

## TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on June 21, 2012. The meeting was convened at 8:30 a.m. by Chairman Latta. The following members were present constituting a quorum:

Jim Latta, Chairman, Pinedale  
Ted Ertman, Vice Chairman, Newcastle  
Cactus Covello, Jr., Commissioner, Torrington  
Milt Coulter, Commissioner, Gillette  
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; Colonel John Butler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Mr. Tom Loftin, Support Services Administrator, was absent.

1. Pledge of Allegiance: Chairman Latta led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve the minutes from the May 17, 2012, breakfast meeting, regular business meeting, and executive session.
3. Correspondence: Secretary Scott presented nine resolutions from the Wyoming Trucking Association that expressed appreciation to the Wyoming Transportation Commission and the Wyoming Department of Transportation for their continued efforts toward a good working relationship with the association.

Secretary Scott also presented a June 12, 2012, letter that was received from Mr. Jerry Bornhoft, President of Jerry Bornhoft Construction Inc., regarding Bid No. 12-209HH for a salt/sand storage building in Riverton. In his letter, Mr. Bornhoft protested the award to the apparent low bidder, Majors Equipment Inc., whose bid, according to Mr. Shultz, contained a non-fatal error. The topic was slated for discussion under the Operations Report later in the meeting.

One final item of correspondence was also presented by Secretary Scott. A letter was received from Mr. Ned Flemke, Senior Vice President of Wells Fargo Insurance Services in Colorado Springs, Colorado. Mr. Flemke explained in his letter that his company provided a 5 percent bid bond for its

client, Cruz Construction, also of Colorado Springs, but Wyoming Statute requires a 10 percent bid bond on WYDOT highway contracts.

4. Director Cox presented the Director's report.

Federal Highway Bill Update: There was nothing new to report regarding the Federal Highway Bill status. The conference committee continues to work toward a bill that both the Senate and the House of Representatives can agree upon.

Joint Transportation, Highways and Military Affairs Committee (JTC) Meeting: The JTC and the Joint Revenue Committee held a combined meeting on June 12, 2012, to discuss WYDOT surface transportation funding. Director Cox thanked Chairman Latta for attending the meeting. The "super committee" was formed at the request of the Legislature's Management Council. Wyoming's Senate President Jim Anderson provided opening comments at the meeting, stating that highway funding should not be put off any longer, as the problem will only worsen over time. The LSO staff attorneys testified at the meeting about the statutory structure of WYDOT and the Transportation Commission, its funding model and oversight, and prior efforts to raise surface transportation revenues. Director Cox and Messrs. McOmie, Fredrick, and Hibbard testified about WYDOT's fiscal structure – legislative versus Commission budgets, federal versus state funding, WYDOT expenditures, and project funding versus staffing trends. Mr. Daily also spoke about federal involvement in highway funding, including state and local control over federal funding and state versus federal funding cycles.

The super committee discussed the various bills that were proposed during the 2012 Legislative session, of which only one passed. The committees tasked the LSO with drafting bills for a proposed fuel tax increase and increased registration fees. Tolling and raising the Severance Tax were also discussed, but neither topic was favored as a viable option for raising highway revenues.

The JTC continued its meeting on June 13, 2012. Co-chairman John Schiffer advised that there is a one percent flow of "statutory" money flowing to the Permanent Mineral Trust Fund, and suggested that diverting a quarter or perhaps a half of a percent and designating it for surface transportation would generate a considerable amount of permanent funding for highways.

Co-chair Lorraine Quarberg repeatedly asserted her desire for legislative oversight of WYDOT's funding, its project selection, and the statutory structure of the Commission and WYDOT, and asked for a show of hands from committee members who favored the notion. The majority of the committee members agreed to at least review the idea. The stated purpose of Co-chair Quarberg's idea is to potentially administer any newly raised funds that would go to the Department to build trust between WYDOT and the public. Director Cox advised that legislative oversight of project selections could slow highway construction delivery, when there is already perception and concern that the process takes too long. Legislative oversight could politicize the process, unlike the current process that has been in place since the Commission was established in 1917.

