

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the conference room at the WYDOT District office, 900 Bryan Stock Trail, in Casper, on May 17, 2012. The business meeting was convened at 1:30 p.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: Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Lieutenant Colonel John Butler, Interim Highway Patrol Administrator; Jackson Engels, Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Lowell Fleenor, District Engineer; Calvin Goddard, District Maintenance Engineer; Mark Williams, District Traffic Engineer; Terry Uhrich, District Equipment Supervisor; and Jeff Goetz, Public Involvement Specialist; all of Casper.

Messrs. Delbert McOmie, Chief Engineer, and Dennis Byrne, Aeronautics Administrator, were 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 Anderson, seconded by Commissioner Covello, and carried to approve the minutes from the April 19, 2012, breakfast meeting, regular business meeting, and executive session.
3. Director Cox presented the Director's report.

Federal Highway Bill Update: The pending Federal Highway Bill has made very little progress during the past month. The five-year House bill is more conservative; the proposed Senate version is a two-year bill with considerably more federal oversight and controls, but the funding levels parallel today's Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Enterprise Technology Services (ETS): Pursuant to state legislative action in 2012, a new ETS department has been established to oversee State information technology services. A number of

current WYDOT IT employees will become employees of ETS. The Department continues to communicate regarding the potential impacts the change might have on service levels, and executive staff is determining the best way to meet the statutory requirements. Director Cox also voiced significant concerns about the human element of the merger and the impact it will have on WYDOT's IT employees and the Department's needs. WYDOT will have some influence on the outcome.

FY 2012 Snow Removal Budget Surplus: Reduced snowfall last winter resulted in a \$5.8 million savings in the Department's FY 2012 snow maintenance budget. Director Cox advised that executive staff will provide a list of potential projects for Commission consideration at its June meeting. Chip seal and other smaller projects will be done using the unexpected funding.

FY 2013 Budget Reductions: Pursuant to Governor Mead's direction to all state agencies, executive staff is preparing WYDOT's 8 percent budget reductions for submission to the Governor by July 1. Surface transportation, WYOLINK, air service enhancements and airport improvements will be affected by the cuts. An additional 8 percent must also be cut from the FY 2014-2015 agency budgets.

4. Mr. Hibbard presented the monthly Budget report.

Mr. Hibbard reiterated the Department's cost savings for snow control last winter. Approximately \$5.8 million will be used for projects that were not originally budgeted, and those projects will be prioritized and brought before the Commission for its consideration in June. The third-quarter budget revision will include an adjustment to move those funds from the snow control account, as needed, and will be presented to the Commission for approval at its July meeting.

5. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held May 10, 2012, in Laramie.

**COMMISSION DISTRICT 1
Cactus Covello - Commissioner**

Federal project IM-PM-B121006, involving slab repair and miscellaneous work at various locations on Interstate 80, beginning at reference marker 357.71 just south of Cheyenne, in Laramie County. Completion date – October 31, 2012

Engineer's Estimate	\$1,234,375.00	
S & S Builders, LLC, Gillette, WY	\$1,053,663.00	-14.6%
Interstate Improvement, Inc., Faribault, MN	\$1,349,587.50	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$1,446,671.00	
Multiple Concrete Enterprises, Inc., Ogden, UT	\$1,534,830.80	
American Contracting, LLC, Cheyenne, WY	\$1,769,246.35	

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Anderson, and carried that **S & S Builders, LLC, Gillette, 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 1, 2, 3, and 4
Cactus Covello - Commissioner
K. John Dooley - Commissioner
Jim Latta - Chairman
Milt Coulter - Commissioner

Federal project HSIP-SEP-B129029, involving epoxy striping at various locations in Transportation Districts 1, 2, 3, and 4, including Albany, Campbell, Carbon, Laramie, Natrona, Sweetwater, Teton, and Uinta counties. Completion date – September 30, 2012

Engineer's Estimate	\$1,605,512.00	
Streamline Markings, Inc., Billings, MT	\$1,706,580.00	+6.3%
Kolbe Striping, Inc., Castle Rock, CO	\$1,968,328.00	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner McCormack, and carried that **Streamline Markings, Inc., Billings, 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.

