



Department of Transportation
Board of Directors
Notice of Public Meeting
1263 South Stewart Street
Third Floor Conference Room
Carson City, Nevada
January 13, 2014 – 9:00 a.m.

AGENDA

1. Presentation of Retirement Plaques to 25+ Year Employees – *Informational item only.*
2. Presentation of Awards – *Informational item only.*
3. Receive Director's Report – *Informational item only.*
4. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
5. December 9, 2013 Nevada Department of Transportation Board of Directors Meeting Minutes – *For possible action.*
6. Presentation Regarding the Inter-local Agreement with the University Nevada Las Vegas (UNLV) for the Nevada Department of Transportation (NDOT's) Implementation of Oracle Business Intelligence – *Informational item only.*
7. Receive a Report on the Status of Project NEON – *Informational item only.*
8. Consideration of Resolution Requesting the State Board of Finance to Issue Highway Revenue Bonds – *For possible action.*
9. Approval of Contracts over \$5,000,000 – *For possible action.*
10. Approval of Agreements over \$300,000 – *For possible action.*
11. Contracts, Agreements, and Settlements – *Informational item only.*
12. Direct Sale – *For possible action.*

Disposal of NDOT property located along a portion of SR-578 (West Washington Avenue) at "A" Street in Clark County, NV SUR 12-03
13. Approval of Amendments and Administrative Modifications to the FFY 2012 – 2015 Statewide Transportation Improvement Program (STIP) – *For possible action.*
14. Possible Acceptance of the FY 2013 Performance Management Report – *For possible action.*
15. Update on NDOT Safety Efforts – *Informational item only.*
 - a. SR 160 Blue Diamond Safety Concerns
 - b. Overview of the US-50 Road Safety Audit Results

16. Old Business
 - a. Report of Outside Counsel Costs on Open Matters – *Informational item only.*
 - b. Monthly Litigation Report – *Informational item only.*
 - c. Fatality Report dated December 31, 2013 – *Informational item only.*
17. Public Comment – limited to no more than three (3) minutes. The public may comment on Agenda items prior to action by submitting a request to speak to the Chairman before the Meeting begins. *Informational item only.*
18. Adjournment – *For possible action.*

Notes:

- Items on the agenda may be taken out of order.
- The Board may combine two or more agenda items for consideration
- The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to the Department of Transportation at (775) 888-7440.
- This meeting is also expected to be available via video-conferencing, but is at least available via teleconferencing, at the Nevada Department of Transportation District One Office located at 123 East Washington, Las Vegas, Nevada in the Conference Room and at the District III Office located at 1951 Idaho Street, Elko, Nevada.
- Copies of non-confidential supporting materials provided to the Board are available upon request.
- Request for such supporting materials should be made to Holli Stocks at (775) 888-7440 or hstocks@dot.state.nv.us. Such supporting material is available at 1263 South Stewart Street, Carson City, Nevada 89712 and if available on-line, at www.nevadadot.com.

This agenda was posted at www.nevadadot.com and at the following locations:

Nevada Dept. of Transportation
1263 South Stewart Street
Carson City, Nevada

Nevada Dept. of Transportation
123 East Washington
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Nevada Dept. of Transportation
310 Galletti Way
Sparks, Nevada

Nevada Dept. of Transportation
1951 Idaho Street
Elko, Nevada

Governor's Office
Capitol Building
Carson City, Nevada

Clark County
200 Lewis Avenue
Las Vegas, Nevada



1263 South Stewart Street
Carson City, Nevada 89712
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MEMORANDUM

December 26, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014, Transportation Board of Directors Meeting
ITEM #2: Presentation of Awards – Informational Item Only

Summary:

This item is to recognize the Department of Transportation and staff for awards and recognition received.

Background:

Virginia City Streetscape Enhancement Project & Visitors/Welcome Center

**American Planning Association, NV Chapter Deboer Award for Excellence in Planning –
*Outstanding Plan***

Builders Association of Northern NV Outdoor Lifestyle Award - *Public Project*

NDOT administers many federal transportation grants that not only improve transportation, but enhance communities and tourism. One such project, the Virginia City Streetscape Enhancement Project and Visitors/Welcome Center, was recognized with two distinct awards for enhancing one of Nevada's premier historic and tourism destinations. The project adorned Virginia City's C Street with historical gas lamps and section of new wooden walkway and included new restrooms and visitor attractions to enhance the visitor and residential experience of the historic mining town. The American Planning Association Awards recognized the project for exemplifying "the best efforts of the planning community to affect the Silver State in a positive way." The national American Planning Association subsequently named Virginia's City's C Street as a "Top 10 Great Street" in the nation.

Recommendation for Board Action:

This is an informational item only.

Attachments:

None

Prepared by:

Meg Ragonese, Public Information Officer

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Governor Brian Sandoval
Lt. Governor Brian Krolicki
Attorney General Catherine Cortez Masto
Controller Kim Wallin
Frank Martin
Len Savage
Tom Fransway
Rudy Malfabon
Bill Hoffman
Dennis Gallagher

Sandoval: Good morning, everyone. I will call the Department of Transportation Board of Directors Meeting to order. I understand that Member Fransway is participating telephonically. No? He hasn't called in yet. All right. We'll commence with Agenda No. 1, which is to receive the Director's Report. I understand the Director is going to be making his presentation from Las Vegas.

Malfabon: Yes, Governor. Thank you. I'm down here in Las Vegas. It's not as chilly as up there, but it is cold for Las Vegas. And the reason that I'm down here, Governor and Board members, is to -- later this afternoon we will have our IFC work program request related to Project NEON and the \$100 million of bonds that will be issued to purchase right-of-way on that project. So I'll be able to attend in person for that important presentation.

On the federal level, attended a transit summit in Reno last week. And Senator Reid spoke at that summit, and he mentioned some things that were worth mentioning here. They have negotiations on the budget going on currently between Congressman Ryan and Senator Murray. And they're getting close to having a deal on the budget for some of those issues that have been affecting transportation as well. One of the big dates that's coming up is January 15th as far as the debt ceiling limit, when that issue comes up, so hopefully they get this budget deal worked out before that so we don't have another shutdown.

One other thing that's worth mentioning that the Senator said was that earmarks which are currently not allowed by Congress may return again. They might call it something different, but currently some of that

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discretionary money is available to the administration, so the USDOT Secretary of Transportation kind of doles out some of that as grant funds. And what Congress would like to see is that returned back to their opportunity for earmarking certain dollars toward real projects in their home states. We definitely, because of some of the benefits that we've received over the years, like to see that return.

Moving on, Governor and Board members, on I-11 you'll see a list of stakeholders that we provided in the old business item of today's packet. But we continued having communications with other stakeholders and with other states on I-11, and we'll have Sandra Rosenberg sometime in the first quarter of next year kind of give another update on how that I-11 study is going. It's jointly funded by ADOT and NDOT.

I mentioned Project NEON, one of the things that I also wanted to mention about that project is that our TIFIA request, that's a federal loan program. We wrote basically a letter of intent to the program, and now we're entering our second stage of that TIFIA loan program. This TIFIA loan will actually be taken out by the private partner, but NDOT starts the process. So we're pleased to report that we're entering the second stage of that. And it will require us to do something like a Fitz Rating on this funding scenario using TIFIA for the project.

Sandoval: Before you move on, Director, I just wanted for the record that Member Fransway is on his cell phone participating in the meeting. Member Fransway, can you hear us loud and clear? We can hear him, but I don't know if he can hear us. Tom, can you hear us? Rudy, will you ask him if he can hear from Southern Nevada?

Malfabon: Okay. Member Fransway, can you hear us?

Fransway: Hello, Governor.

Sandoval: All right.

Krolicki: It's really cold in Winnemucca.

Sandoval: Yeah. Hey, Tom, we have a bit of a delay here. But can you hear us loud and clear?

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- Fransway: I don't know how loud, but fairly clear, Governor. It's 26 below in Winnemucca this morning.
- Sandoval: Wow. Well, you got us for sure. All right. At any time that you can't hear any part of the presentation, please let us know.
- Fransway: Okay. Thank you.
- Sandoval: Stay warm. Rudy, will you proceed, please?
- Malfabon: Thank you, Governor. I'll stop complaining about the 36 degrees down here. And continuing on with Project NEON, last week we had a public meeting that was well attended by the public. And comments in the media reports were very positive, but wanted to mention that one of the key points that was made was that the property owners are relieved that the project is going forward. They're relieved to know that NDOT is going to be doing what it needs to do to acquire their property, relocate businesses and such. So we've been doing a little bit under Phase 1, but as Phase 3 and 4 advance, it's really critical that we do receive that IFC approval this afternoon to proceed.
- Sandoval: Rudy, may I ask a question? Is there any confusion out there as to which parcels are going to be purchased and which are not?
- Malfabon: There shouldn't be, Governor. As we contact the property owners, we let them know what we're going to be acquiring. So recently in the last about a month or so we established what we are acquiring for Phases 3 and 4. We did have some discussion about whether we would take a partial take on a property or take the full take if a later stage of NEON was going to take their property. And we decided it's best to just take it all at one time if it makes sense. So the property owner should know as we contact them specifically what we are asking for as far as relocations as well as property takes.
- Sandoval: And I ask that question only because I've gotten some communication that there was some confusion as to the status of some of those parcels and whether they were going to be purchased or not. And so it left an individual or individuals wondering what was going to happen.
- Malfabon: Yes, Governor. As I said, we did have what's called a right-of-way setting which was approved by our Chief Engineer, Assistant Director for

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Engineering, John Terry. So that was fairly recent, so it could've been a couple of months ago they were uncertain. But after that right-of-way is set, they'll know for certain what we're going to acquire.

Fransway: Governor, can I butt in?

Sandoval: You may. Go ahead, Tom.

Malfabon: Go ahead, Member Fransway.

Fransway: Yeah, I'm -- just to let you know, I hear the Director fine, but I'm having a problem hearing the Board.

Sandoval: Okay. Tom, can you hear us now?

Fransway: Better, yes.

Sandoval: All right. It's just a volume issue.

Fransway: Okay. Thank you.

Sandoval: All right. Go ahead with your questions, Tom.

Fransway: No question.

Sandoval: Oh, all right. Mr. Director, please proceed.

Malfabon: Thank you, Governor. Another thing to note, Board members, is that we recently had a pedestrian fatality on Blue Diamond Road. The Director -- I'm sorry, the Division Chief for Safety Division at NDOT is going to join me at a neighborhood meeting tonight to discuss this. I had a conversation with the Clark County Public Works Director, Denis Cederburg, about this. It's in the area between Buffalo and Durango have traffic signals on Blue Diamond Road. And this young woman had tried to cross an unsignalized intersection at Cimarron on Blue Diamond Road. And she was struck and unfortunately was killed in this accident.

We understand also that there was a fatality further up the road at El Capitan this last weekend, so traffic safety is a huge issue on this corridor. It's high speed, a lot of development has occurred over the year, so a lot of folks turning out of the side streets and trying to make left turns.

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So we're proceeding with doing a study on whether a signal is recommended at this corner of Cimarron -- the intersection of Cimarron and Blue Diamond. So we'll report back to the Board as far as some of the actions that we will take to improve traffic safety on Blue Diamond Road at the next Board meeting.

Along the same vein of traffic fatalities, I reported last month about the work zone fatalities that occurred on that project and on I-80 in District 3. What we found out was that the traffic was stopped, the driver of the car involved in the accident or in the crash veered off to the right and that's when she struck the workers that were working on sealing the concrete pavement. So it's really an issue of driver inattentiveness. But what we've directed our Safety Division to look at is what countermeasures can we include in our construction projects so that we can avoid these types of fatalities.

And in this case it was a moving operation, probably would look at a device that's known as a truck mounted impact continuator, so that could follow with the workers as they move down the road. But we're also going to consider any kind of positive barriers. There's a type of barrier system that's mounted on wheels that can be moved quite quickly, and then kind of set in place, and it would protect workers. There's also what's called intrusion alert systems that set off kind of a siren or a warning if somebody gets into that work zone. And it allows the workers to get off the road or get out of the way of a vehicle that shouldn't be in that work zone. It triggers that system.

So we are looking at alternatives to try to improve traffic safety on our construction projects. And some measures we can put in place very quickly. We just have to look at where it makes sense to include those as bid items that the contractor would provide on the contract.

Fransway: Governor, it's Tom.

Sandoval: Go ahead, Tom.

Fransway: Just something that came to mind that may or may not be warranted, and probably wouldn't be real expensive, is to add some signage to the current speed limit signs in the construction zones that say that it's 55 miles an hour, for instance, strictly enforced. And that may or may not have an impact on

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people. It certainly would me. Anyway, I just wondered if that may be a suggestion.

Sandoval: Rudy, do we have that signage, do you know, where it says fines doubled and strictly enforced, those types of items?

Malfabon: We do. In advance of work zones, Governor, we have the double fine signing as a standard inclusion in our work zone traffic control devices.

Sandoval: And then I've seen historically signage as you're a few miles out warning that there's a construction zone ahead and that things -- the speed limit will be reduced. Was that signage there as well?

Malfabon: Yes, it was, Governor. In this case, the driver was simply not paying attention. And as I mentioned, there was a whole group of vehicles in that lane that were paying attention that were stopped for the construction. And the driver was not paying attention and that's what caused the crash.

Sandoval: Tom, does that satisfy your question?

Fransway: Yes. I am aware of the double penalty that it's strictly enforced. If there's a method to let them know that we will enforce it, then that might help, but it might just be what's already there may be the best we could do.

Malfabon: Thank you. Continuing on, Governor and Board members, the RTC of Southern Nevada has invited NDOT to participate in a tour of the Phoenix Metro area to look at their light rail system. The RTC is looking at what opportunities there are for mass transit in Las Vegas, working in concert with the Convention and Visitors Authority and business owners down here. It's going to be a possibility of looking at bus rapid transit routes or light rail system to address some of the issues, not only with tourism, but moving folks that desire mass transit around in the city in Las Vegas. So we appreciate their offer to host that tour.

I wanted to also mention just a thanks for the district maintenance folks that really worked hard in all parts of the state that had these storms go through the last few weeks. Our maintenance folks really worked hard to keep the roads passable all hours of the day, on the weekends. It was quite a storm that hit this last weekend. And we did have our tow plows out there operating on the interstate. District 2 had their tow plow operating for I believe the first time recently as well. And those seem to be working

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efficiently and allowing us to plow more snow at one time with one operator operating those tow plows. But just a shout out to those maintenance folks that really worked hard. I know that, Governor, you're aware of that issue and that event in Ely when there was folks kind of stranded on the road when there was a lot of snow. And our maintenance folks and highway patrol troopers took care of that situation and got those people out safely after some time of delay.

Governor: You know, and I appreciate, Mr. Director, your bringing that up because there were 50 to 60 people or vehicles that were stranded, I believe, it was between Ely and Pioche, and they had no way to get out. In fact, the weather was so extreme that they had to use snow mobiles to get to those people to bring them gasoline so that they could keep their cars on and keep themselves warm. So the combination of public safety and NDOT made a tremendous difference. And, you know, I don't know the specific individuals that were involved, but I know that I can speak for the entire Board when I convey my appreciation and thanks for their going out in the most extreme conditions possible and making sure that all those people were safe. And to a person, no one was harmed, they all got out safely and it worked out extremely well given the circumstances. So I appreciate your bringing that up.

And also just as a side comment, I was out by Gabbs yesterday and there were a couple NDOT trucks out there. And the roads were perfect. And so I don't know who the crews were that were out there, but those roads even in the most remote places in Nevada were clear. And it's very important to those commuters who live in Gabbs or maybe Ione or even Berlin, for those state employees who have to go to the state Ichthyosaur park or the ghost town there who are employed out there are able to get in and out of their safely. So I think that the NDOT crew should be commended for their hard work and doing such a great job.

Malfabon: Thank you, Governor. And I would like to apologize for not being there in person for this, but we wanted to thank the Attorney General for her seven years of serving on the Transportation Board. In appreciation we wanted to acknowledge that done some great work for us. We thank you for your support, Madam Attorney General, and wanted to present you with a little token of our appreciation in the form of a plaque and a mounted photograph of one of the important projects that you helped deliver during your tenure,

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and that was the Hoover Dam bypass bridge. So with that, if possible, Governor, I just would appreciate it if the Attorney General could say a few words. And really we'll miss you and we wish you the best in your final year as Attorney General.

Cortez Masto: Thank you. Thank you. First of all, this is incredible. You know, it's been an honor to be on this Board, Rudy, and to all of the NDOT employees here. You know, I have, believe it or not, worked with the Department of Transportation since I worked with Governor Miller, and have worked with many of the directors, many of the employees. I've always been so impressed with the professionalism and the output in the work that is done by the Department of Transportation. It is incredible. I think quite honestly a lot of people across the state do not realize everything that goes into the day to day work that you do protecting our highways and byways and the bridges. And I want to thank you for the opportunity to actually be able to sit on this Board and get to know all of you, participate with you, learn from you. It's been an incredible experience. I will miss it. However, I will have my attorneys still keeping me up to date in what's going on, keeping you guys in line.

And let me just say, because I think it's been public the individual who's going to replace me, correct, Governor? So Tom Skancke is going to be an incredible asset to this Board. I've known Tom for a number of years. I know him not only personally but professionally in what he has done across this country with respect to transportation issues. And he will be a positive asset. So thank you for this incredible photograph. I've been trying to get a photograph of this for -- and so now I know what you have to do, you have to actually leave the Board to get the photograph. But thank you. It's been fantastic, and I will enjoy watching you guys in the future and then working with you through my attorneys. Thank you, Rudy.

Malfabon: Thank you, Madam Attorney General.

Sandoval: And if I may, I also wanted to personally thank the Attorney General for her distinguished service to this Board, as well as the state. I know that your input has always been extremely valuable and has made a huge difference with regard to, you know, the direction of this Board. It's a lot of years of committed service and I know that you've always been very focused on insuring that we have the best transportation infrastructure in the country. So I thank you for everything that you've done. You're very welcome.

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- Malfabon: We have one last announcement and then I'll conclude the Director's Report. Keeping in line with the -- oh, you're going to do the photo. Sorry.
- Fransway: (Inaudible) Winnemucca. I'm having some trouble hearing the Board. I hear Rudy just fine. Okay. Thank you. Bye.
- Sandoval: All right, Rudy. Go ahead.
- Malfabon: Okay, Governor. So this is -- the last bit was in the theme of being the end of an era, we wanted to announce that someone else is going to be leaving next -- at the end of January of '14, Scott Magruder, our PIO, is going to be retiring. So we'll definitely have a sendoff for him, but just wanted to mention that too that we're going to miss him.
- Sandoval: He's an institution. How many years has he been here? Do you know how many years of service Scott has?
- Malfabon: I think that he's...
- Sandoval: I can't believe he's not even here today either.
- Unidentified Male: I believe it's...
- Unidentified Male: It's 27 years, Governor.
- Malfabon: Yes, he bought a few years of time, but we're going to miss him and his sense of humor. And that concludes the Director's Report.
- Sandoval: Thank you, Mr. Director. Any questions from Board members? Then let's move on to Agenda Item No. 2, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Any member of the public in Las Vegas that would like to provide comment to the Board?
- Malfabon: None here, Governor. I would like to acknowledge that Assemblywoman Irene Bustamante Adams is present here for a later item.
- Sandoval: All right. Then we'll move on to Agenda No. 3, November 13, 2013 NDOT meeting minutes. Have the members had an opportunity to review the minutes, and are there any changes? If there are none, the...
- Krolicki: Governor, I'm sorry.

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- Sandoval: Oh, go ahead.
- Krolicki: Governor, I just have one. On page 37, my second set of comments, instead of diffuse bonds, if we can change that word to defease D-E-F-E-A-S-E. It means to pre-refund escrow monies. So we're defeasing bonds. Only that change, Governor. But there are no other comments or edits. I would move for approval of these minutes with that one change, please.
- Sandoval: The Lieutenant Governor has made a motion to approve the minutes with the change of Page 37 of diffuse to defease. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Any questions or comments on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We will move on to Agenda Item No. 4, Approval of Contracts Over \$5 million.
- Malfabon: Thank you, Governor. Assistant Director Administration Robert Nellis will cover this item.
- Nellis: Governor, members of Board, good morning. We have on contract under Attachment A on Page 3 of 13 for your consideration. This project is a slope flattening and construction of passing lanes on U.S. 95 north of Winnemucca, from 1.4 miles south of the junction of State Route 795 to 1.5 miles north of State Route 140 in Humboldt County. The Director recommends awarding the contract to Granite Construction Company in the amount of \$7,616,616. Does the Board have any questions?
- Sandoval: Questions from Board members? If there are no -- and does that complete your presentation?
- Nellis: Yes, sir.
- Sandoval: All right. If there are no questions, then the Chair will accept a motion for approval of the contract as described in Agenda Item No. 4 with Granite Construction Company in the amount of \$7,616,616.
- Fransway: So moved.

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- Sandoval: I thought that was appropriate that you make that motion, Tom, given it's a Humboldt County project. So we have a motion for approval by Member Fransway. Is there a second?
- Wallin: Second.
- Sandoval: Second by Madam Controller. Any questions or comments on the motion? All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We'll move on -- does that complete Agenda Item No. 4?
- Nellis: Yes, sir.
- Sandoval: All right. We'll move on to Agenda No. 5, Approval of Agreements Over \$300,000.
- Nellis: Thank you, Governor. There's one agreement under Attachment A on Page 3 of 6. This is for outside legal counsel to represent and advise the Department in the Project NEON imminent domain condemnation matter. This is with Chapman Law Firm in the amount of \$453,650. Does the Board have any questions for us on this item?
- Sandoval: My only question, are we within schedule in terms of the attorneys' fees that we've paid? Do you follow me? I mean, have we paid this out faster than we thought we were? Or is there going to be more money associated with legal fees with this project?
- Nellis: Dennis, would you like to take that one?
- Gallagher: For the record, Dennis Gallagher, Chief Counsel from the Attorney General's Office. Governor, we anticipated NEON a number of matters that'll come before the Board for condemnation due to the large number of commercial and industrial properties that may be affected. We're preparing an overall budget depending on what the IFC may do later today, as to whether or not the project is accelerated. This is a not to exceed contract, and as they all will be, and on this particular one it is a bit higher given the nature of this particular property. We're dealing not only with the property owner, a bankruptcy, a number of tenants, and so this one may be a little

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more expensive than some of the others that you may be seeing in the upcoming months.

Sandoval: And when you say not to exceed, what if this goes crazy and...

Gallagher: Then we'll be back before the Board asking for increased contracting amounts as we've regrettably had to do on some in the past. But hopefully you're going to see these contracts once and that we won't be back seeking an amendment. But I suspect there may be one or two that get to be very hotly contested and we'll incur significant legal fees. However, I should add too that the Department working with (inaudible) partners will be submitting a number of these contracts for federal participation.

Sandoval: I just want a little clarity because when we say not to exceed, that's just this amount here.

Gallagher: Yes.

Sandoval: It's possible that this law firm could come back and seek additional monies in the event that the fees and costs exceed this amount.

Gallagher: That is correct, Governor:

Sandoval: Any other questions from Board members? If there are none, the Chair will accept a motion for approval of the agreement with the Chapman Law Firm as described in Agenda Item No. 5.

Wallin: Move to approve.

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

Cortez Masto: Second.

Sandoval: Second by the Attorney General. Any questions or discussion on the motion? All in favor say aye.

Group: Aye.

Sandoval: Opposed no? Motion passes unanimously. Thank you very much. We will move on to Agenda Item No. 6, Contracts, Agreements and Settlements.

Nellis: Thank you, Governor. There is one contract under Attachment A on Page 4 of 8 for the Board's information. This project is to install intersection safety

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improvements including solar flashing stop beacons, transverse rumble strips and advance stop ahead signs on various intersections throughout District 2. The Director awarded the contract on November 8, 2013 to Diversified Striping Systems in the amount of \$479,629.79. Does the Board have any questions on this item for us?

- Sandoval: There are no questions. Please proceed.
- Nellis: Thank you, Governor. There are 26 executed agreements under Attachment B starting on Page 6 and ending on Page 8 for the Board's information. Most of these are right-of-way access agreements. Does the Board have any questions on any of these 26 items for us?
- Sandoval: Member Savage and then the Lieutenant Governor. Member Savage.
- Savage: Thank you, Governor. Robert, on Item 24 for HDR Engineering I noticed the time extension through 12/31/18. Can you tell me what the Department has expended to date dollar-wise for that \$3.8 million number?
- Nellis: Certainly. Allow the Assistant Director John Terry to answer that. Thank you.
- Terry: I apologize. We'll have to follow-up with an exact amount, but I know we are still well under the 3 million amount not to exceed, but I can follow-up with more exact amount. So this is an agreement that's been going on for years, involves bridge design and other aspects. I can follow-up with the exact amount expended, but I don't think anybody here knows it right off the top.
- Savage: Thank you, Mr. Terry. I understand the concept. I was just curious about the actual amount.
- Terry: We'll follow-up with that.
- Savage: Thank you, Governor.
- Sandoval: Mr. Lieutenant Governor.
- Krolicki: Thank you. And that Contract 24 goes out to 2018, just for that duration the pricing seemed fair. But I'm sure he did marvelous work and I have no challenge. It just seemed to be a high number. On Item 26, the very last item, you know, for someone serving as an expert witness in a

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condemnation case, I just -- \$70,000 just seemed a lot to me. Could you just explain the scope of that, to get up to that kind of a number, please.

Gallagher: Yeah. Yes. Again, for the record, Dennis Gallagher, counsel for the Board. This figure is somewhat higher. The engagement deals with the Railroad Pass Casino that is being impacted by the Boulder City Bypass. The particular analysis will go to the claimed lost revenues that the property owner is claiming due to the project and the changes of ingress and egress. Since it's an ongoing casino operation, it's a little bit more complicated than other businesses that we've dealt with. The contract will cover both the financial and valuation analysis as to the potential impacts that the project will have on this property, including potential of lost revenue. This fee includes not only the written report which will be prepared and shared with the landowner as part of the litigation process, but also anticipates that the individual will be required to testify in court. And typically in these contracts the individual have two rates, one for writing the report and two for testifying. Again, Lieutenant Governor, as the previous contract, this is a not to exceed dollar amount. We hope that we won't need to expend anywhere near this.

Krolicki: And how is that rate built into not to exceed; on an hourly basis?

Gallagher: Yes, Lieutenant Governor. These are hourly basis for what it takes them to prepare the written report, and an hourly basis for preparing for witness -- as a witness and testifying.

Krolicki: Okay. Thank you.

Gallagher: You're welcome.

Sandoval: Any other questions with regard to Agenda Item No. 6? This is an informational item. If there are no questions, we'll move on.

Nellis: Okay, Governor. That concludes the items under Agenda Item No. 6.

Sandoval: Thank you very much. Agenda Item No. 7, Public Auction, which disposal of NDOT owned underground water rights located within the former Dry Lake Rest Area in Clark County, Nevada.

Malfabon: Thank you, Governor. The Dry Lake Rest Area is no longer in existence, and we wanted to basically auction off or sell off the water rights associated

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with that former rest area. As the Board will recall, we actually are doing a project in this area of I-15. You approved the construction project, but this is an unrelated matter associated with selling off the water rights.

Sandoval: Thank you, Mr. Director. I thought there was a bit of an irony in this Agenda item given it was the Dry Lake Rest Area and that we had still water rights. But the estimated fair market value is \$19,500?

Malfabon: That is correct.

Sandoval: All right. Board members, any questions with regard to this Agenda item?

Fransway: Question, Governor.

Sandoval: Yes, Member Fransway.

Fransway: Okay. Thank you, Governor. I'm just wondering if -- there must be a well head and underground well, and I assume that there's power and probably a pump in the hole. And I'm wondering if those improvements and personal property were included in the \$19,500 appraisal.

Malfabon: Governor, I think our Right-of-Way Chief might be there to respond, but I believe that when we -- I think that we still have to abandon the well, so we pull out the pump and cap it with concrete. I'm not sure that we -- that remains in place. Paul?

Saucedo: Yes, thank you. Paul Saucedo, Chief Right-of-Way Agent for the record. Yes, Board Member Fransway, that well will have to be capped and removed. So the improvements actually don't have any value in place.

Fransway: Okay.

Saucedo: Okay.

Fransway: So I assume that there's power to it obviously.

Saucedo: Yes, sir.

Fransway: Okay. You answered my question. Thank you.

Malfabon: And just for the record, this is Rudy Malfabon, that was Paul Saucedo, our Chief Right-of-Way Agent for the minutes.

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- Sandoval: Any further questions from Board members? If there are none, the Chair will accept a motion to approve the public auction as described in Agenda item No. 7.
- Savage: So move.
- Sandoval: Member Savage has moved for approval. Is there a second?
- Martin: Second.
- Sandoval: Second by Member Martin. Any questions or discussion on the motion? All in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We'll move on to Agenda Item No. 8, Direct Sale, disposal of NDOT property located along a portion of State Route 160 east of Cameron Street in Clark County, Nevada.
- Malfabon: Yes, Governor, when we widened Blue Diamond Road, we acquired this parcel in 2005. And we received a request in February from the adjacent property owners to consider declaring this property a surplus. We've appraised the fair market value at \$330,000, and this is before the Board for approving disposal of this property.
- Sandoval: And the purchaser or purchasers have agreed to pay the \$330,000?
- Malfabon: Paul Saucedo, could you respond to that?
- Saucedo: Yes, Paul Saucedo, Chief Right-of-Way Agent for the record. Yes, Governor, that's true. They have. They have signed a tentative agreement.
- Sandoval: All right. I just -- and I don't mean this in jest, but it's nice to see that somebody agrees with our appraisal amount.
- Saucedo: Yes, sir.
- Sandoval: All right. Any other questions from Board members? Okay. If there are no questions, the Chair will accept a motion for approval of the direct sale of the NDOT property as described in Agenda No. 8 in the sum of \$330,000.
- Wallin: Move to approve.
- Sandoval: Madam Controller has moved to approve. Is there a second?

