



Nevada Department of Transportation  
Board of Directors • Meeting Minutes

December 17, 2019

9:30 A.M.

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**Meeting Location:** 1263 South Stewart Street 123 East Washington Avenue  
Third Floor Conference Room Building B  
Carson City, Nevada 89712 Las Vegas, Nevada 89101

1. **Welcome/Call to Order**

Governor Sisolak called the meeting to order on Tuesday December 17, 2019 at 9:30 A.M. A roll call was conducted, and a **quorum was established**. Lieutenant Governor Kate Marshall arrived at 9:55 A.M.

2. **Public Comment**

There was no public comment.

3. **Approval of the November 18, 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 November 18, 2019 Nevada Department of Transportation Board of Directors Meeting Minutes  
**By:** Controller Byrne  
**Vote:** Passed unanimously

4. **Receive Director's Report (Informational Item)**

Director Swallow started with the State Fatalities Report and she said it was good news. As of the end of November, total fatalities across the state are tracking far lower than they were last year. This year it's 243, compared to 308 last year. Pedestrian fatalities and unrestrained occupant fatalities also remain lower than they were last year.

One of the programs that NDOT has started is the Nevada Zero Fatalities Program. It is a national best practice demonstrating how departments of public safety and transportation can work together to save



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lives. Right before Thanksgiving, they rolled out a new campaign called “Give a Click.” It’s an educational campaign focused on the importance of buckling up at all times.

Director Swallow then reported on the HOV system. There were several questions posed to the Director at the last TYC meeting, and she took the opportunity to answer those questions now.

The first two questions related to the authority. Whose authority is it to designate the HOV lanes and the conditions of their use? That authority lies directly with the Department of Transportation, with the Director. It also is in conjunction with federal partners, in terms of approval of the use of the interstate and the US routes.

There was a question regarding the funding that is tied to the HOV system. Specifically, for Project NEON, there was no funding that was linked to Project NEON. When there is federal funding involved, it’s part of the NEPA document and the environmental approvals, and so that is where the money can get mixed up, but in terms of Project NEON, that was not the case.

NDOT started in the 90s with a major investment study that led to the decision to implement HOV lanes on US-95 to meet the capacity needs for the growing community. That led to the NEPA document that gave the approval to widen US-95 and that widening occurred in the early 2000’s.

There was significant public outreach involved during all phases of the project. NDOT went out to the county, out to the RTC, and to the cities. They did presentations to the Nevada Resort Association and other major stakeholders to ensure that as they were delivering a program, they were delivering a program that would meet the needs of the state and in specific, the needs of the valley.

In January 2000, Federal Highways signed the record of decision for the 95 expansion. It included HOV lanes on 95 and Summerlin Parkway, although at the time, Summerlin Parkway was not in NDOT’s jurisdiction. In June 2005, they were finally able to settle the Sierra Club lawsuit that came as a result of the NEPA document for US-95. It included not only the HOV lanes that were already in the NEPA document, but additional measures to mitigate the air quality issues of a freeway adjacent to schools and other public facilities.



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In June 2007, NDOT approved the first Southern Nevada HOV Plan. Again, that was in conjunction with many stakeholders across the valley. In December 2007, NDOT opened the HOV lanes from Spaghetti Bowl to Rainbow.

In October 2010, NDOT received their record of decision from the Federal Highway Department for Project NEON. At the time, that did include HOV direct connect, as well, to ensure that the project could move forward.

In July 2012, NDOT added the Summerlin direct connect from US-95 to Summerlin Parkway.

In 2013, NDOT opened the second phase of HOV lanes on US-95, extending from the Rainbow curve up to Ann Road and making it a 12-mile lane section.

In July 2015, NDOT updated the HOV plan to come to current date. It had been eight years and it was important to update and monitor that system. That update included recommended hours of operation at 24/7 and it recommended the limited access instead of continuous in and out.

In May 2016, Project NEON, NDOT received the approval from Federal Highways for control of access. What's important about this is that NDOT added an interchange at the NEON gateway between Sahara and Charleston. To do that, they needed to get Federal Highways approval. NDOT got their approval, but it was based on 24/7 operations of the HOV lane.

In October of last year, NDOT updated the Southern Nevada HOV Plan. This was used directly to help feed the NEPA document for the Tropicana project that is currently in the NEPA review.

In May of 2019, NDOT opened Project NEON and HOV Lanes Phase III, where they connected the 95 lanes to I-15 and extended it to a total length of 22-miles and really made the connection for those folks that are commuting from the northwest valley to their jobs along the resort corridor.

In July, NDOT opened the Elkhorn HOV ramps and currently are awaiting a record of decision from the Federal Highway Division for the Tropicana Project, which will include additional ramps at Harmon, providing critical access to the resort corridor.



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One of the big questions was, why 24/7? Typically, if you were to look at a volume count like this for any other city, you would see a significant peak in the AM hours followed by a significant dip and a greater peak in the PM hours. In the valley once the commute starts, in the northbound direction it's about 7:00 AM and in the southbound direction it's about 6:00 AM. Significant volumes are maintained throughout the day with the volumes not really decreasing to pre-commute levels until approximately midnight.

During those overnight hours, between approximately midnight and 5:00 AM, the volumes are low enough that vehicles can be comfortably conveyed in two lanes. Typical capacity of a lane is 1,800-2,000 vehicles. In this section of the corridor, there are five lanes. Having that additional capacity, unfortunately and especially during the overnight hours leads to unsafe driving practices like additional weaving, aggressive speed and more severe crashes. Having the HOV lanes designated as 24 hours enables critical emergency responders to get to a crash, respond more quickly, get the folks that are injured to emergency care, as well as open the corridor again as fast as possible. Every minute the system is down results in four minutes of congestion.

That additional capacity also enables NDOT to do construction work, which is frequently done in the overnight hours and still maintain traffic. They can shift traffic into the HOV lanes, both during a crash as well as during construction in the overnight hours. The HOV lanes are a critical part of managing the system 24/7 through the valley.

The Director said she is committed to monitoring the system. They are looking at overall volumes on the system. Not just HOV volumes, but also just general volumes on the system. They are looking at lane specific volumes. They're looking at lane speeds comparing the general-purpose lanes to the HOV lanes. They are looking at crash data, travel time reliability, as well as RTC club ride. The RTC is a critical partner in the program. They manage the travel demand program, which is something that is required because of the air quality issues in the valley. They are the ones that can help promote ride sharing and carpooling, as well as transit use and are critical in NDOT's efforts.

The system has been open since May. The Department has six months of data that they can start looking at. The general-purpose lane volumes have been divided out on a per lane basis so they can compare a general lane versus an HOV Lane. What they are seeing is that northbound, general purpose lane volumes are increasing from 16 to 17 and they're starting to see the same in the HOV volumes. Southbound they are not tracking as high.



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Another thing they have been tracking on 95 is the HOV speeds versus the general-purpose speeds. What they're seeing is the HOV lanes are roughly 8 miles an hour faster than general purpose lanes. That's a safe difference.

The Director then moved on to I-15. They have been able to do some counts along I-15 and the volumes range between 620 and almost 1,800 vehicles during an hour. Peak for a lane is between 1,800 and 2,000. The volumes are fluctuating; they are doing spot counts.

Overall volumes on I-15 have increased by 15% since 2016, but there's only been a speed decrease of 1%. The work that's been done on Project NEON has really helped to absorb the additional demands on the system without seeing a degradation of performance.

The Director then gave an update on the ATM signs. The ATM signs are critical for the full analysis of the HOV system and full deployment of the HOV system. They will allow NDOT to open the HOV lanes during a crash or construction. The Department started a 60-day hardware testing earlier this month. The software system upgrade and testing lags beyond that slightly. The Department anticipates full ATM deployment in March of next year. In the meantime, there may be portions of the system rolling out the signs to do safety messaging.

The next item the Director reported on was I-15 and US-95, Discrete Data Points. The Department is going to look at and dive down into the data points and really see where is the system breaking down, how often is it breaking down, and why is it breaking down? Is it a crash? Is there something we can do to fix it? Is it a signage or a striping issue? They are going to look at and start reporting on some of those very discrete data points and adjust those issues.

Another question the Director addressed was occupancy. How many people are actually in those cars in the HOV lane? They are working on developing options on how they can do the occupancy study. Some of them may require hardware and infrastructure upgrades and some might require videoing. The Department is working on developing options. The Director will report back as soon as she has the full cost and implications available.

One of the discrete points where drivers feel like the system is breaking down is at I-15 and the Neon Gateway. The Department is going to look and see what they can do about balancing that and changing



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that to make sure that they get as much throughput as they can on the general purpose lanes while not hindering the safety and the efficiency and the effectiveness of the HOV lanes. That's a longer-term project. The Department does have a short-term project that they're working on regarding the HOV access points. Since they've opened the system, they have heard from the community where the system is working and where it's not. One of the critical complaints that they've received is on I-15. If you get on at Flamingo, Spring Mountain, Sahara and you're going northbound, you cannot access the HOV lanes until all the way on 95 at Decatur. That's not what was intended. That's a problem. The Department is going to create a new access point to ensure that Flamingo, Spring Mountain, Sahara, all of those vehicles can get in, they can use the flyover and they will be able to use the system through the Spaghetti Bowl. That will help with general purpose traffic through the Spaghetti Bowl. They are also adding a southbound exit on I-15, south of Russell, to ensure that the folks that are in the lane can get out for Blue Diamond and Silverado Ranch exits.

On 95, they are adding a new northbound entrance at 95, below Rancho. Between Rancho and the Spaghetti Bowl, because the folks on 95 can't get in until Decatur and that was not the intent. The Department wants to make sure that drivers can get in there soon and get out of the general-purpose lanes. They are also adding a new northbound connection near Craig, to improve the access for the folks that are entering the system at Cheyenne and a southbound location at Craig as well, to improve access for those entering at Ann. The Department hopes to get these projects delivered within the next 6-7 months. They'll be using District forces to do so, to just expedite it and make sure that the system can be as efficient and effective as possible.

