

## **TRANSPORTATION COMMISSION OF WYOMING**

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on September 19, 2013. The meeting was convened at 8:30 a.m. by Chairman Ertman. The following members were present constituting a quorum:

Ted Ertman, Chairman, Newcastle  
Bruce McCormack, Vice Chairman, Cody  
Milt Coulter, Commissioner, Gillette  
Clair Anderson, Commissioner, Riverton  
K. John Dooley, Commissioner, Laramie  
Bob Ruwart, Commissioner, Wheatland  
Todd Seeton, Commissioner, Jackson  
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Lieutenant Colonel Shannon Ratliff, Operations Commander, Wyoming Highway Patrol (WHP); Jackson Engels, Assistant Attorney General; Kevin Hibbard, Budget Officer; Doug McGee, Public Affairs Manager; and Lee Potter, Assistant Division Administrator, Federal Highway Administration.

Other guests: Scott Talbott, Director, Wyoming Game and Fish Department; Bo Chung and Mote Mouna, Co-owners of M Construction; Michael Vowles, Leavit Group (via telephone); April Hegge, President, and Malik Hegge, Vice President, King Enterprises; Veejay Joshi, Estimator, and Kevin Howlett, Chief Estimator, Ralph L. Wadsworth Construction Company, LLC; Jeff McDonald, President, and Brad Olson, Estimator/Project Manager, Oftedal Construction, Inc.; Eric Inberg, ERI Engineering, Inc.; Floyd Meeks, S & S Builders, LLC; and Jonathan Downing, Executive Director, Wyoming Contractors Association.

Other WYDOT guests: John Eddins, District Engineer, Rock Springs; Pete Hallsten, Resident Engineer, Pinedale; Ken Spear, Contracts and Estimates Engineer; Captain Scot Montgomery and Lieutenant Doug Dome, Commercial Carrier Division, Wyoming Highway Patrol (WHP); and Matthew White, Policy Analyst, Management Services Program.

Those absent: John F. Cox, Director; Colonel John Butler, WHP Administrator; Dennis Byrne, Aeronautics Administrator; and Joe Daily, Division Administrator, Federal Highway Administration.

1. Pledge of Allegiance: Chairman Ertman led the attendees in the Pledge of Allegiance.
2. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried to approve the minutes from the August 15, 2013, breakfast meeting, regular business meeting, and education session.

3. Correspondence: Secretary Scott presented a letter from Mr. Darwin St. Clair, Jr., Chairman of the Eastern Shoshone Business Council, and Mr. Darrell O'Neal, Sr., Chairman of the Northern Arapaho Business Council, regarding the ribbon-cutting ceremony for the 17-Mile Road Partnership Project. The ceremony will be held at the northeast corner of the project, known as the Sand Creek Massacre Trail Turnout, on October 22, 2013, and the Commission and WYDOT executive staff members were invited to attend.

4. Mr. Hibbard presented the Budget report.

Fiscal Year (FY) 2014 Operating Budget: The annual budget was presented in detail at a meeting held in the Commission Room on Wednesday, September 18, 2013. Mr. Hibbard thanked the Commission for their time spent in reviewing the 2014 budget summaries and the budget presentation. Mr. Hibbard asked if the Commission had any questions for him regarding the budget details that were presented on September 18. The Commission offered no questions.

It was recommended by Mr. Hibbard, moved by Commissioner Anderson, seconded by Commissioner Coulter, and carried to approve the FY 2014 Operating Budget.

Monthly Budget Report: During the first 10 days of September, WYDOT collected \$56.4 million and spent \$50 million for contractor and other vendor payments. Federal mineral royalty payments are anticipated in October, which will stabilize WYDOT's cash balance in the coming months.

The September 2013 budget report revealed that the Commission budget is 87 percent expended, and the Legislative budget is 89 percent expended, which is within budget tolerances.

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

Mr. Rick Carpenter, WYDOT Senior Photographer, and Ms. Carlie Van Winkle, WYDOT Public Affairs Specialist, entered the meeting.

Western Association of Fish and Wildlife Agencies (WAFWA) Award: Director Scott Talbott, of the Wyoming Game and Fish Department, presented an award to the Wyoming Department of Transportation on behalf of WAFWA, the entity that governs wildlife agencies in the western United States and in Canada. The Wyoming Game and Fish Department nominated WYDOT for its efforts and commitment to develop and construct various wildlife passages for deer, elk, and Pronghorn antelope. There were many nominations, but Wyoming was one of only three entities that received the award throughout the entire western United States.

