

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on October 15, 2009. The meeting was convened at 8:30 a.m. by Chair Dziardziel. The following members were present constituting a quorum:

Susan Dziardziel, Chair, Douglas
Charlie Monk, Vice Chairman, Lovell
Sandi McCormick, Commissioner, Rock Springs
Cactus Covello Jr., Commissioner, Torrington
Ted Ertman, Commissioner, Newcastle
Jim Hladky, Commissioner, Gillette
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Pat Collins, Assistant Chief Engineer of Engineering and Planning; Hans Hehr, Purchasing Program Manager; Colonel Sam Powell, Wyoming Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Doug Moench, Senior Assistant Attorney General; Rodney Freier, Budget Analyst; Dave Kingham, Assistant Public Affairs Manager; and Phil Miller, Division Administrator, Federal Highway Administration.

Those absent: Jim Latta, Commissioner, Pinedale; Tim Hibbard, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Kevin Hibbard, Budget Officer; and Doug McGee, Public Affairs Manager

Others present: Talbot Hauffe, Scenic Byways Coordinator; Joe Mikesell, Fiscal Analyst; Ken Spear, Contracts & Estimates Engineer; Bernie Kushnir, State Equipment Engineer; Dan Ringle and Jim Foster, of Torrington; and Rick Phelps, Brad Phelps, and Daryl Allen, co-owners, Superior Asphalt, Magna, Utah.

1. It was recommended by Secretary Scott, moved by Commissioner Covello, and seconded by Commissioner Monk, to approve the minutes from the September 16, 2009, Fiscal Year (FY) 2010 Budget presentation and the September 17, 2009, regular business meeting.
2. Secretary Scott advised of a late-scheduled delegation who asked to be added to the agenda. Mr. Rick Phelps, owner of Superior Asphalt, L.C., of Magna, Utah, requested an appointment with the Commission to discuss his bid on Project STP-B105017, which was opened at the October 8, 2009, bid letting. Mr. Phelps was expected to join the meeting by telephone when the job is considered for award by the Commission.
3. Secretary Scott presented a letter from Ms. Sheila Foertsch, Managing Director of the Wyoming Trucking Association, wherein Ms. Foertsch congratulated WYDOT and the Transportation Commission for their quick and efficient manner of utilizing American Reinvestment and Recovery Act (ARRA) funds on highway projects.

4. Secretary Scott also presented a letter from Mr. Dennis Bar, Chief Financial Officer of Hardrives Construction Inc., of Billings, Montana. Hardrives Construction was the second low bidder on Project STP-B105017, which was opened October 8, 2009, at the WYDOT bid letting. Mr. Bar addressed how his company prepared their proposal and offered his support of their bid. The apparent low bidder provided an unbalanced bid, and it was deemed unacceptable.

5. Director Cox presented the Director's report.

U.S. House of Representatives Transportation and Infrastructure (T&I) Committee Meeting, Washington, D.C.: Director Cox recently traveled to Washington, D.C. to meet with the T&I Committee about WYDOT's participation in obligating and letting American Reinvestment and Recovery Act (ARRA) funds. T&I Chairman James Oberstar congratulated the Department on its ability to get ARRA projects underway in such a timely fashion. Director Cox deflected the kudos to a variety of people who were involved in making the projects happen, beginning with Governor Freudenthal's early reaction to hearing of potential ARRA funding. The Department has worked diligently within its own confines, with other state agencies, and with the Federal Highway Administration over the past year or so to make it all happen. Director Cox also explained that open communication amongst all parties was a critical element in making the projects come to fruition.

Council of State Governments West (CSGW), Santa Fe, New Mexico: The CSGW recently met in Santa Fe, New Mexico. Director Cox was a featured speaker at the meeting and provided a "western states" perspective to attendees on the next reauthorization of the federal transportation bill. The presentation was based on a Western Association of State Highway and Transportation Officials (WASHTO) resolution shared with the U.S. House Transportation and Infrastructure Committee and the American Association of State Highway and Transportation Officials (AASHTO) on behalf of the WASHTO region transportation departments.

Governor's Budget Meeting: WYDOT executive staff is scheduled to meet with Governor Freudenthal on Monday, October 19, to discuss its FY 2010-11 proposed budget. It is unknown at this time whether any general funds will be available for surface transportation.

AASHTO Award for Aeronautics: AASHTO officials will recognize the WYDOT Aeronautics Division at the upcoming 2009 AASHTO meeting for their *Wyoming Air Service Handbook* publication and Fly Wyoming campaign. The handbook was developed to promote Wyoming's 10 commercial airports. Fly Wyoming was produced to market statewide air service. A Federal Aviation Administration grant was used to develop the Fly Wyoming campaign.

