

TRANSPORTATION COMMISSION OF WYOMING

The Transportation Commission of Wyoming met in the Commission Room of the Transportation Headquarters building in Cheyenne on October 20, 2011. The meeting was convened at 8:30 a.m. by Chairman Covello. The following members were present constituting a quorum:

Cactus Covello, Jr., Chairman, Torrington
Jim Latta, Vice Chairman, Pinedale
Ted Ertman, Commissioner, Newcastle
Clair Anderson, Commissioner, Riverton
Bruce McCormack, Commissioner, Cody
John F. Cox, Director
Sandra J. Scott, Commission Secretary

Also present at and participating in the meeting were: Delbert McOmie, Chief Engineer; Gregg Fredrick, Assistant Chief Engineer of Engineering and Planning; Ken Shultz, Assistant Chief Engineer of Operations; Tom Loftin, Support Services Administrator; Colonel Jess Oyler, Highway Patrol Administrator; Dennis Byrne, Aeronautics Administrator; Mike Kahler, Assistant Attorney General; Kevin Hibbard, Budget Officer; Dave Kingham, Assistant Public Affairs Manager; and Joe Dailey, Division Administrator, Federal Highway Administration.

Others present: Janae Myers, Manager, and Paul Miedermuller, Engagement Partner, with Clifton Gunderson LLP, Certified Public Accountants & Consultants, of Greenwood Village, Colorado; Kristin Burkart, Internal Review Services Manager; David Stearns, Financial Services Manager; Joel Meena, State Traffic Engineer; John Sherman, Lands Management Administrator; and Matt Carlson, State Highway Safety Engineer.

Commissioner K. John Dooley, of Laramie, was absent.

1. Pledge of Allegiance: Chairman Covello led the attendees in the Pledge of Allegiance.
2. Chairman Covello opened the meeting with a moment of silence in memory of former Commissioner Jim Hladky, of Gillette, who died October 1, 2011, in a helicopter crash in South Dakota.
3. Changes/Additions to the Agenda: Secretary Scott requested that Item 11.b, FY 2011 Audit Briefing, be moved up on the Commission agenda to Item 6.b. The Commission accommodated the request.
4. Approval of Minutes: It was recommended by Secretary Scott, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried to approve the minutes from the September 14, 2011, budget presentation; September 15, 2011, breakfast meeting, regular business meeting, and executive session; and September 29, 2011, special teleconference meeting.

5. Correspondence: Secretary Scott presented a note from Mr. Al Hultgren, of Payne Financial Group, expressing his appreciation for the Commission allowing him to present information about the bid bond that was provided on behalf of Mountain Construction Company for Project PEG1141 and for the Commission accepting Mountain Construction Company's bid.

6. Secretary Scott also presented a letter from Shoshone Municipal Water Joint Powers Board members regarding the August 9, 2011, letting held by the Shoshone Irrigation District for the relocation of a water pipeline between Cody and Powell. The board expressed its concerns about recent criticism by newspaper editors, several legislators, and state officials about its prequalification criteria, including experience with installing a 24-inch pipeline. In the letter, the board stood by its decision to maintain strict prequalification criteria and maintains that it followed the correct statutory process in letting the project.

7. A letter from Barb and Jerry Rogers, of Riverton, Wyoming, was also presented. In their letter, Mr. and Mrs. Rogers requested that the Heart Mountain Interpretive Learning Center in Cody be included on the official State Highway Map as a point of interest. The letter was addressed to the Governor's office and copied to the Transportation Commission, but such requests are typically handled through the Public Affairs Program and are approved by WYDOT's director. A response was sent to Mr. and Mrs. Rogers notifying them that the Department agrees with their suggestion and that the site would be included on the next map publication in early 2012.

8. A letter was also presented from the Board of Carbon County Commissioners. The board requested that the Transportation Commission reconsider its August 18, 2011, decision to deny an additional access to property near Encampment that is owned by Ms. Alice Platt. The county commissioners suggested widening the existing approach to the east as a potential solution to the matter.

9. Old Business: Mr. Shultz addressed the Board of Carbon County Commissioners' letter regarding the Alice Platt access request. Mr. Shultz spoke with Ms. Platt since receiving the letter, and she has requested that the Transportation Commission reconsider its denial of a new access to her property. The Access Review Committee (ARC) has revisited the request and feels that because there is currently no reasonable access to the property, there are no site distance challenges, the roadway has a very low daily traffic count, and the access would create a marginal spacing infringement, the ARC felt that perhaps a waiver could be granted in this case if the Commission agreed. Mr. Shultz also noted that an access would create a very minor safety concern, at best, and that Ms. Platt had exhausted all of her options to gain access to her landlocked property. Should the Commission decide to overturn its August 18, 2011, decision to deny Ms. Platt's request for access, the Department does have enough evidence to support reversing its decision.

