

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Timberline One Room at the Snow King Resort, 400 East Snow King Avenue, in Jackson, on December 8, 2011. The meeting was convened at 1:30 p.m. by Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Chairman, Torrington
Jim Latta, Vice Chairman, Pinedale
Ted Ertman, Commissioner, Newcastle
Clair Anderson, Commissioner, Riverton
K. John Dooley, Commissioner, Laramie
Bruce McCormack, Commissioner, Cody
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel Jess Oyler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Assistant Attorney General; Doug McGee, Public Affairs Manager; Joe Dailey, Division Administrator, Federal Highway Administration; and District Engineers Pat Persson of Laramie, Lowell Fleenor of Casper, John Eddins of Rock Springs, Mark Gillett of Sheridan, and Shelby Carlson of Basin.

Others present: Thad Lienemann, John Sampson, and Matthew Graff of Sampson Construction, Cheyenne; Shawn Warner of Sletten Construction Co., Cody; Joel Meena, State Traffic Engineer, Cheyenne; Pete Hallsten, from the Pinedale office; and Katie Kessler, Nick Shidner, David Kaufman, Bob Hammond, and Mike Lance, from the Jackson office.

Kevin Hibbard, Budget Officer, was absent.

1. Pledge of Allegiance: Chairman Covello led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner McCormack, seconded by Commissioner Dooley, and carried to approve the minutes from the November 17, 2011, breakfast meeting, regular business meeting, and executive session.
3. Director Cox advised that he had no report for the Commission this month.

Mr. Hibbard was not able to attend, so the December budget report will be given at the January 19, 2011, Commission meeting.

4. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held December 7, 2011, in Jackson.

COMMISSION DISTRICT 1
Cactus Covello - Chairman

Federal project IM-I251156, involving milling, grading, placing bituminous pavement surfacing and miscellaneous work on 6.56 miles of Interstate 25, beginning at reference marker (RM) 24.20 just north of Cheyenne, in Laramie County. Completion date – September 30, 2012

Engineer's Estimate	\$5,117,744.35	
Knife River, Cheyenne, WY	\$4,769,835.81	-6.8%
McGarvin-Moberly Construction Company, Worland, WY	\$4,779,221.28	
Connell Resources, Inc., Fort Collins, CO	\$4,995,357.00	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$5,063,921.86	
McMurry Ready-Mix Co., Casper, WY	\$5,066,622.71	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried that **Knife River, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 2
K. John Dooley - Commissioner

State project SCP-SL12-1905004, involving grading, milling plant mix, removal and replacement of sidewalk, curb and gutter, bituminous pavement surfacing and miscellaneous work on 7.40 miles of WYO 371 on Superior Road, beginning at RM 0.05, between I-80 and Superior, in Sweetwater County. Completion date – November 30, 2012

Engineer's Estimate	\$1,745,841.25	
Lewis & Lewis, Inc., Rock Springs, WY	\$1,705,528.15	-2.3%
LeGrand Johnson Construction Co., Logan, UT	\$1,704,284.26	
Plus 5% for Comparison	\$1,789,498.47	
McMurry Ready-Mix Co., Casper, WY	\$1,802,753.73	
McGarvin-Moberly Construction Company, Worland, WY	\$1,828,346.10	
Mountain Construction Company, Lovell, WY	\$1,859,135.40	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that **Lewis & Lewis, Inc., Rock Springs, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Federal project IM-I802195, involving communication upgrades, electrical and miscellaneous work on ITS/RWIS/VSL equipment at various locations near Green River and Rock Springs, in Sweetwater County. Completion date – September 30, 2012

Engineer's Estimate	\$487,582.50	
Casper Electric, Inc., Casper, WY	\$475,656.66	-2.4%
Modern Electric Co. and Subsidiary, Casper, WY	\$530,175.00	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Ertman, and carried that **Casper Electric, Inc., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICTS 2 and 3
K. John Dooley - Commissioner
Jim Latta - Vice Chairman

Federal projects IM-SF-I801179 & STP-RF-B123021 combined, involving installation of snow fence, removal and replacement of right of way fencing, and miscellaneous work at various locations in Transportation District 3, including Carbon, Lincoln, Sublette, Sweetwater, Teton and Uinta counties. Completion date – May 31, 2014