Joint Transportation, Highways and Military Affairs Interim Committee (JTC) Meeting, October 22-23, 2009: The JTC will meet October 22-23, 2009, in Cheyenne. The I-80 tolling and commuter rail studies will be discussion topics. Coleen Haines, Public Affairs Videographer, will also be recognized by the Committee for her production of the "Living with Loss - The Families of the UW8" DVD, a documentary about the loss of eight University of Wyoming students who died in a drunk driving accident in 2001.

6. Mr. Freier presented the Budget report.

Monthly Budget Report: Highway user fees were about \$302,000 higher than expected in FY 2009. Mr. Freier indicated that reimbursements are expected soon from the FHWA and the State Treasurer's office and that the Department appears to have weathered the recent cash flow storm.

ARRA Report: Mr. Freier provided the monthly ARRA report and explained that the Federal Office of Management and Budget (OMB) requires that quarterly individual project reports be submitted. The process generates a significant amount of paperwork and places a much greater workload on the Budget staff.

Chair Dziardziel thanked Mr. Freier for the Budget staff and for their efforts in preparing the FY 2010-11 budget, which was presented to the Commission in September.

7. Mr. Collins presented the Engineering and Planning report.

Mr. Collins provided an update of Transportation Investment Generating Economic Recovery (TIGER) fund projects that are included in this month's proposed project authorizations. Nationwide, \$1.5 billion will be awarded. The four wildlife connectivity projects in the authorization requests for this month constitute one TIGER project submittal totaling \$100 million. If this project is chosen, but not fully funded, the four parts will be prioritized based on available funding.

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

COMMISSION DISTRICT 2

Rural Local

ARSCT 0.00 B103A01; Sweetwater County; Ashley National Forest, U.S. Forest Service Road 146, Lucerne Valley Road; chip seal; fiscal year 2010; request preliminary engineering, construction engineering, and construction funds of \$137,500; to be reimbursed by U.S. Forest Service

COMMISSION DISTRICT 3

Rural Principal Arterial

STP 0.00 P111010; Uinta and Lincoln counties; wildlife connectivity, US Highway 189; reference markers 0.00 to 26.00; upgrade fencing and structures to facilitate wildlife passage; fiscal year 2010; request federal preliminary engineering funds of \$2,300,000

STP 65.69 P114036; Sublette County; wildlife connectivity, LaBarge to Big Piney, Dry Creek Section; reference markers 85.69 to 101.43; upgrade fencing and structures to facilitate wildlife passage; fiscal year 2010; request federal preliminary engineering funds of \$2,172,000

NH 103.20 N132100; Sublette County; wildlife connectivity, Pinedale to Hoback Junction, Trappers Point; reference markers 103.20 to 115.10; upgrade fencing and structures to facilitate wildlife passage; fiscal year 2010; request federal preliminary engineering funds of \$2,328,000

COMMISSION DISTRICT 4

Rural Interstate

SSP-TO 298.45 B104077; Johnson County; intersection of I-25 and WYO 196; I-25 reference marker 298.45, WYO 196 reference marker 299.42; study congestion; fiscal year 2010; request state funds of \$20,000

COMMISSION DISTRICT 6

Rural Local

ARSCT 0.00 PEG4A02; Crook County; purchase stockpile material; fiscal year 2010; request preliminary engineering, construction engineering, and construction funds of \$68,125; to be reimbursed by Crook County

COMMISSION DISTRICT M

Rural Interstate

NH 18.40 B099082; Uinta, Sweetwater and Carbon counties; wildlife connectivity, I-80; upgrade fencing and structures to facilitate wildlife passage; fiscal years 2010; request federal preliminary engineering funds of \$6,900,000

NH-PM 0.00 B115006; various counties; Highway District 5, NHS, various locations; chip seal; fiscal year 2011 construction; request federal preliminary engineering funds of \$67,055

Various

STP 0.00 B115007; various counties; Highway District 5, non-NHS, various locations; contract patching; fiscal year 2011 construction; request federal preliminary engineering funds of \$45,000

HSIP 0.00 B102076; various counties; Highway District 2, various locations; sign installation; fiscal year 2010; request federal preliminary engineering funds of \$20,000, and federal construction engineering and construction funds of \$330,000

8. It was recommended by Mr. Collins, moved by Commissioner McCormick, seconded by Commissioner Hladky, to approve the following resolution where property for public use cannot be acquired through good faith negotiation by purchase or gift.