COMMISSION DISTRICT 2
K. John Dooley - Commissioner

Federal project STP-GM-SL12-P221044, involving grading, draining, placing crushed base and bituminous pavement surfacing, chip seal, bridge rehabilitation, guardrail, signing, fencing and miscellaneous work on 3.19 miles on WYO 130 and WYO 230, beginning at reference marker (RM) 21.43 between Saratoga and Encampment, in Carbon County. Completion date – October 31, 2013

Engineer's Estimate	\$2,974,842.66	
LeGrand Johnson Construction Co., Logan, UT	\$3,474,257.00	+16.8%
High Country Construction, Inc., Lander, WY	\$3,790,056.13	
McMurry Ready-Mix Co., Casper, WY	\$3,987,764.85	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried that **LeGrand Johnson Construction Co., Logan, Utah**, 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 project IM-SR-B123089, involving bridge rehabilitation and miscellaneous work at various locations on I-80 in Transportation District 3, in Sweetwater County. Completion date – October 31, 2012

Engineer’s Estimate	\$ 771,253.00
Dietzler Construction Corporation, Torrington, WY	\$1,098,735.00 +42.5%
Reiman Corp. and Subsidiary, Cheyenne, WY	\$1,149,145.60
S & S Builders, LLC, Gillette, WY	\$1,207,846.68

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried that **Dietzler Construction Corporation, Torrington, 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. Commissioner Covello abstained because of a conflict of interest.

COMMISSION DISTRICTS 2 and 3

K. John Dooley - Commissioner

Jim Latta - Chairman

Federal project STP-PO-B123016, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, a pond liner system, and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, Sweetwater, and Uinta counties. Completion date – October 15, 2012

Engineer’s Estimate	\$3,130,450.40
HK Contractors, Inc., Idaho Falls, ID	\$4,041,735.10 +29.1%
Lewis & Lewis Inc., Rock Springs, WY	\$4,095,140.00
Mountain Construction Company, Lovell, WY	\$4,223,994.94

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried that **HK Contractors, Inc., Idaho Falls, Idaho**, 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 project STP-SR-B123017, involving bridge rehabilitation and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, and Sweetwater counties. Completion date – October 1, 2012

Engineer's Estimate	\$1,154,494.85	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$1,399,272.20	+21.2%
Dietzler Construction Corporation, Torrington, WY	\$1,654,016.35	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Anderson, 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 3
Jim Latta - Chairman

Federal project STP-DR32465, involving erosion repair and miscellaneous work at reference marker 7.00 (bridge over the Green River) on WYO 351 south of Pinedale, in Sublette County. Completion date – September 30, 2012

Engineer's Estimate	\$125,743.00	
Mountain Valley Hydroseed, LLC, Grand Junction, CO	\$188,635.00	+50.0%
LeGrand Johnson Construction Co., Logan, UT	\$234,010.00	
Kilroy, LLC, Afton, WY	\$249,590.00	
American Contracting, LLC, Cheyenne, WY	\$298,285.32	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried that **Mountain Valley Hydroseed, LLC, Grand Junction, Colorado**, 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 project STP-DR32441, involving placing wire enclosed riprap and miscellaneous work on WYO 238 at the bridge over the west channel of the Salt River in Lincoln County. Completion date – October 31, 2012

Engineer's Estimate	\$45,873.00	
Kilroy, LLC, Afton, WY	\$47,794.00	+4.2%

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner Coulter, and carried that **Kilroy, LLC, Afton, 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 5
Bruce McCormack - Commissioner

Federal project NH-DR50930, involving repair of sink holes and miscellaneous work at RM 152.30 on US 20, between Thermopolis and Worland, in Washakie County. Completion date – August 31, 2012

Engineer’s Estimate	\$ 82,901.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$ 64,330.00	-22.4%
ERI Engineering Inc., Riverton, WY	\$ 76,667.00	
Lamax Construction, Inc., Basin, WY	\$ 79,548.50	
Irregular bid - Draft copy		
American Contracting, LLC, Cheyenne, WY	\$131,002.83	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Covello, and carried that **Wilson Bros. Construction, Inc., Cowley, 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.