Engineer's Estimate	\$2,349,590.00	
Hout Fencing of Wyoming, Inc., Worland, WY	\$2,710,849.00	+15.4%
East Valley Golf, Ltd d.b.a Revegetation Services and Affiliates, Higley, AZ	\$3,092,711.02	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried that **Hout Fencing of Wyoming, Inc., Worland, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

COMMISSION DISTRICT 4
Vacant - Commissioner

State projects DR41263 and DR41266 combined, involving repair of a damaged MSE retaining wall and miscellaneous work at RM 86.08 on US 16, between Ten Sleep and Buffalo, in Johnson County. Completion date – September 30, 2012

Engineer's Estimate	\$110,550.00	
ERI Engineering, Inc., Riverton, WY	\$ 74,280.40	-32.8%
Mountain View Building, Inc., Sheridan, WY	\$ 88,254.00	
Yenter Companies, Inc., Arvada, CO	\$ 97,345.70	
Plus 5% for Comparison	\$102,212.99	
Casper Electric, Inc., Casper, WY	\$160,854.00	
71 Construction, Casper, WY	\$226,326.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried that **ERI Engineering, Inc., Riverton, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 5
Bruce McCormack - Commissioner

Federal project NH-N361055, involving grading, draining, placing crushed base and bituminous pavement surfacing, chip seal, wetland construction, MSE retaining wall, removal and replacement of box culverts, signing, guardrail, fencing and miscellaneous work on 2.30 miles of U.S. Highway 16, beginning at RM 44.04, between Ten Sleep and Buffalo, in Washakie County. Completion date – June 30, 2013

Engineer's Estimate	\$ 8,679,598.25	
Oftedal Construction, Inc., Miles City, MT	\$ 8,211,281.70	-5.4%
High Country Construction, Inc., Lander, WY	\$ 8,392,191.88	
Knife River, Billings, MT	\$13,706,328.10	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried that **Oftedal Construction, Inc., Miles City, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

State project SCP-SL12-0294004, involving grading, placing bituminous pavement, leveling and surfacing, and miscellaneous work on 9.00 miles of WYO 294 (Badger Basin Road), beginning at reference marker 9.82, in Park County. Completion date – October 31, 2012

Engineer's Estimate	\$2,319,681.00	
Mountain Construction Company, Lovell, WY	\$1,987,758.15	-14.3%
McGarvin-Moberly Construction Company, Worland, WY	\$2,054,047.50	
Century Companies, Inc., Lewistown, MT	\$2,260,253.90	
Plus 5% for Comparison	\$2,373,266.60	
Frost Rock Products Co., Lovell, WY	\$2,329,230.24	
McMurry Ready-Mix Co., Casper, WY	\$2,562,203.05	
Western Wyoming Construction Co., Lander, WY	\$2,600,000.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried that **Mountain Construction Company, Lovell, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

COMMISSION DISTRICT 7
Clair Anderson - Commissioner

Federal project STP-CR-CN10101, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, structure replacement, removal and replacement of guardrail, fencing, and miscellaneous work on 0.801 km of 17 Mile Road (County Road 334), west of Riverton, in Fremont County. Completion date – October 31, 2012

Engineer's Estimate	\$1,603,525.93	
Patrick Construction, Inc., Lander, WY	\$1,491,130.80	-7.0%
Reiman Corp., Cheyenne, WY	\$1,542,260.97	
Western Wyoming Construction Co., Lander, WY	\$1,590,000.00	
71 Construction, Casper, WY	\$1,662,071.00	
Rice-Kilroy Construction Company, Inc., Dubois, WY	\$1,867,111.00	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried that **Patrick Construction, Inc., Lander, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder. The Federal Highway Administration concurred with this decision.