RESOLUTION FOR RELINQUISHMENT

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 US Highway Number 287 (Wyoming Transportation Department Project Number F-021-1(11) is no longer needed for state highway purposes. Said portion being described as follows:

All that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, T.21N., R.87W. of the 6th P.M., Carbon County, Wyoming lying between the right or easterly boundary of that certain tract of land as described in book 433 at page 409 of the Carbon County records and a parallel line 100.00 feet to the left or westerly side (or as otherwise stated) when measured at right angles or radially to the following described survey line; said parallel line begins on the southerly boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and ends in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 4. Beginning at a point on the southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4 from which the south quarter-corner of said Section 4 bears S.88°52'13.1"W. a distance of 264.17 feet, said corner being monumented with a pipe and stone, and from which the southeast corner thereof bears N.88°52'13.1"E. a distance of 2,356.97 feet, said corner being monumented with a set stone;

thence, with the easterly boundary of that certain tract of land as described in book 433 at page 409 of the Carbon County records as the right or easterly boundary of this parcel and a parallel line 100.00 feet to the left or westerly side, N.18°43'W. a distance of 919.95 feet to the point of beginning of a circular curve, concave westerly, the radius of which is 11,459.16 feet;

thence, continuing with said right and left boundaries of this parcel along said curve through a central angle of 1°51'45.7" a distance of 372.54 feet;

thence, with the easterly boundary of that certain tract of land as described in book 266 at page 339 of the Carbon County records as the left or westerly boundary of this parcel and continuing with the easterly boundary of that certain tract of land as described in book 433 at page 409 of the Carbon County records, continuing along said curve through a central angle of 8°47'14.3" a distance of 1,757.46 feet, more or less, until the easterly boundary of said tract of land described in book 266 at page 339 of the Carbon County records intersects the easterly boundary of said tract of land as described in book 433 at page 409 of the Carbon County records.

LESS and EXCEPTING therefrom that portion as described in book 975 at page 31 of the Carbon County records.

The above described parcel of land contains 4.50 acres, more or less.

The basis for bearing is the southerly boundary of the SE $\frac{1}{4}$ of said Section 4, it being N.88°52'13.1"E.

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

Commissioner Ertman asked Mr. Collins whether the above property was originally obtained from a private landowner, and if so, should it revert back to the private landowner rather than City of Rawlins.

9. It was moved by Commissioner Ertman, seconded by Vice Chairman Monk, and carried to table the motion until additional information could be obtained about the property's acquisition history.

Messrs. Ringle and Foster left the meeting.

10. Oregon Trail Historic Byway Designation: Mr. Talbot Hauffe, Scenic Byways Coordinator, provided details of the Scenic Byway Program. The proposed Oregon Trail Historic Byway would run along U.S. Highway 26, from the Wyoming-Nebraska state line in Goshen County to Interstate 25 at Dwyer Junction in Platte County.

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve the Oregon Trail Historic Byway designation.

11. I-80 Tolling Feasibility Study: Mr. Collins briefed the Commission about the final draft I-80 Tolling Feasibility Study, Phase 2. The report will be a discussion topic at the October JTC meeting in Cheyenne. The study was conducted at the request of the Legislature to determine tolling feasibility on I-80.

Legislation is expected to be proposed during the upcoming legislative session that would give the Transportation Commission I-80 tolling and bonding authority. If the legislation is adopted, a tolling master plan must be developed, which would establish a tolling scheme, dollar amounts, duration of tolling, and proposed revenue expenditures. The tolling master plan would then be taken to the Legislature for approval. Application must also be sought from the FHWA for tolling approval.

12. Commuter Rail Study: Wyoming has finalized its commuter rail study but still awaits Colorado's final report. Colorado is currently focusing on an I-70 west commuter rail study, not I-25 north. Because of the westbound terrain, the types of trains are electro-motive-type trains. If this type of train is used, it is uncertain whether the same train type would be used on I-25 north, as electro-motive trains are expensive and aren't justified for the terrain.

13. Jackson North Teton County Project: Mr. Collins updated the Commission about Project STIM-E153.98 N104084, Phase 1 North Highway 89 Pathway Improvement, which was conditionally awarded to Evans Construction on August 20, 2009. The Teton County Commission met August 31, 2009, concurred in the award, and approved issuance of notice to proceed.

Mr. Hauffe left the meeting.

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

14. It was moved by Commissioner Ertman, seconded by Commissioner McCormick, and carried to remove from the table the Rawlins Bypass right-of-way matter, as noted in Item 9 above.