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- Krolicki: Second.
- Sandoval: Second by the Lieutenant Governor. Any questions or discussion regarding the motion? All in favor please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We'll move on to Agenda Item No. 9, Update on Vehicle Miles Traveled and Consideration of Request to Join the Western Road Usage Charge Consortium.
- Malfabon: Thank you, Governor. Last month during the Board meeting in the Director's Report I reported about this opportunity that we wanted to join this consortium. And we wanted to bring it before the Board for your consideration. Our Director of Performance Management Division, Aladdin Khan, is going to present this item.
- Khan: Good morning, Governor and Board members. I thank you for the opportunity to provide you information on this item. I will just start with the quick update on the West Coast Coalition. They're calling it the consortium basically. So what is this consortium? This is primarily a voluntary pooled funded study. That is we bring information from this Coalition members and not necessarily -- it does not really focus on -- or actually we're not obligated in any way or shape or form to follow whatever other states are doing. Every member state is basically free to continue their own studies in whatever shape or form they feel is good for their state.
- The current membership -- this effort was started actually a year and a half ago by Washington and Oregon primarily. We were also part of the discussions with them, but not as actual members. As of now there are four members primarily, and we could be one of them, that would be five total. California, Texas, Washington and Oregon. The focus right now is on the West Coast members, and eventually it might grow, but right now this is just a West Coast effort.
- On November 13 the Oregon DOT had a meeting which was attended by 17 DOTs. Those DOTs are in addition to the member actually. There was Idaho, Utah, Florida, Minnesota, Colorado and 10 other DOTs. Most of them showed significant interest in continuing this effort to find a solution to the funding problem that we have today.

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What are some of the key benefits of this Coalition? Primarily we are looking at achieving economies of scale and leveraging the limited dollars that the members can contribute to get answers to some of the questions out of (inaudible) interest. Another key important element is information sharing and lessons learned from the Coalition.

We will share policy discussions and experiences among members, but obviously there will be no obligation on any of the member states to follow direction from the Coalition. And this will give us a voice in the national debate because there is a lot of discussion going on. Senator Blumen (sp?), he is actually right now proposing a bill to consider VMT as one of -- funding for the VMT in the next transportation bill to finally charter funding mechanism.

The administrative structure of this Coalition is there is a board of directors leading the effort, and there's steering committee of (inaudible) state designee, a working group and there may be some consultants helping with that effort. And they develop a work plan and then continue to get answers to some of the questions.

The budget for this Coalition is 25,000 per state. A majority of that money will go to the travel costs and meetings. There will be four quarterly meetings and one annual meeting. And there will be limited dollars remaining, around 72,000, 71,000 for research on a limited scale. The cost breakdown of those 25,000 is shown here. It goes to meeting room rental, coffee, lunches and travel reimbursement for one staff for those four meetings.

Do we have any other (inaudible) studies right now? Yes, we do. There are currently nine. Of them, the NCHRP is the National Cooperative Highway Research Program. That's the biggest one. It's almost close to \$4,000. And then we have eight other (inaudible) studies. So this could be one of those additional (inaudible) study there.

As I mentioned, this Coalition participation, this Coalition, does not obligate any of the members (inaudible) policy of other implementation aspects. Members are free to determine how they wish to implement road usage, charging systems or the mechanism that work best with it for their state. And it's voluntary participation.

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The current status of this, NDOT had -- we had shown some interest to join the Coalition, but we haven't signed any documents, papers or agreements with the Coalition. And that's all I have, if you have any questions.

Sandoval: Questions from Board members?

Martin: I have one, sir.

Sandoval: Yes, Member Martin.

Martin: The existing NDOT or the pooled fund studies, you list out nine other organizations. Are we a member of any of those organizations?

Khan: Actually I don't have the answer for that. I got this from the Research Division, but we can get you the information after this meeting.

Sandoval: I mean, that's a good question, because from reviewing the minutes, I mean, part of the point of bringing this item on the Agenda was that the our participation in consortiums with regard to VMT I was hoping would be a Board decision and not an executive decision. And I wasn't aware that we were already participating in nine others.

Malfabon: And I could clarify that, Governor. This is Director Malfabon. Those pooled fund studies are funded through the research program, so it's normal for the research program to participate in these kinds of studies so that -- we get requests from NCHRP and from AASHTO, the organization of all the state DOTs, to kind of pull our research funds into these kinds of efforts. This is unique for this VMT study because it's a consortium of states that are focused on a particular issue, whereas those are more related to the research program at a national level.

Sandoval: Well, perhaps I'm anticipating Member Martin's question, but if we're already involved in nine, why do we need a tenth?

Malfabon: Governor, it is -- as Mr. Khan had mentioned, it is an issue that we are doing our own study on, but we feel that it's beneficial for the state for the cost that is significant, but we believe that we're going to get a lot of benefit out of participating in the Oregon consortium to see what they're finding out in their state, what they're developing in terms of the vehicle miles traveled as an alternative to the gas tax. And we just think that it will be money well spent, and that's why we're bringing it to the Board.

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- Fransway: Governor, it's Tom.
- Sandoval: Before I go to you, Tom, I want to make sure that Frank has had all his questions answered.
- Martin: Well, I guess the pointed question here, these other nine, are any of these other nine studying the VMT?
- Khan: No, they're not.
- Martin: It's you specifically?
- Khan: No, they're not. Actually most of them are research related topics like highway safety (inaudible) activity and concrete consortium, so the funding is not an element that they're considering or studying any of those pooled funded studies.
- Malfabon: Governor, we will provide at the next Board meeting more detail on these pooled fund studies, the nine that were mentioned. But you'll see that they're typically related to technical issues of high design or high traffic safety, not associated with this road user charge issue or VMT.
- Sandoval: Okay. And I appreciate the clarification, because I thought there was an implication that all of these were studying VMT.
- Martin: As I did as well, Governor.
- Malfabon: I'm sorry for that confusion.
- Sandoval: Yeah. Let me -- again, I want to make sure that Member Martin has had all his questions answered. Then Member Fransway, and then I'll go to Member Savage.
- Martin: I'm good, sir.
- Sandoval: All right. Member Fransway.
- Fransway: Thank you, Governor. I am -- I've seen it and I remain a big fan of the concept of collaboration and sharing information through cooperating partnerships. I believe that this particular subject is vitally important to the future of transportation, not only in this state, but in the west and throughout the country. I believe that it needs extensive research. I also believe that methods of interstate revenue sharing will be a real challenge to us. And we

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need to figure out how we can build and maintain the state to state transportation and the commerce that flows.

So I believe that we should seek other input. I certainly expect to have results as being a part of the partnership. I look at the budget and I see \$54,000 going to travel and 71,000 going for limited research. I'm wondering if we do join that the conversation should arise as to whether the states should fund their own travel and we put the 25,000 and ultimately the 125,000 into the cause at hand.

So what I would be supportive of is joining the Coalition for one year and having a report or analysis come back by the Board to the Board sometime around November of 2014 to evaluate the progress and whether we need to continue to be involved. Those are my comments.

Oh, one other thing, am I right to assume that the 25,000 will come from Federal Highway Administration funds?

Khan: Yes, sir. We are using the SPR dollars for that participation.

Fransway: Okay. Those are my comments for now, Governor.

Sandoval: Thank you.

Malfabon: Just to clarify, Governor, that the amounts that Member Fransway was referring to are the combined, so total for all the states in the consortium, not an NDOT expense.

Fransway: It's 25,000 to join, correct, Rudy?

Malfabon: Yes, Tom, that's correct.

Fransway: Okay. I think it's money well spent if we can get the results and have the input that Nevada needs to provide in this important issue.

Sandoval: Thank you. We'll move to Member Savage.

Savage: Thank you, Governor. I too believe in collaboration, but at this juncture with the VMT study, which is a major study, it's very important for our state, and along with the other states in the union. So prior to the commitment, I would like to know specifically what other VMT studies the Department has committed to at this point, dollar-wise. I thought I remember University of Nevada Reno VMT study. And I'd like to know if

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there are other studies out there that we have committed to financially. Thank you, Mr. Khan.

Khan: Yes, sir, if I may. We have an existing VMT study right now going on that is only focusing on Nevada's needs moving forward, because we are geographically a different state compared to Oregon. We are a great state. We have a lot of tourists. And those elements are not considered in many other studies. We have UNV and UNR. Actually we split it into two phases for management purposes. They are leading the efforts to come up with those solutions that we have on the table.

And I can provide you a quick scope of work of the elements there including the studies as well, which includes the impact of out of state visitors, privacy concerns, the cost of administration, implementation issues, overall implication of this on NDOT's revenue as we move forward when we keep Project NEON in mind, like 100 million will be going that direction. So if VMT will return -- or an alternative funding mechanism is put in place will be an implication to NDOT and then the statewide revenue job creation growth. All those elements are included in this, but that's not part of the Coalition. It's specific to Nevada and our needs moving forward. And I can get you exact dollar amounts.

Malfabon: This is Director Malfabon. To add to that, that item will actually -- that contract with the universities is before the Board next month, so we'll present that in January.

Savage: Okay. So what dollars has this Department committed to, to this point on VMT studies, other than this proposal discussed right now?

Khan: I can give you a ballpark number. It's close to. But we have approximately 1.1 -- it'll be around 2.8 million total at the end when the study is done by 2015.

Savage: And have we already committed to the University of Nevada Reno and Las Vegas? I thought we had in a prior agreement. Or is that to come up in January?

Khan: As I said, we have two elements of this. One is with the University of Nevada Reno. That is already committed. And the other one is with University of Nevada Las Vegas. Because initially when we started this effort three years ago, we wanted to finish it by 2015, but then there were

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administrative delays of the agreement, delayed everything. So when that agreement signed, we split that into two phases for the management and (inaudible) project implementation. And the next one will come to the Board in January as Rudy mentioned.

Savage: Okay. So I'm sorry to be a little thick here. But we are -- we have already committed to the University of Nevada Reno and Las Vegas; is that right, Mr. Khan?

Khan: Yes, that's right.

Savage: And during those studies, is it the students that do that studies -- do those studies or is it a pass through to a subconsultant?

Khan: No, actually we have a team of experts that includes four, five experts, strategic guys from the national and local consulting firms. And the universities -- two universities that have professors from the economics department, electrical and computer science department, civil engineering. It's a group of around 20 to 25 experts on each panel there helping to implement the study. And there are students as well, that they're for the data collection and demonstrative type of work to reduce the cost of the study.

Savage: So the answer to clarify would be the University of Nevada personnel along -- both staff as well as student body?

Khan: Yes, sir, and some consultants as well.

Savage: And outside consultants?

Khan: Yes.

Savage: Okay. I wasn't sure. I'd like to know the outside consultants involved in that. Thank you, Mr. Khan.

Khan: Sure, absolutely.

Savage: Thank you, Governor.

Sandoval: Mr. Lieutenant Governor.

Krolicki: Thank you, Governor. Director Malfabon and Mr. Kahn, and other folks involved, a great staff anticipates the needs of a Board and gets the

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information before the time is right for things, so I appreciate what you're doing. I appreciate you focusing on your niche of worrying about the transportation infrastructure for the state. I mean, you're doing exactly what you're supposed to be doing. So my comments are not meant to be negative, but they're contrarian. And I think I mentioned some of this at our last meeting, and perhaps that's one of the reasons why we've brought it to the Board's attention.

I'm just wondering, policy should be driven at the Board level or the legislative level or, you know, and I just feel like I'm chasing staff on this one. And I say that in no pejorative way. I mean, you're anticipating needs. There's no question that we need more resources in transportation infrastructure. I get it. I understand it. But I still feel this approach is difficult. And I'm not afraid of information, bring it on all day, but I just don't get how you are able to implement such a policy interstate, not using it, I'm delighted to see it in your paragraph, not using GPS sources and things like that.

And I really do appreciate the summary on the first page. I'm comfortable with the summary. I turn to the next page though and this really is, you know, being driven in a direction. This is not innocuous. We don't know where this is going to go. It says, "Members, our interest and collaborative research and development of a potential new transportation funding method and would collect a road usage charge, RUC, from drivers based on actual road usage." So if this where this is going to go, I'm not comfortable. I think we'll get information from the folks who are driven, so to speak, to chase this project.

I'll be curious what Washington and Oregon and others, what their conclusions are. But at this point, Governor, and with all due respect to staff and understanding their needs -- tremendous needs for infrastructure, funds for maintenance, new construction, I'm not comfortable pursuing this. And I'm not sure why we as a Board would wish to pursue and sustain this policy. I feel like the conclusion's already reached and we're just trying to give cover to higher taxes. And I think there are other ways to do this that are far wiser. Thank you.

Sandoval: Madam Controller.

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- Wallin: Thank you, Governor. I think I have -- I can understand where the Lieutenant Governor is going on this and stuff. And I don't think it's a foregone conclusion. I think that this is something that Nevada should participate in because we have such a high volume of visitors. Our needs and our transportation here is a little bit different. All right. And so if the federal government were to go and say, "We can't use gas tax dollars to fund, we need to go to vehicle miles traveled," I think Nevada should be at the table here being part of this discussion so our needs are addressed. If the federal government decides to go and say, "This is what we need to do --" because I really think that before anything happens, it's going to be the federal government coming down to go and say that this is how it's going to be done. I don't think states can go and say, "Well, we want to do it this way." I just don't see that happening. But I think to not participate in this for the small amount of dollars would be a big mistake. So I think that we should -- to be part of the dialogue. And I don't think it's a foregone conclusion because I think it's the feds that would drive that decision. My personal opinion. Thank you.
- Khan : If I may, sir.
- Sandoval: Yes, sir.
- Khan: Lieutenant Governor, sir, to come to your point, that's absolutely well taken. The consortium, obviously Oregon has legislative authority to look at those things in much more depth, the actual VMT fee. We don't have that authority. The study we are conducting right now is not even focusing on raising the taxes or discussing the structure of the VMT. We are looking at what will be the potential implementation aspects of if this system were to become at the national or the state level. The policy direction, the study cannot even focus or discuss or talk about the policy. That question will come to the policymakers and elected officials at the end of the day once we have the data available. So the focus is just to research all the components, the questions that have not been answered over the last 10 years.
- Krolicki: I just feel like I'm being an accomplice to something that I'm not comfortable with at this point. If we were to say no or not to proceed in joining the consortium, what information would not be available to us at the end of this process?

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Khan: It's obviously the Board's direction and your -- if we feel like we don't really want to be part of the Coalition, I think with Director Malfabon and the Board you make the decision and we don't really have to follow that. We thought and we still think that the 25,000 being leveraged will give us more information that we don't have access to at this point in time, especially if these 17 or 16 other states (inaudible) at that national level that put in a transportation bill and the language and considering their needs. I saw the transportation bill language they put in right now for potentially the (inaudible) studies, and Oregon is like 90 percent of the things are geared unfortunately to them, because they are considered the tourist bureau. They're just taking the lead on it. And if we don't have -- that's my concern is if we don't have a voice in those discussions, who knows what direction they will take in all the other states.

Krolicki: But you just said to Member Savage that we have a -- we're in this for about \$2.8 million I think. And so it's one thing to ante up \$25,000 just so you have a seat at the table. And in many ways I get that. But, I mean, a several million dollar investment to pursue a track to secure additional fees through VMT, I mean, I think that's a pretty expensive due diligence process, and it puts some skin into the game from NDOT and, again, I will stop at this. But I'm not comfortable as a Board member supporting this concept at this time with really -- I appreciate the report we've seen, but I still feel there's very little information, and I still don't feel like there's legislative buy-in. I've not heard from the regional transportation folks. Governor, I don't know from your executive branch leadership standpoint. I still think this is a much more profound pivot than we're making it today. And if we're talking about this, does that lock us into a contract next month if that's when it comes back? But I'm not prepared to move forward at this time. But thank you.

Fransway: Governor?

Sandoval: Yeah, just a moment, Tom, I'll come to you, but I have a couple comments that I'd like to make. Is that all right?

Fransway: You bet.

Sandoval: Okay. Thank you. Now, and I also keyed in on some of the language that was prepared in our summary, and we have the Nevada study, which you described, which sounds like we're already moving forward, that that

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contract was entered into without input of this Board, and the contract that's coming next month will just be a continuation of a contract that was already approved with the university system. But having said that, I mean, here it says, "The Nevada study does not include using any devices in the car, nor does it include any sort of GPS tracking, and it does not advocate for VMT fee, and is not intended to discuss raising taxes, fees or generating additional revenue."

This consortium we're going to join says that member -- or you're seeking for us to join, it says, "The members are interested in collaborative research and development of a potential new transportation funding method that would collect a road usage charge," which I'm not sure how that's different from VMT, "From drivers based on actual road usage." So we're talking, at least from what I'm reading, polar opposites on what studies we're participating in. And this one that we're seeking to join seems to be an Oregon -- I'm trying to think of the kindest way to put this, an Oregon agenda with regard to VMT, because it -- based on what I've heard before is Oregon is all in when it comes to VMT. And you've heard the Lieutenant Governor who has reservations, is putting it kindly, with regard to going that VMT direction.

So, you know, given what the representation is to the Board with regard to what the study is that we've already approved and is ongoing with our universities and does not include these things that I've just labeled, and given what -- at least appears to me what the agenda is for this consortium, I'm not comfortable in putting money towards something that will achieve an end that seeks to do something that is the opposite of what our study is doing right now.

So correct me if I'm wrong, but I just feel like we would be contributing toward an end that I don't think this Board has been fully briefed on and is prepared to make a policy decision on.

Khan:

If I may, sir. You're absolutely right. The study that we are pursuing, it does not include any black box, any GPS, any devices. We are looking at if there's a way of self-reporting mechanism or if there is the myriad of options that we have raising tax -- other options like we will have a summary of all the possible solutions without going this direction of putting black boxes in the car or GPS or tracking or privacy, big brother. Those things we are not pursuing. On the other hand, the Coalition objective is

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they're using technology, so you're absolutely right in that direction that there could be two diverging things going on, and I understand that, absolutely.

Sandoval: Yeah. Would it be more appropriate for us to wait to hear what the findings of our own -- we've all agreed and you've said that Nevada is unique. I mean, we have these wide open spaces, two major metropolitan areas on each side of the state, so we have a Nevada centric study that's going on. Would it be better just to focus on that and see what the outcome of that is versus joining this consortium that is talking about things in states that are much smaller than ours and have much different geography and topography and urban areas?

Malfabon: Governor, if I may interject, this is Director Malfabon. I believe that one of the benefits of the joining the consortium is to -- you have several other states there talking about their perspectives. Because this is -- as the Controller had observed, it's really going to be a national issue. We definitely need to study what it means to Nevada. And it isn't -- there's plenty of time to come I believe before the policy issues are going to be debated at the legislative level, at the national level. It's just something that we want to see as a trend in place of to replace the current method of charging cents per gallon of fuel.

But I think that we would benefit by hearing other states' perspectives. It's not just Oregon, but some other states that probably think more in terms of how we feel in Nevada about protection of privacy and not raising taxes, the effect on businesses. We definitely want to hear all those perspectives too, and I think that we would benefit by joining the consortium to get those perspectives as we join the round table discussion. I know that Oregon is quite different from Nevada, and I think that joining the consortium would be the right thing to do compared to the expense of joining.

Recognizing, Governor and Board members, that definitely the issues facing Nevada and the policy discussion is going to take place, it's quite different, we want to know through the advancement of the Nevada studies what the issues are and bring that back to the Board in a much more detailed presentation. But one thing to point out is the Nevada studies started several years ago, and it was -- what Mr. Khan is referring to that's going to come next month is actually the phase three of the study, so there's been two

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phases that have occurred over the past few years with the university and with NDOT's consultants.

So I think that there is confusion about what this means. Definitely it's not to make a wholesale change in policy or to adopt a policy. It's really to just investigate and study.

Sandoval: Mr. Lieutenant Governor.

Krolicki: Rudy, I appreciate that. Mr. Khan or to Director Malfabon, I ask the question, what is it that we are not going to be getting if we were to not join the consortium? I mean, we can go read newspapers from Oregon and see what they're all saying if this is a listening tour. If we're there to engage, I'm not sure the policy direction you all are receiving from the Board and other leadership and interested parties here in terms of injecting information into the debate in Nevada's perspective. I mean, I'm not sure that Nevada has a perspective to engage in this conversation.

So, again, I appreciate it. You're doing vision things and long-term planning which is your obligation, but a Board member, at least this one, needs to step back and take a broader approach. And I just don't think this moment is right to go forward. Maybe next year when I get a pretty picture like this and there will be someone else sitting in this seat, you'll have someone who thinks differently. But at this point, it is what I believe. Thank you, sir.

Sandoval: And I guess a question, because again it appears to me based on the summary we have there is an agenda for this multistate group, and that is to develop a funding method that would collect a road usage charge from drivers based on actual road usage. What is the difference between a road usage charge and vehicle miles traveled?

Khan: It's the same thing, sir.

Sandoval: Yeah, so I don't know if it's a good idea, at least for me, I can only speak for myself, but not the other Board members, you know, I don't know if I want to join a consortium that has one result in mind, which is to develop a road usage charge, when we have an absolute opposite study that's going on and exploring all the other alternatives that's being conducted right by our own universities.

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Krolicki: Governor, I don't know if there are other conversations, but I feel that there needs to be far more input from interested parties, those with skillsets and experience in this area. Again, I appreciate the staff doing a lot of this work, but I would move to table this item and that no further action be taken at this point in time by NDOT to move forward into this consortium, but I would move to just table this motion.

Sandoval: Yeah, and before I accept your motion, I know Member Fransway had sought to speak. Member Fransway, do you still have comments or questions?

Fransway: Yes, Governor. Thank you.

Sandoval: Please proceed.

Fransway: You know, our heads cannot be in the sand on the fact, and I say fact, that the revenue stream is not keeping up with the cost. We all know that. And somehow we're going to have to deal with the unpleasant task of revenue changes. VMT is a new concept, certainly for the State of Nevada and I believe for most of the nation. And I feel that we need to be involved in knowing what's going on around us, because I think that -- like the Controller said, I believe that there's going to be an effort from the feds to deal with this. And I think that we need to be proactive. And we just sold water rights for nearly 20,000. And to me \$25,000 could be involved in this consortium is very viable, and I think what we need to do is seriously consider joining it for one year and bring it back to the Board with a report by November probably of next year and find out if -- what's been accomplished.

We have our Director who feels it's -- and, Rudy, I don't want to put words in your mouth, but what I'm hearing is that you feel it's a worthy expenditure. And I think that we should listen to him and try it for one year. Thank you, Governor.

Sandoval: Thank you, Member Fransway. Any other questions or comments from Board members? There is a pending motion to continue this matter...

Krolicki: Yes.

Sandoval: ...until...

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Krolicki: There wasn't a second to the motion, so let me just -- and, Tom Fransway, you're one of my mentors and I respect so much of what you say. This isn't about money for me. It's about policy.

Fransway: I'm sorry, I lost you, Governor.

Krolicki: Oh, I'm sorry. Tom, I was saying nice things about you, so I won't repeat them. But, this is not about the \$25,000. It's about a policy. It's about buy-in. It's joining forces with some folks who I believe have an agenda that already has a destination and clear mind, and it's about arranging facts to accomplish that and to give them, you know, some cover, if you will. I would love to hear from the Regional Transportation Commissions. I would love to hear from the effected parties. I've been on the receiving end of some VMT conversations in the last legislative session. I can't submit or convey that they were positive in nature. So before I'm comfortable voting \$1 into this consortium, I would love to know more.

So with that being said, I would move that we postpone this item for staff to work with the Governor's Office or this Board, and I'm happy to be a part of a working group. But just to package this thing together so we have a much better understanding of the information and the view of our community before we sign in. I don't think if we don't approve it today, if we reconsider it in January or February, I think we'll still be at that table listening to what they're saying. But I would move to postpone this item from today's Agenda.

Fransway: Governor.

Sandoval: Yes, Member Fransway.

Fransway: Okay. Thank you. I appreciate your comments, Lieutenant Governor, you know that. I would support that, but I don't want to table it indefinitely. I think you mentioned the first part of next year, and by then we should get the input from the RTCs and various entities that we need, and I would support that, but I don't think we should delay it for a long period of time.

Sandoval: All right. First, thank you, Member Fransway. Is there a second to the motion?

Savage: I'll second the motion, Governor.

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Sandoval: Yeah. All right. Now I will take questions or comments. There's a second by Member Savage. I'll be supporting the motion because not only do I want to get the input from the respective Regional Transportation Commission experts, but I'm really curious to see what we're getting from UNR, from the university studies as well. And if we're approving the third part of a phase of three phases, I'd like to know what we have learned from the first two phases. And that likely I would expect come before we approve phase three on this.

So, you know, Member Fransway, I agree with you that it shouldn't be an indefinite postponement, but I do believe that we need to have some Agenda items that will include some of the locals' perspectives with regard to the RUC or VMT or whatever you want to call it.

Fransway: Okay. When can we expect that input, Governor?

Sandoval: Well, I think it's premature to say today. I think there would be a contact made to both the Northern and Southern Nevada Regional Transportation Boards and their representatives, and anybody else throughout the state. This is an issue that is going to touch every driver in Nevada.

Malfabon: Governor, I just wanted to mention, and General Manager Tina Quigley from the RTC of Southern Nevada has been present and heard the discussion, so she's aware that we'll be requesting some input for the next Agenda in a future Board meeting to discuss this issue.

Sandoval: All right. Well, good. We already have a head start.

Khan: May I say, just one last thing is one of the major elements of our study is reaching out to the key stakeholders, which includes the ACLU, the Taxpayers Association, the counties, the NACO, RTCs, FSWA, all the partners. We have done some of that outreach, but not to the level that everybody's onboard yet. And that will take some time, so I don't think we will be able to get the information in January, but maybe in the next few months when we complete that public outreach and get their input and feedback in the process, and then we will be able to present the information to you.

Sandoval: Okay. I think that underscores the need for the Lieutenant Governor's motion is that there's still a lot of outstanding questions as well as entities

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that perhaps need to be contacted. Any other questions or comments?
Okay. All those in favor of the motion, please say aye.

Group: Aye.

Sandoval: Opposed no? The motion passes unanimously and we will wait to -- you know, I guess what I'll ask is an update -- another update next month where we are with regard to gathering the information and then when we'll have a meeting whereby we'll schedule a presentation as to what's going on with the UNR studies and the outreach to the other interested parties.

Khan: Yes, sir.

Sandoval: All right.

Fransway: Governor?

Sandoval: Yes, Member Fransway.

Fransway: We may even -- through Rudy we may even invite some of the other states to give their input and what they do, and then I would certainly be interested in that, what they expect.

Malfabon: We will reach out to them.

Sandoval: All right. Thank you. Agenda Item No. 10, Possible Approval of Triennial Disadvantaged Business Enterprise Goal for Federal Fiscal Years 2014 through '16.

Malfabon: Thank you, Governor. We have our consultant, David Keen, is going to present this item. But as you recall, in September we talked about the draft disparity study, to basically finalize that study and adopt a triennial goal for our Disadvantaged Business Enterprise Program, which is for minority and women-owned type of firms that do construction work and professional services for the Department. Mr. Keen.

Keen: Thank you very much. I want to make a very brief presentation and then be available for any of your questions. When we spoke with you in September, we had published a draft report, and that was made available to the public. We had -- we talked about some public meetings that we were going to do. Those were held. And I'm reporting on the combination of what happened at those public meetings, other comments that we got, some additional

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information that we had before we finalized the report, and our information on what the overall goal for DBE participation that you should consider -- might consider at NDOT.

So I'm going to -- if you can make that full-size, I'll speed through this. This is the same slide you saw in September discussing the purpose of a disparity study. NDOT is required because you receive federal dollars to implement the federal DBE program. A disparity study helps you implement and operate that program in a way that hopefully you would be able to survive any legal challenge, which a number of states in the western part of the U.S. have faced. USDOT recommends that especially for western states that you conduct these -- regularly conduct these types of studies.

So what is -- since we spoke with you on September 9th, we made -- on September 9th we made the report available to the public. Quite a bit of reaching out to business owners, other individuals and the public to ask -- to let them know that the study was available for their review. I ask for any comments that they might have, and urge them if they would like to attend meetings in Las Vegas, Sparks, and then we videoconference to Winnemucca, Ely and Elko. We held those public meetings on October 22nd and 24th.

Both Las Vegas and the Sparks meetings and the meetings in person were very well attended. We had a number of business owners, minority and women business owners, large majority owned firms and Trade Association Chamber representatives attend, give comments at those meetings, and then post those meetings got other emails, mail comments and comments via phone. Also we were able to since September 9th sit down with Federal Highway representatives for Nevada, go through the information and actually refine some of the analyses based on some of their suggestions.

And so that led to a slightly different overall DBE goal that's in the report for you all to consider. And there is -- you might recall, there are two parts to that goal. There was a base figure and then a step two adjustment. And it was fine tuning the step two adjustment that was then reviewed and I believe, I may be mistaken, but approved by the Federal Highways person that we were working with. And we have incorporated that new information, all of the public comment information as well as the new

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calculations of the overall DBE goal into a final report, which you will receive shortly.

Most of the information in the draft report is the same. The information that we received in the public meetings was very consistent. With all of the outreach and interviews we had done around the state, what we got was, you know, I think there's value in actually having folks be able to review that information, see it in writing and then be able to comment on it and expand on that information. So I was very pleased with both the participation of the public and the quality of the comments -- thought that went into the comments that we got, and so we were able to put those into the report for you to have documentation that supports the actions that you may choose to consider as you implement the program in the future.