5. It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner Ertman, and carried to approve the following project authorizations:

COMMISSION DISTRICT 1

Urban Principal Arterial

STPE 359.55 P561039; Laramie County; Cheyenne Streets, West Lincolnway; reference markers (RM) 359.55 to 361.25; enhancements; FY 2013 construction; request federal preliminary engineering funds of \$10,000

COMMISSION DISTRICT 3

Rural Local

TCSP 0.00 TCSP004; Teton County; Transportation, Community and System Preservation Project (TCSP); Southern Teton Area Rapid Transit (START), various locations; bus stop improvements; FY 2012; request federal construction funds of \$154,898

COMMISSION DISTRICT 7

Rural Principal Arterial

STPE 104.76 N203068; Fremont County; Riverton Streets, Monroe and Federal; RM 104.76 to 105.09; decorative lighting; FY 2013 construction; request federal preliminary engineering funds of \$20,400

COMMISSION DISTRICT M (Miscellaneous)

Rural Interstate

SSP-TO 0.00 B139025; various counties; Highway Districts 1 and 3, various locations on I-80; rehabilitate electrical systems, lighting, and flashing beacons; FY 2013 construction; request state preliminary engineering funds of \$120,000

Various

SSP-TO 0.00 B133026; various counties; Highway District 3, various locations; rehabilitate electrical systems, lighting and flashing beacons; FY 2013 construction; request state preliminary engineering funds of \$100,000

6. Mr. Fredrick advised that the following resolution was presented as a precautionary measure in case agreements cannot be reached with the remaining three landowners involved in the Torrington Streets project. The project is scheduled for a February letting, although at this time that does not appear likely. The Right-of-Way Program has negotiated all but three of the necessary parcels for the project. All three of the remaining landowners have expressed concerns that their property is worth more than what was offered, but there is little additional information to substantiate their claims.

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Vice Chairman Latta, and carried to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift:

RESOLUTION FOR EXERCISE OF EMINENT DOMAIN

WHEREAS, pursuant to W.S. 1-26-512, 1-26-801 and 24-2-102, the Transportation Commission of Wyoming is authorized to institute condemnation proceedings where property for public use cannot be acquired through good faith negotiation by purchase or gift; and

WHEREAS, the public interest and necessity require the construction of Project N253081, Torrington Streets, U.S. 85 Realignment, in Goshen County, and that the property shown on the right-of-way plans for this project is required for highway purposes; and

WHEREAS, the Transportation Commission of Wyoming has determined that the aforementioned project is planned or located to be most compatible with the greatest public good and the least private injury; and

WHEREAS, the right-of-way and/or temporary construction easements to be acquired are identified as being located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and Lots 1, 3 and 4, final plat of Ernst Subdivision of Section 10, all T24N, R61W, Goshen County, Wyoming, and constitute approximately 1.32 acres of property for additional right-of-way and approximately 0.58 acres of property for temporary construction easements.

NOW, THEREFORE, BE IT RESOLVED that the property sought to be acquired is necessary and appropriate for the proposed project and in the event successful negotiations cannot be effectuated with any owners thereof, condemnation proceedings are authorized to be commenced and prosecuted to acquire the necessary additional right-of-way and/or temporary construction easements.

7. Mr. Dailey stated that the FHWA and the American Association of State Highway and Transportation Officials (AASHTO) has been following a news story regarding federal participation on highway projects. The story paints a broad picture of departments of transportation nationwide and their use of federal funding. Mr. Dailey advised that the writer has stereotyped all states and has not portrayed an accurate representation of the way WYDOT handles its business.

Mr. McOmie advised that project costs are tracked and reported quarterly to the FHWA. The reports reveal project bid amounts and other information, including contract deductions and bonuses and fuel compensation that are paid to contractors. Mr. McOmie stated that through meetings with WYDOT district engineers, he is comfortable with the means that the Department uses to be exceptional stewards of state and federal funds.

8. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through November 30, 2011, includes fatal crashes involving 127 deaths. The fatalities include 59 rollover crashes, 36 multi-car crashes, 9 fixed objects, 19 motorcycles and all-terrain vehicles, 4 pedestrians, and 22 commercial vehicles.

There have been 39 crashes to date deemed alcohol related, resulting in 47 deaths. Of those deaths, 29 were attributed to not using occupant restraints.