Mr. Sherman advised that the City of Rawlins requested the piece of property described above so that it could be used as a city street to access a new school planned nearby. Mr. Sherman advised that excess WYDOT property is offered to local public agencies, as a matter of policy, before being offered to private owners. If the relinquishment is approved, a quit claim deed will be executed that contains a clause requiring the City to keep the property in public use. If the property is no longer kept in public use, ownership will revert back to WYDOT.

Chair Dziardziel called for a vote on the Resolution for Relinquishment for the Rawlins Bypass (motion made in Item 8 above). The resolution unanimously passed.

15. Mr. Collins presented the bid tabulations from the letting held October 8, 2009, in Lander.

**COMMISSION DISTRICT 1
Cactus Covello – Commissioner**

Federal projects IM-0251153, STP-E-I251162 and ARSCT-ARS3741 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, concrete pavement, bridge structure, lighting and electrical systems, signing, removal and replacement fencing, and miscellaneous work on 2.40 miles on I-25, beginning at reference marker 4.75, between Cheyenne and the Colorado state line, in Laramie County. Completion date - October 15, 2010

| | | |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|
| Engineer's Estimate | \$8,261,062.50 | |
| Reiman Corp., Cheyenne, WY | \$6,293,647.75 | -23.8% |
| Sema Construction, Inc. and Subsidiaries, and Capital Engine Partners, Centennial, CO | \$6,822,817.02 | |
| Knife River, Cheyenne, WY | \$7,149,877.75 | |
| Connell Resources, Inc., Fort Collins, CO | \$7,168,247.35 | |
| S & S Builders, LLC, Gillette, WY | \$7,173,254.26 | |
| Simon Contractors and Subsidiaries, Cheyenne, WY | \$7,431,885.93 | |
| Oftedal Construction, Inc., Miles City, MT | \$7,494,871.91 | |
| American Civil Constructors, Inc. and Subsidiary, American Civil Canada, ULC, and ACC North Equipment, ULC, Littleton, CO | \$7,836,267.00 | |

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried that **Reiman Corp., Cheyenne, WY**, 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 HSIP-SEP-I252156, involving the installation of guardrail, structural steel, roadway lighting system, dynamic message sign system, and miscellaneous work at reference marker 70.62 (I-25 and the Bordeaux Interchange), in Platte County. Completion date - August 31, 2010

| | | |
|----------------------------------------------------|----------------------|---------------|
| Engineer's Estimate | \$ 595,339.60 | |
| Modern Electric Co., Casper, WY | \$ 530,988.00 | -10.8% |
| W.L. Contractors, Inc., Arvada, CO | \$ 534,829.00 | |
| Glaser Electrical Company, LLC., Englewood, CO | \$ 580,390.05 | |
| Sturgeon Electric Company, Inc., Henderson, CO | \$ 629,693.00 | |
| Electrofab, Inc., Gillette, WY | \$ 634,602.50 | |
| Tetra Tech Construction Services, Inc., Denver, CO | \$1,016,210.00 | |
| Irregular Check Digit | | |

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Ertman, and carried that **Modern Electric Co., Casper, WY**, 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, 4 and 7
Cactus Covello – Commissioner
Jim Hladky – Commissioner
Susan Dziardziel – Chair

Federal project HSIP-B062007, involving the installation of road closure gates and miscellaneous work at various locations in Transportation District 2, in Goshen, Johnson, Natrona and Platte counties. Completion date - August 31, 2010

| | | |
|----------------------------------------|---------------------|-------------|
| Engineer's Estimate | \$379,837.25 | |
| Modern Electric Co., Casper, WY | \$381,521.00 | 0.4% |
| Electrofab, Inc., Gillette, WY | \$449,240.25 | |
| W.L. Contractors, Inc., Arvada, CO | \$451,971.25 | |

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried that **Modern Electric Co., Casper, WY**, 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 – Commissioner

Federal projects NH-P132064, SSP-TO-N132090 and ARSCT-P132A01 combined, involving grading, draining, placing crushed base and bituminous pavement surfacing, bridge rehabilitation, removal and replacement of cattle guards and guardrail, stockpiling of crushed base, fencing and miscellaneous work on 5.11 miles on US 191, beginning at reference marker 147.69, between Daniel Junction and Hoback Junction, in Sublette County. Completion date - June 30, 2011

| | | |
|------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------|
| Engineer's Estimate | \$11,613,445.94 | |
| Oftedal Construction, Inc., Miles City, MT | \$ 9,457,479.90 | -18.6% |
| H-K Contractors, Inc., Idaho Falls, ID | \$10,788,857.25 | |
| American Civil Constructors, Inc. and Subsidiary, American Civil Canada, ULC, and ACC North Equipment, ULC, Littleton, CO | \$11,459,059.00 | |
| LeGrand Johnson Construction Co., Logan, UT | \$11,603,531.48 | |