Director Talbott read the following from his letter nominating WYDOT for the award.

“For more than 20 years, WYDOT has worked tirelessly to understand and reduce big game mortality on Wyoming’s highways. Due to the tremendous efforts of John Eddins, Del McOmie, and their staff, WYDOT has become a leader in designing and building innovative and successful highway crossing structures to address these critical wildlife needs.

In 2001, WYDOT developed Wyoming’s first ungulate crossing structure in Nugget Canyon, along U.S. Highway 30 in western Wyoming. This underpass was so successful in reducing vehicle collisions that it led to a number of additional projects in the area, including six underpasses and six and a half miles of deer-tight fence in 2008. In total, these structures and associated fencing reduced overall deer/vehicle collisions by 85 percent in Nugget Canyon. Monitoring over subsequent years suggests that more than 13,000 mule deer now migrate safely across that busy stretch of highway, helping to preserve one of the most unique mule deer migration routes in the west. Due to the success of the Nugget Canyon project, WYDOT constructed a second series of underpasses near Baggs, Wyoming, in 2009. Today, 6,000 to 8,000 mule deer use these underpasses, safely crossing U.S. Highway 789 annually.

A third and most impressive project to date was completed by WYDOT in the fall of 2012. The project addresses one of the longest seasonal ungulate migration corridors in the continental United States. Located near Pinedale, Wyoming, the Trappers’ Point project includes two overpasses, six underpasses, and several miles of deer-tight fencing to provide safe crossing locations for mule deer and Pronghorn antelope across U.S. Highway 191. These animal populations travel more than 150 miles annually between summer ranges and the northern Wind River, and Gros Ventre Mountains to winter ranges and the Red Dessert in southwestern Wyoming. Although the project was designed to benefit both mule deer and pronghorn, the overpasses are especially important to Pronghorn because they are some of the first structures ever built in North America to get this species across a major highway. Preliminary results from Western EcoSystems Technology, Inc., show this project allowed the passage of at least 8,000 mule deer and Pronghorn following its completion last fall, essentially eliminating vehicle collisions on this heavily-traveled highway.

To date, WYDOT crossing projects have resulted in the safe passage of approximately 30,000 big game animals annually. However, WYDOT personnel have not stopped with crossing projects alone. Both administrative and field-level personnel have worked to build and maintain key relationships with the Wyoming Game and Fish Department and a plethora of other organizations and federal agencies concerned with ungulate migrations in the state. WYDOT has supported a number of important deer and Pronghorn research studies relating ungulate movements to highway crossings, and it continues to improve highway design through the installation of wildlife-friendly, right-of-way fencing, let-down gates, warning signage, and many other innovative solutions to protect wildlife and the motoring public.

I believe that the Wyoming Department of Transportation is very deserving of WAFWA’s Special Recognition Award for 2013 for its ongoing efforts to seek innovative solutions and to

provide leadership in reducing big game, highway-related mortality, and for looking out for the safety of Wyoming's motoring public."

Director Talbott presented Messrs. John Eddins and Pete Hallsten with a commemorative plaque for their leadership role in the project. Mr. Eddins thanked the Commission for its approval of the project funding and for its recognition of the importance of the project. The award was accepted on behalf of all WYDOT employees that played a part in the projects, from the preliminary planning stage to completion.

Director Talbott, Mr. Carpenter, and Ms. Van Winkle left the meeting.

Fiber Optics in Interstate Rights-of-way: Pursuant to a request from Governor Mead's office, WYDOT continues to work hard to promote the expansion of fiber optic broadband services throughout Wyoming.

Mr. Victor Mendez, Administrator of the Federal Highway Administration, requested information from states regarding HPTS-1, Executive Order 13616 - Accelerating Broadband Infrastructure Deployment. Director Cox replied to the inquiry on September 5, 2013, and Mr. McOmie shared a copy of Director Cox's letter with the Commission.

WYDOT has developed new policies and procedures for allowing a broadband infrastructure inside its interstate highway system. More than 25,000 utility licenses have been issued for utility lines within the state's two-lane rights-of-way. Fewer fiber optic lines will be placed within the interstate rights-of-way because of Wyoming's "dig-once" philosophy. Companies are required to prove the benefit of their fiber optic installation when requesting a utility permit, which has led to some creativity in looking at new ways to improve broadband access to communities that fall within the vicinity of the new lines. Other broadband service providers are notified when a company begins the permitting process so that they have an opportunity to work together on the project.