Director Swallow thanked the Governor for the Executive Order on advancing Nevada's climate goals. The Department will be working closely with DCNR and the Governor's Office of Energy on SB 254 and achieving those outcomes. They are in the process right now of helping write the policies and strategies to meet the thresholds, as transportation is a critical piece of achieving the goals long-term.

The Director said at the last meeting she had expressed concerns that the FAST Act had a rescission baked into it that would impact Department funding this year. The impact would've been one-third of their federal funding. Luckily, in the current continued resolution that was passed right before Thanksgiving, they did repeal the rescission, so the Department will not see that impact. That is very good news.

#### 5. Presentation of Change Order Process (Informational Item)



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Sharon Foerschler, Chief Construction Engineer, presented the change order information that was requested at the October Board Meeting.

Ms. Foerschler stated the change order information presented today represents contracts that have been completed and closed for State FY '18 and '19. Closed, meaning construction is complete and final payment has been made to the contractor. There were 75 design-bid-build contracts closed in FY '18 and '19. The total bid amount for all 75 contracts was \$333 million. The bid amount does not include contingencies; it is strictly the bid items the contractor has provided unit prices for.

The total budgeted amount for all projects was \$359 million, inclusive of contingencies. The total actual amount spent for all projects was \$344 million and 96% of the budget, or in other words, 4% under budget. Of the 75 projects, 68 of them finished under budget, which equates to 91% of the projects being under budget. The Department, in accordance with the Code of Federal Regulations, bases payments to contractors on actual quantities placed and documented. The Department does not accept contractor invoices for payment.

The budget for every project includes contingencies for fuel and asphalt escalations, to account for price fluctuations and for potential change orders. The Department assigns contingencies to every project based on the engineer's estimate to account for these escalations and potential changes. In accordance with the Department's project cost estimation manual, the contingencies are 7% when the estimate is less than \$3 million; 5% when the estimate is between \$3 million and \$25 million; and, 3% when the estimate exceeds \$25 million.

Ms. Foerschler talked about change orders. There were 278 change orders with a cumulative value of \$10.5 million. The change order averages are 3.1% of the bid amount; 2.9% of the budgeted amount; and 3% of the actual amount paid. Of the 278 change orders, 56 change orders were requested by the contractor, with a total cumulative amount of \$827,000, which is 8% of the total change orders. The percentage of contractor requested change orders is under 1% of the \$359 million that was budgeted for those projects.

There are a number of reasons for change orders, but the majority of the change orders are attributed to errors and omissions in the plans and specifications, which are NDOT's responsibility. The chances of designing and advertising a perfect project, perfect meaning absolutely no changes during construction,



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are slim to none. Again, it's important to note that NDOT does not pay contractors for their mistakes at bid time, or for rework the contractor may have to perform during construction.

Utility conflicts, including utilities which have not been relocated or identified prior to construction activities, are another reason for change orders and typically expensive change orders. There can be differences in field conditions that were not anticipated during design. It's often difficult to perform enough sub-surface exploration during the design process to catch everything.

For example, say the plans indicated removal of a concrete pipe and the pipe turns out to be asbestos concrete pipe. The removal and disposal due to the asbestos will require special handling and hazardous waste disposal that the contractor could not have anticipated when the project was bid. The handling of waste results in a cost increase to the removal of the pipe.

NDOT may determine additional work would add value to NDOT. For example, on a project recently during construction, a cattle guard was determined to be damaged and beyond repair. Therefore, a change order was executed to install a new cattle guard. The reason this wasn't addressed during design is not an error or omission in the plans because the project was a district maintenance chip seal project and these types of projects only address pavement rehabilitation.

Change orders can result in a cost-savings to the Department. NDOT only pays for the quantity of bid items that are installed on a project, not on the estimate of quantities at the time of bid or a contractor invoice. They process change orders at the end of the contract to reflect or match the actual quantities placed as well.

In addition, fuel and asphalt escalations work both ways. If the fuel and asphalt cost increase from the time of bid through construction, it will be a positive change order meaning a cost increase. Conversely, if the cost decreases then it will be a negative change and money would be returned to NDOT by the change order.

Also, NDOT allows materials not meeting specifications to remain in place with a deduction to the amount paid to the contractor, providing the material deficiencies are not severe enough to dictate removal and replacement. In this case, it will be a negative change order and money will be returned to NDOT.





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NDOT does not execute change orders because a contractor's bid appears unbalanced. However, during construction, a contractor may request a change order in accordance with Department specifications. There are three instances when a contractor may request an adjustment to the bid price.

Ms. Foerschler said if the work differs materially than what is in the plans, the contractor can request a change order. For example, say the plans call for installation of a pre-cast reinforced concrete box for a drainage channel. It was determined during construction that the concrete box would have to be cast in place because of a utility conflict. The contractor now has to change his operation to install form work, place-to-steel and pour the concrete. This is a materially different operation than placing a prefabricated concrete box and will have different costs associated which were not captured at bid time. In this case, the contractor can request an adjustment to the bid price.

The specifications also address quantity increases that exceed 125% and have a value of \$50,000 or 5% of the original contract cost, whichever is less. If these conditions are met, the contractor can request a change order to adjust the bid prices accordingly. And in addition, when quantities of major bid items decrease below 75% of the original contract quantity, the contractor may request a change order to adjust the bid prices accordingly. Major items are defined as bid item prices with a value greater than \$50,000 total.

Member Almberg asked Ms. Foerschler if she could explain again the reason that NDOT starts change orders? Could she give some examples of what would've caused those types of change orders?

Ms. Foerschler responded there are a variety of issues. There could be errors and omissions in the plans, issues encountered during construction. There are 26 different reasons that they code on change orders for why they are executing them. The structures division could have a bridge that they're rehabilitating, and they find that when they uncover the bridge deck, there's items under the bridge deck that they couldn't see during design and therefore they might need to execute a change order to address those changes.

Governor Sisolak asked of the 278 change orders (contractor or NDOT initiated), how many resulted in a decrease and a refund to NDOT?

Ms. Foerschler answered she would have to get back to the Governor with that information. They didn't sort it that way for this report.



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Governor Sisolak said if there's a change order up for asphalt and fuel, that is common. But when the fuel prices decrease, there's never a rebate. Does NDOT monitor that? When fuel prices decrease, the bid items go down, does the Department get a change order down?

Ms. Foerschler said it's an escalation clause that's factored into the bid items and yes, the Department can initiate a change order to take the money back.

Governor Sisolak asked does NDOT have a de-escalation clause as well in the contract? Ms. Foerschler answered that was correct.

Governor Sisolak said what he's asking is if they could get back to him with a breakdown of the change orders. What is the threshold before it would result in a rebate to NDOT? Ms. Foerschler responded yes, they could get that information to him.

Lieutenant Governor Marshall said the industry is changing a lot and she is impressed with the Department's goal to keep up with the changes. She wondered if there are best practices nationally that the industry was trying to establish? And is NDOT able to take advantage of those best practices and then try to incorporate them? How is the Department managing these kinds of things in terms of best practices and in terms of the changing dynamics of the industry?

Ms. Foerschler answered that they do incorporate best practices as best as they can throughout the whole design process, and the intent is to eliminate changes during construction. Overall nationally, Nevada is running between 2.5% and 3% on change orders and that's significantly lower than most states that are running about 6%.

Ms. Foerschler said she thought the Department does a fairly good job. The number is not as indicative, in her opinion, of change orders as the dollar value, the net dollar value that they're executing. Change orders can be executed for changes and specifications that have no dollar value associated with them. Ms. Foerschler doesn't look at the number, as much as she does the cumulative dollar amount that they're executing, in comparison to what they budgeted for.

Lieutenant Governor Marshall said the Department should be congratulated on the 3% versus 6% especially because Nevada is a young state with lots of road work being executed.



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Member AlMBERG said he was very comfortable with the 3% average; that's actually a very good number. But he would also like to see data comparing the change order amount to the bid amount for that project, rather than to the budgeted amount for that project.

Member AlMBERG said at the last meeting they were talking about change orders and unbalanced bidding. Potentially unbalanced bidding was, in the past, examined through the CWG meeting. They had a contractor teach them unbalanced bidding basics and the way that they should look at the process. Member AlMBERG said he believes it would be a viable thing to put back on the agenda for a presentation to the Board of how contractors look at it and how unbalanced bidding is a tough thing to follow and track in the NDOT set up.

Governor Sisolak said that was a very good point. He thanked Ms. Foerschler and proceeded to the next agenda item.

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

Director Swallow stated they had one contract for approval. It was held from the October Board Meeting. At that meeting, Governor Sisolak had some questions. The Director introduced Steve Blakely with Road and Highway Builders to answer those questions.

Governor Sisolak welcomed Mr. Blakely and said he appreciated him coming to the meeting to answer questions. He asked Mr. Blakely if he was informed of the specific questions the Governor had?

Mr. Blakely said yes, he was. He addressed those questions in a letter to NDOT.

Governor Sisolak invited Mr. Blakely to give him an explanation.

Mr. Blakely said at bid time, there were three subcontractors that performed the electrical work. There was some confusion in their scope of work in the understanding of using slurry seal in the trench. One of the subcontractors pulled and they didn't have a bid item in there for just slurry for that item of work, so they put it in their MOB, because the subcontractors weren't comparing apples and oranges. Mr. Blakely needed



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to have an area to cover that cost. Part of that bid item was in his mobilization to cover that slurry cost and excavation.

Governor Sisolak asked about a specific bid where the engineer's estimate for 3-inch conduit was \$27.00 a linear foot and Mr. Blakely's bid was \$2.50. Could Mr. Blakely explain how he could bid \$2.50 when the engineer's estimate was \$27.00 and everybody else was up in the \$17.00 range? The Governor said he didn't understand the slurry seal part. Could Mr. Blakely explain that for him?

Mr. Blakely said there's a slurry seal to be used to backfill that trench. Not all the subcontractors included that slurry seal. In fact, one backed out and didn't include it. That left them with two subcontractors. Mr. Blakely had to put that cost for the MOB item to cover that slurry.

Governor Sisolak asked Mr. Blakely to point out to him where that was on the bid.  
Mr. Blakely said it was in the mobilization item, 628.