The next JTC meeting will be held in Casper September 10-11, 2012. Director Cox noted that there may be a constitutional issue with passing laws involving the selection of highway projects, and the Wyoming Attorney General is reviewing Wyoming constitutional provisions relative to highways. Director Cox advised that Governor Matt Mead has expressed his continued commitment to bolster highway funding.

5. Mr. Hibbard presented the Budget report.

Mr. Hibbard noted that the mild winter resulted in an under-run of Department's FY 2012 snow control budget. Approximately \$6 million in surplus funds will be spent on much needed surface transportation construction and maintenance projects statewide. A third-quarter budget modification will be brought to the Commission in July to move the funds from the snow control budget to the proposed projects that will be completed.

WYDOT Budget staff continues its task of closing out the state biennium portion of the budget, which will close June 30, 2012. Budget personnel take special care to ensure that the Department's budget authority remains open through WYDOT's September 30th fiscal year end, and that the funds are fully obligated in order to carry the money into the next state biennium to cover Department project life expenditures that cross over bienniums.

6. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held June 14, 2012, in Riverton.

**COMMISSION DISTRICT 1  
Cactus Covello - Commissioner**

Federal projects NH-N253081, STP-E-N853089, and STPU-TO-4954001 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, concrete pavement, structure, sidewalk, curb and gutter, landscaping, water systems, sewer system, electrical, signing, and miscellaneous work on 1.46 miles along US 85, beginning at reference marker (RM) 92.71 in the town of Torrington, in Goshen County. Completion date – May 31, 2014

|   |                        |              |
|---|------------------------|--------------|
| Engineer's Estimate   | \$13,185,833.55        |              |
| <b>Reiman Corp. and Subsidiary, Cheyenne, WY</b>  | <b>\$12,245,960.70</b> | <b>-7.1%</b> |
| Sema Construction, Inc. and Subsidiaries and Capital<br>Engine Partners, Centennial, CO | \$13,481,247.40        |              |
| S & S Builders, LLC., Gillette, WY  | \$13,587,009.79        |              |
| Concrete Works of Colorado, Inc., Lafayette, CO   | \$14,219,047.05        |              |
| American Civil Constructors, Inc. and Subsidiary, Littleton, CO                         | \$15,576,181.00        |              |

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner McCormack, and carried that **Reiman Corp. and Subsidiary, 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**

Federal projects STP-DR12295 and ARSCT-12295A1 combined, involving damage repair including grading, draining, placing crushed base and bituminous pavement surfacing, stockpiling crushed base, and miscellaneous work on 0.89 mile of WYO 70, beginning at RM 30.00 northeast of Baggs, in Carbon County. Completion date – September 31, 2013

|   |                       |               |
|---|-----------------------|---------------|
| Engineer’s Estimate   | \$2,421,204.00        |               |
| <b>High Country Construction, Inc., Lander, WY</b>              | <b>\$2,987,514.06</b> | <b>+23.4%</b> |
| American Civil Constructors, Inc. and Subsidiary, Littleton, CO | \$3,392,365.00        |               |
| JWright Companies, Inc., Evanston, WY                           | \$4,108,610.25        |               |

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Covello, and carried that **High Country 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.

State project IRP-CN05076, involving grading, placing crushed base and bituminous pavement surfacing, and miscellaneous work on the south rail spur in the town of Laramie, in Albany County. Completion date – September 30, 2012

|   |                     |              |
|---|---------------------|--------------|
| Engineer’s Estimate                                     | \$141,307.50        |              |
| <b>Simon Contractors and Subsidiaries, Cheyenne, WY</b> | <b>\$149,627.75</b> | <b>+5.9%</b> |
| American Contracting, LLC., Cheyenne, WY                | \$196,842.95        |              |

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried that **Simon Contractors and Subsidiaries, Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder, contingent upon concurrence from Albany County.