Of the 127 deaths that have occurred to date this year, 62 can be attributed to the non-use of occupant restraints, with 47 involving rollover crashes, 13 involving multi-car collisions, and 2 involving fixed

objects. Of the 62 deaths that occurred from non-use of occupant restraints, 45 were Wyoming residents and 17 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through October 31, 2011. The summary depicts 4,274 crashes statewide, of which 3,503 involved non-commercial vehicles and 771 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of November 30, 2011, have been DUI related. There have been 1,237 field arrests made so far this year, including:

- DUI arrests from crashes – 100
- DUI arrests from traffic stops – 523
- DUI arrests from the REDDI Program – 129
- DUI arrests from ports-of-entry – 11
- NCIC hits (person) – 33
- Wyoming warrants hits – 146
- Drug arrests – 129
- Other arrests – 166

Vice Chairman Latta offered his congratulations to Colonel Oyler on his 32-year career with the Wyoming Highway Patrol and stated that he will be sincerely missed after his retirement on December 31, 2011. Chairman Covello and the other commissioners wholeheartedly agreed. The attendees joined in a standing ovation for Colonel Oyler and his dedicated service.

9. Mr. Byrne presented the Aeronautics report, including the November 2011 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

10. Mr. Loftin presented the Support Services report.

Mr. Loftin presented a revised rule for Fuel Tax Administration, Chapter 1, from the *Wyoming Department of Transportation Rules and Regulations*, Fuel Tax Administration Section. Comments that were received during the statutory comment period from the September 12, 2011, public hearing were presented for Commission consideration.

It was recommended by Mr. Loftin, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 16-3-103, W.S. 39-17-102, and W.S. 39-17-202, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Fuel Tax Administration Chapter 1, Fuel Tax Administration, to administer the process for assessing and collecting all licensing taxes, credits, and fees associated with fuel taxes; and

WHEREAS, this revised rule and regulation removes some agricultural use procedures, alters licensing procedures, amends the ethanol credit reporting and requirements, and mandates electronic filing following graduated schedules for compliance, all in keeping with legislative changes; and

WHEREAS, a forty-five day public comment period and a public hearing on September 12, 2011, were held to solicit comments concerning the revisions to these rules; and

WHEREAS, the public comments received during the comment period and public hearing were considered by the Transportation Commission of Wyoming and the rules subsequently revised by the Wyoming Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts Fuel Tax Administration Chapter 1, Fuel Tax Administration.

11. Mr. Shultz presented the Operations report.

Messrs. Bill Goodman, Project Architect for the Douglas Shop facility, of TSP, Inc., in Sheridan, Bill Wilson, WYDOT Architectural and Highway Standards Engineer, and Hans Hehr, WYDOT Procurement Services Manager, joined the meeting by telephone.

Bid Number PEB1417, Douglas Shop Facility, Converse County: Mr. Shultz described the proposed Douglas Shop facility design. The project is to construct a new WYDOT transportation complex in Douglas, to include office/support space with an attached maintenance bay and mechanics bays in masonry and non-combustible construction, as well as support buildings, and specialized components such as a vehicle weight scale and fuel depot. All required mechanical, and plumbing, electrical and technology are included, as well as site improvements such as grading, road work, security, fencing, parking lots, utilities and other related work items.

There were nine bidders on the project. Bidders were asked to provide two alternate proposals with their bids. Alternate 1 was to include a price to delete 14,500 square yards of 4-inch bituminous plant mix pavement and replace it with 4 inches of crushed base, Grading W. Alternate 2 was to provide the necessary equipment to monitor the Douglas heating and ventilation system remotely from the Casper district office.

The cost differences were assessed and the proposed bituminous pavement prices were very favorable. Completing the paving portion of this contract would reduce water infiltration and possible dust concerns that could potentially be raised by neighbors of the site, and there is little evidence that the Department would experience a cost savings by completing this bid item later.

Also, there is no additional cost associated with Alternate 2 at this time. Mr. Shultz advised that it was in the best interest of the Department to proceed with this project without Alternate 1 and with Alternate 2 in the award.

Sletten Construction of Wyoming provided the low bid on the project. Sletten's bid included a vehicle lift supplier in lieu of the required overhead crane hoist supplier, as required in the contract documents.

Sletten did not follow the specified addendum process to determine whether its proposed supplier was an approved equivalent. Therefore, the bid from Sletten Construction was deemed irregular. Mr. Fredrick suggested that Mr. Warner address the Commission to explain Sletten Construction's bid.

Mr. Shawn Warner, Vice President for Sletten Construction Company, thanked the Commission for affording him the opportunity to discuss his bid. Mr. Warner provided the Commission with a copy of a blank bid proposal form for the Douglas Shop project, which listed specific categories and a space where the bidder was to fill in the name of each proposed supplier. According to Mr. Warner, his bid proposal form identified Ace Equipment as the supplier for the necessary "cranes and hoists" for the project.

