

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met via telephone conference in the Commission Room of the Transportation Headquarters building in Cheyenne on July 14, 2011. The meeting was convened at 8:30 a.m. by Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Chairman, Torrington
Jim Latta, Vice Chairman, Pinedale (via telephone)
Ted Ertman, Commissioner, Newcastle (via telephone)
Jim Hladky, Commissioner, Gillette (via telephone)
Clair Anderson, Commissioner, Riverton (via telephone)
K. John Dooley, Commissioner, Laramie (via telephone)
Bruce McCormack, Commissioner, Cody (via telephone)
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; Jackson Engels and Mike Kahler, Assistant Attorneys General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Wyoming Senator Wayne Johnson and Representative Dave Zwonitzer; Mr. Phil Nicholas, legal counsel for Centennial Woods; Scott Patten and Shea Abbott, of Centennial Woods, Laramie; Jeremy and Rachel Johnston of JC Construction, Laramie; and Hans Hehr, WYDOT Procurement Services Program Manager.

1. Approval of Minutes: It was recommended by Secretary Scott, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve the minutes from the June 16, 2011, breakfast meeting, regular business meeting, executive session, and education session.

2. Correspondence: Secretary Scott presented a letter from Mr. S. Joseph (Joey) Darrah, of Darrah, Darrah & Brown, P.C., law office in Lovell. Mr. Darrah wrote on behalf of his client Mountain Construction Co., also of Lovell. Mountain Construction had requested a highway access along Wyoming Highway 32 to land that is owned by Heritage, FLP. The request was reviewed and denied at the district level and subsequently by the Access Review Committee. Mr. Darrah requested an appointment with the Commission to appeal the access denial, but his client was not available to attend the July 14 meeting. Secretary Scott advised that an appointment has been set for Mr. Darrah to present the matter at the August 18, 2011, Commission meeting.

3. Old Business: Chairman Covello asked Mr. Shultz to brief the Commission and the other meeting attendees about Bid Numbers 11-179RM and 11-180RM, involving snow fence removal and replacement.

Mr. Shultz reported that WYDOT has worked with many firms over the years to administer snow fence repair, including face board removal and replacement, as part of its snow fence maintenance strategy. The process allows contractors to recycle the weathered boards for other use. In its early years, the Department allowed contractors to do the work at no cost using a letter of agreement. Eventually, WYDOT received inquiries about the process for access to the work, and the Department began letting the work through a competitive bid process. The contract has evolved over time to include other maintenance items on the snow fence in the interest of efficiency to free up WYDOT maintenance forces to do other necessary work. The snow fence contract is rather unique because since the contractor reaps the benefit of selling the harvested wood, the contractor pays WYDOT for allowing them to do the work.

Mr. Shultz noted that this type of work normally does not come before the Commission for approval because the contract does not meet the threshold described in WYDOT policy. Because of a recent dispute in the process, the Commission is being asked to take action on these two bids.

WYDOT has worked with Centennial Woods for some time on snow fence maintenance contracts. In recent years, it was the only bidder for this work, and the Department has worked toward making the contract structure more effective for all parties. To balance the risks and in the interest of fairness, both parties have worked together to establish the contract into what it is today. Contractor interest in the snow fence maintenance contract is evident by the recent increase in the number of bidders for the work.

On March 4, 2011, WYDOT sent an announcement to all of its current vendors stating, "Beginning April 1, 2011, in order to receive bid notifications for WYDOT bids, you will need to register with Public Purchase." Public Purchase is a vendor providing electronic bid servicing to WYDOT and will be the exclusive means for bidding once it is fully implemented. WYDOT also mailed subsequent notifications to interested bidders and posted the bids under the procurement page on WYDOT's web site, despite the language in the vendor announcement to the effect that Public Purchase would be the exclusive means for bidding. WYDOT felt this additional notification would be a beneficial redundancy for a while, even though it did not promise to provide such notifications through vendor announcements or by any other means of communication. This was thought to provide additional notification while WYDOT moved to the Public Purchase system.