Governor Sisolak said where they bid \$1.45 million on Page 3, that's about \$500,000 more than the engineer's estimate. Yet on the conduit, they bid \$2 million less than the estimate. It's not adding up. The explanation isn't working for him.

Mr. Blakely said that conduit is in different bid items of work too. There are excavations. That conduit in that item is the cost of the conduit, so other items of work cover that work.

Governor Sisolak said this was turning more difficult than he thought. Is the conduit not bid as the price for the material? Is Mr. Blakely saying there are other costs associated with it, and there is a line item for those other costs? Is this line item not specifically for the material?

Director Swallow answered it is, and it is included in the specifications.

Governor Sisolak said then it's incorrect.

Director Swallow said the contractor has committed to them that they will build the project at the cost that they have bid it.



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Governor Sisolak said he appreciated they're going to build it at the cost they bid, but then why doesn't the contractor just give them a total amount and the bid not mean anything? If they are asking for a specific bid for conduit, why not bid what the cost of that product is? To say, well that's some of it but we stuck some over here and some over here and some over here isn't real. The Governor thought this item was specifically for the material, the product. Is that not true?

Director Swallow replied it is for the material and the backfill.

Governor Sisolak asked where does it say backfill? Director Swallow said it's in the specifications.

Governor Sisolak said it comes down to one-eleventh of the engineer's estimate. He is not getting it.

Director Swallow explained it was just the conduit material and it doesn't include the backfill because Mr. Blakely put the backfill in the mobilization item.

Governor Sisolak gave another example: just on the 2-inch, the 3-inch and the 4-inch conduit, Mr. Blakely is coming in \$250,000, \$300,000 million under the engineer's estimate. Then where Mr. Blakely said he put it in the mobilization, he came in \$500,000 over. Where's the rest of the money? Where's the difference?

Mr. Blakely said it's spread out and there's excavation items, too. And the slurry they plan on making themselves too, so they've got a savings there. This is early winter work that they took very aggressively to keep their guys busy. They've got what they feel comfortable. They are going to build the job per the specs. They are not going to ask for a change order. They are obligated to build it at the bid unit price, and they plan on building it at their bid unit price.

Governor Sisolak said what's important for him is that if it doesn't matter where you put the figures, then the Department should say it doesn't matter where you put the figures. All that matters is the final number and your commitment to build it for that. If these don't mean anything, why is the Department going to all this effort in doing this?

Director Swallow said the items do matter. They do anticipate that contractors will put the proper values in the proper line item. The Department has found when they've done an analysis of pricing that the pricings vary widely from project-to-project, with even bid-to-bid within the same contractor. Sometimes



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they'll bid a higher number for a higher quantity when you might technically anticipate it to be lower. There is variability in this, and that is why they have a bid review analysis team that looks at the projects. They do ask the contractors if they can commit to the cost that they've bid if the number appears lower than the other bidders. For this project, the Department did get that letter of commitment. The bids are good through the end of the month. If the Board is uncomfortable with this, their option would be to rebid.

Governor Sisolak said his discomfort comes from the fact that it appears that there's a sense you can move items around and as the contractor said, you put some over here and some over there and apparently that's okay. In the Governor's previous job, that was not okay. You had to bid according to where the items were. If it wasn't done that way, the bid wasn't accepted. Apparently, the policy here is just the final figure and that's troubling to him. The Governor said he could not support this.

Governor Sisolak said he would be voting no on this because it doesn't make sense to him. The explanation makes even less sense to him than it did before the item was brought forward.

Lieutenant Governor Marshall said she didn't know if this was possible in this situation, but could they go back and ask for a contractor re-do? The contractor would have to readjust, put the slurry cost back in where the other applicants or other contestants or bidders have put the cost. This would allow everyone to see it better apples to apples. It would be easier for the Board if there's time and if it's legally possible and if the Governor feels comfortable with it, for the contractor to go back, redo the bid tabulation so that it's an apples-to-apples and then the Board can see how that comes out.

Governor Sisolak said in the spirit of fairness to everybody bidding, some changes need to be made. There's no transparency in the current system. It's like you stick things here and there and it's all going to come out in the wash. The Governor said if they aren't going to follow a conventional bid process, then it's only fair that everybody understands that's not what the Department is going to follow, and it doesn't matter. All that matters is the end number.

Director Swallow said that is not NDOT's policy.

Governor Sisolak responded there's a clear discrepancy here.



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Director Swallow said wanted to state for the record, it is not NDOT's policy that contractors can just put in money amounts willy-nilly wherever they want. That is not the policy. The Department asked if they could build it. The Department held the item until this meeting for further clarification. The request was, can you build it for that price? That was the question that the Department asked before they brought it for the Board in October. They have been told they could build for that price. Between then and now, the Department found out that their subs didn't include the slurry backfill and so they put that in the MOB cost. The Department's options are to award to the low bid today or if they do not award, the Department can rebid the item and make sure the contractors understand that the policy is the costs associated with the items as per the plans and the specifications go into the bid item.

Governor Sisolak said he knew that's what the Director was saying. But if the Department brings forward the line items that they have to bid on, the Governor does not understand how it could be this far off. He has never seen anything this egregious. Ever.

Member Almberg said he had some comments. Early on in this position, he said he was exactly in the Governor's thought process of trying to understand unbalanced bidding and the things that were going on. NDOT does operate differently than anything Member Almberg has been involved in the past. NDOT does not ask for all-inclusive prices on their bids. NDOT is set up strictly for the materials. Then the excavation is a different bid item. The back fill is a different bid item. The bedding is a different bid item.

Member Almberg said in this example, this one item comes in, and this one section looks extremely low. But the price is spread out between other bid items. Member Almberg doesn't necessarily agree with the way NDOT does it, but that's just the way they do things. If they are at 78,500 feet of three-inch conduit and all of a sudden they have 80,000 feet of conduit installed in the ground, they will get a change order for the additional 1,500 feet of thing, but they'll be getting it at \$3 a foot. And so, contractors put that in as a part of the bid to cover themselves in a mobilization. Mobilization does not increase. Any increase in linear footage of conduit that's put in this ground NDOT will receive it cheaper.

Governor Sisolak said he understood what Member Almberg was saying. But if everyone got four contractors bidding and if three of them did it one way and one does it the other way, decides to break it all up, how does that make any sense? Everybody should understand what the procedures are. If you want it bid together, fine. Say bid it together. If you want to bid separately, say bid it separately. But this is coming in at less than 10% of the engineer's estimate? Something's not adding up.



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Director Swallow said the Department didn't know about it until the intervening months. They still have a bid that they have to move forward with. It's here. The Board can reject the bid, or it can award to the low bidder. Not everybody understands that it is not their policy that you cannot bid the item for what is posted. Governor Sisolak asked if it's not their policy, what is the consequence for not bidding the line item correctly?

Director Swallow replied that as of today it would be that the Department would reject the bid and rebid the projects.

Governor Sisolak said that the Director was recommending they approve the bid. What was the consequence for not bidding it correctly under the current circumstances?

Member Valentine said she had some questions. They are just looking at the bid price and they are not looking at the specifications and method of payment. Does it say that they're going to get paid non-linear foot for this three-inch according to this bid price?

Director Swallow said it does say in the specifications they will bid at the bid item price per lineal foot of that item.

Member Valentine asked and installed per the plans?

Director Swallow replied yes, installed, including the slurry back fill. She said she didn't have the plans with her, or the specifications. But from her understanding, it does include installation and includes the slurry back fill. That is the discrepancy. It's the slurry back fill.

Member Valentine asked if they reject this bid, are they establishing a policy for NDOT? And are they creating a liability for the Department?

Director Swallow said per federal regulation, they are required to award to the low bid. The team did look at this and determined that it was worth moving forward based on the commitment by the contractor to build it. Since that time, the Department has learned that they bid the item in a different category. If the Board rejects it, the Department could say they didn't bid it as per plan and per specification. That would be an acceptable rejection. And then they would have to rebid the project.





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Lieutenant Governor Marshall asked if a bid is non-conforming, can they reject the bid and then go to the next lowest bidder?

Member Valentine said her question was is the bid non-conforming?

Director Swallow replied the contractor has told them that they will bid it. They will build the project at the prices that they have committed to. In terms of can the Board reject this bid, they would have to do a deeper analysis. The Department's bid review team determined that this wasn't an unbalanced bid. And they have brought it forward for review. They have to give it to either Road and Highway Builders or they have to reject the bid overall.

Lieutenant Governor Marshall asked if they would reject the bid because the specifications by specification was a conforming bid?

Director Swallow said because the review team determined that it was not an unbalanced bid.

Governor Sisolak said the Director's recommendation was to approve it. And his question remains the same. What is the consequence for not bidding the line items correctly under NDOT's policy?

Director Swallow replied that she didn't have an answer on that for the Governor today.

Governor Sisolak said he didn't understand how the NDOT team could say that this is okay. It's not fair to the other people that bid on this. If they are going to say that line items don't matter, then that's fine.

Director Swallow replied they were not saying that at all. That is not acceptable. She has done an analysis of what their bid items are on a contractor by contractor basis over the last two years, and the numbers fluctuate widely per contractor. There are contractors in the room who can answer the Board's questions, but she, unfortunately couldn't answer the question as to why it's suddenly lower on this one and it was higher on that one.

Governor Sisolak said he understood the position the Director was in. But he also understood how the bid process works. These bids don't come for free. They've got to put a lot of time and energy and money into



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coming up with a bid to do these projects. The Governor said to be fair, you've got to be fair all the way around. You follow the bid specifications, or you don't. You have hard and fast rules, maybe harder and more fast than they have at NDOT. And that's okay.

Director Swallow said NDOT's rules are hard and fast. Until they got into this, she didn't understand that that's what they had done.

Member Alberg said he wanted to reinforce what he expressed earlier in the presentation: the Board needs to learn how these bids work and how this unbalanced stuff goes. It would clear up a lot of questions. And because of what Member Alberg learned from the presentation he referred to, he's actually in support of awarding this bid as long as they get a letter that says that the contractor will honor their bid numbers. The contractor's the one at risk of getting paid less if those quantities are actually increased. NDOT may be at risk if there's any risk of the quantities being decreased. His money is in MOB, and it will stay in MOB. It doesn't come out of MOB.