Wyoming has gathered information from other states, and an agreement has been reached with Advanced Communications Technology, Inc. (ACT), to install some additional conduit for fiber optic installations. Companies will be required to share the conduit for present and future installations on I-25, I-80, and I-90. Work is expected to begin on I-25 during the summer of 2014. WYDOT will also have an opportunity to participate in the project and have access to fiber optic lines for its own use.

Mr. Michael Vowles, of the Leavit Group, joined the meeting by telephone. The Leavit Group provided the bid bond for M Construction.

6. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held September 12, 2013, in Sheridan.

Mr. Fredrick provided information about the Department's bid process and the proposals that are received at the bid letting. According to the WYDOT Standard Specifications for Road and Bridge Construction, the definition of a responsive bid is one that meets all the requirements of the WYDOT proposal package, which is provided to and completed by the bidder. The bid envelope contains information that ultimately becomes part of the contract, including the project location and description; bid items and estimated quantities; completion date; the amount of the bid bond; the date, time and place of the bid opening; Certification with the Wyoming Secretary of State's office; Certification of Suspension or Debarment; Certification of Free Competitive Bidding, Non-collusive Bidding; Certification of Previous EEO Performance; Certification of Lobbying Activities for Federal-aid Contracts; and Certification of Disadvantaged Business Enterprise Participation for Federal-aid Contracts; and Certification of Non-discrimination. These documents are considered in the award of the bid. The bid proposal must contain a completed proposal, or Form E-91, on an electronic device and on a paper-generated output. The paper proposal must be notarized and signed by the owner or an officer of the company, as recorded on WYDOT's standard prequalification questionnaire, or by someone who has been authorized by an officer of the company, in writing, to sign on behalf of the company and who has been approved by the Department's Contracts and Estimates Engineer. Bidders are required to provide proposals via an electronic device, but the printed and signed proposal is what is read and relied upon at the bid opening. The electronic bid information is used by WYDOT to gather data and to generate historical and projected unit bid prices for its projects. The printed proposal takes precedence and becomes a part of the contract.

Section 102.7 of the WYDOT Standard Specifications defines an irregular bid. It reads, "The Department will not consider or publically read bids with an improper or missing signature, or notarization on the proposal, or bids that lack printed numerical values. The Department will publically read at bid openings, but may reject bids with any of the following irregularities: ambiguity as to any part of the bid, a missing unit bid price or extension, alterations, deletion, loss or substitution of any page or part of the proposal, or the addition or attachment of conditional provisions, an erasure or change in a unit bid price not initialed in ink by the bidder, the presence of any unit bid price that generate reasonable doubt that the award to the bidder would result in the lowest ultimate cost to the Department, a non-matching check digit on any page of the proposal, an improper electronic bid bond or lack of cashier's check payable to the Department of Transportation in the amount of 10 percent."

Mr. Fredrick stated that there were also some issues with the Disadvantaged Business Enterprise (DBE) solicitation this month, and he would highlight the DBE effort on each Federal project. He noted WYDOT's Civil Rights Officer was at the bid meeting and stressed the importance of proper DBE solicitation and documentation. He reminded the Commission that Wyoming's DBE program is based on an aspirational attainment goal rather than a mandatory project-specific goal. If WYDOT is unable to meet this goal, Mr. Fredrick noted that the Department might be faced with the latter. However, with the support of the contracting community, goal attainment has not been an issue.

Mr. Fredrick noted that the above specifications are considered and enforced every time WYDOT awards a contract. Consistent application and expectation is paramount and has upheld the integrity of WYDOT's bid process for many years. He noted that this standard, repeatable process is equally important to the contracting community.

**COMMISSION DISTRICT 2**  
**K. John Dooley - Commissioner**

Federal project STP-SF-0404012, involving snow fence installation and miscellaneous work on WYO 72, beginning at reference marker (RM) 7.63, between Hanna and Elk Mountain, in Carbon County.

Engineer's Estimate	\$507,060.00	
M Construction, Springville, UT	\$476,568.00	-6.0%
<b>King Enterprises, Mills, WY</b>	<b>\$634,919.76</b>	

M Construction's bid was deemed irregular because of an incorrect project number on the bid bond, and also because it's electronic bid documents did not meet the minimum Disadvantaged Business Enterprise (DBE) solicitation, documentation, and participation requirements. Mr. Fredrick noted that WYDOT's Civil Rights Officer contacted the DBE firm that was provided on the bid document. That DBE firm indicated that they were not contacted by M Construction for a subcontractor quote.

Mr. Vowles, the bonding company representative for M Construction, addressed the inadequate bid bond for the project. A typographical error was made in the project number on the bond, which deemed the bond invalid. Mr. Vowles stated that his company would support the bid, and he offered to provide a corrected bid bond.