Bid numbers 11-179RM and 11-180RM were posted to advertise on Public Purchase beginning April 14, 2011, and closed with the bid opening held at 11:00 a.m. on May 10, 2011. In the interest of trying to make the contract more visible to potential bidders, WYDOT elected to post these contracts under two National Institute of Governmental Purchasing (NIGP) Commodity Services Codes in Public Purchase. One of the codes, 330-46 – Snow Fence, is a product

purchase code, not a service/maintenance/construction code. Centennial Woods did not register for this code when it initially created its account with Public Purchase, as WYDOT did not use this code or description in the old system. The second code that WYDOT used, 955-43, turned out to be a code from a previous system that is not in the Public Purchase system. The description for the old code was “fence installation, maintenance and repair,” a description that was used because there are no snow fence-specific codes for this type of work. The correct NIGP code in Public Purchase for this work description is 988-15, a code that Centennial Woods did register for on April 1, 2011, with Public Purchase.

Mr. Shultz indicated that the Department has done a great deal of research to determine what was done and what must be done to rectify the discrepancy. The wording in the vendor announcement was very specific that the bid announcement would be received through Public Purchase. WYDOT selected an old code that was not in the Public Purchase system and, therefore, did not provide the information in the location within the Public Purchase that matched the historic description of the work, an area where Centennial Woods expected to find the information and receive the bid notification. While WYDOT did provide redundant notifications via its Procurement Services web page and through the U.S. Mail, the language in the vendor announcement did not provide an expectation that this service would be provided.

Chairman Covello afforded the commissioners an opportunity to question Mr. Shultz about his testimony pertaining to the bid process. Commissioner Ertman asked Mr. Shultz to confirm the dates that the bid was posted on the website and the bid closing date. Mr. Shultz reiterated that Bid Numbers 11-179RM and 11-180RM were posted to advertise on Public Purchase beginning April 14, 2011, and the opportunity to bid closed at 11:00 a.m. on May 10, 2011.

Vice Chairman Latta noted that the March 4, 2011, vendor notification letter was a significant milestone in the recent bid changes, as all bidders were notified of the upcoming changes in the bid process. Vice Chairman Latta asked how many bid packages were sent to vendors for Bid Numbers 11-179RM and 11-180RM. Mr. Hehr indicated that 46 vendors were notified of the upcoming bid opportunity. Bid No. 11-179RM had two bidders and 11-180RM had only one bidder.

Mr. Phil Nicholas, attorney for Centennial Woods of Laramie, provided a handout detailing his client’s concerns about the Procurement Services bid process, the state procurement rules, and related statutes and the confusion that was caused in the competitive bid process. The handout listed the following reasons for WYDOT to rebid the project:

- Centennial Woods (CW) has been a persistent competitor, heavily involved in the development of snow fence replacement. CW has worked hard for many years to develop outlets for the sale of the State’s snow fence property which has resulted in large cost savings to the State of Wyoming.
- CW has been in constant communication with WYDOT staff in developing invitations for bid.

- CW's sole business is harvesting snow fence material; its staff watches for all invitations to bid issued by the State of Wyoming.
- CW was the successful bidder resulting from Invitation to Bid No. 11-161RM issued on March 30, 2011, and awarded on April 26, 2011 (for Districts 3 and 5). That bid opening took place on May 10, 2011.
- CW advises that it did not receive any written notices for the two invitations to bid issued on April 14, 2011, numbered 11-179RM and 11-180RM (Districts 1, 2 and 4, respectively). At least two CW employees would have handled that mail, and neither saw any such notice.
- WYDOT's records do not track unregistered mail, and there is no way to know whether the notices were actually sent, or if they were lost in the mail.
- WYDOT was (and is) in the process of developing a web page notification system, as well as an email delivery system. Those systems are still under development.
- Within two days of April 18, 2011, CW's employee Scott Patten went onto WYDOT's web site to check for outstanding invitations to bid. Under "Business with WYDOT," then to "Contractors," then to "Bid Information," then to "Letting," and then he, 1) checked all individual bid requests, and 2) downloaded the letting notice. Once that document was downloaded, he searched with the terms "snow" and "fence." Mr. Patten did not see any evidence of any outstanding snow fence projects.
- Unknown to Mr. Patten, the web site he visited would provide only information about new road and bridge construction projects. The site for advertising maintenance projects was different.
- On Friday, April 22, 2011, CW's Scott Patten and Shea Abbott telephoned WYDOT's Jeff Frazier. On that day, they inquired when the new projects would be let for bid. Mr. Frazier responded that he had sent the projects to Purchasing. While Mr. Frazier does not work in the Purchasing Program, the conversation shows that CW was attempting to keep informed of the bid process. Although the bids had already "hit the street," Mr. Frazier was unaware of that information.
- CW intended to bid on the two projects, but did not do so because they did not receive notice of the invitations to bid.
- Only one bid was received for Invitation to Bid No. 11-180RM.
- Only two bids were received for Invitation to Bid No. 11-179RM.
- The lowest bids were slightly less than CW's successful bid awarded on April 26, 2011, for District 1. The company with the lowest bid obviously learned about CW's earlier bid amount, and made their bid based upon seeing CW's successful bid. CW knew that its prior bid had been made public and would have been forced to compete by offering more competitive terms, knowing that its bid amount was available to the public.
- The State of Wyoming lost the advantage of the competition that would have resulted from CW's participation in the bid process.

