

Minutes of Nevada Department of Transportation
Board of Directors Construction Working Group Meeting
September 8, 2014

Chairman Len Savage	Tracy Larkin Thomason	Bill Wellman
Controller Kim Wallin (phone)	Bill Hoffman	Pierre Gezelin
Frank Martin	Mary Martini (Las Vegas)	Jeff Freeman
Kevin Lee (Elko)	Jeff Shapiro	Claudia Castillo
Reid Kaiser	Pedro Rodriguez	
John Terry	Lisa Schettler	
Rick Bosch	Sharon Foerschler	

Savage: Okay. So we'll call the September 8, 2014 CWG Meeting to order. Is there any public comment here in Carson City? And, is there any public comment either in Las Vegas or Elko?

Kevin: None in Elko. Thanks.

Savage: Thank you, Kevin. Is there anybody in Las Vegas? Was Mary going to attend, Tracy, do you know?

Thomason: She was. I'm just double-checking.

Savage: Okay. Okay. So moving on to Agenda Item No. 3. Any comments from the Working Group at this point, from staff or anybody else?

Shapiro: No, sir.

Savage: Has everyone had a chance to review the June 2, 2014 Construction Work Group meeting minutes? And if so, are there any comments, corrections or deletions?

Martin: I have a couple of comments, sir--or questions.

Savage: Member Martin.

Martin: There was a number of items that needed to be followed up on in this thing, and so I've tried to get them. And now, what I did is I made my comments on the draft that Rick Nelson sent me, not the official so my page numbers will be off here. But there was--Mr. Kaiser had made a commitment about putting out an RFP for some concrete research, because of the problems with the deck concrete. I'm wondering if that RFP got sent out.

Kaiser: Yeah, it got sent out and we got--I got the results Friday, so now we just need to move on. So--

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Martin: Thank you.

Shapiro: Member Martin, I wasn't sure if we wanted to add that to this CWG task list, but it is in my hand--when we get to Item 10-B--

Martin: Okay.

Shapiro: --that'll come up again as one of--

Martin: Okay.

Shapiro: --items that we (inaudible).

Martin: I have a number of things; eDocument, DocuSign, Field Builder, Field Manager, Staff, New Hires and Closeouts. So, you tell me when you want to get those addressed yet.

Shapiro: Well, there is an Agenda item for eDocs, an update on that.

Martin: Okay.

Shapiro: eBuilder, we could add that stuff to 10-B--

Martin: Okay.

Shapiro: --on the task list if--

Martin: However you want to handle it, is fine with me.

Shapiro: I would prefer to do it that way, if we could, please.

Martin: Is that okay with you, Mr. Chairman?

Savage: Yes, it is.

Martin: I mean you're in control here.

Savage: Yes, that's fine, Member Martin. Good idea.

Martin: Okay. I'll shut up. I have read the minutes. I have no comments or corrections.

Savage: Thank you, Member Martin. And unfortunately, since I wasn't at the meeting, I'm not allowed to comment, or discuss, or even vote. So I guess I--

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- Thomason: We just conduct (inaudible).
- Savage: But we don't have Madam Controller, we don't have a quorum. So I guess we'll move on to--
- Martin: (Inaudible).
- Hoffman: Try to--we should try to get those approved officially.
- Martin: Yes.
- Savage: We should.
- Hoffman: And I see that we (inaudible).
- Hoffman: Yes, we can--
- Martin: Or if Madam Controller chimes in at some point in time, we can do that.
- Savage: Okay. Yes.
- Martin: Is that all right?
- Savage: Moving on to--so let's be clear. If Madam Controller does call in, then we can go back to this Agenda item for approval of the meeting minutes.
- Gezelin: Yes.
- Savage: Thank you, Mr. Gezelin. Moving on to Agenda Item No. 5, Update on using the Osterberg Load Cells in drilled shaft design.
- Kaiser: Okay. Reid Kaiser, Chief Materials Engineer. As I mentioned at the June meeting, we did have a project--\$600,000 project at the U.S. 95/215 to drill a couple of drill shafts and replace Osterberg Load Cell in the drill shafts. And what that was used to, was to quantify the strengths of the soils at that site. And using the existing bridge design, just by employing Osterberg Load Cells, we're able to reduce that factor of safety that we used in the design of the shaft.
- So not only are we able to use--by using the Osterberg Load Cells, we're able to reduce the factor of safety along with getting the actual strengths of the soils. So after we had done that, we analyzed the strengths that we received from those shafts and determined that the actual savings--actually

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what I wrote in the memo is wrong. I wrote there's \$1.9 million savings. There's actually \$2.57 million worth of savings.

Savage: That's a good error, Mr. Kaiser.

Kaiser: I know. So--

Martin: Is that due to the size of the shafts that you had originally planned, versus what you can now get by with?

Kaiser: Right. When you're using the LRFD design, you have to use default settings if you don't know the strengths of the soils. So those default settings are so ultraconservative that you have these huge shafts. And that's kind of what happened on a previous project. So what we found out is we can go down there and use smaller shafts (inaudible) bridges.

Martin: You don't have the size (inaudible)?

Kaiser: You know, I couldn't tell you. It might be in the attached information that we got from Bridge Division, but it reduced the shaft significantly. Not that--

Unidentified Male: Both in diameter and length?

Hoffman: Diameter and length.

Kaiser: Diameter and length, both significantly, yeah.

Martin: We'd have to know the quantities in order to establish the amount of (inaudible).

Unidentified Male: They got it.

Kaiser: Right. It's in there. It's in the attached sheets, I mean it's--I could go over it real quick, if that's what you'd like.

Martin: I'm just curious. I'm just trying to get (inaudible)--

Kaiser: Okay. Well, it's in the attachments. It shows you what we designed, and what the shaft sizes were before the Osterberg Load Cells, and then it also tells you what the sizes were afterwards.

Terry: And the other, is that savings; that's only on the bridges that we're putting out now?

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- Kaiser: Right.
- Terry: I will say that these--this information is valuable at this same location. We will put out more bridges--
- Kaiser: Yeah.
- Terry: --in a later package. So this is--
- Kaiser: Right.
- Terry: --only Phase 1, where we're only building two of the ramps. We have more ramps to come.
- Savage: Mm-hmm.
- Terry: The bridges aren't quite as big, but we'll be able to utilize this information.
- Kaiser: Yeah.
- Terry: Those bridges as well.
- Kaiser: And I want to acknowledge a few folks. Mike Griswold, he's our chief geotechnical engineer. He's the one who kind of spearheaded this along with Dana Boomhower, one of our geotechnical engineers. And also thanks to project management for allowing us to do it, because--
- Terry: Oh, and the other good news--
- Kaiser: --they kind of pushed it through for us.
- Terry: --is the bridge section has confirmed that they will get the design included and not delay the release. So we won't have to change order them or anything. They'll be in the original design, which we were a little concerned about that originally. But they were able to get that in.
- Thomason: (Inaudible) had a question.
- Shapiro: Okay.
- Martin: Go ahead.
- Shapiro: I had a comment. Member Savage, as the Construction Working Group knows, the factor of safety that Mr. Kaiser was talking about, it's acceptable from an engineering standpoint. It's just that this Osterberg Load Cell test

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allowed us to reduce the size of the shaft and still get the same factor--or the factor of safety we needed for the bridge. I just wanted to point that out. Is that okay?

Kaiser: Yeah.

Savage: That's good. Thank you, Jeff.

Martin: Bill, do you have something you wanted to say?

Wellman: Yeah, I would. Bill Wellman, Las Vegas Paving. Is this going to be (inaudible) is this design going to be (inaudible) projects (inaudible) coming like Neon?

Terry: It has applications to lots of places that was considered at the airport connector, but I believe they didn't do. But--

Kaiser: Yeah.

Terry: --you've got to have a lot of--have a lot of shafts to get to (inaudible). There's only a couple. It's not worth putting two tests in to do each shaft, you know, a lot of shafts (inaudible).

Kaiser: We have (inaudible) in the past is it takes a lot of time.

Terry: You have to have the time; you have to have a lot of tests.

Kaiser: Yeah, you've got to have a couple sacrificial shafts out there and you've got to have the time to, you know, organize your contractor or sub coming to do it.

Wellman: And I understand but, I mean I guess I'm asking if you (inaudible)--but Neon would have that time. There would be the risks on our (inaudible).

Kaiser: You know, there's only one firm that's really--they have the patent on that process. So if they're the ones going to be out there doing the work, I'm sure (inaudible) there'd be no reason we wouldn't.