Mr. Chung explained that M Construction is a former certified DBE firm, but it is not currently Wyoming certified. This was the first project that M Construction bid on as a prime contractor. When completing the bid proposal, an incorrect subcontractor name was inadvertently checked on the drop-down list of DBE certified firms.

Mr. Chung noted that, if the Commission chooses to award the contract to King Enterprises, the state will have to pay \$158,351 more than its bid for the work.

Mr. Potter noted that Wyoming has a unique DBE program compared to other states. WYDOT does not have a per-project DBE attainment goal because Wyoming contractors have been very successful in securing qualified DBE subcontractors on federal jobs. When DBE firms are not contacted, as the federal program requires, they are not afforded the opportunity to work.

Mr. Fredrick noted that the second low bidder, King Enterprises, met all of the contract requirements. King Enterprises is a Wyoming-certified DBE firm, which makes its DBE commitment 100 percent on this project.

It was recommended by Mr. Fredrick that **King Enterprises, Mills, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

Mr. Downing shared that Wyoming Contractors Association (WCA) members are very committed to their participation in the DBE program. The WCA stresses at each bid letting the importance of meeting DBE goals, and it realizes the need to comply with Wyoming's DBE attainment goals and with the federal DBE Program. Mr. Downing stressed the importance of maintaining the current sound process that is used by Wyoming's contracting industry.

It was moved by Commissioner Coulter to reject all bids and to rebid the project. The motion failed for the lack of a second.

It was moved by Commissioner Seeton, seconded by Commissioner Dooley, and carried that **King Enterprises, Mills, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as the responsive low bidder. The Federal Highway Administration concurred with this decision. Commissioner Coulter voted no.

### COMMISSION DISTRICTS 2 and 3

**K. John Dooley - Commissioner**

**Todd Seeton - Commissioner**

State projects PEG1331 and ARSCT-PEG3A10 combined, involving crushing and stockpiling of crushed surfacing material and salt mixing of designated stockpiles and miscellaneous work at various locations in Transportation District 3, including Lincoln, Sublette, and Sweetwater counties.

Engineer's Estimate	\$1,211,863.50	
<b>Kilroy, LLC, Afton, WY</b>	<b>\$1,032,024.01</b>	<b>-14.8%</b>
Evans Construction Company, Jackson, WY	\$1,249,427.00	
Mountain Construction Company, Lovell, WY	\$1,298,996.10	
Lewis & Lewis Inc., Rock Springs, WY	\$1,421,504.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Ruwart, 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.

Mr. Vowles left the meeting.

Federal project NH-SR-B133111, involving bridge rehabilitation and miscellaneous work at various locations in Transportation District 3, including Sweetwater and Uinta counties.

Engineer's Estimate	\$798,955.00	
<b>Gerber Construction, Inc., and subsidiaries, Lehi, UT</b>	<b>\$910,591.00</b>	<b>+14.0%</b>
DeBernardi Construction Company, Inc., Rock Springs, WY	\$926,623.00	
Cannon Builders, Inc., Blackfoot, ID	\$959,723.00	
Reiman Corp. and Subsidiary, Cheyenne, WY	\$975,862.50	
JM Concrete, Inc., Idaho Falls, ID	\$ 1,417,060.00	

It was recommended by Mr. Fredrick, moved by Commissioner Dooley, seconded by Commissioner Anderson, and carried that **Gerber Construction, Inc., and subsidiaries, Lehi, 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.

**COMMISSION DISTRICTS 4 and 6**

**Milt Coulter - Commissioner**

**Ted Ertman - Chairman**

State project PEG1341, involving crushing and stockpiling of crushed surfacing material and salt mixing of designated stockpiles and miscellaneous work at various locations in Transportation District 4, including Campbell, Crook, Johnson, Sheridan, and Weston counties.

Engineer's Estimate	\$2,634,048.00	
<b>Concrete Foundations, Inc., Douglas, WY</b>	<b>\$2,299,032.55</b>	<b>-12.7%</b>
Western Construction Inc and Western Leasing, LLC, Rapid City, SD	\$2,203,947.00	
Plus 5% for Comparison	\$2,314,144.35	
Frost Rock Products Company, Lovell, WY	\$2,436,230.00	
McMurry Ready-Mix Co., Casper, WY	\$2,681,218.25	
Mountain Construction Company, Lovell, WY	\$2,757,802.45	

It was recommended by Mr. Fredrick, moved by Commissioner Coulter, seconded by Commissioner Ruwart, and carried that **Concrete Foundations, Inc., Douglas, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

**COMMISSION DISTRICT 5**  
**Bruce McCormack - Vice Chairman**

Federal projects NH-DR50924-CON2 and NH-DR50925 combined, involving slide repair and miscellaneous work on 0.19 mile of US 14 at RM 29.10 and 29.50, between Greybull and Burgess Junction (Bret and Upper Shell Creek Slides), in Big Horn County.