Lieutenant Governor Marshall said she absolutely understood Member Alberg's point. Going forward, they need to get a better handle on unbalanced bidding, have a better understanding of specifications, and have it be okay for staff to go back to these entities to say it's got to show up into tabulations correctly. As far as the contract they are discussing, to rebid it means that every single one of these contractors goes and does that process you're talking about. Costs them a bucket load of money to do the process. It would cost everyone more money. The Lieutenant Governor thinks that it is a conforming bid. That's what they have heard. Due to specifications, it is a conforming bid. The Lieutenant Governor would be in support of this with the very, very strong wording to NDOT going forward.

Mr. Mortenson said Scott Hein was at the meeting. Scott's the Chief Roadway Design Engineer and also a member of the bid review team. One of the things that he's added here is that each and every contractor does put these bids together a little bit differently based on their means and methods. And so, a lot of times a bid may come in, and each of the bids may come in and have some bid item that appears to be unbalanced. But it's based on the contractor's means and methods. Often, it's very difficult for staff to look at it and to truly declare a bid item to be unbalanced.

Governor Sisolak asked if they have the engineer's estimates when they tabulate their bids?



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Mr. Mortenson responded that no, they do not have the engineer's estimate when they put their bids together. The Department puts together their engineer's estimate using a very efficient system and they put together quantities based on how they anticipate the specifications will be paid, and then they go back to historic bid prices and drop those bid prices in. And then it's simple math across the board. The problem is that when the contractors put their bids together, they're putting a bid together based on a production-based estimate. They go out there and they say, "Okay, if I have two crews doing the work, what's this going to cost me? If I have three crews doing the work, what's this going to cost me?" And, of course, with the contractors, time is money. In there somewhere is overhead associated with all of these bid items as well. And a lot of times, those two don't necessarily line up. The way that NDOT puts engineer's estimate together is very appropriate for their purposes. Their estimate comes together the best way that it can using historic prices. The contractors do production-based estimating and they don't line up, unfortunately.

Governor Sisolak asked when the NDOT team looks at these prices, do they have the engineer's estimate and the bid price in front of them?

Director Swallow said yes.

Governor Sisolak said if they have all those figures and they can see the huge differences in figures, why doesn't a red flag go up and they say, oops, something's not adding up here? The Governor thinks there's a structural problem with how the Department does this.

Director Swallow said in this case, there was a red flag. Staff reached out to the contractor, and the contractor indicated that they could build it at the price they gave the Department. The Department moved forward with the recommendation in October. Since that time, they've learned that they put some of that cost into another item, which is not acceptable and not the intent of NDOT. And the Department will revisit their process to ensure that doesn't happen again.

Governor Sisolak said if the bid is not acceptable, he doesn't know how the bid is compliant. He said he could not, in good conscience, vote for it. If the rest of the Board wants to vote for it, that's fine. In fairness to every other contractor that's bidding, the Governor can't support this.

Director Swallow said she didn't see any other Board members come forward, so the Department will move to rebid the project in the spring.



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Mr. Blakely said he had a quick comment. His company was \$1.4 million cheaper than the next bidder. And their sub is a DBE too. The Board is taking away that work from their DBE.

Governor Sisolak said no, he wasn't taking away work from anybody. Mr. Blakely's bid took away the work from the subcontractor.

Mr. Blakely apologized and said that came out wrong. He said again, out of the three subcontractors that bid the work, one of them didn't think slurry was needed. There were 20 items that Mr. Blakely got to bid, and he needed to just take that item himself. Typically, NDOT does have a slurry item. But it was a little unclear in the specs. But the slurry item wasn't in the specs, so he had to put that money somewhere else.

Governor Sisolak thanked Mr. Blakely and moved on to the next agenda item.

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

Director Swallow told the Board there were five agreements for their consideration and approval. She asked if anyone had any questions.

Controller Byrne had a question on line number five, Opportunity Village, for scanning documents into electronic form and saved them a cloud. It doesn't look like NDOT owns the software piece or a subscription. Is that correct?

Mr. Robert Nellis, Assistant Director for Administration, said they will own all of the data essentially. But the software piece is a different piece altogether. After these are scanned in, they'll go up to the cloud. But NDOT will maintain control over all the data so it won't be owned by Opportunity Village.

Controller Byrne asked if this software had a license? A subscription?

Mr. Nellis responded that there's not a software piece component yet. It's just a scanning project. And NDOT will have the ability to search those records after they're scanned in.



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Director Swallow asked Mr. Nellis if this is a specific piece of software that NDOT doesn't have the license to, what is NDOT's risk of actually being able to have access to the data if they don't have a software license? Mr. Nellis responded there is no risk. NDOT has rights to the data, so there's no risk.

Controller Byrne asked what happens if something happens to the software? She is alarmed at not owning or having a license of the software.

Governor Sisolak said he understood that this was a scanning project exclusively.

Ms. Sarah Stevens, Director of Media Management with Opportunity Village, said they use software as a service provider, DOMA Technologies out of Virginia Beach. And they provide a platform for them to scan to. With some of their other government contracts, they do use it as a pass-through. The data will just be scanned to DOMA, and then it goes into a system that the government office uses. With this project, they have not determined if they want to reside on the DOMA servers indefinitely and access the data from there or if it's going to eventually be transferred into an internal system with NDOT. However, it's specified in the proposal, in the language, in Section 4 of the proposal and Section 3 as well, that the data always remains the custody of the customer. Opportunity Village does not have any legal right to withhold that data from NDOT, nor does DOMA Technologies. It is specified in the language that Opportunity Village is not the owner of that data. That will remain the ownership of NDOT. The documents will be in PDF format when they are scanned to this platform.

Controller Byrne asked moving forward is there something this data is going to be transferred to or sent somewhere else, or is NDOT going to rely on this DOMA software forever?

Director Swallow said they have yet to make the determination if they will leave them in DOMA or if they will download them to their system. Likely, for the longevity of the project, they will be evaluating that as they move forward. As of today, the risk is low, but they may need to download it to NDOT in the future.

Ms. Stevens said they will be scanning decades worth of documents, anything they have housed in their warehouse.

Governor Sisolak asked would they be shredding?



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Ms. Stevens responded the customer can either make the decision to have documents returned or shredded. This project's purpose is to clear out the warehouse and make sure the documents are in a digital format. If the ultimate decision is to shred the documents, NDOT would also handle that piece of the contract.

Member Almberg had a question on number two, the rock scaling. Every one of the other options in here, the Department chose multiple providers. Why is the Department only going with one rock scaling operation?

Ms. Anita Bush, Chief Maintenance and Asset Management Engineer, said this was a qualification-based consultant selection process. They were the most qualified to do the project. Governor Sisolak asked is this the only company that's qualified?

Ms. Bush answered there were three companies. Two companies were qualified to do the job and both of them were out of state. They picked the one most qualified.

Member Almberg had another question on line item number three. Going through the documents, of all of the four that were selected here, under the Stantec Agreement, they already have hours that they have projected for something. Why do they have hours and nobody else has hours?

Director Swallow said she did not know. They have not done the agreement yet. As the Department moves forward, they will move forward with task agreements and negotiate on each individual task. And in fact, bidders have to submit a letter of approach before the Department can even select the consultant that will actually get the work.

Governor Sisolak asked if there were more questions and there were none.

**Motion:** Approve the five contracts detailed in Agenda Item 7  
**By:** Member Valentine  
**Vote:** Passed unanimously



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**8. Contracts, Agreements, and Settlements (Informational Item)**

Director Swallow asked if there were any questions for Agenda Item 8, and there were none.

**9. Equipment in Excess of \$50,000**

Director Swallow said they did not need to take up this agenda item. It was included in the June approval when the Board approved all of the legislative items.

**10. Resolution of Abandonment (For Possible Action Item)**

Director Swallow said they acquired an easement in 1927 along State Route 828 in Lyon County, City of Fernley. The Department no longer needs that easement and would like to relinquish back to the underlying property owner's full use of the property.

**Motion:** Approve the Resolution of Abandonment detailed in Agenda Item 10

**By:** Lieutenant Governor Marshall

**Vote:** Passed unanimously

**11. Condemnation Resolution No. 472 (For Possible Actions)**

Director Swallow said they are asking the Board for authorization to proceed with the next step of right-of-way acquisition for 10 owners, 14 parcels. In three of the parcels, two of the owners have agreed to sign since they published the Agenda. And so now, it's eight owners, 11 parcels. Staff has been unable to contact them. This step allows NDOT to take the next action in advancing the project. Some of the owners are deceased, which complicates matters.

Member Alberg said on a lot of these parcels, it says, "this strip of land is not assessed by the County Assessors." Is there no value? How did that happen?



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Mr. Craig Reynoldson, Acting Chief-Right-of-Way Agent, answered these parcels were part of a larger parcel on the north side of Farm District Road and since have just been more or less overlooked and it's likely the owners don't even know that it's there. So, they were removed from the Assessor role.

**Motion:** Approve Condemnation Resolution No. 472  
**By:** Member Almberg  
**Vote:** Passed unanimously

**12. Consideration of Approval of the Conformed Design Build Agreement for the Spaghetti Bowl Xpress Project (For Possible Action)**

Director Swallow said the agreement was distributed under separate cover to the Board Members and is ready for approval.

Governor Sisolak said before they got into discussions, he wanted to thank Kristina and her staff, and everybody involved in expediting this. This project is so important to everyone and the Governor was happy that the meeting was moved up so they could get it done this year.

Lieutenant Governor Marshall said she wanted to know how the unions felt about this. Were there any union representatives at the meeting today who could say whether or not they're comfortable with the agreement?

Mr. Eloy Jara, a representative of Laborer's Union Local 169, said the union is in full support of the project. It is badly needed for the community. It was properly bid within the parameters of state law. There's 100% support.

Member Valentine said this is the first time they have done this, and she doesn't know what the outcome will be. She certainly hopes that it will be successful. She thinks they have opened the door to other unsolicited proposals going forward. It's a very large, very important project and it does have impacts on other projects throughout the state. It has impact on funding of other projects and federal funding. This will be one to watch and hopefully learn from.