Vice Chairman Latta asked what circumstances had changed that would warrant a change in the Commission's original decision to deny the request. Mr. Meena advised that in the access appeals process, it is the landowner's responsibility to go through the discovery process. The inability to meet the minimum spacing requirement still exists, and Ms. Platt has gone back to the Carbon

County Commission, but and it denied her request. Mr. Meena added that the road leading to the potential access location has a very low traffic count and that there is about 48 to 50 feet of spacing where the access could be placed. Also, the ARC has no flexibility in the WYDOT Rules and Regulations to sway from the access criteria when considering requests. The Transportation Commission, however, has wide discretion in its decisions. The field approach would be used seldomly and would create a very low risk. If the property were sold and its use changed, the new landowner would be required to apply for an exception for a different use. If a subdivision were ever built on the property, the access would have to be reconsidered for that use. Mr. Meena advised that there are controls in place that would regulate the future land use.

Director Cox affirmed that Ms. Platt had followed the proper process to bring her case back to the Commission for reconsideration. However, the Carbon County Commission letter did not provide an explanation of why it denied Ms. Platt's request for a forced access to her property. The letter also did not provide a reason for asking the Transportation Commission to reconsider Ms. Platt's access request.

Mr. Meena advised that 9 of the last 15 access requests were approved by the ARC and that each application is reviewed on a case-by-case basis.

The Carbon County Commission suggested widening the existing approach to the east, which would make the access a joint-use access. Both landowners must agree to such an approach, and according to Ms. Platt, negotiations so far have been unsuccessful.

It was moved by Vice Chairman Latta, seconded by Commissioner Ertman, and unanimously carried to deny Ms. Platt's request for access to her IK Ranch property because of public safety concerns.

Mr. McOmie asked Mr. Meena whether the county could force the adjoining landowner to allow Ms. Platt to use the existing approach due to her lack of access to her property. Mr. Meena indicated that he didn't know if that was possible. WYDOT typically requires a letter from the adjoining landowner denying access before a forced access can be granted.

Messrs. Meena, Sherman, and Carlson left the meeting.

10. Director Cox presented the Director's report.

American Association of State Highway and Transportation Officials (AASHTO) Meeting: Director Cox attended the 2011 AASHTO meeting, October 13-17, 2011, in Detroit, Michigan. Mr. Kirk Steudle, Michigan Department of Transportation Director, was elected as the 2011-2012 AASHTO president.

Federal Highway Bill Update: The current Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) bill extension will expire on November 18, 2011. Congress continues to work toward a permanent solution to fund the future of the nation's highways.

The Senate Finance Committee has recommended a two-year bill, and the House Transportation Committee has recommended a six-year bill. The bill has taken on many different aspects during its composition, but the only common denominator so far has been that the next bill will have significantly less funding than the last highway bill. AASHTO has advised that if a new bill isn't passed by March 2012, it will be very difficult to get a permanent, long-term bill passed before the next presidential election.

Review of State Executive Department Positions: The 2011 Legislature adopted House Bill 0252, which required that a study be conducted of state executive department positions. The initial study recommends that 52 WYDOT positions be changed to at-will status through attrition. Director Cox advised that executive staff has great concerns about the effect this will have on the Department's operations and its ability to hire future managers, if the study is implemented.

FY 2012 Budget Requests: Executive staff is scheduled to meet with Governor Matt Mead and his staff on November 1, 2011, to review the Department's FY 2012 budget. The budget contains a request for six additional full-time positions for Highway Patrol Dispatch and six new full-time positions for Driver Services. WYDOT had 86 vacant pool positions that could have been used to fulfill the need in these areas, but unfilled positions were stripped from state agencies in 2011 in an effort to cut budgets. Director Cox hopes to have an opportunity to discuss the predicament at the November 1 budget meeting.

11. Mr. Hibbard presented the Budget report.

Monthly Budget Report: The Department received its October federal mineral royalty and state severance tax distribution, which helped to solidify its cash balance during a typically lean time.