In summary, Mr. Nicholas noted that he feels WYDOT's web site should be revised and that CW did due diligence in looking for the advertisement but was not able to compete in the bidding

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process. Ultimately, Mr. Nicholas believes that it is in the best interest of the State to rebid the contract.

Commissioner Ertman asked if CW actually received both bid packages for Bid Numbers 11-179RM and 11-180RM. Mr. Nicholas said that his client did not receive either letter announcing the invitations to bid.

Mr. and Mrs. Johnston testified before the Commission about the bid process that they followed, and they presented copies of the invitation to bid letters that they received from WYDOT. Mr. Johnston attested that he knows of other companies who also received the invitation to bid information. The other companies were also unfamiliar with the new computer software but managed to find the bid information online. JC Construction is a small company, and they withdrew their first bid because they decided it wouldn't be in their best interest to do the work in the matter in which it was originally bid. However, if they had not withdrawn their bid, JC Construction would have been the successful bidder on that project as well.

Commissioner Hladky asked Mr. Johnston if he withdrew his bid before the second bid was submitted. Mr. Johnston advised that he withdrew his bid on the first contract within 24 hours of its submission, before submitting his bid for the second contract. JC Construction's bid amount on the second contract was higher than he had bid on the first job.

Chairman Covello thanked Mr. and Mrs. Johnston for their testimony and for attending the meeting.

Commissioner Dooley asked Mr. Shultz whether or not all 46 vendors would be notified of the projects being rebid if the Commission decided to do so. Mr. Shultz indicated that all eligible bidders would be notified.

Commissioner Hladky asked Messrs. Kahler or Engels to address the legal aspect of rebidding the project versus awarding the contract as it was let. Mr. Kahler advised that, under the circumstances, there is always a possibility of further litigation, but the Attorney General's office will support whatever decision is made by the Commission.

Director Cox advised that the Commission has broad discretion over decisions such as this one. According to Director Cox, mistakes were made in the codes that were used to post the bids on WYDOT's Procurement Services web site and that corrective measures must be taken to ensure that it doesn't happen again.

Mr. Johnston asked the Commission to carefully consider its decision and that perhaps a decision shouldn't be made hastily, but JC Construction will stand by their bid regardless of the outcome.

Vice Chairman Latta reiterated that only one out of 46 potential bidders responded to the invitation to bid on Bid No. 11-179RM and only two bidders responded to Bid No. 11-180RM.

Mr. Hehr indicated that historically there are very few bidders for this type of work and that one or two bidders is normal for these jobs.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to re-advertise Bid Numbers 11-179RM and 11-180RM and rebid the projects. Commissioner Ertman voted no.

4. Director Cox presented the Director's report.

Federal Highway Reauthorization: Director Cox provided a handout detailing U.S. House of Representatives Transportation and Infrastructure (T&I) Committee Chairman John Mica's proposed Federal Highway Reauthorization bill. According to the T&I Committee press conference and the committee materials, the draft bill extends the program for six years, emphasizes reform, and streamlines federal programs. It also expedites project approval, promotes maximizing leveraging for limited resources, and considers a "multimodal" means of transportation, utilizing a combination of highway, rail, and maritime travel. Legislative language is being developed. Many areas appear to still be open to adjustment or clarification of additions and deletions. No state funding tables have been provided. No earmarks will be included in the bill, and 90 percent of the funding will be distributed by formula.

The bill would provide \$230 billion for highway, transit, and highway safety programs over six years, with the highway-transit split remaining at 80-20 percent. No additional taxes are proposed to fund the bill, so the bill is bound by current House rules regarding financing and debt. Chairman John Mica and Subcommittee Chairman John Duncan will appear before the House Ways and Means Committee to discuss alternate or additional revenue options.