6. Mr. Guin, an attorney representing Riverside Contracting of Missoula, Montana, and Messrs. Del McOmie and Mark Gillett, District Engineer in Sheridan, joined the meeting by telephone.

COMMISSION DISTRICT 4
Milt Coulter - Commissioner

Federal project IM-0902113, involving resurfacing and isolated reconstruction, including grading, draining, placing bituminous pavement leveling and surfacing, structure work, fencing, and miscellaneous work on 5.82 miles of Interstate 90, beginning at reference marker 83.37 southeast of Buffalo, in Johnson County. Completion date – June 30, 2014

Engineer’s Estimate	\$18,124,676.40	
Riverside Contracting, Inc., Missoula, MT	\$20,286,943.00	+11.9%
Mountain Construction Company, Lovell, WY	\$22,375,910.46	
McMurry Ready-Mix Co., Casper, WY	\$23,405,279.80	
Intermountain Construction & Materials, Gillette, WY	\$24,201,005.10	
Fisher Sand & Gravel Co. and Subsidiary, Dickinson, ND	\$24,765,000.00	
Border States Paving, Inc., Fargo, ND	\$24,978,538.78	

Mr. Fredrick explained some of the reasons for the difference in the bids for this project, noting 11 bid items consisted of 75 percent of the project costs. Although there was a difference between the engineer’s estimated cost and the low bid on these, overall the bids received were competitive and responsive.

An addendum was issued before the bid opening that modified the pay unit for reused surfacing from square yard to cubic yard, which coincided with the bid item in the summaries and the contractors' desktop software. All bidders acknowledged receiving the addendum. In a May 14, 2012, letter, Mr. Dwayne Rehbein, President of Riverside Contracting, stated that he believed there was a discrepancy in the bid documents that caused ambiguity in the bid process.

Mr. Guin was introduced and explained that he was representing his client, Riverside Contracting to express its concerns about the excess millings on this project. He reiterated most of what was in the letter from Mr. Rehbein, and explained that Riverside originally understood that the millings would be hauled from the project to the Cross H Pit. However, Riverside interpreted the addendum to include additional language allowing excess milled materials to be stockpiled at locations designated by the contractor rather than hauling the material to the Cross H Pit. This eliminated a fair amount of haul from that bid item, and Riverside changed its bid based upon that understanding. Riverside's bid would have been about \$1.1 million more if it had known that the material needed to be hauled to the designated plant site. After the bids were opened, the contractor discussed the difference with Mr. Williams, the resident engineer on the project, and learned about the misinterpretation of the addendum.

Mr. Fredrick advised that WYDOT staff reviewed the concerns that were detailed in the letter from Riverside Contracting, and noted that the language regarding the stockpile location did not change by virtue of the addendum. The only thing that changed was the pay unit for reused surfacing from square yard to cubic yard. He noted that both the second and third bidders were contacted, and they interpreted the plans, specifications, and the addendum to require the excess millings to be hauled to the Cross H Pit. Their bids were based on that requirement. The haul is to be subsidiary to the pay item for reused surfacing, and when evaluating the bids, there was not an obvious error that the haul was not included. Based on this, Mr. Fredrick noted that there was no ambiguity in the plans and specifications.

Mr. Fredrick advised that the Commission could, 1) reject all bids and rebid the project, 2) award the project to the second low bidder, or 3) award the project to the apparent responsible low bidder, Riverside Contractors. Mr. Fredrick recommended option 3, to award the contract to Riverside Contracting, without a condition that a change order be executed for additional payment for hauling the material to the Cross H Pit. Mr. Dailey concurred with the recommendation, with no contingencies.

Commissioner Covello asked what would happen if the contractor were to withdraw his bid or not enter into a contract with WYDOT to complete the work as bid. Mr. Fredrick explained the purpose of the bid bond, which is to guaranty execution of the contract and to discourage contractors from submitting frivolous bids or withdrawing their bids. He reminded the Commission that if the contractor elects to withdraw its bid, the mandatory bid bond would be forfeited and the project could be awarded to the second low bidder or readvertised. In this case, the bid bond would offset the difference between the first and second low bids for the project.

