

Nevada Department of Transportation
Board of Directors
Construction Working Group Meeting Transcripts
September 10, 2018

Chairman Len Savage	Steve Hale	Bill Hoffman
BJ Almberg	Stephen Lani	Rick Splawinski
Frank Martin-Absent	Darin Tedford	Denise Inda
Thor Dyson	Nathan Morian	Bill Wellman – Las Vegas Paving
Tracy Larkin	Mary Martini Dist I	Chris Koeing, Kiewit
Lou Holland	Dale Keller	
Sharon Foerschler	Nick Johnson	

Savage: Good afternoon everyone. Let's call to order of the Construction Working Group, Department of Transportation Meeting here in Carson City on September 10th about 1:27 p.m. Can you hear us loud and clear in Las Vegas?

Martini: Yes, I can.

Savage: And who's all there, Mary? We can't see you yet.

Martini: Just me. I'm on the self-view.

Savage: Oh, there you go. Now we have you. Is there anybody in Elko?

Speaker: It would appear not.

Savage: Carson City, welcome everyone. We'll go ahead and get started. Is there any public comment here in Carson City? Las Vegas, is there any public comment?

Martini: No, there is not.

Savage: And there's nobody in Elko, correct? If there's no public comment, we'll move on to Agenda Item Number 3, the Comments from the Working Group, Discussion Only. Any comments from—in Carson City from anyone at the table or anyone in the audience? Feel free to speak up.

Dyson: Could possibly be Ms. Tracy Larkin. This is Thor Dyson. I am going to talk a little bit about NOA.

Larkin: I was?

Savage: Good afternoon Tracy.

Larkin: No, I'm just teasing. We've put together—we've been working with the AGC and different contractors, and the NCA on some concerns with naturally occurring asbestos. Those were some new environmental guidelines that were put in place. So, we have a Working Group.

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We've had our first meeting. There are some—I am relatively sure there's going to be a second meeting. We have a meeting with the agency tomorrow just about some concerns on the process, on the process for sampling each of the pits, how much sampling needs to be done, where it's being done, et cetera. That's it.

We're also working just to expand on it. We've got construction in the lab on percent moving weight limits, on dispute resolution. That's also going to be discussed. We're also working with them on some contract compliance, issues like payrolls, again, process. So, we've got three or four different processes that we're working with the—basically, all the contractors to make sure we just get their feedback and what kind of impact it has on them.

Savage: That's good because, if I remember correctly, you were in the Boulder City planning review. The NOA was a hot topic. And then, we also went throughout the state in certain areas and we've retained a consultant, I believe one or two maybe, consultants. Do we still have a consultant that is retained on the NOA agreement? Do you know?

Dyson: I'm not sure. I think we do. Environmental Services has been pretty much—this is Thor Dyson, for the record. Environmental Services has been taking the lead on that. It started with Boulder City, Boulder Bypass. And like you stated, Member Savage, it's now gone throughout the state. We just want to make sure that we can keep NDOT workers, contractors, anybody that's going into these pits, keep them safe and not be breathing in ironite or asbestos, naturally occurring.

Larkin: Again, but the balance is, we want to make sure that it's safe. We also want to make sure that we haven't—we're putting on things that have become too onerous.

Savage: That's correct.

Larkin: That's not really practical.

Savage: That's exactly right. I'm glad the Department is back on it because that's very important. Everybody likes to sell their services. If we want to be compliant with OSHA, compliant with the State [inaudible]. NDOT has been proactive in the last several years on this particular issue. So, I'm glad to see you're talking with the agency more.

Dyson: Right. We had a discussion—

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[crosstalk]

Larkin: Statewide. [crosstalk] North and NCA. So, we have a combination of both North and South contractors.

Dyson: We had a meeting and a discussion back on, I believe it was August 6th. And some individuals from Southern Nevada, from the contractors AGC attended, as well as, the meeting was up north here at the AGC building.

And again, you know, it's just to go over the process. We were there at the meeting there to communicate with AGC to get and solicit comments and, basically, to reiterate that NOA is to protect employees, our employees, not just NDOT employees, but all employees.

And some of the other notes I have here is—oh, one key point is, is, we're looking at the EPA testing but not the California testing, because it was—I think—if I remember right, the California testing was more stringent and not as practical and could cause issues. So, and these weren't—these specifics weren't made up by NDOT. It was, like I said, by the EPA and—the target date was October 1st, but like Tracy says—

Larkin: It's going to be extended.

Dyson: —it's going to be extended and looked at.

Larkin: In that same meeting he did say it was held in the north, but it was being conferenced to the south.

Savage: Good.

Larkin: And we asked that each contractor bring their appropriate person because, generally the ones that we're talking to are not the ones who are most knowledgeable on the procedures.

Savage: Right.

Dyson: So, I think, if I remember right, I saw Billy Wellman. There you are. Do you want to come up and talk about it at all, or do you have any comments?

Wellman: I'm not one of those guys who knows, as Tracy just said. But my guys did attend the two conference calls.

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Savage: We might have worn out Mr. Wellman at the las CWG meeting.

[crosstalk]

Savage: He doesn't want to talk anymore.

Wellman: Be back a couple of rows.

[crosstalk]

Dyson: Write that down, he doesn't want to talk anymore.

Savage: Thank you Tracy. Any other comments, Tracy, before we move on from Agenda Item Number 3? Anybody else from the Working Group here in Carson City? In the audience or at the table?

Larkin: I did want to say since—sorry, I'm looking because they also said, on DBE. I just—it was brought up at the meeting earlier, but the disparity study has been completed. A public meeting will be held in October and that sets the new DBE goal for the state for the next three years. And so, there will be public comment taken, and I will also bring that up at our meeting with the Contractors Associations tomorrow. They're fully aware, if they want to make a comment.

Savage: And does NDOT have a person that oversees the DBE?

Larkin: Yes. So, Civil Rights, Sonnie Braih

Savage: Okay, so [inaudible] I just wasn't sure.

Larkin: Yes. He oversees the Civil Rights Program.

Savage: Okay. Thank you, Tracy. Yes, BJ?

Almberg: Based on today's line of discussion, with all the carefulness we went through on the previous agenda item, confidentiality and everything else, one of the things that I had requested leading up to that meeting and was leading back to the same thing that we've always—that I've always desired in coming back and seeing you know, board books. I mentioned it today, that he thanked you for the way that it was presented back in the Board, because overhead rates were always an issue to us.

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One of things that I have come back and requested was, 1) what are our hourly rates that we're paying our consultants? And I realized, based on past information that's been provided back to me, it's hard to come back in and say, hey here's the hourly rates because, you know, everybody's sitting at this table is making five cents an hour different from each other. Everybody's hourly rate is different through our contracts.

And so, I'm not concerned about everybody as individual, but I would like to see, when it comes back in, the rate for a, say, an Engineering I, Project Engineering II, whatever—however you kind of break them down in your major categories, what is our average hourly rate we're paying for our major categories there?

What was expressed back to me was that was confidential and we can't provide it to you until after the fact. I'm not asking it to be in my packet; I am asking to receive it confidentially or whatever it is. And I just feel, going back to what we've always discussed, I have an issue because the overhead rates doesn't mean anything. At the end of the day, it does—I'm sure it doesn't mean anything from the standpoint of what we're paying our consultants. You know? We can pay you \$1.50, we can pay you \$1.10 overhead rate. But I still want to know at the end of the day what we're paying each one of you. And so, that's what I was looking at there.

The other thing that I had requested was actually the scoring breakdown of our consultants, so that when it comes back in here, here's the five consultants that applied; here's the scoring, the ranking system. And again, I understand it may not be public record until awarded, but I believe that we still should be able to receive that same confidentially in our packets. Not necessarily in our packets, or it can come with the confidential portion of the packet or whatever it is. I would just feel more comfortable with the decisions that are made in seeing that information. So, I don't know. Lou, this going back to legal, is that—

Holland: Yes. Confidential information can be submitted to the Board members in a labeled envelope, the way we did it with [inaudible]

Almberg: Okay. I just wanted to clarify that because, you know, I've—sometimes in response that's confidential, we can't provide it to you. But at the end of the day, you guys have it, but we have to make the ultimate decision. I think that we should be able to have all that information when we make a decision.

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Savage: Thank you, B.J. Anybody else from Carson City? Comments? How about Las Vegas, Mary, any comments from Las Vegas, Agenda Item Number 3?

Martini: None, thank you.

Savage: Then we'll move on to Agenda Item Number 4, Approval of the June 11, 2018 NDOT Board of Directors, Construction Working Group Meeting Minutes. Any additions, deletions, modifications or do we have a motion?

Almberg: Move to approve.

Savage: BJ moves to approve. Member Martin was absent at that meeting and he is absent again today, so I'll second the motion. And all in favor, say aye. [ayes around] Agenda Item Number 4, approved. Member Martin, for the record, I would like to look at Mr. Wellman's comments. It was very educating in the discussion for the June 11, 2018, Bid Summary reviews. It was very helpful and thorough. So, again, thank you Mr. Wellman. Thank you, Chris, from Kiewit.

We'll move on to Agenda Item Number 5, Presentation Discussion Regarding the Percent Within the Limits, known as the PWL.