Engineer's Estimate	\$5,996,746.25	
Ralph L. Wadsworth Construction Company, LLC, Draper, UT	\$5,984,113.06	-0.2%
Irregular Proposal		
<b>Oftedal Construction, Inc., Casper, WY</b>	<b>\$6,601,559.51</b>	
Wilson Bros. Construction, Inc., Cowley, WY	\$6,885,247.50	
COP Wyoming LLC, Sheridan, WY	\$7,051,025.00	

Mr. Fredrick advised that this project was let in July 2013, and the Commission voted to reject all bids and rebid the project. The low bid in July was \$7.8 million. The plans and specifications were modified to allow the specialty contractor more time to document applicable past experience. WYDOT also provided bidders with cross sections so they could better interpret WYDOT's temporary excavation expectations, and more time was granted for the contractor to review the plans, which allowed more bid preparation time and attendance at the mandatory pre-bid meeting.

Mr. Fredrick provided the Commission with copies of the bid package from Ralph L. Wadsworth Construction Company, and he detailed the erroneous elements of the bid, including the call order number, some missing bid items, incorrect column headings, the lack of unit bid prices, illegible bid prices, and no extended price for the bid items. He also noted the lack of DBE good faith effort.

Commissioner Coulter left the meeting.

Mr. Howlett admitted that Ralph L. Wadsworth's bid was not printed correctly, and he explained that a successful test print had been run the night before the letting, but a printer malfunction occurred the morning of the bid letting. Mr. Howlett blamed the WYDOT software for the malfunction, stating that, "there was a glitch in the system." He noted that other bidders were aware of the issue and informed of a work-around to the problem. Mr. Howlett also speculated that other bidders received help from WYDOT, but Ralph L. Wadsworth was unaware of the issue and was never notified of the work-around.

Mr. Howlett stated that he knew there was a problem with their bid, that it was irregular, and they were contacted and told it was irregular. However, he believes that Ralph L. Wadsworth provided a responsive bid and that there was no error on the part of the contractor, and that "the contractor can't be held at fault." He also stated that he felt "it was unreasonable to expect that the contractor be aware of such a problem, and know the work-around to it without being notified."

Mr. Howlett claimed that, "in this situation where there's other contractors who were somehow made aware of the glitch and the work-around, and that there are others who were not, that creates an unfair and not truly an open bid situation."

Chairman Ertman asked Mr. Howlett if he was accusing the WYDOT staff of "playing favorites." Mr. Howlett denied the accusation. He exclaimed that he has no qualms with the DOT and that he believes it's an unfortunate situation.

Mr. Joshi stated that he was not made aware of his company's lack of DBE good faith effort, but he added that there was no DBE goal requirement for this project. He also offered to provide documentation of his efforts to contact numerous Wyoming-certified firms.

Mr. Fredrick noted that WYDOT's Civil Rights Officer contacted the DBE firm provided on the bid document. That DBE firm indicated that they were not contacted by Ralph L. Wadsworth Company for a subcontractor quote.

Mr. Spear testified that in rare instances when contractors have experienced printing problems, a Windows® 8.1 operating system was used to prepare and print the bid proposal. Exevision, LLC, WYDOT's bidding software developer, has found no software-related issues that would cause the printing problems. Mr. Spear affirmed that Contracts and Estimates personnel were available around the clock in the hours leading up to the bid letting to assist contractors with problems of this nature. Ralph L. Wadsworth Company has bid projects for WYDOT before, but they did not allow enough time before the bid opening to remedy the problem.

Mr. Spear also explained that, although contractors are required to provide bids in both electronic and paper formats, the low bidder's paper copy must be complete and absolutely correct, because it ultimately becomes part of the final contract between the contractor and WYDOT. Electronic bids are used by the Department to compile unit bid prices for future project estimating.

Mr. Fredrick noted that Ralph L. Wadsworth failed to provide proof of DBE good faith effort for the project prior to the bid opening.

Mr. McDonald, President of Oftedal Construction, spoke in support of its valid bid on the project. Oftedal Construction's bid was deemed responsive in accordance with WYDOT Standard Specifications for Road and Bridge Construction.