The Department has only \$87,110 remaining to be spent of its \$157 million surface transportation American Reinvestment and Recovery Act (ARRA) funds. The remaining funds are left over from projects that were underrun. Application has been made through the FHWA to re-obligate the remaining funds to an existing ARRA project—Rattle Snake Ridge in District 5. This project experienced two project modifications because of water issues, which qualify for ARRA funding, and WYDOT is cautiously optimistic that the request will be approved. Some funding adjustments will be necessary in November, but the Department will have spent all of its ARRA funds shortly thereafter.

The monthly budget report revealed that only 88 percent of the budgeted Commission overhead was expended during FY 2011. Mr. Hibbard stated that the primary cause of the underrun was lower snow removal expenses. Employees also received a two-month health insurance premium holiday late in the year, which helped cushion the budget from employee-paid benefits in FY 2011.

Chairman Covello temporarily left the meeting and passed the gavel to Vice Chairman Latta to conduct business.

12. Mr. Shultz introduced Ms. Janae Myers and Mr. Paul Miedermuller, of Clifton Gunderson, LLP, to present information about the FY 2011 Department-wide audit. Ms. Kristin Burkart and Mr. David Stearns were also introduced to the Commission.

Mr. Shultz advised that the Department requested proposals for the FY 2012 Department-wide audit and that Clifton Gunderson, LLP, of Greenwood Village, Colorado, was selected to perform the services. Clifton Gunderson has extensive experience in auditing public service entities.

The scope of the audit will be a financial statement audit and a single audit. Single audit procedures will be performed with the assistance of WYDOT's Internal Review Services staff. Initial major program determinations will be made on the planning and construction programs, formula grants for other urbanized areas, and for alcohol open container requirements.

The auditor is responsible for expressing an opinion of whether the financial statements are in conformity with the United States Generally Accepted Accounting Principles (GAAP) in all material respects and of only the information identified in its report. The auditor will also follow Generally Accepted Auditing Standards (GAAS), which are applicable to financial audits contained in *Government Auditing Standards* that are issued by the U.S. Comptroller General and Office of Management Budget Circular A-133, *Audits of States, Local Governments, and Non-profit Organizations*. Communication of significant audit-related matters, information required by law and/or regulations, and other information as agreed to will also be conveyed to the Department throughout the audit.

A GAAS audit does not relieve management of its responsibilities. It gives consideration to internal control as a basis for audit procedures but does not provide an opinion on the effectiveness of internal controls. GAAS audits are designed to obtain reasonable, but not absolute, assurance about whether financial statements are free of material misstatements.

A planning meeting was held between WYDOT's Internal Review Services and Financial Services programs and the Clifton Gunderson audit team to discuss the timing, strategies, and audit schedule. Specific areas of concern and audit expectations were also reviewed.

Mr. Miedermuller explained Clifton Gunderson's approach to the audit. In accordance with GAAP, an engagement letter will be issued at the onset of the audit and will remain in effect until the completion or closeout of the engagement. Significant accounts will be the primary focus of the audit efforts, including accounts that are quantitative and/or qualitative in nature (a matter of auditor judgement). The auditor will obtain an understanding of the risks (risk of error and/or fraud) and will control the environment of each. The nature of the account and risks identified will dictate whether a test of operating effectiveness will be performed. The following accounts are considered significant accounts:

- Cash and investments and related investment income (loss)
- Accounts receivables
- Inventory
- Capital assets
- Accounts payable and accrued expenses
- Compensated absences
- Federal, state, and local grants
- Motor fuels and registration taxes
- Severance taxes and royalties
- Operating expenses
- Project/construction expenses

Other areas that may require review include those detailed in the Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, and GASB Statement No. 59, *Financial Instruments Omnibus*.

The final financial and compliance report is due to be released in February 2012.

Ms. Myers and Messrs. Miedermuller and Stearns left the meeting.

Chairman Covello re-entered the meeting.

13. Mr. Fredrick presented the Engineering and Planning report, beginning with the bid tabulations from the letting held October 13, 2011, in Laramie.