Dyson: Yes, so thank you. This is Thor Dyson. This is an issue that's—it's new, but not too new. It's been going on for three years. Staff has worked really hard. I believe it's a mandate by the Federal Highway Administration, to move forward with the PWL. And I've asked staff, in particular, Sharon and Darin Tedford and Steve Hale—Steve Hale and Darin Tedford are going to do a presentation on Percent Within Limits and explain what it is and why we're doing it and where we're going and the different iterations and so forth. So, with that, I'm going to turn it over to them. Thank you.

Hale: Good afternoon. For the record, Steve Hale. The Quality Assurance Engineer for the Construction Division right here at NDOT. And thanks for the opportunity to Thor and thanks Board Members and the CWG.

So, Percent Within Limits. So, here's the NDOT story. So, in this presentation, I'm going to talk about what is Percent Within Limits, why the need for it, the specifications, the development of the PWL specifications, the implementation, our current PWL specifications and the outcome of PWL projects today.

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So, these are projects that may not be closed out, but the paving has been completed, except for one project, which we'll get to. But there are still some that are ongoing, but they're not in the final paving stage yet.

So, what is PWL? PWL uses statistical analysis to determine the consistency of a material produced by a contractor. It encourages contractors to produce consistent—

Martini: Steve?

Hale: Yes?

Martini: The PowerPoint isn't coming through here. Is D.J. or somebody there to—

Menzel: Yeah. It should be, it's hooked up, so you must have a problem down there. Is the other monitor on? Do you know?

Martini: Yes, it's on but it says no signal. I'll get Pete over here. Well actually, if somebody could just email it to me, I can look at it on my iPad.

Foerschler: It's in the CWG package, if you can get to the package.

Martini: Yes, that wasn't sent down in—that's not on the website.

Speaker: It's on the website on—it's posted already on the website.

Martini: Go on, I'll try to find it.

Savage: Darren is trying to send you something right now.

Hale: All right. So PWL encourages contractors to produce consistent material by either rewarding them with incentives or penalizing them with disincentives. And it's based on established specification limits for a given material property.

Savage: Excuse me, Steve.

Hale: Yes?

Savage: Can you expand on the incentives and the disincentives just from a high level?

Hale: High level. So the maximum—so if the material they're—the material they're producing is very consistent. Number one, it's got to be in spec, obviously. But if it's—say you have five tests and they're all the same number and they're within

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spec and they're pretty much all the same test results, then they're going to have a good chance to get incentives because it's proving that they can make a consistent product through their Hot Mix Asphalt plant.

Whereas, if they're bouncing all over the place—and they still could be within spec limits, but they might be hovering down here and then they'll have a test way up to the top and way at the bottom, way at the top. That's not really producing a consistent mix. So, they could very well get disincentives for that, even though they may still be within spec as they go along.

Savage: So are the—I guess where I'm confused is, is the rewarding of the incentives or disincentives a monetary reward?

Hale: Yes.

Dyson: Yes.

Hale: Yes.

Savage: Okay.

Hale: Yes.

Almberg: So they can be within spec and still not be 100%?

Hale: Yes. Yes.

Tedford: It shows that on the next slide.

Hale: Yes.

Savage: Okay.

Hale: There will be more slides to show that. So basically, PWL is percent conforming, so there's a lot of wording in that first bullet, but basically, it's basically anything between the upper limit and the lower spec limit. So, anything that's—that's basically inside the bell curve, other than the tail ends, is basically where the percent conforming is, between the lower spec limit and the upper spec limit.

Tedford: You can also have—some of our specs are just a minimum. So, you could do the same thing where you just have one limit and inside the limits is above the minimum spec too.

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Hale: Yeah. So, I guess here's a couple of good examples. So, the—this is test results from compaction or in-place density and the top graph shows a bunch of test results, but you can see, it's like a shotgun approach. It's kind of bouncing around, spread out. You've got some that are within the spec limits, but you've got some that are hovering the 96 limit which would be the max limit and then some hovering on the minimum limit and then you've got some that are way out. That's not really what we want obviously.

Then you go to the bottom graph, that looks pretty consistent to me. It's within the spec limit. You can probably put a pretty good straight line through that and to me, that's showing pretty good—pretty good consistency from those in place density tests.

Tedford: And those—these two graphs are somewhat—well, they are fabricated, but they're fabricated in the average of all those tests, is the same. Same number. So, you can average out—look at test results, on average. Look at some other analysis besides Percent Within Limits and you might get the average of those two are the same and the bottom is the one that we're looking for, more consistent, besides being within the spectrum.

Savage: Thank you sir.

Hale: All right. So, why the need for them? So, it is a nationwide push by FHWA to utilize PWL specifications. That's #1. #2, NDOT specifications prior to the Percent Within Limits Spec did not adequately address failing Hot Mix gradations, bit ratio and/or in-place density. And, NDOT desired a specification ensuring the contractor provides not only a specified mix, but a consistent one as well. And last, a consistent quality mix will increase the durability of the pavement. It will last longer. A bigger bang for the buck.

I actually got this map from a gentleman from FHWA, I believe from—I think he was from Washington or Chicago, some—somewhere. This is a map from 2014 showing what states were using some form of a PWL Spec for asphalt. As you can see, there was 28 states and then there was 24 that did not, states and territories. Obviously, back in 2014, I think we were probably starting it, but we weren't fully implementing it yet, so we were a light-colored state, so we weren't using PWL Specs.

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Since 2014, we've had seven states implement PWL Specifications, or territories. So, we have Arkansas, Illinois, of course, Nevada, Oklahoma, Puerto Rico, West Virginia and Wisconsin. So now, out of the 50 states and a couple of territories, there's 35 that are using PWL Specifications for Asphalt Mixtures.

So, how were they developed? This basically started back in 2010 as a research project out of the University of Nevada, Reno. It was a three phase project. Phase 1 was a lot of information gathering, so they reviewed a lot of the existing PWL Specifications across the nation. From there they developed and tailored the specifications for NDOT. Then the third phase was actually to implement the specifications.

During this research phase and the development phase and the implementation phase, we decided to create a PWL Committee. This Committee was comprised of members from NDOT, UNR, FHWA and the contracting community and the consulting community. We got together on several occasions over the course of the research project and through the draft and the final specs, we got together and discussed issues, made decisions during that time. Tried to hammer out a lot of differences. Some we did, some maybe not so much, but I thought they were good meetings. So, we worked together all along, all the way up to the final specs.

As far as the implementation, we decided to take a three-year implementation staging. Year 1, we were going to—basically, I call it the training wheel specification. So, these were specifications that were really reasonable—I mean, easily met, I would say, but they were more for NDOT and the contractor community to get used PWL Specifications, because it was a learning curve for everybody.

In Year 1, we implemented the PWL Specifications on only three contracts. One per District. Each contract or project had 25,000 tons or greater. That's key, because during the PWL Committee Meetings, we decided that we would only use PWL or include them on the special provisions if they were 25,000 tons or greater of Hot Mix Asphalt, dense-grade pavement. Anything less than that, we're not including PWL Specifications on.

We did it on Contracts 3621, 3636 and 3628. Now, in this case, to receive 100% pay, basically to receive no incentive or disincentive, 100% pay, you need to get a PWL overall of 70. That's Year 1.

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Savage: Is that 2014?

Hale: Yes. I believe so.

[crosstalk]

Hale: '15-'16.

Hale: Probably '15, actually, 2015.

Dyson: Steve, this is Thor, can you explain the—what the “overall” means? What encompasses overall, are you going to do that later?

Hale: We'll get there. We'll get there.

Dyson: All right.

Hale: All right. So, Year 2. So, now this is—we've got the training wheels off and now somebody's behind us pushing the bike as we're riding along. This was—now we decided to implement it on all contracts with 25,000 tons or greater of dense-grade. So, this is on all contracts statewide. Now, we've tweaked it, or we've tightened it up a little bit. So now, the PWL overall, you need an 80 to receive 100% pay. And again, this will somewhat make sense when we get to that. So, we went from 70 to 80.

Now, we want to get to our ultimate goal, which was decided during the UNR Research Project and the PWL Committee, our ultimate goal was to get to Year 3 and where we're at now and beyond. Again, on all contracts, 25,000 tons or greater—but now, to get 100% pay, you got to have a 90 PWL overall, to receive 100% pay. So, we went by 10 increments over the last three years or so.

So, let's talk about the current PWL Specs that we have that are going out on contracts now. So again, PWL is used as a project control on dense-grade for the following properties: bit ratio, in-place density and aggregate gradation. With the aggregate gradation, we selected four sieves. The ½ or 3/8, depending on what—if it's a Type 2 C-Mix or Type 2. The No. 4, the No. 10 and the No. 200.

Now, why did we select those? Well, because these were based upon prior UNR Research Project titled, Impact of Construction Variability on Pavement Performance. With that research study, they determined that those four sieves were critical in a long-lasting pavement. Do you want to add to that?

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Tedford: Go back to that please. So, the testing that we're doing—I'm not sure if we're covering this or not so I might be covering it early. The testing that we're doing is all in the field. It's all the Resident Engineers, testers, collecting samples. It's all them testing in their trailer. They are getting—and, you can probably do a separate survey and contact all the states and say, oh yeah, this is our big problem is turnaround times. Getting the information from the testing.

So, in the Committee process, we went through and there's other tests that we run on the Hot-Mix Asphalt besides these right here and part of the discussion and what we talked to the contractors about was making sure we got the results quickly. So, this is all testing done in the trailers, basically—or, in the field—and placed density is done in the field, but by the testers that are working on the crew and they're all—tests results are basically obtained the same day or the beginning of next shift or between the breaks during the next shift. They might take two samples and they're going to burn them off in their ignition oven, in the warming runs and then they get the other one and they run that one or it's not done until beginning of next shift, but it's basically same day that we're turning this information around to the contractors. That wasn't us being generous. That was the Committee deciding that that's really what the contractors needed to get the feedback that they wanted to be able to make this consistent product.