Mr. Guin indicated that he had not considered his client's forfeiture of its bid bond. Mr. Fredrick indicated that a letter was sent to Riverside Contracting on May 15, 2012, explaining that, if Riverside chose not to fulfill its contract, it would be subject to having the bid bond forfeited to WYDOT, per Section 103.7, Bidder's Failure to Execute Contract, of the 2010 Standard Specifications for Road and Bridge Construction.

Mr. Guin advised that, to his knowledge, his client wasn't suggesting withdrawing its bid or neglecting to execute the contract.

Mr. Guin asked the Commission how Riverside would be notified of the contingency of no additional compensation for hauling the material to the Cross H Plant Site. Mr. Fredrick stated that no specific note will be made in the contract. The bid document that was submitted by Riverside would become a part of the contract and will represent the approved bid price to be paid for hauling the surplus material to the Cross H Pit.

Mr. Dailey reiterated to Mr. Guin that there should be no expectation of additional payment for his client's misinterpretation of the bid documents for hauling the material.

It was recommended by Mr. Fredrick, moved by Commissioner Covello, seconded by Commissioner McCormack, and carried that **Riverside Contracting, Inc., Missoula, Montana**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder, with no contingency for additional compensation in the future exceeding that which was bid by Riverside Contracting for hauling the stockpile surplus materials to the Cross H Plant Site. Further, if Riverside Contracting, Inc. did not enter into the contract with WYDOT for the work as bid, the bid bond would be forfeited, and WYDOT staff could award the contract to the next low bidder. The Federal Highway Administration concurred with this decision.

Messrs. Guin, McOmie, and Gillett left the meeting.

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 2

Urban Major Collector

STPU-LA 0.00 B151019; Albany County; Laramie Streets; various locations on Bill Nye; reconnaissance report; FY 2015 construction; request federal preliminary engineering funds of \$20,000

COMMISSION DISTRICT 3

Rural Principal Arterial

STPE 84.43 N103108; Lincoln County; Afton south center line to Afton North; reference markers (RM) 84.43 to 84.82; sidewalk and ADA ramps; FY 2017 construction; request federal preliminary engineering funds of \$27,300

Rural Minor Arterial

SSP-TO 0.94 2001017; Teton County; WYO 390, various locations, speed control; RM 0.94 to 4.05; flashing variable speed limit signs, speed detection and monitoring equipment; FY 2012; request state preliminary engineering funds of \$3,000; request state construction engineering and construction funds of \$85,000

COMMISSION DISTRICT 4

Rural Minor Arterial

STP 131.79 P423029; Campbell County; district boundary to Wright; RM 131.79 to 141.52; mill and overlay; FY2013 construction; request federal preliminary engineering funds of \$165,000

COMMISSION DISTRICT 5

Rural Principal Arterial

SSP-TO 236.70 N345106; Big Horn County; Lovell Streets, East Main and Shoshone, and Kansas; RM 236.7 to 236.9; upgrade pedestrian school crossing; FY 2012; request state preliminary engineering funds of \$5,000; request state construction engineering and construction funds of \$125,000

Urban Principal Arterial

STPU 23.62 N291063; Park County; Powell Streets, US 14 Alternate; RM 23.62 to 24.76; reconnaissance report; FY 2012; request federal preliminary engineering funds of \$7,500

COMMISSION DISTRICT 7

Urban Principal Arterial

ARSCT 104.76 N203A01; Fremont County; Riverton Streets, Monroe and Federal; RM 104.76 to 105.09; water and sewer lines; FY 2013 construction; request preliminary engineering funds of \$44,298; to be reimbursed by the City of Riverton

COMMISSION DISTRICT M (Miscellaneous)

Various

SSP 0.00 B129093; Highway Districts 1 and 2; sign upgrades; FY 2012; request state preliminary engineering funds of \$10,000; request state construction engineering and construction funds of \$295,000

SSP 0.00 B124094; Highway District 4; spot safety improvements; FY 2012; request state preliminary engineering funds of \$25,000