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Governor Sisolak said he thought Member Valentine was right.

**Motion:** Approve the Conformed Design Build Agreement for the Spaghetti Bowl Xpress Project  
**By:** Lieutenant Governor Marshall  
**Vote:** Passed unanimously

#### 13. Nevada Department of Transportation 2019 Performance Management Report (Informational Item)

Director Swallow said they are required by NRS to deliver to the Board and the LCB by the end of each year their Performance Management Report. They have provided this report, in draft format, to the Board. They have found some formatting changes that they need to make and so they will submit a final copy to the Board after this meeting at the same time that they transmit the report to the LCB.

#### 14. Report on Truck Size and Weight Enforcement in Nevada (Informational Item)

Director Swallow said pursuant to a request at the October meeting, Mr. Bob Madewell would give a brief presentation on the Department's Truck Size and Weight Program.

Mr. Bob Madewell, Division Chief for Road Data and Research, gave an overview of the "very comprehensive report" supplied to Board Members in their packets.

The purpose of the Vehicle Size and Weight Program is to ensure vehicles that are traveling on Nevada's highways are in compliance with federal and state laws and support of safety and reduce infrastructure impacts on roadways and to save the State's federal aid dollars. A part of the United States Code sets the size and weight requirements for all state highways. In 23 CFR is the requirement that they enforce all of these state and federal laws. They really are obligated to enforce the laws as are set forth in both the NRS as well as federal codes. Infrastructure impacts are very high on the Department's list of concerns within this. Controlling the vehicles that they allow on the roads is very important to us.

Within the enforcement program, there are four groups that help enforce this program. The DMV Motor Carrier Unit does the commercial vehicle licensing, registration and citation processing. The NDOT Traffic Information Unit collects data throughout the state on a variety of roads using high-speedway and motion stations. That information is generally used for an analysis purpose for federal reporting. They also write



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the State Enforcement Plan in conjunction with work from the other units that are involved in the enforcement plan. NDOT Admin Services provide the over-size and over-weight permits for the various roads in the state and they are aware of which roads are the appropriate roads to be able to issue over-size, over-weight permits. And finally, the Nevada Highway Patrol enforces of all state and federal regulations. The Department spends about \$1.6 million a year on this program, through these four groups. Most of that money comes out of the State Highway Fund.

Mr. Madewell presented some slides showing high-speed weight and motion station used for detecting vehicles of a certain weight and also showing the portable scales used by NHP. Those portable scales are the only process that they currently have in Nevada to do weight inspections. The portable scales are cumbersome and require extra staff to set them out. Every axle has to drive over those scales, every truck, every one of them has to be checked independently.

Mr. Madewell gave some examples of the impact of overweight vehicles: an 80,000 pound vehicle equates to 9,600 vehicles at the same impact point, hitting that same location those axles are hitting. If they go overweight and allow a 24,000 weight, that increases the damage to that road by 200%. The Department is very cautious when they issue permits for these heavyweights, where they go and how they travel.

There is a State Enforcement Plan that's done every year and is evaluated by Federal Highways. Federal Highways has said Nevada is lacking fixed weigh stations. There are zero in the State of Nevada. Federal Highways asked NDOT to look at the ways of how they are going to fund these future fixed site inspection stations and how they are going to change or increase the availability of usable portable scales. Federal Highways is directing them to create more fixed weigh stations. Doing that increases compliance with federal regulation and allows for more efficient use of enforcement staff.

Fixed weigh sites can use advanced detection hardware to calculate a truck's weight in advance. It's a generalized weight that can't be used for enforcement, but it lets the officers know if they need to have that truck pull in. A component of the inspection isn't just the weight. It gives officers an opportunity to check that vehicle for maintenance issues, for safety purposes, driver logs, other factors that create safety issues within the state.

At a fixed weigh station, the truck rolls through at a very slow speed. Only the trucks that were directed into the site come in. They roll through at very slow speed. Those scales are set up to be very unique and



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certified to where they can know and whether or not they need to pull that vehicle in for further inspection, but it reduces the number of vehicles that are passing through those inspection sites and increases efficiency in enforcing the enforcement plan for maintenance and safety and overweight vehicles.

There was a Board question at the last meeting: has NDOT considered having all vehicles stopped at port-of-entry points in Nevada? Mr. Madewell said there is a huge difference between inspection stations and a weigh station for trucks. At an inspection station, every vehicle stops, everyone is asked a certain question, depending on whether it's agriculture or other reasons, everyone has to stop. That's not what NDOT is requesting and that's not what they use in the Enforcement Plan.

In the Enforcement Plan, they are dealing with over-size vehicles, over-weight vehicles, and commercial vehicles. Only those vehicles are pulled into these inspection stations. In the future with those fixed stations, only vehicles needing to be pulled in will be pulled into those stations.

Mr. Madewell said they had representatives from all four of the units that work within the Enforcement Plan in attendance. He and they would be happy to answer any questions.

Lieutenant Governor Marshall thanked Mr. Madewell for the presentation. She said if the idea is that they are moving towards looking at permanent weigh stations and how they might set those up, she wondered if Mr. Madewell could come back to the Board detailing what kind of cost that would be and what kind of cost would it save? The Lieutenant Governor would also like to know what kind of climate benefits they might be able to get. What are their options and what are the costs both short term and long term? Would that be possible?

Mr. Madewell responded yes, it would be possible. It won't be available for the next couple of meetings though. In October, they came to the Board with a \$200,000 contract and agreement with a consultant who is looking at many of those aspects Lieutenant Governor Marshall just mentioned. The consultant will be looking at locations where they might set up fixed sites, templates for how those fixed sites would be. That template will also include an air quality component.

Mr. Madewell said he would ask if they could wait until that consultant agreement is done and they have that information. It is supposed to be done by fall. Most of the questions the Lieutenant Governor asked will be a component of that study.



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Lieutenant Governor Marshall said she would be totally fine with that. She said she is very glad that NDOT is looking at this. She really appreciates the forward thinking.

#### 15. Public Comment #2

Ms. Stacy Lindburg with C and S Company wanted to speak on the unbalanced bidding item. As a DBE contractor, she does a lot of work with NDOT. She loves the NDOT program and she's a big supporter of the DBE Program here locally and throughout the state. C and S has tried to help other contractors achieve their DBE goals with a responsible bidder. Ms. Lindburg said when they talked about the unbalanced bid, her bid, which is included in RHB's bid, was much higher on the 3-inch. She was \$7.25 a foot on that bid. When RHB got their other bids, they looked at it making sure that all apples were oranges and they took the slurry out of hers. She was insistent. They took the slurry out of her bid and put it in their mobilization. But her DBE commitment to the State is still the same amount. Her bid that is committed on the contract is still \$2.3 million. Although that item was off, her contract with the DBE program was still going to be \$2.3 million. She wanted to clear that up. Not everybody has the experience to know that these are big obligations and they have to take responsibility for the numbers. Although it's an unbalanced bid and that's how it shows, her bid was not unbalanced, and she thinks that there has to be some room for the prime to make those adjustments and make sure it gets covered at the end.

Mr. Scott Fullerton with the Operating Engineers thanked the Board for approving the Spaghetti Bowl. Not only is that great jobs for members up North, it's badly needed for the safety and the accessibility in the community. Mr. Fullerton would like the Board to reconsider 3791. A large majority of that work, the excavation, the grading, the backfill, the finish grade associated with that is predominately done by Operating Engineers. That's a lot of work for their members and it's early work for the winter.

Ms. Amy Cummings with the Regional Transportation Commission of Washoe County said she wanted to affirm their support for the Spaghetti Bowl Project. They know this is a project that's designed to reduce crashes, reduce injuries and save lives and they really appreciate NDOT's efforts to expedite the completion of this important project.

Mr. Eloy Jara with the Laborer's Local 169 in Northern Nevada asked the Board to reconsider 3791. When the project went a vote, Kate Marshall voted yes. Someone from the South voted yes. The Governor voted



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no. And the other two Board Members did not get an opportunity to vote. He would like the Board to reconsider and properly resend it to a vote to get a “proper” vote on this.

Director Swallow closed this agenda item by stating they received a letter from White Pine County Chairman, Richard Howe, regarding the selection of the western corridor, of US-95 for I-11 versus the eastern corridor up US-93. It will be included in the record in the minutes.

16. Executive Session

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

17. Adjournment (For Possible Action)

The Governor thanked everyone, wished them a happy holiday season, and said he would accept a motion to adjourn.

Motion: Adjourn the December 17, 2019 Nevada Department of Transportation Board of Directors Meeting  
By: Lieutenant Governor Marshall  
Vote: Passed unanimously

  
Secretary to the Board

Richard Howe, Chairman  
Travis Godon, Vice Chairman  
Commissioner Shane Bybee  
Commissioner Ian Bullis  
Commissioner Laurie L. Carson

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Nichole Baldwin, Ex-officio Clerk of the Board

White Pine County  
Board of County Commissioners

WPClerk@whitepinecountynv.gov

December 6, 2019

Honorable Governor Sisolak  
Nevada Transportation Board of Directors

Attn: Renee Jacobs

Re: I-11 Corridor Route

In 2014, the State RTC Board chose to select Route A (as it appears in the backup documentation) for the I-11 corridor. Not long after it was discovered that this route was not acceptable because of the overflow traffic at the spaghetti bowl in Reno connecting US 395 North. Also, there was opposition to Route A from Northern California and Oregon. The next decision was Alternate B (details are also in the backup documentation) which was to stay on US 95 to Fernley then take I-80 to Winnemucca north to Bend Oregon and continuing north to British Columbia. Route A is 872 miles long and Route B is 1018 miles long. These routes are substantially longer when compared with Route C (US 93 North and State Route 318 North through Lincoln, White Pine and Elko counties in Nevada and then north through Idaho) which is only 535 miles long.

Additionally, besides distance, there are other factors including private land parcels, bridges, tribal land and other environmental issues to be addressed for each route. (This is described in the backup documentation.) Comparing these additional factors for each route it is easy to see that Route C is the most viable route as very little land acquisition is required to be purchased or negotiated. The right-of-way corridor on Route C is already provided through highway and power corridors. The other obstacles are small in comparison to options A and B.