**COMMISSION DISTRICTS 2 and 7**  
**K. John Dooley - Commissioner**  
**Clair Anderson - Commissioner**

Federal project AML-B122037, involving grading, structure, and installation of a dynamic message, road and weather information system and camera, and miscellaneous work on WYO 220 and WYO 487 in Transportation Districts 1 and 2, in Carbon and Natrona counties. Completion date – June 30, 2013

|   |                     |               |
|---|---------------------|---------------|
| Engineer's Estimate                                 | \$586,722.00        |               |
| <b>Casper Electric, Inc., Casper, WY</b>            | <b>\$506,579.90</b> | <b>-13.7%</b> |
| Modern Electric Co. and Subsidiary, Casper, WY      | \$510,023.00        |               |
| Advanced Electrical Contracting, Inc., Sheridan, WY | \$566,104.00        |               |

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Covello, 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.

**COMMISSION DISTRICT 3**  
**Jim Latta - Chairman**

State project IRP-CN19035, involving grading, draining, milling plant mix, placing crushed base, and bituminous pavement surfacing, chip seal, signing, fencing, and miscellaneous work on 2.31 miles of Haystack Mine Road and US 189, beginning at RM 7.96, in Uinta County. Completion date – August 31, 2013

|   |                       |               |
|---|-----------------------|---------------|
| Engineer's Estimate                         | \$3,880,148.00        |               |
| <b>McMurry Ready-Mix Co., Casper, WY</b>    | <b>\$4,388,389.65</b> | <b>+13.1%</b> |
| LeGrand Johnson Construction Co., Logan, UT | \$4,863,430.50        |               |
| Plus 5% for Comparison                      | \$5,106,602.03        |               |
| JWright Companies, Inc., Evanston, WY       | \$5,379,874.00        |               |
| Kilroy, LLC., Afton, WY                     | \$5,973,289.00        |               |

It was recommended by Mr. Fredrick, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried that **McMurry Ready-Mix Co., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Messrs. Ned Flemke, Senior Vice President, Wells Fargo Insurance Services in Colorado Springs, Colorado, Joe Cruz, President, and Rick Cruz, Vice President, Cruz Construction in Colorado Springs, Colorado, joined the meeting by telephone.

Federal project HSIP-SEP-B123030, involving guardrail upgrades and miscellaneous work at various locations in Transportation District 3, in Sublette and Teton counties. Completion date – October 31, 2012

|   |                       |               |
|---|-----------------------|---------------|
| Engineer's Estimate                             | \$ 973,819.90         |               |
| Cruz Construction, Inc., Colorado Springs, CO   | \$1,067,205.50        |               |
| <b>American Contracting, LLC., Cheyenne, WY</b> | <b>\$1,102,900.20</b> | <b>+11.7%</b> |

Mr. Fredrick explained that Cruz Construction was the apparent responsive low bidder on this project, but upon an in-depth review of the bid, the bid bond that was provided by the contractor was found to be only 5 percent rather than 10 percent, as required by state statute. Cruz Construction also could not provide formal documentation for the solicitation of Disadvantaged Business Enterprise (DBE) requirements for the project. The contractor has worked on a similar type of project before for WYDOT and they are capable of performing the work, but after careful consideration it was deemed that the bid from Cruz Construction was non-responsive.

Mr. Fredrick reminded the Commission that it deliberated over a very similar situation at its September 2011 meeting, when the contractor had provided an insufficient bid bond. WYDOT amended its bidding software in October to include a check box that contractors must mark to confirm the sufficiency of the bid bond. Cruz Construction checked the box before printing its bid documents.

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Dooley, that **American Contracting, LLC, of Cheyenne, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract. The Federal Highway Administration concurred with this decision.

Mr. Joe Cruz explained that with Wyoming's bid package the bond is submitted electronically and, therefore, the contractor has no way of verifying that the percentage is correct.