Hoffman: But we should consider putting that in the RFP.

Terry: Well, again--

Terry: Or maybe it's a--

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Kaiser: You'd have to consider it very strongly, because if you require it then you have to have the time, you have to have the volume. If you just leave it open then, you know, if you require it then it's going to be a controlling factor.

Terry: (Inaudible).

Kaiser: Okay. (Inaudible)--

Hoffman: If there's going to be that much savings (inaudible).

Martin: Yeah.

Savage: Go ahead, Mr. (inaudible).

Martin: Yeah, mm-hmm.

Savage: And what (inaudible) design (inaudible) construction.

Kaiser: It is a process.

Savage: The process.

Kaiser: A process. You know, and I'm not a--definitely no patent lawyer, but the guys who I talked to who are running the equipment, they're the only ones in the U.S. who can do it. They have a patent on that process.

Martini: (Inaudible) load testing.

Kaiser: On the Osterberg Load Cell, yeah. Well--

Savage: So I think that--

Kaiser: Well, it's worldwide. I mean if you're out of the U.S., you know, other companies do it, but not in the U.S.

Savage: So I think that (inaudible) have to take some time to review that matter, and also discuss--

Kaiser: Right.

Savage: --the potential for Neon. Now--

Martini: Excuse me, Member Savage?

Savage: Yes.

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Martini: I'm sorry we're late joining you. We thought that there was going to be a break before we started. The Controller had to go to another meeting, but she said that she would call in as soon as I let--

Wallin: I (inaudible).

Martini: Yeah--

Wallin: Yeah.

Martini: --are you still on there?

Wallin: I'm on. Actually, somebody in the meeting up there texted me, so I'm on now.

Martini: All right. Thank you. Bye-bye.

Savage: Okay. So thank you for joining us, Madam Controller and Mary. (Inaudible) this item. Are there any other questions or concerns or comments regarding Agenda Item No. 5, the Osterberg Load Cell shaft (inaudible)? If there are not, we will return to Agenda Item No. 4, which was approval of the June 2, 2014 CWG meeting minutes. Madam Controller, we could not--did not have a quorum at the time to approve those. I was not in attendance. (Inaudible) would be up--

Wallin: Yeah.

Savage: --(inaudible) comment if you had any (inaudible).

Wallin: I just--I just have one comment. Unfortunately, I'm driving so I'm going to have to try to remember where it was. There was one place where it said--it sounded like I said "speaker" and a question mark. And it wasn't that, it was more telling Frank that we're on Item 3, Comments from the Working Group. So where it says "speaker? (sp) spelling," something like that.

Savage: Well, don't look. We'll find it.

Martin: Yeah.

Wallin: Yeah. Yeah, I'm not going to look actually. Actually, I can--I'm at a stop where I can pull over here. Hang on here and I'll find it.

Savage: We'll find it.

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Wallin: Okay. Hang on here. Okay. Let me pull it up here. Let me find it here. Okay. It's on Page 1 of the minutes at the bottom of the page.

Savage: And the corrected language--

Wallin: Instead of--yeah, the corrected language should be "3, Comments from Working Group" instead of that "(inaudible) (sp) 3."

Savage: Okay. Are there any other changes, Madam Controller?

Wallin: That was it. That was it.

Savage: So at this time I'll take a motion.

Martin: I move for acceptance of the minutes for the Construction Working Group.

Savage: Is there a second?

Wallin: Second.

Savage: Minutes approved for the June 2, 2014 CWG meeting. We'll move on to Agenda Item No. 6, which would be the update of the NDOT Contract 3564, regarding Kingsbury Grade SR 207 CMAR construction project.

Shapiro: Chairman Savage, Jeff Shapiro. This item basically came about when Member Martin asked about the CMAR project on the last board meeting, so we put it on the Agenda. And actually, Pedro is here or was here somewhere. And Pedro is the expert. He's the project manager, so I'll just turn it over to him.

Savage: Pedro, it's your floor.

Rodriguez: Okay. Pedro Rodriguez, NDOT Project Manager for the Kingsbury Grade Project. Pursuant to the March 10th transportation approval for the contract, we were scheduled to begin construction May 1st, as the beginning of the construction (inaudible) for the Kingsbury Grade for the Tahoe region. However, weather allowed--weather permitted and approval from TRPA allowed us to begin April 13th. Construction began (inaudible)--many of the preparations and then still (inaudible) May 1st (inaudible) operation.

To date--well, actually by the time this memo was placed, approximately (inaudible) 42% of the (inaudible) construction, 85% of the (inaudible) approximately 54% of the drainage basin ditches and 95% of the (inaudible). So it's approximately (inaudible). The second (inaudible) as

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scheduled (inaudible) probably Labor Day, and is (inaudible) weather permitting again, ask TRPA for an extension as much as we can (inaudible) any major paving operations (inaudible).

As far as change orders go, we've only had one no cost change order to the project. And that is the inclusion of the Buy America clause that needs to be included for any (inaudible) funded project. At the time (inaudible) this was a state project. It shifted (inaudible) safety improvements are made, it was shifted from a state funded project to a federally funded project, we had (inaudible) a number of (inaudible) at the time (inaudible) immediately changed our (inaudible).

All in all, the construction is going very well. We anticipate the major paving operations to be completed this year, weather dependent (inaudible) activities (inaudible).

Martin: You mentioned that you have one change order for the Buy America Act. Are there any RFPs been issued to the contractor? And on the reverse side, has the contractor requested any change orders?

Rodriguez: (Inaudible).

Savage: So that's all very good news--

Martin: Yes.

Savage: --from the Department's standpoint. We thank the Department project management, construction management, project management, as well as the contractor (inaudible) try to get around the last turn before the weather hits, and understand that that's all (inaudible). So we appreciate everybody's dedication on this project. Good reports from the public, I believe.

Rodriguez: Absolutely.

Savage: (Inaudible). We appreciate the service. Any other comments or discussions from Las Vegas or Elko on Agenda Item No. 6, or here in Carson City?

Martini: One thing we might ask is when there's a speaker that's further back in the audience that they come to a microphone. We really didn't hear him. But Kingsbury doesn't really affect us that much, but in the future items it'd be nice.

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Savage: Okay. We will do. Any other comments or questions here in Carson City? Okay. With that being said, we'll move to Agenda Item No. 7, Discussion of NDOT's Partnering efforts, at this point.

Shapiro: Chairman Savage, Jeff Shapiro again. This is--there's a couple of items that we're working on that are fairly significant. We just wanted to update the Working Group on it. And, actually, Lisa Schettler is here for the--our partnering program manager. And I don't want to steal her thunder, so take it away, Lisa.

Schettler: Okay.

Savage: Good afternoon, Lisa.

Schettler: Good afternoon, Chairman Savage. This is Lisa Schettler. And so I think (inaudible) last time that in May I attended a roundtable --

Wallin: You know what, I can't hear her at all.

Unidentified Male: We'll fix that.

Schettler: Can you hear me?

Wallin: You keep cutting--

Martin: Speak into the microphone.

Schettler: Yeah.

Wallin: You keep cutting in and out, so--

Schettler: Okay. So what I was saying is in May, I attended a roundtable discussion (inaudible) sponsored by the International (inaudible) Institute. And I mentioned in a previous Construction Working Group meeting that a couple of things they really stressed helped them (inaudible) enhance their partner program get by and keep the momentum going. One of the key items was (inaudible) steering committee. So (inaudible) been working on developing an executive steering committee, and we've develop a list of potential participants in the committee.

Outside of the attendees we've listed in the attachment, there might also be technical advisor (inaudible) that would participate (inaudible) steering committee. The steering committee would not only (inaudible) things like

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that. So (inaudible) a key component in getting leadership to get items moving (inaudible) and keep them going. So we're (inaudible).

Another thing that (inaudible) forward is FHWA had been working with us to develop a scope and fund (inaudible) funded by FHWA kind of a research project where they're going to be doing surveys around (inaudible) to find out best practices for partnering. And so we're going to be able to hire a consultant who can lead that effort and at the end of that (inaudible) have a compiled (inaudible) of documents, best practices, good specifications, things like that that could be (inaudible) but (inaudible) around (inaudible). And then have a (inaudible) best programs that they've identified and have (inaudible). We have (inaudible). But this project (inaudible) path of (inaudible) probably (inaudible) in Ohio and other states. Also (inaudible) and what not, and they, kind of, guide the effort. So (inaudible) that.