That's the reason behind these, the bit ratio is asphalt content in the mix. Different lingo. And the gradations come from running a sieve analysis on that material that's left after you burn the asphalt off. Those are basically the same tests, different parts. Then the tester with a new gauge in the field, running the in-place densities and doing the shots.

We also, with UNR's help, in the statistical analysis part of it and the Construction Office encouraging the REs and informing them—we actually had to run twice as many samples of the bit ratio and aggregate gradation to get good information. So, we would run it every 2,000 tons, normally, for our normal sampling frequencies, for acceptance that the Feds had said, that's plenty and said, if you test on that, then we're going to accept that that's enough samples for us to give you your money back or reimburse you.

Statistically, we needed to test more than that. So, we doubled that. So, every 1,000 tons of mix that's placed, the testers are sampling and running a bit ratio and aggregate gradation. Then the in-place densities, normal frequency, it's

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random in its lots and its locations and it's the same test method because that gives us enough information to put into the analysis.

Almberg: The timing of your tests is so that then the contractor can come and make modifications to their process to keep themselves in compliance?

Tedford: Correct. But, graphs that we showed you with the dots all over it, those are actually sequential. Those are in order, in time. We're doing sublots. We'll get to that. We're doing lots. Combining them, doing all the counts. It's every—it's tracing, right, how is it going? Going up, going down, staying flat, hopefully in the specs, is what we're after.

Hale: And, keep in mind—Darren, you might have touched on this, but keep in mind that the asphalt content, aggregate gradation and in-place density, we've always performed those tests. So, these aren't new tests just for PWL. We've always done them. We've just now applied PWL with those three criteria.

All right. So, PWL for asphalt content bit ration, aggregate gradation and in-place densities will be based upon a subplot of 1,000 tons or end of day, whichever comes first. Then, the size of a lot for bit ratio and aggregate gradation will be based upon 5,000 tons or five sublots, whichever comes first and the corresponding number of in-place density tests. So, basically, the PWL is based on the lot, but the lot is going to consist of possibly five sublots or—it just depends on how things fall, but the PWL is actually applied to the lot.

So, we have a—so, part of this whole equation that we're going to get to and everything, there's a PWL gradation. Again, it's based on four sieves that I talked about earlier. Out of those four sieves, each one has a different weight factor. These weight factors again were decided during the PWL Committee Meetings we had. Also, bringing in some of the research that UNR did back before this all took place. That's where these numbers came from. So depending on if you're using the Type 2 C or Type 2, it's 10% for either ½ or 3/8. 35% for No. 4, 35% for No. 10 and then 20% for No. 200. Again, these equations, it will start making sense when we get to the final.

We have the weights on the individual sieves, the four sieves, but we also have weight factors for the PWL overall. Again, this is all decided—those numbers look weird. You know, why didn't we just call it 40%, but these numbers came from, I believe some more research UNR did and we agreed upon these during the

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PWL Committee. So, for the aggregate gradation, the weight factor is 25%. The bit ratio is 33% and the in-place density is 42%. Again, we have different weigh factors for the individual sieves but then we also have another way to factor for the actual gradation as a whole.

Tedford: There's a report as part of the research that UNR did, it was a 42-month study that last half of it was into our beginning implementation. The first half was before we started anything and that was the PWL research. There's a report on there. We went into the Committee Meeting—I still remember being in the room and going, well that makes perfect sense. These numbers. It's in the report too, but it's like Steve said, 10 years ago we did a—basically a consistency study. Is if you take those factors or the gradations that are broken down inside that and you vary them to the limit or outside of the limit, leave these alone, change that one. Leave these alone, change that one. They did just tons and tons of replicates, tested them all to see what factor had the most impact on the quality of material. That's where these numbers came from. When they applied that previous research to this, it's on the graphs like, [inaudible] exactly. That's what it is 42%, 33% and 25%. It was pretty sound, these numbers.

Hale: And, it does add up to 100%, I think.

Speaker: It better.

Hale: All right. So then, so now we'll get to PWL Overall. It's determined by the following: so, you take your weigh factor of 25% for the PWL gradation, plus the 33% times the bit ratio, PWL bit ratio and then the 42% for PWL in-place density. You add them all together, multiple them and them all together, that's your PWL overall. That's part of the spec.

Then the other part is the contractor is to cease production if the PWL for two consecutive lots is less than 70 for any one of the measured properties. If the contractor is doing great on—I don't know, say he's doing great on in-place density but for two consecutive lots, he's had like below 70 for the other two, they have to basically cease production and figure out what's going on and when they are—when the work has stopped, they're to evaluate any of the available information and determine the likely cause or causes and then propose a change to NDOT for approval. So, whether it be, you know, another job-mix formula, possibly even a new mix design, whatever.

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Now we'll get to the—probably some of the importance stuff, the Pay Factor. The Pay Factor, the PF, is determined by 55 plus (0.5 x PWL Overall). So, when I told you that now they have to have a 90 PWL overall to get 100% pay, if you do the math, so 90 times 0.5 is 45, plus 55 is 100. So, that's why they needed 90 to get 100% based on that formula.

The one thing with the Pay Factor, cannot exceed 105%, so the maximum incentive a lot can get is 105%, or 5, however you want to look at it. If a lot has a PWL less than 70, for any one of the measured properties, the contractor is not eligible for any incentive over 100%. So, like in my example before, if they were doing great on like, gradation. They had 105%, they had 105% in in-place density but their AC content was all over the place and they're getting like a 68 or 70, they'll probably get their 100% pay, but they're not going to be due for any incentive because they've got to have all three properties above 70.

Also, the contractor is required to remove material with a Pay Factor that's less than 90% own expense. That's in spec, but they also have the option, they can—we can allow it to remain in place, with our approval, but they'll have to take the corresponding pay factor. So, if they have like an 80, then you'd plug it into the formula, which would be, you know, $0.5 \times 80 + 55$ and that would give you the Pay Factor. So, that would be a business decision on the contractor whether it's best to remove it and replace it and have a chance to maybe get incentive on it with the new stuff, or to just take the new Pay Factor, the reduced amount.

Tedford: At the discretion of the Department.

Hale: Yeah, at the discretion of the Department. So then we get to the Progress Pay Adjustment which, we're not there yet. [crosstalk] So, the Progress Pay Adjustment for each lot is determined by the Pay Factor, which we talked about, minus 100, divided by $100 \times L \times C$. I bet you guys didn't think you were going into a math class, but I'm trying to make it as less math as I can.

So, L is your tonnage amount per lot. So, theoretically, if you have—the lot is 5,000 tons, so theoretically, L would be 5,000. It doesn't always work that way, it's a perfect world. Then, your C is your bid price per ton of plantmix. You put all that in and that is your Progress Pay Adjustment. So, the PPA is paid differently from the standard pay for plantmix. Again, it could be up to 5% which is the max, or it could even be a negative number, depending on how inconsistent it is.

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All right. Now we've gotten through all the nuts and bolts for the most part. Here's a list of some of the past and current projects. Again, these projects—some of them probably aren't even closed out yet but the paving is complete. Other than 3691, although it may be complete now, because I think I put this PowerPoint together in the last week or two and at that point, it had 8-10 days remaining of paving. You can see, I broke it down in generations. Phase 1, Phase 2, Phase 3. You notice there is—there was only three projects that didn't have a negative value for the loss, so they did have losses, but keep note on the total payout, we basically—NDOT paid out \$973,315.58 in incentives. The majority of the contracts, there was incentives to be had by the contractor. Now, the last two contracts, those are two that—they're—they got hit with disincentives for the [inaudible]. That gives you a snapshot of how we've been doing so far. Again, there's still some projects that are going on right now that I do not have final numbers yet, probably because they're not done paving. That's where we're at as far as the Spec goes.

Before we get to questions, I know Tracy touched on it, that we are in the process—Darin and Materials have been working on a dispute resolution process, which I know was a concern that the contracting community brought up to us. We are in the draft phase of that. Darin did send it out a week ago or so, for review. I'm sure we'll get some comments back on that. Hopefully, once we get something established in that, that hopefully will take that concern away.

Foerschler: Sharon Foerschler, for the record. To expand on that. The dispute resolution is that we pay contractors based on our test results. Contracts are required to—or, it's in their best interest to have their own quality control program, so they know what kind of material they're producing, but the quality assurance or acceptance is what we make payment off.

So, the contracting community was concerned that their test results didn't match our test results and yet, they're forced to accept our test results for payment, thus the incentive and/or disincentive. So, what we're working on is coming up with an avenue, a way to have a dispute resolution testing mechanism so that when you have a—when they dispute our results and their results show something different, then we have a process we can go through to actually kind of do a referee test, if you will. Because it does have significant monetary impacts to the contractor. And, we want good product, we want consistent product. So, that's what we're referring to and we're working with AGC right now.