So this slide is almost exactly the same way as you saw it on September 9th. The base figure of 4.5 percent which is the level of DBE participation including some minority and women-owned firms that might be DBE certified that are not today that you can outreach to to encourage them to be DBE certified. That's the level of DBE participation that you might expect given the current availability of currently certified DBEs and those that are potentially certified as DBEs. And that's identical to the information in the draft report and what we presented to you on September 9th.

The federal DBE program and the federal regulations require that anyone implementing the program consider not just current availability but some -- but four factors, but for any barriers to businesses forming, any barriers to businesses being successful in the local marketplace, what might you expect DBE participation to be if there were a so-called level playing field. And that is something that did change from the September 9th presentation, and our draft report we now take it -- our two step adjustment or step two adjustment is actually spelled out in two steps. It's in the same range as what we had in the draft report and our presentation to you previously, but we actually spell out those calculations, about a one -- a little bit more than a one percentage point increase in two different stages of adjustment to go from 4.5 percent base figure up to a 6.98 percent overall DBE goal. And, again, that was reviewed with Federal Highways and we believe that that will be acceptable.

So that is the change based on a little bit more information that we had on September 9th, and then sitting down with Federal Highways and getting

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their reaction to what was in the draft report, their recommendations of some things they'd like to see and then refining that, coming up with the 6.98.

And then a slide that you also saw before on September 9th, you'll need to project how much of that overall goal is to be met through what are called neutral means, small business programs, the type of DBE participation you would get if you didn't have any DBE contract goals at all, and the information that -- again, this is unchanged from the September 9th information. In the past you got about 1 percent DBE participation when there were no DBE contract goals, and NDOT has not met this overall DBE goal in past years. So the information that we have in the report suggested that you would need to consider something like the DBE Contract Goals Program, which is on the state to decide whether or not you're going to implement that program, and then have your -- have that be reviewed by Federal Highways. The information in our report is very consistent with you continuing a DBE Contract Goals Program for your federally-funded federal aid contracts, and that some of your participation would be met through neutral means, your new small business program, but others might be met -- other participation might be met through a DBE Contract Goals Program.

So I've tried to make this very brief since we spent quite a bit of time on this at the September 9th meeting, and welcome any questions.

Sandoval: All right. Thank you, Mr. Keen. And will you for my benefit, so your previous recommendation was 7.5 percent?

Keen: Well, it was, the reporting that the information was consistent when we put it all together, in the range of 7.5 percent, yes.

Sandoval: And now the recommendation is 6.98?

Keen: The information presented with a little bit more new information and breaking it down in a way that Federal Highways wanted to see, that was their recommendation to us, you get to a figure of 6.98.

Sandoval: Okay. Now, is that 6.98 -- because you've talked about that we would survive a legal challenge and that believe it will be acceptable. Is that 6.98 the minimum figure that you're recommending?

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Keen: There is no minimum or maximum. And, again, this is an overall goal long-term, you know, look at it on an annual basis, not a specific contract. You might set DBE contract goals higher or lower or at zero depending on the particular contract. There are no guarantees with surviving legal challenge. As I described to you, I was the author of the report for Caltrans that helped them survive legal challenge, and their goal was considerably higher. Their methodology however -- you know, California's a different state. The methodology that we're using here is very consistent with the methodology that the Ninth Circuit reviewed and helped Caltrans defend its program. So we believe this is the best possible approach with the best possible information.

Sandoval: I guess what I'm trying to get it is so you're telling us 6.98, I don't want to be (inaudible) legal challenge. I don't want to have to go all the way to the Ninth Circuit to find out that it took (inaudible) because in the mean we'll have spent hundreds of thousands of dollars to prove our point one way or the other. But you're also saying this is the number, 6.98. Is that...

Keen: And that's the number...

Sandoval: ...the correct understanding for me?

Keen: Yes, that's the number based on the federal regulations. So we're -- the federal regulations spell out this base figure and step two adjustment process. The federal regulations when you're making a step two adjustment indicate the factors that you are to look at, which we have done, so we're very much in accordance with the federal regulations. And the federal regulations have been upheld. And we implemented this approach following the federal regulations in that Caltrans study.

So my answer is two part. One is did we make this up out of thin air? No, this is what the federal regulations say. And they give specific examples of, hey, when you're making a step two adjustment, look at this factor and perhaps adjust it just for in this way, which we have done. So I think that helps the defensibility.

Sandoval: I guess where I'm going is -- and I think you said last time you were here that you're an expert witness and...

Keen: Yes.

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- Sandoval: ...you've testified in many pieces of litigation.
- Keen: And if I'm at all evasive, it's because of that training, so sorry about that.
- Sandoval: No, which is fine, but I guess I don't want us to be vulnerable to a legal challenge. What would be the nature of the challenge if somebody were to take this to court?
- Keen: You know, there's states being challenged all over the country right now for many reasons. One is we talked about I believe at September 9th that some particular subcontracting trades believe that they're unduly burdened by the federal DBE program, that you meet all the goals through trucking, for example, you meet all the goals through a particular subcontracting trade. And there's a challenge in Minnesota right now that's exactly that. Well, that doesn't have anything to do with the overall DBE goal. That has to do with how they're implementing the program, and it really helped prime contractors that are trying to meet their goals. And that's proceeding. We don't have any more information on that case today than we did on September 9th.
- So we're going to get more guidance on this. There's as many ways of challenging the operation of the program by a state or local entity that's implementing the program as there are a way for people to be aggrieved. And some of them attack the specific issue that they're aggrieved about. Some of them also attacked all of the other basis of the program. So the overall DBE goal is one of the areas that you could be attacked, but there are many more and...
- Sandoval: No, and I get that piece. I'm just trying to focus on what we're approving today. And would -- is there a potential that somebody would challenge us saying 6.98 is too high or too low? Or should we -- where would be the most -- the biggest potential for a challenge?
- Keen: And you can be challenged that it would be too low. There have been lawsuits brought by minority contracting groups that say, hey, you know, we don't think you're aggressive enough in these types of programs. My answer to you very simply is given the legal challenges around the country, given the guidance from USDOT and my experience defending these types of programs in court, we believe that you can't do any better than this. This is following very specifically the federal regulations for setting a goal. And

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there is no safer place than this particular number or we would've recommended it. So this is in my best judgment something that is supportable for you to consider, and I don't know how to put degrees of risk around would you be safer with another number than another number. I think the refinement that went -- that happened between September 9th and what we're presenting to you today is a step in the right direction in terms of something that based on Federal Highways' review is something that is perhaps more defensible than what we brought you on September 9th.

Sandoval: Okay. Because that -- it does the beg question, and I'm not being argumentative, I just want to tease all these things out, is that somebody could say, "Well, wait a minute. You were at 7.5 and now you're at 6.98. You've come down."

Keen: And it's not coming down. It's more precisely quantifying how you get to a number, which I think, again, makes it more supportable. I think it was good feedback that the Federal Highways gave us. We also have full participation for fiscal year 2000 -- for the last fiscal year, federal fiscal year, which we did not have at September 9th. And that information is now in the report. That actually figures into the step two adjustment as well.

Sandoval: And in your public meetings, did you have any objections to the...

Keen: We've looked through all those comments, so it was much more about how the program is implemented rather than what the overall goal is. And we got a lot of input on, you know, you haven't been achieving your goal, so it doesn't matter what you set your goal, it matters what you actually do and how you do it. So I think those were the nature of the comments.

Sandoval: And that's on NDOT, not, you know, in terms of making sure that we do -- or NDOT does everything that it can do in order to meet the 6.98 percent goal.

Keen: Yeah, that was the nature of a lot of the comments that we received.

Sandoval: Okay. All right. Further questions? I'm going to go to the Attorney General and then the Controller.

Cortez Masto: Yeah, Governor, I think just a follow up. So what you're saying is that this is not an arbitrary number that we just picked out, that would not really withstand any legal challenge. What we've done here is really due diligence

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and analysis, backed it up, really determined what's appropriate for our market here in Nevada with this number, and that will help us withstand any legal challenge. Is that what you're saying?

Keen: That's correct.

Cortez Masto: Okay. Thank you.

Sandoval: Madam Controller.

Wallin: Okay. This is just -- I don't know if NDOT will answer this or you can answer this, but in our materials that we had, we have a 6.97 percent goal. And then also in the materials, and this is why I'm confused here, it said that FHWA accepted the adjusted goal of 6.97 percent. So my first question is, is it 6.98 or 6.97 that we're approving? And, two, is that statement, FHWA accepted it a true statement or not?

Keen: So let me go into the 1/100th of a percentage point difference, is in my conversations, the sequence of events is September 9th the information that you all received, Federal Highways received at that point, and the public could look at that. And there's some discussions of what should the step two adjustment be that we've had -- that NDOT has had with Federal Highways. In some of the spread sheets you get to 6.97, and some of the spreadsheets you get to 6.98, and it's a rounding difference. I think the 6.98 is where our spreadsheets get us. And the -- I'll defer to NDOT to answer the question about exactly what has been -- how formally has this been accepted.

Wallin: Okay. So we would be approving 6.98 then?

Keen: That's what's in our report. I don't know that...

Wallin: Okay.

Keen: ...you know, that would be my recommendation. I don't know if you have any further insights on this.

Sandoval: I think what the Controller is referring to, in the memo to the Board there's 6.97 percent figure that is recommended, and, again, this is important and I want to make sure that we get the number right. That's why I was using the 6 point -- your figure of 6.98.

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- Keen: Correct. And it's as simple as rounding, and as you share draft information with Federal Highways, you know, and I pointed this out to NDOT, I said, "You know, I don't -- I think it rounds to 6.98, not 6.97." And so I don't know how difficult it's going to be to have it go back with Federal Highways and say, "No, it's not 6.97, it's 6.98," and have them say, "Sure, rounding error, that makes sense, and you're okay."
- Malfabon: And this is the Director, Governor and Board members. As Mr. Keen had mentioned, when we prepared the Board packet, the materials that were provided to us had 6.97, and subsequently they found this little rounding issue, so it's acceptable to the FHWA to have 6.98. And we confirmed that with their program manager for the Civil Rights Program.
- Sandoval: If you'd respond to the Controller's second question, which is whether the federal entities have accepted the 6.98.
- Keen: And, Rudy, you have better information than I do on this.
- Malfabon: Pardon me, I was just at a side bar. Could you repeat that?
- Sandoval: We just want verification that the federal entity involved has accepted the 6.98 percent figure that's recommended today.
- Malfabon: Is there a representative from Federal Highway Administration in the audience in Carson City?
- Unidentified Male: Yes.
- Klekar: This is Sue Klekar, Federal Highways.
- Sandoval: Sue, if you'd come to the mic, please.
- Klekar: Good morning, Sue Klekar, Federal Highway Administration, Division Administrator. And, Rudy, I believe we have. Last I heard was 6.97.
- Malfabon: Yes. And, Sue, what I received was basically a marked up copy of the attachment from Kevin Resler, the program manager at FHWA, so that's where the -- I believe the 6.98 must've been in there, but I'd have to confirm with Kevin. That was a -- I thought that I had the latest and greatest when I put -- when we put the 6.97 together, but then subsequent to that, Sue, I saw the email from Kevin.

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- Krolicki: But, Governor, are we debating whether or not to make motion for 6.9 or 6.975?
- Klekar: To make the adjustment -- we asked the same thing. Sue Klekar again. We asked the same thing. And to make any variation, you have to have a reason for it. And so, you know, it's like what the figures show and if there's no reason to make any -- I mean, even a 1/100th of a point, then you don't make it.
- Sandoval: Well, it sounds like precision is key here and...
- Klekar: And the -- yes.
- Sandoval: And so we've got...
- Keen: See, I actually have numbers (inaudible).
- Sandoval: Okay.
- Keen: I think this is simple. Here I'll take the mic back.
- Klekar: Okay.
- Keen: Okay. If I -- sorry, but we -- to make this precise, we have a 4.5 percent base figure. There's two adjustments to it. One is adjustment for current capacity, and it's basically looking at your past DBE participation and a median of that past DBE participation, comparing that with your base figure, and taking half of the difference. When you take half of the difference and say 1.08 percentage point increase from your base figure. In some of the previous spreadsheets that I saw that I was able to check, that figure was not rounded correctly. So when you add 1.08 and 1.40 to 4.50, you get 6.98. So your question of defensibility, it would be nice if we had a table where everything added up correctly to 6.98, and I would request that Federal Highways accept that answer as sufficient to approve 6.98.
- Malfabon: Thank you.
- Klekar: Did you want me to...
- Sandoval: We absolutely want you, Sue.
- Klekar: Okay. Not having seen these, I'll take your work for this. We'll go with the 6.98.

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Keen: Yes. Thank you.

Klekar: Sue Klekar.

Sandoval: All right. Further questions or comments from Board members? Now, I understand there was -- first, there was a submission that was to be made; is that true, Mr. Hoffman?

Hoffman: Yes, Governor. For the record, Bill Hoffman, Deputy Director. There were folks that want to comment on this item I think before the Board voted, so I would put that back in the Board's hands.

Sandoval: All right. Are there any interested parties? Yes, yeah. Yes, sir. If you'd come and identify yourself.

Keen: And I'm still available for any other questions.

Copeland: Governor, Board members, for the record, I'm Richard Copeland. I'm a resident of Las Vegas, Nevada. I'm a minority contractor. I'm the largest minority business owner in Nevada. I'm here representing myself and my business and the National Association of Minority Contractors who have a chapter in Las Vegas, and I'm representing this chapter.

I want to acknowledge you all for taking on this and taking it seriously. We and myself feel comfortable with the goal that's been established. As David said, it's in that not meeting of the goal year after year and the systematic exclusion of companies of color from the mainstream of the economy is really unacceptable. And it's incumbent I feel upon this Board to address that and to use some of the race specific remedies that are in the report to achieve those goals.

When you look through the study as presented, between Native Americans and African American business owners, they receive less than 1/10th of 1 percent of the (inaudible). That's atrocious. I mean, how can a community pull itself up -- the underutilized communities pull itself up by its boot straps without having access to the (inaudible) DOT spend. That's a half a billion dollars, some round number, 400, \$500 million a year spent, and we are systematically excluded from participating in those revenues. It has devastated our communities. And I feel leadership is necessary from this Board to instruct (inaudible) DOT to find -- and I'm available to help. I

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have some solutions that we've utilized around the country, to help achieve these goals.

And so it's how you contract, it's how you break up the bid packs and how you instruct (inaudible) DOT staff that there's consequences for not achieving the goals. So I wanted to go on record in support of the goals as stated. But I do want -- I would like to ask this Board to put some teeth into that and have some better results for our communities. Thank you.

Sandoval: Thank you, Mr. Copeland. Mr. Director, is there anyone present in Nevada that wanted to testify on this matter?

Malfabon: Yes, Governor. Assemblywoman Irene Bustamante Adams wants to address the Board. I'm going to move the microphone to the podium.

Sandoval: Good morning, Assemblywoman. Please proceed.

Bustamante Adams: Thank you. Thank you. I also would like to say that I'm here on part of -- behalf of the contractors that live in my district and Assembly District 42. And I do also support the recommendation that has being put forth before you for the 6.98 percent. And I also do agree that it's not the setting of this goal that's the issue, it is in not achieving that goal that is the problem I think here in Nevada. And it has been an issue and continues to be. And I think that it will take the leadership of this Board to make sure that that is addressed. Because all Nevadans should share in the revenue that is being brought into this state and not for just a selected group. And those that are pursuing the issue of making sure that there is inclusion, that those individuals, contractors, those primes be recognized for their efforts.

But on behalf of my contractors and my district, I would like to see that those -- when the goal is set for a project that there is attention paid to the fact that if it is changed, why was it changed and not met. And so thank you for allowing me to make those comments.

Sandoval: Thank you, Assemblywoman Bustamante Adams. And I guess I would ask the Director to comment on that, how this Board can be confident that we're doing everything we can to meet those goals.

Malfabon: Governor, one of the things that we mentioned in the Director's Report was that we've implemented the DBE goals on state funded programs as well as the federally funded program. We anticipate that we're going to give some

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training to our contractors on what's good faith effort. And that is how we assess the efforts used by the contractors and service providers to meet the goals that NDOT establishes on our contracts. We feel that it's necessary to provide some training so that everybody understands what we're looking for, because we don't want to just provide a simple checklist that a contractor or a service provider can just check off and try to just get, you know, kind of underneath the -- or below the goal that we had established. We want people to use every means possible to meet those goals, so we want to train them on how we do this analysis to determine whether we're going to award to a contractor that didn't meet the goal. And it's quite complex, but we want to -- we feel that providing that training to contractors and service providers is one way to establish our method and communicate that to them so they understand.

The other thing is that we have a process -- administrative process for appeal. If we determine that -- or one of the recipients of federal funds determines that they're not going to award because of lack of good faith effort, then there is basically another member that's involved in the Unified Certification Program that can review our good faith effort analysis. Because where NDOT does it in support of the other -- the cities or counties that are recipients of federal funds that don't have the DBE staff, we do that good faith effort analysis on their behalf. And basically because they don't have an adopted program approved by the Federal Highway Administration, they rely on NDOT's program. So this is more than NDOT. This is also the sub-recipients of federal funds, the counties and the cities across the state. The RTCs typically have staff. And the airports that receive FAA funds have staff that do these DBE programs, so they have the ability to do that type of analysis themselves. But the counties and cities don't typically have staff for this purpose.

The other thing is that we will continue to discuss with Federal Highway Administration about how goals are achieved in Nevada. We do see that a lot of contractors tend to use trucking as a basis, and there is some discussion to be had there about the use of trucking and whether it's an overconcentration to meet the goal. We want to see more diversification to companies that actually perform work, not just do the trucking services on a contract. But we also recognize that on some of our basic overlay projects, paving projects, trucking is usually the best method that contractors use to achieve the goals. Also suppliers of asphalt cement, the delivery of the

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asphalt cement, there's a certain allowance by the FHWA on how much gets counted on suppliers towards achieving the goal.

But we want to see more diversification. And we want to have those kinds of discussions with FHWA and then bring that -- if there's a policy change, we want to bring that back to the Board for your approval if we were going to change anything on -- addressing overconcentration in the trucking area to meet the goals.

Hoffman: Governor, if I may.

Sandoval: Yes.

Hoffman: Bill Hoffman, for the record. Sue Klekar would like to make one small clarification I believe.

Klekar: Yes.

Hoffman: Okay. Thank you.

Klekar: Okay. Sue Klekar again with Federal Highway Administration. Just wanted to let you know that this is like a preliminary acceptance of the figure, but we have not approved it yet. Approval will come after a comment period, which is still underway on the goal. Then we wait for a submission from NDOT. Then we get the submission. That must go to our legal counsel for sufficiency review.

Sandoval: So you didn't want to be pinned down today.

Klekar: It's our process and, again, we have to follow the process to...

Sandoval: No, understood. I have complete respect for that. Yeah, understood.

Klekar: Just wanted you to understand the process.

Sandoval: I do have a question for the Director, and then I'll go to the Attorney General.

Cortez Masto: Governor, I'll just make a comment. It would be nice maybe in the future meaning we have an update on not only whether there's been approval by the Federal Highway Administration, but at some point in time possibly quarterly updates on accomplishing the goal, and kind of the report to be

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figured out by staff. I know I'm not going to be here next year, but I know that's something Commissioner Wallin would want to see, right?

Wallin: Commissioner?

Cortez Masto: I mean, Member Wallin, receiving the reports. I think that would be...

Wallin: Yes.

Cortez Masto: ...beneficial just so that they know this is an important issue for the Board.

Sandoval: Yeah, I think that's a great recommendation. And also, Mr. Director, is there -- when you say you go out and train the contractors, is there a process by which they have to show that they've received that training before they're eligible to bid on a project?

Malfabon: No, Governor, they're not -- it's not mandatory training. But one thing that we do is to coordinate with our construction industry, we have regular discussions about any kind of issues related to the DBE program. And one of the things that we also are going to do is to get better track. Right now it's a process that we look at before we award a contract as far as the commitment to a certain percentage goal. But we're going to do better at tracking the actual payments to the DBEs during the contract so that we can report during and at the end of the contract what we actually achieve. Because that's part of the issue too is to not just committing to a certain, but seeing what we actually achieved after -- during the contract and after the contract is completed, so that we can take action in real-time to correct any kind of deficiency in achieving the goal.

Sandoval: All right. Any further questions or comments from Board members? Then if we would for sure make a note of the Attorney General's recommendation first that we have confirmation of Federal Highway's approval of this after the comment period, and official approval, and that we at least at a minimum get a quarterly update with regard to the contracts that we approved and that that DBE goal that we're going to adopt today is being met or the proper efforts are being undertaken to meet that goal.

Malfabon: We will do that, Governor.

Sandoval: So, Board members, if there are no further questions...

Gallagher: Excuse me, Governor?

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- Sandoval: Yes.
- Gallagher: For the record, Dennis Gallagher. After the meeting started this morning, Governor, we received written comments submitted by Mr. Kenneth Evans, President of the Urban Chamber of Commerce. He has requested that his written comments be made part of the record. And I will provide his letter to the secretary. And if you'd like I can summarize his comments. On behalf of the Urban Chamber and its members, they're supporting the establishment of DBE goals for the triennial period delineated by fiscal year 2014 through 2016. He previously testified at the disparity study and provided official comments at the public meeting held at the RTC building in Las Vegas. So those comments are already a matter of public records. Mr. Evans goes on to say that his concern is that we establish DBE goals that are as ambitious as possible, potentially 10 to 12 percent to enable our members who are currently in future DBE certified firms to fully participate in NDOT projects as much as possible in the foreseeable future.
- Sandoval: Thank you, Mr. Gallagher. And we'll make that letter part of our record. Any other questions or comments? If there are none, the Chair will accept a motion for approval of the Triennial Disadvantaged Business Enterprise Goal for federal fiscal years 2014 through '16 at the rate of 6.98 percent.
- Wallin: So moved.
- Sandoval: Madam Controller has made a motion for approval. Is there a second?
- Krolicki: Second.
- Martin: Second.
- Sandoval: Second by the Lieutenant Governor. He barely beat you to it, Mr. Martin. Questions or discussion on the motion? All those in favor, please say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes unanimously. We'll move on to Agenda Item - - and thank you very much for the presentation there. Mr. Keen, thank you if you're still in the room. There you are. Agenda Item No. 11, Old Business.
- Malfabon: Thank you, Governor. The standing items on old business are outside counsel costs on open matters which is Part A. Part B is the monthly

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litigation report. And Dennis Gallagher, our Chief Counsel to the Department from the Attorney General's Office, is able to answer any questions on those two reports.

Sandoval: Any questions from Board members? All right. If there's no question with regard to outside counsel or litigation, why don't we move on to 11C. Mr. Director.

Malfabon: Okay. Governor and Board members, unfortunately you'll see that the trend of lower fatalities compared to last year has been reversed. The latest information that I got from dated December 3rd was that we were two fatales higher this year than we were a year ago. The materials provided in the packet at that time we were four higher. But I know that we had a fatality on Blue Diamond Road that I had mentioned over the weekend, and also I saw -- when that storm hit before the weekend, we also had a fatality on the eastern side of the state. So definitely a lot of work for the Department to do in concert with the law enforcement, educators and emergency responders to drive these fatales down. We're going to keep doing our best to drive these numbers in the proper direction as part of our Zero Fatalities Program.

And then on the Item D, I wanted to make some points of clarification on the presentation on fuel tax indexing. Member Fransway had brought up the fact of the availability of this method to other counties. And I wanted to clarify that when I was talking about the fuel tax indexing measures in Washoe and Clark, there is also this alternative available to the rural counties, but it's related to Consumer Price Index, not the Producer Price Index, which has been implemented in Washoe and Clark. Washoe I believe does both, CPI and PPI indexing. In Clark it's related to the Producer Price Index. But it is available if a county commissioner wanted to adopt it and they would get this portion of the indexing to the county. So I wanted to clarify that.

The other issue was that the current -- the Lieutenant Governor had asked the question about the rates, and the rates were established in the law. And they didn't refer to them specifically as the federal portion or state portion of the tax or county portion. They only talked about cents per gallon. So the actual rates are defined in Nevada's legislation. But the -- what I neglected to present to the Board was the tax rates for fuel tax for diesel, propane and methane, so I provided those here.

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And that pretty much is the clarification that I wanted to present to the Board on that issue of fuel tax indexing.

Sandoval: Any questions from Board members? Then let's move on...

Fransway: Just a comment, Governor. I just wanted to thank Rudy for his follow-up on my questions. Thank you, Rudy.

Malfabon: You're welcome, Member Fransway. Moving on to the item of -- you recall that our project manager for the I-11 study, Sandra Rosenberg presented to the Board, and the question was asked who are the stakeholders, and so a list is provided here of the -- quite a lengthy list of stakeholders that are keeping apprised of this Interstate 11 study jointly between NDOT and ADOT. And that concludes the old business, Governor.

Sandoval: Lieutenant Governor has a comment.

Krolicki: Not to be -- I mean, this is a significant list and it's clear that research and outreach has been done, but not to be a stickler, but just to make sure. For example, it has the Governor's Office in Nevada on there, but I don't see the Governor's Office on Economic Development. I'm assuming that means that they are attending these meetings, but just clarification on something like that. And Nellis is listed, but the Department of Defense is not listed. The National Security Site is not listed. I see Department of Energy is. But I'm just not sure how far down that goes, and I just want to make sure. We have many cities, many counties, but NACO and League of Cities, I assume that outreach was made to them. And it went out and just who has actually responded.

I see McCarran Airport on there, but I don't see any of the other airport or aviation authorities. And from an economic development tool, not to be biased here, but that still is going to be critical. The Nevada Association of Airports and airport directors I think would be a wonderful outreach, if it's not already been made. But, again, thank you. I see the effort, but I just want to make sure that we're completely (inaudible) in those areas. Thank you.

Malfabon: Thank you for those suggestions, Lieutenant Governor. We'll check with our program manager to get those folks apprised too.

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- Hoffman: And then, Governor, Bill Hoffman. John Terry has some information on Agenda Item No. 6. Member Savage had asked about -- he had information on Agreement No. 25. And John Terry has that information.
- Terry: I said I would follow-up. Staff was able to get us the information. Expended to date on the Agreement, this is Item 24 of the HDR Agreement, is \$2,307,733. I would like to point out that U.S. 95, 215 interchange is an important project to us, and we're breaking it into a phase that we are hoping to deliver next year, and this is associated with that.
- Savage: Thank you very much, Mr. Terry.
- Sandoval: Board members, any further questions or comments with regard to Agenda Item No. 11? We'll move to Agenda Item 12, Public Comment. Is there any member of the public here in Carson City that would like to provide comment to the Board? Is there anyone present in Southern Nevada that would like to provide comment to the Board?
- Martin: No, sir.
- Sandoval: Move to Agenda Item 13. Is there a motion for adjournment?
- Martin: Governor, I need to make one statement first.
- Sandoval: All right.
- Martin: Recently during one of the snowstorms and so on I was traveling Ely, Elko, Pioche, and I utilized the state website to keep track of the highway conditions. What I didn't understand even after serving seven years on this Board or six years on this Board is the amount of information that is on NDOT's website that's available for everybody. And the highway condition reports are spot on. Every place I went, every time I looked on the internet and looked at that particular highway, the conditions were exactly as they were portrayed. And more importantly, they're updated every 20 minutes is what I discovered. So I wanted to thank Rudy and his staff for having such a useful tool. I just wished it was better marketed.
- Sandoval: They put a weather station in the back of your truck.
- Martin: That must be it.

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- Sandoval: Thanks for hauling that thing around. And, Mr. Director, I -- yeah, I agree with Member Martin is -- but is there a way to get the word out there with regard to, you know, how effective the site is?
- Malfabon: We definitely can, Governor. And I know that this is the important time of the year where people do check when they're going on those trips on the highways, especially during the winter, and (inaudible) useful also during the construction season for any kind of delays related to construction. But we'll do some marketing efforts better and report back to the Board on how we're doing on that.
- Krolicki: Governor, if I may, and on a serious note, but you're talking about outreach and the marketing. I still receive considerable amount of feedback about perceived disparities and funding between north, south and different places of the state. And we had talked about concerted outreach or maybe even editorial boards, but I really do think it would be important, if it's not already done, but the information that was presented at the last meeting or two meetings ago about, you know, exporting of fuel tax, those kind of things, but I hope that there is an effort underway to really reach out to the thought leaders so people really understand the different members here and the number of miles of roads in Southern Nevada and Las Vegas versus the entire state. I mean, there just -- there needs to be a perspective on this and I hope that's being done.
- Sandoval: Right. My understanding, Mr. Director, is that you've already met with the editorial boards of the major publications or newspapers in the state.
- Malfabon: I met with the Las Vegas Sun editorial board and the Las Vegas Tribune Journal editorial board and presented them with some information. I think another opportunity comes up when we bring before the Board the next facts and figures booklet. You may recall about a year ago that you approved the previous one, and that's a good venue or opportunity to communicate this issue. We also will be meeting with the RTCs statewide to discuss a better reporting system so that it is more transparent as far as where the money is going, to which projects and which areas of the state.
- Krolicki: Thank you. That's perfect.

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- Sandoval: Okay. Before I accept a motion for adjournment, again, I wanted to thank the Attorney General for her service to the Board. One more hand I think is very appropriate.
- Fransway: Governor?
- Sandoval: Yes, Member Fransway.
- Fransway: I just wanted to join you in thanking the Attorney General for her service. It's been my pleasure to work with her over the past few years. And I certainly wish her well and stay in touch. She's been an asset to the State of Nevada on this Board. Thank you.
- Sandoval: Thank you. All right. Do you want to make the motion to adjourn, Madam Attorney General?
- Cortez Masto: So moved.
- Sandoval: Okay. The Attorney General has moved to adjourn. Is there a second?
- Fransway: Second.
- Sandoval: I'll give it to Member Fransway. All in favor say aye.
- Group: Aye.
- Sandoval: Opposed no? Motion passes. The meeting's adjourned. Thank you very much, ladies and gentlemen, and happy holidays to everybody.
- Malfabon: Thank you, Governor.