Mr. Flemke stated that the bid bond was issued at 5 percent, which is consistent with the requirements of other states that surround Wyoming. His company takes full responsibility for the error, and he offered to re-issue the bond if the Commission desired him to do so. The purpose of the bid bond is to induce the bidder to execute the contract agreement in a timely fashion and to discourage submission of frivolous bids. Mr. Flemke stated that Cruz Construction should not be penalized for the bonding company's error.

Commissioner Covello stressed that overlooking the fact that Cruz Construction checked the bid bond verification box would undermine the integrity of WYDOT's bid process, and that he favored awarding the contract to American Contracting.

Chairman Latta called for the vote. The Commission voted unanimously in favor of Mr. Fredrick's recommendation to award the project to American Contracting, of Cheyenne, Wyoming.

Messrs. Flemke, and Joe and Rick Cruz left the meeting.

**COMMISSION DISTRICT 5**  
**Bruce McCormack - Commissioner**

Federal projects NH-N331021 and SCP-N331027 combined, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, box culvert

extensions, structure, guardrail, signing, fencing, and miscellaneous work on 3.28 miles on WYO 120, beginning at RM 4.21 between Thermopolis and Meeteetse, in Hot Springs County. Completion date – September 30, 2013

|   |                       |              |
|---|-----------------------|--------------|
| Engineer's Estimate                                       | \$6,545,714.65        |              |
| <b>McGarvin-Moberly Construction Company, Worland, WY</b> | <b>\$6,669,966.66</b> | <b>+1.9%</b> |
| Oftedal Construction, Inc., Miles City, MT                | \$6,881,686.30        |              |
| LeGrand Johnson Construction Co., Logan, UT               | \$7,765,211.20        |              |
| McMurry Ready-Mix Co., Casper, WY                         | \$7,772,787.12        |              |
| Mountain Construction Company, Lovell, WY                 | \$7,875,895.93        |              |

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried that **McGarvin-Moberly Construction Company, 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.

Federal projects NH-DR50931, NH-DR50958, NH-DR50960 and NH-DR50961 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, guardrail, and miscellaneous work on 0.43 mile of US 14/16/20, at various locations between Yellowstone Park and Cody, in Park County. Completion date – October 31, 2012

|  |                     |              |
|--|---------------------|--------------|
| Engineer's Estimate                          | \$650,593.75        |              |
| <b>Pab Good Trucking, LLC., Greybull, WY</b> | <b>\$609,818.62</b> | <b>-6.3%</b> |
| Wilson Bros. Construction, Inc., Cowley, WY  | \$715,225.95        |              |

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Anderson, and carried that **Pab Good Trucking, LLC., Greybull, 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 5 and 7**  
**Bruce McCormack - Commissioner**  
**Clair Anderson - Commissioner**

State project SSP-TO-B115089, involving installation of sign lighting, flashing beacons, and miscellaneous work at various locations in Transportation District 5, including Big Horn, Fremont, Hot Springs, Park, and Washakie counties. Completion date – September 30, 2012

|  |                     |               |
|--|---------------------|---------------|
| Engineer's Estimate                            | \$255,008.75        |               |
| <b>Casper Electric, Inc., Casper, WY</b>       | <b>\$295,454.96</b> | <b>+15.9%</b> |
| Modern Electric Co. and Subsidiary, Casper, WY | \$379,444.00        |               |

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner McCormack, 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.

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

### **COMMISSION DISTRICT 1**

#### Rural Interstate

IM-GM 402.14 I806203; Laramie County; I-80, Pine Bluffs, Beech Street; reference marker (RM) 402.14; rehabilitate drain gate; FY 2013 construction; request federal preliminary engineering funds of \$6,000

#### Rural Major Collector

STP-GM 33.10 W211015; Laramie County; Cheyenne, Horse Creek Road; RM 33.10 to 33.90; replace cattle guards; FY 2013 construction; request federal preliminary engineering funds of \$4,500

#### Rural Minor Collector

SPR 0.00B121097; Laramie County; Curt Gowdy State Park Visitor Center; road construction; FY 2012; request Wyoming State Park funds of \$387,509; project to be administered by Wyoming State Parks and Cultural Resources