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- Dyson: This is Thor Dyson. We're not reinventing the wheel. There are other states that have dispute resolution teams or processes and one of them is Colorado, we're looking at very closely and how to modify it to fit Nevada's needs. We're not just going out there on our own, other states have had similar issues and I think the contractors have a valid point. You know, why should NDOT be the final say when they've got a set of results, we have a set of results. Let's get a judge in here, so to speak. Let's get this sorted out.
- Hale: So, with that, I guess questions?
- Savage: Any questions from anyone here at the table, or discussion?
- Almberg: A couple of questions. Darin, you said that—did I understand you right that we are testing double what we used to because of this?
- Tedford: For that particular test, the—when we sample the mix behind the paver, take it and burn it off in the oven for bit ratio and gradation, yes.
- Almberg: And so, we don't really double our test for this portion. What is that as an overall workload for our testers?
- Tedford: It's more, definitely. I mean, that's—that's what we heard from Construction. I mean, as in "us", Materials and Construction, we were involved, most directly. Contractors, consultants, like we said, we didn't say REs, but these guys know the pain of the Resident Engineers, including Mr. Lani. We knew it would be more, but basically it was necessary. So, it's twice as many samples.
- Almberg: Okay and so, you also I think answered my other question here, that's not—when you say, it's "our testers" it's our crew augmentation people?
- Tedford: Uh huh.
- Almberg: So, it's our consultants.
- Tedford: That too, yeah.
- Foerschler: Sharon Foerschler, for the record. We had taken extra measures though as well, and put an extra—we're working on putting two local furnaces in each field lab so that you're not weighed down, you know, the time is really in performing the burn off. That's where the time comes in for the test. So, we have been very fortunate in getting some extra funding that was left over at the end of the year. We got six

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local furnaces, last fiscal year all the new labs that we're getting and we're getting three per year, we're putting two local furnaces in. We are taking measures to make sure that the testers have the equipment they need to perform the tests more timely and not have such a drain on the testers themselves.

Almberg: We're creating additional work and also at the same time, we're doing that, we're creating additional incentive payment.

Dyson: Thor Dyson here. By incentivizing the contractor to really give us a consistent mix, we're going to get a longer lasting pavement. We're going to have fewer potholes, fewer accidents, less complaints, less deterioration of the roadway. That's part of the goal—correct me if I'm wrong, Darin, if I missed out anything. Short-term, you're correct BJ. Long-term, we're hoping that this PWL will clean up some of those flyers and anomalies and give us a consistent mix that will last long, long after the contractor and NDOT testers are gone.

Almberg: I just want to make sure I understand all the aspects of this.

Dyson: Sure.

Almberg: And, obviously value, that you guys recognize the same things that I'm questioning, that at the end of the day, is it worth what we're paying for it?

Speaker: We're trying to do more with less.

[crosstalk]

Foerschler: Excuse me, Mary. We're trying to get our pavements to last longer. If we can get a couple extra years out of it, that's huge in our world, in comparison to the money we're spending and the resources we're using to do the testing and to implement this new process as well.

Dyson: Go ahead, Mary.

Martini: So, maybe this will answer Member Almberg's question. The whole premise of course, is the more consistent the mix is, the longer it will last. Of course, that doesn't always prove to be true, but overall it does. It does highlight another issue, which is the one that we've already been facing which is our attrition. It's even more important that our testers do a good job and do a timely and repeatable test and get the results back to the contractor in a timely fashion. Unfortunately, we have a high vacancy rate. Even when we do fill one of those positions, we

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don't have a very good pool. Sometimes it's only two or three people and they often have other issues, disciplinary etc. So, we're using consultants in order to augment our staff, but we've had a lot of discussion at CWG, just around staffing and attrition and all those things. This is just one program that really kind of emphasizes how important those positions are and how hard they are to fill.

Savage: That's a good point, Mary. Another added value.

Lani: So, Steve Lani for the record. Just looking at like, to give some perspective on value obviously, the last contract up there, 3699 is the I-80 Winnemucca job. That \$85,000 effective disincentive that the contractor has incurred to date based on current calculations is on \$3 million worth of plantmix and \$8.5 million contract.

We've got an \$8.5 million contract that is comprised of over \$3 million of just dense grade paving that has gone done. You're talking 40-45% of the value of that contract is in that plantmix paving. The maximum incentive that they could've potentially gained is \$100—what we do have, \$152,000. So, we're willing to pay \$152,000 extra to get a more consistent product that is 45% of an \$8.5 million contract. That bang for the buck is more than recovered in the—even in the construction management side, that you can start breaking down the dollars and say an \$8 million contract, maybe even at 15% per CM, for that type of scenario, you're talking \$1-\$1.5 million maximum and of the testing, that's maybe 20%. You may have increased the overtime on that tester by 15% in order to make that happen. So, you're talking \$10,000 or \$15,000, maybe, in the grand scheme of things that you may have incurred, in additional overtime for testing costs, on again, over \$3 million of product that's going down that we're trying to figure out how we can dial in the quality of that product.

So, in the grand scheme of things, it is about, how do we spend our dollars more efficiently to get better longevity out of something like that. Which is where the 25,000 tons come in. It doesn't make sense to put the extra effort into the small bits and pieces, we need to be into a production style environment, it makes more sense.

Savage: It does Stephen. Out of curiosity, that UNR study, did they project how many years it would take—I mean, how many years the pavement would be extended? Would it be two or three years in that study or what was the outcome of that study?

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Tedford: I don't know if it said or not, but—

Morian: This is Nathan Morian, Materials. The study that was referenced most of the technical data, so the variation that we came up with, or they came up with that we used, a lot of that was based on performance testing and modeling from our current pavement design standard. So, we tried to put it into actual years on the road, it doesn't really correlate 1:1. It was more of a percent effectiveness, we'll put it that way. So, it was, change the gradation by X, you lost half the life, not necessarily five years. If that makes sense.

Savage: That does make sense, yeah.

Morian: Okay.

Savage: That's good. Well, thank you Steve. Thank you, Darin. Very thorough presentation. Any other comments or discussion from the private side, consultants or contractors, here in Carson City?

Wellman: I guess I got one. Bill Wellman, Las Vegas Paving. Is there more workshops or whatever, like you had a few weeks ago, [inaudible] ?

[crosstalk]

Larkin: What they did is, the first meeting that they held and basically the Construction and Materials were there with representatives, whoever wanted to attend from there. It was one or two representatives from about seven or eight different firms. They did go through—Darin had put together kind of a draft, they went through one by one, brought up their concerns and so on. They just finished that draft, redid it based on comments received, that was about 10 days ago, you finished? We sent it to the AGC and NCA for review to go out again. That's where it is right now. At tomorrow's liaison meeting, we'll probably be looking at, if another workshop is needed to just kind of finalize, or go through it again, but we are looking for comments. So, it's not closed yet, it's out, there but I haven't heard anything back yet. So, I'll see what I hear tomorrow.

Wellman: So, again, the biggest thing or the biggest concern that I've heard from my people is just that NDOT is the only acceptance test, NDOT personnel. With all due respect, you know that's kind of like, the fox guarding the hen house, potentially. That's kind of the deal. We do all this other testing for all these other things, but

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[inaudible] in this particular case, this is only accepted by an NDOT tester, if you will, right, wrong, or indifferent.

Larkin: That was brought up pretty clearly and you correct me if—one of the things that came through was that, ahead of the project, we would decide on a third-party that that third-party was final. So, whatever that dispute was at the end of it, was going to be—both sides, there was no argument with that. There were different conditions. This is certainly getting out of my area, but there's certain conditions in there, you know, to me that you can't just frivolously ask for another one. There has to be a difference in some of the values, a certain amount of difference and so on. I got to say, four weeks ago, I didn't know what a QC oven was.

Wellman: That would be a question for Darin, is that where you guys are heading?

Tedford: Right. So, the—we went through the outline, like Tracy said and turned it into a test procedure. Followed Colorado's pretty closely, like Thor described and really what it amounts to is, the whole beginning of the dispute resolution is making sure that the NDOT ovens and the contractor's QC ovens are on the same page. We're talking about testing mix before the contractor even starts paving, making sure we're on the same page. That's step one of the dispute resolution.

Then you have the contractor has to be testing splits from the Resident Engineer's test or make sure we're testing the same samples. They track all their test results, like Tracy said, it has to be outside of normal variability if the contractor sees something he doesn't like, it's got to be outside of normal variability that the test is normal and what you would incur on a normal test. Then, if it is, then they contact the RE and say, we want to dispute this one. They go through the process.

The first thing they do is, if it's—it wouldn't be the next day, after you made sure the ovens were on the same page, but if it's been six months, make sure the ovens are still on the same page. Okay, if they are, decide that you're going to take the split that you retained and send it to a third-party lab. At least for right now, NDOT is going to have a list of third-party labs that we designate one for a project and the Resident Engineer, in coordination with the contractor, will make sure it's not the lab that the contractor is using for QC, if he doesn't have his own QC lab.

Savage: What's the turnaround time for dispute resolution?

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Tedford: So, that was part of our discussion that we had also, on Colorado's test procedure. It has some days in it for each of those steps that I discussed and I described in general. Basically, the contractor will be having his QC testing done. We've already described how ours is for the next day, pretty much, but the test results will be out. The contractor will have to have his test results too, to compare and dispute something. We put it into the test procedure, sent it out for comment, but it's a number of days, three or four, for the contractor to say something about a test result he doesn't like. And you start off, you know, the RE and the contractor have to get together and discuss it, a number of days—a number of days—none of them is weeks.

Savage: Okay.