Secretary to the Board

Preparer of Minutes



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MEMORANDUM

December 24, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #6: Presentation Regarding the Inter-local Agreement with the University Nevada Las Vegas (UNLV) for the Nevada Department of Transportation (NDOT's) Implementation of Oracle Business Intelligence – Informational Item Only

Summary:

The purpose of this agenda item is to make the Transportation Board aware of the inter-local agreement between the University of Nevada, Las Vegas and the Department of Transportation for the implementation of Oracle Business Intelligence. This is anticipated to be a four year, \$4,749,000 project.

Background:

Pursuant to NRS 408.131(5), the Transportation Board has authority to “execute or approve all instruments and documents in the name of the State or Department necessary to carry out the provisions of the chapter”. Additionally, the Director may execute all contracts necessary to carry out the provisions of Chapter 408 of NRS with the approval of the board, except those construction contracts that must be executed by the chairman of the board. Other contracts or agreements not related to the construction, reconstruction, improvement and maintenance of highways must be presented to and approved by the Board of Examiners. This item is intended to inform the Board of various matters relating to the Department of Transportation but which do not require any formal action by the Board.

In May of 2012, the Department procured Oracle Business Intelligence in order to improve our business intelligence and reporting capabilities with the original intent of procuring professional services for the implementation. After a great deal of analysis, the Department chose to partner with the University for the implementation of this system.

It is planned that the project will be funded 66% with state funds (\$3,134,340) and 34% through the Federal State Planning and Research (SPR) Program (\$1,614,660). This project qualifies for up to 80% reimbursement through the SPR and NDOT will request the maximum available if SPR funds are not used for other projects.

Analysis:

This agreement has been executed following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

List of Attachments:

None.

Recommendation for Board Action:

Informational Item Only.

Prepared by:

Dave Wooldridge, Chief IT Manager



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MEMORANDUM

December 30, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
ITEM #7: Receive a Report of Status of Project NEON – *Informational Item only*

Summary:

This item is a follow up to previous Transportation Board Meeting presentations on Project NEON presented on these previous dates:

- June 25, 2012
- November 6, 2012
- April 8, 2013
- June 10, 2013
- October 14, 2013

The following is an update on the progress of the Public Private Partnership (P3) for Project NEON.

Schedule

The Project Team has updated the schedule with the impacts due to the addition of Phases 2 and 4.

Phase 2 City of Las Vegas

The City of Las Vegas has requested that the Department include the City funded portions of the project into the P3 project.

Update and Status of Right of Way

The Department has received an approval from the Interim Finance Committee (IFC) of a work program to receive and expend \$100 Million of bond revenue to begin Right of Way Acquisition.

Consultant Advisor Agreements

In order to accommodate the addition of Phases 2 and 4 and to proceed with Stage 2 of the P3 procurement process, the existing consultant agreements need to be amended.

Background:

The purpose of this agenda item is to provide an update on Project NEON progress.

Analysis:

Schedule

The Project Team has faced many challenges, including the addition of Phase 2 and Phase 4 to the P3 project, and has successfully met the dates for issuance of the Request for Qualifications (RFQ) as well as the review of Statements of Qualifications, and shortlisting the proposers.

The project team has also released the Draft RFP to the shortlisted proposers to start the Industry Review Process.

The inclusion of Phase 2 and Phase 4 have created considerably more work than originally considered in the schedule that was developed in November 2012 that included only Phase 1 and 3. The release of the Draft RFP to industry was also delayed in part to allow approval of the sale of bonds through the IFC. The Milestones below have been revised to reflect the additional work necessary to complete the procurement process.

Major Milestones:

April 2014 – Final Draft RFP Approval by Transportation Board

May 2014 – Release of Final RFP to the Shortlisted Proposers

October 2014 – Technical Proposals Due

November 2014 – Financial Proposals Due

December 2014 – Notification of Preferred Proposer

February 2015 – Commercial Close

April 2015 – Financial Close

City of Las Vegas

The City of Las Vegas has requested to include the City funded portions of Phase 2 as part of the P3 project. Phase 2 is the re-establishment of Martin Luther King Boulevard from Alta Drive to Oakey Boulevard. This additional work will help with local mobility and access during and after construction.

The agreement will be before the Las Vegas City Council on January 8th and contains stipulations for securing funding and payment. The relationship between the City and NDOT is defined in the agreement. The Public Private Agreement (PPA) will remain between two parties; NDOT and the Developer. The City will not be party to the PPA.

Update and Status of Right of Way

78.7% of Phase 1 Right of Way (ROW) has been acquired.

Since the ROW acquisition is critical to the P3 Project schedule, the Department has set ROW for the P3 project, starting the acquisition process. The Department has also received an approval from the IFC of a work program to receive and expend \$100 Million of bond revenue to begin Right of Way Acquisition, and will be requesting a resolution of support from the Transportation Board at this January 2014 Board Meeting. The ROW Bond Milestones below outline the process over the next few months to sell the bonds.

ROW Bond Milestones:

1/13/2014	Transportation Board Approval of Resolution
1/14/2014	Board of Finance Request
2/4/2014	Rating calls
2/26/2014	Bond Sale
3/19/2014	Bond Closing

Consultant Advisor Agreements

In order to accommodate the addition of Phases 2 and 4 and to proceed with Stage 2 of the procurement process, the Legal, Financial, and Technical Advisor agreements must be amended. Those amendments will be presented in a following agenda item.

In order to facilitate the acquisition of the approximately 100 parcels in addition to the Phase 1 ROW, the Department has procured a Service Provider to perform the acquisitions and relocations. That agreement will be presented in a subsequent agenda item.

The Next Steps:

The project team will continue to develop the RFP and anticipate having it to the Transportation Board for approval in April, 2014. The bonding process will continue and ROW activities will begin and continue for 18-24 months.

List of Attachments:

None

Recommendation for Board Action:

Informational item only.

Prepared by:

Cole Mortensen, Senior Project Manager



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MEMORANDUM

December 20, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #8: Consideration of Resolution Requesting the State Board of Finance to Issue Highway Revenue Bonds – For Possible Action

Summary:

To accelerate the delivery of projects, the Department requests that the Department of Transportation Board of Directors adopt a resolution requesting the State Board of Finance to issue Highway Revenue Bonds in an amount not to exceed 100 million dollars.

Background:

The proceeds of the Bonds will be used primarily for acquiring right-of-way needed to construct Project NEON. Project NEON is a significant project in Las Vegas on the most heavily traveled section of Interstate 15 near the Spaghetti Bowl. Currently the Department is anticipating delivering Project NEON through a Public Private Partnership. However, the right-of-way acquired with these Bond proceeds would be required regardless of the procurement method.

Analysis:

Bond funding is a cost-effective mechanism to advance the funding of projects as interest rates remain relatively low. Currently, the Department has \$441.43 million of outstanding bonds and debt service payments in the 62 million dollar range for the next five years. Beginning in 2019 the existing debt service payments will decline and by 2026 all of the existing debt will be retired. Currently, the Department's Gas Tax and Special Fuel Tax is more than four times our maximum annual debt service and it is expected to remain above 3.5 times our maximum annual debt service after the issuance of these Bonds.

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

List of Attachments:

- A) Existing Debt Service Charts
- B) Board Resolution (6 original copies)

Recommendation for Board Action:

Approval of Resolution Requesting the State Board of Finance to Issue Highway Revenue Bonds.

Attachment A

State of Nevada

Highway Revenue Bonds

January, 2014

Existing Bonds	Original Principal Amount	Principal Balance Outstanding
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2004	173,345,000	11,905,000
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2005	191,445,000	27,020,000
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2006	192,730,000	87,135,000
State of Nevada, Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2008	129,970,000	117,975,000
State of Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Refunding Bonds, Series 2012	66,490,000	66,150,000
State of Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Refunding Bonds, Series 2013	131,245,000	131,245,000
Total	\$885,225,000	\$441,430,000

Bond Year Ended	Annual Debt Service Requirements			
	December 1	Principal	Interest	Total
2014		41,310,000	20,494,100	61,804,100
2015		43,485,000	18,376,075	61,861,075
2016		46,360,000	16,201,825	62,561,825
2017		48,370,000	14,188,525	62,558,525
2018		50,730,000	11,926,525	62,656,525
2019		44,835,000	9,552,975	54,387,975
2020		50,475,000	7,375,450	57,850,450
2021		20,635,000	5,013,475	25,648,475
2022		21,695,000	3,981,725	25,676,725
2023		11,825,000	3,025,675	14,850,675
2024		23,170,000	2,459,925	25,629,925
2025		24,150,000	1,502,725	25,652,725
2026		14,390,000	503,650	14,893,650
Total		\$441,430,000	\$114,602,650	\$556,032,650

Debt Service Coverage

The following Table reports Fuel Taxes included in Gross Pledged Revenues securing the Parity Securities for the five fiscal years ended June 30, 2013, and pro forma debt service coverage on the Parity Securities.

Fuel Taxes and Pro Forma Debt Service Coverage (1) Fiscal year ended June 30, 2013 (000 omitted)

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Gas Tax	\$ 189,934	\$ 186,147	\$ 186,165	\$ 185,171	\$ 185,651
Special Fuel Tax	79,545	79,340	78,534	79,198	80,913
Total Fuel Taxes (2)	<u>\$ 269,479</u>	<u>\$ 265,487</u>	<u>\$ 264,699</u>	<u>\$ 264,369</u>	<u>\$ 266,564</u>
<hr/>					
Coverage of Maximum Annual Debt Service (3)	3.02	3.29	3.29	3.29	4.25

- (1) Calculated using Fuel Taxes only. Does not include any debt service coverage from federal aid funds.
- (2) Fuel Taxes constituting Gross Pledged Revenues do not include "Direct Distributions and Other Exclusions" consisting of tax proceeds that are not collected because of exempt sales and other exempt transactions, dealers' collection and handling fees, tax proceeds to be used for refunds, motor vehicle fuel tax proceeds paid on fuel used in watercraft or recreational purposes, tax proceeds distributed to counties, tax proceeds derived from motor vehicle fuel used in aircraft; and the costs of administration for the collection of excise taxes on gasoline or other motor vehicle fuel (subject to a limitation of not exceeding 1% of the total proceeds so collected).
- (3) Based on schedule debt service on the Existing Parity Securities and assuming no other debt outstanding.

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

WHEREAS, pursuant to Nevada Revised Statutes (“NRS”) 408.273, the Board of Directors of the Nevada Department of Transportation (the “Board of Directors”) of the State of Nevada (the “State”) is authorized to request the State Board of Finance (the “Finance Board”) to issue the State of Nevada Highway Improvement Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2014 (the “2014 Bonds”) to provide money to enable the State Department of Transportation (“NDOT”) to complete pending and currently projected highway projects (the “Projects”).

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

Section 1. The Board of Directors hereby requests the Finance Board to issue the 2014 Bonds, the aggregate principal amount not to exceed \$100,000,000, to enable NDOT to complete the Projects.

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

Section 3. In order to permit NDOT to reimburse itself for prior expenditures relating to the Projects with the proceeds of the 2014 Bonds, the Board of Directors determines and declares as follows:

(i) NDOT reasonably expects to incur expenditures with respect to the Projects prior to the issuance of the 2014 Bonds and to reimburse those expenditures from the issuance of the 2014 Bonds; and

(ii) The maximum principal amount of the 2014 Bonds expected to be issued and used to reimburse such expenditures is \$100,000,000.

PASSED, ADOPTED AND APPROVED on January 13, 2014.

State of Nevada, Department of Transportation
Board of Directors

Chairman

Secretary to the Board of Directors

Approved to Legality and Form:

Chief Deputy Attorney General



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MEMORANDUM

January 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #9: Approval of Contracts Over \$5,000,000 – For Possible Action

Summary:

The purpose of this item is to present to the Board a list of construction contracts over \$5,000,000 for discussion and approval.

Background:

The Department contracts for services relating to the construction, operation and maintenance of the State's multi-modal transportation system. Contracts listed in this item are all low-bid per statute.

The attached construction contracts constitute all contracts over \$5,000,000 for which the bids were opened and the analysis completed by the Bid Review and Analysis Team and Contract Compliance section of the Department from November 14, 2013, to December 20, 2013.

Analysis:

These contracts have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Over \$5,000,000, November 14, 2013, to December 20, 2013

Recommendation for Board Action:

Approval of all contracts listed on Attachment A.

Prepared by: The Administrative Services Division

Attachment

A

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS OVER \$5,000,000
November 14, 2013 to December 20, 2013

1. November 21, 2013 at 1:30 p.m. the following bids were opened and read related to Department of Transportation Contract No. 3554, Project No. NHP-STP-095-2(060), The Project is lane widening; the addition of auxiliary lanes and HOV lane; as well as landscape and aesthetic improvements on US 95 from Ann Road to Durango Drive, District 1, Clark County.

Las Vegas Paving Corporation.....	\$35,700,000.00
Road and Highway Builders, LLC.	\$37,747,747.00
Capriati Construction Corp., Inc.	\$38,499,627.96

The Director recommends awarding the contract to Las Vegas Paving Corporation in the amount of \$35,700,000.00.

Engineer's Estimate: \$40,899,086.50

Line Item 1



MEMORANDUM

Administrative Services

December 10, 2013

To: John Terry, Assistant Director - Engineering
Richard Nelson, Assistant Director - Operations
Rudy Malfabon, Director

From:  Jenni Eyerly, Administrative Services Officer

Subject: Concurrence in Award for Contract No. 3554, Project No. NHP-STP-095-2(060), US 95 from Ann Road to Durango Drive, Clark County, Described as Widen from 6 to 8 Lanes; Add Auxiliary Lanes and HOV Lane. Landscape and Aesthetic Improvements to Multiple Structures within the Corridor, Engineer's Estimate \$39,843,059.52.

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

Bid proposals were opened on November 21, 2013. Las Vegas Paving Corporation is the apparent low bidder at \$35,700,000.00 and they submitted a properly executed proposal, bid bond and anti-collusion affidavit. The second low bidder is Road and Highway Builders LLC with a bid of \$37,747,747.00.

The project is Federally funded, required 10% DBE participation and is not subject to State Bidder Preference provisions.

The subcontractor listing documentation and DBE information submitted by the two lowest bidders has been reviewed and certified by the Contract Compliance Officer. The bid is within the Engineer's Estimate Range, and a copy of the Unofficial Bid Results report is attached for your reference. The BRAT Chairman has provided their concurrence to award, and their report is attached.

Your concurrence in award of this contract by endorsement hereon is respectfully requested. Please return the approved copy to this office. Upon receipt a packet will be prepared to obtain Transportation Board approval of the award at the next available meeting.

Concurrence in award:



John Terry, Assistant Director

Richard Nelson, Assistant Director



Rudy Malfabon, Director

Enclosures:
Unofficial Bid Results Report
Contract Compliance Memo
BRAT Summary Report
FHWA Concurrence in Award

Nevada Department of Transportation

Unofficial Bid Results

November 21, 2013

Contract Number: 3554

Designer: DAVID LAKE

Senior Designer: KEVIN MAXWELL

Estimate Range: R36 \$34,000,000.01 to \$41,000,000

Project Number: NHP-STP-095-2(060)

Bid Opening Date and Time: 11/21/2013 1:30 pm

Liquidated Damages: \$4,700

Working Days: 350

District: DISTRICT 1

County: CLARK

Location: US 95 FROM ANN RD TO DURANGO DR

Description: WIDEN FROM 6 TO 8 LANES; ADD AUXILIARY LANES AND HOV LANE. LANDSCAPE AND AESTHETIC IMPROVEMENTS TO MULTIPLE STRUCTURES WITHIN THE CORRIDOR

Apparent Low Bidder Las Vegas Paving Corporation \$35,700,000.00

Apparent 2nd Road and Highway Builders LLC \$37,747,747.00

Apparent 3rd Capriati Construction Corp., Inc. \$38,499,627.96

Bidders:

Actual
Bid Amount

1	Las Vegas Paving Corporation 4420 South Decatur Boulevard Las Vegas, NV 89103 (702) 251-5800	\$35,700,000.00
2	Road and Highway Builders LLC P.O. Box 70846 Reno, NV 89570 (775) 852-7283	\$37,747,747.00
3	Capriati Construction Corp., Inc. 1020 Wigwam Parkway Henderson, NV 89074- (702) 547-1182	\$38,499,627.96



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7497
Fax: (775) 888-7236

MEMORANDUM

CIVIL RIGHTS AND CONTRACT COMPLIANCE SECTION

December 4, 2013

To: Jenni Eyerly, Administrative Services Officer
From:  Dana A. Olivera, Contract Compliance
Subject: NDOT DBE & Bidder Subcontractor Information – Contract No. 3554

US 95 from ANN Road to Durango Drive, Clark County.

WIDEN FROM 6 TO 8 LANES; ADD AUXILIARY LANES AND HOV LANE.
LANDSCAPE AND AESTHETIC IMPROVEMENTS TO MULTIPLE STRUCTURES WITHIN
THE CORRIDOR.

The subcontractors listed by the apparent low bidder, Las Vegas Paving Corporation, and the apparent second low bidder, Road and Highway Builders LLC, are currently licensed by the Nevada State Board of Contractors.

The DBE goal of 10% has been met with an 11.15% DBE commitment by the apparent low bidder and a 10.30% commitment by the apparent second low bidder to Nevada certified DBE firms. Specific information regarding the DBE goal is available in the Contract compliance Division.

DAO



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7490
Fax: (775) 888-7401

Memorandum

December 4, 2013

TO: Jenni Eyerly, Administrative Services Officer
FROM: Paul Frost, Chief Roadway Design Engineer
SUBJECT: BRAT Summary Report for Contract #3554

The Bid Review and Analysis Team met on 12/03/13 to discuss the Bid Tabulation for the above referenced contract. The following BRAT team members were in attendance:

Jeff Shapiro, Chief Construction Engineer
Paul Frost, Chief Roadway Design Engineer
Jenni Eyerly, Administrative Services Officer
Mark Stewart, Administrative Services
Randy Weise, Construction
Liz Jackson, Construction
Don Christiansen, Resident Engineer
Scott Hein, Principal Design Engineer
Kevin Maxwell, Senior Roadway Design Engineer
Dale Wegner, FHWA

The Price Sensitivity Report (attached), as prepared by the Administrative Services Division showed no items were overly sensitive to the quantity estimates.

Numerous significant bid items are mathematically unbalanced. The majority of the plan quantities were verified and no errors were found (please see attached quantity Price Sensitivity report with comments).

Through the BRAT analysis, it was revealed there were errors during the input of the section 623 bid items into the final Engineer's Estimate. Several items were not coded in using the latest cost information resulting in an inflated estimate. One of these (item 623 1257), resulted in the estimate defaulting to a historic price that was not appropriate for the item as used on this contract (please see attached quantity Price Sensitivity report with comments). Correction of these errors does not affect the

contractors bids. The apparent low bid proposal bid prices were evaluated and determined to be acceptable.

The apparent low bid is 90 percent of the engineers estimate. With the Engineer's Estimate section 623 items corrected, the low bid is approximately 95 percent of the Engineer's Estimate. The BRAT recommends proceeding with awarding this contract.

BRAT Chairman Concur to Award



Date 12/10/13

cc: attendees
Pierre Gezelin, Legal
Attach.



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

1263 South Stewart Street
Carson City, Nevada 89712

BRIAN SANDOVAL
Governor

RUDY MALFABON, P.E.
Director

November 25, 2013

A070
MS SUSAN KLEKAR
DIVISION ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION
705 NORTH PLAZA STREET #220
CARSON CITY NV 89701

Contract No. 3554

Dear Ms. Klekar:

Request for Concurrence in Award of Contract No.3554, Project No.NHP-STP-095-2(060),
US 95 FROM ANN RD TO DURANGO DR, Clark County.

This is to advise you that on November 21, 2013, bids were opened for the subject contract. Las Vegas Paving Corporation, the apparent low bidder, submitted a properly executed proposal, bid bond and anti-collusion affidavit.

As required by Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 1, the Anti-Collusion Affidavit is on file in this office and the notices concerning "Certification of Non-Segregated Facilities" and "Implementation of Clean Air Act and Federal Water Pollution Control Act" were included in the bid proposal.

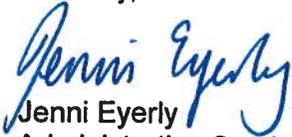
The DBE participation documentation furnished by the contractor is attached for your review and approval. The DBE goal of 10% was met with a 11.15% commitment for participation by DBE firms. The firms listed are currently certified as DBE's with NDOT.

The low bidder had been prequalified in accordance with our prequalification procedures and was eligible to submit a proposal for the project.

Enclosed is a copy of the bid tabulation for this contract.

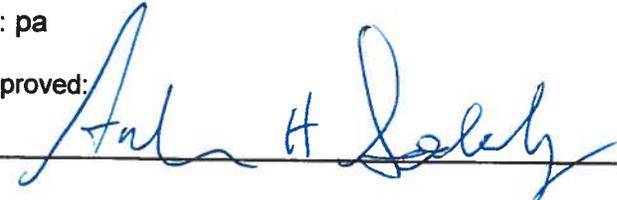
Your concurrence in award of this contract and approval of the DBE's by your endorsement hereon is respectfully requested. Please return an approved copy to this office.

Sincerely,


Jenni Eyerly
Administrative Services Officer

JE: pa

Approved:



12/19/13

Price Sensitivity Report

December 3, 2013

Contract No.: 3554
 Project No.: NHP-STP-095-2(060)
 Project ID/EA: 60546
 County: CLARK
 Range: R36 \$34,000,000.01 to \$41,000,000
 Working Days: 350

RE: Don Christiansen
 Designer: David Lake

Engineer's Estimate	Las Vegas Paving	Road and Highway Builders	Diff. Between Low & 2nd	Diff Between EE & Low	Low Bid % of EE
\$39,843,059.52	\$35,700,000.00	\$37,747,747.00	\$2,047,747.00	-\$4,143,059.52	89.60%

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
2020285	1,429.00	REMOVAL OF CULVERT PIPE	LINFT	20.00	42.00	50.00	-255,968.37	-17912.41%	210.00%	Yes	Quantity ok, EE OK \$20 for large quantity
2020400	8,016.00	REMOVAL OF CONCRETE BARRIER RAIL	LINFT	12.00	20.00	15.00	409,549.40	5109.15%	166.67%	Yes	Quantity ok, EE OK
2020530	41.00	REMOVAL OF HEADWALL	EACH	500.00	1,500.00	500.00	2,047.75	4994.50%	300.00%	Yes	Quantity ok, EE maybe a little low
2020990	225,970.00	REMOVAL OF BITUMINOUS SURFACE (COLD MILLING)	SQYD	1.25	1.20	4.00	-731,338.21	-323.64%	96.00%	No	Quantity ok, EE ok
2021290	274,932.00	REMOVE PAVEMENT MARKINGS	LINFT	0.30	0.29	0.10	10,777,615.79	3920.10%	96.67%	No	Quantity ok, EE OK
2030140	128,161.00	ROADWAY EXCAVATION	CUYD	8.00	15.60	1.40	144,207.54	112.52%	195.00%	Yes	Quantity ok, EE OK
2030230	62,315.00	BORROW EMBANKMENT	CUYD	8.00	0.01	1.40	-1,473,199.28	-2364.12%	0.13%	Yes	Quantity ok, EE OK
2030680	220,814.22	GEOTEXTILE	SQYD	1.50	1.05	0.30	2,730,329.33	1236.48%	70.00%	Yes	Quantity ok, EE High, \$1 ok
2060110	43,452.53	STRUCTURE EXCAVATION	CUYD	20.00	7.85	10.00	-952,440.46	-2191.91%	39.25%	Yes	Quantity ok, EE High, \$10 ok
2070110	18,764.09	GRANULAR BACKFILL	CUYD	25.00	22.65	20.00	772,734.72	4118.16%	90.60%	No	Quantity ok, EE ok, maybe \$20
2120040	13,787.00	AESTHETIC PATTERNING	SQYD	30.00	10.50	3.00	273,032.93	1980.37%	35.00%	Yes	Quantity ok, EE maybe high?
2120045	40,770.00	PAINTING	SQYD	3.50	4.88	0.50	467,522.15	1146.73%	139.43%	No	Quantity ok, EE OK
2120050	8,890.00	DETAIL PAINTING	SQFT	8.50	4.34	12.00	-267,329.90	-3007.09%	51.06%	Yes	Quantity ok, EE OK
2120390	1.00	PLANT ESTABLISHMENT WORK	LS	55,000.00	55,000.00	50,000.00	N/A	N/A	100.00%	No	Quantity ok, EE OK
2120870	3,890.00	DECORATIVE ROCK (TYPE A)	TON	45.00	46.00	50.00	-511,936.75	-13160.33%	102.22%	No	Quantity ok, EE OK
2120880	1,590.00	DECORATIVE ROCK (TYPE B)	TON	45.00	46.00	60.00	-146,267.64	-9199.22%	102.22%	No	Quantity ok, EE OK
2120890	6,050.00	DECORATIVE ROCK (TYPE C)	TON	45.00	46.00	50.00	-511,936.75	-8461.76%	102.22%	No	Quantity ok, EE OK
2120940	56.30	IMAGE PANEL	SQYD	1,000.00	2,001.00	1,800.00	10,187.80	18095.55%	200.10%	Yes	Quantity ok, EE low for small quantity
2120942	252.00	DECORATIVE FIGURE (TYPE A)	EACH	602.00	552.00	1,500.00	-2,160.07	-857.17%	91.69%	No	Quantity ok, EE OK
3020130	179,141.00	TYPE 1 CLASS B AGGREGATE BASE	TON	9.00	12.10	0.01	169,375.27	94.55%	134.44%	No	Quantity ok, EE OK
4020190	152,290.00	PLANTMIX SURFACING (TYPE 2C)(WET)	TON	68.00	72.50	55.00	117,014.11	76.84%	106.62%	No	Quantity ok, EE maybe a little low
4030120	17,283.50	PLANTMIX OPEN-GRADED SURFACING (1/2-INCH)(WET)	TON	85.00	92.25	130.00	-54,244.95	-313.85%	108.53%	No	Quantity ok, EE maybe a little low
4060110	247.00	LIQUID ASPHALT, TYPE MC-70NV	TON	600.00	1.00	0.01	2,068,431.31	837421.58%	0.17%	Yes	Quantity ok, EE OK
5020130	2,538.00	SPECIAL CONCRETE BARRIER RAIL	LINFT	75.00	119.00	100.00	107,776.16	4246.50%	158.67%	Yes	Quantity ok, EE low \$120 ok
5020160	3,410.00	CONCRETE BARRIER RAIL (TYPE A)	LINFT	40.00	31.00	40.00	-227,527.44	-6672.36%	77.50%	No	Quantity ok, EE OK
5020170	10,294.00	CONCRETE BARRIER RAIL (TYPE FA)	LINFT	35.00	36.00	40.00	-511,936.75	-4973.16%	102.86%	No	Quantity ok, EE OK
5020200	1,960.00	CONCRETE BARRIER RAIL (TYPE FB)	LINFT	45.00	50.00	60.00	-204,774.70	-10447.69%	111.11%	No	Quantity ok, EE OK
5020210	451.00	CONCRETE BARRIER RAIL (TYPE FB) (MODIFIED)	LINFT	90.00	167.00	30.00	14,947.06	3314.20%	185.56%	Yes	Quantity ok, EE low
5020250	976.00	CONCRETE BARRIER RAIL (TYPE FD)	LINFT	70.00	64.25	70.00	-356,129.91	-36488.72%	91.79%	No	Quantity ok, EE OK
5020930	302.34	CLASS A CONCRETE, MODIFIED (MINOR)	CUYD	1,000.00	1,167.00	1,500.00	-6,149.39	-2033.93%	116.70%	No	Quantity ok, EE OK
5020970	7,932.00	CLASS D CONCRETE, MODIFIED (MAJOR)	CUYD	400.00	320.00	300.00	102,387.35	1290.81%	80.00%	No	Quantity ok, EE a little high
5021200	771.00	6-FOOT X 3-FOOT PRECAST CONCRETE BOX CULVERT	LINFT	325.00	365.00	500.00	-15,168.50	-1967.38%	112.31%	No	Quantity ok, EE OK
5050100	1,675,206.15	REINFORCING STEEL	POUND	0.80	0.01	1.00	-2,068,431.31	-123.47%	1.25%	Yes	Quantity ok, EE OK
6030170	1,639.00	18-INCH REINFORCED CONCRETE PIPE, CLASS III	LINFT	70.00	84.00	120.00	-56,881.86	-3470.52%	120.00%	No	Quantity ok, EE ok or a little low
6030290	969.00	30-INCH REINFORCED CONCRETE PIPE, CLASS III	LINFT	100.00	115.00	160.00	-45,505.49	-4696.13%	115.00%	No	Quantity ok, EE OK
6030350	633.00	36-INCH REINFORCED CONCRETE PIPE, CLASS III	LINFT	125.00	130.00	170.00	-51,193.67	-8087.47%	104.00%	No	Quantity ok, EE ok or a little low
6040470	745.00	30-INCH CORR. METAL PIPE (16 GAGE)	LINFT	75.00	80.00	80.00	N/A	N/A	106.67%	No	Quantity ok, EE OK
6080170	29.00	EMBANKMENT PROTECTOR, TYPE 5-2G	EACH	2,500.00	2,800.00	2,000.00	2,559.68	8826.50%	112.00%	No	Quantity ok, EE OK
6091040	32,791.00	STRUCTURAL STEEL GRATES	POUND	3.00	2.50	2.00	4,095,494.00	12489.69%	83.33%	No	Quantity ok, EE OK maybe a little high
6091280	8.00	60-INCH PRECAST REINFORCED CONCRETE MANHOLE, TYPE 2 (MODIFIED)	EACH	8,000.00	5,250.00	4,000.00	1,638.20	20477.47%	65.63%	Yes	Quantity ok, EE high
6091780	332.00	TRENCH DRAIN	LINFT	250.00	280.00	150.00	15,751.90	4744.55%	112.00%	No	Quantity ok, EE OK
6100170	625.00	RIPRAP (CLASS 150)	CUYD	80.00	39.00	100.00	-33,569.62	-5371.14%	48.75%	Yes	Quantity ok, EE OK
6110110	133.00	CLASS A CONCRETE SLOPE PAVEMENT	CUYD	500.00	457.00	800.00	-5,970.11	-4488.80%	91.40%	No	Quantity ok, EE OK
6161200	5,347.00	72-INCH CHAIN-LINK FENCE	LINFT	13.00	12.00	30.00	-113,763.72	-2127.62%	92.31%	No	Quantity ok, EE OK
6180230	16,509.00	CABLE BARRIER	LINFT	14.00	13.60	12.00	1,279,841.87	7752.39%	97.14%	No	Quantity ok, EE OK
6230236	48.00	NO. 7 PULL BOX, MODIFIED	EACH	1,250.00	1,445.00	1,500.00	-37,231.76	-77566.17%	115.60%	No	Quantity ok, EE OK
6230241	27.00	NO. 9 PULL BOX, MODIFIED	EACH	1,750.00	3,959.00	4,000.00	-49,945.05	-184981.66%	226.23%	Yes	Quantity ok, EE low, \$4000 good
6230266	310.00	LUMINAIRE	EACH	2,400.00	2,247.00	1,000.00	1,642.14	529.72%	93.63%	No	Quantity ok, EE OK
6230525	3.00	SPECIAL STEEL POLE	EACH	10,000.00	28,000.00	30,000.00	-1,023.87	-34129.12%	280.00%	Yes	Quantity ok, EE low, \$30000 good
6230575	17.00	STEEL POLE, TYPE 7 WITH SAFETY BASE	EACH	3,500.00	3,745.00	4,000.00	-8,030.38	-47237.53%	107.00%	No	Quantity ok, EE OK
6230670	26.00	HIGH MAST HEAD FRAME ASSEMBLY	EACH	6,000.00	5,457.00	5,000.00	4,480.85	17234.03%	90.95%	No	Quantity ok, EE OK
6230875	21.00	SPECIAL DETECTOR INSTALLATION	EACH	9,500.00	6,367.00	5,000.00	1,497.99	7133.27%	67.02%	Yes	Quantity ok, EE high \$6200 good
6231055	11.00	SPECIAL CABINET	EACH	10,000.00	8,774.00	5,000.00	542.59	4932.67%	87.74%	No	Quantity ok, EE a little high
6231257	4.00	FIELD HUB EQUIPMENT	EACH	187,585.97	5,200.00	5,000.00	10,238.73	255968.37%	2.77%	Yes	Quantity ok, EE price wrong, Traffic price was \$5000, default price from previous project was automatically input.
6231265	5.00	CCTV FIELD EQUIPMENT	EACH	10,000.00	8,000.00	8,000.00	N/A	N/A	80.00%	No	Quantity ok, EE a little high
6231355	1.00	REMOVAL OF EXISTING LIGHTING SYSTEM	LS	64,000.00	5,300.00	5,000.00	N/A	N/A	8.28%	Yes	Quantity ok, EE price entered incorrectly Traffic price was \$8000.
6231440	20.00	REMOVE AND RESET HIGH MAST LIGHT POLE	EACH	8,677.53	12,050.00	12,000.00	40,954.94	204774.70%	138.86%	No	Quantity ok, EE OK \$8000-\$10k historical price avg.