In the bill, transportation safety will be streamlined but is largely off limits for funding reductions. Existing Interstate Highway System lanes cannot be tolled, but new capacity may be tolled, as well as non-interstate highways. State infrastructure banks will be encouraged and will receive greater eligible funding amounts (15 percent). Chairman Mica will consolidate or eliminate about 70 programs, including about 40 FHWA programs.

States will be required to spend highway funding on non-highway activities, such as enhancements, but will need to justify their decisions through performance measures and transparency requirements. It is unclear how this will work or level the parameters of evaluation. The reauthorization proposal focuses on the National Highway System, and eligibility for the current federal-aid system is maintained. Highway Safety Improvement Program funding is sustained and expanded, and that funding may be used on most any road.

Director Cox noted that the new bill in its proposed form would result in a 30 to 35 percent reduction in the federal funding to WYDOT. Chairman Mica has suggested cutting out some entitlement programs and pass through funding in the new bill, which would ultimately be less of a loss for departments of transportation nationwide. Final bill language has not been released.

5. Mr. Hibbard presented the Budget report, beginning with the monthly budget report.

The monthly budget report revealed that the Department's snow control budget is 98 percent expended. A quarterly adjustment has been included in the third-quarter budget revision to accommodate the short fall. Recent land slides have contributed to the overrunning damage repair budget, which is currently 113 percent expended.

Third-Quarter Budget Revision: Mr. Hibbard briefed the Commission about key adjustments that were made to the Department's budget during the third quarter of FY 2011.

An additional \$4.1 million is being requested to cover extreme snow removal and land slide damage throughout the state. Highway user fees were down 1.5 percent this quarter, but diesel fuel revenue was slightly higher than anticipated. About \$1.8 million was allocated from repeat offender/open container funds for the replacement of patrol car video cameras. The funds were moved to the Highway Patrol's budget via a Governor-approved B-11. The Department of Administration and Information's (A&I) Chief Information Officer approved the business case that was submitted for the replacement of the patrol in-car video cameras.

Vice Chairman Latta asked Mr. Hibbard when the Department would feel the impact of the 30 to 35 percent federal budget reduction, if Chairman Mica's proposed bill passes. Mr. Hibbard indicated that it is too soon to assume the final outcome of the reauthorization bill. It will be at least several months before the bill reaches its final form and the outcome is known. At this time, WYDOT will assume that FY 2012 will be based on current funding levels through a continuing resolution. WYDOT's budget will be modified when final numbers are available.

The Department has expended \$2.6 million so far for land slide damage repairs and an additional \$1.5 million for extreme snow removal this spring. Reimbursement is being sought through the Federal Emergency Management Agency for the damage repairs and other emergency relief funds, but reimbursement could take up to three years.

Vice Chairman Latta inquired about a \$3.2 million capital expenditure for the Headquarters complex that was included in the FY 2011 budget. Mr. Hibbard explained that the appropriation was for necessary repairs to various buildings in the Cheyenne area and that the details of those repairs could be found on page 21 of the Third-Quarter Budget Revision document.

It was recommended by Mr. Hibbard, moved by Commissioner Hladky, seconded by Commissioner Ertman, and carried to approve the FY 2011 Third-Quarter Budget Revision.

6. Mr. Fredrick presented the Engineering and Planning report.

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Dooley, and carried to approve the following project authorizations:

COMMISSION DISTRICT 1

Rural Major Collector

RHQ 0.00 B111095; Laramie County; Cheyenne, railroad quiet zone, various locations; quiet zone installation; FY 2011; request state construction engineering and construction funds of \$399,000

Rural Local

RHQ 0.00 B112096; Goshen County; Torrington, railroad quiet zone, various locations; quiet zone installation; FY 2011; request state construction engineering and construction funds of \$1,557,000

COMMISSION DISTRICT 5

Rural Principal Arterial

NH 31.40 N371030; Big Horn County; Greybull to Burgess Junction; reference markers (RM) 31.40 to 31.60; slide repair; FY 2011; request federal preliminary engineering funds of \$50,000; and request federal construction engineering and construction funds of \$935,000

NH 15.60 N371031; Big Horn County; Greybull to Burgess Junction, east of Shell; RM 15.60 to 15.85; erosion repair; FY 2011; request federal preliminary engineering funds of 15,000; and request federal construction engineering and construction funds of \$303,000

NH 28.90 N371032; Big Horn County; Greybull to Burgess Junction, Reverse Pile Slide; RM 28.90 to 29.10; emergency slide repair; FY 2011; request federal preliminary engineering funds of \$40,000; and request federal construction engineering and construction funds of \$660,000