Tedford: And, really that's in the—we decided—we haven't decided yet if we're going to tie that to pay, because every two weeks, we're trying to pay a contractor for that mix. If some of it is up for dispute, what are we going to do about that? That hasn't been formally determined and I'd point to Sharon because the construction office and paying the contractors, that's Sharon's budget that the contractors' money is coming out of. That has to be determined still, because it could be on the Thursday before the pay cycle, one day. Or not, and I know there's a lag as far as how that's built in and finishing lots—like we described up here. You have your lot, you're going to get paid for it. That's a spreadsheet. All the REs have a spreadsheet and they're plugging numbers in and they're getting pay factors out. It's pretty straightforward. They're not doing any of those counts. They're putting in the test results in the spreadsheet. It's coming out with the Pay Factor they applied to whatever tons, that's also in the spreadsheet.

Yes, that timing and the timing of the dispute and also, what happens when you disputed something and you're checking the ovens, but you're still testing because they don't stop when there's a dispute, they're just disputing something. We're figuring all that out.

Savage: Figuring it out, good.

Foerschler: We definitely do need the timeframe, because now we're dealing with material that testers have to hold on to. So, if there is a dispute, they have material to test, that's representative of what they split between the contractor and us. We don't have storage bins we can use or you know, a place to store the material. We're thinking every two weeks, you have to bring up your dispute within a few days,

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so we know—and the contractors—they're pretty sharp, I mean, they know. They get a number or a test result that's way off from ours, they're going to start raising a flag. They're not going to wait two weeks.

Savage: Any other comments from contractors or consultants on the private side? BJ?

Almberg: Is this strictly for asphalt? Does this also pertain to our base materials, concrete [crosstalk]

Tedford: Just asphalt and not the open grade.

Savage: Okay. If there are no other comments, we'll move on to Agenda Item Number 6, Old Business.

Dyson: Thank you Board Member Savage. The old business—I've asked Nick Johnson and his group to talk about current and active CMAR projects and then also current design-build contracts as well. I'm going to turn it over to Nick and whoever your right-hand/arm guys are.

Johnson: Rick can start here.

Dyson: Yeah, Rick did good this morning at the Board Meeting, so keep it right going.

Splawinski: Rick Splawinski, I just have two slides. The Charleston/I-515 Charleston Interchange is a CMAR project. The scope is to reconstruct the diamond there, the existing diamond without rebuilding the overpass bridge there. The work is listed on the right side there. Widening Charleston Boulevard from [inaudible] to Sacramento. We decided on widening the ramps at both Charleston and one ramp at Eastern and then constructing an auxiliary lane on 515 in each direction between Eastern and Charleston.

The status is, we're kind of hung up in all those red texts, reflects delay in the environmental phase. Some of you might be aware, there's a big snafu regarding air quality conformity modeling, both in the Las Vegas Valley and Quality Management District but actually as a result of a lawsuit that the EPA lost. There are, I think, 82 air quality districts around the country that are hit with this snafu. Basically, the EPA was—the lawsuit against the EPA was successful and the EPA was found not to be conforming to the Clean Air Act requirements. So, there's a lot of redo on the air quality conformity modeling.

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We had hoped to be done with air quality modeling by the end of this year. That would lead to a FONSI in September and then right-of-way clear two years after. We would start construction in 2022. We can still probably hit the overall schedule at the bottom, getting the final design next year, start acquiring right-of-way in 2020-21 and then construction in 2022-23. If we can't get out of this air quality conformity problem, who knows? That's all I have on the Charleston Project.

Savage: Thank you, Rick. Any questions on I-515? Okay. Nick, anything else?

Johnson: Waiting for DJ here. Nick Johnson, Project Management. I'll just give you guys a quick update on the 28 Bike Path and Water Quality and Safety Improvement Project. As you recall, we had two GMPs. The first GMP we issued in August of 2016. We have up there complete. Actually, it's about 98% done. We've got to put the striping on the parking lot area, complete that GMP. I'll show you some pictures of that in a second.

The bigger part of it, that we had the GMP for early in 2017, we're about 80% complete in terms of working days out there. We anticipate that we'll probably open it up to the public in the Spring. There's a chance it could be physically completed this winter, but considering that it's winter and there will be snow on the ground and everything else, we're not going to have that grand opening until the springtime.

Right now, over the next, I guess five weeks, I mean, Granite is really moving. They're going to get the paving done, finish paving the path. They have a couple of walls to finish and they'll be starting to set bridge decks, for I think four of the six bridges that are out there. There's a possibility we could get bridges four and five in this year and they can do that during the winter, but it's going to be weather dependent. Worse-case scenario, come back, start early in April, set those bridge decks and that's it. They're getting down to the end here.

We did have the change order for IVGID work on that sewer line last year. It's just about wrapped up. There's a few things we need to finish up for them on the south end, but that was pretty much completed. We're almost there.

Just to show you guys some progress here. This is from 2016, from that first GMP. So, I think we awarded that the second week of August and had this wrapped up by October 15th. So, you can see that GMP, we want to get that

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tunnel in, or that undercrossing, as well as get the majority of the parking area on the north end paved and in place. You can see some of the pictures there that set the boxes for the tunnel. They did that in 11 days, worked around the clock, switched traffic over, so. That's been in place and they boarded it up and started building the rest of the path.

Here's some pictures from last season, from the second GMP. This is them getting in there, kind of pioneering their way in. You can see the top left there is the subcontractor drilling the micropyles for the bridge piers. There in the center is the equipment to drill the nails for some of the retaining walls that had to go up. The picture on the top right there is just kind of pioneering their path in. You can see how close they are to the lake. Having good GMPs and having somebody out there for environmental protection has been pretty key on this project. Then on the top right there, that was the first thing they started with last year, and that was removing some of those major boulders out there and getting those out of the way and doing it safely.

Then this year, you can see it's starting to come together now. That top left picture is just north of Memorial Point, right before we go over Baldwin Creek there. You can see that they've got the walls up, it's painted with some of the rails. That picture at the right is if you're standing at Memorial Point, looking north, so you can see how that trail ties in there. Bottom left is up on the hillside. You can see there some—it's got some pretty spectacular views out there. There's the tunnel below in the middle there, with some of the [inaudible] rock texture, the surface. And then there on the bottom right, the long bridge that's almost 900 feet, have equipment drilling the micropyles for the piers there. That's—that one will probably be the last one that we complete, just trying to get all the decks manufactured and shipped out here in time to get those done.

Dyson; So, Nick, Thor Dyson. I've just got a question in regards to colors of certain items on that and how it relates to agencies up in the Tahoe Basin. I don't know how far you want to talk about that, but we have built and we have colored or with the contractor, we have colored items; rock, rail, whatnot, per everybody's agreement prior to the start of this job and maybe you can expound a little bit on that?

Johnson: Yeah. So, I mean, part of the whole process, especially before—you know, one of the great things about having CMAR was having the contractor, designer, all

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the agencies, particularly TRPA, because that's—you know, that's probably one of their biggest concerns is scenic impacts. For the right reasons, they want to try to keep the—you know, everything that's built up there looking as natural as possible with the lake.

In terms of the colors of the walls, we've had quite a bit of back and forth. We even agreed on colors beforehand. We did test panels early. And you know, not everybody thought it matched, so we modified those. Went out there and painted. They do have some issues with some of them, so we're changing a little bit to try to accommodate those. The rock itself, I mean, those are things we've worked on with them for a long time too, in the beginning, that concerns them. We seeded that though. I was up there last week walking it and I was actually pretty impressed by how much vegetation has already started to come back. One of the things we told them is, it's going to take time for some of that vegetation to grow. It's not going to grow in overnight. We're already starting to see it, which is a really good sign, because that's very barren, you know, the east side of the lake is very hard to grow out there because [inaudible] all day.

We're going to continue to work with them. We're getting to a point now, I mean, in the next probably two weeks, we're going to be going there. We had a number of trees to plant and plantings and things like that. As we're looking at it, there's some areas that have a lot of coverage from existing trees, so we're going to try to move some of those around, get areas that are a little more barren, try to get that stuff established there so eventually there will be more growing and masking.

I think all in all, that's probably one thing, moving up, we're continuing to talk with the TRPA. Outside of that, things have gone extremely well. It's really a credit to the crew and Granite out there, even with traffic control and things like that. You know, you get a couple complaints here and there, but for the most part, people are still very excited about this project. I'm not sure, how much complaints the District has gotten.

Dyson: You know, there's been—Thor Dyson here. There's been a few complaints with special events. Not this summer, but the previous summers with running races and bicycle races and other events. Just, there was a lack of communication between the event organizer—even though they were told in the permit to work with the Resident Engineer and we seemed to work through those issues and have

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been able to clean up some of those traffic delays and frustrations with the motorists and the event organizers.

Savage: So, real quick question on the color. So, is that like a submittal that everyone approved, and now they're going back and revising that submittal?

Johnson: Yes and more. So, I mean, we actually went to their office many times during the pre-construction and said, okay here's what we're proposing. We went through different colors, textures, until we landed on something. Even the plans themselves, those get stamped and approved.

Savage: Yeah.

Johnson: But we—you know, we also said, you know if we're out there, especially with paint, let's do some—we put in there specifically, let's do test panels first and see how it matches up and if we need to make a change, that's the time to make a change, before we start painting things. To answer your question, yes.

Savage: So, it hasn't cost the department anything more at this point.

Johnson: At this point.

Savage: At this point. And then secondly, does TRPA have an October deadline for earthwork?

Johnson: Yes.