Approval of Contracts Over \$5,000,000

Price Sensitivity Report

December 3, 2013

Item No.	Quantity	Description	Unit	Engineer's Est. Unit Price	Low Bid Unit Price	2nd Low Bid Unit Price	Qty Chg Req'd to Chg Bid Order	% Change in Qty Req'd	Low % of EE	Significantly Unbalanced	Quantity Check Comments
6231470	55.00	REMOVE AND RESET PULL BOX	EACH	260.33	910.00	1,000.00	-22,752.74	-41368.63%	349.56%	Yes	Quantity ok, EE low, but huge quantity
6231780	95,520.00	1-INCH CONDUIT	LINFT	3.50	5.11	2.00	658,439.55	689.32%	146.00%	No	Quantity ok, EE OK
6231820	44,960.00	3-INCH CONDUIT	LINFT	25.00	7.00	8.00	-2,047,747.00	-4554.60%	28.00%	Yes	Quantity ok, EE high, \$8 historical price
6231830	2,430.00	4-INCH CONDUIT	LINFT	30.00	19.70	25.00	-386,367.36	-15899.89%	65.67%	Yes	Quantity ok, EE high
6231945	18,980.00	NO. 2/0 CONDUCTOR	LINFT	3.50	3.48	3.00	4,266,139.58	22477.03%	99.43%	No	Quantity ok, EE OK
6231950	24,130.00	NO. 1/0 CONDUCTOR	LINFT	3.00	3.10	3.00	20,477,470.00	84863.12%	103.33%	No	Quantity ok, EE OK
6231980	60,390.00	NO. 8 CONDUCTOR	LINFT	1.95	0.70	1.00	-6,825,823.33	-11302.90%	35.90%	Yes	Quantity ok, EE high
6232176	30,830.00	SINGLE MODE FIBER OPTIC CABLE (72 FIBER)	LINFT	15.00	1.93	4.00	-989,249.76	-3208.72%	12.87%	Yes	Quantity ok, EE high, \$3 historical price
6232179	3,510.00	FIBER OPTIC BRANCH CABLE	LINFT	50.00	6.42	12.00	-366,979.75	-10455.26%	12.84%	Yes	Quantity ok, EE high, \$5 historical price
6232310	4.00	HIGH MAST STEEL POLE, 100-FOOT	EACH	20,000.00	17,000.00	18,000.00	-2,047.75	-51193.67%	85.00%	No	Quantity ok, EE OK
6232315	22.00	HIGH MAST STEEL POLE, 120-FOOT	EACH	25,000.00	21,025.00	22,000.00	-2,100.25	-9546.61%	84.10%	No	Quantity ok, EE OK
6232630	100.00	LOOP DETECTOR (6-FOOT X 6-FOOT)	EACH	350.00	551.00	500.00	40,151.90	40151.90%	157.43%	Yes	Quantity ok, EE a little low, \$400 good
6232885	2.00	DYNAMIC MESSAGE SIGN (TYPE 1)	EACH	170,000.00	74,800.00	80,000.00	-393.80	-19689.87%	44.00%	Yes	Quantity ok, EE high \$80 avg.
6232895	4,720.00	DIRECTIONAL DRILLING	LINFT	50.00	34.25	50.00	-130,015.68	-2754.57%	68.50%	Yes	Quantity ok, EE OK
6233010	1.00	WEIGH-IN-MOTION SYSTEM (8-LANE CONFIGURATION)	LS	250,000.00	380,000.00	100,000.00	N/A	N/A	152.00%	Yes	Quantity ok, EE OK, no history
6240110	10,000.00	FLAGGER	HOURLY	50.00	63.15	25.00	53,676.20	536.76%	126.30%	No	Quantity ok, EE OK
6240140	350.00	TRAFFIC CONTROL SUPERVISOR	DAY	450.00	500.00	3,500.00	-682.58	-195.02%	111.11%	No	Quantity ok, EE OK
6240530	18.00	RENT EQUIPMENT (OFFICE SPACE)	MONTH	3,000.00	2,100.00	10,000.00	-259.21	-1440.05%	70.00%	Yes	Quantity ok, EE a little high
6250310	1,122.00	RENT TRAFFIC DRUMS	EACH	55.00	50.00	50.00	N/A	N/A	90.91%	No	Quantity ok, EE OK
6250510	15,695.00	RENT PORTABLE PRECAST CONCRETE BARRIER RAIL	LINFT	20.00	19.00	80.00	-33,569.62	-213.89%	95.00%	No	Quantity ok, EE OK
6270110	1.00	PERMANENT OVERHEAD SIGN SUPPORT STRUCTURES	LS	1,152,000.00	650,000.00	584,033.84	N/A	N/A	56.42%	Yes	Quantity ok, EE high
6270150	2,571.00	PERMANENT SIGN PANELS (OVERHEAD)	SQFT	25.00	20.00	15.00	409,549.40	15929.58%	80.00%	No	Quantity ok, EE a little high
6270190	1,751.00	PERMANENT SIGNS (GROUND MOUNTED) (METAL SUPPORTS)	SQFT	60.00	45.00	60.00	-136,516.47	-7796.49%	75.00%	Yes	Quantity ok, EE OK
6280120	1.00	MOBILIZATION	LS	1,770,137.01	1,392,795.93	3,750,000.00	N/A	N/A	78.68%	No	Quantity ok, EE OK
6290100	350.00	TIME RELATED OVERHEAD	DAY	3,000.00	1,827.00	6,200.00	-468.27	-133.79%	60.90%	Yes	Quantity ok, EE OK
6321200	16.43	POLYUREA PAVEMENT STRIPING (8-INCH SOLID WHITE)	MILE	5,500.00	6,200.00	4,000.00	930.79	5664.87%	112.73%	No	Quantity ok, EE OK
6321270	10.08	POLYUREA PAVEMENT STRIPING (8-INCH SOLID YELLOW)	MILE	5,500.00	6,200.00	4,000.00	930.79	9234.07%	112.73%	No	Quantity ok, EE OK
6370190	1.00	DUST CONTROL	LS	53,104.10	61,000.00	5,000.00	N/A	N/A	114.87%	No	Quantity ok, EE OK
6410100	21.00	IMPACT ATTENUATOR	EACH	18,000.00	21,500.00	20,000.00	1,365.16	6500.78%	119.44%	No	Quantity ok, EE OK
Additional Comments: The 623 items EE was \$2.2 million above the low bid, this error was a combination of inaccurate prices, and mistakes keying in the correct prices. The low bid prices are reasonable for these items.											



MEMORANDUM

January 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item # 10: Approval of Agreements Over \$300,000 - For Possible Action

Summary:

The purpose of this item is to provide the Board a list of agreements over \$300,000 for discussion and approval following the process approved at the July 11, 2011 Transportation Board meeting. This list consists of any design build contracts and all agreements (and amendments) for non-construction matters, such as consultants, service providers, etc. that obligate total funds of over \$300,000, during the period from November 14, 2013, to December 20, 2013.

Background:

The Department contracts for services relating to the development, construction, operation and maintenance of the State's multi-modal transportation system. The attached agreements constitute all new agreements, new task orders on existing agreements, and all amendments which take the total agreement above \$300,000 during the period from November 14, 2013, to December 20, 2013.

Analysis:

These agreements have been prepared following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures. They represent the necessary support services needed to deliver the State of Nevada's multi-modal transportation system.

List of Attachments:

- A) State of Nevada Department of Transportation Agreements over \$300,000, November 14, 2013, to December 20, 2013.

Recommendation for Board Action:

Approval of all agreements listed on Attachment A.

Prepared by: Administrative Services Division

Attachment

A

**State of Nevada Department of Transportation
Agreements for Approval
November 14, 2013 to December 20, 2013**

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	01413	1	NOSSAMAN LLP	PROJECT NEON LEGAL ADVISOR	Y	1,400,000.00	2,000,000.00	3,400,000.00	-	3/11/2013	12/31/2017	1/13/2014	Service Provider	AMD 1 01-13-14: INCREASE AUTHORITY \$2,000,000.00 FROM \$1,400,000.00 TO 3,400,000.00 TO FINALIZE THE RFP, ASSIST WITH RFP INDUSTRY REVIEW PROCESS, POST RFP ISSUANCE PROCUREMENT PROCESS, ASSIST IN DEVELOPMENT OF EVALUATION AND SELECTION PLAN, REVIEW LEGAL CONTRACTS, AND ASSIST WITH NEGOTIATIONS WITH APPARENT BEST VALUE PROPOSER AND CONTRACT FINALIZATION. 03-11-13: TO PROVIDE LEGAL ADVISORY SERVICES FOR A PUBLIC PRIVATE PARTNERSHIP FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NV20131010017-R
2	01513	1	ERNST & YOUNG INFRASTRUCTURE ADVISORS LLC	PROJECT NEON FINANCIAL ADVISOR	Y	1,397,957.00	1,900,000.00	3,297,957.00	-	3/11/2013	12/31/2014	1/13/2014	Service Provider	AMD 1 01-13-14: INCREASE AUTHORITY \$1,900,000.00 FROM \$1,397,957.00 TO 3,297,957.00 TO FINALIZE THE RFP, ASSIST WITH RFP INDUSTRY REVIEW PROCESS, POST RFP ISSUANCE PROCUREMENT PROCESS, ASSIST IN DEVELOPMENT OF EVALUATION AND SELECTION PLAN, REVIEW LEGAL CONTRACTS, AND ASSIST WITH NEGOTIATIONS WITH APPARENT BEST VALUE PROPOSER AND CONTRACT FINALIZATION. 03-11-13: TO PROVIDE FINANCIAL ADVISORY SERVICES FOR A PUBLIC PRIVATE PARTNERSHIP FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NV20101338019-R
3	09113	1	CH2M HILL, INC.	PROJECT NEON TECHNICAL ADVISOR	Y	4,900,547.33	4,983,820.11	9,884,367.44	-	4/10/2013	7/31/2014	1/13/2014	Service Provider	AMD 1 01-13-14: INCREASE AUTHORITY \$4,983,820.11 FROM \$4,900,547.33 TO \$9,884,367.44 TO DEVELOP AND PREPARE THE OVERALL P3 PROCUREMENT AND FINANCIAL APPROACH TO THE PROJECT, ASSIST WITH RFP INDUSTRY REVIEW, PREPARATION AND REVIEW OF ALL TECHNICAL DOCUMENTS AND SPECIFICATIONS, THE OVERALL DEVELOPMENT AND PREPARATION OF THE RFP DOCUMENTS, ANALYSIS AND REVIEW OF PROPOSED CONCEPTS, AND SUPPORT DURING THE SELECTION PROCESS. 04-10-13: TO PROVIDE TECHNICAL ADVISORY SERVICES AND DESIGN SUPPORT SERVICES FOR A PUBLIC PRIVATE PARTNERSHIP FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NV20101338019-R
4	36613	0	OVERLAND, PACIFIC, AND CUTLER, INC.	PROJECT NEON RIGHT OF WAY SERVICES	Y	5,972,283.80	-	5,972,283.80	-	1/13/2014	12/31/2016	-	Service Provider	01-13-14: APPRAISAL, APPRAISAL REVIEW, ACQUISITION, RELOCATION, AND PROPERTY MANAGEMENT OF THE P3 PHASE OF PROJECT NEON. CLARK COUNTY. NV B/L#: NV20041372512-R

5	08912	3	SNELL & WILMER	OUTSIDE LEGAL COUNSEL	N	150,000.00	825,000.00	1,120,000.00	-	3/1/2012	3/30/2015	1/13/2014	Service Provider	AMD 3 01-13-14: INCREASE AUTHORITY \$825,000.00 FROM \$295,000.00 TO \$1,120,000.00 FOR SNELL & WILMER TO COMPLETE DISCOVERY PHASE OF LITIGATION, AND PREPARE FOR PRE-TRIAL AND TRIAL. AMD 2 09-12-13: INCREASE AUTHORITY \$70,000.00 FROM \$225,000.00 TO \$295,000.00 TO PROVIDE FOR THE BEGINNING OF THE DISCOVERY PHASE OF LITIGATION. AMD 1 02-18-13: EXTENDS TERMINATION DATE FROM 06-30-14 TO 03-01-15 AND INCREASES AUTHORITY BY \$75,000.00 FROM \$150,000.00 TO \$225,000.00 FOR CONTINUED SERVICES UNTIL RESOLUTION OF THE LAWSUIT. 03-01-12: OUTSIDE LEGAL COUNSEL TO REPRESENT AND ADVISE THE DEPARTMENT IN THE MATTER OF CONTRACT 3377 AWARDED TO PEEK CONSTRUCTION AND ITS REQUEST FOR EQUITABLE ADJUSTMENT CLAIM AND COMPLAINT AGAINST THE DEPARTMENT FILED IN 1ST JD 120C 00030 1B, STATEWIDE. NV B/L#: NV20011000455-S
6	00614	0	LAURA FITZSIMMONS, ESQ.	PROJECT NEON RISK & LITIGATION	N	900,000.00	-	900,000.00	-	1/13/2014	12/31/2017	-	Service Provider	1-13-14: RISK MANAGEMENT ANALYSIS AND LITIGATION STRATEGY FOR PROJECT NEON, CLARK COUNTY. NV B/L#: NV20121016853
7	51012	2	LAURA FITZSIMMONS, ESQ.	LEGAL CONSULTING	N	300,000.00	750,000.00	1,900,000.00	-	12/6/2012	7/31/2015	1/13/2014	Service Provider	AMD 2 01-13-14: INCREASE AUTHORITY \$750,000 TO \$1,900,000 TO ADDRESS DIRECT COSTS & EXPENSES FOR LITIGATION, PAY SUBCONTRACTORS PROVIDING SERVICES AND OUTSIDE COUNSEL SERVICES IN PROSECUTING VARIOUS EMINENT DOMAIN ACTIONS AND DEFENDING VARIOUS INVERSE CONDEMNATION ACTIONS RELATING TO THE BOULDER CITY BYPASS. AMD 1 08-12-13: INCREASE AUTHORITY \$850,000 TO \$1,150,000 TO ADDRESS DIRECT COSTS & EXPENSES FOR LITIGATION, PAY SUBCONTRACTORS PROVIDING SERVICES AND OUTSIDE COUNSEL SERVICES IN PROSECUTING VARIOUS EMINENT DOMAIN ACTIONS AND DEFENDING VARIOUS INVERSE CONDEMNATION ACTIONS RELATING TO THE BOULDER CITY BYPASS. 12-06-12: LEGAL CONSULTANT FOR VARIOUS EMINENT DOMAIN CASES. NV B/L#: NV20121016853

Line Item 1

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

December 18, 2013

TO: 1. Felicia Denney, Budget Section
2. Norfa Lanuza, Project Accounting *Done*
3. Rudy Malfabon, P.E., Director

FROM: Amir M. Soltani, Project Management Chief

SUBJECT: REQUEST TO OBTAIN BUDGET APPROVAL AND TO AMEND EXISTING LEGAL SERVICES WITH NOSSAMAN LLP (P014-13-015) FOR PROJECT NEON PUBLIC PRIVATE PARTNERSHIP, EA ~~73652~~ 73791

The Director has contracted with Nossaman LLP to provide Legal Advisor Services in support of developing the Request for Proposals (RFP) for Project Neon Public-Private Partnership (P3). Since the approval of the initial agreement, the Project Team has been asked to include the southbound I-15 ramp braidings (previously Phase 4) and the re-establishment of Martin Luther King Boulevard (previously Phase 2). The Amendment will address the additional costs necessary to finalize the RFP as well as to proceed with Stage 2 of the procurement process.

Attached is the scope of services for the initial agreement as well as the "Draft" scope of services for the amendment. The major legal services include participation in the RFP industry review process, participation in post-RFP issuance procurement process, assist in the development and preparation of RFP Evaluation and Selection Plan, review of all legal contracts, and assist with negotiations with apparent best value proposer and contract finalization.

Per the approval of the Transportation Board on November 6, 2012, and on June 10, 2013, the Department has been authorized to proceed with efforts in support of developing a P3 RFP for Project Neon. Should the Transportation Board approve the Department's request to proceed and issue the P3 RFP for Project Neon P3, amendments to the service provider agreement will be needed for future phases of the procurement and overall P3 process. At least 2 more amendments are anticipated to the agreement. The stages of the P3 process that will require amendments to the agreement include: (1) Construction Contract Administration; and (2) Maintenance and Operations Oversight.

The estimated total cost for the amendment services are \$2,000,000.00. The total cost is broken out by fiscal year as follows: \$500,000.00, 95% Federal-aid, 5% for State Fiscal Year 2014 and \$1,500,000.00, 95% Federal-aid, 5% for State Fiscal Year 2015. A Form 2A will be submitted for each future amendment detailing the scope, and cost of amended services.

Approval of this memo by the Budget Section of Financial Management Division indicates funding authority is available for services for Budget Category 06-BLDGS/IMPRV, Object 814Z-SERVICE PROVIDER DESIGN BUILD, Organization B015-PROJECT MANAGEMENT. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 is attached. Also attached is the original approved Form 2A to obtain budget approval and solicit legal advisor services for Project Neon. Please return this memo to me for inclusion in the project file.

Approval of this memo by the Directors Office authorizes the request to solicit services.
PM - Since federal not available for FY14, use available state and code A.C. for future fed. reimbursement eligibility.

Approved: *Rudy Malfabon*
Director

Approved: *Felicia Denney*
Budget Section

COMMENTS: *This project requires a scope budget change form - please meet with April.*
Rudy - All federal funds have been assigned to projects. Use of federal or state funds will require a shifting of resources from other projects. Please advise, Thanks! Felicia Denney

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

December 18, 2013

TO: John Terry, Assistant Director
FROM: Dale Keller, Project Manager
SUBJECT: Negotiation Summary for Legal Advisor Services for Project Neon

Negotiation meetings were held by telephone on December 17, 2013, with Corey Boock of Nossaman LLP, Dale Keller with NDOT Project Management, and Louis Holland with the Nevada Attorney General Office.

The amended scope of the services that are to be provided by Nossaman LLP was reaffirmed and agreed to by both parties at the outset. The attached scope of work describes the services to be performed by Nossaman LLP in order to develop a final draft Public Private Partnership (PPP) Request for Proposals (RFP) for Project NEON by May 2014 as well as to proceed with Stage 2 of the procurement process.

The following schedule and key milestones were agreed to by both parties and are shown below. The service provider will work closely with NDOT Project Management, the Department's financial advisors and design consultant to develop a detailed schedule after project kick off meeting.

Schedule and Milestones:

December 2013	Initial Draft RFP
May 2014	Final Draft RFP
December 2014	Commercial Close
February 2015	Financial Close

Key personnel who will be dedicated to this project are as follows:

Lead Counsel/Team Leader	Corey Boock, Nossaman LLP
Contracts and Finance Counsel	Barney Allison, Nossaman LLP
Procurement Contracts/Technical Provision Counsel	Margo Bennet, Nossaman LLP
Procurement Contracts/Technical Provision Counsel	Isidro Jimenez, Nossaman LLP

The proposal was reviewed by task. Refer to the attached table for comparison of NDOT's and Nossaman's estimate based on the scope of work. NDOT's original estimate was approximately \$1,930,000.00 and was based on estimated man-hours and expenses for the project, and used a loaded hourly rate which has been used in previous and current agreements

with Department. Nossaman's original estimate was \$2,200,000.00 and was based on estimated man-hours and expenses for the project, and used a loaded hourly rate.

The negotiations yielded the following:

- 1) The total negotiated cost for this agreement, including expenses will be **\$2,000,000.00**. This total includes expenses agreed upon to total \$50,000.00. Please refer to the attached table for the assumptions and basis for the estimate.

Reviewed and Approved:



John Terry, Assistant Director

DRK

Attached:

Scope of Work
Preliminary Assumptions regarding Budget Estimate

Line Item 2

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

December 18, 2013

TO: 1. Felicia Denney, Budget Section
2. Norfa Lanuza, Project Accounting *Doc Olv*
3. Rudy Malfabon, P.E., Director

FROM: Amir M. Soltani, Project Management Chief

SUBJECT: REQUEST TO OBTAIN BUDGET APPROVAL TO AMEND EXISTING AGREEMENT P015-13-015 (Ernst and Young Infrastructure Advisors LLC) FINANCIAL SERVICES FOR PROJECT NEON. *EA 73791*

The Director has contracted with Ernst and Young Infrastructure Advisors LLC to provide Financial Advisor Services in support of developing the Request for Proposal (RFP) for Project Neon Public-Private Partnership (P3). Since the approval of the initial agreement, the Project team has been asked to include the southbound I-15 ramp braidings (previously Phase 4) and the re-establishment of Martin Luther King Boulevard (previously Phase 2). This Amendment will address the additional costs necessary to finalize the RFP as well as to proceed with Stage 2 of the procurement process.

Attached is the scope of services for the initial agreement as well as the "Draft" scope of services for the amendment. The major financial services include participation in the RFP industry review process, participation in post-RFP issuance procurement process, assist in the development and preparation of RFP Evaluation and Selection Plan, review of all legal contracts, and assist with negotiations with apparent best value proposer and contract finalization.

Per the approval of the Transportation Board on November 6, 2012, and on June 10, 2013, the Department has been authorized to proceed with efforts in support of developing a P3 RFP for Project Neon. Should the Transportation Board approve the Department's request to proceed and issue the P3 RFP for Project Neon P3, amendments to the service provider agreement will be needed for future phases of the procurement and overall P3 process. At least 2 more amendments are anticipated to the agreement. The stages of the P3 process that will require amendments to the agreement include: (1) Construction Contract Administration; and (2) Maintenance and Operations Oversight.

The estimated total cost for the services is \$2,000,000.00. The total cost is broken out by fiscal year as follows: \$500,000.00, 95% Federal-aid, 5% for State Fiscal Year 2014 and \$1,500,000.00, 95% Federal-aid, 5% for State Fiscal Year 2015.

Approval of this memo by the Budget Section of Financial Management Division indicates funding authority is available for services for Budget Category 06-BLDGS/IMPRV, Object 814Z-SERVICE PROVIDER DESIGN BUILD, Organization B015-PROJECT MANAGEMENT. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 is attached. Also attached is the original approved Form 2A to obtain budget approval and to solicit financial advisor services for Project NEON. Please return this memo to me for inclusion in the project file.

Approval of this memo by the Directors Office authorizes the request to solicit services.
EM - Since federal is not available for FY 14, use available state funds and code A.S.
Approved: *for future fed reimbursement eligibility.* Approved:

Rudy Malfabon

Director

Felicia Denney

Budget Section

COMMENTS: *This project requires a scope budget change form - please meet with April.*
Rudy - All federal funds have been assigned to projects.

Use of federal or state funds will require a shifting of resources from other projects. Please advise.

Thanks! Felicia Denney

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

December 20, 2013

TO: John Terry, Assistant Director

FROM: Jeff Lerud, Project Manager

SUBJECT: Negotiation Summary for Financial Advisor Services for Project Neon

Negotiation meetings were held by telephone on December 20, 2013, with Mike Parker, Tuyen Mai, and Eloise Jeanneau of Ernst and Young Infrastructure Advisors LLC, Jeff Lerud with NDOT Project Management, and Dave Olsen NDOT's Chief Accountant.

The amended scope of the services that are to be provided by Ernst and Young Infrastructure Advisors LLC was reaffirmed and agreed to by both parties at the outset. The attached scope of work describes the services to be performed by Ernst and Young Infrastructure Advisors LLC in order to develop a final draft Public Private Partnership (PPP) Request for Proposals (RFP) for Project NEON by May 2014 as well as to proceed with Stage 2 of the procurement process.

The following schedule and key milestones were agreed to by both parties and are shown below. The service provider will work closely with NDOT Project Management, the Department's legal advisors and design consultant to develop a detailed schedule after project kick off meeting.

Schedule and Milestones:

December 2013	Initial Draft RFP
May 2014	Final Draft RFP
December 2014	Commercial Close
February 2015	Financial Close

Key personnel who will be dedicated to this project are as follows:

Tuyen Mai – Senior Vice President	EYIA Engagement manager
Mike Parker – Senior Managing Director	Principal-in-charge overseeing our services
Jeff Parker – Senior Managing Director	Senior policy expert
Jennifer Mayer – Senior Vice President	Expert of TIFIA/PABs federal programs and PPPs
Margaret Rhee – Senior Vice President*	Oversight and quality control on financial model
Eloise Jeanneau – Vice President	RFP financial and commercial structuring
Nicole Doheny – Vice President	TIFIA and rating structuring, RFP support
Scott Ladner – Senior Associate	Financial modeling and quantitative analysis

The proposal was reviewed by task. Refer to the attached table for comparison of NDOT's and Ernst and Young's estimate based on the scope of work. NDOT's original estimate was approximately \$1,896,000.00 and was based on estimated man-hours and expenses for the project, and used a loaded hourly rate which has been used in previous and current agreements with Department. Ernst and Young's original estimate was \$1,925,931 and was based on estimated man-hours and expenses for the project, and used a loaded hourly rate.

The negotiations yielded the following:

- 1) For the total number of man hours, the Department estimated 3,932 hours and Ernst and Young estimated 4,910.
- 2) Travel rates were confirmed to match GSA rates.
- 3) The total negotiated cost for this agreement, including expenses will be **\$1,900,000.00**. This total includes expenses agreed upon to total \$25,000.00. Please refer to the attached table for the assumptions and basis for the estimate.

Reviewed and Approved:



John Terry, Assistant Director

JSL

Attached:

Scope of Work
Preliminary Assumptions regarding Budget Estimate

Line Item 3

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

December 18, 2013

TO: 1. Felicia Denney, Budget Section
2. Norfa Lanuza, Project Accounting
3. Rudy Malfabon, P.E., Director



FROM: Amir M. Soltani, P.E., Project Management Division Chief

SUBJECT: REQUEST APPROVAL TO AMEND AND OBTAIN BUDGET APPROVAL FOR AGREEMENT NO. P091-13-015 FOR CH2M HILL AS TECHNICAL ADVISORS AND SERVICE PROVIDERS FOR THE PUBLIC PRIVATE PARTNERSHIP FOR PROJECT NEON, EA 73652

The Director has contracted with CH2M Hill to provide Technical Advisor Services and perform design services in support of proceeding with Project NEON as a Public Private Partnership (P3). Since the approval of the initial agreement, the Project team has been asked to include the southbound I-15 ramp braidings (previously Phase 4) and the re-establishment of Martin Luther King Boulevard (previously Phase 2). This Amendment will address the additional costs necessary to finalize the RFP as well as to proceed with Stage 2 of the procurement process.

