACCESS WITH FENCE OR BARRIER

AREA TO BE SOLD

"O"  $\phi$   
 $\Delta = 47^\circ 39' 37''$   
R = 2,600.00'  
L = 2,162.76'

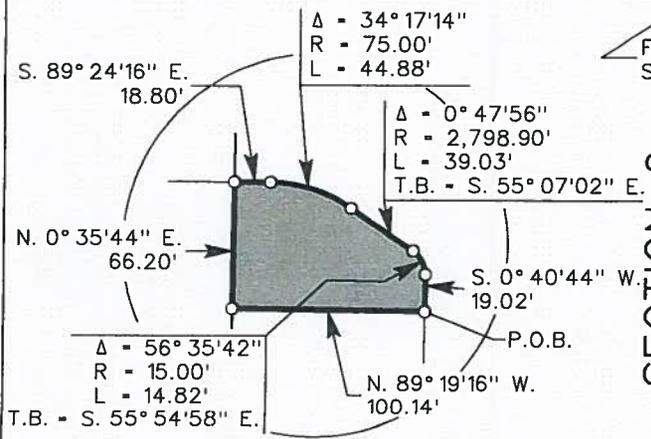
BROADLEAF LANE  
10 N. 89° 24' 16" W.

### 008.139 XS1

1/4 SECTION LINE  
STATE OF NEVADA  
5,426 SQ. FT.

SEE INSET

FD. 2 1/2" ALUM. CAP  
STAMPED "S5/6 1984 RLS 3519"



INSET  
NOT TO SCALE

\037Engineering\Sketch\carson\_city\sur0915.dgn

SECTION 6  
SECTION 5

IMPERIAL WAY

"AB"  $\phi$   
 $\Delta = 6^\circ 12' 16''$   
R = 2,773.90'  
L = 300.38'

ALEXA WAY

"AB" 2+90.70 P.R.C.

US-395 R/W

TO COLLEGE PARKWAY INTERCHANGE

US-395 R/W

JUMBO COURT

P.O.B. = 221.62' LT. "O" 443+82.31 P.O.C.  
TIE: N. 45° 49' 58" E. - 141.04' FROM THE  
W 1/4 COR. SEC. 5, T. 15 N., R. 20 E., M.D.M.

CC-017 STATE OF NEVADA SUR 09-15

Dept. of Transportation R/W Division  
Date: October 22, 2010

### Sketch Map

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

Scale: 1" = 200' Sheet 1 of 1 Sheets

TRACED: DBW CHECKED: *[Signature]*

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



*Proof and  
Statement of Publication*

580 Mallory Way, Carson City, NV 89701  
 P.O. Box 1888, Carson City, NV 89702-2288  
 (775) 881-1201

Account Number: 7895957

Right-of-Way- NDOT  
 1263 South Stewart Street  
 Carson City, NV 89701  
 Attn: Craig Reynoldson

Cora Jeffreys says:  
 That (s)he is a legal clerk of the NEVADA  
 APPEAL, a newspaper published Tuesday through  
 Sunday at Carson City, in the State of Nevada.

NOI Dispose of Real Property

AD# 11395711

of which a copy is hereto attached, was published in  
 said newspaper for the full required period of 4  
 times commencing July 29, 2015, and ending on  
 August 9, 2015 all days inclusive

Signed: \_\_\_\_\_

STATEMENT:

Date	Amount	Credit	Balance
08/09/15	\$882.84	\$0.00	\$882.84

**NOTICE OF INTENT TO  
DISPOSE OF REAL PROPERTY**

Pursuant to Nevada Revised Statute 408.533, the State of Nevada Department of Transportation (Department) hereby gives notice that it intends to dispose of the following property, subject to final approval of the Transportation Board of Directors.

**SUR 09-13** 3850 Alexa Way, Carson City, NV; Single Family Residential property; 9,246 square foot parcel; Vacant lot; Located southwest side of Alexa Way approximately 120 feet north of Lisa Way; Assessor's Parcel Number 002-502-36; NDOT Parcel U-395-CC-008.087 XS1. The Department's appraisal of fair market value is \$36,000 as established by a certified appraiser.

**SUR 09-14** 3865 Alexa Way, Carson City, NV; Single Family Residential property; 7,101 square foot parcel; Vacant lot; Located on the southeast corner of Alexa Way and the I-580 right of way; Assessor's Parcel Number 002-502-35; NDOT Parcel U-395-CC-008.061 XS1. The Department's appraisal of fair market value is \$34,000 as established by a certified appraiser.