Savage: Has that been extended in the past for this project? Have they got an exemption or is it—

Johnson: Yeah, actually, so let's see here. I think the first year we were out there, we got started a week early. We didn't really get into a lot of earthmoving. It was—but we did some. And then, last fall, I think it was extended, maybe three weeks, [crosstalk]

Dyson: That sounds right and I know on other projects up there, TRPA has allowed us to start early or work late, depending on the weather. They look at the weather and how much moisture is coming down.

Savage: Okay, good.

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Johnson: I think for this, moving into the fall, earthwork—you know, any earthwork or ground disturbance that's going to be done, it's really going to be setting steel for the columns on the bridges and the decks themselves. So, it's going to be more weather dependent, I think than anything else.

Savage: Sounds good. Appreciate that presentation. Any questions or comments? We'll move on to Agenda Item Number 3, Resident Engineer's Project Assignments.

Dyson: We still have a couple more presentations on the—

Johnson: On design-build.

Dyson: Yeah, on design-build.

Savage: Oh, on design-build. Okay. My apologies. This is Item 2, [crosstalk]

Keller: Continuing. [crosstalk] The Spaghetti Bowl Xpress is everything you seen at the Board Update, next. [laughter] The scope really hasn't changed. We presented what the scope was. These are the four shortlisted teams in alphabetical order with their lead engineers adjacent to them. We're actually meeting in one-on-ones this week to go over the draft document that we had industry review. We will take their feedback and send out the final RFP here in October.

Big picture wise, we're still on track, as Rudy mentioned this morning, about when we want to select our DB contractor and when we feel construction will start. So, big picture wise, we're still on track. We'll get that final RFP out later this fall.

Budget wise, this is not any new information. You heard Mr. Gibson talk about the \$30 million in local funds, which is terrific for working together and getting a cooperative agreement in place. We're meeting with them tomorrow and we're moving right along.

That concludes SBX.

Savage: Excuse me, one clarification, Dale. So, the RTC that Mr. Gibson was speaking about was for this SBX project only, not for the other Spaghetti Bowl Main Project?

Keller: That is correct. So, the only funding that we identified for the Spaghetti Bowl EIS is Phase 1 for the Spaghetti Bowl Xpress. If that makes sense. So, future

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funding hasn't been identified, local, state or federal, but at this time, he's committing that to the first phase.

Savage: Thank you, Dale.

Keller: Back to you Nick.

Johnson: All right. So, our Project Manager for the Garnet Design-Build is out today, Ryan Wheeler, so I'm going to fill in for him and go through this. So, right now, we're about—we spent about, or paid out about \$35 million of the \$57 million contract. We're about 82% complete, in terms of working days. The design has been complete for a couple of months now. I think it was completed at the last—the last time we did an update. Construction, overall, is about 55%. Substantial completion, I believe is the third week of December. We're coming up on that here pretty closely but—and it's making a lot of progress. We started in January/February and we're going to end here at the end of the year.

Here's the cost curve, Ryan threw in here. The—what you see there, the yellow/orange was baseline. The dashed blue is how we've been progressing. We got a little bit behind there, I think it was right around May, trying to get abutments in place for the new structures around old ones, but they're starting to catch it up. I think here, over the next—you know, September/October progress payments, we're going to see that start catching up to that yellow line there.

Right now, at least over the past week or two, the first phase of the bridge they've gotten completed. Switched traffic over on I-15. They're working on the second one, so they were—they got the abutments done and started swinging girders last week, so they'll be working on the decks here, the paving over the next few weeks to get that buttoned up. Then after that, it's finalizing US-93. Getting everything paved. Drainage in place, all of that. So, they can have this opening by December.

Last change orders, these are the exact same ones that were up last time. Everything has been executed. We're working on some additional culverts and we're pretty close to getting those done or getting that finalized. At this time, no new change orders and getting those implemented.

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Last here is just an overall picture of the project itself. Modified Diverging Diamond, kind of showing the layout of what it's going to look like here at the end. Any questions with Garnet?

Savage: BJ?

Almberg: No.

Savage: Thank you, Nick.

Keller: All right, last one. Again, Dale Keller, NDOT Project Management. A quick update for everybody on NEON. I think we mentioned this this morning too, we already 76% complete. This is as of end of August, we've hit over 1,000 working days on the contract. We're less than 325 days left on the project and we're feeling pretty good that we're going to beat that contractual date for substantial completion, which is good news for everybody living in Las Vegas Valley.

Here's a little bit—showing a little bit more on the earned value wise. Kiewit has earned over \$468 million. Once again, that was at the end of August and the last month's earning was over \$30 million, which has been largest to date. So, they are moving really quickly right now.

Work accomplished, since the last time we talked, we had a big traffic switch that really made us through the halfway point of the Main Event, which was a great interim milestone to hit. We are on schedule to get off I-15 here by Thanksgiving weekend. Really, a major part of the work we've been trying to accomplish for a long time. HOV Flyover structure is over 80% complete. Interesting fact on jobs wise, in July—the last week in July, there were over 748 people working on the job -- construction workers, truckers, all that. Kudos to Kiewit in managing all those workers and around a very tight area of work zone and dealing with 300,000 vehicles a day.

Savage: That's a remarkable number there. Just—that was at the Board Meeting as well, the 750—how many overall people, from start to finish, have been employed on the project, do you know, roughly?

Keller: Do you know?

Savage: I mean, it's—it would be interesting to know.

Koeing: It's definitely in the thousands.

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Savage: Okay, sorry to interrupt you Dale.

Keller: Here's some of the pictures of the progress. You're looking kind of northwest, out to the 95, kind of going to the top left of your screen, that's the picture of the HOV flyover structure. We're just focused now on the landing down on I-15. You see that developing on the bottom of the screen there.

This is on the north side of the project. South and you can see the resort corridor is on the top of the screen. Then Downtown Las Vegas is on the top. So, this is kind of north end of the project, is where we're constructing the Spaghetti Bowl.

More of a birds' eye perspective of all of the work that we're doing, along I-15 and traffic is already pushed over to the southbound side and you see some crossover on the right side of the screen.

This is what we're calling the—or, the guys call the Whale's Belly or the gut of the project, where the major work is happening, where NEON gateway is, we're splitting traffic all the way to the outside and reconstructing, making way for this HOV interchange. Then on the right of the screen, you see the reconstruction of the Charleston Interchange, some of those flyover bridges at Sahara Avenue, as well.

A lot of work happening. This is an older picture. All this area has been paved since this picture has been taken. You can [inaudible] as well.

Good news is, all the significant changes orders have been either executed or retired. What we have are current issues, roughly about \$4 million, \$5 million left, that we're working through, mostly owner directed changes or City of Las Vegas changes. Our grand total—and here's what's changed since last time we met. Change orders have been executed, but we're roughly about \$500,000 worth of change orders, from that perspective, roughly about 5.5% of the project cost, over now three years [inaudible].

That completes Project NEON.

Savage: Thank you Dale. Again, questions or comments [inaudible] –yourself to the contractor and everyone involved in the project. Nick, any other comments or discussions?

Johnson: I don't think so. I think that's it for now.

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Savage: Appreciate your attendance today and your presentation. Off to Item Number 3, RE Project Assignments.

Dyson: Yeah, so thank you, Member Savage. We've got Resident Engineer Project Assignment Lists from Districts 1, 2 and 3. We've got them here together here for you. I don't know if you have any questions or concerns, but it shows our RE staff and consultant staff; both augmentation and for administration throughout the State and what we've got planned also, potentially assigning individuals, individual crews and consultants in the future.

Sharon, I don't know if you want to add to that at all, or—

Foerschler: I just wanted to bring something up and I want to say that Rudy is moving forward with asking for two new construction crews for the next legislatively approved budget. He tasked me with putting together the paperwork to get the positions approved through state personnel, which they were. So, if you guys have any arm strength at the legislature, we just need the budget approval, so we can get two new construction crews. One will be in Las Vegas and will be in Reno. That will assist us with our work program. We did some rough calcs, if we were to hire a consultant firm, full time for a year, one firm would be \$4 million.

Savage: That's pretty easy math.

Foerschler: It's not apples to apples, per se, but it just kind of shows you how much money we could potentially save if we could get some more staff. There's about \$1 million to run a crew, so the real number is about \$3 million, but still, there's—you know, our potential as NDOT crew, we can manage more than a couple contracts at a time, so anyways, I'm just giving a plug, if you guys have any pull at the Legislature, we'd like that approved.

Dyson: This is Thor Dyson. Ms. Foerschler is correct, only in the fact that they're not exactly new, because really we had both those crews back in 2012. Through—because of the recession and issues and again, with direction, we had to reduce in District 2 a crew and in District 1 a crew, so through attrition, through retirements, transfers, promotions, it took us a few years, but we eliminated those crews and now we have such a workload—and you can observe, you know, as some of the Resident Engineers having a lot of different projects. I think this will put us in better line for the future and not just with NDOT staff, but with

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consultant staff as well, to do projects throughout the State. We'll be able to fulfill Nevada's work program on Nevada's state highways much better.

Savage: So, let me ask you a question, Thor, Sharon. The vacancy that you have in D1 and D3 right now for an RE, that has nothing to do with the additional construction crew request, correct? It's just a current vacancy.

Foerschler: Correct.

Savage: So, the construction crew request is above and beyond these vacancies.

Foerschler: Correct.

Savage: Okay. And, what is the status on filling the vacancy for D1 and D2 at this time? Or, D1 and D3, I'm sorry.