Attached are the scope of services for the initial agreement as well as the "Draft" scope of services for the amendment. The major technical advisor and service provider services include development and preparation of the overall P3 procurement and financial approach to the project, assistance in the industry review, preparation and review of all technical documents and specifications, the overall development and preparation of the P3 Request for Proposal (RFP) documents, analysis and review of proposed concepts, and support during the selection process.

Per the approval of the Transportation Board on November 6, 2012 and on June 10, 2013, the Department has been authorized to proceed with efforts in support of developing a P3 RFP for Project Neon. Should the Transportation Board approve the Department's request to proceed and issue the P3 RFP for project NEON, amendments to the service provider agreement will be needed for future phases of the procurement and overall P3 process. At least 2 more amendments are anticipated to the agreement. The stages of the P3 process that require amendments to the agreement include the 1) Construction Contract Administration and 2) Maintenance and Operations Oversight.

The estimated total cost for the services is \$5,000,000.00. The total cost is broken out by fiscal year as follows: \$2,500,000.00 95% Federal-aid, 5% for State Fiscal Year 2014 and \$2,500,000.00, 95% Federal-aid, 5% for State Fiscal Year 2015. A Form 2A will be submitted for each future amendment detailing the scope, and cost of amended services.

Approval of this memo by the Budget Section of Financial Management Division indicates funding authority is available for services for Budget Category 06-BLDGS/IMPRV, Object 814D-CONSULTANTS-ROADWAY, Organization B015-PROJECT MANAGEMENT. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 is attached. Also attached is the original approved Form 2A to obtain budget approval and solicit technical advisor services for Project Neon. Please return this memo to me for inclusion in the project file.

Approval of this memo by the Directors Office authorizes the request to solicit services.

Approved:



Director

Approved:



Budget Section

Please see comments on attached page. #6.

COMMENTS: A scope budget change form may be
required - please see April Pogue

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

DATE: December 23, 2013

TO: John Terry, Assistant Director

FROM: Cole Mortensen, Project Manager

SUBJECT: Negotiation Summary for Project NEON Technical Advisory services and P3 Design support services Amendment 1.

Several negotiation meetings were held for the above-referenced services. The scope of the services that are to be provided by CH2M Hill was reaffirmed by both parties at the outset. The attached scope of work outlines the anticipated services to be performed up to the issuance of the RFP. The scope of work is also increased to include Phases 2 and 4.

The following information is a summary regarding the schedule and man-hour negotiations.

Scope of Work:

Please see attached.

Schedule:

The schedule was developed based on 12 months of services. As mentioned in the Form 2a, this agreement may be modified to include services for the future stages necessary, including 1) Construction Contract Administration, and 2) Maintenance and Operations Oversight.

Schedule and Milestones:

December 2013	Initial Draft RFP
May 2014	Final Draft RFP
December 2014	Commercial Close
February 2015	Financial Close

Man Hour Estimate

A brief description of the negotiations:

The original anticipated costs based on technical team input and corroboration was:

\$5.3 million

Following negotiations, the contract amount requested is:

\$4.984 million

Key Assumptions and Basis of Estimate:

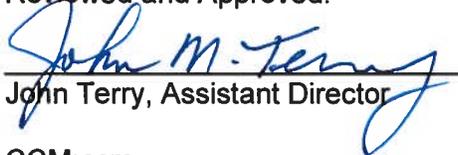
- Budget will include the work necessary for the inclusion of Phases 2 and 4.

- P3 Delivery using established U.S. precedent
- Phases are not sequential and there will be overlap among work
- Shortlist following RFQ of no more than 4 proposers
- Two rounds of one-on-one meetings with shortlisted proposers and 2 rounds of industry review documents sent to proposers during industry review
- Suitable legal advisor and financial advisor properly performing their respective scopes of work
- Nevada bonding and insurance advisors will be required

Final Estimate:

The total negotiated and approved cost of this agreement will be **\$4,983,820.11**.

Reviewed and Approved:


John Terry, Assistant Director

CCM:ccm
Attach. Scope of work

Line Item 4

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

August 21, 2013

TO: 1. Jaimarie Dagdagan, Budget Section
2. Norfa Lanuza, Project Accounting *NS*
3. Rudy Malfabon, P.E., Director

FROM: Amir Soltani, Chief Project Management *AS*

SUBJECT: REQUEST TO SOLICIT RIGHT OF WAY SERVICES AND OBTAIN BUDGET APPROVAL FOR A REQUEST FOR PROPOSAL/APPROVAL (RFP/RFA)

Due to the need to meet the schedule for Project NEON Phase P3 (EA 73652), the Project Management Division will be contracting for the above services. The Major activities of this scope of services include: Appraisal, Appraisal Review, Acquisition, Relocation and Property Management

The scope of services will be principally for the provisioning of Appraisal, Appraisal Review, Acquisition and Relocation services for a portion of the P3 Phase of Project NEON. The area of work is described as all parcels identified in the Departments Right of-Way Setting Memo (approximately 58 parcels), these parcels are located north of and adjacent to Charleston Blvd. running north to the end of the projects limits excepting out the University of Nevada Las Vegas Shadow Lane Campus and any parcels needing to be acquired that are located west of the university campus.

Presently it is anticipated that construction completion for the project will be achieved by February 2019. Based on this schedule for construction completion, which is subject to change, it is anticipated that all acquisition activities be completed by January 1, 2016 and all relocations completed by June 30, 2016.

The scope of services will also include Property Management services for the entire project area, and will be identified on the project mapping. Based on the above anticipated construction completion which is subject to change, it is anticipated that these services will be completed by February 2019. In addition the SERVICE PROVIDER will need to be available for Deposition or expert witness testimony as needed through the condemnation process.

All Right-of-Way engineering activities will be performed by the Department and includes the following; obtaining title reports, legal descriptions, calculating property boundaries, and providing all right-of-way mapping. This information will be provided as it becomes available, but no later than June 1, 2014. The SERVICE PROVIDER will be able to move forward with acquisition activities as soon as they are ready and have the Notice to Proceed (NTP) from the Department. All updating of title reports will be done upon request from the SERVICE PROVIDER and will require additional time to complete.

The SERVICE PROVIDER will also need to provide Right of Way Subject Matter Experts (SMEs) to participate in Risk Assessment Workshops. All Right-of-Way SMEs will be subject to the approval of the Department's Chief Right-of-Way Agent and P3 Phase Senior Project Manager. These experts must be qualified persons that do not work on the P3 Phase of Project NEON except in the capacity as a SME for the Cost Risk Assessment (CRA) Workshop. At this time it is anticipated that up to one of these CRA workshops will be conducted on an annual basis.

The estimated cost for the services is \$ 7.0 Million. It is estimated that \$ 1.0 Million will be needed for Fiscal Year 2014, \$ 2.0 million for Fiscal Year 2015 and the remaining \$ 4.0 million will be needed for Fiscal Years 2016, 2017, 2018 and 2019. Payment for the \$ 1.0 Million in Fiscal Year 2014 will be federal funds with a state match (95 % Federal-aid, 5 % State). Bonding will be used to finance these services in Fiscal Years 2015 thru 2019. Payment of bonds is projected to be federal funds with a state match (95 % Federal-aid, 5 % State).

Additional attachments are required – see “Service Provider Form 2a Supplemental Information dated October 21, 2011.

Approval of this memo by the Budget Section of Financial Management Division, indicates funding authority is available for services for Budget Category 06-BLDGS/IMPV, Object 814Z, Organization B015-Project Management. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Directors Office authorizes the request to solicit services.

Approved:



Director

Approved:



Budget Section

COMMENTS: _____

*** NOTE AMENDMENTS FOR TIME ONLY DO NOT REQUIRE A FORM2A**

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

December 17, 2013

TO: John Terry, Assistant Director
FROM: Dwayne Wilkinson, Project Manager
SUBJECT: Negotiation Summary for RFP 366-13-015 Right of Way Services for NEON Phase P3

A negotiation meeting was held at the Right of Way Conference Room in Carson City on December 3rd (Review of scope of services) & 5th (Negotiate scope and fee) of 2013, with Joey Mendoza of Overland, Pacific and Cutler Inc. (OPC), and the NDOT NEGOTIATION TEAM. The NDOT NEGOTIATION TEAM consisted of Paul Saucedo, Ruth Borrelli, Margaret Orci and Dwayne Wilkinson. There was also teleconference held at 1:00 PM on December 4, 2013 with the same attendees to clarify the scope. There was one final Teleconference between Joey Mendoza and Dwayne Wilkinson at 9:30 AM on December 16th, 2013 review tasks included in scope.

The scope of work that is to be provided by NDOT was reaffirmed by both parties at the outset. The consultant will not be responsible for SCOPE OF WORK.

The major tasks under this scope of work for task order 1 are:

1. Appraisal
2. Appraisal Review
3. Acquisition/Relocation
4. Property Management

The following schedule was agreed to by both parties:

June 1, 2014	Complete Right of Way Engineering Activities
January 1, 2016	Complete Phase P3 Acquisition Activities
June 30, 2016	Complete Phase P3 Relocation Activities
December 31, 2016	Complete Property Management Activities

Key OPC personnel who will be dedicated to this project are as follows:

Joey Mendoza, Project Manager
Vicky Cook, Assistant Project Manager
Charles Grombacher, Acquisition Manager
Darryl Root, Relocation Manager

The proposal was reviewed by task. Refer to the attached table for comparison of man-hours estimates, NDOT's estimate, OPC's estimate and the final hours agreed upon. NDOT's original estimate was \$ 6,201,012 including direct labor (35,927 man-hours of work by the consultant forces), overhead at 161.00 %, a 12 % fee (See Fixed Fee Calc Worksheet) and direct expenses at \$ 1,068,500. The consultant's original estimate was \$ 5,966,401.46 including direct labor (40,103 man-hours of work by consultant), overhead at 161.00 %, a 10% fee and direct expenses at \$ 1,315,250. The provisional overhead rate of 161.00 % was provided by the Internal Audit Division. Pay raises were not originally prorated and factored into the hourly pay rates used to calculate the costs of either FIRM's or NDOT's estimates.

The negotiation yielded the following:

- 1) There will be 39,478 total man-hours allotted throughout the course of this agreement at a direct labor cost of \$ 1,603,982.51, which includes a prorated amount for anticipated raises, which will take effect over the term of the agreement. The DBE goal for this agreement has been established at twelve percent (12%). Please refer to the attached memorandum from the Project Manager to Contract Compliance.
- 2) Based upon the direct labor costs and an overhead rate of 161.00%, the overhead amount will be \$ 2,582,411.85.
- 3) A fee of 10 percent (10%) was agreed to by both parties and will be \$ 418,639.44 for this agreement based upon direct labor costs and an overhead rate of 161.00%.
- 4) The direct expenses agreed to total \$ 2,269,954.74 for sub-consultants, reproduction, communication, travel and per diem. There will be no direct compensation for computer time. Sub-consultant work will include Property Management by Del Richardson & Associates / Innovative Real Estate Strategies, Relocations by Del Richardson & Associates, and Appraisals by NDOT approved appraisers.
- 5) The total negotiated cost for this task order agreement, including direct labor, overhead, fee and direct expenses will be \$ 5,972,283.80.

Reviewed and Approved:


John Terry, Assistant Director

Line Item 5

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

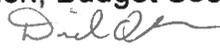
MEMORANDUM

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FINANCIAL MANAGEMENT

December 12, 2013

TO: 1. Felicia Denney, Chief Financial Division, Budget Section
2. Norfa Lanuza, Project Accounting 
3. Rudy Malfabon, P.E., Director

FROM: Dennis Gallagher, Chief Deputy Attorney General, Legal Division
Pierre Gezelin, Senior Deputy Attorney General, Legal Division 


SUBJECT: REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL
FOR AMENDMENT #3 TO AGREEMENT NO. P083-12-004
FOR SNELL & WILMER, LLP (Jim Sienicki, Esq.)
IN THE MATTER OF *PEEK CONSTRUCTION v. NDOT*
CONTRACT 3377 (KINGSBURY GRADE)
BOND NO. 105281769

The Legal Division has contracted with the above referenced Service Provider Snell & Wilmer, LLP for services and requests approval to amend the above Agreement No. P083-12-004 for additional funding. The original contract entered into March 1, 2012, for Snell & Wilmer, LLP to provide outside legal counsel to represent and advise the Nevada Department of Transportation in the Contract 3377 dispute matter of *Peek Construction v. State of Nevada, ex rel., Department of Transportation* in the First Judicial District Court of the State of Nevada, Case No. 12OC 00030 1B (the "Lawsuit"). The original estimate for these services was \$150,000.

Snell & Wilmer in the scope of their service agreement has continued to defend and represent the Department in the above lawsuit which arose out of Contract 3377 (Kingsbury Grade). Peek Construction Company defaulted on their contract and the Bond Company has been substituted for Peek Construction. NDOT has filed an Amended Answer to the Plaintiff's Amended Complaint and has Counterclaim against Plaintiffs and has prayed for damages in excess of \$10,000, liquidated damages, punitive damages, and attorney's fees which could be awarded at the discretion of the court. An additional amount of \$75,000.00 was funded in Amendment #1 on February 18, 2013. Amendment #2 in the amount of \$70,000.00 was funded on September 12, 2013 to provide for the beginning of the discovery phase of litigation.

NDOT has diligently been working with Snell & Wilmer to bring this matter, now with the Bond Company, to a mutually agreed upon resolution. However, the Bond Company has been unwilling to talk settlement. A 16 day trial is now set for September of 2014. The Legal Services Division requests approval of Amendment #3 in the amount of \$825,000.00 for attorney's fees that will allow for Snell & Wilmer to complete the discovery phase of litigation, and prepare for pre-trial and trial. This amended amount does not include the costs for expert witnesses and will be a necessary expense for trial.

Attached to this memorandum is a copy of Rick Nelson's memorandum of February 15, 2012 explaining the selection of outside legal counsel and the history of these contracts, also attached is Form 2a for the original contract.

Approval of this memo by the Project Accounting Section and the Budget Section indicates funding authority is available for consulting services for Budget Category 06, Object 814R, Organization A004. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Director's Office authorizes this request.

Approved:



Director

Approved



Budget Section

COMMENTS:

This budget may require an allocation of
resources from other budgets with excess
authority depending on usage. F. Demsey

Line Item 6

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

MEMORANDUM

January 3, 2014

TO: 1. Felicia Denney, Chief Financial Division, Budget Section
2. Norfa Lanuza, Project Accounting
3. Rudy Malfabon, P.E., Director



FROM: Dennis Gallagher, Chief Deputy Attorney General, Legal Division

SUBJECT: REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL
FOR NEW AGREEMENT WITH LAURA FITZSIMMONS, ESQ.
RISK MANAGEMENT ANALYSIS AND
LITIGATION STRATEGY FOR PROJECT NEON
LEGAL CONSULTING REGARDING PROJECT NEON
REGARDING E.A. NO. 73652 AND
WORK ORDER NO. 20371000

This Agreement is to develop legal strategy and a risk management analysis in connection with Project NEON. These services will be performed by Laura FitzSimmons, Esq. and various consultants retained and directed by her to assist the Department and the Legal Division in assessing and managing risks associated with Project Neon.

The consultant shall provide status reports and advice to the Department and its Chief Counsel.

The total amount of this agreement of \$900,000.00 is established due to the complexity of the development of an overall legal strategy and risk analysis for Project NEON. The exact amount to be spent each fiscal year has yet to be determined.

Subject: New Agreement with Laura FitzSimmons, Esq.
RE: Project NEON
January 3, 2014
Page 2

Approval of this memo by the Project Accounting Section and the Budget Section indicates funding authority is available for consulting services for Budget Category 06, Object 814R, Organization A004. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

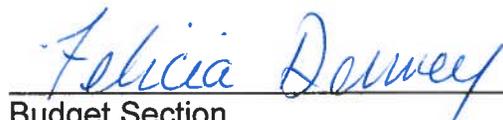
Approval of this memo by the Director's Office authorizes this request.

Approved:



Director

Approved



Budget Section

COMMENTS:

This budget may require an allocation of
resources from other budgets with
excess authority depending on usage.

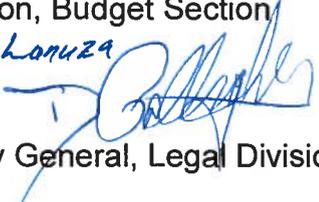

✓ 

Line Item 7

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION**

M E M O R A N D U M

December 20, 2013

TO: 1. Felicia Denney, Chief Financial Division, Budget Section
2. Norfa Lanuza, Project Accounting *N. Lanuza*
3. Rudy Malfabon, P.E., Director 

FROM: Dennis Gallagher, Chief Deputy Attorney General, Legal Division

SUBJECT: REQUEST APPROVAL TO OBTAIN BUDGET APPROVAL
FOR AMENDMENT #2 TO AGREEMENT NO. P510-12-004
RE: LAURA FITZSIMMONS, ESQ.
LEGAL CONSULTING REGARDING VARIOUS CONDEMNATION
ACTIONS

This Amendment #2 is to increase the total agreement fee by \$750,000, to continue the services of attorney Laura FitzSimmons as an outside legal consultant to assist the Department, the Legal Division, and outside counsel in prosecuting various eminent domain actions, and defending various inverse condemnation actions relating to the Boulder City Bypass Project.

This Agreement commenced December 6, 2012 in the amount of \$300,000. Due to extremely complex issues and the voluminous discovery, appraisal, and review of discovery materials, Amendment #1 was approved on August 12, 2013 for \$850,000 and included the provision to address direct costs and expenses for litigation and pay subcontractors providing these services directly as approved by the Service Provider.

The scope of services will be to provide professional services to review and advise on matters of strategy in a number of legal proceedings pertaining to condemnation and inverse condemnation actions pending or expected to be filed in Clark County. The consultant shall provide status reports and advice to the Department and its Chief Counsel. The consultant shall also provide copies of all memoranda, pleadings, briefs, reports, studies, photographs, negatives or other documents or drawings prepared in the performance of consultant's obligations under the agreement which shall be the exclusive property of the Department. The consultant will also work closely with the Attorney General's Office staff and outside counsel and include such personnel as the Chief Counsel and the consultant deem appropriate, in strategy discussions, discovery, motion practice, trial practice, appellate work, and such other matters as they may arise.

The total amount of this agreement of \$1,900,000.00 has been adjusted due to the complication of the Boulder City Bypass condemnation and inverse condemnation actions which are filed and which may be filed, and the complex issues involved in these eminent domain actions. The exact amount to be spent each fiscal year has yet to be determined.

Subject: Amendment #2 to P510-12-004 with Laura FitzSimmons, Esq.
December 20, 2013
Page 2

Approval of this memo by the Project Accounting Section and the Budget Section indicates funding authority is available for consulting services for Budget Category 06, Object 814R, Organization A004. The A04 Financial Data Warehouse, Budget by Organization Report No. NBDM30 must be attached. Actual availability of funds and the monitoring of actual expenditures must be determined by the Division Head/District Engineer. Return this memo to the originator for inclusion in the project.

Approval of this memo by the Director's Office authorizes this request.

Approved:



Director

Approved



Budget Section

COMMENTS:

This budget may require an allocation of
resources from other budgets with excess
authority depending on usage.

F. Delaney
understood - Rm



MEMORANDUM

January 6, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #11: Contracts, Agreements, and Settlements – Informational Item Only

Summary:

The purpose of this item is to inform the Board of the following:

- Construction contracts under \$5,000,000 awarded November 14, 2013, to December 20, 2013
- Agreements under \$300,000 executed November 14, 2013, to December 20, 2013
- Settlements entered into by the Department which were presented for approval to the Board of Examiners November 14, 2013, to December 20, 2013

Any emergency agreements authorized by statute will be presented here as an informational item.

Background:

Pursuant to NRS 408.131(5), the Transportation Board has authority to “[e]xecute or approve all instruments and documents in the name of the State or Department necessary to carry out the provisions of the chapter”. Additionally, the Director may execute all contracts necessary to carry out the provisions of Chapter 408 of NRS with the approval of the board, except those construction contracts that must be executed by the chairman of the board. Other contracts or agreements not related to the construction, reconstruction, improvement and maintenance of highways must be presented to and approved by the Board of Examiners. This item is intended to inform the Board of various matters relating to the Department of Transportation but which do not require any formal action by the Board.

The Department contracts for services relating to the construction, operation and maintenance of the State’s multi-modal transportation system. Contracts listed in this item are all low-bid per statute and executed by the Governor in his capacity as Board Chairman. The projects are part of the STIP document approved by the Board. In addition, the Department negotiates settlements with contractors, property owners, and other parties to resolve disputes. These proposed settlements are presented to the Board of Examiners, with the support and advisement of the Attorney General’s Office, for approval. Other matters included in this item would be any emergency agreements entered into by the Department during the reporting period.

The attached construction contracts, agreements and settlements constitute all that were awarded for construction from November 14, 2013, to December 20, 2013 and agreements executed by the Department from November 14, 2013, to December 20, 2013. There were no settlements during the reporting period.

Analysis:

These contracts have been executed following the Code of Federal Regulations, Nevada Revised Statutes, Nevada Administrative Code, State Administrative Manual, and/or Department policies and procedures.

List of Attachments:

- A) State of Nevada Department of Transportation Contracts Awarded - Under \$5,000,000, November 14, 2013, to December 20, 2013
- B) State of Nevada Department of Transportation Executed Agreements - Informational, November 14, 2013, to December 20, 2013

Recommendation for Board Action: Informational item only

Prepared by: Administrative Services Division

Attachment

A

**STATE OF NEVADA DEPARTMENT OF TRANSPORTATION
CONTRACTS UNDER \$5,000,000
November 14, 2013 to December 20, 2013**

1. October 10, 2013 at 2:00 p.m. the following bid was opened and read on Department of Transportation Contract No. 3552, Project Nos. SI-0032(102). The project is signal system modification consisting of systematic replacement of protective/permissive heads to utilize flashing yellow arrows in District 1, Clark County.

Fast-Trac Electric (Nev-Cal Investors, Inc.)	\$441,763.58
Acme Electric	\$464,318.00
MC4 Construction LLC	\$472,846.38
Las Vegas Electric, Inc.....	\$479,858.30
Transcore ITS, LLC	\$501,422.54

The Director awarded the contract December 12, 2013, to Fast-Trac Electric (Nev-Cal Investors, Inc.) in the amount of \$441,763.58. Upon receipt of an approval bond from the contractor, the state will enter into contract with the firm.

Engineer's Estimate: \$497,351.71

Attachment B

State of Nevada Department of Transportation
Executed Agreements - Informational
November 14, 2013 to December 20, 2013

Line No	Agreement No	Amend No	Contractor	Purpose	Fed	Original Agreement Amount	Amendment Amount	Payable Amount	Receivable Amount	Start Date	End Date	Amend Date	Agree Type	Notes
1	60713	00	MARIA L SORRELLS	ACQUIRE PRCL I-015-CL-041.058	Y	378,480.00	-	378,480.00	-	12/10/2013	1/31/2014	-	Acquisition	12-10-13: TO ACQUIRE LAND & SITE IMPROVEMENTS FOR CONSTRUCTION OF PROJECT NEON, PARCEL I-015-CL-041.058, CLARK COUNTY. NV B/L#: EXEMPT
2	80413	01	AGGREGATE INDUSTRIES SWR INC	DRAINAGE REPAIR ON I-15	N	258,000.00	51,955.00	309,955.00	-	4/16/2013	12/31/2013	12/9/2013	Emergency	AMD 1 12-9-13: INCREASE AUTHORITY BY \$51,955.00 FROM \$258,000.00 TO \$309,955.00 FOR ADDITIONAL BORROW EMBANKMENT MATERIALS. 04-22-13: EMERGENCY DRAINAGE FACILITY REPAIR ON I-15, CLARK COUNTY. NV B/L#: NV19701000737
3	58713	00	NV ENERGY	LINE EXT ALONG US 395A	N	5,913.00	-	5,913.00	5,913.00	11/25/2013	11/1/2017	-	Facility	12-11-13: LINE EXTENSION INVOLVING INSTALLATION OF NEW VARIABLE SPEED LIMIT SIGNS IN VARIOUS LOCATIONS ALONG US 395A, WASHOE COUNTY. NV B/L#: NV19651000537
4	58813	00	NV ENERGY	LINE EXT AND NEW TRANSFORMER	N	10,607.00	-	10,607.00	10,607.00	11/25/2013	11/1/2020	-	Facility	12-11-13: LINE EXTENSION INVOLVING INSTALLATION OF NEW TRANSFORMER ON AN EXISTING POLE AND TWO SERVICE PEDESTALS, CARSON CITY. NV B/L#: NV19651000537
5	58913	00	NV ENERGY	LINE EXT ALONG US 395A	N	6,523.00	-	6,523.00	6,523.00	11/25/2013	11/1/2017	-	Facility	12-11-13: LINE EXTENSION INVOLVING INSTALLATION OF NEW VARIABLE SPEED LIMIT SIGNS IN VARIOUS LOCATIONS ALONG US 395A, WASHOE COUNTY. NV B/L#: NV19651000537
6	80061313	00	DOUGLAS CO SEWER IMPROV DIST	14 MANHOLES ON SR207 KINGSBURY	N	15,900.00	-	15,900.00	15,400.00	12/16/2013	12/30/2019	-	Facility	12-16-13: APPROXIMATELY 14 MANHOLES ON SR-207, KINGSBURY GRADE, DOUGLAS COUNTY. NV B/L#: EXEMPT
7	61413	00	WASHOE CO DEPT OF WATER RESOU	8 MANHOLES/VALVES	N	15,700.00	-	15,700.00	15,200.00	12/16/2013	12/30/2019	-	Facility	12-16-13: APPROXIMATELY 8 MANHOLES AND 8 VALVES FROM MILE POST WA 8.17 TO APPROXIMATELY MILE POST WA 24.413, WASHOE COUNTY. NV B/L#: EXEMPT
8	52013	00	M SCOTT SIMON	RV SPACE LEASE	N	-	-	300.00	300.00	11/20/2013	8/31/2015	-	Lease	11-20-13: LEASE OF A RV SPACE AT THE BLUE JAY MAINTENANCE STATION, NYE COUNTY. NV B/L#: EXEMPT
9	60013	00	GATSKI COMMERCIAL REAL ESTATE	SUBLEASE I-015-CL-041.560	N	-	-	17,400.00	17,400.00	10/7/2013	7/31/2014	-	Lease	12-05-13: TO SUBLEASE FOR PARKING ON PARCEL I-015-CL-041.560, CLARK COUNTY. NV B/L#: NV20031158524
10	61613	00	AIRPORT GARDENS	OFFICE SPACE FOR CREW 904	N	134,768.40	-	134,768.40	-	12/16/2013	12/31/2017	-	Lease	12-16-13: OFFICE SPACE FOR CREW 904 IN WASHOE COUNTY. NV B/L#: NV19871008700

11	89503	02	BORDER INN, THE	COMMUNICATION SITE LEASE	N	22,748.56	33,673.43	84,099.11	-	12/1/2003	11/30/2018	11/30/2013	Lease	AMD 2 11-30-13: INCREASE AUTHORITY BY \$33,673.43 FROM 50,425.68 TO \$84,099.11, AND EXTEND TERMINATION DATE FROM 11-30-13 TO 11-30-18 FOR COMMUNICATIONS SITE LEASE. AMD 1 12-01-08: INCREASE AUTHORITY BY \$27,677.12 FROM \$22,748.56 TO \$50,425.68 AND EXTEND TERMINATION DATE FROM 11-30-08 TO 11-30-13 FOR A COMMUNICATIONS SITE LEASE. 12-01-03: COMMUNICATIONS SITE RENTAL, WHITE PINE COUNTY. NV B/L#: NV19941006039
12	56213	00	IGNACIO & ESTRELITA PAULINO	TEMP ESMT S-650-WA-020.183	N	3,399.00	-	3,399.00	-	11/14/2013	4/30/2016	-	ROW Access	11-14-13: TO GRANT A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.183, WASHOE COUNTY. NV B/L#: EXEMPT
13	56313	00	ROBERT E WILLIAMS	TEMP ESMT S-650-WA-020.792	N	6,200.00	-	6,200.00	-	11/14/2013	4/30/2016	-	ROW Access	11-14-13: TO GRANT A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.792, WASHOE COUNTY. NV B/L#: EXEMPT
14	56513	00	ZACH JONAS	TEMP ESMT S-650-WA-019.416	N	1,300.00	-	1,300.00	-	11/15/2013	4/30/2016	-	ROW Access	11-18-13: TO GRANT A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-019.416, WASHOE COUNTY. NV B/L#: EXEMPT
15	56613	00	WILLIAM AND KRISTEN GEDDES	TEMP ESMT S-650-WA-020.741	N	1,600.00	-	1,600.00	-	11/15/2013	4/30/2016	-	ROW Access	11-18-13: TO GRANT A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.741, WASHOE COUNTY. NV B/L#: EXEMPT
16	56713	00	MANUAL D PEREZ/TERRY E QUINN	TEMP ESMT S-650-WA-021.100	N	5,200.00	-	5,200.00	-	11/15/2013	4/30/2016	-	ROW Access	11-18-13: TO GRANT A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-021.100, WASHOE COUNTY. NV B/L#: EXEMPT
17	56813	00	JOHN & KRISTEENA DOWLING	TEMP ESMT S-650-WA-020.832	N	3,600.00	-	3,600.00	-	11/15/2013	4/30/2016	-	ROW Access	11-18-13: TO GRANT A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.832, WASHOE COUNTY. NV B/L#: EXEMPT
18	59013	00	ROXANA K FORD	TEMP ESMT S-650-WA-021.296	N	7,767.50	-	7,767.50	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-021.296, WASHOE COUNTY. NV B/L#: EXEMPT
19	59113	00	MAURICIO O URIANS	TEMP ESMT S-650-WA-019.438	N	500.00	-	500.00	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-019.438, WASHOE COUNTY. NV B/L#: EXEMPT