**SUR 09-15** 3884 Imperial Way, Carson City, NV; Single Family Residential property; 5,426 square foot parcel; Vacant lot; Located on the southwest corner of Broadleaf Lane and Imperial; Assessor's Parcel Number 002-501-13; NDOT Parcel U-395-CC-008.139 XS1. The Department's appraisal of fair market value is \$30,000 as established by a certified appraiser.

Any person from whom the property was originally purchased by the Department or their heir or grantee may purchase the property at its fair market value by direct sale. Any person or entity who believes that they have the right to directly purchase and who desires to exercise their right must respond in writing within sixty (60) calendar days from the last publication of this notice. If no written responses are received, all rights pursuant to NRS 408.533 (1)(d) shall be extinguished and the property will be sold by public auction with sealed bids accepted. Please submit all written responses to:

Nevada Department of Transportation  
 Right-of-Way Division  
 Attn: Jessica Biggin,  
 Supervisory Right-of-Way Agent  
 1263 S. Stewart St.  
 Carson City, NV 89712

For more information, please refer to NRS 408.533 and/or contact Jessica Biggin at (775) 888-7384 or by email at jbiggin@dot.state.nv.us

Pub: July 29, August 2, 5, 9, 2015 Ad#11395711

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

April 11, 2012

To: Jessica Biggin, Right-of-Way

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

Subject: Environmental Clearance for Transportation Board  
Surplus No.: SUR 09-09, 10, 12, 13, 14, 15 & 16  
Parcels: U-395-CC-005.795 & 995 XS1; AND, U-395-CC-008.087, 118,  
061, 139 & 439 XS1  
Carson City, NV  
Disposal by Public Auction

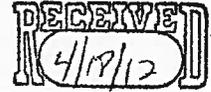
The Environmental Services Division (ESD) reviewed the requested action and found it clear of any documented environmental concern. A Categorical Exclusion was approved by the FHWA on April 6, 2012 for this action.

SMC/dlh

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



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



BRIAN SANDOVAL  
 Governor

April 17, 2012

SUSAN MARTINOVICH, P.E., Director

In Reply Refer to:

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

**Disposal by Public Auction**

Surplus No.: SUR 09-15  
 Project: NH-395-2(033)  
 E.A. No.: 72616  
 Parcel: U-395-CC-008.139 XS1  
 Description: Disposal of NDOT  
 property located along Broadleaf  
 Lane at Imperial Way in Carson City,  
 NV.

Dear Ms. Klekar:

Enclosed are Exhibit "A" (sketch map), location map and one set of right-of-way plans depicting the area of surplus property to be sold at Public Auction, pursuant to N.R.S. 408.533. It has been determined that the property is no longer needed by NDOT. The aforementioned property is located in Carson City, Nevada.

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

1. The subject property right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The right-of-way being retained is adequate under present day standards for the facility involved;
3. The release will not adversely affect the Federal-aid Highway facility or the traffic thereon;
4. The parcel to be sold is not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, Section 302-305 (Highway Beautification Act of 1965);
5. The parcel to be sold has been cleared through the Environmental Division in accordance with CEQ regulations 40 CFR 1508.4 and 23 CFR 771.117(d);
6. The sale of this parcel is being made in accordance with N.R.S. 408.553.

Your concurrence in this proposal is requested.

Sincerely,

Paul A. Saucedo  
 Chief Right-of-Way Agent

CONCUR:

\_\_\_\_\_  
 Kevin Resler, Right-of-Way Program Manager  
 Hugh Hadsock

5/7/12  
 \_\_\_\_\_  
 Date

pas/jb/jm  
 Enclosures

cc: H. Salazar, Manager, R/W Engineering  
 J. Biggin, Staff Specialist

**NRS 408.533 Disposal of property.**

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

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(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

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(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

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(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

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3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



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## MEMORANDUM

September 17, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 9, 2015 Transportation Board of Directors Meeting  
**Item #13:** Approval of Equipment Purchase in Excess of \$50,000 - High Speed Profiling System - For Possible Action

---

### **Summary:**

This item is to request Transportation Board approval to purchase one CS9300 High Speed Profiling System for Fiscal Year 2016. This unit will be placed in District II for the Quality Assurance (QA) inspectors to measure the smoothness of bridge decks and roadways on new construction contracts and provide verification testing, as required by federal regulations, of contractors' test results which are used in the acceptance process.