STP 0.00 B139027; Carbon, Laramie, Lincoln, Sublette, Sweetwater, and Uinta counties; statewide, various locations, I-80, US 30 and US 189; lighting upgrade; FY 2013 construction; request federal preliminary engineering funds of \$200,000

8. It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Vice Chairman Ertman, and carried to approve the following resolution for abandonment:

RESOLUTION FOR ABANDONMENT

WHEREAS, under the provisions and authority of W.S. 24-3-126, the Transportation Commission of Wyoming may abandon or relinquish any portion of state highways upon reconstruction or relocation of an existing state highway; and

WHEREAS, a portion of Wyoming Department of Transportation's right-of-way for US Highway No. 30, Laramie County, Wyoming, established under Project Number FAP 46(6) is no longer needed for state highway or public use purposes. Said portion being described as follows:

A parcel of land lying in a portion of the southwest quarter of the northeast quarter of Section 1, T13N, R67W, 6th P.M., Laramie County, Wyoming, more particularly described as follows:

Beginning at a point, said point being the southeast corner of Hamco Addition, said point being monumented by a found iron rod;

thence N. 69° 19' 51" E. along the south line of Lincoln Addition, a distance of 784.16 feet to a found aluminum cap;

thence S. 26° 11' 07" E., a distance of 40.03 feet to a set point;

thence S. 63° 02' 53" W., a distance of 584.53 feet to a set point;

thence S. 67° 05' 58" W., a distance of 250.30 feet to a set point;

thence N. 00° 07' 40" E., a distance of 121.47 more or less to the TRUE POINT OF BEGINNING; said parcel of land contains 1.52 acres more or less.

Excepting that parcel described in Book 1146, Page 775, of the Laramie County Records, containing 0.91 acres more or less within the bounds of the above described parcel.

NOW, THEREFORE BE IT RESOLVED, that the Transportation Commission of Wyoming hereby abandons the above-described land as provided for under provisions and authority of W.S. 24-3-126.

9. Safe Routes to Schools (SRTS) Project: Mr. Fredrick presented an SRTS funding request that was recommended by the SRTS Committee. The request is for the City of Gillette and Campbell County School District Number 1 to develop a comprehensive SRTS plan to properly identify and prioritize non-motorized transportation needs for Kindergarten through 8th grade students. The amount of the request is \$25,000.

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve the City of Gillette and Campbell County School District Number 1 SRTS project.

10. Lieutenant Colonel Butler presented the Highway Patrol report.

The Fatal Crash Summary through April 30, 2012, includes 29 fatal crashes involving 30 deaths. The fatalities include 15 rollover crashes, 12 multi-car crashes, and 3 pedestrians. Of the 29 crashes that occurred so far this year, 9 involved commercial vehicles.

There have been 9 crashes to date deemed alcohol related, resulting in 9 deaths. Of those deaths, 8 were attributed to not using occupant restraints.

Of the 30 deaths that have occurred to date this year, 15 can be attributed to the non-use of occupant restraints, with 13 involving rollover crashes, and 2 involving multi-car collisions. Of the 15 deaths that occurred from non-use of occupant restraints, 12 were Wyoming residents and 3 were non-residents. Two of those who perished were under 20 years of age, and both fatalities were attributed to the failure to use proper occupant restraints.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through March 31, 2012. The summary depicts 1,600 crashes statewide, of which 1,224 involved non-commercial vehicles and 376 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of April 30, 2012, have been DUI related. There have been 479 field arrests made so far this year, including:

- DUI arrests from crashes – 49
- DUI arrests from traffic stops – 186
- DUI arrests from the REDDI Program – 43
- DUI arrests from ports-of-entry – 2
- NCIC hits (person) – 20
- Wyoming warrants hits – 74
- Drug arrests – 54
- Other arrests – 51

Lieutenant Colonel Butler advised that the Highway Patrol will continue to monitor the contributing factors in fatalities. The lack of occupant restraints continues to be a major concern, particularly for Wyoming drivers. "Click It – Don't Risk It" stickers have been placed on Highway Patrol vehicles to remind drivers of the importance of buckling up. The Highway Patrol has a zero tolerance for violators of the occupant restraint law.