20	59213	00	ROI STRATEGIES LLC	TEMP ESMT S-650-WA-020.524	N	2,800.00	-	2,800.00	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.524, WASHOE COUNTY. NV B/L#: NV20091196262
21	59313	00	WILLIAM F BODGE	TEMP ESMT S-650-WA-020.856	N	7,000.00	-	7,000.00	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.856, WASHOE COUNTY. NV B/L#: EXEMPT
22	59413	00	TIMOTHY P COAN	TEMP ESMT S-650-WA-017.970	N	677.00	-	677.00	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-017.970, WASHOE COUNTY. NV B/L#: EXEMPT
23	59513	00	CYPRESS HOLDING NEVADA LLC	TEMP ESMT S-650-WA-020.683	N	700.00	-	700.00	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.683, WASHOE COUNTY. NV B/L#: EXEMPT
24	59613	00	NV ENERGY	CONSENT FOR CONSTRUCTION	N	-	-	-	-	11/25/2013	4/30/2016	-	ROW Access	11-25-13: CONSENT TO CONSTRUCTION, RECONSTRUCTION, AND MAINTENANCE; EASEMENT IN SAID AREAS OF COMMON USE, CLARK COUNTY. NV B/L#: NV19831015840
25	59813	00	ANGELA LEE	TEMP ESMT S-650-WA-021.185	N	1,400.00	-	1,400.00	-	12/2/2013	4/30/2016	-	ROW Access	11-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-021.185, WASHOE COUNTY. NV B/L#: EXEMPT
26	60113	00	SAUL RODRIGUEZ-CRUZ	TEMP ESMT S-650-WA-020.013	N	3,807.50	-	3,807.50	-	12/5/2013	4/30/2016	-	ROW Access	12-05-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.013, WASHOE COUNTY. NV B/L#: EXEMPT
27	60213	00	KURT & BARBARA HESS-KUZNICKI	TEMP ESMT S-650-WA-021.411	N	5,100.00	-	5,100.00	-	12/4/2013	4/30/2016	-	ROW Access	12-25-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-021.411, WASHOE COUNTY. NV B/L#: EXEMPT
28	60313	00	NICHOLAS & SERENA COLVIN	PERMISSION TO ENTER LAND	N	-	-	-	-	11/13/2013	11/12/2015	-	ROW Access	12-05-13: TO GRANT PERMISSION TO THE DEPARTMENT AND ITS AUTHORIZED AGENTS AND CONTRACTORS TO ENTER THE OWNERS' LAND, CLARK COUNTY. NV B/L#: EXEMPT
29	61813	00	LORENA SUAREZ	TEMP ESMT S-650-WA-021.069	N	600.00	-	600.00	-	12/13/2013	4/30/2016	-	ROW Access	12-17-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-021.069, WASHOE COUNTY. NV B/L#: EXEMPT
30	61913	00	EDWARDS USA LLC	TEMP ESMT S-650-WA-020.806	N	800.00	-	800.00	-	12/13/2013	4/30/2016	-	ROW Access	12-17-13: TO ACQUIRE A TWO YEAR TEMPORARY EASEMENT NEEDED FOR THE MCCARRAN PROJECT, S-650-WA-020.806, WASHOE COUNTY. NV B/L#: EXEMPT

31	58613	00	TY LIN INTERNATIONAL INC	EXP WIT STATE VS AD AMERICA	Y	45,000.00	-	45,000.00	-	11/10/2013	11/30/2015	-	Service Provider	11-10-13: CIVIL ENGINEERING, REAL ESTATE PLANNING, DEVELOPMENT ANALYSIS, AND EXPERT WITNESS TESTIMONY FOR STATE VS AD AMERICA, CLARK COUNTY. NV B/L#: NV19851016777-S
32	15511	02	THE LOUIS BERGER GROUP INC	DESIGN FOR CACTUS INTERCHANGE	Y	2,563,531.00	-	2,963,531.00	-	4/11/2011	1/28/2016	12/13/2013	Service Provider	AMD 2 12-13-13: TRANSFER \$8,865 FROM FIXED FEE TO DIRECT SALARY, DIRECT COSTS AND INDIRECT COSTS (\$0 NET COST CHANGE) AND EXTEND TERMINATION DATE FROM 01-10-14 TO 01-28-16. AMD 1 07-3-12: MODIFY FIXED FEE, SCOPE OF SERVICES, AND ADD CONTINGENCY AUTHORITY FOR \$400,000.00 BRINGING THE AGREEMENT TOTAL FROM \$2,563,531.00 TO \$2,963,531.00. 04-11-11: COMPLETE PROJECT DESIGN OF THE INTERCHANGE ON I-15 AT CACTUS AVENUE, CLARK COUNTY. NV B/L#: NV20071158193-R
33	27011	02	SB STRATEGIC CONSULTING INC	FEDERAL POLICY ANALYSIS	N	288,000.00	72,000.00	456,000.00	-	12/1/2011	5/31/2014	11/22/2013	Service Provider	AMD 2 11-22-13: INCREASE AUTHORITY BY \$72,000.00 FROM \$384,000.00 TO \$456,000.00, AND EXTEND END DATE TO 05-31-14 TO ALLOW TIME TO ISSUE AN RFP. AMD 1 11-14-12: INCREASE AUTHORITY BY \$96,000.00, FROM \$288,000.00 TO \$384,000.00. 12-01-11: FEDERAL POLICY ANALYSIS; SERVICE PROVIDER WILL PROVIDE FEDERAL REGULATION AND LEGISLATION ANALYSIS, STATEWIDE. NV B/L#: NV20091436230-R
34	36713	00	ESEA	STATE GIS ROAD NETWORK	N	10,000.00	-	10,000.00	-	12/16/2013	12/31/2014	-	Service Provider	12-16-13: TO CONFLATE AND RE-PROCESS THE STATE GIS ROAD NETWORK AND 9 OF NEVADA'S MOST DEVELOPED COUNTIES TO REMOVE PSEUDO-NODE ERRORS, STATEWIDE. NV B/L# NV20131336057-S
35	49713	00	VOLT DELTA RESOURCES	DESIGN, DEVELOP, DEPLOY NNG511	N	50,000.00	-	50,000.00	-	11/19/2013	10/31/2015	-	Service Provider	11-19-13: COMPLETE THE DESIGN, DEVELOPMENT, AND DEPLOYMENT OF NEVADA'S NEXT GENERATION 511 TRAVELER INFORMATION SYSTEM (NNG511), WHICH IS AN ESSENTIAL PART OF NDOT'S PROVISION OF REAL-TIME INFORMATION TO THE TRAVELING PUBLIC TO IMPROVE SAFETY AND EASE TRAFFIC CONGESTION, STATEWIDE. NV B/L#: NV20041116361-S

36	53013	00	KIMLEY-HORN AND ASSOCIATES INC	RESEARCH PROJECT	Y	199,988.00	-	199,988.00	-	12/10/2013	2/29/2016	-	Service Provider	12-10-13: TO CONDUCT A RESEARCH PROJECT: "STREAMLINING HYDROLOGIC PREDICTION PROCESSES USING NEW AND MORE ACCURATE TECHNIQUES AND METHODS," STATEWIDE. NV B/L#: NV19911015458-R
37	54313	00	THYSSENKRUPP ELEVATOR	MAIN HQ/DIST II ELEVATORS	N	20,640.00	-	20,640.00	-	12/2/2013	1/1/2016	-	Service Provider	12-02-13: PROVIDE ANNUAL MAINTENANCE AND PERMITTING FOR HEADQUARTERS AND DISTRICT II ELEVATORS, WASHOE COUNTY AND CARSON CITY. NV B/L#: NV19841018200-Q
38	56013	00	GRANITE CONSTRUCTION COMPANY	900 WEST BRIDGE REPAIR	N	47,047.00	-	47,047.00	-	11/14/2013	12/31/2014	-	Service Provider	11-14-13: Q3-007-14 I-900 WEST BRIDGE REPAIR, ELKO COUNTY. NV B/L#: NV19631001612-Q
39	56913	00	ENVIROCLEAN	SEPTIC PUMPING	N	47,440.00	-	47,440.00	-	11/14/2013	7/31/2016	-	Service Provider	11-14-13: Q0-006-14 TO PROVIDE SEPTIC PLUMBING SERVICES, ELKO AND EUREKA COUNTY. NV B/L#: 20111619393-Q
40	57013	00	CASCADE DRILLING LP	GEOTECH DRILLING	N	11,580.00	-	11,580.00	-	11/19/2013	12/31/2014	-	Service Provider	11-19-13: Q0-002-14 TO PROVIDE GEOTECHNICAL DRILLING SERVICES, CLARK COUNTY. NV B/L#: NV20091335471-Q
41	60413	00	SUMMIT PLUMBING	SEPTIC TANK CLEANING	N	15,300.00	-	15,300.00	-	12/9/2013	9/30/2015	-	Service Provider	12-9-13: Q2-002-13 TO PROVIDE SEPTIC PUMPING AT SPOONER YARD IN DOUGLAS COUNTY. NV B/L#: NV19991021762-Q
42	61513	00	DORETTA HINTON	LUNING REST AREA	N	92,400.00	-	92,400.00	-	12/16/2013	11/30/2014	-	Service Provider	12-16-13: Q1-005-13 FOR JANITORIAL SERVICES AND WEED CONTROL AT LUNING REST AREA IN MINERAL COUNTY. NV B/L#: NV20131570144-Q



1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7480
Fax: (775) 888-7313

MEMORANDUM

Right-of-Way Division

December 27, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item # 12: Disposal of NDOT property located along a portion of SR-578 (W. Washington Avenue) at "A" Street in Clark County, NV.
SUR 12-03 – For possible action

Summary:

Approval is requested from the Department of Transportation Board of Directors to dispose of the above referenced property by Direct Sale. The property to be sold is located along a portion of SR-578 (W. Washington Avenue) at "A" Street in Clark County, NV. The property is currently unimproved land consisting of 11,743 sq. ft. (.27 Acres) as depicted on the attached sketch map marked Exhibit "A".

Background:

The Department originally obtained occupancy of this parcel on March 1, 1978 and acquired possession, in fee, on August 17, 1979 by Final Order of Condemnation. The acquisition of this parcel was required for the widening of SR-578 (Washington Avenue) in the City of Las Vegas.

On February 10, 2012, the adjacent property owners, Jay Ewing of Ewing Brothers Towing, requested the Department to consider declaring the unused area adjacent to his property as surplus for further enhancement of their adjacent property.

The widening of Washington Avenue is complete and operational therefore the Surplus Property Committee met on July 31, 2012 and has determined that this surplus property is no longer needed for the above mentioned widening project and can be disposed of.

Analysis:

The Department has completed an appraisal of the surplus property to obtain fair market value in the amount of \$23,500.00, dated July 8, 2013, as required by N.R.S 408.533. The Department received the signed Direct Sale Intent to Purchase document on November 1, 2013, accepting the purchase price. A Direct Sale to the adjacent property owner will be beneficial to both the State and the property owner. This parcel is no longer needed for highway purposes. The release of NDOT's fee interest in this parcel is being made in accordance with N.R.S. 408.533.

To: Department of Transportation Board of Directors

From: Rudy Malfabon, P.E., Director

December 27, 2013

Recommendation for Board Action:

Approval of disposal of NDOT property located along a portion of SR-578 (W. Washington Avenue) at "A" Street in Clark County, NV.

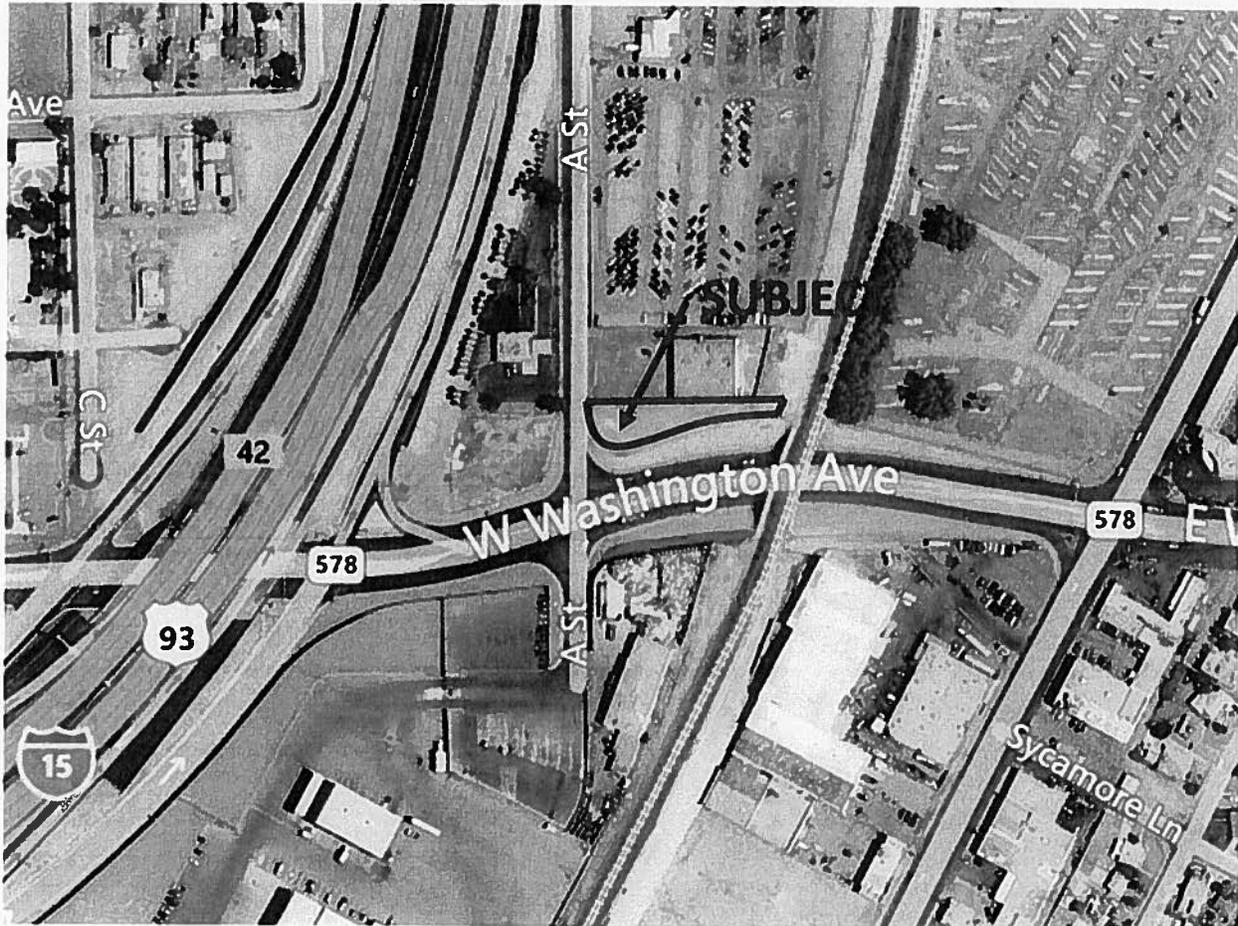
List of Attachments:

1. Location Map
2. Sketch Map marked Exhibit "A"
3. Copy of Jay Ewing request letter dated February 10, 2012
4. Copies of signed Direct Sale Intent to Purchase (Form 894-C)
5. FHWA Approval (Pending)
6. Environmental Approval (Pending)
7. N.R.S. 408.533

Prepared by: Paul A. Saucedo, Chief R/W Agent



LOCATION MAP



SUR 12-03

DESCRIPTION: ALONG A PORTION OF SR-578

(W. WASHINGTON AVENUE) AT A STREET

PARCEL NO. PREFIX: I-015-CL-

PROJECT: I-015-1(7)43
E.A.: 70091
PTN. OF PARCEL: I-015-CL-043.665

R.R. R/W

COUNTY OF
CLARK

CITY OF
LAS VEGAS

□ AREA TO BE SOLD

043.665 XS1

STATE OF NEVADA
11,743 SQ. FT.

SEC. 27
T. 20 S., R. 61 E.

M.D.M.



N. 0° 48' 53" W. - 15.98'
P.O.B. = 148.61' LT.
"01" 26+71.35 P.O.C.

SR-578 R/W

163.96' LT. "01" 26+19.72 P.O.T.

TIE: N. 0° 50' 29" W. - 216.06'
FROM THE CENTER 1/4 COR. OF
SEC. 27, T. 20 S., R. 61 E. M.D.M.

N. 18° 37' 55" W. - 40.16'

108.46' LT.
"01" 26+72.22 P.O.C.

24+63.19 P.T.

TO RANCHO ROAD

N. 72° 36' 34" E. - 209.60'

WASHINGTON AVE.
INTERCHANGE

"A" STREET

FND. 2" ALUM CAP STAMPED
"C1/4 SEC27 1996 PLS 2002"

Δ = 92° 16' 00"
R = 25.00'
L = 40.26'
T.B. = S. 69° 07' 13" W.

84.35' LT. "01" 26+96.72 P.O.C.

Δ = 15° 31' 36"
R = 750.00'
L = 203.24'
T.B. = S. 84° 38' 33" W.

93.00' LT. "01" 28+93.97 P.O.C.

121.57' LT. "01" 28+93.97 P.O.C.

Δ = 0° 28' 48"
R = 3,709.83'
L = 31.07'
T.B. = S. 17° 52' 21" W.

163.93' LT. "01" 26+75.47 P.O.C.

N. 88° 36' 48" E. - 252.73'

SR-578 (WASHINGTON AVENUE) "01" C

EXHIBIT "A"

"01" 31+28.11 P.T.

TO NORTH
MAIN STREET

CL-097 STATE OF NEVADA SUR 12-03
DEPARTMENT OF TRANSPORTATION

DATE: AUGUST 30, 2012

SKETCH MAP

APPROVED: *Alana Salazar*
MANAGER, R/W ENGINEERING



R/W DIVISION	
TRACED	JDF
CHECKED	<i>9/5 8/10/12</i>
DATE OF LAST REVISION:	

"01" C
Δ=26° 05' 15"
R=1,000.00'
L=455.31'
T=231.67'

Engineering\Sketch\clark\SUR 12-03\043665.dgn

SCALE 1"=100'

SHEET 1 OF 1

ATTACHMENT 2

February 10, 2012

Mr. Paul Saucedo
Chief Right-of-Way Agent
Nevada Department of Transportation
1263 South Stewart Street
Carson City, NV 89712

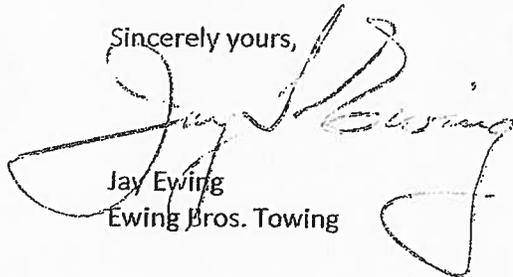
Surplus Property Request

Dear Mr. Saucedo:

I own Ewing Brothers Towing which is located adjacent to NDOT property (Parcel No. 13927601007) located near the corner of West Washington Avenue and A Street in Las Vegas. I am interested in purchasing this property from NDOT. Currently the land appears to have little benefit to NDOT and I have often noticed homeless people camping on the land.

This letter is to formally request NDOT's consideration to sell me this parcel as surplus property. I understand from discussing with NDOT Deputy Director for Southern Nevada Rudy Malfabon that this request will go through a Surplus Property Committee at NDOT. Please forward my contact information to the committee so we can start this process. I can be reached at 702-382-9261, extension 240.

Sincerely yours,



Jay Ewing
Ewing Bros. Towing

ATTACHMENT 3

Project: I-015-1(7)43
E.A.: 70091
Parcel: I-015-CL-043.665 XS1
Surplus #: SUR 12-03
Date: October 21, 2013

DIRECT SALE INTENT TO PURCHASE
Nevada Department of Transportation

This direct sale payment is for the purchase of the above-referenced real property, as described by the legal description attached hereto.

The undersigned purchaser hereby agrees to pay to the Nevada Department of Transportation, \$23,500.00 as the full purchase price for said property, to be paid in a lump sum payment, without interest, on or before 60 Days from the Transportation Board approval date.

All terms and conditions of the Department of Transportation's procedures for a direct sale under Nevada Revised Statute 408.533 are hereby specifically incorporated by reference into the terms of this direct sale.

The property will be conveyed by Quitclaim Deed.

The name on the deed is to be as follows:

EWING INVESTMENTS

Purchaser may take possession of the property upon receipt of the recorded Quitclaim Deed, or upon other written notice from the Department of Transportation, if applicable.

All notices pertaining to matters arising in connection with this transaction may be made to purchaser in person or by registered mail addressed as follows:

JAY EWING - EWING INVESTMENTS
Name (Please Print)

10-28-13
Date

1400 'A' STREET, LVN 89106
Address

(702) 382-9261 x240
Phone


Signature

PARTNER
Title

COMPLETE THIS FORM AND RETURN WITHIN 10 WORKING DAYS FROM THE DATE OF THIS FORM AND RETURN WITH THE ENCLOSED LETTER TO:

State of Nevada, Department of Transportation
Right-of-Way Division, Attn: Maria Zulick Nucci
1263 S. Stewart St.
Carson City, NV 89712



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

1263 S. Stewart Street
Carson City, Nevada 89712

BRIAN SANDOVAL
Governor

December 27, 2013

RUDY MALFABON, P.E., Director

In Reply Refer to:

FEDERAL HIGHWAY ADMINISTRATION
SUSAN KLEKAR DIVISION ADMINISTRATOR
ATTN HUGH HADSOCK R-W PROGRAM MGR
705 NORTH PLAZA STREET SUITE 220
CARSON CITY NV 89701

Disposal by Direct Sale

Surplus No.: SUR 12-03
Parcel No.: I-015-CL-043.665XS1
Description: Disposal of surplus
property located along a portion of
SR-578 (W. Washington Avenue) at
"A" Street in Clark County, NV

Dear Ms. Klekar:

Enclosed are Exhibit "A" (sketch map) and a location map depicting the area of surplus property, proposed to be sold, pursuant to N.R.S. 408.533. It has been determined that the surplus property is no longer needed by NDOT. The aforementioned property is located in Clark County, Nevada.

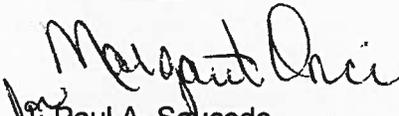
The proposal has been reviewed and it has been determined that:

1. The subject property right will not be needed for Federal-aid Highway purposes in the foreseeable future;
2. The release will not adversely affect the Federal-aid Highway facility or the traffic thereon;
3. The property to be sold is not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, Section 302-305 (Highway Beautification Act of 1965);
4. The property to be sold does require clearance through the Environmental Division in accordance with CEQ regulations 40 CFR 1508.4 and 23 CFR 771.117(d);
5. The direct sale of the property is being made in accordance with N.R.S. 408.533.

SUSAN KLEKAR DIVISION ADMINISTRATOR
ATTN HUGH HADSOCK R-W PROGRAM MGR
December 27, 2013

Your concurrence in the proposal is requested.

Sincerely,


for Paul A. Saucedo
Chief Right-of-Way Agent

CONCUR:

Hugh Haddock, Right-of-Way Program Manager

Date

pas/jb/dc
Enclosures

cc: P. Frost, Chief Roadway Design
H. Salazar, Manager Right-of-Way Engineering
M. Orci, Asst. Chief RW Agent-Realty



1263 S. Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7480
Fax: (775) 888-7313

MEMORANDUM

December 27, 2013

TO: Steve Cooke, Chief, Environmental Services

FROM: Margaret Orci, Asst. Chief R/W Agent-Realty *MO*

SUBJECT: Environmental Clearance for Transportation Board
Surplus No.: SUR 12-03
Project: I-015-1(7)43 E.A. # 70091
Parcel: I-015-CL-043.665XS1
Description: Disposal of NDOT property located along a portion of SR-578 (W. Washington Avenue) at "A" Street in Clark County, NV
Disposal by Direct Sale

Please provide environmental clearance for the above-mentioned subject surplus property. Attached for your convenience are Exhibit "A" (sketch maps) and a location map. More details can be found in your Surplus Property package (SUR 12-03).

Environmental clearance is required to obtain FHWA and Legal authorizations to dispose of this property. We are scheduled to take this to the Transportation Board on January 13, 2014, therefore need this clearance as soon as possible.

If you have any questions, please feel free to contact me at 888-7392.

meo/mo

Attachments

cc: R. Borrelli, Surplus Property Committee Chairman
H. D. Salazar, Surplus Property Vice-Chairman

ATTACHMENT 6

NRS 408.533 Disposal of property.

1. All real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

(Added to NRS by 1957, 693; A 1959, 599; 1963, 978; 1967, 1743; 1971, 140; 1979, 1781; 1985, 707; 1987, 1812; 1989, 1308; 1991, 1691; 1995, 1140; 2001, 2132)



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

MEMORANDUM

December 26, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, P.E., Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
ITEM #13: Approval of Amendments and Administrative Modifications to the FFY 2012-2015 Statewide Transportation Improvement Program (STIP) – For Possible Action.

Summary:

At the October 10, 2011 State Transportation Board of Directors Meeting, the FY 2012 – 2015 Statewide Transportation Improvement Program (STIP) was accepted as a part of the FY 2012-2021 Transportation Systems Projects (TSP). Amendments and Administrative Modifications are made throughout the year to the document in order to facilitate project changes. NDOT staff works closely with the local Metropolitan Planning Organizations (MPO's) and local governments to facilitate these project changes. Attachment "A" lists Amendments and other state program project changes to the 2012 STIP. NDOT is requesting the State Transportation Board's acceptance of these changes as summarized in Attachment "A". Attachment "B" lists administrative modifications and other state program project changes to the 2012 STIP. NDOT is requesting the State Transportation Board's acceptance of these changes as summarized in Attachment "B".

Background:

NDOT staff works continuously with federal and regional agencies, local governments, and planning boards to develop the *Transportation System Projects (TSP)* notebook. The 2012-2021 document contains the:

Statewide Transportation Improvement Program (STIP), FY 2012-2015
Annual Work Program (AWP), FY 2012
Short Range Element (SRE), FY 2013-2014
Long Range Element (LRE), FY 2015-2021

Attachment "A" details Amendments to projects which include any actions taken in Washoe, Clark, CAMPO, and TMPO Transportation Improvement Plans (TIP) and also includes areas outside of the MPO boundaries which have taken place since the last time the Board accepted changes to the STIP at August, 2013 meeting.

Attachment "B" details Administrative Modifications to projects which include any actions taken in Washoe, Clark, CAMPO, and TMPO Transportation Improvement Plans (TIP) and also includes areas outside of the MPO boundaries which have taken place since the last time the Board accepted changes to the STIP at the August, 2013 meeting.

Analysis:

The attached listing of amendments and administrative modifications to projects are those completed since the August 14, 2013 Transportation Board approval of the *Transportation System Projects* notebook for fiscal years 2012-2021.

Recommendation for Board Action:

Acceptance of the Amendments/Administrative Modifications to the FY 2012 – 2015 Statewide Transportation Improvement Program (STIP).

List of Attachments:

- A. List of Amendments
- B. List of Administrative Modifications

Prepared by:

Jason Van Havel, Acting Chief, Transportation & Multimodal Planning Division

Project Amendments List (10/15/2013 – 12/26/2013)

RTC of Southern Nevada

Amendment CL #13: This Amendment adjusts Federal Transit Administration (FTA) Section 5307 Formula funds as requested by the Regional Transportation Commission of Southern Nevada. The project funding is increased from \$2,801,600 to \$13,945,353 in FY14. This amendment was processed on October 15th.

Washoe County RTC

(NO AMENDMENTS MADE)

Carson Area MPO

(NO AMENDMENTS MADE)

Tahoe MPO

(NO AMENDMENTS MADE)

Statewide/Rural

Amendment CL #7: This Amendment is an action to add two mobility managers for the retired senior volunteer program, in FY14 and FY15, under Federal Transit Administration (FTA) Section 5311 Rural transit operating funds, at \$200,000 each year. This amendment was processed on December 13th.

List of Administrative Modifications (10/1/2013 – 12/26/2013)

RTC of Southern Nevada

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Washoe County RTC

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Carson Area MPO

(NO ADMINISTRATIVE MODIFICATIONS MADE)

Tahoe MPO

Admin Modification #TMPO 8: This action modifies project DO2010024, SR207 Kingsbury Grade, by reducing STP Area<5000 to \$5,916,963. This Admin Mod was processed on December 6th.

Statewide/Rural

(NO ADMINISTRATIVE MODIFICATIONS MADE)



1263 South Stewart Street
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Fax: (775) 888-7201

MEMORANDUM

December 18, 2013

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #14: Possible Acceptance of the FY 2013 Performance Management Report

Summary:

In accordance with NRS 408.133 requirements, the Nevada Department Of Transportation (NDOT) has developed the updated FY 2013 Performance Management Report. The major components of the report include:

- Department Mission, Vision, and Goals
- Performance Management Executive Summaries
- Detailed Performance Management Data
- Major Projects Annual Status Report
- State Highway Fund Annual Revenue and Expenditure Report
- Benefit-Cost Analysis of Major Capacity Projects
- Project Priority Rationale Discussion
- Performance Management Plan

Background:

NDOT's performance management is a collaborative process in which all the major divisions of the Department are involved in monitoring their annual and ultimate performance targets resulting in a customer-oriented, balanced, effective, efficient, transparent and performance-based decision making process. It is a dynamic process and improvements are incorporated into the performance management process as needed. NDOT's performance management plays a vital role in the performance-based decision making process. It 1) ensures investment accountability and transparency, 2) tracks and monitors system performance, 3) helps identify and implement efficient and cost-effective programs, 4) links projects to the mission, vision, and goals and objectives of the department, 5) helps align performance targets with customer expectations, and 6) helps in delivering high quality projects.