I also wanted to mention a couple of things that we have talked before (inaudible) about making sure that (inaudible). So we have update (inaudible). We have (inaudible) north. We just had that on August 22nd, and we had (inaudible) there. But another thing we did (inaudible) is we had a Vegas agency (inaudible) and we're going to start doing that (inaudible) as well. So we had really good (inaudible) and we came up with a lot of good ideas that we might consider (inaudible) technical (inaudible) to address the issues that were brought up.

And also, we are going to do an update (inaudible) at the industry (inaudible) that I believe (inaudible). So that's kind of a different group from these other two meetings.

Thomason: Just a (inaudible) about (inaudible) business (inaudible) that came up. Recently, in (inaudible). The (inaudible) shared and then (inaudible) a sponsored luncheon which (inaudible) basically the discussions (inaudible) and we've also (inaudible). And the intent is to make sure that (inaudible) whether it's (inaudible) issue (inaudible).

Savage: I mean I think it's important. The whole partnering concept is only as good as you make it. Like cooperation between both sides is vitally important. Engagement from both sides is vitally important. So it's good to have (inaudible) I know you're driving through the (inaudible) the steering committee and we have to stay (inaudible). If we (inaudible) talk we're going to be fine. If we just talk about it, nothing's going to get done. The objective is to reduce litigation expenses. I believe that's the main

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(inaudible) here. By (inaudible) to resolve it at the lowest (inaudible) possible.

And I really commend the Department and the steering committee be (inaudible) and I think there's an opportunity here that we can (inaudible) as the litigation costs (inaudible). I look forward to hearing (inaudible) interested to hear what the industry has to say and how they react (inaudible).

Shapiro: Chairman Savage, Jeff Shapiro. And as you know, it's internal and external. So there's a lot of work there and everybody's got to be pulling in the same direction.

Savage: Mm-hmm.

Shapiro: I just wanted to say that we are very excited about this partnering project that Lisa has really put a lot of effort into working with FHWA and getting a significant amount of funding out of them. Some have called it a regional showcase as one of the deliverables. Some have called it a national showcase on partnering, best practices. And there's a lot of states around us that do some really good things, so we're looking forward to getting all that information from them. Not sure if it's going to be Northern Nevada or Southern Nevada yet for the showcase, but I do know FHWA is already announcing this to--like the subcommittee on construction, which we'll talk about in a later item. It was part of their--out of Washington, D.C. They're letting everybody know that we're doing this and we really appreciate their assistance there, Greg, in trying to make this happen because it's really important for Nevada.

Martin: I have a couple of comments on this partnering. You're spot on, Len, with the--your comments about getting resolution at the lowest possible level. I've been involved in a lot of these partnering sessions. Making Nevada a showcase is admirable, but at one point in time we had a partnering process and it went someplace south. And in my experience a couple of things happen that destroys the partnering process. And that is not letting the resolution come at the lowest level. When a contractor picks up the phone and calls somebody at HQ, partnering goes out the window. When somebody at HQ complies with that contractor picking up the phone, partnering goes out the window.

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And so the dedication has to start at HQ; that when there is an issue and it gets elevated, there is a process in the partnering deal to elevate issues. But when there--when the process is bypassed and the phone call is made to the Director's office or the Assistant Director's office and the process gets bypassed, the contractor's people and the owner's people all of a sudden say, "what's up?" We don't need to do this anymore because it's going to be handled by somebody else already. So there is a dedication or a responsibility of everybody, from the top of the food chain all the way down to the bottom of the food chain, to pay attention to what these partnering principles are. And from the seven years--six or seven years that I've been in here, that dedication at the top level of NDOT ain't been there. And so I think that's why partnering went away.

I wish you a lot of luck, young lady. You're going to need it because I know Len and I are going to be here to help hold people responsible, and I know Ms. Wallin is, too. But there has to be a dedication from the top down. You cannot--you cannot bypass that process that's set up in the partnering documents.

Schettler: We're hoping the steering committee is going to help with that. But also, I wanted to mention one other thing that we're working on. And, this was also brought as a key item to consider at the roundtable, is we're looking at having mid-level managers teach the partnering. So that it's not just me going in there with the contractor, but it's the people that are leading the effort, co-teaching the partnering concept to fill other NDOT divisions or whoever, and contractor personnel that we get to participate. And so, we're looking at trying to do some training to trainer trainings specific to partnering to help them do that--give them the tools to do that.

And I know that we've discussed numerous times, when we do this training we're going to do our best to try to get an equal number of NDOT and contractor personnel involved in the training session, so the discussions are good and everybody's hearing the message. So that's another thing we're working on.

Savage: That's good. And I thank you, Lisa. And I know Member Martin is--he's point on. The respect has to go vertical with the resolution being at the lowest level. And headquarters needs to be respectful of those lower decisions, and they have to support those lower decisions rather than somebody going around. So Member Martin, you're right on--

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Martin: Thank you.

Savage: --and I appreciate the comments. One thing, I look at the steering committee member is how do the RE's who are the boots on the ground guys, who ultimately have to make that first decision, how to communicate with this steering committee? What's the integration there?

Shapiro: Chairman Savage, Jeff Shapiro again. What the intent is, is this is a higher level committee. The resident engineers work with the district engineers--

Savage: Mm-hmm.

Shapiro: --so that would be the method of communication through the process. But Lisa's going to go into it in the next Agenda item. She's going to talk about our efforts to implement alternative dispute resolution--

Savage: Mm-hmm.

Shapiro: --and the escalation--issue of escalation ladder. And that's exactly where that process starts, with the inspector. If they can't resolve it, they move it all up. But that's part of the next Agenda item.

Savage: Okay.

Shapiro: But it's all interrelated. It's all part of the partnering process.

Martin: One of the things I see here is that you all got \$300,000.

Shapiro: Yes, sir.

Martin: Somebody at some point in time is going to come back and ask if that was well spent, and what was the results--what was the concrete results. I mean I think this committee will ask that, but somebody at FHWA are probably going to be asking it too, because that's where you got the money.

Shapiro: Yes, Member Martin. And I do know working with my counterpart actually at Caltrans, we've--last year we (inaudible) we got AASHTO to push forward some research to try to quantify the benefits of partnering, and I'm hoping we can--you know, this is just part of it. How can we prove this \$300,000 was well spent by implementing partnering? But that's something a lot of states are struggling with right now, is how do you quantify that. It's more than just a fuzzy, you know, warm fuzzy (inaudible).

Martin: Right.

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- Shapiro: You know, what is it saving and trying to quantify that. And that will be part of our effort.
- Kaiser: Reid Kaiser, Chief Materials Engineer. I got a quick question. The steering committee, is that just going to be to look at the process we use here at NDOT or is that going to look at specific problems--specific claims or disputes?
- Shapiro: Reid, it's intended to--Jeff Shapiro again. It's intended to look at the process--
- Kaiser: Okay.
- Shapiro: --and give the effort as a whole, like Member Martin was saying, some upper management guidance basically as to where to take the program, because I would admit too, and I agree, we've hit a little bit of a speed bump here and we're trying to invigorate that process by these two items here--or reinvigorate I should say. But it won't be for specific issues.
- Kaiser: Right.
- Shapiro: That's not the intent. It's more program oriented, not actual project oriented.
- Savage: Mm-hmm. So with that being said, a couple questions were triggered there. Have there been studies in the past that NDOT has paid for, regarding partnering?
- Shapiro: No. Jeff Shapiro again, Chairman Savage. No, there have not been, not that NDOT has done.
- Savage: Thank you.
- Shapiro: Not that I'm aware of anyway.
- Savage: And also in the literature, it said that there must be an obligation by September 30th in order to receive those funds. So I'm sure that you're on task there. I know that's not an action motion because that's--
- Shapiro: Yes, sir.
- Savage: --under \$300K. But everyone's well aware of that trigger date of being September 30th?
- Schettler: Yes.

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- Shapiro: Right. Right, Member Savage. I've seen some e-mail traffic back and forth from FHWA and our financial folks about the FEMA system and the stuff being loaded up, so I know they're working on that. Any agreements we have with the consultant, will be brought through for the Transportation Board review, just like any, you know, proposed agreements depending threshold just like any agreement we would do before we are off and running.
- Savage: So was that a yes or a no?
- Shapiro: That was a yes, sir. That was a long-winded yes.
- Savage: That was a yes. Okay. So the funds will be committed by September 30th?
- Shapiro: Yes, sir.
- Savage: Okay. Thank you, Mr. Shapiro. Any other comments or discussion on this partnering concept?
- Jacob: Mr. Savage? Hi.
- Savage: Yes.
- Jacob: Sorry, this is--
- Savage: Why don't you step up there.
- Jacob: --Joanne Jacob for Public Affairs from AGC Las Vegas. I just--I'm here on behalf of Sean Stewart. We wanted to thank Tracy's efforts down in Southern Nevada, and I wanted--Sean asked me to come here and say either he will volunteer to sit on the executive steering committee. I know you had a proposal in there to have an AGC Las Vegas representative. Or if you would like to have a contractor, we'll make all the resources available to you. So, I just wanted to offer that comment.
- Savage: Thank you, Joanna.
- Jacob: Yep.
- Savage: Any other comments or discussion here in Carson City? Anything in Las Vegas?
- Martini: No, sir. Thank you.