COMMISSION DISTRICT 1
Cactus Covello - Chairman

State project SCP-SL12-1102005, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, chip seal, concrete pavement, construction of a new bridge, guardrail, signing, fencing, and miscellaneous work on 2.74 miles along WYO 213 in the town of Burns, in Laramie County. Completion date - September 30, 2012

Engineer's Estimate	\$7,091,389.60	
Reiman Corp., Cheyenne, WY	\$6,599,716.55	-6.9%
Knife River, Cheyenne, WY	\$6,722,586.40	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$7,217,458.02	
McMurry Ready-Mix Co., Casper, WY	\$7,503,627.79	
Oftedal Construction, Inc., Miles City, MT	\$7,857,380.40	

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

COMMISSION DISTRICTS 1 and 2
Cactus Covello - Chairman
K. John Dooley - Commissioner

Federal projects NH-PM-B121018 and CMP-PM-SL12-B121032 combined, involving crack sealing and miscellaneous work on 85.62 miles on various roads in Transportation District 1, including Albany, Carbon and Laramie counties. Completion date – April 30, 2012

Engineer's Estimate	\$445,625.00
Z & Z Seal Coating, Inc., Billings, MT	\$495,527.78 +11.2%
Superior Asphalt, L.C., Magna, UT	\$688,027.00
Hardrives Construction, Inc., Billings, MT	\$732,365.98

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried that **Z & Z Seal Coating, 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.

COMMISSION DISTRICTS 1, 2, 4 and 7
Cactus Covello - Chairman
K. John Dooley - Commissioner
(District 4 Vacant) - Commissioner
Clair Anderson - Commissioner

State project CMP-PM-SL12-B122004, involving crack sealing and miscellaneous work on various roads in Transportation District 2, including Carbon, Converse, Goshen Johnson, Natrona and Platte counties. Completion date – May 15, 2012

Engineer's Estimate	\$1,136,350.00
Highway Improvement, Inc., Harrisburg, SD	\$1,076,781.00 -5.2%
Z & Z Seal Coating, Inc., Billings, MT	\$1,353,201.69
Hardrives Construction, Inc., Billings, MT	\$1,610,842.76

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner Ertman, and carried that **Highway Improvement, Inc., Harrisburg, SD**, having prequalified in accordance with rules and regulations adopted by the Transportation Commission of Wyoming, be awarded the contract as low bidder.

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

Federal projects IM-0803132 and IM-I803144 combined, involving grading, draining, milling plant mix, placing crushed base and bituminous pavement surfacing, wearing course, concrete pavement structure rehabilitation, electrical, guardrail, fencing, and miscellaneous work on 8.21 miles on I-80, beginning at reference marker (RM)153.78, between Rock Springs and Rawlins (Tipton Section), in Sweetwater County. Completion date – October 31, 2013

Engineer’s Estimate	\$16,147,877.00	
McMurry Ready-Mix Co., Casper, WY	\$17,090,048.19	+5.8%
Knife River, Cheyenne, WY	\$17,121,756.30	
Simon Contractors and Subsidiaries, Cheyenne, WY	\$17,733,200.71	
H-K Contractors, Inc., Idaho Falls, ID	\$17,963,063.40	

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

Federal project HSIP-I804252, involving grading, removal and replacement of guardrail, cable median barrier, and miscellaneous work along I-80, beginning at RM 211.46 at the Rawlins Marginal, in Carbon County. Completion date – August 31, 2012

Engineer’s Estimate	\$426,530.00	
Welford Industries, Cheyenne, WY	\$315,180.00	-26.1%
Hout Fencing of Wyoming, Inc., Worland, WY	\$355,485.00	
K’S Construction, Inc., Otto, WY	\$412,696.00	
Cruz Construction, Inc., Colorado Springs, CO	\$462,519.64	

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried that **Welford Industries, 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.

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

Federal project NH-N104085, involving installation of snow structures and miscellaneous work along U.S. Highway 26/89, south of Jackson, at RM 151.0, in Teton County. Completion date – June 30, 2013

Engineer's Estimate	\$2,084,174.24
Kilroy, LLC., Afton, WY	\$3,498,800.00 +67.9%

Mr. Fredrick advised that this project involves rectangular tube snow fence-type structures that are 12 feet wide and 6 feet tall and have 5 slats to catch the snow. The fences are installed at a 75 degree incline and will be anchored to the mountain with drilled post tensioned foundations. There are 87 snow structures to be installed and 61 tree plantings on the mountain, and helicopters must be used for installation. This is the first time that the Department has designed and bid this type of project, and the advertisement for bids did not reach out to contractors that would typically bid this type of work. The design engineer believes that the engineer's estimate is accurate.

It was recommended by Mr. Fredrick to reject the bid. The Federal Highway Administration concurred with this recommendation. Commissioner Ertman moved that the bid be accepted, and Vice Chairman Latta seconded the motion, but the motion failed, and the bid was rejected.