The performance management system focuses on the critical aspects of a cohesive, integrated, and performance-driven approach. NDOT's senior management is actively involved in the performance management process and supports the performance management process by conducting quarterly performance management updates to help guide the various program areas in meeting their targets. NDOT's strategic performance management process is guided by comprehensive input from 1) our customers in the form of surveys and direct two-way communications, 2) the State Legislature and decision makers, 3) leadership, commitment, and support from NDOT top management, and 4) collaborative team support from the major divisions and program areas of NDOT.

Analysis:

Detailed analyses of the various performance measures are listed in the Performance Management Report. The performance management is an evolving process, and NDOT continues to make progress in improving the performance management process. NDOT management and performance measures champions meet quarterly to discuss, track, and monitor each performance measure. These quarterly meetings are essential and very useful in resolving any issues and concerns related to the performance measures, and providing timely direction, when needed.

The executive summary of each performance measure is provided in the "Performance Management Dashboard- Executive Summaries" section of the enclosed Performance Management Report. Detailed graphs and information regarding each performance measure is provided in the "Detailed Performance Management Data Trends" section of the report. Detailed information on the description, status, schedule, and budget of the major projects is provided in the "Major Projects Status Report" section of the enclosed report.

Recommendation for Board Action:

It is recommended that the Transportation Board accept the FY 2013 Performance Management Report.

List of Attachments:

- A. FY 2013 Performance Management Report

Prepared by:

Alauddin Khan, Chief Performance Analysis Engineer



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MEMORANDUM

Date: 12/30/13

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item # 15A: SR 160 Blue Diamond Safety Concerns

Summary:

State Route 160 (The Blue Diamond Highway) has recently experienced an increased number of crashes, including a pedestrian fatality at SR 160 and Cimarron. This particular tragic incident and a subsequent crash at the same location during a vigil for the young lady involved in the fatal pedestrian crash, sparked public interest about the safety of this particular roadway. Hence, NDOT Safety Engineering has scheduled a Road Safety Audit (RSA) for SR 160 from Rainbow Boulevard to SR 159, Red Rock Canyon Road, for the first quarter of 2014.

Background:

This section of roadway has been undergoing transformation since the early 2000's. It was once a two lane section of roadway that had numerous serious injury and fatal crashes along the entire route. Road Safety Audits were conducted during this time and this section of roadway has been the focus of major road improvements, including widening to the current 8 lanes, intersection improvements, street lighting and landscape enhancements. This increase in demand was a product of high growth in the housing market and a need to improve the safety and capacity of this major arterial. These pre-development crashes were often high speed angle crashes at the various uncontrolled intersections along the highway.

The current crashes are somewhat similar in nature with angle crashes being predominant but with the added complexity of more pedestrian and bicycle traffic. We now have a high speed facility with up to eight lanes (plus turn lanes) of traffic for pedestrians and bicycles to negotiate.

A "Speed Study" completed in November 2010 increased the speeds along most of the urban portion of SR 160 from 45 MPH to 55 MPH.

A Traffic Signal Warrant Analysis at SR 160 & Cimarron has been conducted and the official results will be forthcoming very soon. The results will be a topic of discussion for the RSA team as they will look at this location and the rest of SR 160 from Rainbow Boulevard to SR 159.

Analysis:

This section of roadway has undergone major transformations since the last Road Safety Audit was completed in January of 2006. Now that the improvements have been in place for some time we need to revisit this roadway in its new configuration and new traffic volumes.

In addition to the analysis of the intersection of SR 160 at Cimarron, NDOT Safety Engineering decided to include the section of roadway from Rainbow Boulevard to SR 159 in the Road Safety Audit due to the differences in street lighting and posted speed limits.

We fully expect the results of the RSA will provide us with safety mitigation measures that will help improve the situation and area of concern. Some measures may be engineering improvements, some may be education and enforcement to change some behavioral issues for the motorists, bicyclists and pedestrians.

List of Attachments:

None.

Recommendation for Board Action:

This is an informational item only.

Prepared by:

Ken Mammen, Planning Administrator, Safety Engineering/Performance Analysis



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MEMORANDUM

January 3, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #15B: Overview of the US-50 Road Safety Audit Results

Summary:

In response to a critical increase in the number of crashes and fatalities on US-50 between Carson City and Silver Springs in the summer of 2013, NDOT initiated a Road Safety Audit (RSA). The RSA covered the 18 miles of US-50 between the Carson Bypass and US-95A in Silver Springs. A presentation will be made to the Transportation Board to summarize recommendations and anticipated improvements to US-50.

Background:

The goal of this RSA was to identify potential road safety issues and recommend countermeasures to mitigate the safety issues. The RSA was completed in late summer of 2013.

Mitigation measures were divided into three groups,

For the Carson City segment: (31 countermeasures)

Priority 1A- improvements that can be done soon, by NDOT maintenance staff-6

Priority 1B- improvements that can be done soon, by Carson City Public Works staff-1

Priority 2- improvements that will need to be included in future NDOT construction contract-24

For the Lyon County segment: (34 countermeasures)

Priority 1A- improvements that can be done soon, by NDOT maintenance staff-15

Priority 2- improvements that will need to be included in a future ND OT construction contract-19

In all, the study recommends 65 improvements.

The RSA found that between June 2008 and June of 2013 this 18 mile road segment had a total of 649 crashes, with 20 fatalities. For analysis purposes the study area was divided at the Carson City/Lyon County line. The Carson City segment showed 4 fatalities, while the Lyon County segment reflected 16 fatalities.

This shows an average of 130 crashes per year, 4 fatalities per year, 80 injuries per year and 80 crashes with property damage only, per year. The summer of 2013 experienced an increase in fatalities and a task force was formed in June, 2013 to address this problem. The task force consisted of law enforcement from Nevada Highway Patrol, Carson City Sheriff's office, Lyon County Sheriff's office, Dayton Sheriff's office, as well as representatives from NDOT safety division, Safe Routes to School program representatives, and the Office of Traffic Safety. The immediate mitigation measures were to increase traffic law enforcement within this corridor and

conduct a public outreach to educate people about how to be safe pedestrians, bicyclists and motorists. This effort paid off large dividends, crash rates and fatalities have decreased dramatically.

The fatal crash rate on this segment of US-50 is found to be 0.03 fatalities per million vehicle miles traveled, which is higher than the average for this type of road in an urban area at 0.01 and in a rural area at 0.02.

The total crash rate on this road is found to be 0.88 which is lower than the statewide average of 2.40 for urban areas and higher than the statewide crash rate of 0.65 for a rural setting.

The RSA field review identified some features of the corridor observed to be good candidates for specific safety countermeasures, to include:

1. Cable median barriers in some sections of divided roadway sections,
2. Concrete median barrier rail for others,
3. Raised median islands to provide access control in the urban Carson City segment,
4. Centerline and edge line rumble strips in rural areas and
5. Improvements to some of the unsignalized and unlit intersections.

As the urban setting of Carson City limits, Moundhouse, Dayton, Stagecoach and Silver Springs grow toward each other and reduce the previous rural nature of this highway, the drivers behavior and the design of the highway must change to better accommodate the changes in land use adjacent to the highway. As rural settings become more and more urban, speeds must be reevaluated, access points combined, intersections improved with lighting and crosswalks as needed, signals added as warranted, in order to provide safety for the motorist, pedestrian and bicyclists.

Traffic volumes in this corridor are as follows:

Carson City limits- average daily traffic was 24,000 in 2003, 32,000 in 2007 and 25,000 in 2012
At the Carson/Lyon line ADT was -----22,000 in 2003, 28,000 in 2007 and 23,000 in 2012
In Dayton the average daily traffic was -----18,000 in 2003, 22,000 in 2007 and 19,000 in 2012

The crash data for fatalities showed the following:

2008	1 fatality in Lyon County
2009	1 fatality in Carson City
2010	5 fatalities in Lyon County
2011	6 fatalities in Lyon County
2012	4 fatalities in Lyon County
2013	3 fatalities in Carson City

Recommendation for Board Action:

Informational item only.

Prepared by:

Tom Greco, Assistant Director of Planning



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MEMORANDUM

January 2, 2014

TO: Department of Transportation Board of Directors
FROM: Rudy Malfabon, Director
SUBJECT: January 13, 2014 Transportation Board of Directors Meeting
Item #16: Old Business

Summary:

This item is to provide follow up and ongoing information brought up at previous Board Meetings.

Analysis:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
Please see Attachment A.
- b. Monthly Litigation Report - *Informational item only.*
Please see Attachment B.
- c. Fatality Report dated December 31, 2013 - *Informational item only.*
Please see Attachment C.

List of Attachments:

- a. Report of Outside Counsel Costs on Open Matters - *Informational item only.*
- b. Monthly Litigation Report - *Informational item only.*
- c. Fatality Report dated December 31, 2013 - *Informational item only.*

Recommendation for Board Action:

Informational item only.

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF DECEMBER 20, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Nossaman, LLP	Pioneer Program Legal and Financial Planning NDOT Agmt No. P282-09-002	9/23/09 - 7/1/13 Amendment #1 Amendment #2 Amendment #3 Amendment #4	9/23/2009 2/23/2010 10/6/2010 10/26/2010 8/31/2011	\$ 125,000.00 \$ 80,000.00 \$ 30,000.00 \$ 30,000.00 \$ 365,000.00	\$ 630,000.00	\$ 159,749.01
Nossaman, LLP	Project Neon Legal and Financial Planning NDOT Agmt No. P014-13-015	3/11/13 - 3/11/15	3/11/2013	\$ 1,400,000.00	\$ 1,400,000.00	\$ 532,460.85
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00030 1B Contract # 3407 (Wells Wildlife Crossing) NDOT Agmt No. P082-12-004	3/1/2012 - 6/30/14 Amendment #1	3/1/2012 9/12/13	\$150,000.00 20,000.00	\$ 170,000.00	\$ 36,338.93
Snell & Wilmer, LLP	<i>Peek Construction vs. NDOT</i> 1st JD 120C 00032 1B Contract # 3377 (Kingsbury Grade) NDOT Agmt No. P083-12-004	3/1/2012 - 3/30/2015 Amendment #1 Amendment #2 Amendment Pending	3/1/2012 2/18/13 9/12/13	\$150,000.00 \$75,000.00 75,000.00 \$ 300,000.00	\$ 300,000.00	\$ 308.72
Snell & Wilmer, LLP	<i>Construction Claims Williams Brother, Inc.</i> Contract # 3392 (Various in Las Vegas) NDOT Agmt No. P084-12-004	3/1/2012 - 6/30/14	3/1/2012	\$ 30,000.00	\$ 30,000.00	\$ 25,188.30
Chapman Law Firm	<i>NDOT vs. Carrie Sanders</i> 8th JD - A-12-664693-C Project Neon - Las Vegas NDOT Agmt No. P192-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00	\$ 541,800.00	\$ 437,296.31
Chapman Law Firm	<i>NDOT vs. Gendall</i> 8th JD - A-12-666487-C Project Neon - Las Vegas NDOT Agmt No. P325-12-004	6/12/12 - 6/12/14	6/12/2012	\$ 541,800.00	\$ 541,800.00	\$ 434,933.70
Chapman Law Firm	<i>NDOT vs. Roberts 1981 Decedents Trust</i> 8th JD - 12-665880-C Project Neon - Las Vegas NDOT Agmt No. P452-12-004	10/23/12 - 10/12/14	10/23/2012	\$ 475,725.00	\$ 475,725.00	\$ 438,267.10
Chapman Law Firm	<i>NDOT vs. Catello Family Trust</i> 8th JD - A-12-671920-C Project Neon - Las Vegas NDOT Agmt No. P476-12-004	11/16/12 - 11/30/15	11/16/2012	\$ 449,575.00	\$ 449,575.00	\$ 435,093.46
Chapman Law Firm	<i>NDOT vs. MLK-ALTA</i> 8th JD - A-12-658642-C Project Neon - Las Vegas NDOT Agmt No. P508-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 455,525.00	\$ 455,525.00	\$ 422,999.18
Chapman Law Firm	<i>NDOT vs. Highland Partnership 1980</i> 8th JD - Project Neon - Las Vegas NDOT Agmt No. P507-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 425,266.93

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF DECEMBER 20, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Chapman Law Firm	NDOT vs. Highland 2000-I, LLC 8th JD - A-12-671915-C Project Neon - Las Vegas NDOT Agmt No. P501-12-004	1/14/13 - 1/14/15	1/14/2013	\$ 449,575.00	\$ 449,575.00	\$ 407,990.05
Laura FitzSimmons, Esq.	Condemnation Litigation Consultation NDOT Agmt No. P510-12-004	12/16/12 - 12/30/14	12/16/2012	\$ 300,000.00	\$ 1,150,000.00	\$ 92,903.60
	Amendment #1		8/12/2013	\$ 850,000.00		
Lemons, Grundy, Eisenberg	NDOT vs. Ad America (Appeal) 8th JD - A-11-640157-C Project Neon - Las Vegas NDOT Agmt No. P037-13-004	1/22/13 - 1/22/15	1/22/2013	\$205,250.00	\$ 205,250.00	\$ 154,118.44
Sylvester & Polednak, Ltd.	NDOT vs. Wykoff 8th JD - A-12-656578-C Warms Springs Project - Las Vegas NDOT Agmt No. P071-13-004	2/27/13 - 2/27/15	2/27/2013	\$275,000.00	\$ 275,000.00	\$ 107,901.23
Sylvester & Polednak, Ltd.	NDOT vs. Railroad Pass 8th JD - A-12-665330-C Boulder City Bypass Project NDOT Agmt No. P072-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 89,118.28
Sylvester & Polednak, Ltd.	NDOT vs. K & L Dirt 8th JD - A-12-666050-C Boulder City Bypass Project NDOT Agmt No. P073-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 275,000.00	\$ 275,000.00	\$ 236,956.34
Sylvester & Polednak, Ltd.	NDOT vs. I-15 & Cactus Cactus Project - Las Vegas 8th JD - A-12-664403-C NDOT Agmt No. P074-13-004	2/27/13 - 2/27/15	2/27/2013	\$ 200,000.00	\$ 200,000.00	\$ 188,343.18
Sylvester & Polednak, Ltd.	JYTYJK, LLC dba Wireless Toyz vs. NDOT 8th JD A-13-681291-C Project Neon - Las Vegas NDOT Agmt No. P127-13-004	4/19/13 - 2/28/13	4/19/2013	\$ 175,000.00	\$ 175,000.00	\$ 166,584.70
Watt, Tieder, Hoffar & Fitzgerald	Pacific Coast Steel vs. NDOT K3292 - I-580 2nd JD CV12-02093 NDOT Agmt No. P160-13-004	4/30/13 - 4/30/15	4/30/2013	\$ 275,000.00	\$ 275,000.00	\$ 60,176.66

OPEN NDOT - OUTSIDE COUNSEL CONTRACTS AS OF DECEMBER 20, 2013						
Vendor	Case/Project Name	Contract Period	Contract and Amendment Date	Contract and Amendment Amount	Total Contract Authority	Contract Authority Remaining
Sylvester & Polednak	Fitzhouse Enterprises (acquired title as Westcare) 8th JD - A-13-660564-C Project Neon - Las Vegas NDOT Acmt No. P201-13-004	5/31/13 - 5/31/15	5/31/2013	\$ 290,000.00	\$ 290,000.00	\$ 212,484.12
Chapman Law Firm	54 B LLC vs. Clark County & NDOT 8th JD - A-12-674009 NDOT Acmt No. P217-13-004	6/6/13 - 11/30/15	6/6/2013	\$ 250,000.00	\$ 250,000.00	\$ 229,563.14
Snell & Wilmer	Meadow Valley Public Records Request K3399 NDOT Acmt No. P273-13-004	7/18/13 - 7/30/14	7/18/2013	\$30,000.00	\$ 30,000.00	\$ 24,684.40
Kemp, Jones, Coulthard	Nassiri vs. NDOT 8th JD A672841 NDOT Acmt No. P290-13-004	7/17/13 - 6/30/15	7/17/2013	\$ 280,000.00	\$ 280,000.00	\$ 195,712.55
Chapman Law Firm	Ad America vs. NDOT (Project Neon) 8th JD A640157 NDOT Acmt No. P291-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 200,000.00	\$ 200,000.00	\$ 40,760.32
Chapman Law Firm	Ad America vs. NDOT (Cactus Direct and Inverse) 8th JD A-10-631520-C & A-12666482-C NDOT Acmt No. P292-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 250,000.00	\$ 250,000.00	\$ 206,741.72
Chapman Law Firm	Ad America vs. NDOT (South Point) 8th JD A-11-653502-C NDOT Acmt No. P293-13-004	7/25/13 - 7/30/15	7/25/2013	\$ 70,000.00	\$ 70,000.00	\$ 41,817.17
Kemp, Jones & Coulthard	NDOT vs. City of Los Angeles 8th JD A-13-687717-C Boulder City Bypass Project NDOT Acmt No. P405-13-004	9/1/13 - 9/30/15	9/1/2013	\$ 250,000.00	\$ 250,000.00	\$ 238,514.23
Sylvester & Polednak	NDOT vs. Smith Family Trust 8th JD A-13-687895-C Project Neon NDOT Acmt No. P465-13-004	9/7/13 - 9/30/15	9/7/2013	\$ 280,000.00	\$ 280,000.00	\$ 272,901.29
* BH Consulting Agreement	<i>Management assistance, policy recommendations, negotiation support and advice regarding NEXTEL and Re-channeling of NDOT's 800 Mhz frequencies.</i>	6/30/12 - 6/30/16	6/30/2012	\$ 77,750.00	\$ 77,750.00	\$ 76,340.00

* Pass Through - Federally mandated 800 MHz rebanding project fully reimbursed by Sprint Nextel.

Monthly Litigation Report to the Nevada Department of Transportation - December 20, 2013				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Condemnations				
NDOT vs. 2.5 Acres @ Dean Martin, LLC	Eminent domain - I-15 Cactus			
NDOT vs. AD America, Inc. (Cactus - Direct)	Eminent domain - I-15 Cactus	\$ 140,420.51	\$ 27,162.97	\$ 167,583.48
NDOT vs. Bawcon	Eminent domain - Elko			
NDOT vs. Catello Family Trust, Carmine V.	Eminent domain - Project Neon	\$ 13,045.75	\$ 1,435.79	\$ 14,481.54
NDOT vs. City of Los Angeles, et al.	Eminent domain - Boulder City Bypass	\$ 10,333.00	\$ 1,152.77	\$ 11,485.77
NDOT vs. Fitzhouse/Westcare	Eminent domain - Project Neon	\$ 45,975.00	\$ 31,540.88	\$ 77,515.88
NDOT vs. Gendall Trust	Eminent domain - Project Neon	\$ 87,943.80	\$ 18,922.50	\$ 106,866.30
NDOT vs. Highland Partnership 1980, LLC	Eminent domain - Project Neon	\$ 20,640.00	\$ 3,668.07	\$ 24,308.07
NDOT vs. Highland 2000-I, LLC	Eminent domain - Project Neon	\$ 39,166.26	\$ 2,418.69	\$ 41,584.95
NDOT vs. I-15 and Cactus, LLC	Eminent domain - I-15 Cactus	\$ 11,000.00	\$ 656.82	\$ 11,656.82
NDOT vs. Jenkins, Carrie, aka Carrie Sanders	Eminent domain - Project Neon	83,315.50	21,187.69	\$ 104,503.19
NDOT vs. Jericho Heights, LLC	Eminent domain - Boulder City Bypass	\$ 559,720.00	\$ 497,376.40	\$ 1,057,096.40
NDOT vs. K & L Dirt Company, LLC	Eminent domain - Boulder City Bypass	\$ 36,075.00	\$ 1,968.66	\$ 38,043.66
NDOT vs. KP & TP, LLC, Roohani, Khusrow	Eminent domain - I-15 and Warm Springs			
NDOT vs. MLK-ALTA	Eminent domain - Project Neon	\$ 29,972.00	\$ 2,553.32	\$ 32,525.32
NDOT vs. Railroad Pass Investment Group	Eminent domain - Boulder City Bypass	\$ 94,975.00	\$ 90,906.72	\$ 185,881.72
NDOT vs. Smith Family Trust, et al	Eminent domain - Project Neon	\$ 5,775.00	\$ 1,323.71	\$ 7,098.71
NDOT vs. Union Pacific Railroad Co.	Eminent domain - Recnstr. of SR 317			
NDOT vs. Woodcock, Jack	Eminent domain - I-15 and Warm Springs			
NDOT vs. Wykoff Newberg Corporation	Eminent domain - I-15 and Warm Springs	\$ 140,250.78	\$ 26,847.99	\$ 167,098.77
Rural Telephone vs. Dorsey Ln, NDOT	Public utility seeks permanent easement			
Nevada Power Company vs. Westcare, NDOT - 8	Public utility seeks permanent easement			
Inverse Condemnations				
54 B LLC	Inverse condemnation	\$ 17,736.03	\$ 2,700.83	\$ 20,436.86
AD America, Inc. vs. NDOT (NEON)	Inverse condemnation - Project Neon	\$ 325,426.55	\$ 101,843.65	\$ 427,270.20
AD America, Inc. vs. NDOT (SouthPoint)	Inverse condemnation - I-15 Cactus	\$ 56,612.24	\$ 5,713.60	\$ 62,325.84
JYTYJK, LLC dba Wireless Toyz vs. NDOT	Inverse condemnation - Project Neon	\$ 7,630.25	\$ 785.05	\$ 8,415.30
Nassiri, Fred vs. NDOT	Inverse condemnation	\$ 81,565.18	\$ 2,722.27	\$ 84,287.45
P8 Arden, LLC vs. NDOT	Inverse condemnation - Blue Diamond Road			
Roberts 1981 Decedents Trust vs. NDOT	Inverse Condemnation - Project Neon	\$ 31,554.83	\$ 1,829.32	\$ 33,384.15
Cases Removed from Last Report:		Disposition:		
AD America, Inc. vs. NDOT (Cactus)	Inverse condemnation - I-15 Cactus	Inverse Complaint Dismissed		
MLK-ALTA vs. NDOT	Inverse Condemnation - Project Neon	Inverse Complaint Dismissed		

Monthly Litigation Report to the Nevada Department of Transportation - December 20, 2013				
Case Name	Nature of Case	Outside Counsel to Date		
		Fees	Costs	Total
Torts				
Allstate Insur. vs. Las Vegas Paving;NDOT	Plaintiff alleges property damage and negligence			
Antonio, James S. vs. NDOT	Plaintiff alleges negligence causing personal injury			
Ariza, Ana, et al. vs. Wulfenstein, NDOT	Plaintiff alleges wrongful death			
Chadwick, Estate of Lonnie Joe vs. NDOT	Estate alleges transfer of property w/o court order			
Discount Tire Company vs. NDOT; Fisher	Plaintiff alleges negligence and personal injury			
Francois, John A. vs. NDOT	Plaintiff alleges negligence and personal injury			
Harper, Kenneth J. vs. NDOT	Plaintiff alleges negligence/wrongful death			
Harris Farm, Inc. vs NDOT	Plaintiff alleges negligence and personal injury			
Lopez, Jewelee Marie vs. NDOT	Plaintiff alleges negligence and personal injury			
Marshall, Charles vs. State, NDOT	Plaintiff alleges personal injury			
Mullen, Janet vs. NDOT	Plaintiff alleges personal injury			
NDOT vs. Tamietti	NDOT seeks injunct. relief to prevent closing access			
Slegers, Gloria vs. NDOT	Plaintiff alleges negligence and personal injury			
Windrum, Richard & Michelle vs. NDOT	Plaintiff alleges negligence and personal injury			
Zito, Adam vs. NDOT	Plaintiff alleges negligence and property damage			
Contract Disputes				
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3377, SR 207	\$ 301,479.00	\$ 13,403.82	\$ 314,882.82
Peek Construction vs. State, NDOT	Plaintiff alleges delays on Contract 3407, US-93	\$ 129,561.50	\$ 4,244.27	\$ 133,805.77
Personnel Matters				
Akinola, Ayodele vs. State, NDOT	Plaintiff alleges 14th Amendment - discrimination			
Cooper, Jennifer vs. State, NDOT	Plaintiff appeals trial verdict of alleged decrimination			
Hettinger, Travis vs. State Employees	Plaintiff alleges wrongful termination			
Lau, Stan vs. State, NDOT	Plaintiff is appealing termination			

Cases Removed from Last Report:

Disposition:

Austin, Renee vs. State, NDOT	Plaintiff alleges negligence causing personal injury	Settled in Arbitration on behalf of NDOT
Daisy Investments, LLC vs. State	Plaintiff alleges property damage and negligence	NDOT's motion to drop misjoined defendant was granted.

12/23/2013

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR,
NDOT TRAFFIC ENGINEERING, FHWA, LVMPD, RENO PD.

FROM: THE OFFICE OF TRAFFIC SAFETY, FATAL ANALYSIS REPORTING SYSTEM (FARS)

SUBJECT: FATAL CRASHES AND FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

	CURRENT		SAME DATE LAST YEAR			# CHANGE		
	Yesterday	Crashes	Fatals	Yesterday	Crashes	Fatals	Crashes	Fatals
12/22/2013		1	1	12/22/2012	2	2	-1	-1
MONTH		10	11	MONTH	14	14	-4	-3
YEAR		232	253	YEAR	233	255	-1	-2

CRASH AND FATAL COMPARISON BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Crashes	2013 Crashes	% CHANGE	2012 Fatalities	2013 Fatalities	% Change	2012 Alcohol Crashes	2013 Alcohol Crashes	% Change	2012 Alcohol Fatalities	2013 Alcohol Fatalities	% Change
CARSON	1	4	300.00%	1	5	400.00%	0	2	200.00%	0	3	300.00%
CHURCHILL	2	1	-50.00%	2	1	-50.00%	0	0	0.00%	0	0	0.00%
CLARK	152	168	10.53%	168	179	6.55%	57	38	-33.33%	63	43	-31.75%
DOUGLAS	5	6	20.00%	7	6	-14.29%	3	2	-33.33%	5	2	-60.00%
ELKO	11	5	-54.55%	12	7	-41.67%	3	1	-66.67%	3	2	-33.33%
ESMERALDA	2	2	0.00%	2	2	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	1	2	100.00%	1	3	200.00%	0	1	100.00%	0	1	100.00%
HUMBOLDT	5	2	-60.00%	5	3	-40.00%	1	0	-100.00%	1	0	-100.00%
LANDER	4	0	-100.00%	4	0	-100.00%	1	0	-100.00%	1	0	-100.00%
LINCOLN	2	5	150.00%	2	5	150.00%	2	2	0.00%	2	2	0.00%
LYON	4	4	0.00%	7	6	-14.29%	1	1	0.00%	1	1	0.00%
MINERAL	2	2	0.00%	2	2	0.00%	0	1	100.00%	0	1	100.00%
NYE	8	8	0.00%	8	11	37.50%	2	1	-50.00%	2	1	-50.00%
PERSHING	1	2	100.00%	1	2	100.00%	0	1	100.00%	0	1	100.00%
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	31	18	-41.94%	31	18	-41.94%	15	4	-73.33%	15	4	-73.33%
WHITE PINE	2	3	50.00%	2	3	50.00%	0	0	0.00%	0	0	0.00%
YTD	233	232	-0.43%	255	253	-0.78%	85	54	-36.47%	93	61	-34.41%
TOTAL 12	239	232	-2.9%	262	253	-3.4%	85	54	-36.47%	93	61	-34.41%

2012 AND 2013 ALCOHOL CRASHES AND FATALITIES ARE BASED ON PRELIMINARY DATA.

COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2012 AND 2013, AS OF CURRENT DATE.

COUNTY	2012 Vehicle Occupants	2013 Vehicle Occupants	% Change	2012 Peds	2013 Peds	% Change	2012 Motor- Cyclist	2013 Motor- Cyclist	% Change	2012 Bike	2013 Bike	% Change	2012 Other	2013 Other
CARSON	0	3	300.00%	0	2	200.00%	1	0	-100.00%	0	0	0.00%	0	0
CHURCHILL	2	0	-100.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
CLARK	95	83	-12.63%	42	50	19.05%	25	38	52.00%	2	5	150.00%	4	3
DOUGLAS	5	4	-20.00%	1	1	0.00%	1	0	-100.00%	0	1	100.00%	0	0
ELKO	11	7	-36.36%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
ESMERALDA	2	2	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
EUREKA	1	1	0.00%	0	2	200.00%	0	0	0.00%	0	0	0.00%	0	0
HUMBOLDT	3	3	0.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0
LANDER	3	0	-100.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0
LINCOLN	2	4	100.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
LYON	6	4	-33.33%	0	0	0.00%	1	1	0.00%	0	1	100.00%	0	0
MINERAL	2	1	-50.00%	0	0	0.00%	0	1	100.00%	0	0	0.00%	0	0
NYE	5	8	60.00%	2	1	-50.00%	0	2	200.00%	1	0	-100.00%	0	0
PERSHING	1	1	0.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0
WASHOE	14	5	-64.29%	10	7	-30.00%	6	6	0.00%	0	0	0.00%	1	0
WHITE PINE	0	3	300.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0
YTD	152	129	-15.13%	57	64	12.28%	38	50	31.58%	3	7	133.33%	5	3
TOTAL 12	156	129	-17.31%	59	64	8.47%	38	50	31.58%	3	7	133.33%	5	3

Total 2012 262