NH 29.40 N371033; Big Horn County; Greybull to Burgess Junction, East Reverse Pile Slide; RM 29.40 to 29.70; emergency slide repair; FY 2011; request federal preliminary engineering funds of \$30,000; and request federal construction engineering and construction funds of \$440,000

NH 26.00 N371034; Big Horn County; Greybull to Burgess Junction, Shell Falls slide; RM 26.00 to 26.20; emergency slide repair; FY 2011; request federal preliminary engineering PE funds of \$20,000; and request federal construction engineering and construction funds of \$385,000

NH 0.00 B125038; Big Horn, Fremont and Hot Springs counties; Highway District 5, Wind River and Shell Canyon; US 20, RM 113.00 to 128.00, and US 14, RM 19.70 to 21.50; rock fall mitigation and scaling; FY 2012 construction; request federal preliminary engineering funds of \$40,000

Rural Major Collector

BR 10.68 0900013; Hot Springs County; WYO 170, bridge over Owl Creek; bridge replacement; FY 2013 construction; request federal preliminary engineering funds of \$143,000

COMMISSION DISTRICT 6

Rural Local

RHQ 0.00 B112097; Niobrara County; Lusk, railroad quiet zone, various locations; quiet zone installations; FY 2011; and request state construction engineering and construction funds of \$199,000

RHQ 0.00 B114098; Weston County; Newcastle, railroad quiet zone, various locations; quiet zone installation; FY 2011; request state construction engineering and construction funds of \$962,000

COMMISSION DISTRICT 7

Rural Principal Arterial

ARSCT 0.00 4109A02; Natrona County; Casper Streets, Yellowstone Street; waterline upgrade; FY 2011; request construction engineering and construction funds of \$127,742; to be reimbursed by the City of Casper

7. Third-Quarter Addendum to the State Transportation Improvement Program (STIP): Mr. Fredrick presented the third-quarter addendum to the 2011 STIP. It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Vice Chairman Latta, and carried to approve the third-quarter STIP addendum.

8. Potential Threat to Global Positioning Systems (GPS): The Department was recently contacted about a potential threat to GPS instruments that are being marketed today. LightSquared has developed and plans to implement a new ground-based wireless broadband 4G system using a frequency previously dedicated to mobile satellite services. The 4G signals use extremely powerful frequencies that may cause severe interference with existing GPS units and could potentially make existing units nonfunctional. The "Coalition to Save Our GPS" has been formed to contest LightSquared's efforts. The Association of General Contractors and the American Association of State Highway and Transportation Officials have joined the coalition, and it was suggested that it would be beneficial to have as many state departments of transportation as possible as members. Mr. Fredrick stated that he did not believe it was appropriate for the Department to join the coalition. Additionally, the Federal Communications Commission (FCC) is reviewing the LightSquared product and has established a July 30, 2011, deadline for its open comment period. Mr. Fredrick indicated that the Department of Defense and the Department of Transportation have studied this and provided comments to the FCC requesting that the provisional waiver granted to LightSquared be withdrawn and that a more thorough study be conducted. Mr. Fredrick recommended that because the Department has no first-hand experience with what the challenges might be, it is uncertain at this time whether or not it will affect

Wyoming. For these reasons, Mr. Fredrick recommended that WYDOT remain silent on this issue.

Commissioner McCormack indicated that he had received comments from a constituent about the topic. He thanked the staff for their efforts toward researching the issue.

9. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through May 31, 2011, includes 35 fatal crashes involving 38 deaths. The fatalities include 18 rollover crashes, 12 multi-car crashes, 7 commercial vehicles, 3 motorcycles and all-terrain vehicles, 2 pedestrians, and 3 fixed objects.

There have been 11 crashes to date deemed alcohol related that resulted in 14 deaths. Of those deaths, 11 were attributed to not using occupant restraints.