A very recent and important change that should be considered is the USMCA agreement between the United States, Canada and Mexico. This agreement is sitting in Congress with bipartisan support. It is meant to increase trade between these three countries. We must remember that I-11 is an interstate route and not a state route. This route will become a major thoroughfare for trade and commerce between these nations. Taking a closer look into the benefits of each proposed route from a national perspective certainly deserves a closer look by the Nevada RTC. Based on construction futures, the I-11 corridor north from Las Vegas is not scheduled to begin until sometime after 2034 which provides adequate time for reconsideration.

One more comment concerning Routes A and B. Both of these routes would travel over 20 miles of I-15 through the spaghetti bowl in Las Vegas to US 95. With the growth in the Las Vegas Valley this would only create further traffic problems. Route C will go I-15 East to US 93 North for only about five miles reducing the congestion inherent with proposed Routes A and B.

Enclosed please find a letter of support from White Pine and Elko counties. If you look back at past RTC meetings you will also see a letter of support from the State of Idaho.

Thank you for allowing me to have this letter read into public comment.



Richard Howe

Chairman, White Pine County Commission



# Elko County Board of Commissioners

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## Commissioners

Delmo Andreozzi

Demar Dahl

Cliff Eklund

Jon Karr

Rex Steninger

## Elko County Manager

Robert K. Stokes

## Executive Assistant

Michele Petty

**September 13, 2018**

**Mr. Rudy Malfabon, Director  
Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, NV 89712**

**RE: Support for Routing of Interstate 11 in Eastern Nevada**

**Dear Director Malfabon:**

The Elko County Board of Commissioners recently reviewed the routing of the new proposed Interstate 11 (I-11) through Nevada as it heads north to Canada. White Pine County Commission Chair, Richard Howe, met with the Elko County Commission to discuss different routes of the proposed I-11 through Nevada. In addition to the obvious positive economic impact to Eastern Nevada, here are a few items that we think you should consider in this matter.

The shortest proposed route through our State utilizes the US Highway 93 footprint from Las Vegas, through Lincoln, White Pine and Elko Counties to Twin Falls, Idaho. The two western proposed routes are 872 and 1018 miles. The Eastern Nevada route is 535 miles from Las Vegas to Twin Falls. At Twin Falls, the existing interstate system will service Montana and Calgary, Alberta to the northeast and Portland, Oregon, Seattle, Washington and Vancouver, British Columbia to the northwest.

We understand that there may be some concern regarding increased traffic capacity on the western side of the State. The Highway 93 route is better suited since it is less congested and has the space capacity to accommodate the additional travel lanes and traffic. We understand that on this route, most the existing right of ways meet width or is owned by government at this time.



Recently, we expressed to you our major concern regarding the urgent need for safety enhancements to US Highway 93. We re-emphasize our critical safety concerns for this stretch of Highway in our State. I-11 sited along the Highway 93 corridor would greatly improve not only the traveling experience for both commercial and private traffic, but reduce the number of horrible fatal accidents that plague Eastern Nevada. Additionally, the US Highway 93 corridor, both north and south of Wells, Nevada is designated as emergency evacuation routes for northeastern Nevada.

The Elko County Board of Commissioners joins with the County Commissions in White Pine and Lincoln Counties requesting an additional review of the routing for I-11 in our State. We believe there is merit in the cost savings for this proposed project that will benefit our State and the Federal Transportation Budget. We invite you to further explore this request with us in the near future.

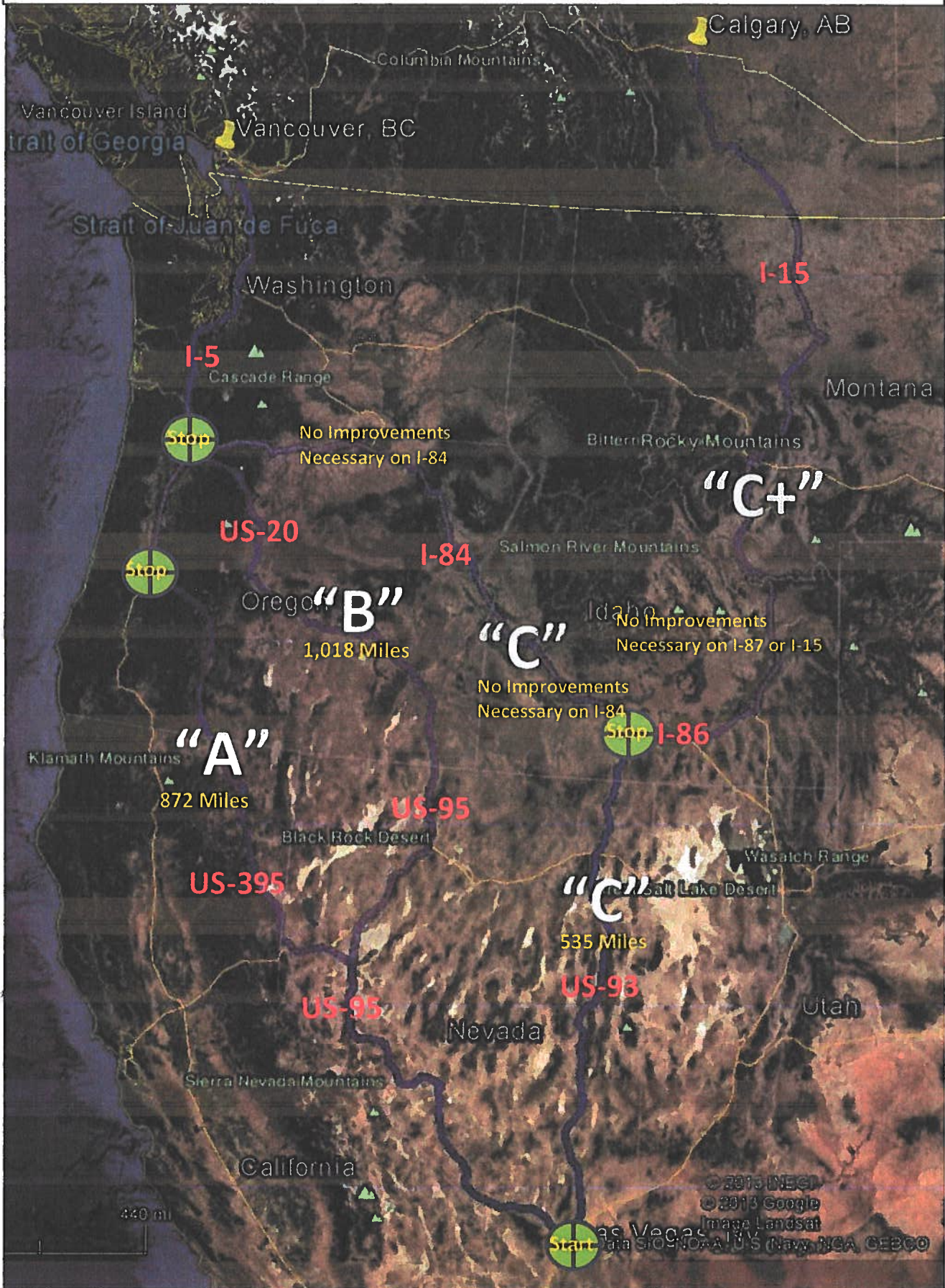
Sincerely,

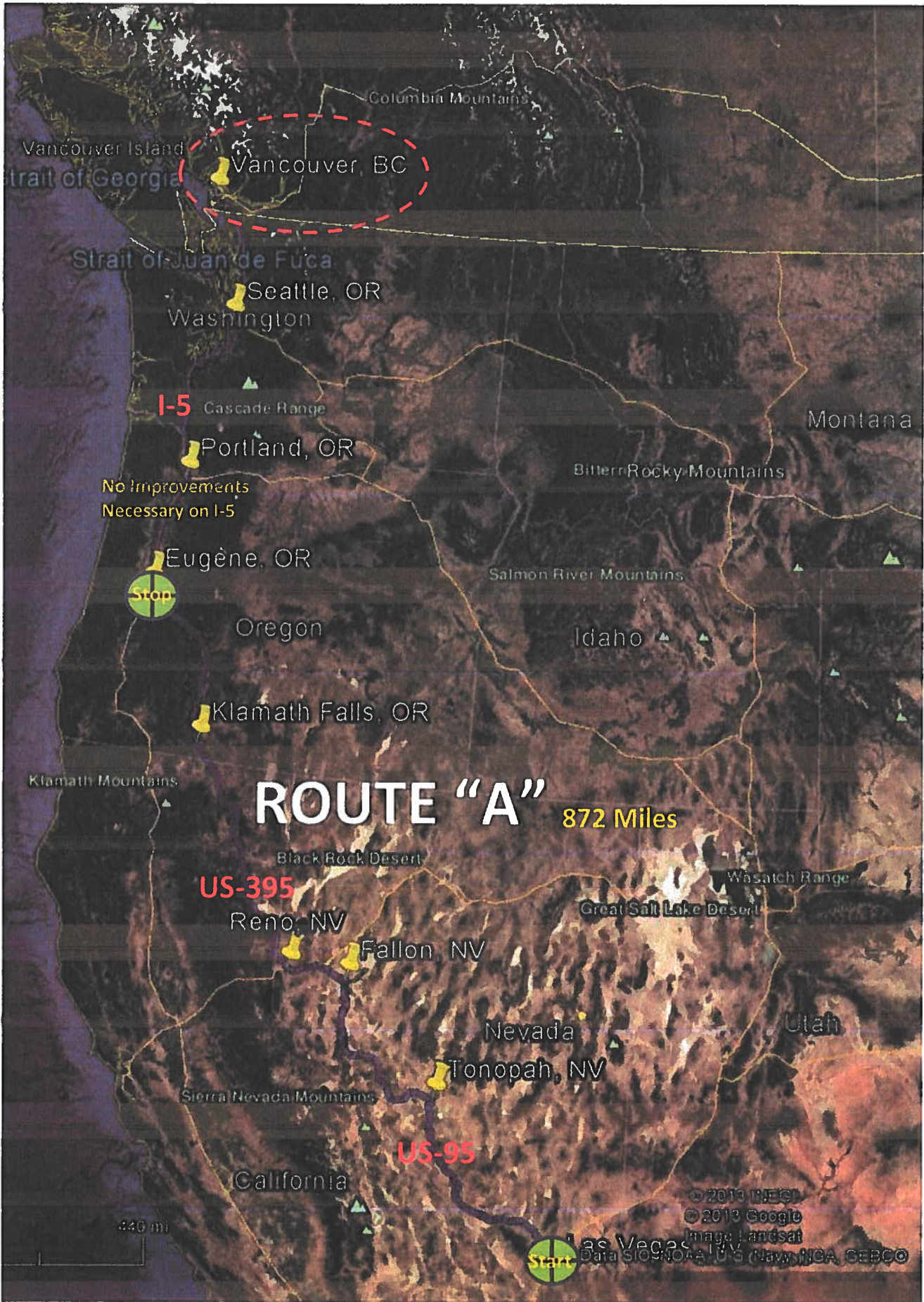


**Delmo Andrezzi, Chair**  
**Elko County Board of Commissioners**

cc: Honorable Brian Sandoval, Governor  
Nevada Congressional Delegation  
White Pine County Commission  
Lincoln County Commission  
City of Wells City Council  
Unincorporated Town of Jackpot Advisory Board  
City of Ely City Council  
Honorable Pete Goicoechea, State Senator  
Honorable John Ellison, Assemblyman  
Boyd Ratliff, NDOT District 3 Engineer