### **Background:**

The Legislature approved Specialized Equipment (NDOT Operation Equipment) during their 2015 regular session. Part of this approval included the procurement to purchase a total of \$1,000,000 in new non-rental equipment in FY 2016. The purchase was included in the legislatively-approved budget and funded with state highway funds (Attachment 1).

NRS 408.389 states that the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board. The CS9300 High Speed Profiling System exceeds the \$50,000 threshold, requiring Transportation Board approval. With the increased use of Ride Quality Adjustments (monetary incentives and/or disincentives), this equipment is necessary to verify ride pay factors. The NDOT Director's office allocated \$80,000 for the purchase of this unit.

### **Analysis:**

The CS9300 High Speed Profiling System will allow Quality Assurance (QA) inspectors located in District II to measure the smoothness of roadways and bridge decks on future construction contracts. It will also allow for the verification of the contractors' test results which is utilized in the acceptance process. Under 23 CFR 637B, verification testing by the State Highway Agency is required when using contractors' test results in the acceptance process.

### **Cost Analysis:**

We analyzed three different High Speed Profiling Systems and determined that they all had similar characteristics and that they would meet all of our needs. The decision was made to use the CS9300 High Speed Profiling System as these are the same units that we are successfully using in Districts I and III. At the time this memo was prepared, the Construction Division was quoted \$52,498.70. Actual cost may vary when ordered through the Equipment Division.

**List of Attachments:**

A) Excerpt FY 2015-2016 Approved Budget Request

**Recommendation for Board Action:**

The Department recommends approval of the requested equipment purchase.

**Prepared by:**

Steve Hale, P.E., Construction Division

NEVADA DEPARTMENT OF TRANSPORTATION  
 BUDGET ACCOUNT 201-4660  
 BUDGET REQUEST FISCAL YEARS 2015-2016 AND 2016-2017  
 ENHANCEMENT

NDOT OBJECT	OBJECT TITLE DESCRIPTION / JUSTIFICATION / DOCUMENTATION OF NEED	2016 A00	2017 A00	2016 G01	2017 G01
<b>E720 EQUIPMENT - CATEGORY 05</b>					
<b>REVENUE - CATEGORY 00</b>					
00-2507	Highway Fund Authorization	\$ 3,689,502	\$ 2,749,055	\$ 3,598,017	\$ 2,748,741
<b>TOTAL REVENUE - CATEGORY 00</b>		<b>\$ 3,689,502</b>	<b>\$ 2,749,055</b>	<b>\$ 3,598,017</b>	<b>\$ 2,748,741</b>

**EQUIPMENT - CATEGORY 05**

As required by the Budget Instructions, expenses associated with the purchases of new equipment are included as an enhancement. This decision unit is requesting budget authority to purchase operational equipment items that will cost greater than \$5,000 and several specialized equipment items, all of which are detailed separately and are summarized below by object code.

	<u>2016</u>	<u>2017</u>			
CAT 04/05 PROJECT NEON TEMPORARY FIELD OFFICE					
04 - 7771 SOFTWARE	\$ 27,090	\$ 27,090	\$ 27,150	\$ 27,150	
05 - 8241 OFFICE FURNITURE	\$ 194,400	\$ -	\$ 196,800		
05 - 8271 PROJECTOR	\$ 2,000	\$ -	\$ 1,500		
05 - 8370 COMPUTER HARDWARE > \$5,000	\$ 136,317	\$ -	\$ 35,537		
05 - 8371 COMPUTER HARDWARE < \$5,000	\$ 69,695	\$ 21,965	\$ 77,030	\$ 21,591	
	<u>\$ 429,502</u>	<u>\$ 49,055</u>			
05-8274 SPECIALIZED EQUIPMENT (NDOT Operational Equipment) Operational equipment includes a wide variety of equipment such as computers, office furniture, laboratory test equipment, shop tools and miscellaneous survey equipment.	<u>\$ 1,750,000</u>	<u>\$ 1,750,000</u>	\$ 1,750,000	\$ 1,750,000	
05-8276 MATERIAL / ENVIRONMENTAL EQUIPMENT					
CS9300 High Speed Profiling Systems	\$ 80,000	\$ -			
PM-10 Sweepers (three each year)	\$ 870,000	\$ 870,000			
Culvert Cleaner Truck	\$ 250,000	\$ -			
	<u>\$ 1,200,000</u>	<u>\$ 870,000</u>	\$ 1,200,000	\$ 870,000	
04-7460 EQUIPMENT < \$1,000					
EDOC Field Devices -tablets or IPADS - (100 @ \$800 each)	\$ 80,000	\$ 80,000			
	<u>\$ 80,000</u>	<u>\$ 80,000</u>	\$ 80,000	\$ 80,000	
05-8280 LIGHT AND HEAVY CONSTRUCTION & MAINTENANCE EQUIPMENT					
Viking TP26, 26' Tow Plows with swivel tongue (two)	\$ 230,000	\$ -			
	<u>\$ 230,000</u>	<u>\$ -</u>	\$ 230,000		
	<u>\$ 3,689,502</u>	<u>\$ 2,749,055</u>			
<b>ENHANCEMENT - NEW EQUIPMENT - E720</b>		<b>\$ 3,689,502</b>	<b>\$ 2,749,055</b>	<b>\$ 3,598,017</b>	<b>\$ 2,748,741</b>