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- Savage: Kevin, Elko? Any comments on partnering?
- Kevin: Nothing here. Thanks.
- Savage: Okay. We will move on to Agenda Item No. 8, Discussion on NDOT's efforts to resolve construction claims and disputes through alternative forms of dispute resolution.
- Shapiro: Chairman Savage, Jeff Shapiro again. I'm going to turn this over to Lisa, because this is one of Lisa's items as well, so I don't want to steal her thunder.
- Schettler: Chairman Savage, this is Lisa Schettler again. And we've been working with the DRBF, which is the Dispute Resolution Board Foundation. They're a unique organization that deals with dispute resolution--alternative dispute resolution, I believe, worldwide. I don't--or at least nationwide.
- Shapiro: Well, they do worldwide. They describe themselves as recovering attorneys, some of them.
- Schettler: Oh.
- Unidentified Male: Traveling worldwide.
- Shapiro: Traveling worldwide.
- Martin: Spreading their venom everywhere.
- Shapiro: No, they're actually trying to help.
- Schettler: Yeah, they're an organization that Caltrans uses to do their training, and so we've reached out to them. And attached in the Agenda is some descriptions of some of the training they offer. And so, I think what we're envisioning is having--to use dispute resolution teams, although they refer to them in the attachment as boards, but we're calling them teams. They're a three-member panel that during the course of the project, they would ideally be involved beginning of the project, be at the partnering kickoff meeting, and then come out, maybe quarterly, to be kept up on the project. And then they could be utilized, if the partnering process wasn't successful through the dispute resolution ladder and whatnot, they would be available to convene and hear the--each side of the dispute and then make a recommendation that doesn't have to be accepted. But Caltrans has had a pretty high success rate

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of those recommendations being accepted, which prevents it sitting there and becoming a claim and, you know, going to litigation and whatnot.

So in order to make this successful, we need to create a pool of available team members that we can draw on at the beginning of projects. And so we're offering--we're going through the process of using DRBF, hopefully, to offer some training to qualify dispute resolution team members to train into specifically use of added specifications and serve on these teams. And then also, the other training that we would like to offer to NDOT and have contractor personnel which has paid in, is how do you use a dispute resolution team, how do you develop your position papers to submit to them, and--so that they can successfully use these teams and hopefully prevent claims and litigation. So we're working on that, and we're working on finalizing our specifications on using (inaudible) with the dispute resolution teams as a resource.

Another thing we're looking at is facilitated dispute resolution. I think we may have mentioned that last time. I'm not sure. But what that is, is that would be a step in between the dispute resolution ladder and the dispute resolution team. And a facilitated dispute resolution uses a person that is like a mediator, not attorney-type mediator, but somebody that just is skilled at getting two parties to talk to each other and come out with, you know, what is the real issue and things like that. That is a tool that's used by Caltrans and other agencies as well that is a voluntary tool to, you know, just try to keep--get the dispute resolved without escalating it further. So that's another thing we're looking at.

Savage: Okay. Thank you, Lisa. I know I have a couple questions.

Martin: Yeah, I do too, so go ahead.

Savage: Has the Department, the Nevada Department of Transportation engaged the DRTs in the past five years?

Shapiro: Chairman Savage, I can answer that question. Yes, we have. We used it quite successfully, in my opinion, on Contract 3292, which is the I-580 job.

Savage: Okay.

Shapiro: And then they helped us resolve issues before they got, you know, years later after claims, boards, and all that kind of stuff that, you know, as the job was going on, they helped us resolve those issues.

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Savage: And were they engaged in the other contracts that have come under litigation?

Shapiro: No, they were not, sir.

Savage: They were not.

Shapiro: Unh-unh.

Savage: So the question I have then, Mr. Shapiro or Lisa, is when is the DRT established?

Shapiro: The intent the way the program is supposed to work, and you have to have a project large enough and long enough from a day--calendar standpoint to do it on, is to bring them in as soon as you have the initial partnering meeting. So it's really close to notice to proceed when the job starts. Then they follow the project through the process on a quarterly basis, so to speak. It really depends on how the team sets up their controlling document, which is basically their contract. And so, they're up to speed on the progress of the project, so if an issue does come arise--it's not a substitute for the issue escalation ladder--

Savage: Mm-hmm.

Shapiro: --which starts at the inspector and goes up through the district engineer and whatnot. But if issues go past that point and need some other assistance, independent industry expert-type assistance, then they would--we would--a person could ask or the team could ask the DRT to look at those type of issues. But they are familiar with the project enough because they've been following it on a quarterly basis or whatever they need to know--or whatever they need to do, so they can make a relatively quick recommendation as how to proceed. So it's not like a formal claims process where you wait until, you know, three years later and we're still fighting over the issue.

Savage: So as an example, the DRT team that was established for the I-580, who--how many people were on that team and can you let us know who those people were?

Shapiro: There were three members on the team, a chair and two other members. I know one was a former district engineer from Las Vegas at NDOT. Gene Waite was one of the members. I don't remember the names of the other

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two gentlemen, but they were--I don't know if, Rick, if you remember, but they were private industry-type folks.

Bosch: I don't recall their names, but yeah. But we had a full day meeting with them and they listened to both sides, and I think we were able to come to, kind of a resolution--

Savage: Okay.

Bosch: --at the end of the day.

Shapiro: Relatively quickly, I would say.

Savage: Right. Okay. And then are the consultants involved? What's the consultant's role in this DRT? How are they represented in DRT?

Shapiro: Chairman Savage, I'm not sure if this answers your question or not. I don't recall if any--you know, because that was a consultant design project on that particular one. I believe they might have participated--attended the meetings, per se. I don't know--I don't believe there was--they had any speaking roles, so to speak. I think that was just between NDOT and the contractor. One of the things that--correct me if I'm wrong, but I think one of the things the controlling document says is attorneys are not allowed to present at the--it's strictly owner--no, I shouldn't say owner versus contractor, but it's owner and contractor--

Savage: Right. Right.

Shapiro: --presenting to the DRT.

Kaiser: I can comment on 3292. Again, this is Reid Kaiser. We--when an issue had come up and it had to do with the design, we would take that to the consultant and say, "hey, this is what the contractor is saying. What are your guys' comments to defend it," you know? So we would take those issues to the design consultants and get their recommendations before we would move forward.

Savage: Yeah, that's good.

Kaiser: Yeah.

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- Shapiro: And that's SOP on any project that's designed by a consultant. But I forgot to mention, Reid Kaiser was assistant construction engineer during quite a bit of that time frame, too.
- Kaiser: Yeah.
- Shapiro: So you had a fair amount of experience with them as well.
- Kaiser: Yeah, mm-hmm.
- Savage: Okay. And the last question I have is the timelines denoted on Page 1 of 2, in the memorandum, Project, Superintendent, Lead Inspector. There's a timeline of one day to elevate. Project manager, resident engineer; two days. Construction manager, district engineer; one week. How are those times to elevate established?
- Schettler: This is a general guideline. I believe they can be looked at during the partnering kickoff meeting and agreed upon between the contractor and NDOT.
- Savage: But it should be consistent, I believe, with (inaudible).
- Schettler: Yeah, but this is a standard of what we've been following.
- Shapiro: Chairman Savage, this is straight out of the partnering guideline--the field guideline that we have. But the team, if they want to adjust those time frames up, you know, to make it go a little bit faster, the team can, you know, negotiate that, so to speak, or talk about that at the partnering meeting--the initial partnering meeting to come up with something that works for them.
- Savage: So what I would just ask if you kind of review those timelines, because one day--
- Martin: Yes.
- Savage: --two days, I mean that's fast. That's awfully fast. And I think, you know, the Department might just review that and make that time to elevate consistent with all DRTs rather than just going job to job to job. I would just have the Department look at (inaudible).
- Thomason: I just want to make sure I understood. You said we were moving too fast?
- Savage: Well, I guarantee you--does anything get resolved in one day?