Mr. Fredrick noted Oftedahl's DBE effort of 1.29 percent.

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Vice Chairman McCormack, and carried that **Oftedal Construction, Inc., Casper, Wyoming**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as the responsive low bidder. The Federal Highway

Administration concurred with this decision. Commissioner Coulter was absent from voting on this project.

Mrs. Hegge, and Messrs. Hegge, Chung, Vowles, Joshi, Howlett, McDonald, Olson, Eddins, and Hallsten left the meeting.

Commissioner Coulter re-entered the meeting. Captain Montgomery, Lieutenant Dome, and Matthew White entered the meeting.

**COMMISSION DISTRICT 6**  
**Ted Ertman - Chairman**

Federal project IM-SR-B134112, involving bridge rehabilitations and miscellaneous work at various locations on I-90 in Transportation District 4, in Crook County.

Engineer's Estimate	\$704,993.00
<b>Reiman Corp. and Subsidiary, Cheyenne, WY</b>	<b>\$794,210.25 +12.7%</b>
S & S Builders, LLC, Gillette, WY	\$854,839.24
JM Concrete, Inc., Idaho Falls, ID	\$1,155,430.00

Reiman Construction's DBE commitment is 26.5 percent on this project.

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Dooley, 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 7**  
**Clair Anderson - Commissioner**

State project PEG1351, involving crushing and stockpiling of crushed surfacing material and miscellaneous work at various locations in Transportation District 5, in Fremont County.

Engineer's Estimate	\$1,217,500.00
<b>McMurry Ready-Mix Co., Casper, WY</b>	<b>\$1,475,050.00 +21.2%</b>

Mr. Fredrick stated that although this single bid is more than the engineer's estimate, he did not believe there would be a benefit to re-advertising the project. There is a lot of waste in manufacturing the crushed surfacing material, so a contractor-furnished pit was specified in the plans. Of the six contractors who received bid envelopes, several noted that a contractor-furnished pit was difficult to locate at a competitive cost.

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

Federal project HSIP-SEP-P142048, involving slope flattening, including grading, draining, fencing, and miscellaneous work on 1.61 miles of WYO 28, beginning at RM 38.80, between Farson and Lander, in Fremont County.

Engineer's Estimate	\$797,142.50	
<b>High Country Construction, Inc., Lander, WY</b>	<b>\$877,347.66</b>	<b>+10.1%</b>
Gale Lim Holdings, Inc., Blackfoot, ID	\$899,999.99	
Kilroy, LLC, Afton, WY	\$997,058.00	
Wilson Bros. Construction, Inc., Cowley, WY	\$997,572.50	
Patrick Construction, Inc., Lander, WY	\$1,064,713.70	
LeGrand Johnson Construction Co., Logan, UT	\$1,133,338.25	
Oftedal Construction, Inc., Casper, WY	\$1,191,103.50	
McMurry Ready-Mix Co., Casper, WY	\$1,251,203.25	

High Country Construction's DBE commitment is 13.1 percent on this project.

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Dooley, 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 DR22472, involving structure repair and miscellaneous work on I-25, at RM 139.76, at the Douglas Marginal (Esterbrook Road Separation), in Converse County.

Engineer's Estimate	\$ 95,990.00	
ERI Engineering Inc., Riverton, WY	\$117,160.00	+22.1%
<b>S &amp; S Builders, LLC, Gillette, WY</b>	<b>\$122,373.70</b>	
JM Concrete, Inc., Idaho Falls, ID	\$179,040.00	
Plus 5% for Comparison	\$187,992.00	

The bid bond provided by ERI Engineering, Inc., was insufficient because it contained an erroneous contract identification number.

Mr. Inberg addressed the Commission about his proposal and the related bid bond, and he referenced Section 102.7 of the WYDOT's Standard Specifications for Road and Bridge Construction, which defines an "improper" electronic bid bond. Mr. Inberg believed that his

company's bid bond contained all of the necessary information to create and execute a proper contract in accordance with WYDOT's Standard Specifications.

Mr. McOmie asked Mr. Inberg if he has bid on WYDOT projects before and, if so, what number he used as a contract ID number on past bid proposals. Mr. Inberg indicated that he has bid and was awarded three different WYDOT projects in the past, but he could not recollect what numbers were used on those proposals.

Mr. Fredrick advised that the contract ID number that is used on bid bonds is always the project number for which the bid bond applies.