#### Urban Major Collector

STPU-CH 0.00 4056001; Laramie County; Cheyenne Streets, West Allison Road; reconnaissance report for reconstruction; FY 2016 construction; request federal preliminary engineering funds of \$20,000

### **COMMISSION DISTRICT 2**

#### Rural Minor Arterial

STP-GM 271.00 P231025; Carbon County; Medicine Bow, US 30; RM 271.00; replace pipe; FY 2013 construction; request federal preliminary engineering funds of \$4,500

### **COMMISSION DISTRICT 3**

#### Rural Major Collector

IRP 0.00 CN12061; Lincoln County; Shute Creek Road, County Road 340; reconstruction; FY 2013 construction; total project cost \$4,000,000; request state Industrial Road Program (IRP) funds of \$2,000,000, with a county match of \$2,000,000



**COMMISSION DISTRICT 4**

Rural Major Collector

STP 21.10 0601052; Crook County; Hulett to Aladdin, Hulett East, Lower Red Canyon Slide; RM 21.10; stabilize slide; FY 2013 construction; request federal preliminary engineering funds of \$25,000

ARSCT 0.00 0303A01; Campbell County; WYO 51, Black Hills Power Facility; safety improvements; FY 2015 construction; request preliminary engineering funds of \$8,000; to be reimbursed by Black Hills Power Company

**COMMISSION DISTRICT 6**

Rural Major Collector

AML12 104.34 1401007; Niobrara County; Manville to Lance Creek Road, Wyatt Creek Section; RM 104.34-107.90; reconstruction; request move from FY 2016 to FY 2012; request federal construction engineering and construction funds of \$6,096,577

**COMMISSION DISTRICT 7**

Various (Urban)

SSP-TO 0.00 B122096; Natrona County; Casper, various intersections; install four section heads with left turn phasing; FY 2013; request state preliminary engineering funds of \$5,000

8. FY 2013 Transportation Enhancement Activities - Local (TEAL) Executive Advisory Committee: Mr. Fredrick recommended Messrs. Lyle Konkol and Ernie Over to serve as TEAL Advisory Committee members. Mr. Konkol is currently the Director of the Wyoming Housing and Urban Development (HUD) Field Office in Casper, and Mr. Over, is a 10-year member of the Wyoming State Parks and Cultural Resources Commission, for which he served 8 years as its president.

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Vice Chairman Ertman, and carried to approve Messrs. Konkol and Over as TEAL Executive Advisory Committee members.

9. Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through May 31, 2012, includes 40 fatal crashes involving 43 deaths. The fatalities include 22 rollover crashes, 15 multi-car crashes, 2 involving fixed objects, 1 involving a motorcycle or all-terrain vehicle, and 3 involving pedestrians. Of the 40 crashes that occurred so far this year, 11 involved commercial vehicles.

There have been 10 crashes to date deemed alcohol related, that resulted in 10 deaths. Of those deaths, 9 were attributed to not using occupant restraints.

Of the 43 deaths that have occurred to date this year, 24 can be attributed to the non-use of occupant restraints, with 19 involving rollover crashes, 3 involving multi-car collisions, and 2 involving fixed

objects. Of the 24 deaths that occurred from non-use of occupant restraints, 19 were Wyoming residents and 5 were non-residents. Three of those who perished were under 20 years of age, and all three of those fatalities were attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through April 30, 2012. The summary depicts 1,906 crashes statewide, of which 1,480 involved non-commercial vehicles and 426 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of May 31, 2012, have been DUI related. There have been 605 field arrests made so far this year, including:

- DUI arrests from crashes – 59
- DUI arrests from traffic stops – 244
- DUI arrests from the REDDI Program – 60
- DUI arrests from ports-of-entry – 2
- NCIC hits (person) – 23
- Wyoming warrants hits – 89
- Drug arrests – 63
- Other arrests – 65

Colonel Butler noted that the lack of seatbelt usage continues to be of great concern to the Highway Patrol, as it significantly relates to the increase in fatalities so far this year.