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- Shapiro: Well--
- Savage: That's the difficult part for me. And then two days with the REs and the PMs, I mean that's fast.
- Shapiro: Well, what the intent is this is the issue escalation ladder, Chairman Savage. And the intent is to not let an issue get stale because, you know--
- Savage: I understand that.
- Shapiro: --that can cause a problem, too. This is not a timeframe for the DRT. The DRT is more like, you know, 30 days or whenever we can convene them, so--
- Savage: Right.
- Shapiro: --but we'll take a look at (inaudible).
- Savage: But you're right, Tracy.
- Shapiro: Yeah.
- Savage: It's all good. That's all I have.
- Thomason: Just wanted it on record.
- Martin: He didn't want you guys to over-commit, because sooner or later he'll remind you, okay.
- Savage: How many hours?
- Martin: Yeah. How many hours?
- Savage: Member Martin.
- Martin: Okay. I had a couple issues as well. Didn't--we had--we, NDOT, had a DRT on the I-580, but I thought that there was a standing DRT within NDOT at one point in time. Boy, I'm really getting these acronyms down. Wasn't there a standing DRT?
- Shapiro: Member Martin, we used to have some people that were on, I guess, an agreement to act as claims board folks if we had--if we needed to have a hearing. But the DRTs are project specific--
- Martin: Okay.

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- Shapiro: --where the contractor would select a person, the owner would select a person and those two people would select--
- Martin: Select a chair.
- Shapiro: --a chair. And then they're all project specific.
- Martin: Okay. Okay. That was my--that was one of my questions. The second one was--or the second statement was is that this, again, takes the commitment from the headquarters and the contractor equally to make sure that it works, because I have a couple experiences with the DRTs. And, in one instance, an owner brought in a DRT and the contractor was all bought in to it, and as soon as the DRT started to come up with resolutions that the owner didn't like, they got fired. And the case got settled about seven years down, and the owner ended up paying the contractor almost \$20 million when they could have really settled everything through the DRT, but they refused to listen. So it's going to take--this DRT deal is a commitment just like partnering. It goes very deep.
- Shapiro: Agreed.
- Savage: Agreed.
- Martin: That's all I had, sir.
- Savage: Thank you, Member Martin. Madam Controller.
- Castillo: She's gone.
- Savage: She's gone?
- Castillo: Gone.
- Savage: Voluntarily.
- Castillo: Yes.
- Martin: Hmm. Move for adjournment?
- Savage: Okay. Any other comments from staff?
- Kaiser: Hey Len, I got one comment. Again, this is Reid Kaiser. When those timelines--they don't get adhered to the rule strictly. So when a dispute does

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come up, even though it says one day, you know, as soon as those guys can't work it out it gets elevated.

Martin: Mm-hmm.

Savage: Right.

Kaiser: So don't think that just because it says one day--they only have one day to work it out and then it's elevated. They need to come to a resolution to move it forward, unless they both agree to move it forward, then it gets moved forward to the next level.

Savage: So it's more result-based rather than time-based?

Kaiser: I would have to say--I mean my experience has been that way.

Shapiro: No, Reid's absolutely right.

Savage: Yeah, that's good.

Shapiro: These are guidelines, but they still--they work the problem. But the intent is to try to solve it at the lowest level possibly, and if they can't then escalate it before it gets stale--

Kaiser: Yeah.

Shapiro: --because it causes more problems.

Savage: Thank you, Reid. Any other comments here in Carson City? Las Vegas, any comments, Mary?

Martini: None here.

Savage: How about in Elko, Kevin?

Kevin: None here as well.

Savage: Okay. With that being said, we will move on to Agenda Item No. 9, Report on NDOT's participation with AASHTO's Subcommittee on Construction.

Shapiro: Okay. Chairman Savage, this is an item that I put together, and I have to thank NDOT for allowing me to participate with this group. I feel fortunate that I can. This is a group of, basically, construction peers from all DOTs throughout the nation. So there's 51 official members--voting members, so to speak. It's all 50 states, plus the District of Columbia. And the intent is

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for the subcommittee to be the national voice and the leading source for--in transportation construction. And we're trying to improve safety in work zones, improve customer service, collaborate, promote quality. And we basically--the group is broken down into four sections: Environment and Human Resources, Computers and Technology, Roadway Instructors--I'm sorry, five sections--Contract Administration and Research. And most of our work is done over the phone on a monthly basis, but then once a year we get together and talk and spend a week together sharing best practices.

And to put a plug in for this--groups like this, it's really a good opportunity for a person like me to go to other places and talk to my peers and bring back best practices back to Nevada to try to improve our program here. So I really, really do support participation in these type of events.

Savage: And thank you, Mr. Shapiro. And thank you for your time and dedication to the AASHTO Environment and Human Resources section. It looks like you chair that section, so as Nevada people we appreciate that.

Shapiro: Yes, sir.

Savage: Member Martin, did you have any questions--

Martin: No, sir.

Savage: --or comments? I had a question on Page 4. Let me see if I can find it. At least one of the Page 4's. It had to do with the incentives and disincentives on design-build teams, if there's any personnel changes from the contractor.

Shapiro: Oh, you might be talking about the state topics.

Savage: It was a topic. It was a topic of discussion. And I'm just wondering--and maybe you didn't attend that particular segment. But I find that interesting in the Agenda that there was some ramifications if the contractor were to change teams and also incentives if they were to maintain the same team during the design-build projects. I don't know if the Department has talked about that or it might be for discussion at some other time within the Department.

Shapiro: Chairman Savage, I can't speak for the design-build contracts, but I don't believe we've ever had a team change on us on a design-build job, have we?

Terry: We have--

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Shapiro: Significantly?

Terry: --because we list a lot of key personnel. I mean it goes pretty far. I'd say on an average design-build job--John Terry, Assistant Director of Engineering--sorry--that, you know, there'll probably be 15 to 20 key personnel and, you know, these things go on for years. Key personnel is going to change. We have simply gone to, there's a process that they have to report the changes in key personnel and we have to approve it and they have to give us a replacement. We have never gone to a monetary incentives, nor penalties for that. I've heard that talked about, but we have never done that.

Savage: Okay.

Shapiro: Well, I guess what I was thinking of the bait and switch tactic, where the proposal--they sit there and the people don't show up. I don't think we've ever had a problem with that. But these jobs are of a certain length. People move on to other projects and we do have to address when these key staff leave, because their role is done in that job so they have to move on, so--

Terry: It's been a problem throughout. I mean we have this issue in both just consultant, regular contracts as well as design-build contracts, as we don't want them changing people but, you know, things happen so we have a process to try to deal with it. That's how we've dealt with it. It's going to happen, so--

Savage: You're absolutely right, Mr. Terry. And I just only bring this up not--

Terry: I've never seen us do it.

Savage: Right. And I wasn't suggesting that we do it. I just wanted to ask the question how familiar we were with it.

Hoffman: Yeah. Well--and like John said--so--Bill Hoffman, Deputy Director. Like John said, we have a very documented process--

Savage: Mm-hmm.

Hoffman: --and it's usually equal or better. If you're going to pull somebody off, they better be equal or better in terms of experience and capabilities.

Shapiro: And it has to be approved by the owner, too. That's in our contracts.

Hoffman: Yeah. So it's--

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- Savage: Okay.
- Hoffman: --a documented process.
- Savage: Thank you, Mr. Hoffman. Thank you, Mr. Terry and Mr. Shapiro. Any questions, Member Martin--
- Martin: No, sir.
- Savage: --or comments? Any other questions or comments in Carson City? Everybody's pretty quiet today or just getting tired, I'm not quite sure. Las Vegas or Elko, any comments or questions?
- Kevin: None here (inaudible).
- Martini: None here.
- Savage: Okay. Let's move on to Agenda Item No. 10, Old Business regarding the Update on the eDocumentation.
- Shapiro: Okay. Member Savage, Jeff Shapiro again. I'll take this one. Megan is actually in Vermont right now attending one of those conferences similar to the one we just talked about for the users group, so she can't be here. But we're basically 91% complete with our implementation. We've tested this thing from--in test projects from beginning through the Controller's office. We haven't gone live with it yet. We're planning on doing that in October, when we'll actually pick a contract that goes out to bid then we'll push the button. But so far testing-wise, everything's gone well. We are doing some pilot programs or some parallel projects out there. We've got seven underway, but I've told Megan that if the resident engineers want to add more projects to that list they can start using it now. And we'll be using this instead of the field books to document them in parallel.
- We'll accept the electronic documentation as the final documentation for the contract. The only thing is it's just not talking to the accounting folks yet, so they would still have to key in quantities into the existing system, the Legacy system as Member Martin has used in the, you know, we talked about in the past. But eventually, when this goes live in October then they won't have to re-key that in. But everything is going well. The latest status report from July is there, and I don't know if CWG has any questions about the conference that some of our folks are going to right now or any other questions.