Dyson: I think that can be answered by Mary. Mary, did you hear that?

Martini: Yeah. So, this is Mary Martini, District 1 Engineer. The vacancy on 902 has actually been filled. My—previously he had been my Assistant District Engineer for Maintenance. He left, went to work for the County. Then, is back and so he has taken the position as the Resident Engineer. At this point in time, all of those positions are filled.

Savage: How about D3, is that still vacant? Is Boyd there?

Dyson: Boyd's not. Boyd's not there.

Lani: It is still, I believe.

Savage: It's still vacant?

Lani: It is still vacant, yes.

Savage: Okay. Thank you. Any other comments or discussions on Agenda Item Number 3? Item Number 3 on Agenda Item Number 6? If there's not, we'll move to Item Number 4, Agenda Item Number 6, a List of Active Agreements for Construction Division and Project Management Division.

Dyson: So, I just want to mention, this is Thor Dyson. There is a typo on the top of the spreadsheet for Construction Consultant Agreement Summary. It says, Calendar

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Year 2013-2016, it's actually to 2017. The next CWG meeting, if we have one, at the next CWG meeting—

Savage: Oh, we will have one.

Dyson: --will include 2018 because we have some [inaudible] consultants that will update this from '17 to '18.

Savage: Okay.

Dyson: So, we haven't had any consultant agreements in construction for '18 yet, but we're about to.

Savage: So, I didn't see any ICE agreement, are there any ICE agreements that are not listed on here, that we have—

Foerschler: Not for construction, that would be—

Savage: That would be project management?

Johnson: No, nothing new.

[crosstalk]

Savage: The one I'm looking at, on Page 3 of 4, about halfway down, it looks like on the ICE teams, the ICE teams is the vendor that we utilize for Independent Cost Estimating or some CMAR and design-build, correct?

Johnson: Yeah. And so what happened is, of late last year, they were with Stanley Consultants, that group and the individuals that were doing it and then they broke off and started their own firm which is ICE. So, that new firm came on, or at least showed up in the spreadsheet as a new consultant, but it's really the same group of guys. So, we can't—we stopped the contract with Stanley and started a new agreement with the ICE Team, to finish out the work that we had on our CMAR projects.

Savage: So, that—so, looking at all the Independent Cost Estimating, you can take the ICE Team and the Stanley, the three or four from the bottom, is that correct?

Johnson: Yeah.

Savage: So, you're actually about a—what is that? 1.7 for Stanley, plus 1.2?

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- Johnson: Yeah and Stanley, they have other work too, that's tied into that. I know they—
- Savage: It's not all cost estimating.
- Johnson: Exactly. I think there's some—there's subs for other contracts for surveying and other miscellaneous work. So it's not all just ICE. But the ICE team is just independent cost estimating.
- Savage: No, right, I understand the terminology, but I'm just wanting to know how much total the department has spent on independent cost estimating over these last few years. It looks like it's a couple million dollars to me. I don't know if that's a fair statement or not.
- Johnson: I think that's fair. We can go—we can go back over the specifics and try to pull out the Stanley stuff. I do know, like on Rick's project, I think Slater Hannafin is doing the ICE on that. I want to say, we had Atkins on [inaudible].
- Savage: Okay. And then the other question I had was, does this list incorporate the prime consultant only or does it also incorporate the subconsultant?
- Johnson: It has all of our subs on it as well.
- Savage: It does.
- Johnson: Yeah.
- Savage: So, it's totally inclusive.
- Johnson: Yeah.
- Savage: Okay.
- Johnson: So, every column, it should have the P, or it should have a P next to the prime and then any other consultant within that column is a subcontractor.
- Savage: Oh, I see at the end, it's a little smaller than I can see. [laughter] I see it now. Thanks Nick.
- Johnson: All right.
- Savage: Any other questions, thoughts BJ?

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- Almberg: So, just what you're saying there, some of these have an S, so that's a Subcontractor? There's P, but there's also blank ones. There's primes?
- Johnson: I apologize, we can update them all. Yeah, it should be labeled as a P for prime and then if it does have an S, it's a sub, or if it doesn't, then it's a sub.
- Savage: Very helpful, thank you Nick. Thank you, Thor, Sharon. Any other questions or comments BJ?
- Dyson: I have a comment, Thor Dyson. It's also team members with the Districts. I know Districts 1, 2 and 3 put a lot of time and effort into updating this schedule and they work with Steve Lani and others in the Construction Division to get this out. It's a statewide team effort.
- Savage: Thank you Steve, that's important because it's not only Construction working Group but it's the Consulting Working Group, it's everybody. Okay, anything else BJ? Any comments from consultants or contractors, or anybody else attending?
- Dyson: You wore Billy out, he's not going to say anything. [laughter]
- Savage: We'll move on to Agenda Item Number 7. Projects under the five-year plan.
- Dyson: So, we included our five-year plan here for your review. Kind of be fun to get all this done.
- Savage: Well, that's good, this is very cool. It's a roadmap.
- Dyson: Right, it's our roadmap for the future.
- Savage: I had a couple of questions. Page 8, the Gateway Monuments, to the State, which I think is highlighted. I haven't seen any. [laughs] I'm just wondering what the delivery time on that—[crosstalk] one is on Crystal Bay. One is on—over there by Bordertown, I think.
- Tedford: We just advertised those last week.
- Savage: You did.
- Tedford: I would estimate—because I just got my copy of the specs. So, they were advertised.

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- Savage: So, is there something on 80, east, on the California line? No Gateway there?
- Tedford: Those three are the only ones I've seen, that you're seeing right there. It's [inaudible] can see what the plan is.
- Savage: So, that gateway is an aesthetic?
- Dyson: So, we have Crystal Bay—this is Thor Dyson. Crystal Bay, Stateline—
- Savage: That's all I saw.
- Dyson: Yeah, I think that's the only two I see. John Angel is a resident engineer. I don't—I mean, as far as District 2 goes, I don't know about gateway signs in other districts.
- Savage: So, if somebody could follow-up, I'm just curious on the aesthetic—
- Lani: You want to know—
- Savage: Well, when they say “monument”, I just didn't know if it had aesthetic approval by, you know, everybody under the sun to try to make sure we're correct?
- Lani: Yeah, you nailed that. Yeah.
- Inda: Thor, I have a little bit of information about these. It's a—they're projects—
- Savage: This is Denise Inda.
- Inda: Denise Inda, thank you. Thank you Len. I have a little bit of knowledge about this because we worked—because of the Welcome to Nevada signs that we recently replaced.
- Savage: Right.
- Inda: We worked very closely with Roadway Design and the Landscape and Aesthetics section to make sure we weren't overlapping. So, they have a plan to install gateway signs and what those are, it's a monument sign. So, sometimes you might see them—there's one for the Carson Valley—between Carson City and Gardnerville and it's got a big sign, it says “Welcome to the Carson Valley” and it's got some, you know, nice—more aesthetic features. It's not just the standard blue and white sign that NDOT might provide, right?

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So, Landscape and Aesthetics came up with a plan for those. I can't speak to their whole plan, but they identified certain locations where a monument sign welcoming drivers to that region, to that area, would be beneficial. We did not place the Welcome to Nevada signs, the newly designed ones, at locations where there were going to be gateway monuments installed.

For example, in the District 2 area, I believe we're getting one on US-395 at Bordertown. Right, there's no new welcome signs there, so there will be a gateway monument there.

Yeah, that's a perfect example, whoever is putting that up. DJ, right on. So, there's a variety of gateway signs going in around the State, and roadway/landscape design and aesthetics is responsible for that. I hope that helps a little bit.

Savage: Well, I guess my concern is the timing. In Bordertown, I know the sign has been down for a long time. I know what state we're driving into, but there's a lot of people that don't know.

Inda: We didn't take the old signs down, to the best of my knowledge, but I could be—I could be wrong on that.

Savage: I think they're down. I think that—I'm just concerned about the timing. New signs are going up. Look into that.

Page 10, I have a quick question on Douglas/Centerville, Miscellaneous Projects. The \$740,000 in 2018, cost changed from \$410,000 TAP funding, Douglas County, \$490,000. So, did that funding come from Douglas County, that \$490,000? Or, did that go through NDOT to Douglas County and back to NDOT?

Speaker: Which one again, Len, I'm sorry.

Savage: It's the 1, 2, 3, 4—it's four down on Miscellaneous Projects. It's got the highlighted \$740,000 for the Centerville structure, bridge widening.

Speaker: [inaudible]

Savage: Okay.

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- Larkin: Just from a quick glance, Tracy Larkin, it looks like it's Douglas County had some kind of funding that they applied to the project, which ultimately broadened it.
- Savage: That was my question. So, it wasn't NDOT funds, it was Douglas County funds. That was my question.
- Larkin: It was probably funds that were allocated to Douglas County for some projects [crosstalk]
- Savage: So, that TAP Fund is a Department—
- Almberg: TAP is a federal fund.
- Larkin: It's a federal fund.
- Savage: Federal fund through the Department.
- Larkin: Yes.
- Savage: Okay.
- Larkin: So, I think they probably [audio cut] likely had a project that had been approved and it was combined.
- Savage: Okay. And then, a little bit further down on USA Parkway, US-50/USA Parkway Roundabout. Joint construction near Fort [inaudible] and Electric Avenue. We just completed a new light, correct?
- Inda: Electric Avenue is a U. It has two connection points with USA Parkway. Denise Inda, sorry.
- Savage: So, Denise, where is this roundabout?
- Inda: It would be further—further south, away from I-80, closer to US-50
- Larkin: It's not the same intersection.
- Savage: That's a good answer. [laughter] That's what I was looking for. Thanks Tracy. That's what I was concerned about.
- Larkin: Right. Electric Avenue intersects USA Parkway twice.