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## MEMORANDUM

October 28, 2015

**TO:** Department of Transportation Board of Directors  
**FROM:** Rudy Malfabon, Director  
**SUBJECT:** November 9, 2015 Transportation Board of Directors Meeting  
**Item #14:** 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 October 28, 2015 - *Informational item only.*  
Please see Attachment C.
- d. Additional Information Regarding Purchase of Digital Camera System – *Informational item only.*  
Please see Attachment D.

### **List of Attachments:**

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated October 28, 2015 - *Informational item only.*
- d. Additional Information Regarding Purchase of Digital Camera System – *Informational item only.*

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

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF OCTOBER 20, 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	\$ 150,071.11
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	\$ 272,177.71
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	\$ 469,286.08
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/31/16 Amendment #1	1/22/13 1/22/15	\$205,250.00 Extension of Time	\$ 205,250.00	\$ 41,197.82
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Sorinos Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 1/31/17 Amendment #1 Amendment #2	2/27/13 1/23/15 5/13/15	\$275,000.00 Extension of Time	\$ 425,000.00	\$ 60,365.34
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 1/31/17 Amendment #1	2/27/13 1/23/15	\$ 275,000.00 Extension of Time	\$ 275,000.00	\$ 134,619.41
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/28/17 Amendment #1	2/27/13 2/17/15	\$ 200,000.00 Extension of Time	\$ 200,000.00	\$ 23,739.44
** Varela, Lee, Metz & Guarina, LLP - Novation Agreement 2/28/14 from Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/17	4/30/13	\$ 275,000.00	\$ 275,000.00	\$ 59,870.66
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Agmt No. P290-13-004	7/17/13 - 2/28/17 Amendment #1 Amendment #2	7/17/13 2/12/15 8/12/15	\$ 280,000.00 \$ 475,000.00 \$ 375,000.00	\$ 1,130,000.00	\$ 203,996.28
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Agmt No. P291-13-004	7/25/13 - 7/30/17 Amendment #1 Amendment #2	7/25/13 4/28/14 5/15/15	\$ 200,000.00 \$ 250,000.00 Extension of Time	\$ 450,000.00	\$ 80,872.59
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Agmt No. P293-13-004	7/25/13 - 7/30/17 Amendment #1	7/25/13 9/9/15	\$ 70,000.00 \$ 20,000.00	\$ 90,000.00	\$ 6,542.09
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 OCTOBER 20, 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	\$ 129,993.58
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	\$ 38.52
*** Downey Brand, LLP Novation Agreement 2/12/15 from Armstrong Teasdale, LLP	Legal Support for utility matters relating to Project Neon and Boulder City Bypass NDOT Agmt No. P210-14-004	5/14/14 - 5/30/16	5/14/14	\$ 250,000.00	\$ 250,000.00	\$ 245,570.00
Sylvester & Polednak	First Presbyterian Church vs. NDOT 8th JD A-14-698783-C Project Neon NDOT Agmt No. P327-14-004	7/17/14 - 7/30/16	7/17/14	\$ 280,000.00	\$ 280,000.00	\$ 225,668.00
Carbajal & McNutt, LLP	Las Vegas Golf & Country Club 8th JD A-14-705477-C Project Neon NDOT Agmt No. P362-14-004	9/8/14 - 8/30/16	9/8/14	\$ 375,000.00	\$ 375,000.00	\$ 344,566.14
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	\$ 82,184.15
Lambrose Brown	Grant Properties Project Neon NDOT Agmt No. P433-14-004	10/14/14 - 10/30/16	10/14/14	\$ 275,000.00	\$ 275,000.00	\$ 257,362.79
Lambrose Brown	Sharples Project Neon NDOT Agmt No. P434-14-004	10/16/14 - 10/30/16	10/16/14	\$ 275,000.00	\$ 275,000.00	\$ 266,093.00
Laura FitzSimmons, Esq.	Project Neon Eminent Domain Actions NDOT Agmt No. P480-14-004	11/10/14 - 11/30/15	11/10/14	\$ 600,000.00	\$ 600,000.00	\$ 484,720.00
Varela, Lee, Metz & Guarino	Sequoia Electric K3409 NDOT Agmt No. P526-14-004	10/16/14 - 10/30/16	10/16/14	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Lambrose Brown	Paralegal Services - Project Neon NDOT Agmt No. P547-14-004 Amendment #1	11/20/14 - 11/30/16 Amendment #1	11/20/14 2/12/15	\$ 250,000.00 \$ 250,000.00	\$ 250,000.00	\$ 127,853.03
Carbajal & McNutt, LLP	John J. Charleston Trust Project Neon NDOT Agmt No. P374-15-004	07/17/15 - 10/31/18	7/17/15	\$ 400,000.00 \$ 400,000.00	\$ 400,000.00	\$ 393,791.50
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/12	\$ 77,750.00 \$ 77,750.00	\$ 77,750.00	\$ 76,340.00