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Martin: I only had one. Clarify for me. The money we authorize today was--I think we authorized about \$842,000 total. Was that--that was for the eBid, not the eDoc?

Shapiro: Yes, sir, that was for eBidding. Apparently, you have to make some adjustments as they go web-based. That's a different system that (inaudible).

Martin: Well, you had two proposals. You had proposal number one, if I remember correctly, was for the modifications and the maintenance of the licenses and so on.

Shapiro: That's--yeah, that's not related to the eBid (inaudible)--

Martin: It's not related to this?

Shapiro: --documentation. No, sir.

Martin: Okay. Okay. And this is the system when you and the other district engineers was in the office, this is what we discussed some, right, this eDoc--

Thomason: eDoc.

Martin: --and what the acceptance was going to be? And I'm assuming that the resident engineers are getting educated about going--entering the computer, right?

Shapiro: We--yes, sir. We have done some training. We're going to do more. We've got more slated for the end of this year when we do go live, but we've got folks out there with iPads right now that are using this system. There's two ways you could do it, either a laptop-based or there is a mobile application through an iPad, which is still beta, but it works--

Martin: Mm-hmm.

Shapiro: --so they're using both of those right now. And I think the feedback's been pretty positive so far.

Martin: Because one of my questions at the last CWG was how this is going to work when you're in a--Nevada has some really remote--

Shapiro: Right.

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- Martin: --stretches of road. How is this going to work there? And I think you told me that it could be worked locally and then uploaded.
- Shapiro: Well, that's one of the things we're doing, Member Martin. I know one project we're using a local maintenance station to plug our computers in, so to speak--
- Martin: Mm-hmm.
- Shapiro: --to process it in the system. But it even gets more remote than that. We might have to look into some sort of satellite--
- Martin: Okay.
- Shapiro: --cell phone technology to get--talk to the system. We are trying to minimize the amount of times you re-key stuff in, because that, you know, adds human error opportunities.
- Martin: Yep. That's all I had, Len.
- Savage: Okay. Thank you, Member Martin. I just had one question on the Info Tech consultant on Page 3 of 3 of the Info Tech submittal, regarding the NDOT Field Manager implementation. On Page 3, it says to date--or through July 31st, we have spent \$282,499. Includes \$21,549 for the T and M portion. The budget was \$422,800. Was that the contract not to exceed issued to Info Tech?
- Shapiro: Yes, sir. \$422,800 is the contract amount, but that includes a base deliverable, so to speak, and then some incidental. So what you're seeing here is the \$282,000 that we spent to date is on the base and we've only tapped into the \$21,000 as part of the incidental for additional travel in case we needed extra training, or if they needed to come and help us out with some programming issue here. So we're not--I don't--well, it says so right above that. I'm sorry. The \$301,000 that includes \$121,075 in T and M for \$422,000 on top there.
- Savage: So my point, and I think you just clarified it, there's a cost savings there.
- Shapiro: There is a cost savings in this case. We haven't used as much of the incidental budget (inaudible)--
- Savage: So that's other good news we have.

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- Shapiro: Yeah.
- Martin: But we're not totally implemented yet either.
- Shapiro: We're not totally implemented, but I don't--they've actually told us we're farther ahead than other DOTs that have put this process together. So I would be very surprised if we get anywhere close to that \$121,000 in the incidental (inaudible) contingency funding.
- Savage: So that goes to my question. Has Info Tech had good support and good direction for the Department?
- Shapiro: I've been personally pleased with the support and the direction and the help that we've got from Info Tech. I know Megan is not here, but I believe she would say the same thing.
- Savage: And I see Sharon shaking her head as well.
- Foerschler: Sharon Foerschler for the record. For my involvement, yes, Info Tech has been very responsive.
- Savage: That's good to hear.
- Shapiro: Many of their staff that have helped us out with this are retired DOT people that actually helped their own DOTs make this conversion from paper to electronic, so they understand the inertia that you have to overcome to make changes like this sometimes.
- Savage: Yes, and I'm glad to see the Department moving this direction, because it's now or never--
- Shapiro: Mm-hmm. Yes, sir.
- Savage: --or else we'll be lost in the sagebrush.
- Martin: Forever.
- Savage: Forever. Any other comments on 10-A? Let's move down to 10-B, the CWG Task List.
- Shapiro: Okay. This item--member Chairman Savage. Jeff Shapiro again. This item might need a little bit of explanation. The first page, Page 1, of item 10-B is Rick Nelson's old task list--CWG task list. So I put that in there just as a reminder of what he had in his outlook before he left. And then what I tried

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to do is recreate, on Page 2, recreate a new task list that includes things like--well, Member Martin's question on the Kingsbury job on change orders and the DB process review. Then, plus, I've added a few items to there like the CMAR.

I've got some more items in pen right here. We've had some--I know we've had some conversations about adding partnering to the task list and try to get contractor feedback and some data to prove that it's quantified, the benefits. I know we've talked about wanting to talk more about high-performance concrete in the RFP that Mr. Kaiser has going on over there. So--and this morning at the Board meeting, we're going to start looking at the consultant's number of projects and categories and all those type things. So I'll add those to the list, but I did want to put this in here just to see what the, you know, if we're heading in the right direction or just to make sure we're heading in the right direction with the CWG and what we could add to the list. And it sounds like Member Martin's got a few more things that we need to take a look at.

Savage: So, Mr. Shapiro, are you looking at items 1 through 5?

Shapiro: 1 through 5 on Page 2.

Savage: 2 of 7.

Shapiro: 2 of 7. That's the new list that I took from Mr. Nelson's list. I took the incomplete items and then added some more of the--some more items that we've had in recent conversations of things to look at. And I know we just had a--for example, item 2 above on there where it says "Change order request on Kingsbury Grade." That's a misspelling too, by the way.

Martin: Yeah, it is. I wasn't going to bring it up.

Shapiro: I will fix that. But I left that as an open item even though we've given an update on it, because until the project is done we should--we will be keeping an eye on it, so we can give you updates as needed on that. And then when the project is closed out, we can close that one out. I need to get with Tracy a little bit more on the DB process, because I just literally took verbatim what Rick had in his notes. I'm not sure what--we need to get together and talk about where to go from there. But that's basically it.

Savage: So item number 3, the contractor prequalification bidding and contractor litigation, that's an Agenda item to be discussed and preparation for that

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regarding, you know, contract review forms. What do we have as far as internal department procedure to review contractors of good standing and what recourse do we have for contractors that are in current litigation that continue to bid our work?

Shapiro: Yes, sir.

Savage: Do we have any recourse? I don't know that. But then, these are questions, I think, we need to really pursue and try to make everyone accountable.

Shapiro: Yes, sir. And the intent was--on this one is, first off, I believe it would be in everybody's best--or it will benefit everybody if we presented to the CWG what our prequalification process is, because I don't believe we've done that yet, and we can go over some of the forms on how that works. And then look into some of these other items so--

Savage: And what we do during the project and how we grade them--

Shapiro: Yes, sir.

Savage: --and what feedback we have. And like you said too, the other item discussed earlier was the consultants.

Shapiro: Mm-hmm. Yes, sir.

Savage: And it may end up being the CCWG rather than just the Construction Working Group. But I think, again, the consultants would be part of our understanding from the Board members as to who is involved in what. And you guys know that better than we do. That's where the question was initiated at the T-Board meeting to determine how many categories we have and how many consultants we have.

Shapiro: Yes, sir.

Savage: And I know it's a large task, but it's going to be work in progress.

Shapiro: Yes, sir. And I envision these will be future Agenda items for future CWG meetings, and they involve a lot of people in this room. So we'll have to gather the troops, so to speak, and get everybody put together (inaudible).

Savage: And we can walk before we run. I mean, you know, the next meeting I think it going to be in November rather than December, because Controller Wallin had made comment that she will not be here in December.

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Shapiro: Okay.

Savage: And we can confirm that, Claudia. If she's still going to make December, that's fine. If not, we might want to move it to November, because she's termed out after December, so--

Shapiro: Mm-hmm.