Mr. Meeks, of S & S Builders, informed the Commission that his company provided a valid bid for the project that meets the criteria set forth in the WYDOT specifications. In the past, S & S Builders has bid on projects and was not awarded a job because of an inadvertent error, but Mr. Meeks admitted that contractors know that mistakes in bid proposals will probably result in not being awarded a job. Mr. Meeks also stated that contractors have grown to respect the Commission's evaluation and consistency in its decision-making process.

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Seeton, 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 the responsive low bidder.

Mr. Inberg left the meeting.

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

#### **COMMISSION DISTRICT 4**

##### Rural Principal Arterial

NHPP 299.28 N591007; Johnson County; Buffalo Main Street; RM 299.28; signal cabinet and service cabinet upgrade; FY 2014; request federal preliminary engineering funds of \$5,000; request federal construction engineering and construction funds of \$55,000

##### Urban Interstate

ARSCT 20.53 I901A01; Sheridan County; Sheridan Marginal; RM 20.53; enhancements; FY 2016; request preliminary engineering funds of \$281,440; estimated construction engineering and construction cost is \$3,095,840; to be reimbursed by the City of Sheridan

#### **COMMISSION DISTRICT 5**

##### Rural Local

ARSCT 0.00 2203A01; Washakie County; County Road 82; paving; FY 2018; request preliminary engineering funds of \$20,597; estimated construction engineering and construction cost is \$217,303; to be reimbursed by Washakie County

**COMMISSION DISTRICT 7**

Rural Principal Arterial

SCP 102.81 N303055; Fremont County; Diversion Dam to Riverton; RM 102.81; levee and bank armoring; FY 2014; request state preliminary engineering funds of \$40,000; request state construction engineering and construction funds of \$284,600

Rural Major Collector

IRP 0.00 CN10106; Fremont County; Eight Mile Road, County Road 10-385; FY 2014; total estimated project cost is \$2,104,000; request state Industrial Road Program (IRP) funds of \$1,000,000; the Fremont County match/overmatch is \$1,104,000

8. FY 2014 State Transportation Improvement Program (STIP): Mr. Fredrick presented the FY 2014 STIP and provided some details about its development and how it is organized. In his discussion he noted that highway projects are selected based on an engineering evaluation of the pavement and bridge conditions. Public input is gathered on these projects, and the STIP is developed by balancing the needs with the available funding for each type of roadway. The STIP also includes airport projects and a summary of pass-through funding programs for construction projects and various transit programs throughout the state. Through monthly project authorizations, the Commission authorizes preliminary engineering or construction funding for new projects. Those projects are then added to the STIP through quarterly modifications. Mr. Fredrick detailed one of the Commission districts and answered questions regarding the projects that were included in that district.

Messrs. Meeks, Spear, and Downing left the meeting.

It was recommended by Mr. Fredrick, moved by Vice Chairman McCormack, seconded by Commissioner Coulter, and carried to approve the FY 2014 STIP.

9. Lieutenant Colonel Ratliff presented the Highway Patrol report.

The Fatal Crash Summary through August 31, 2013, includes 52 fatal crashes involving 58 deaths. The fatalities include 32 rollover crashes, 13 multi-car crashes, 2 fixed objects, 9 motorcycles and all-terrain vehicles, and 2 pedestrians. Of the 52 crashes that occurred so far this year, 11 involved commercial vehicles.

There have been 13 crashes to date deemed alcohol related, resulting in 15 deaths. Of those deaths, 12 were attributed to not using occupant restraints.

Of the 58 deaths that have occurred to date this year, 31 can be attributed to the non-use of occupant restraints, with 26 involving rollover crashes, and 5 involving multi-car collisions. Of the 31 deaths that occurred from non-use of occupant restraints, 23 were Wyoming residents, and

8 were non-residents. Thirteen of those who perished were under 20 years of age, and 8 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 July 31, 2013. The summary depicts 3,504 crashes statewide, of which 2,881 involved non-commercial vehicles, and 623 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of August 31, 2013, have been DUI related. There have been 854 field arrests made so far this year, including:

- DUI arrests from crashes – 55
- DUI arrests from traffic stops – 300
- DUI arrests from the REDDI Program – 91
- DUI arrests from ports-of-entry – 4
- NCIC hits (person) – 33
- Wyoming warrants hits – 134
- Drug arrests – 138
- Other arrests – 99

Lieutenant Colonel Ratliff noted the significant reduction in fatalities, which are 24 less than last year. Vice Chairman McCormack asked if the Highway Patrol can pinpoint a specific reason for the reduction. Lieutenant Colonel Ratliff believes that the Highway Patrol is making a difference by enforcing a zero tolerance for non-seat belt use, the installation of cable median barrier on interstate routes, and the implementation of variable speed limits on I-80 during inclement weather and traffic-related events.

