



## Nevada Department of Transportation

### Board of Directors • Meeting Minutes

January 13, 2020

9:30 A.M.

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**Meeting Location:**

1263 South Stewart Street  
Third Floor Conference Room  
Carson City, Nevada 89712

123 East Washington Avenue  
Building B  
Las Vegas, Nevada 89101

#### 1. Welcome/Call to Order

Governor Sisolak called the meeting to order on Monday January 13, 2020 at 9:30 AM. A roll call was conducted, and a **quorum was established**.

#### 2. Presentation of Retirement Plaques to 25+ Year Employees (Informational Item)

Director Swallow identified the eleven retirees in the last quarter, who together, had 318 total years of experience with the state. Those retirees were:

Jessica Biggin, Chief of Right-of-Way Division with 26 years' experience; Marcella Bliss, an Engineering Tech IV in Las Vegas with 27 years; Ila Cirone, an Auditor III for 25 years; Ron Dietrich, a Deputy Chief with Right-of-Way, 29 years; Kim Edwards, Transportation Planner Analyst III, 38 years with the state; Donald Gillespie, Supervisor II in Materials, 25 years; Tracy Guinn, Admin IV in Winnemucca, 30 years; Kerrick Ivins, Highway Equipment Mechanic in Ely, 30 years; Karl Lackinger, Highway Maintenance Worker IV in Las Vegas, 29 years; Karon McDaniel, a Graphics Technician I with 29 years; and Jill Trankle, a Management I Analyst with 30 years.

#### 3. Presentation of Awards (Informational Item)

- A. The Public Relations Society America's Silver Spike Award for the SR-28 Shared Use Path. Credits go to Granite Construction, Karen Mullen-Ehly Consulting, Inc., SJ Marketing, the Tahoe Fund, Weidinger Public Relations, and the Nevada Department of Transportation.
- B. The American Public Works Association Project of the Year, Historical Category. The project is the I-11, Phase One. Credits go to Fisher Sand and Gravel Co., the Nevada Division of Museums, and the Nevada Department of Transportation.



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- C. The America's Infrastructure Magazine's "Pubby Award" for Road Project of the Year for the I-15/Starr Interchange. Credits go to Las Vegas Paving Corporation and the Nevada Department of Transportation.
  - D. Nevada Traffic Incident Management Coalition's Special Recognition Award for Excellence in Partnership. The project is for Project Neon. Credits go to Jacobs Engineering Group, Kiewit Corporation, and the Nevada Department of Transportation.
  - E. The Intelligent Transportation Society of Nevada's ITS Project of the Year Over \$2M for the U.S. 395 Intelligent Transportation Project Truckee Meadows Package 4. Credits go to CA Group, PAR Electrical Contractors, and the Nevada Department of Transportation.
  - F. The Engineering News-Record (ENR) 2019 Southwest Owner of the Year for the Nevada Department of Transportation.

#### 4. Public Comment

Mr. Scott Fullerton with Operating Engineers had a comment on the NDOT Project 3791. The Operating Engineers represent over 2,700 working men and women in Northern Nevada. Project 3791 is going to provide a lot of work for their members. They encourage the Board to push this project through.

Ms. Alexis Motarex, representing the Nevada Chapter AGC, also had a comment on the NDOT Project 3791. In the case of NDOT 3791, the BRAT (Bid Review and Analysis Team) Committee met and deemed the bid proposed by Road and Highway Builders acceptable. Ms. Motarex asked the NDOT Board to show the confidence that industry has in both the staff and the process, and to award Contract 3791 to the lowest responsible bidder, Road and Highway Builders.

Mr. Skip Daly, representing the Laborers' Union Local 169, Northern Nevada, had a comment on the NDOT Project 3791. He said they have confidence that the recommendation is correct in this case and the Board should proceed forward with the award.



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#### 5. Consideration of Approval of the December 17, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes (For Possible Action)

There were no corrections or changes in the Minutes.

**Motion:** Approve the December 17, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes

**By:** Controller Byrne

**Vote:** Passed unanimously

#### 6. Receive Director's Report (Informational Item)

Director Swallow started with the State Fatalities Report for the entire calendar year of 2019. There were 284 lives lost last year in fatalities. However, pedestrian fatalities were down 15% from 82 to 70 and unrestrained occupant fatalities were down 32% from 81 to 55. December was a particularly difficult month, however, with 34 fatalities compared to 24 in the previous year.