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- Savage: Okay. Then on Page 11, for the freight projects. I see that the top line item is \$7 million for I-80, Washoe County, USA Parkway. Have those funds been used or have they yet to be—
- Johnson: It should've been obligated. I think last week it advertised, so it should be being used up. It's basically putting in some auxiliary lanes.
- Savage: On the off-ramp?
- Speaker: On the off-ramp.
- Savage: Okay, good. I just—you know, if you don't use it, we lose it. That's what I was concerned about because I wasn't sure if it was getting utilized. Those are the only questions I had. Thank you. BJ, do you have any questions?
- Almberg: I don't. I've had discussions with our District 3 Engineer over there, as far as what's contained in here and he was satisfied [inaudible] —specifically, I believe, there's some things on here north of—between Wells and Jackpot.
- Savage: Okay. Any other comments or questions on Agenda Item Number 7? We'll move on to Agenda Item Number 8, Briefing on the Status of Projects Under Construction.
- Dyson: So, thank you Member Savage. I'm going to ask Sharon Foerschler to address some of these items. So, Sharon, please take it away.
- Foerschler: Sharon Foerschler, for the record. As you can see, our list has increased. We were down to like, two and a half, three pages and now we're back up, that's an indication of the work program. It's also an indication that we lost two of our staff members in July to retirements. We just replaced one, that handled primarily our job closeouts and the other position, we are waiting information or approval from State Personnel to upgrade that position. We have some additional duties we want to assign to them.
- I can tell you, the closeouts are going faster. Our last paper project fell off the list. So, these are all electronic documentation projects now that are on the list. We're plugging away and the closeouts are going much faster.
- If you have any specific questions on the list, I'd be happy to answer them for you.

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Almberg: Based on what you just said, you closed out your last paper, is that going to make now, the electronic, is it going to make it easier for this process?

Foerschler: Absolutely.

Almberg: [inaudible]

Foerschler: Yes.

Savage: The only question I have is on 3672. The percentage [inaudible] to 149%. It's a relatively small number, so the percentage looks worse, but still, [inaudible] is that scope of work?

Lani: Yes.

Savage: Yes?

Lani: On the closed contracts?

[crosstalk]

Lani: We figured this one was coming. So, 3672, that was USA Parkway. There were really three driving change orders that was about \$600,000 contract, it was bid. We have about \$500,000 in change orders, comprised of three. The first one was a result of poor planning on our part as far as limitations of operations. It added about \$30,000 for additional labor to change the contractors' work hours to night, to get us off of peak hours of USA Parkway. They had not bid it for night operations, so.

The second one was at \$120,000 to add a cattle guard for access back on to the—to keep the livestock and horses off of I-80. That's actually not as bad as it sounds, because we deleted a 70-foot cattle guard from the 3625 design-build contract, USA Parkway contract was removed from that contract because it couldn't be constructed under the current conditions with the traffic, we added back in an 80-foot cattle guard at a slightly different location to better fit the field situation under this contract. So, the money was recovered under one contract and spent under this one.

Savage: Does that keep the horses in too? I'm not trying to be facetious, I just don't know. What does that do?

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Lani: There was a gap and it has to do with their ability to actually come down USA Parkway and get on to the interstate. I believe we were looking at—there was a gap in there and it was intended to be put in under the design-build contract, but because of the geometry and several of the other changes, we couldn't construct it at that location. We had to move it down slightly to get a better positioning on it. It was to provide a controlled access facility for the interstate.

Savage: But does it keep the horses out?

Lani: Of the interstate, yes. That was the intent. And then the biggest change was about \$360,000, \$350,000 change order that had to do with some traffic safety and operational design modifications we had to make. We had not anticipated the volume of traffic at various locations and some of the term [inaudible] that we had designed had to be extended significantly with some modifications to the other elements that were there.

So, those three change orders made up the bulk of your \$500,000 added to the contract.

Savage: Do we have a subconsultant on that or that was all NDOT?

Lani: I believe that was all—that was all NDOT house design.

Savage: Any other comments or questions on closeout, detail sheets? We'll go to 8D, Status us of Active Projects.

Lani: DJ has managed to pull up, this is Contract 3750. This is one of the two gateway signs. This one happens to be the one at Topaz. This gives you some—this is what's in the contract plans right now. This is one of the two gateway signs that's out there. Each sign has a similar logo, but the architecture for the sign structure itself is going to change a little bit depending on a specific location. That's Topaz. If you go down a couple of sheets, DJ, there's the one there, for Bordertown, as well, to give you some idea of what it is we're building for the gateway signs.

Savage: Are there any current bullet holes in the signs—[laughter]

Dyson: What caliber? The answer is yes.

Speaker: There's more concrete here [crosstalk] [laughter]

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- Dyson: The old ones, we're going to take those down and offer them up to Park Rangers for target practice.
- Savage: Okay, thanks for bringing that up DJ, thanks Steve. Anyway, back to Agenda Item Number 8D, Status of Active Projects. Any comments or questions on that? Okay. We'll move to Item 8E, Partnering and Dispute Process.
- Foerschler: Sharon Foerschler, for the record. I can give you an update on that. We put out an RFP that has been received to do some additional partnering training, update all of our manuals. I think as we talked about at the last CWG meeting, we haven't had a big emphasis on that in the last couple of years. We received three proposals. We'll have the consensus meeting sometime next month and we're hoping to have somebody on board by the end of the year to reinvigorate our partnering program. We actually geared the RFP so we get the right expertise, partnering [inaudible] you know.
- Savage: Yeah, I think that's important. I was looking at the litigation expenses, that's way down from where it was at. I didn't know if there was any relativity there between that, the partnering that we did have and before we implemented it, I just don't know if it's a timing issue. I don't know what we're doing now on current projects as far as partnering.
- Foerschler: We're still. We still have a partnering program. We still partner our projects, we just haven't had any emphasis on training some of the new personnel. It's, you know, our way of doing business and it really is, we partner on all of our projects, whether it's formal or informal. It's a culture that we've, you know, embraced and our REs are tenured enough now that they're all familiar with it. You know, we've got new staff coming in with a lot of retirees, so we thought it was important to reinvigorate the program and perhaps reach out and try to incorporate a little more internal partnering with changes in staffing, etc.
- Savage: Okay.
- Foerschler: So, we're excited about that. I also wanted to mention to you that, you might notice Jeff Freeman is not here today. Friday was his last day. He has taken a job with Carson City for better benefits. Again, an example of where we sit as an agency, like you didn't know that.
- Savage: I did try to go online and apply again, for a job—

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Foerschler: Yeah? Couldn't do it?

Savage: No, it was a little easier.

Foerschler: Oh, was it? Good.

Savage: I was able to navigate a little bit quicker.

Hoffman: Did you qualify?

Savage: No, I didn't. [laughter] I was looking for the temporary slope authorizer.

[crosstalk]

Savage: Not trying to be facetious. It's very serious, it's serious. I know Bill Hoffman and Allison, I believe, continually work on it, but there's never enough time. It's continual work and it's reality. It's—it's—nothing else I can say.

Foerschler: It's discouraging.

Savage: It is.

Foerschler: I also wanted to introduce Mark Cafferatti, [phonetic]. He is the new Manager over our Constructability Section in the Construction Office, effective last Thursday.

Savage: Welcome, Mark.

Foerschler: So, he's replaced Judy Tortelli. He'll be working with Tanya who is sitting behind Nick. And he will also be assisting in the administration with our consultant program.

Savage: Good. Good. Well, just to let you know, we meet quarterly. We will be meeting at the end of December, so you [crosstalk]

Dyson: Member Savage, I just want to be sure—

Savage: It's all on my watch. And, BJ's watch. We don't know what's going to happen moving forward. We'll continue [inaudible]. It's been very healthy I think, we know it's a pain for you guys sometimes, but you know, we don't know a lot of the answers and you guys have been very transparent. That education [inaudible]

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on the business side of the things, as well as the contractors' side of the things, and the consultant's side of things. So, we appreciate [inaudible]

Anything else? Any other comments? We'll move to Agenda Item Number 9. Public Comment. Here in Carson City? Any public comment, anybody out here? Las Vegas, is there any Public Comment, Mary?

Martini: There's no public comment, but just a reminder that the documents need to be available for the public as well. So, I checked and then I had my staff check just in case I messed it up, but the only thing that's listed on the website is the agenda, so the attachments never got posted. So, just an FYI for the future.

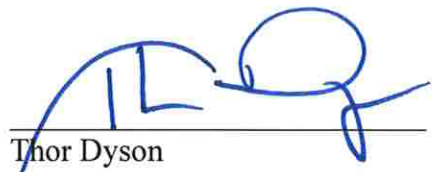
Savage: Thank you, Mary. Okay. We'll move on to Agenda Item Number 10, Closed Session. I don't believe there's any legal issues that we need to discuss at this time behind closed doors. It seems like it was pretty clear at the last meeting. So, we're grateful for that, thank you Lou.

And, I'll take a motion for adjournment.

Almberg: Motion to adjourn.

Savage: I'll second. Thank you everyone. Have a good day.

[end of meeting]

 4/1/19
Thor Dyson