It was recommended by Mr. Collins, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried that **Oftedal Construction, Inc., Miles City, MT**, 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-2000051, involving slide repair, plant mix, pavement spot repairs, and miscellaneous work on WYO 22, beginning at reference marker 13.0, in Teton County. Completion date - August 31, 2010

| | | |
|---------------------------------------------------|---------------------|--------------|
| Engineer's Estimate | \$252,930.00 | |
| Evans Construction Company, Jackson, WY | \$265,185.80 | +4.8% |
| J Wright Development, LLC., Riverton, UT | \$312,000.00 | |
| Oftedal Construction, Inc., Miles City, MT | \$317,622.00 | |
| Kilroy, LLC., Afton, WY | \$327,153.00 | |
| Rice-Kilroy Construction Company Inc., Dubois, WY | \$342,207.00 | |

It was recommended by Mr. Collins, moved by Commissioner McCormick, seconded by Commissioner Covello, and carried that **Evans Construction Company, Jackson, WY**, 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 4, 5 and 6

Jim Hladky – Commissioner
Charlie Monk – Vice Chairman
Ted Ertman – Commissioner

Federal project STP-PM-B104011, involving crack sealing and miscellaneous work on 257.17 miles at various locations in Transportation District 4, in Campbell, Crook, Johnson, Sheridan, Washakie and Weston counties. Completion date - May 31, 2010

| | | |
|---------------------------------------------|-----------------------|---------------|
| Engineer's Estimate | \$1,461,806.80 | |
| Keyhole Technologies, LLC, Mills, WY | \$1,654,213.00 | +13.2% |
| Hardrives Construction, Inc., Billings, MT | \$1,912,702.87 | |

It was recommended by Mr. Collins, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried that **Keyhole Technologies, LLC, Mills, WY**, 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
Charlie Monk – Vice Chairman**

Federal project NH-N343037, involving milling plant mix, placing crushed base and bituminous pavement surfacing, plant mix curb, removal and replacement of guardrail, and miscellaneous work on 8.75 miles on US 20, beginning at reference marker 111.00, between Thermopolis and Worland (Lucerne Section), in Hot Springs County. Completion date - October 15, 2010

| | | |
|--------------------------------------------------------------------|-----------------------|---------------|
| Engineer's Estimate | \$3,696,500.60 | |
| McGarvin-Moberly Construction Company, Worland, WY | \$3,263,401.10 | -11.7% |
| Western Wyoming Construction Co., Lander, WY | \$3,336,984.53 | |
| Knife River, Cheyenne, WY | \$3,437,017.00 | |
| McMurry Ready-Mix Co., Casper, WY | \$3,658,061.00 | |
| Century Companies, Inc. and Affiliates, Lewistown, MT | \$3,844,708.05 | |
| A & S Construction Co. and Affiliated Companies, Canon City, CO | \$4,180,815.60 | |
| Mountain Construction Company, Lovell, WY | \$4,291,393.35 | |

It was recommended by Mr. Collins, moved by Commissioner Monk, seconded by Commissioner Hladky, and carried that **McGarvin-Moberly Construction Company, Worland, WY**, 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-B155001, involving guardrail upgrade and miscellaneous work at various locations in Transportation District 5, in Park County. Completion date - June 30, 2010

| | | |
|--------------------------------------------|---------------------|--------------|
| Engineer's Estimate | \$635,180.25 | |
| S & L Industrial, Cowley, WY | \$594,883.96 | -6.3% |
| Hout Fencing of Wyoming, Inc., Worland, WY | \$653,919.70 | |
| Patrick Construction, Inc., Lander, WY | \$779,356.50 | |
| Kilroy, LLC, Afton, WY | \$886,336.85 | |

It was recommended by Mr. Collins, moved by Commissioner Monk, seconded by Commissioner McCormick, and carried that **S & L Industrial, Cowley, WY**, 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 6
Ted Ertman – Commissioner**

Federal project NH-N854068, involving grading, placing bituminous pavement leveling and surfacing and miscellaneous work on 16.80 miles of US 85, beginning at reference marker 168.20 north of Lusk, in Niobrara County. Completion date - September 30, 2010

| | | |
|----------------------------------------------------|-----------------------|---------------|
| Engineer’s Estimate | \$8,037,137.00 | |
| McMurry Ready-Mix Co., Casper, WY | \$7,022,471.45 | -12.6% |
| Simon Contractors and Subsidiaries, Cheyenne, WY | \$7,069,697.20 | |
| McGarvin-Moberly Construction Company, Worland, WY | \$7,217,884.37 | |
| Knife River, Cheyenne, WY | \$7,225,371.82 | |
| Northern Improvement Company, Fargo, ND | \$7,487,268.70 | |
| Mountain Construction Company, Lovell, WY | \$7,686,593.60 | |

It was recommended by Mr. Collins, moved by Commissioner Ertman, seconded by Commissioner Covello, and carried that **McMurry Ready-Mix Co., Casper, WY**, 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.