Commissioner Anderson asked whether the anticipated mine protest planned for late summer is going to compound law enforcement efforts for the Highway Patrol. Colonel Butler advised that local law enforcement entities should be the primary agencies responsible for these protests; however, the Patrol will be available to assist their efforts. The Highway Patrol will also continue to focus efforts on the events that typically accompany the Sturgis Motorcycle Rally during the same time frame.

Commissioner McCormack suggested creating a press release to sound the alarm about the urgent need for Wyoming drivers to buckle up. Mr. McGee indicated the WYDOT Public Affairs office will work with the Highway Patrol to generate such a press release. Commissioner McCormack recommended that the message come directly from Colonel Butler, as it would have a greater impact.

10. Mr. Byrne presented the Aeronautics report, including the May Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

Mr. Hans Hehr, Procurement Services Program Manager, entered the meeting.

11. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried to approve purchase for bid number 12-206 to furnish three each loader sheds, to be installed at Alcova, Glenrock and Powder River. The bid was awarded to DC Construction, Inc., of Cheyenne, Wyoming, for the sum of \$159,855.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to approve purchase for bid number 12-208 to furnish a 40' x 100' metal salt/sand storage building, to be constructed at South Pass, Wyoming. The bid was awarded to Reiman Corporation and Subsidiary, of Cheyenne, Wyoming, for the sum of \$320,500.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-213 to furnish two each 65' x 120' fabric covered salt/sand storage buildings, to be constructed at the Cooper Cove Interchange in Pine Bluffs, Wyoming. The bid was awarded to ClearSpan Fabric Structures, Inc., of South Windsor, Connecticut, for the sum of \$117,464.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried to approve purchase for bid number 12-215 to furnish two each modular houses, to be delivered and set up at Burgess Junction, Wyoming. The bid was awarded to Obermueller, Inc., of Sheridan, Wyoming, for the sum of \$354,562.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Covello, and carried to approve purchase for bid number 12-217 to furnish 2,647,000 gallons of unleaded gasoline and diesel fuel, for delivery at 31 WYDOT sites statewide. The bid was awarded to Bailey Oil Co., of Riverton, Wyoming, for the sum of \$3,687,366.00; Ellenbecker Oil, Inc., of Cheyenne, Wyoming, for the sum of 2,458,916.70; Perkins Oil Co., of Rawlins, Wyoming, for the sum of 1,262,689.80; Farmers Coop Oil Co., of Sheridan, Wyoming, for the sum of \$833,812.50; and Hansen Oil Co., of Afton, Wyoming, for the sum of 637,239.00; for a total sum of \$8,880,024.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to approve purchase for bid number 12-249 to furnish 1,035,000 gallons of unleaded gasoline and diesel fuel, for delivery at 23 WYDOT locations statewide. The bid was awarded to Hutchinson Oil Co., of Evanston, Wyoming, for the sum of \$974,590.00; Farmers Cooperative Association, of Gillette, Wyoming, for the sum of \$958,397.40; Homax Oil Sales, Inc., of Casper, Wyoming, for the sum of \$761,289.00; and Murdoch Oil, Inc., of Greybull, Wyoming, for the sum of \$597,080.00; for a total sum of \$3,291,356.40.

Mr. Blain Shoopman, Field Superintendent for Majors Equipment, Inc., in Riverton, joined the meeting by telephone.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, and seconded by Commissioner McCormack, to approve purchase for bid number 12-209 to furnish a 40' x 60' metal salt/sand storage building, to be constructed at Riverton, Wyoming.

Majors Equipment, Inc., did not acknowledge the third addendum to the bid, which was to extend the contract time from 60 to 90 days, so its bid was deemed irregular. Mr. Shoopman provided copies of his pre-bid meeting notes, wherein he noted the 90-day extension, but Department policy requires that bidders formally acknowledge receipt of the addendum. Mr. Shoopman indicated that the error did not affect the cost of the bid.