Martin: Mm-hmm.

Savage: But with that being said, you know, you guys have a lot on your plate. We don't have to have all the Excel spreadsheets for all the consultants. I'm not asking that. If it happens the meeting following that, that's fine too. But I think it's something we have to work towards to get a better idea on what we're spending where.

Shapiro: Yes, Chairman Savage. Some of these items I don't know if--we're probably not going to be able to turn them around fast enough for a November meeting. We can certainly still talk about closeout status, and projects, and the five-year plan and some of these other kind of old business items for sure.

Savage: Maybe one out of the four, or two out of the four.

Martin: Yeah.

Shapiro: Hopefully, DB process because I'd like to get that one fixed--or not fixed, I mean addressed. Excuse me, Tracy. And I know FHWA would appreciate that, too.

Savage: Any other comments, Member Martin?

Martin: No, sir.

Savage: We'll move to Agenda Item No. 10-C.

Shapiro: 10-C, Chairman Savage, that's just some agendas from previous AGC meetings that we've had that we had put--in the past in the packet here. I know--I think it was both Lisa and Tracy have mentioned that we had one of these luncheons in Las Vegas for Southern Nevada. And I haven't seen any meeting notes yet, but I did put an agenda in for them. That's on Page 1. And then, of course, the last time we met with AGC up here, the agenda is

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in there starting on Page 2 of 17 through 17. So I don't know if the CWG has any questions or comments.

Savage: I don't. Member Martin, do you have any questions--

Martin: No, sir, I'm good.

Savage: --or comments? Okay. Any other comments or questions here in Carson City on 10-A, B or C? Las Vegas, any comments or Elko, any comments or questions?

Martini: None here.

Kevin: I did--I did have one comment on the eDocs, sort of what Martin was talking about. One of the suggestions that we discussed concerning eDocs was potentially having contractor-supplied hotspots on the project if you're in a remote location or maybe a material deposit. So those are still out there, at least the concepts of thinking about that. That's it. Thanks.

Savage: Thank you, Kevin.

Shapiro: And, Chairman Savage, that is one way we could do it is make it part of the contractor's scope of work, and they could provide the equipment for the project, so--

Savage: Okay. We'll move to Agenda Item No. 11, Briefing on the Status of Projects in Development.

Shapiro: Item 11, Chairman Savage, this is John Terry's item, so I'll turn it over to him.

Terry: Yeah, and I wasn't sure--again, John Terry, Assistant Director for Engineering. And I wasn't sure we were going to make this an ongoing effort. We had introduced this five-year plan. I don't think it was at the last meeting, I think it was the meeting before that. And maybe reestablish what its purpose is. I mean it's not to replace the STIP. The STIP is the, you know, the legal document by which we list projects. But this is really, essentially what our people are working on, in other words. So we know it's over-committed. It's more projects than we probably will have the money for in that year, but we need to over-commit by them now because stuff happens, and we have to have projects ready to go.

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So that being said, we've added to it quite a bit since earlier versions by adding on--we used to be able to keep it on front and back of one page, and those days are long gone. Because we've added traffic operations projects, hydraulic projects, landscape and esthetic projects to the list that we have, and then as the very last sort of attachment we've added kind of our district contracts on there as well. So it gives you kind of--we were hoping the snapshot would stay a little smaller than this. It's gotten many pages of what's kind of going out in this year or what we anticipate to be ready to go out in this year.

The other biggest change, and actually I looked on my iPad between the two meetings. After the Transportation Board, I saw we have a new five-year plan out. The big difference is we did not have our--the second section here is our 3R projects or our--basically our paving rehab projects across the state. We kind of knew what we thought were going to be the higher rated ones on our 3R program which covers the years '16, '17 and '18, and sort of plugged in ones in here. Well, the newest version that just came out today, is based on the approved 3R plan, and I believe that was approved like last week or the week before. So we have a group that goes out statewide and prioritizes rehab projects across the state, writes up a report, presents it to the front office, and we discuss it and modify it and then essentially approve it. And so that's been rolled in.

We're still working off the old 3R report. This new one is to move forward in years '16, '17 and '18. Is that correct?

Kaiser: Yeah, yeah.

Terry: Yeah. So the new version you will see, the only difference is going to be in those 3R projects. We filled them in with the actual projects, which the guesses weren't bad. They're pretty close. What else can I give you for information? Well, it kind of gives you a snapshot. If we wanted to pull in, you know, they talked at the board meeting, if this USA Parkway has to get accelerated, we don't have it constructed by 2018. Something's got to give for it to move in and it may, and we'll use this as well as our STIP process to find where's the best place to move it in and move forward on it. So with that, I'll answer any questions.

Savage: I didn't have any questions. I just had a comment of complimenting yourself and the staff to provide this five-year plan. I don't believe it's necessary to continue reviewing these five-year plans, in my opinion. I think that's an

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internal tool, but I appreciate you and your staff taking the time to (inaudible).

Martin: It's probably not bad to look at on an annual basis but, yeah, I agree. For every meeting (inaudible), you know, take a break.

Shapiro: Okay.

Savage: Okay. Let's look at Agenda Item No. 12, Briefing on Status of Projects under Construction, Project Closeout Status, section 12-A.

Shapiro: Okay. Chairman Savage, Jeff Shapiro again. Basically, this is our closeout status log that we've--and meeting minutes in 12-A that we've reported in the past. The only thing that's different is the very first page is a page that Rick Nelson started putting together for the Transportation Board, kind of a one-page summary. And we are planning on--actually, we've gotten some good feedback from both the contractors and the folks out in the field that this one-page summary helps them identify how many jobs they've got needing closeout and sometimes it helps speed up the process. So we will continue to publish this type of information. But other than that, I really don't have any formal presentation, so to speak, unless you had, you know, I'd be happy to answer any questions if I can.

Savage: So I think this is a good snapshot. I just had a question on trying to work through these arrows.

Martin: Mm-hmm. I think that means it's up or it's down--

Shapiro: Yes, sir, it does.

Martin: --from the last reporting period.

Shapiro: We can certainly change that to a different format. For, like the completed by the contractor, Granite Construction, shows a five--it says on the left-hand side, shows a five with an arrow up.

Savage: Five.

Shapiro: That means--in the left-hand column that--

Savage: So what are the numbers on the left?

Shapiro: That's the number of contracts that have been completed by the contractor. We can tailor this, and if this is not--

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- Savage: No, no. It's fine. I was just--
- Shapiro: --readily understood, we can certainly adjust it.
- Savage: It's the first time I've seen it, so I just had some questions about it.
- Shapiro: It's my understanding that the Board has been seeing this for a while. But it's my understanding, see, that Granite Construction it was--whatever happened last month was reported it was less than five and it's gone up.
- Savage: So Las Vegas Electric, zero contracts but it's gone down?
- Shapiro: It's gone--that would indicate to me that they had one and it's gone down, which we closed that one out.
- Savage: Don't have anything going?
- Shapiro: We've closed that one out, yeah.
- Savage: Yeah.
- Shapiro: But we can certainly--if this format's not working, we can certainly do something (inaudible).
- Savage: No, no. That's fine. And so Q&D has six contracts in progress.
- Shapiro: And there's been no change.
- Martin: They got six contracts completed. There's been no change--
- Shapiro: Been no change in the status, yeah.
- Martin: --(inaudible) closeout.
- Shapiro: Yeah.
- Savage: Okay.
- Martin: And you're right, I have been seeing this and--but I don't remember if the CWG or it was the T-Board, but I do remember seeing this previously.
- Shapiro: They--
- Martin: Actually, I think, Member Savage, that Rick handed this out at the last CWG meeting as a test document, if I remember correctly.

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Savage: It's a test of my memory--

Martin: Yeah.

Savage: --because I don't remember.

Shapiro: Member Martin, this is the first time it's actually been published in CWG.

Martin: I think Rick handed it to me and just said, "what do you think of this?"

Savage: Okay. So it's something we can work in--

Martin: Yeah.

Savage: --a work in progress. 12-B, the summary of the projects closed. Any comments or questions with 12-B?

Shapiro: Again, Chairman Savage, nothing really to present here. If CWG has any questions we'll try to answer them. But these are the contracts we've closed out in the last period.

Savage: So I had a question on 3542, the I-80 bridge repairs and maintenance, total amount over/under budget. Under \$2.9 million, 30%.

Shapiro: I'm going to defer to Sharon.

Foerschler: I don't know what document you're looking at.

Bosch: This document here.

Foerschler: Okay.

Savage: Oh, I'm sorry, we're in Attachment Number 12-B.