11. Mr. Byrne did not attend the meeting, but the Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report were mailed to the commissioners before the meeting for their information.

12. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Dooley, and carried to approve purchase for bid number 12-171 to replace the 23 skylights on WYDOT Building No. 6398 in Cody. The bid was awarded to Cowan Construction, Inc., of Cody, Wyoming, for the sum of \$50,325.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner McCormack, and carried to approve purchase for bid number 12-181 to furnish wet pipe sprinkler systems in WYDOT Building Nos. 6187 and 6174 in Cheyenne. The bid was awarded to Rapid Fire Protection, Inc., of Cheyenne, Wyoming, for the sum of \$270,820.00.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-188 to furnish 444,200 pounds of high performance cold-mix asphalt patching compound, for delivery in Laramie, Cheyenne, Casper, Lyman, LaBarge, Rock Springs, Granger, Sheridan, Gillette, Sundance, and Shoshoni. The bid was awarded to Nelico, Inc., of Casper, Wyoming, for the sum of \$66,630.00.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve purchase for bid number 12-193 to furnish 306,000 pounds of hot-poured elastic-type crack sealant, for delivery in Laramie, Cheyenne, Elk Mountain, and Sheridan. The bid was awarded to Crafc0, Inc., of Chandler, Arizona, for the sum of \$145,656.00.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Vice Chairman Ertman, and carried to approve purchase for Requisition No. 0000026071 to furnish technical support for the PeopleSoft core system, for the period of June 30, 2012, through June 29, 2013. The contract was awarded to Oracle America, Inc., of Rocklin, California, for the sum of \$366,719.16.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Dooley, and carried to approve purchase for Requisition No. 0000026263 to furnish an iSINC weigh-in-motion electronics upgrade and replacement for the I-80 port-of-entry in Evanston, for use by the Geographical Information Systems/Intelligent Transportation Systems Program. The contract was

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awarded to International Road Dynamics Corporation, of Spring Grove, Illinois, for the sum of \$62,125.00.

It was recommended by Mr. Shultz, moved by Vice Chairman Ertman, seconded by Commissioner Covello, and carried to approve purchase for Requisition No. 0000026348 to furnish Whelen lighting systems, for installation on snow plow trucks, for use by the Equipment Program. The contract was awarded to Whelen Engineering Co., Inc., of Chester, Connecticut, for the sum of \$62,370.00.

It was recommended by Mr. Shultz, moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to approve purchase for Requisition No. 0000026384 to furnish Mythics Oracle Primavera Enterprise Project portfolio management licenses and support, for use by the Information Technology Program. The contract was awarded to Mythics, Inc., of Virginia Beach, Virginia, for the sum of \$134,767.09.

Messrs. Doug Moench, Senior Assistant Attorney General, and John Sherman, Lands Management Administrator, joined the meeting by telephone.

Messrs. Hibbard, McGee, Goddard, Williams, Uhrich, and Goetz left the meeting.

13. It was moved by Vice Chairman Ertman, seconded by Commissioner McCormack, and carried to move into executive session to discuss a legal matter. The Commission went into executive session at 3:20 p.m., on Thursday, May 17, 2012.

14. It was moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to come out of executive session. The Commission came out of executive session at 4:25 p.m., on Thursday, May 17, 2012.

15. It was moved by Commissioner Dooley, seconded by Vice Chairman Ertman, and carried to offer \$250,000 to the Flying 7, LLC, to settle the condemnation dispute over the land that is necessary to build the Casper West Belt Loop project. This offer includes the possession of 20.08 acres for permanent right-of-way and 4.16 acres for temporary construction use, and is inclusive of all items associated with this case, including land values, damages, attorney fees, court costs, and any other associated claims. If the offer is rejected, the Department will proceed with formal mediation. If the offer is accepted, no further litigation will be sought by either party regarding the case.

16. It was moved by Commissioner Covello, seconded by Commissioner Dooley, and carried to adjourn the meeting. Chairman Latta adjourned the meeting at 4:30 p.m., on Thursday, May 17, 2012.