Chairman Latta called for the vote. The Commission unanimously voted in favor of awarding Bid No. 12-209 to Jerry Bornhoft Construction, Inc., of Riverton, Wyoming, for the sum of \$241,884.00.

Mr. Shoopman left the meeting.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-219 to furnish a 30' x 40' salt/sand storage building, to be constructed at Russell Creek, Wyoming. The bid was awarded to Heart Mountain Construction LLC, of Powell, Wyoming, for the sum of \$64,800.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Ertman, and carried to approve purchase for bid number 12-234 to furnish 12,650 each, aluminum backing angles, for the mounting of roadside signs. The bid was awarded to Gillette Steel Center, of Gillette, Wyoming, for the sum of \$74,225.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-238 to furnish 20,300 tons of maintenance stockpiled material (salt/sand), for delivery in Casper, Douglas, Lusk, Torrington, Wheatland, Muddy Gap, Midwest, and Shirley Rim. The bid was awarded to Concrete Foundations, Inc., of Douglas, Wyoming, for the sum of \$294,480.00; 71 Construction, of Casper, Wyoming, for the sum of \$190,766.00; and Knife River, of Casper, Wyoming, for the sum of \$123,120.00; for a total sum of \$608,366.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve purchase for Requisition Number PROC-12-001 to furnish unleaded gasoline and diesel fuel for the Joint Fueling Facility in Newcastle, for the period of July 1, 2012, through June 30, 2013. The contract was awarded to Weston County Road and Bridge, of Newcastle, Wyoming, for the sum of \$175,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner McCormack, and carried to approve purchase for Requisition Number PROC-12-002 to furnish unleaded gasoline and diesel fuel for the Joint Fueling Facility in Buffalo, for the period of July 1,

2012, through June 30, 2013. The contract was awarded to the City of Buffalo Joint Powers Board (Fuel), Buffalo, Wyoming, for the sum of \$300,000.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Coulter, and carried to approve purchase for Requisition Number 0000026524 to furnish AMS software maintenance, for the period of July 1, 2012, through June 30, 2013, for use by the Enterprise Technology Program. The contract was awarded to AgileAssets Inc., of Austin, Texas, for the sum of \$192,645.12.

It was recommended by Mr. Shultz, moved by Commissioner Coulter, seconded by Commissioner Anderson, and carried to approve purchase for Requisition Number 0000026763 to furnish replacement inventory and stocked inventory for truck runaway ramp maintenance, for use by the District 4 Maintenance Program. The contract was awarded to Impact Absorption, Inc., of Great Neck, New York, for \$203,000.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for Requisition Number 0000026942 to furnish emergency electrical repairs to the water systems at the eastbound and westbound Bitter Creek Rest Areas. The contract was awarded to Electrical Connections, Inc., of Rock Springs, Wyoming, for the sum of \$131,816.00.

12. WyoLink Update: During the 2012 legislative session, WYDOT requested funding for a WyoLink software upgrade, but it was cut from its budget request. The system has reached a point where no new equipment is available to expand the system. There are some local entities that would like to connect to the system, but finding compatible equipment has become very difficult. Governor Mead has asked that WYDOT, the Public Safety Communications Commission, and the Wyoming Office of Homeland Security (WOHS) work together to find funding for the upgrade. Governor Mead has reviewed three proposed funding scenarios and has recommended that \$6.3 million be appropriated as follows:

- \$1.3 million - Past excess T-1 funding (legislative funds)
- \$2.067 million - WYDOT tower funding (Commission funds from 2005)
- \$565,000 - Available from various pools of money within the WOHS
- \$968,000 - Emergency Management Performance Grant (WOHS)
- \$1.3 million - Available from radioactive materials transport funding (WOHS/WYDOT)

A contract will need to be signed by June 30, 2012, in order to leverage some of these funds.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to approve \$6,193,750 in funding for the upgrade and continued development of the WyoLink System, as detailed above.

Director Cox indicated that Governor Mead has recently conveyed his distinct support for the upgrade. A future appropriation will be necessary for further upgrades. Director Cox would also like for WYDOT to have some “skin in the game” by paying for its own use of the system in the future. Currently, WYDOT makes up about 18 percent of the total WyoLink usage.