Mr. Warner provided a letter to Mr. Shultz on November 30, 2011, which stated the process that he followed in an attempt to correct his bid irregularity. Sletten's bid delineated Ace Equipment of Henderson, Colorado, as the supplier of the vehicle lifts. The bridge crane specifications indicate that the architect's design is based on reference products of Crane and Hoist Sales, Inc., of Commerce City, Colorado. Mr. Warner attempted to contact Crane and Hoist Sales, Inc., to acquire a quote for the bid item, however, the phone number and contact name noted in the specifications were incorrect.

Vice Chairman Latta asked Mr. Warner how he could've known what he was bidding on if he couldn't reach Crane and Hoist Sales. Mr. Warner stated that his company has pre-established prices for such items that can be used when bidding.

Mr. Thad Lienemann of Sampson Construction, the second low bidder on the project, also thanked the Commission for allowing his firm to explain its bid. Mr. Lienemann indicated that his staff strives to be familiar with WYDOT practices and procedures. Sampson Construction did provide a bid from the specified supplier and included Crane and Hoist Sales, Inc., of Commerce City, Colorado, on the bid proposal form. Mr. Lienemann also stated that he understood that there is a difference between the "lifts" and "hoists", and the difference is detailed in the specifications. Additionally, Sampson Construction had no problem acquiring a bid from Crane and Hoist Sales in Commerce City, Colorado, as required in the specifications.

Mr. Fredrick advised that the bid from Sletten Construction was deemed irregular because it did not specify an approved crane and hoist supplier, and the company did not follow the required procedures for an alternate supplier. Mr. Fredrick explained the difference between a crane and hoist

and vehicle lifts, and noted that no where in the specifications is there an equivalence drawn between a vehicle lift and a crane and hoist. Mr. Fredrick asked if Sletten Construction used the terms “cranes” and “hoists” interchangeably when preparing its bid. Mr. Warner affirmed Mr. Fredrick’s scenario, but stated that he had no intention of using a crane that was not in accordance with the required specifications.

Mr. Goodman, the project architect, confirmed that the vehicle lifts described in the specifications are associated with ground contact and are manufactured for in-ground installation or one that sits on a concrete slab. Only one crane manufacturer was noted in the specification, and it was to be the sole-source provider at the time the bids were received. Mr. Goodman also stated that the crane and hoists and vehicle lifts were not to be used interchangeably in the bid documents.

Mr. Kahler advised that the information Mr. Warner provided in his November 30, 2011, letter documenting that they intend to supply a crane and hoist from Crane and Hoist Sales, Inc., of Commerce City, Colorado, should not be considered in the project award since the letter was received after the bid opening.

Director Cox requested a short recess at 3:20 p.m. Chairman Covello reconvened the meeting at 3:33 p.m.

Colonel Oyler left the meeting.

Director Cox asked Mr. Hehr how many bidders noted Crane and Hoist Sales, Inc., of Commerce City, Colorado, as the supplier for the Crane and hoist on the bid form. Mr. Hehr indicated that only three of the nine bidders specified Crane and Hoist Sales, Inc., of Commerce City, Colorado. Director Cox asked if there was any indication on the other bids as to what they were bidding on. Mr. Hehr indicated that the suppliers varied, but some were from Ace Equipment and some were from Crane and Hoist Sales, Inc., but other bidders noted different suppliers.

Mr. Warner noted that there must be some ambiguity in WYDOT’s specifications since only three out of nine bidders correctly interpreted the specifications.

Mr. Fredrick reiterated that Mr. Goodman must be contacted if bidders were providing an alternate supplier so that all bidders would have an opportunity to bid the same item. Mr. Goodman indicated that he received no calls from any of the bidders about any issues during the bidding process.

Director Cox stated that he believed the bid instructions were clear and that standard procedures were followed by WYDOT. However, if six out of nine bidders didn’t know that they had to use Crane and Hoist Sales, the Department will address this shortcoming in the future.

It was recommended by Director Cox, for only the purpose of preserving the integrity of the bid process, that the bid be awarded to the second low bidder, Sampson Construction. Director Cox stated that there was a clear lack of understanding of the bid specifications, he was uncomfortable

with the confusion in the bid documents, and noted that the Commission had broad discretion in making its decision about the award of this project. Director Cox offered to answer further questions, but there were none.