10. Lieutenant Colonel Ratliff presented a revised rule for Chapter 5, Motor Carrier Section, Size and Weight Limitations of Vehicles, from the *Wyoming Department of Transportation Rules and Regulations*, General Section.

Many public comments were received during the statutory 45-day comment period. The purpose of changes is to bring the rule into compliance with Wyoming Statutes, Federal Regulations, and the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) federal transportation funding bill. Captain Montgomery briefed the Commission on the specific rule changes.

It was recommended by Lieutenant Colonel Ratliff, moved by Commissioner Seeton, seconded by Vice Chairman McCormack, and carried to approve the following resolution:

## RESOLUTION

**WHEREAS**, the Wyoming Department of Transportation with the approval of the Transportation Commission of Wyoming, pursuant to W.S. 24-2-105 and W.S. 31-18-804(j) 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 Motor Carrier Section Chapter 5, Size and Weight Limitations of Vehicles, to administer provisions for issuing permits to operate vehicles or loads exceeding legal statutory limits as described in W.S. 31-18-801 through W.S. 31-18-808; and

**WHEREAS**, this revised rule and regulation incorporates recent legislative changes and substantially updates technical language and definition; and

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

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

**NOW THEREFORE BE IT RESOLVED** that the Transportation Commission of Wyoming officially adopts Motor Carrier Section Chapter 5, Size and Weight Limitations of Vehicles.

Captain Montgomery, Lieutenant Dome, and Mr. White left the meeting.

11. Mr. Byrne presented the Aeronautics report, including the August 2013 Aeronautics Flight Operations Passenger Summery Report.

12. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner Dooley, seconded by Commissioner Coulter, and carried to approve, by consent, the following bids:

- Bid number 13-316 to furnish wayside horn systems for delivery in Worland. The bid was awarded to Railroad Controls Limited, of Benbrook, Texas, for the sum of \$154,500.05.
- Bid number 13-321 to remove hazardous trees on WYO 210 and Interstate 80 in Albany County. The bid was awarded to Forest Products, Inc., of Walden, Colorado, for the sum of \$87,490.00.
- Bid number 13-330 to furnish 10 each, new, current model, all-wheel-drive patrol sedans with police package, for delivery at Wireless Advanced Communication (WAC) in Evans,

Colorado (the installer). The bid was awarded to Sheridan Motors, Inc., of Sheridan, Wyoming, for the sum of \$254,220.00.

- Bid number 13-331 to furnish 30 each, new, current, model, Dodge Charger patrol sedans with police package, for delivery at Wireless Advanced Communication (WAC) in Evans, Colorado (the installer). The bid was awarded to Greiner Motor Company - Douglas, of Douglas, Wyoming, for the sum of \$710,040.00.
- Bid number 13-332 to furnish two each, new, current model, four-wheel-drive GMC Yukon XL sport utility vehicles, for delivery at Wireless Advanced Communication (WAC) in Evans, Colorado (the installer). The bid was awarded to Halladay Motors, of Cheyenne, Wyoming, for the sum of \$83,780.00.

It was recommended by Mr. Shultz, moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried to approve purchase for bid number 13-314 to furnish janitorial maintenance at the Dwyer Junction Rest Area, for a period of 12 months. The bid was awarded to DeAnne F. Hensel, of Wheatland, Wyoming, for the sum of \$52,488.96.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Ruwart, and carried to approve purchase for Requisition Number 0000031569 to furnish on-site annual pre-season maintenance for the existing 77 WYDOT road weather information system (RWIS) sites, including WS/WD sensor bearings as needed for replacement, and travel costs (excluding airfare, which will be billed at cost). The contract was awarded to Vaisala, Inc., of Louisville, Colorado, for the sum of \$53,408.00.

13. It was moved by Vice Chairman McCormack, seconded by Commissioner Anderson, and carried to move into executive session to discuss a legal matter. Messrs. Potter, Loftin, Hibbard, and McGee left the meeting. The Commission went into executive session at 11:55 a.m.

14. It was moved by Vice Chairman McCormack, seconded by Commissioner Dooley, and carried to move out of executive session. The Commission came out of executive session at 12:18 p.m.

15. It was moved by Vice Chairman McCormack, seconded by Commissioner Seeton, and carried to adjourn the meeting. Chairman Ertman adjourned the meeting at 12:18 p.m., on Thursday, September 19, 2013.