Mr. Shultz indicated that the system is now about 95 percent complete, with two sites remaining to be built.

13. Mr. McOmie presented the Chief Engineer’s report.

Proposed Projects to be Completed With Snow Removal Savings: The 2012 snow control budget has under-run about \$6 million. Mr. McOmie presented a list of proposed projects totaling \$5,999,034 that will be accomplished using the savings.

Mr. McOmie asked the Commission if it had any questions or concerns with the proposed list of projects. There were no questions or comments from the Commission. The state funds will be moved from the snow control budget, and the Department’s goal is to have the funds obligated before the end of this fiscal year.

It was recommended by Mr. McOmie, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried to approve the proposed list of projects.

Mr. John Sherman, Lands Management Administrator, entered the meeting.

Proposed Relocation of Highway 59 Near Gillette: WYDOT was recently contacted by a mining company in Campbell County to realign a portion of Highway 59 to further its mining operations. Mr. McOmie provided an aerial map depicting the proposed realignment. The cost to move the highway will be born solely by the mining company, but the majority of the road would remain on the state highway system. The mining company is also working closely with Campbell County officials on the matter. It is unknown at this time who will pay to design the new roadway. Mr. McOmie advised that no Commission action regarding this topic was necessary at this time.

US 30 Overlay Open House: An open house will be held July 19, 2012, for the US 30 thin bonded overlay project that was recently completed in Cokeville, Wyoming. The project has some unique features and representatives from other states will attend to learn about the endeavor. The Colorado/Wyoming Chapter of the American Concrete Pavement Association and the Federal Highway Administration are sponsoring the open house and the Commission was invited to attend.

Current Efficiencies, Saved Resources and Reduced Expenditures: Some time ago, Governor Matt Mead requested that state agencies review their operations to identify inefficiencies and expenditures. Mr. McOmie explained that the Department has updated its list in an effort to stay on top of new areas where the Department can further improve its current efficiencies, save resources, and reduce expenditures.

The Department has hired a consultant to evaluate its road design operations. Existing design plans will be reviewed for potential changes that could save money and/or resources, or to change its business practices for increased efficiency in the future. Other states have experimented with the idea and have entered into an agreement with the consultant to review the design plans at no cost to the state, and, if a cost savings is identified, the state pays the consultant a percentage of the savings.

Litter control costs the Department about \$2 million per year, which is another area where cost savings may be realized. WYDOT is investigating the possibility of having corporate sponsors for litter control with Wyoming rights-of-way. Mr. McOmie noted that other states have successfully implemented this idea.

Other areas being investigated for increased efficiencies are the WYDOT's electronic documentation system, a re-write of the County Road Design Guide, asphalt supply and pricing risk management, managing risks in project selection given the uncertainty in funding and construction costs, updating the WYDOT Design Guides, performing a comprehensive risk review with the FHWA risk assessment team, and reviewing various equipment purchases that are handled through the Equipment Program.

Accident Involving a WYDOT Employee: Mr. McOmie briefed the Commission about a recent accident involving a WYDOT Driver's Services Examiner in Lovell. While administering a road test, the vehicle was hit by a semi tractor-trailer on the passenger side. The employee suffered numerous non-life-threatening injuries, but she may require surgery. The incident also involved a WYDOT bucket-type truck, which had caution cones surrounding it, that allegedly blocked the driver's view in the intersection.

Messrs. Hehr, Butler, Byrne, Dailey, Hibbard and McGee left the meeting.

14. It was moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to move into executive session to discuss a legal matter. The Commission went into executive session at 11:35 a.m., on Thursday, June 21, 2012.

15. It was moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to come out of executive session. The Commission came out of executive session at 2:40 p.m., on Thursday, June 21, 2012.

16. It was moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to adjourn the meeting. Chairman Latta adjourned the meeting at 2:40 p.m., on Thursday, June 21, 2012.