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

\*\* The firm of Varela, Lee, Metz & Guarino, LLP took over representing the Department in the matter of Pacific Coast Steel vs. NDOT Case as of 2/28/14 from the firm of Watt, Tieder, Hoffar & Fitzgerald.

\*\*\* The firm of Downey Brand, LLP took over representing the Department on 2/12/15 in utility matters relating to condemnation actions and acquisitions from the firm of Armstrong Teasdale, LLP.

**Contracts Closed Or Expired Since Last Report:**

NONE						
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Monthly Litigation Report to the Nevada Department of Transportation -October 20, 2015				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
<b>Condemnations</b>				
NDOT vs. John J. Charleston Trust of 1998	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. Custom Landco. (Walker Furniture)	Eminent domain - Project Neon	\$ 261,133.16	\$ 6,682.69	\$ 267,815.85
NDOT vs. Danisi, Vicent, J. III	Eminent domain - Project Neon			
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 155,477.68	\$ 20,782.88	\$ 176,260.56
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 120,925.00	\$ 19,455.59	\$ 140,380.59
NDOT vs. LGC 231, LLC - (Holsom Lofts)	Eminent domain - Project Neon	\$ 121,902.50	\$ 56,193.73	\$ 178,096.23
NDOT vs. Las Vegas Golf & Country Club	Eminent domain - Project Neon	\$ 28,027.75	\$ 2,406.11	\$ 30,433.86
NDOT vs. Loch Lomond Trust, et al.	Eminent domain - Project Neon	\$ -	\$ -	\$ -
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 195,408.45	\$ 30,269.51	\$ 225,677.96
NDOT vs. Reich Series, LLC, et al.	Eminent domain - Project Neon			
NDOT vs. Robarts 1981 Trust, et al.	Eminent domain - Project Neon			
NDOT vs. Sharples, John; Sharples, Bonnie	Eminent domain - Project Neon	\$ 8,907.00	\$ -	\$ 8,907.00
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 315,700.78	\$ 48,933.88	\$ 364,634.66
<b>McCarran Widening - Condemnations</b>				
NDOT vs. Chavez, Dawn R.	Eminent domain - McCarran Widening *	\$ 27,718.80	\$ 4,380.04	\$ 32,098.84
NDOT vs. Manaois, Randy M.	Eminent domain - McCarran Widening *	\$ 27,718.80	\$ 4,380.04	\$ 32,098.84
NDOT vs. Marsh, Nita, et al.	Eminent domain - McCarran Widening *	\$ 27,718.80	\$ 4,380.04	\$ 32,098.84
NDOT vs. Stanford Crossing, LLC	Eminent domain - McCarran Widening *	\$ 27,718.80	\$ 4,380.04	\$ 32,098.84
		\$ 1,318,357.52	\$ 202,244.55	\$ 1,520,602.07
<b>Inverse Condemnations</b>				
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 513,748.06	\$ 113,858.70	\$ 627,606.76
AD America, Inc. vs. NDOT (NEON-Silver Ave.)	Inverse condemnation - Project Neon			
AD America, Inc. vs. NDOT (South Point)	Inverse condemnation - South Point	\$ 64,929.00	\$ 4,981.34	\$ 69,910.34
First Presbyterian Church of LV vs. NDOT	Inverse condemnation - Project Neon	\$ 50,325.15	\$ 4,006.85	\$ 54,332.00
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 766,471.92	\$ 149,554.39	\$ 916,026.31
Robarts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 193,348.58	\$ 10,198.71	\$ 203,547.29
		\$ 1,588,822.71	\$ 282,599.99	\$ 1,871,422.70
<b>Cases Closed and Removed from Last Report:</b>				
NDOT vs. Miller, Bruce B.	Eminent domain - McCarran Widening *	\$ 20,670.99	\$ 2,932.42	\$ 23,603.41
* McCarran Widening fees and costs are under one contract with each reflecting a pro-rata share for the open cases.				
<b>New cases appear in red - no new cases have been filed in this period.</b>				