Foerschler: 3542.

Savage: It says, "NDOT construction contracts closed out."

Foerschler: Right.

Savage: May 2014 through August 2014. Starting from the bottom.

Foerschler: And your question on that one is?

Shapiro: That--

Savage: On page--

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- Shapiro: Sharon, we should go look at the agreement estimate because the original bid was \$1.3 million.
- Savage: Yeah.
- Foerschler: Right.
- Shapiro: The agreement estimate was \$4 million. I bet you we have a mathematical error in here. This is one of the--the agreement estimate is one of the numbers in the system that we can't pull out automatically. We have to hand-enter that one. So that does--that presents some challenges sometimes.
- Savage: Well, just looking at it from my nest, it's about \$3 million over budget, over the original bid. So just take a look at that if you would.
- Foerschler: That's a typo.
- Shapiro: Yeah, that's got to be a typo.
- Foerschler: We have spent on the project breakdown, if you go to Sheet 9 of 10 past that. The engineer's estimate was \$1.6. Bid price was \$1.3. Agreement estimate was \$1.4--
- Shapiro: What page are you on?
- Foerschler: --(inaudible) \$1.2.
- Shapiro: On the breakdown, what page?
- Foerschler: Page 9 of 10 for Item 12-B. So that's a typo on that. That should be--I'm not sure where that came from on that.
- Shapiro: I'm not sure. That's a typo because, yeah, on Page 9 it says \$1.2 million.
- Foerschler: On each project breakdown.
- Bosch: Switched around.
- Martin: Yeah, I see what you're saying now.
- Foerschler: \$1.4.
- Shapiro: Well, that's exactly the numbers. The 4 and the 1 got transposed. That's exactly what it is. That project should be 85% complete, not 30%.

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Savage: And it's a \$1.4 million job--

Shapiro: Right. Yes, sir.

Martin: Mm-hmm.

Savage: --rather than a \$4.1?

Shapiro: Yes, sir.

Foerschler: Yes.

Savage: Then on Contract 3327, Page 1 of 10 in the backup documents--

Foerschler: I knew that was coming. I got a whole stack here for that.

Savage: You might be able to answer it very quickly. So the contract was awarded in '07, completed in '09, and we close it out in 2014. What triggered the closeout? What was the secret?

Foerschler: Persistence.

Savage: Persistence.

Foerschler: Perseverance.

Savage: Five years.

Martin: Five years.

Savage: Good job, Sharon.

Foerschler: Rick and I are going to take co-ownership of this. We had some issues with the crew overseeing it and getting their documentation done. And we just kept on them and kept on them and finally gave them deadlines, which they finally were able to meet. So now it's closed out.

Savage: Okay.

Foerschler: Part of it was the contractor accepting the quantities at the end, so a little bit of back and forth at the very end. But, it did take an extraordinary amount of time.

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Savage: Good. Well, I thank you both for closing it out. You know, there's no perfect world in construction. I realize that. And I know Member Martin does as well. But we'll check this one off.

Bosch: Chairman Savage, this is Rick Bosch, Assistant District Engineer for District 2. I would just like to say, you know, we looked at some of these older jobs such as 3327. And Sharon and I actually met individually with all the resident engineers in District 2 to discuss some of the older projects that we needed to get closed out. So we were able to work through some of those issues with them and help them get their projects closed out. So, you know, we're hoping to continue down that same path in the future.

Savage: That's good. And, again, like Member Martin had mentioned in the last meeting minutes was that holding the contractor accountable for like the AS-BUILTS, you know, they're so--procedurally, I think the Department has to review who's handling what for closeout. And I think you can review it, understand it and define it and move on. But I'm just thinking of the AS-BUILTS as one classic example.

Martin: Yeah.

Bosch: Right. And there's often times that we are waiting for the contractor to supply information to us that enables us to get the projects closed out. So it's not always the resident engineer's fault, but a lot of times we are waiting on additional information from the contractor to help us get those jobs done.

Savage: Right. Thank you, Mr. Bosch. Thank you, Sharon. Member Martin, any questions?

Martin: No, sir, not at this time.

Savage: Okay. Moving on to Item 12-D, Status of Active Projects.

Shapiro: Okay. Chairman Savage, this is our spreadsheet we've produced for the CWG meetings, just of all of our active projects and how they're performing, so to speak. I don't know if the CWG has any specific questions. I'll try to answer them.

Savage: I don't have a specific question. I just have a general question as to whether or not, are the consultants engaged when the Department is in litigation?

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- Shapiro: I would agree with what Reid said about previous issues we've had on projects. If it's a consultant design, we do try to engage them to make sure that they're aware of any issues. Or if we've got a claim, we will send them copies of the claims, and then get their, you know, assistance in at least--in going through the claim, and going through the details and coming back with feedback as to what's--if it's legitimate or--
- Savage: Mm-hmm. Mm-hmm.
- Shapiro: --whatever their opinion is. So we do do that on all our consultant projects.
- Savage: I think that's important because, you know, the Department takes a lot of heat sometimes and I want the consultants to see the good, the bad and the ugly as well.
- Kaiser: Reid Kaiser. A good example of that is on Meadowood, a large portion of that claim is with the drill shafts. Well, that was consultant design. So that geotechnical engineer--the consultant gave us, you know, all the documents we needed, gave us his analysis and essentially told us what we needed to know to fight the contractor with that lawsuit--or that claim.
- Shapiro: Yeah.
- Shapiro: It's not a lawsuit.
- Shapiro: Or I shouldn't say, yeah.
- Martin: Okay.
- Shapiro: But--
- Savage: So as long as they're supporting the Department--
- Kaiser: Yes, they are.
- Savage: --we'll talk about that more in the next couple meetings.
- Shapiro: But as the engineer of record, we rely on them heavily to give us their opinion on these type of items when they do occur.
- Savage: And rightfully so.
- Shapiro: Yeah.
- Savage: That's what they're paid for.

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Martin: And I have a question along those lines, Reid. When you go to that engineer, do you get a bill for that? Do they consider that additional services?

Kaiser: I don't know. You know, on that job, you know, the materials doesn't usually deal with the consultant and the payment of it. We just get the information and go through it. So I couldn't answer that.

Terry: I can answer that. John Terry, Assistant Director. Almost all, or all of our consultant contracts we carry over into services during construction. Now, if we were to run into a clear error in the plans and asked them to correct it, we wouldn't pay--we'd say right up front, "we won't pay for your hours to do that." Most other tasks, though, that we ask them to do during construction we pay for them to do, because those are normal things like reviewing shop drawings and whatever. So if you get into a claims situation, you have to look at it as evaluating. If it's a clear error they've got to correct, we might tell them we're not going to pay for it. You know, there's a lot of gray areas whether it is or isn't. We might pay them for some of that until we get to the bottom of it. But we carry all consultants of record into the construction phase and we pay them for numerous tasks, but if it was a clear error we wouldn't pay for them to address.

Martin: Yeah, I'm used to that. In my world, it's called construction administration.

Terry: Well, we might have somebody else doing construction administration or we may do it ourselves in house, but we would still carry out our consultant for certain things, sort of, to protect the design or representative's design.

Shapiro: Well, respond to RFIs, to review shop drawings or false drawings, those types of issues.

Martin: Okay.

Savage: Okay. With that being said, any questions or comments from anybody on Items 12-A, B, C or D here in Carson City, Las Vegas or Elko?

Kevin: None in Elko.

Savage: We'll move to Agenda Item No. 13, Public Comment here in Carson City. Anybody here in Carson City would like to make a comment? No? Elko or Las Vegas, any public comment?

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- Martini: No one is here from the public.
- Kevin: As well here, nobody from the public. Thanks.
- Savage: Thank you very much Las Vegas and Elko. We'll move to Agenda Item No. 14. I'll take a motion for a closed session to receive information from counsel regarding potential or existing litigation.
- Martin: So moved, Mr. Chairman.
- Savage: I'll second. The meeting is closed at this time.
- [Closed Session begins]
- Martin: Can I make a motion to adjourn, Mr. Chairman?
- Savage: Are we live?
- Menzel: Yes, we're good.
- Martin: I make a motion we adjourn.
- Savage: I'll second that motion.
- Martin: All in favor?
- Savage: Aye.
- Martin: Aye.
- Savage: Meeting adjourned. Thank you, everyone.
- Martini: Just for future reference, when you were saying that we were live, it was never streaming. That was part of the problem. We didn't know you had restarted because we were checking the streaming. And it was not streaming.



Representative