It was recommended by Director Cox, moved by Vice Chairman Latta, seconded by Commissioner Anderson, and unanimously carried to reject the low bid and award the project to the second low bidder, Sampson Construction Company, of Cheyenne, Wyoming, for the sum of \$11,119,000.

Commissioner Anderson suggested that in the future if there is a sole source noted in the specifications, the supplier's name should be filled in on the bid documents to avoid confusion and to prevent this situation from arising again.

Commissioner McCormack stated that he was uncomfortable with the ambiguity of the specifications, and he believes that Sletten Construction would have used the sole-source supplier. However, it would not be fair to punish those who bid the project correctly.

Messrs. Warner, Sampson, Lienemann, and Graff left the meeting.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried to approve purchase for bid number 12-004 to furnish 750,000 each, 2012 Wyoming state highway maps for distribution by the Public Affairs Program. The bid was awarded to Digital Rio, Inc., of Marietta, Georgia, for the sum of \$74,925.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to approve purchase for bid number 12-037 to furnish four each, new, current model, conventional cab, four-yard, single rear-axle dump trucks with diesel engines for delivery in Cheyenne. The bid was awarded to Jack's Truck & Equipment for the sum of \$296,584.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-038 to furnish one each, new, current model, cab-over cab and chassis for a rural striper for delivery in Lander. The bid was awarded to Peterbilt of Wyoming, of Cheyenne, Wyoming, for the sum of \$112,971.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Ertman, and carried to approve purchase for bid number 12-039 to furnish one each, new, current model, truck-mounted rural striping unit for delivery at Lander, Wyoming. The bid was awarded to EZ-Liner Industries, of Orange City, Iowa, for the sum of \$229,975.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to approve purchase for bid number 12-040 to furnish 10 each, new, current model, articulated all-wheel-drive front-end wheel loaders for delivery in Rawlins, Wheatland, Afton, Pinedale, Rock Springs, Buffalo, and Basin. The bid was awarded to Wyoming Machinery Company, of Cheyenne, Wyoming, for the sum of \$1,234,970.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Vice Chairman Latta, and carried to approve purchase for bid number 12-042 to furnish one each, new, current model melting applicator for delivery in Cheyenne. The bid was awarded to Denver Industrial Sales & Service Co., of Denver, Colorado, for the sum of \$57,847.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner McCormack, and carried to approve purchase for Requisition No. 0000110111 to extend the contract to furnish tires for use statewide for the period of January 1, 2012, through December 31, 2012. The contract was awarded to The Goodyear Tire & Rubber Company, of Akron, Ohio; Michelin North America, Inc., of Greenville, South Carolina; and Bridgestone/Firestone, Inc., of Nashville, Tennessee, for the sum of \$580,000.

12. Mr. McOmie presented the Chief Engineer's report.

Messrs. McOmie and Meena presented information about the revised *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Wyoming Statutes 31-5-112 and 31-5-113 require that the Department adopt a manual and specifications for a uniform system of traffic control devices that are consistent with the law for use on Wyoming highways and delineates the placement and maintenance of those traffic control devices.

The manual was modified to allow for some engineering judgement when designing traffic-related projects. The changes will require that some signage and other traffic control devices be changed over time to meet the new standard. The cost of implementing those changes will be borne by the Department. The FHWA requires that the new specifications be used on federally funded projects in order to receive federal funding.

There has been a great deal of controversy over this revision. The Commission reserves the right to amend the manual in the future. If the manual isn't adopted within two years, WYDOT will no longer qualify for federal funding. The current revisions have been reviewed and approved by the Federal Highway Administration.