Monthly Litigation Report to the Nevada Department of Transportation - September 15, 2015				
Case Name	Nature of Case	Outside Counsel to		
		Fees	Costs	Total
<b>Torts</b>				
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harris Farm, Inc. vs NDOT	Plaintiff alleges negligence and personal injury			
Jorgenson & Koka, LLP vs. NDOT, et al.	Plaintiff alleges negligence causing property damage			
King-Schmidt, Barbara vs. NDOT	Plaintiff alleges negligence and personal injury			
Knowlton, Jane vs. NDOT	Plaintiff alleges personal injury and property damage			
Mezzano, Rochelle vs. Bicycle Ride Directors, NDOT, et al.	Plaintiff alleges negligence and personal injury			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Perkins, Troy vs. City of LV, Clark Co., NDOT, LV Paving	Plaintiff alleges negligence and wrongful death			
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			
<b>Contract Disputes</b>				
None currently in litigation				
<b>Miscellaneous</b>				
Nevada Power Co., Inc. vs. KAG Development; NDOT	Plaintiff seeking quiet title			
Road & Highway Builders vs. NDOT	Petition for Judicial Review of Prevailing Wage			
<b>Personnel Matters</b>				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cerini, Cheri	Petition for Judicial Review			
<b>Cases Removed from Last Report:</b>				

New cases appear in red.

Outside Counsel  
Fees and Costs of Open Cases  
as of October 20, 2015

<u>Category</u>	<u>Fees</u>	<u>Costs</u>	<u>Total</u>
Condemnation Litigation	\$ 1,318,357.52	\$ 202,244.55	\$ 1,520,602.07
Inverse Condemnation Litigation	\$ 1,588,822.71	\$ 282,599.99	\$ 1,871,422.70
Construction Litigation	0	0	0
Personnel Litigation	0	0	0
Tort Claim Litigation	0	0	0
	<u>\$ 2,907,180.23</u>	<u>\$ 484,844.54</u>	<u>\$ 3,392,024.77</u>

10/28/2015

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

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

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

	CURRENT		SAME DATE LAST YEAR		# CHANGE		
	Crashes	Fatals	Crashes	Fatals	Crashes	Fatals	
10/26/2015	3	3	10/25/2014	1	1	2	2
MONTH	25	30	MONTH	17	18	8	12
YEAR	226	250	YEAR	207	226	19	24

CRASH AND FATAL COMPARISON BETWEEN 2014 AND 2015, AS OF CURRENT DATE.