US-93 is the most Economical Route to Improve with Two Access Points into Canada from Las Vegas, Nevada.





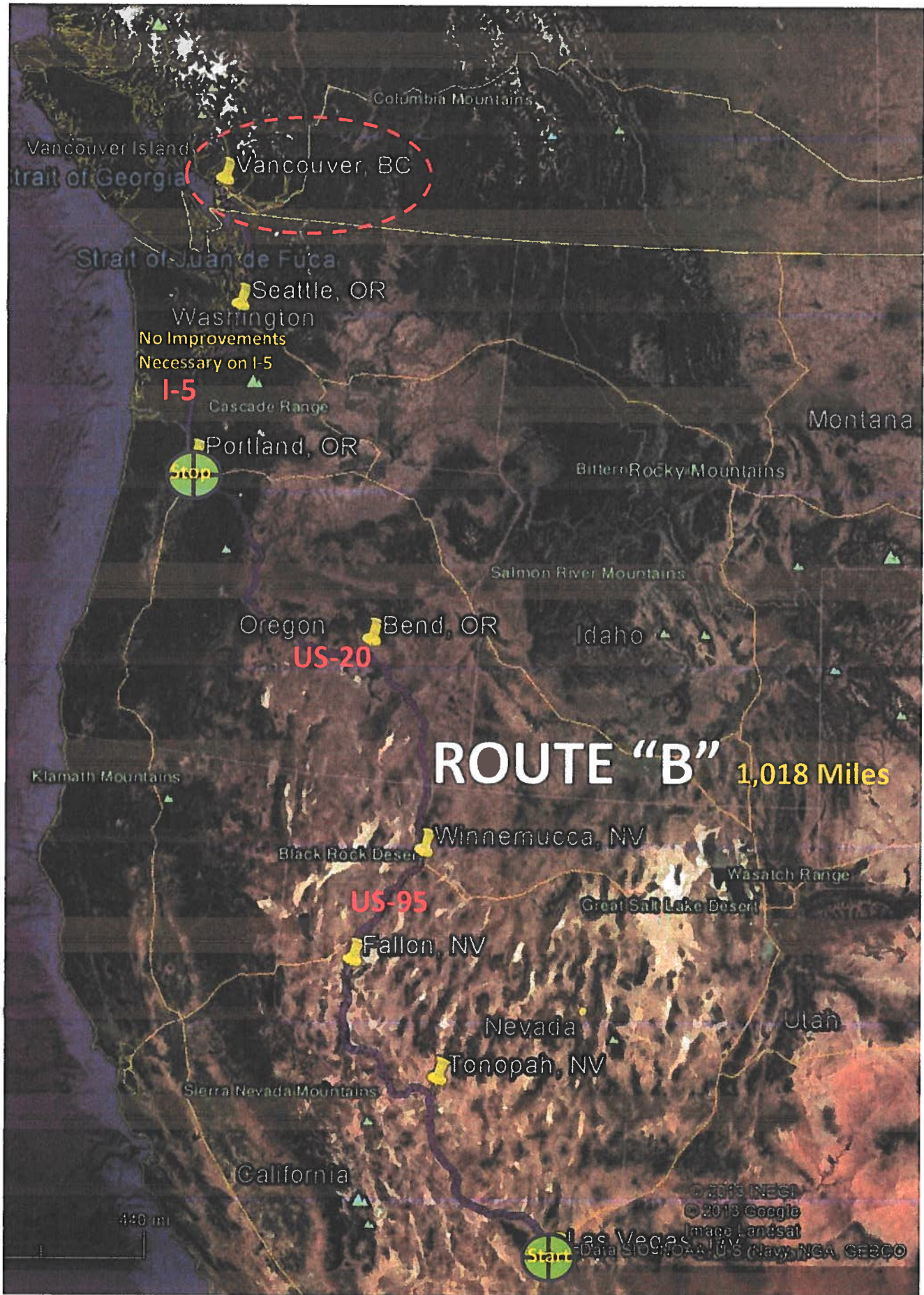
Route "A" : Las Vegas, NV USA - to - Vancouver, BC Canada 1,176 Miles

Improve Miles: 872 miles from Las Vegas to Eugene, OR.

Route:	<u>Destination Point</u>	<u>Highway</u>	<u>Hurdles that will need Attention / \$\$</u>
	Las Vegas, NV	I-15 / US-95	Paiute Dr. Bridge Underpass Mercury Hwy Double Bridge Overpass Downtown Beatty Narrow ROW Culvert Crossing Stonewall Mtn Downtown Goldfield Narrow ROW Culvert Hasbrouck Peak
	Tonopah, NV	US-95 / US-6	Downtown Tonopah Narrow ROW Culvert Crossing CR-89 Culvert Crossing CR-89 Downtown Mina Narrow ROW Downtown Luning Narrow ROW Downtown Hawthorne Narrow ROW Walker Lake Narrow ROW & Bridges ROW Thru Stillwater National Wildlife Refuge US-95 Culvert Bridge Overpass US-95 Culvert Bridge Overpass US-95 Culvert Bridge Overpass 2
	Fallon, NV	US-95/ US-50A	Downtown Fallon Narrow ROW Coleman Road Canal Bridge Overpass Lincoln Hwy Bridge Overpass Brush Garden Dr. Bridge Overpass Culvert Crossing Hazen Downtown Fernley Narrow ROW / Rotunda
	Fernley, NV	US-50A/ I-80	Narrow ROW along Canal Rd.
	Reno, NV	I-80/ US-395	Downtown Sparks & Reno Traffic Congestion Panther Dr. Double Bridge Overpass CR-430 Double Bridge Overpass Golden Valley Double Bridge 1 Overpass Golden Valley Double Bridge 2 Overpass Lemmon Dr. Double Bridge Overpass Stead Blvd. Double Bridge Overpass Culvert Crossing Stead Blvd. Red Rock Rd. Double Bridge Overpass White Lake Pkwy Double Bridge Underpass Village Pkwy Double Bridge Underpass Scott Rd. Culvert Crossing Scott Rd. Culvert Crossing 2 Scott Rd. Culvert Crossing 3 Hallelujah Junction Double Bridge Overpass Scott Rd. Culvert Crossing 4 Constantia Rd Culvert Crossing Constantia Rd Culvert Crossing 2 Constantia Rd Culvert Crossing 3 Bert Rd Bridge Culvert Crossing Bert Rd. Culvert Crossing 2 Doyle Railroad Bridge Overpass Laver Crossing Culvert Crossing Cowboy Joe Culvert Crossing Milford Rd Cemetary Culvert Crossing Lake Crest Rd Culvert Crossing

			Susanville Culvert Crossing
			Susanville Culvert Crossing 2
			Downtown Susanville Narrow ROW
CA-139A			Narrow winding Rd Lassen National Forest
			Wildlife Accident Potential with Trees at Road
			Ranch Barn Culvert Crossing
			Canal Crossing Bridge
			Sheephead Mtn Culvert Crossing
			Pass Thru Modoc National Forest
			Wildlife Accident Potential with Trees at Road
			Downtown Adin Narrow ROW
			Adin Culvert Crossing
			Adin Culvert Crossing Bridge 2
			Adin Culvert Crossing Bridge 3
			Roney Flat Rd Culvert Crossing Bridge
			Canby Bridge River Crossing
			Old Railroad Crossing Bridge Overpass
			Canal Crossing Bridge
			Canal Crossing Bridge 2
			Newell Culvert Crossing Bridge
			Newell Culvert Crossing Bridge 2
			Newell Culvert Crossing Bridge 3
			Newell Culvert Crossing Bridge 4
			Newell Culvert Crossing Bridge 5
			Newell Culvert Crossing Bridge 6
			Newell Culvert Crossing Bridge 7
			Newell Culvert Crossing Bridge 8
			Newell Culvert Crossing Bridge 9
			Newell Culvert Crossing Bridge 10
			Newell Culvert Crossing Bridge 11
			Newell Culvert Crossing Bridge 12
	Hwy 50 / 39		Newell Culvert Crossing Bridge 13
			Downtown Merrill Narrow ROW\
			Merrill Culvert Crossing Bridge
			Anderson Rd River Bridge
			Wong Rd Culvert Crossing Bridge
			Matney Rd Canal Bridge
			Railroad Overpass
			Railroad Crossing
	Hwy 140		Sharp Left Turn
			Altamont Narrow ROW
			Hwy 875-A Bridge Underpass
			Altamont Culvert Crossing Bridge
			Altamont Railroad Crossing Bridge
			Lake Ewauna Bridge Crossing
	Hwy 140/ US-97		Hwy 140 US-97 Crossover Bridge
			Greensprings Dr. Crossover Bridge
			Lake Ewauna Bridge Crossing 2
Klamath Falls, OR	US-97		California Ave Bridge Overpass
			Klamath Bridge Detention Basin
			Oregon Ave Bridge Overpass
			Lakeport Blvd Railroad Bridge Overpass
			Hwy 39 Merge Bridge Underpass