It was recommended by Mr. McOmie, moved by Commissioner Ertman, seconded by Vice Chairman Latta, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Transportation Commission of Wyoming on March 17, 2005, adopted the 2003 edition of the *Manual on Uniform Traffic Control Devices* for Streets and Highways as approved by the Federal Highway Administrator as the state and national standard for application on all classes of highways; and

WHEREAS, that manual has been updated by the 2009 edition; and

WHEREAS, the Wyoming Department of Transportation, through the Transportation Commission of Wyoming, desires to adopt the 2009 edition of the *Manual on Uniform Traffic Control Devices* with the following addition; and

WHEREAS, under Section 1A.13, Definitions of Headings, Words, and Phrases in this Manual, the definition of a Standard shall be amended in Wyoming so that engineering judgment or an engineering study can be used to modify any standard, guidance, option, or support statement as shown in the 2009 edition of the *Manual on Uniform Traffic Control Devices* based on unusual site-specific conditions that make compliance with the standard impossible or impractical; and

WHEREAS, *impossible* is defined as, “a fact, condition, circumstance, or performance that cannot occur, exist, or be done”; and

WHEREAS, *impractical* is defined as, “a fact, condition, circumstance, or performance that would cause extreme and/or unreasonable difficulty, including unanticipated increases in effort and/or expense and/or diminished safety”; and

WHEREAS, *unusual* is defined as, “those facts, conditions, circumstances, or anticipated performances determined by an engineer to depart from or exist outside of the typical or normal”; and

WHEREAS, this resolution is consistent with proposed language contained in the Federal Highway Administration rule makings issued on August 31, 2011, revising Section 1A.13 and on August 2, 2011, amending Section 1A.09, and

WHEREAS, the Commission reserves the right to amend this resolution pending the outcome of the rule makings discussed in the previous “whereas.”

NOW, THEREFORE, BE IT RESOLVED by the Transportation Commission of Wyoming, the 2009 edition of the *Manual on Uniform Traffic Control Devices* for Streets and Highways be adopted as the state’s standard as modified by the proceeding, and excepting those provisions in conflict with existing state requirements.

A copy of the manual is on file in the Commission Secretary’s office.

13. The district engineers each provided the following annual state-of-the-district reports for their district.

District 5: Mrs. Carlson thanked the Commission for the opportunity to present the District 5 annual report.

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District 5 experienced excessive snowfall throughout the year, but were able to keep its snow removal budget to about 94 percent. It also fought significant flood and landslide events in 2011, as it did the previous year. The Wyoming National Guard assisted with flood maintenance and cleanup efforts. There was about \$10 million in damage that occurred from flooding and land slides. Repairs will be done in the summer of 2012 and 2013. A slide show presentation was made to share the extent of the damage, and presentations have been given to various civic groups in the area. The presentation has been well received and provides an awareness for residents regarding the nature of the damage and the anticipated cost of repairs.

About 35 of the 38 miles of the Togwotee Pass reconstruction is now complete. The remaining three miles will be finished in the summer of 2012. After its completion, the engineering crew in Dubois will be dismantled, and employee houses and the Dubois field office will be sold. Positions will be moved to the Thermopolis crew.

District 5 has started working on another safety campaign on the Wind River Indian Reservation. This campaign has a “tough guy” theme and is intended to reduce drinking and driving and speeding and encourages the use of seatbelts. The campaign is intended to target and appeal to males between the ages of 18 and 35.

In closing, Mrs. Carlson added that employee staffing continues to be a challenge in Shoshoni and Riverton due to the competition of the oil and gas presence in the Lysite/Moneta area.

District 4: Mr. Gillett also thanked the Commission for the opportunity to provide information about 2011 events within his district.

District 4 let 18 projects totaling approximately \$44 million, including Sheridan Main Street, Highway 50 in Gillette, and Highway 59, which is an extension of the existing five-lane south of Gillette.

Increased snow pack caused significant flooding in Johnson, Sheridan, Crook, and Campbell counties during 2011. Land slides were also a significant challenge, causing lane closures and detours on Interstate 90 and US 14. Slides will cost about \$4 million to repair. District maintenance crews deployed the largest highway detour operation in Mr. Gillett’s tenure during the flooding and land slide events, which spread into Montana. Maintenance crews worked on and monitored 34 slides within the district and placed about 25,000 tons of plant mix for road repairs throughout the year. District 4 completed its efforts to change out all non-compliant signal systems district-wide in an effort to reduce crashes in certain areas of the district.

Mr. Gillett noted that the District 4 rotary plows need to be replaced, as parts are becoming much more difficult to find when repairs are necessary.

Employee staffing is becoming a bit more difficult because of the energy industry, with turnover even more frequent in Campbell and Sheridan counties where the industry is more dominant. The

district lost three of its employees in Moorcroft, leaving only two employees to run that shop. District staffing has reached its minimum capacity to keep operations moving. Mr. Gillett indicated that services may need to be cut if the district is not able to fill vacant positions. Compensation also continues to be an ongoing issue for hiring and keeping employees.