COUNTY	2014 Crashes	2015 Crashes	% CHANGE	2014 Fatalites	2015 Fatalities	% Change	2014 Alcohol Crashes	2015 Alcohol Crashes	% Change	2014 Alcohol Fatalities	2015 Alcohol Fatalities	% Change
CARSON	3	2	-33.33%	4	2	-50.00%	0	1	100.00%	0	1	100.00%
CHURCHILL	4	2	-50.00%	4	4	0.00%	0	0	0.00%	0	0	0.00%
CLARK	118	139	17.80%	125	152	21.60%	28	28	0.00%	31	34	9.68%
DOUGLAS	3	7	133.33%	3	7	133.33%	0	1	100.00%	0	1	100.00%
ELKO	10	11	10.00%	13	12	-7.69%	3	1	-66.67%	6	1	-83.33%
ESMERALDA	1	3	200.00%	2	3	50.00%	0	0	0.00%	0	0	0.00%
EUREKA	3	4	33.33%	4	4	0.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	9	3	-66.67%	10	6	-40.00%	1	1	0.00%	1	3	200.00%
LANDER	3	5	66.67%	3	5	66.67%	0	0	0.00%	0	0	0.00%
LINCOLN	2	4	100.00%	2	4	100.00%	0	1	100.00%	0	1	100.00%
LYON	8	4	-50.00%	10	5	-50.00%	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	9	8	-11.11%	10	8	-20.00%	3	2	-33.33%	3	2	-33.33%
PERSHING	3	0	-100.00%	3	0	-100.00%	2	0	-100.00%	2	0	-100.00%
STOREY	2	2	0.00%	2	2	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	29	28	-3.45%	31	31	0.00%	5	6	20.00%	6	6	0.00%
WHITE PINE	0	3	300.00%	0	3	300.00%	0	0	0.00%	0	0	0.00%
YTD	207	226	9.18%	226	250	10.62%	45	42	-6.67%	52	50	-3.85%
TOTAL 14	268	----	-15.7%	291	----	-14.1%	----	----	#DIV/0!	----	----	#DIV/0!

2014 AND 2015 ALCOHOL CRASHES AND FATALITIES ARE BASED ON VERY PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2014 AND 2015, AS OF CURRENT DATE.

COUNTY	2014 Vehicle Occupants	2015 Vehicle Occupants	% Change	2014 Peds	2015 Peds	% Change	2014 Motor-Cyclist	2015 Motor-Cyclist	% Change	2014 Bike	2015 Bike	% Change	2014 Other moped,at v	2015 Other moped,at v
CARSON	1	1	0.00%	0	1	100.00%	3	0	-100.00%	0	0	0.00%	0	0
CHURCHILL	3	4	33.33%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
CLARK	50	72	44.00%	35	36	2.86%	33	24	-27.27%	2	8	300.00%	5	12
DOUGLAS	1	5	400.00%	1	1	0.00%	1	1	0.00%	0	0	0.00%	0	0
ELKO	13	9	-30.77%	0	1	100.00%	0	2	200.00%	0	0	0.00%	0	0
ESMERALDA	2	3	50.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	4	4	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	7	6	-14.29%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	1	0
LANDER	2	3	50.00%	1	2	100.00%	0	0	0.00%	0	0	0.00%	0	0
LINCOLN	2	3	50.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
LYON	5	5	0.00%	2	0	-100.00%	2	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	7	8	14.29%	1	0	-100.00%	2	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	1	1	0.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%	0	0
WASHOE	12	17	41.67%	8	7	-12.50%	6	7	16.67%	3	0	-100.00%	2	0
WHITE PINE	0	3	300.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
YTD	113	146	29.20%	49	48	-2.04%	50	36	-28.00%	6	8	33.33%	8	12
TOTAL 14	147	----	-0.68%	72	----	-33.33%	55	----	-34.55%	8	----	0.00%	9	----

1. For how long has the DMC IIe-140 model camera been manufactured?

Leica Geosystems introduced this model camera in 2010.

2. For how long will parts be manufactured?

The DMC IIe-140 will be supported for at least the next 5 -10 years, however the parts for this camera will continue to be manufactured for at least the next 15 years. The only difference between this model and the new DMCIII model that came out this year is in the camera head electronics.

3. How long is the warranty?

The camera comes with a one-year warranty consisting of the following:

- Support will be provided 5 days per week, 9 hours per day via email and hotline, during working days, from 8:00AM to 5:00PM local time zone, excluding public holidays and weekends
- In case of malfunction of the sensor system under CCP, all replacement parts, labor time and travel costs required to return the system to full functionality
- In case the systems needs to be shipped back to the service depot or factory all shipping cost are included (to and from the factory)
- Work report provided
- Response on support calls will be within next business day
- On-site support will be within five (5) working days after remote diagnostic is finished with the GSD support team (restriction related to Visa application apply)

4. What is the return policy?

Leica Geosystems has been making camera systems for over 50 years and is a very reputable company. They stand behind their products and will do whatever is necessary to remedy any problems with our camera system.

5. What are the options for maintenance agreements?

There are several tiers of maintenance options available ranging in price from \$10,000 to \$110,000 per year. We anticipate a maintenance cost of \$35,000/year to meet our needs.