16. Messrs. Brad Phelps, Rick Phelps, and Daryl Allen, co-owners of Superior Asphalt, Magna, Utah, joined the meeting by telephone.

Mr. Collins presented the following bid from the letting held October 8, 2009, in Lander.

**COMMISSION DISTRICTS 5 and 7
Charlie Monk – Vice Chairman
Susan Dziardziel – Chair**

Federal project STP-B105017, involving crack sealing and miscellaneous work on 121.33 miles of various roads in Transportation District 5, in Big Horn, Fremont, Hot Springs, Park and Washakie counties. Completion date - May 15, 2010

| | | |
|---------------------------------------------------|---------------------|---------------|
| Engineer’s Estimate | \$850,215.00 | |
| Superior Asphalt, L.C., Magna, UT | \$938,042.00 | |
| Irregular Bid | | |
| Hardrives Construction, Inc., Billings, MT | \$978,224.61 | +15.1% |

It was recommended by Mr. Collins, moved by Commissioner Covello, seconded by Commissioner Hladky, that **Hardrives Construction, Inc., Billings, MT**, 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.

Mr. Collins advised that Superior Asphalt provided a unit bid price for only the crack sealing material and, therefore, substantially underbid the item by excluding installation of the item. The low bidder also bid traffic control and mobilization at a much higher cost. This scenario creates an unbalanced bid, which does not meet the Department's Standard Specifications and is cause for rejection.

Mr. Spear explained that a materially unbalanced bid could mean that an increase in project limits during construction could potentially cost the Department more than the second low bid.

Mr. Brad Phelps thanked the Commission for permitting him to speak to support their bid. Mr. Phelps explained how the bid was prepared and admitted that their bid was structured to protect them and their material supplier, and that their company has prepared bids in this manner before, which were awarded by the Commission.

Commissioner McCormick advised that the Commission's current responsibility is to consider this particular bid and that the Department's specifications and bid process must be followed. Mr. Collins advised that past jobs may not have been as closely scrutinized, but the Department will closely monitor the unbalancing of bids in the future.

Mr. Miller advised that the FHWA has reviewed the Superior Asphalt bid and agrees with WYDOT's recommendation to award the project to the second low bidder.

Chair Dziardziel called for a vote on the award of Project STP-B105017 to Hardrives Construction, of Billings, Montana. The motion unanimously passed.

Messrs. Brad Phelps, Rick Phelps, and Daryl Allen left the meeting.

Mr. McOmie offered to work with the State Construction Engineer to review the current Standard Specifications to clarify the fair compensation for materials and installation by contractors and for the Department in the future.

Mr. Spear left the meeting.

17. Colonel Powell presented the Highway Patrol report.

The Fatal Crash Summary through September 30, 2009, includes 88 fatal crashes involving 103 deaths. The fatalities include 60 involving rollover crashes, 25 involving multi-car crashes, 5 involving commercial vehicles, 13 involving motorcycles and all-terrain vehicles, 2 involving pedestrians, and 3 involving fixed objects.

There have been 34 crashes to date deemed alcohol related, resulting in 39 deaths. Of those deaths, 27 were attributed to not using restraints.

Of the 103 deaths that have occurred to date in 2009, 63 can be attributed to the non-use of occupant restraints, with 46 involving rollover crashes, 14 involving multi-car collisions, and 3 involving fixed objects. Of the 63 deaths that occurred from non-use of occupant restraints, 49 were Wyoming residents and 14 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through August 31, 2009. The summary depicts 4,203 crashes statewide, of which 3,633 involved non-commercial vehicles and 570 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of September 30, 2009, have been DUI related. Field arrests total 1,501 to date, including the following:

- DUI arrests from crashes – 115
- DUI arrests from traffic stops – 665
- DUI arrests from the REDDI Program – 139
- DUI arrests from ports-of-entry – 3
- NCIC hits (person) – 40
- Wyoming warrants hits – 140
- Drug arrests – 111
- Other arrests – 288

Colonel Powell advised that fatalities are significantly lower than at this time last year, with 12 fewer deaths being reported.