Commissioner McCormack asked if the internet could be used to reach a broader contracting audience. Mr. Fredrick advised that the Department advertises its projects through local print media and on its web site. Additionally, various plan sale warehouses across the country advertise select WYDOT projects; however, the unique aspects of this project may require a different bid solicitation process. WYDOT staff will need to ponder whether this is a cost-effective solution and decide its future before placing it in another letting.

Federal project NH-N103107, involving grading, restoration and reclamation at various locations on U.S. Highway 26/89 between Alpine Junction and Hoback Junction (Double Draw Slide), in Lincoln County. Completion date – September 30, 2012

Engineer's Estimate	\$670,732.00
Kilroy, LLC., Afton, WY	\$545,430.00 -18.7%
H-K Contractors, Inc., Idaho Falls, ID	\$596,567.00
Oftedal Construction, Inc., Miles City, MT	\$641,402.05
MD Nursery & Landscaping, Inc., Driggs, ID	\$888,285.00

It was recommended by Mr. Fredrick, moved by Vice Chairman Latta, seconded by Commissioner McCormack, and carried that **Kilroy, LLC., Afton, 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 4
(Vacant) - Commissioner

Federal projects IM-DR41323, IM-DR41324 and IM-DR41314 combined, involving reconstruction of landslides at various locations on I-90, in Sheridan County. Completion date – April 30, 2012

Engineer's Estimate	\$552,167.50	
DRM, Inc., Gillette, WY	\$617,596.25	+11.8%
Oftedal Construction, Inc., Miles City, MT	\$686,790.00	
Mountain View Building, Inc., Sheridan, WY	\$799,900.00	
Intermountain Construction & Materials, Inc., Gillette, WY	\$813,383.19	

It was recommended by Mr. Fredrick, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried that **DRM, Inc., Gillette, 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
Bruce McCormack - Commissioner

Federal project NH-N361053, involving grading, draining, placing crushed base and bituminous pavement leveling and surfacing, structure, fencing, electrical, and miscellaneous work on 3.35 miles of US 16, beginning at reference marker 1.52, just outside of Worland, in Washakie County. Completion date – October 31, 2012

Engineer's Estimate	\$7,428,250.80	
Hout Fencing of Wyoming, Inc., Worland, WY	\$6,939,266.45	-6.6%
McGarvin-Moberly Construction Company, Worland, WY	\$7,567,787.59	
Oftedal Construction, Inc., Miles City, MT	\$8,796,033.00	
Intermountain Construction & Materials, Inc., Gillette, WY	\$8,937,390.24	
High Country Construction, Inc., Lander, WY	\$9,067,015.14	
McMurry Ready-Mix Co., Casper, WY	\$9,340,501.85	

Vice Chairman Latta inquired about Hout Fencing's work performance. Mr. Fredrick advised that Hout Fencing has nearly completed the I-25 project near Douglas, and although they have had some "learning pains," the work will be completed. He noted that based on this project, District Engineer Lowell Fleenor believes that if Hout Fencing combines its knowledge and the lessons learned from the I-25 project, the company should be successful on other jobs that are similar in size and type.

It was recommended by Mr. Fredrick, moved by Commissioner Anderson, seconded by Commissioner McCormack, and carried that **Hout Fencing of Wyoming, Inc., 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.

COMMISSION DISTRICTS 5 and 7
Bruce McCormack - Commissioner
Clair Anderson - Commissioner

Federal projects NH-PM-B125008 and CMP-PM-SL12-B125034 combined, involving crack sealing and miscellaneous work on various roads in Transportation District 5, including Big Horn, Fremont, Hot Springs, Park and Washakie counties. Completion date – June 15, 2012

Engineer's Estimate	\$1,473,216.00	
Highway Improvement, Inc., Harrisburg, SD	\$1,526,903.15	+3.6%
Hardrives Construction, Inc., Billings, MT	\$2,009,403.45	

It was recommended by Mr. Fredrick, moved by Commissioner McCormack, seconded by Commissioner Anderson, and carried that **Highway Improvement, Inc., Harrisburg, SD**, 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-B125025, involving installation of curve chevrons and miscellaneous work at various locations in Transportation District 5, including Big Horn, Fremont, Hot Springs, Park and Washakie counties. Completion date – July 31, 2012