Of the 38 deaths that have occurred to date in 2011, 21 can be attributed to the non-use of occupant restraints, with 16 involving rollover crashes, 4 involving multi-car collisions, and 1 involving a fixed object. Of the 21 deaths that occurred from non-use of occupant restraints, 13 were Wyoming residents and 8 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through April 30, 2011. The summary depicts 1,812 crashes statewide, of which 1,502 involved non-commercial vehicles and 310 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of May 31, 2011, have been DUI related. There have been 583 field arrests made so far this year, including:

- DUI arrests from crashes – 47
- DUI arrests from traffic stops – 233
- DUI arrests from the REDDI Program – 62
- DUI arrests from ports-of-entry – 4
- NCIC hits (person) – 21
- Wyoming warrants hits – 63
- Drug arrests – 67
- Other arrests – 86

10. Mr. Byrne presented the Aeronautics report, including the June Aeronautics Flight Operations Passenger Summary. The Wyoming Aircraft Accident Report was also presented, which included three aircraft accidents in June. There were no fatalities reported in the crashes.

11. Mr. Shultz presented the Operations report.

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It was recommended by Mr. Shultz, moved by Commissioner Hladky, seconded by Vice Chairman Latta, and carried to approve purchase for bid number 11-205 to furnish a roof replacement at the WYDOT shop in Cokeville. The contract was awarded to Alta Construction, Inc., of Lyman, Wyoming, for the sum of \$95,995.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-215 to furnish a pond liner and installation at the WYDOT facilities in Afton, Evanston, Granger, Kemmerer, Labarge, Patrick Draw, and Wamsutter. The contract was awarded to Robert's Field Service, Inc., of Granger, Wyoming, for the sum of \$149,250. Mr. Shultz noted that the Department was contacted by a vendor about a discrepancy in the bid process for this project. No formal plea was provided by the vendor.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to approve purchase for bid number 11-224 to furnish 133,000 square feet of high performance, retro-reflective sheeting to be used by the Traffic Program Sign Shop to manufacture roadside traffic signs. The bid was awarded to 3M Corporation, of Saint Paul, Minnesota, for the sum of \$171,799.75.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Hladky, and carried to approve purchase for Requisition No. 0000022764 to furnish SAP enterprise licenses for use by various WYDOT employees statewide and software maintenance, effective for one year from the date of purchase. The contract was awarded to SAP Public Services, Inc., of Newtown Square, Pennsylvania, for the sum of \$213,593.79.

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

Wyoming Natural Disaster Update: Flooding and land slides caused by extreme spring runoff coupled with heavy rain continue to plague the state. According to Mr. McOmie, only four counties are without some sort of damage so far. The road between Riverton and Lander had been closed since June 30, 2011, but was recently opened. Maintenance crews continue to work on WYO 70 in Carbon County and hope to have it open by July 15. Eastbound I-90 was closed because of land slides, and traffic was reduced to two-way traffic on the westbound lane. A larger slide then occurred in the same area on July 9, necessitating the closure of I-90 in its entirety, and traffic had to be rerouted through Story, Wyoming, and on US Highway 14.

Mr. McOmie noted that US Highway 14A has a causeway over the Yellowtail Reservoir in Big Horn County. The level of the reservoir is rising and could potentially overflow onto the highway.

The extraordinary flooding and landslides will undoubtedly cost the Department tens of millions of dollars to repair.

District Engineers' Meeting: Mr. McOmie met with district engineers on July 12, 2011. The following topics were discussed at the meeting:

All of the 2011 district State Transportation Improvement Program meetings have been held. Two districts indicated that attendance was up this year, but the other three districts' meetings were less attended. Some legislators who attended expressed concern over the Department's plan to move toward a maintenance plan rather than a highway improvement plan.

In response to an inquiry made by Commissioner McCormack at the April 21, 2011, Commission meeting, Mr. McOmie asked the district engineers to review the statistics within their districts where accident rates are elevated and whether daytime headlight usage may be beneficial. If specific areas can be determined, signage may be installed to alert drivers to turn on headlights in the interest of safety.

The 2011 WYDOT Customer Satisfaction Survey revealed a couple of low-scoring areas. Those areas are being closely reviewed. The customer feedback panels and the survey questions may be amended to address those areas. When asked if they would be willing to provide an e-mail address to enable WYDOT to find out more details about how they could improve its customer service, many of those surveyed agreed that they would be willing to do so.

13. It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to move into executive session to discuss a personnel matter and a legal matter. The Commission went into executive session at 10:50 a.m. on Thursday, July 14, 2011.

14. It was moved by Vice Chairman Latta, seconded by Commissioner Hladky, and carried to move out of executive session. The Commission came out of executive session at 11:50 a.m. on Thursday, July 14, 2011.

15. It was moved by Commissioner Ertman, seconded by Commissioner Dooley, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 11:50 a.m. on Thursday, July 14, 2011.