Truck Traffic and Comparison of Commercial Vehicles Cleared at Ports-of-Entry: Colonel Powell reported that commercial vehicle clearance at Wyoming's major ports-of-entry has declined by about 15 percent over the past year. Oversize and overweight permits have also decreased by about 20 percent. The reduced number of oversize and overweight permits, and resulting revenues, have been somewhat offset by a statutory increase in permit fees that went into effect July 1, 2008.

18. Colonel Powell presented the Support Services report in Mr. Loftin's absence.

Colonel Powell briefed the Commission about a proposed revised rule for the Motor Vehicle Licensing Section, Chapter 10, Ignition Interlock Devices and Service Providers, of the Wyoming Department of Transportation Rules and Regulations. The rule was revised to amend the term "installer" to "service provider," shorten the term to file for a certificate of renewal in Section 7(a), require statistical data regarding driver and equipment performance be submitted every 30 days in Section 10(c), and to make other minor changes. No written comments were received about the proposed rule revisions during the 45-day comment period.

It was recommended by Colonel Powell, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve the following resolution:

RESOLUTION

WHEREAS, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 31-7-401, is authorized to promulgate rules and regulations as described in the following; and

WHEREAS, the Wyoming Department of Transportation through the Transportation Commission of Wyoming desires to adopt Chapter 10, Ignition Interlock Devices and Service Providers, to administer ignition interlock restricted licenses; and

WHEREAS, a forty-five day public comment period was held to solicit written comments concerning these rules; and

WHEREAS, no public comments were received during the comment period for consideration by the Transportation Commission of Wyoming at its scheduled meeting on October 15, 2009;

NOW, THEREFORE, BE IT RESOLVED that the Transportation Commission of Wyoming officially adopts Chapter 10, Ignition Interlock Devices and Service Providers.

19. Mr. Hehr presented the Operations report in the absence of Mr. Tim Hibbard.

It was recommended by Mr. Hehr, moved by Commissioner Ertman, seconded by Commissioner McCormick, and carried to approve purchase for bid number 09-246 to furnish 1,000 each bridge rail/guardrail components for delivery at Patrick Draw and Rock Springs. The bid was awarded to Pepper Tank & Contracting Co., Inc., of Casper, Wyoming, for the sum of \$54,150.

It was recommended by Mr. Hehr, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-256 to furnish 8,300 each aluminum backing angles for mounting of roadside signs. The bid was awarded to Redi Services, of Cheyenne, Wyoming, for the sum of \$69,403.90.

It was recommended by Mr. Hehr, moved by Commissioner Ertman, seconded by Commissioner McCormick, and carried to approve purchase for bid number 09-257 to furnish painting of two citation encore aircraft. The bid was awarded to Duncan Aviation, Inc., of Lincoln, Nebraska, for the sum of \$102,826.

It was recommended by Mr. Hehr, moved by Commissioner Covello, seconded by Commissioner Ertman, and carried to approve purchase for bid number 09-258 to furnish 2,835,500 pounds of reflective glass spheres, type 1, in 50 pound sacks for use statewide. The bid was awarded to Potters Industries, Inc., of Valley Forge, Pennsylvania, for the sum of \$720,217.

It was recommended by Mr. Hehr, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried to approve purchase for bid number 09-259 to furnish 364,890 gallons of

traffic line paint for use statewide. The bid was awarded to Ennis Paint, Inc., Ennis, Texas, for the sum of \$2,670,110.77.

It was recommended by Mr. Hehr, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-260 to furnish 30 each, new, current model, self-loading abrasive spreaders for delivery in Cheyenne. The bid was awarded to Coleman Equipment Co., of Casper, Wyoming, for the sum of \$279,480.

It was recommended by Mr. Hehr, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried to approve purchase for bid number 09-261 to furnish 13 each, new, current model, four-door Chevrolet Impala sedans for delivery at Cheyenne, Laramie, Casper, Rock Springs, Gillette, and Basin. The bid was awarded to Fremont Chevrolet - GMC, of Lander, Wyoming, for the sum of \$234,284.70.

It was recommended by Mr. Hehr, moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to approve purchase for bid number 09-264 to furnish four each, new current model, four-wheel-drive Ford Expedition XLT utility vehicles for delivery in Cheyenne and Rock Springs. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$114,264.