The Department has continued to see the wrong-way crashes spike that started in the late fall of last year. The Department is working on deploying a wrong-way driver system and has gotten conditional approval from federal highways to do so. They are hoping and encouraging federal highways to allow them to use this proven technology more broadly throughout the state to help prevent these wrong-way collisions.

Director Swallow then presented some change order figures that were requested at the last Board meeting. Approximately, \$11 million was the total cost of change orders on the projects in state fiscal years '18 and '19. There were 75 projects that closed out in those years. Those change orders were spread across 21 contractors. And, of the \$344 million total paid, \$11 million of that was change orders, or roughly 3%. Of that \$11 million, \$830,000, approximately 7% was requested by the contractors, which totals to about less than .2% of the total contract amount was requested change orders by the contractors. The Director reminded Members that the Department does not approve change orders for changes in bid price, except for asphalt or fuel escalation or de-escalation, or significant changes in the quantity bid.

Director Swallow said one of the questions they received last month was a breakdown by contractor of the change orders, and they have distributed that breakdown to Members. The Director summarized some of the



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data: of the 21 contractors and 75 contracts that they closed in those two fiscal years, 17% of those averaged across all of their contracts less than 1% of a change order requested. Three of them actually across their contracts resulted in a lower-than-bid-price total across their average.

In terms of asphalt and fuel escalation: they saw in asphalt costs a cost increase of \$132,549. But a cost reduction from bid price of nearly \$1.8 million for a total net reduction to the Department of \$1.6 million in asphalt costs over those two years. And in fuel escalation, it was different. It was an actual increase instead of a decrease to the Department, but it was a very minor increase at \$164,000 over that \$344 million in total cost on those 75 contracts.

Director Swallow closed her report with the terrific news that Mr. Darren Tedford is the new Assistant Director of Operations. In this role, he will oversee the Materials, Traffic Operations, Maintenance, and Asset Management and Equipment Divisions. He has been with the Department for over 25 years. He began his career as a summer intern in the Materials Division. He eventually joined the team in 1994 in the Roadway Design Group, but then spent some time in Signs and Striping, and then ultimately spent the last two decades in the Materials Division. He has a breadth of experience and has already been showing to be a strong member of the team.

Governor Sisolak welcomed Mr. Tedford aboard and then had a question about the asphalt escalation numbers. What was the number of increases versus the number of decreases?

Director Swallow said they didn't break it out into that level of detail, but she would get him those figures later.

#### **7. Consideration of Approval of Contracts over \$5,000,000 (For Possible Action)**

Director Swallow said there were two contracts for their consideration for approval.

The first contract is Contract 3791. The recommendation is to award to Road and Highway Builders for \$16,060,060. The engineer's estimate was just over \$17 million.

Governor Sisolak said it was he who had the most questions on this contract. He said he appreciated staff performing further evaluation on the bid. He said he is a firm believer in discouraged bidding practices as similar to what happened in Contract 3791. The Governor has made it clear to the Board and the staff what he wants



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and expects going forward as it relates to unbalanced bids. At the same time, he understands Contract 3791 will save over \$1.4 million, in terms of taxpayer money, and it can put people to work, which is extremely important. Bottom line: The Governor supports this item being awarded to Road and Highway Builders LLC.

Lieutenant Governor Marshall said she appreciated the Governor's strong instruction to staff. She said she thought it would help them be better going forward.

**Motion:** Approve Contract #3791, as detailed in Agenda Item 7A  
**By:** Lieutenant Governor Marshall  
**Vote:** Passed unanimously

Governor Sisolak said, again, he wanted to emphasize to all the contractors and bidders that they will do everything to ensure that this is a fair process for all bidders. And it will be as transparent as possible. The Governor said he was confident they would see this project coming in without any change orders.

Director Swallow then detailed the second contract, Contract 3792. This is the I-15/215 Northern Beltway Interchange. The recommendation is to award to Fisher Sand and Gravel for roughly \$99 million. The engineer's estimate was \$107 million.

Member Almberg said based on his briefing with Mr. Mortensen, he understood there were a few discrepancies in the bid, very similar to the last contract that was just approved. But he is still "very supportive" of awarding this. NDOT has obviously learned and seen what the Board is wanting to see as far as covering these possible discrepancies and being clear and upfront. And so, it's his understanding that the Department got verification from the contractor honoring the bid prices and clarifying the bid prices. And so, Member Almberg supports this project.

Member Valentine said it gave her a level of comfort to see bids grouped that closely.

**Motion:** Approve Contract #3792, as detailed in Agenda Item 7B  
**By:** Member Valentine  
**Vote:** Passed unanimously



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Director Swallow said before they moved on, she did have the number of change orders for asphalt escalation. There were 14 total. Four increased and ten reduced.