District 3: Mr. Eddins offered his appreciation of the Commission for allowing him the opportunity to provide information about District 3.

District 3 experienced significant flooding in Uinta, Sublette, and Lincoln counties. Maintenance forces did some proactive debris removal as the flood threat arose, which prevented road closures in areas where smaller slides occurred. A large slide did occur in the Snake River Canyon, which necessitated letting an emergency contract totaling \$700,000. Mr. Eddins expressed his gratitude toward the Environmental Services Program for its extraordinary efforts in preparing the necessary environmental impact statement and permits to install the much-needed riprap and embankment protection for the Snake River slide project.

District construction crews finished 13 miles of reconstruction along I-80 near Wamsutter. Overall, the district came within 2 percent of its preliminary costs versus actual contract expenditures in 2011.

District 2: Mr. Fleenor also thanked the Commission for the chance to brief them about District 2 events during 2011.

The district let to contract about \$70 million in projects throughout the year, of which \$25 million was for the Casper South project. The Douglas West project along I-25 was completed on time. The Kaycee to Buffalo pavement preservation project went well, amongst many other smaller projects, and the Sugar Factory Road project was completed. Mr. Fleenor hopes that the Casper West Belt Loop project will be underway soon.

District 2 had one landslide, which was on I-25 at Milepost 219, and has been repaired.

District maintenance crews placed about 31,000 tons of patching material in 2011. They used the salt-brine technique as well as salt/sand mix for snow maintenance. Snow sheds will be built for salt/sand storage in 2012.

A new urban striping truck was purchased in 2011, and new plow trucks possessing the new brine application capability will be requisitioned in the near future.

State Transportation Improvement Program (STIP) meetings were held throughout the district in late spring. Mr. Fleenor noted that the word is getting out about the Department moving toward pavement preservation rather than building new projects.

Staffing decreased in 2011, and eight positions are currently vacant in District 2.

District 1: Mr. Persson presented information about District 1 events that occurred in 2011.

District 1 experienced a massive washout of Highway 130 along Brush Creek south of Saratoga on July 19. The event resulted in the deaths of three children and their mother. A temporary panel bridge was installed on July 23 to open the road. The road has been closed for the winter, and a more permanent repair will be made in the summer of 2012. The project will be let in January 2012 and will involve a new box culvert. Mr. Persson anticipates that the new box culvert will be installed by April 15, 2012. The roadway is currently open to the seasonal closure gate further to the east, and will remain closed throughout construction.

Flooding was also a problem in District 1 last spring, and maintenance forces worked diligently to prevent bridges from being washed out. District 1 personnel worked with local emergency management coordinators, the Wyoming National Guard, and other entities to address flooding concerns in Saratoga, Baggs, and Fort Steele.

A 600-foot slide was discovered on WYO 70 east of Baggs on May 30, 2011. After extensive geologic investigation to determine that the area was safe to traverse, a temporary detour was implemented in mid-July. Preliminary survey and engineering was started to determine an alternate alignment, which is expected to be constructed in 2012.

About \$50 million was expended on various projects district-wide, including the Vandehi Avenue roundabout in north Cheyenne, which has had very positive results. A full-depth reclamation project was also done on Grand Avenue in Laramie. Interstate 80 was a hot discussion topic at the spring STIP meetings, as about 45 percent of all district funding goes for repairs on I-80.

The district spent about \$600,000 on beetle kill projects this year, primarily on WYO 11 (Albany Road), WYO 130 (Snowy Range Road), and WYO 70 between Baggs and Encampment. Future contracts will include WYO 10 (Happy Jack Road) west of Cheyenne, WYO 230 from Woods Landing to the Colorado State Line, and other locations along WYO 70.

The Niobrara Oil Play has not greatly impacted the district so far, but an influx of other construction jobs has affected the district's ability to hire new employees. The wind turbine project, located south of Rawlins, will impact the district in the near future, particularly on the county road system. This project is a flagship project and will significantly affect the entire district in many ways.

14. It was moved by Vice Chairman Latta, seconded by Commissioner Dooley, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 5:00 p.m., on Thursday, December 8, 2011.