It was recommended by Mr. Hehr, moved by Commissioner Covello, seconded by Commissioner McCormick, and carried to approve purchase for bid number 09-265 to furnish two each, new, current model GMC Yukon XLs for delivery in Cheyenne and Cody. The bid was awarded to Halladay Motors, Inc., of Cheyenne, Wyoming, for the sum of \$68,896.

It was recommended by Mr. Hehr, moved by Commissioner McCormick, seconded by Commissioner Monk, and carried to approve purchase for bid number 09-266 to furnish seven each, new, current model, Ford Ranger Regular Cab XL pool pickup trucks for delivery in Laramie, Cheyenne, Wheatland, Lyman, Kemmerer, Sheridan, and Newcastle. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$89,922.

It was recommended by Mr. Hehr, moved by Commissioner McCormick, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-267 to furnish four each, new, current model, extended cab, two-wheel-drive, Ford F-150 Supercab foremen pickup trucks for delivery in Rock Springs and Basin. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$61,996.

It was recommended by Mr. Hehr, moved by Commissioner Hladky, seconded by Commissioner McCormick, and carried to approve purchase for bid number 09-268 to furnish 12 each, new, current model, extended cab, two-wheel-drive Ford F-150 Supercab construction pickup trucks for delivery in Cheyenne, Laramie, Casper, Wheatland, Douglas, Gillette, and Cody. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$185,712.

It was recommended by Mr. Hehr, moved by Commissioner Hladky, seconded by Commissioner Covello, and carried to approve purchase for bid number 09-269 to furnish three each, new current model ¾-ton, Ford F-250 Supercab XL pickup trucks for delivery in Rock Springs, Sheridan, and Basin. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$58,755.

It was recommended by Mr. Hehr, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried to approve purchase for bid number 09-270 to furnish 15 each, new, current model, ½-ton, four-wheel-drive, extended cab, Ford F-150 Supercab pickup trucks for delivery in Cheyenne, Laramie, Torrington, Douglas, Afton, Jackson, Buffalo, Sundance, Newcastle, Sheridan, Cody, Lander, and Thermopolis. The bid was awarded to Greiner Ford Lincoln Mercury, of Casper, Wyoming, for the sum of \$326,085.

It was recommended by Mr. Hehr, moved by Commissioner McCormick, seconded by Commissioner Hladky, and carried to approve purchase for bid number 09-273 to furnish 5,492 tons of bulk sodium chloride (road salt) for use statewide. The contract was awarded to Dustbusters, Inc., of Evanston, Wyoming, for the sum of \$249,064 and to Doug Andrus Distributing, of Idaho Falls, Idaho, for the sum of \$3,542.50, for a total sum of \$252,606.50.

Mr. Kushnir left the meeting.

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

Fuel Escalation Update: Mr. McOmie discussed the funding status of asphalt and fuel escalation items from the inception of the current program so far, and discussed the fiscal year 2009 pay-outs. Since its inception, the program has paid out approximately \$12,800,000, and in 2009 approximately \$1.1 million was paid. Although fuel prices were lower, asphalt payments remain high.

ARRA Update: Mr. McOmie reported that Wyoming was still the only state in the nation to have obligated 100 percent of its ARRA highway funding. Wyoming was also in the lead for work completed so far. There has been some discussion within AASHTO of a second round of stimulus funding. Wyoming has advised AASHTO that \$400 million in additional funding could be used for Wyoming highway projects.

Governor-Approved Maintenance Positions: The recent state hiring freeze has had a significant impact on WYDOT maintenance staffing. The Department requested 35 full time and 26 temporary maintenance positions to be filled for the winter season, and the Governor's office has now approved them. A few of the temporary positions have been filled with former WYDOT maintenance employees. Some construction employees who already possess CDLs have also stepped in to fill snow plow driver positions until permanent replacements can be found.

Mr. McOmie noted that the Department is once again losing maintenance employees to better paying oil field jobs.

Construction Progress Update: Mr. McOmie provided a status update on various construction projects statewide.

21. Chair Dziardziel recessed the meeting at 11:43 a.m.

22. Chair Dziardziel reconvened the meeting at 3:00 p.m.

23. It was moved by Commissioner Ertman, seconded by Commissioner Covello, and carried to endorse WYDOT's support of the Wyoming National Guard and Reserve by signing the Department of Defense Statement of Support for the Guard and Reserve certificate provided by the Wyoming Air National Guard Employer Support of the Guard and Reserve Committee.

24. It was moved by Commissioner Covello, seconded by Commissioner Hladky, and carried to adjourn the meeting. Chair Dziardziel adjourned the meeting at 3:10 p.m., on Thursday, October 15, 2009.