#### 8. Consideration of Approval of Agreements over \$300,000 (For Possible Action)

Director Swallow said there were three agreements for approval for consideration over \$300,000. Members received all pertinent information about the agreements. She asked if there were any questions about the agreements, and there were none.

**Motion:** Approve 3 Agreements over \$300,000 as detailed in Agenda Item 8

**By:** Lieutenant Governor Marshall

**Vote:** Passed unanimously

#### 9. Contracts, Agreements, and Settlements (Informational Item)

Director Swallow said this was an informational item only. She asked if there were any questions for Agenda Item 9, and there were none.

#### 10. Consideration of Approval of Design-Build Procurement for the Tropicana Interchange Project (For Possible Action)

Governor Sisolak said Item 10 was to request the Board of Directors approve to begin the solicitation of a design-build project to reconstruct the Tropicana Avenue interchange and construct a new HOV access at the Harmon Avenue bridge on I-15 in Las Vegas.

Director Swallow stated this item is required by NRS if they are to proceed with the design-build procurement. Staff is recommending the design-build procurement. Due to the nature of this project, they want to make sure they get it done as quickly as possible with as limited disruption as possible to I-15 and Tropicana.

Governor Sisolak said he wanted to make clear that this was not moving forward at this time to add more HOV lanes on I-15 by Harmon.



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Director Swallow said that was correct. They are not adding additional HOV lanes. Included in this project are HOV ramps to Harmon, which would provide an additional access to the Strip and the resort corridor. That is currently included in the project. But they are not approving that right now.

Director Swallow said all they were approving is the design-build procurement, and they previously approved the consultant to start with the technical provisions, the procurement documents. In terms of decision on the Harmon ramps, they can have a different conversation about that. It is a project level decision, so they wouldn't need to make that at the Board level. They could have a conversation, or they could bring that to the Board. Governor Sisolak asked how could the public weigh in on that? Is it through the website? Is it through phone calls, through letters?

Director Swallow responded it's through phone calls and letters, and they can report back what they hear. Member Valentine noted that the stipend for this project is a little higher than normal. Why is that?

Mr. Nick Johnson responded that when they put these together, they take into account a number of considerations. And one of the biggest considerations they took into account for a little bit higher stipend was how they are going to manage traffic. This is a very complex project. And it's one of the busiest interchanges in the state of Nevada. And it feeds the Strip. It feeds the: Raiders Stadium, the airport, T-Mobile, special events, all the above. So, what they wanted to do was make sure that they were providing the proposers bigger stipends so they could put together good construction management strategies to help the Department get through this project so they can maintain access through there. They had a couple of workshops with the AGC regarding stipends. The more complex the project, the higher the stipend.

Member Almberg asked if the Department limited the number of proposals?

Mr. Johnson replied that typically, or at least per NRS, they have to have a minimum of three proposers to move forward and no more than five. One of the first steps in the procurement is to put out an RFQ, and then they short-list those proposers. The stipends are only paid to the unsuccessful proposers after the RFQ.

Governor Sisolak asked if there were any further questions and there were none.



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Motion: Approve the Design-Build Procurement for the Tropicana Interchange Project as detailed in Agenda Item 10  
By: Member Valentine  
Vote: Passed unanimously

11. Public Comment #2

Aleta Dupree from Las Vegas had some comments about the HOV lanes in Las Vegas and was appreciative that the HOV lanes are consistent 24/7. Aleta stated that it is important to enforce that. Traffic can happen at any time; any day of the week and 24/7 access gives consistency. And just because a person doesn't like something, doesn't make it wrong.

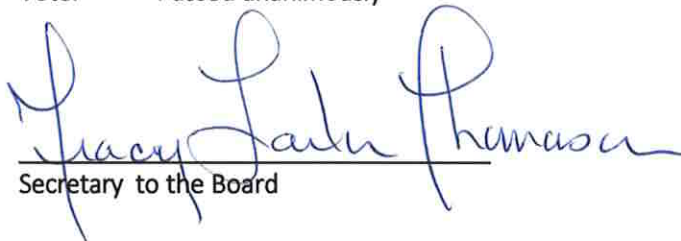
12. Executive Session

Director Swallow said there were no items for the Executive Session.

13. Adjournment (For Possible Action)

The Governor thanked everyone and said he would accept a motion to adjourn.

Motion: Adjourn the January 13, 2020 Nevada Department of Transportation Board of Directors Meeting  
By: Member Almberg  
Vote: Passed unanimously

  
Secretary to the Board