		Algoma Rd Bridge Waterway
		Narrow Island ROW Upper Lake Klamath
		Hagelstein Co Park Bridge Crossover
		Farm Station Rd Railroad Bridge Overpass
		Williams River Bridge Crossover
		Hwy 422 Bridge Overpass
		Wildlife Animal Crossing Danger Zone
		Railroad Overpass Bridge
		Hwy 58 / US-97 Crossover Overpass Bridge
Hwy 58		Hwy 58 Railroad Underpass
		Hwy 58 Creek Bridge Crossover
		Hwy 58 Dirt Road Overpass
		Hwy 58 Bridge
		Hwy 58 Narrow ROW at Lake Bank
		Hwy 58 Railroad Crossing Underpass
		Hwy 58 Bridge Stream Crossing
		Hwy 58 Bridge Stream Crossing 2
		Hwy 58 Bridge Stream Crossing 3
		Hwy 58 Bridge Stream Crossing 4
		<del>Downtown Oakridge</del> Narrow ROW
		Hwy 58 Bridge Stream Crossing 5
		Hwy 58 Dam Crossing
		Hwy 58 Dam Crossing 2
		Hwy 58 Dam Crossing 3
		Hwy 58 Dam Narrow ROW
		Hwy 58 Dam Narrow ROW 2
		Dilley Lane Bridge Crossing
		Hwy 58 Railroad Crossing Overpass
		I-5 Merge into Hwy 58
Eugene, OR	I-5	Possible no improvements needed
Portland, OR	I-5	Possible no improvements needed
Seattle, OR	I-5	Possible no improvements needed
Vancouver, BC	I-5	Possible no improvements needed



**Route "B" : Las Vegas, NV USA - to - Vancouver, BC Canada 1,210 Miles**

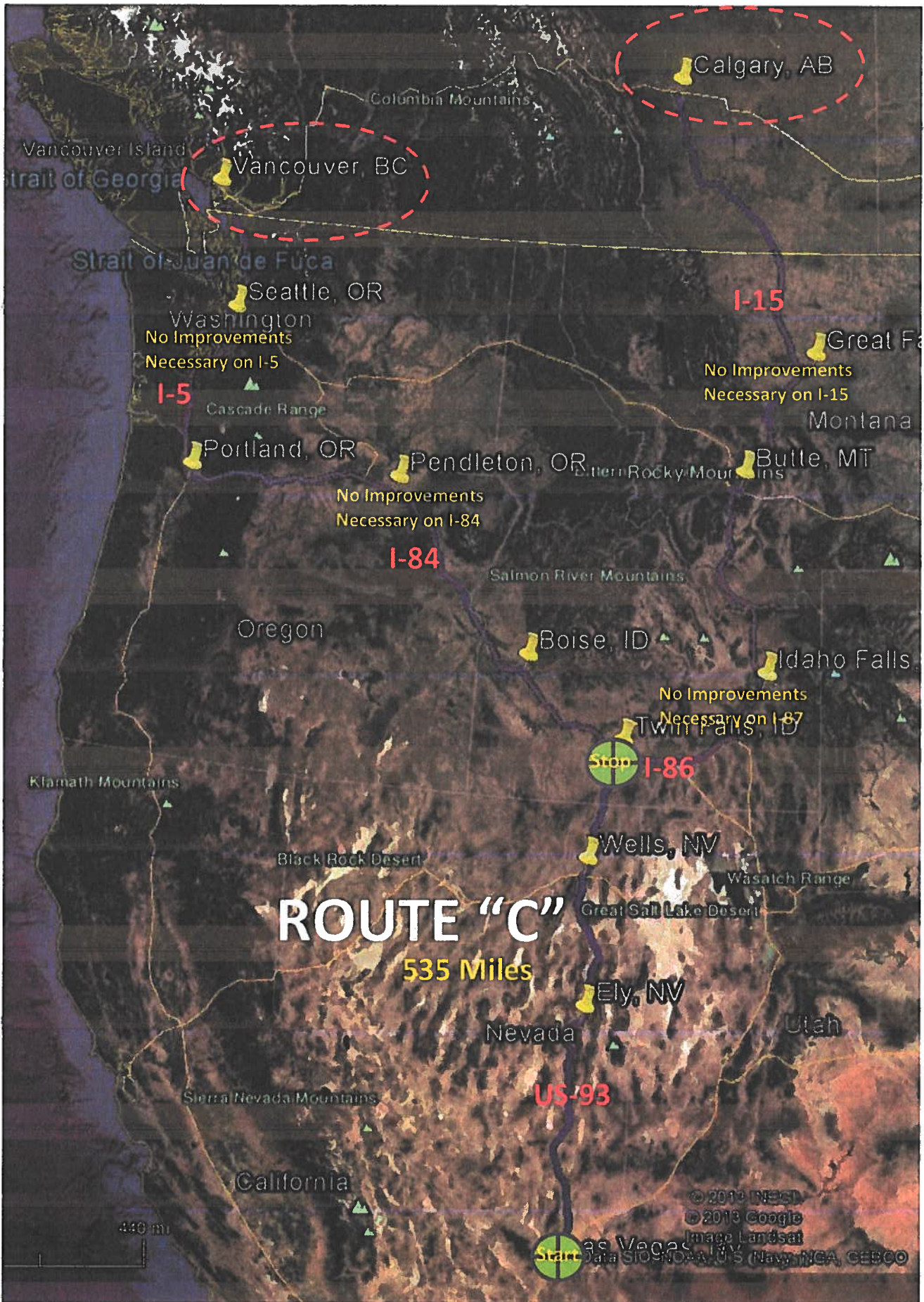
**Improve Miles: 1,018 miles from Las Vegas, NV to Portland, OR.**

<b>Route:</b>	<b>Destination Point</b>	<b>Highway</b>	<b>Hurdles that will need Attention / \$\$</b>
	Las Vegas, NV	I-15 / US-95	Paiute Dr. Bridge Underpass Mercury Hwy Double Bridge Overpass Downtown Beatty Narrow ROW Culvert Crossing Stonewall Mtn Downtown Goldfield Narrow ROW Culvert Hasbrouck Peak
	Tonopah, NV	US-95 / US-6	Downtown Tonopah Narrow ROW Culvert Crossing CR-89 Culvert Crossing CR-89 Downtown Mina Narrow ROW Downtown Luning Narrow ROW Downtown Hawthorne Narrow ROW Walker Lake Narrow ROW & Bridges ROW Thru Stillwater National Wildlife Refuge US-95 Culvert Bridge Overpass US-95 Culvert Bridge Overpass US-95 Culvert Bridge Overpass 2
	Fallon, NV	US-95/ US-50A	Downtown Fallon Narrow ROW Coleman Rd Culvert Bridge Overpass Lovelock Hwy Culvert Bridge Overpass Wade Ln Culvert Bridge overpass US-95 Culvert Bridge Overpass 3 US-95 Street Grade Railroad Crossing US-95 Culvert Bridge Overpass 4 I-80 Merge with US-95
	Winnemucca, NV	I-80 I-80 / US-95	Possible no improvements needed Major Off Ramp Construction needed E. National Bridge Stream Overpass Sharp Rt Hand Stop Sign Turn US-95 Culvert Bridge Overpass Downtown McDermitt Narrow ROW
		US-95/ Hwy 78	

**Have not completed overview from McDermitt, Nevada to Portland, Oregon.**

Portland, OR	I-5	Possible no improvements needed
Seattle, OR	I-5	Possible no improvements needed
Vancouver, BC	I-5	Possible no improvements needed





Route "C" : Las Vegas, NV USA - to - Vancouver, BC Canada 1,216 Miles (Secondary access to Calgary, AB);  
 Improve Miles: 535 from Las Vegas to Twin Falls, ID.

Route:	Destination Point	Highway	Hurdles that will need Attention / \$\$
	Las Vegas, NV	I-15 US-93	Possible no improvements needed I-15/ US-93 Bridge Underpass US-93 Culvert Crossing 1 US-93 Major Detention Basin Area Guardrail Elevated ROW US-93 Narrow Above Grade ROW US-93 Narrow Elevated ROW
		Hwy 318	Cattle Guard Crossing White river Narrow ROW Downtown Lund Narrow ROW US-93/US-6 Rt Turn Stop Light US-93 Narrow ROW US-93 Narrow Murrey Summit ROW
	Ely, NV	US-93	US-93 Lt Turn Stop Light US-93 Rt Turn Stop Light Downtown Ely Narrow ROW Ely Grade Level Railroad Crossing US-93 Grade Level Railroad Crossing Downtown McGill Narrow ROW US-93 Lt Turn Protected Light US-93 Grade level Railroad Crossing US-93 Detention Culvert under Roadway US-93 Grade Level Railroad Crossing
	Wells, NV	US-93	I-80/ US-93 Merge Underpass US-93 Railroad Crossing Overpass US-93 Wildlife Overpass Crosswalk US-93 Culvert Wildlife Underpass Crossing US-93 Culvert Wildlife Underpass Crossing US-93 Wildlife Crossing Overpass US-93 Bridge Stream Overpass US-93 Bridge Stream Overpass2 US-93 Bridge Stream Overpass3 Downtown Jackpot Narrow ROW US-93 Culvert Roadway Crossing US-93 Culvert Bridge Crossing US-93 Culvert Bridge Crossing US-93 Canal Bridge Overpass US-93 Canal Bridge Overpass US-93 Railroad Grade Level Crossing
	Twin Falls, ID	US-93/I-84	Downtown Twin Falls Narrow ROW US-93 Major River Expansion Bridge
	Boise, ID	I-84	Possible no improvements needed
	Pendleton, OR	I-84	Possible no improvements needed
	Portland, OR	I-5	Possible no improvements needed
	Seattle, OR	I-5	Possible no improvements needed

Information compiled by Jim Garza, White Pine County – Community & Economic Development Office  
 Google Earth shape file can be emailed upon request with pins placed at hurdles for review.