Engineer's Estimate	\$186,785.00	
Keyhole Technologies, LLC., Mills, WY	\$181,152.80	-3.0%
Hout Fencing of Wyoming, Inc., Worland, WY	\$183,807.80	
S & L Industrial, Cowley, WY	\$268,290.00	

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

14. Disadvantaged Business Enterprise (DBE) Efforts: WYDOT's annual overall DBE goal is 4.46 percent for its surface transportation projects. The Department has exceeded its goal again in FY 2011 by reaching a 6.54 percent DBE participation rate. Wyoming is one of only a few states that is meeting its goals and does so without having a DBE requirement on each project. Mr. Dailey advised that WYDOT consistently meets its goal by working with the Wyoming Contractors Association to embrace the program. One of the reasons that WYDOT has been so successful is because its bidding procedures simplify the DBE process, which makes it conducive for contractors to meet the DBE contracting requirements. Mr. Fredrick recognized Mr. Kent Lambert and Mrs. Lisa Fresquez for their ongoing efforts toward making Wyoming's DBE Program such a success.

Mr. Dailey noted that Wyoming's DBE participation goal may be raised in the future since it has exceeded its goal for so many consecutive years.

15. Contractor Bid Bond Documents: At the September 2011 Commission meeting, Mr. Fredrick advised that he would investigate the possibility of changing the Department's electronic bid documents to ensure that the contract verifies the bid bond information before a contractor could officially submit a bid. The software is being amended to include a check box denoting that the contractor has verified the amount and the payee of the bid bond before the bid can be finalized. Once the box is checked, the bond information will be printed on the bid cover page. This change will be implemented with the December bid letting. Contractors will be notified of the change and will be trained at the November letting.

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

COMMISSION DISTRICT 1

Urban Interstate

STP 8.34 I180020; Laramie County; Cheyenne Interstate Spur, I-180; Reference Marker (RM) 8.34 to 9.12; upgrade and add sidewalks to meet Americans With Disabilities Act (ADA) Standards; FY 2012; request federal preliminary engineering funds of \$36,000; request federal construction engineering and construction funds of \$364,000

COMMISSION DISTRICT 2

Rural Interstate

IM-PM 92.14 I802199; Sweetwater County; Green River to Rock Springs; RM 92.14 to 99.38; pavement maintenance; FY 2012; request federal preliminary engineering funds of \$3,457; request federal construction engineering and construction funds of \$849,803

Rural Local

HSIP 0.00 CN05077; Albany County; Tie Plant Road, Union Pacific Railroad (UPRR); crossing circuitry; FY 2012; request federal construction engineering and construction funds of \$482,620

HSIP 0.00 CN05078; Albany County; Tie Plant Road, UPRR; crossing surfacing; FY 2012; request federal construction engineering and construction funds of \$126,966

COMMISSION DISTRICT 3

Rural Major Collector

ACSTP 7.00 DR32465; Sublette County; WY 351, bridge over Green River; RM 7.00; riprap bank protection; FY 2012; request federal preliminary engineering funds of \$17,877; request federal construction engineering and construction funds of \$206,481

COMMISSION DISTRICT 4

Rural Principal Arterial

BR 83.54 N372040; Sheridan County; Burgess Junction to Dayton, bridge over Tongue River; RM 83.54; structure rehabilitation; FY 2012; request federal preliminary engineering funds of \$35,000; request federal construction engineering and construction funds of \$412,000

Rural Minor Arterial

STP 45.60 2300038; Campbell County; Newcastle to Reno Junction, County Line West Section; RM 45.60 to 51.04; mill and overlay; request move from FY 2013 to FY 2012; request federal construction engineering and construction funds of \$5,788,287

Rural Major Collector

PEG 0.00 PEG1242; Johnson County; Buffalo South; RM 294.63 to 299.42; stockpile materials; FY 2012; request state preliminary engineering funds of \$5,000; request state construction engineering and construction funds of \$176,000

COMMISSION DISTRICT 5

Rural Principal Arterial

SCP 25.82 N331027; Hot Springs County; Thermopolis to Meeteetse; RM 25.82; erosion control; FY 2012; request state preliminary engineering funds of \$5,000; request state construction engineering and construction funds of \$30,000

ACNH 31.30 DR50908; Washakie County; Ten Sleep to Buffalo; RM 31.10 to 31.30; erosion scour repair; FY 2012; request federal preliminary engineering funds of \$6,000; request federal construction engineering and construction funds of \$293,933

ACNH 0.39 DR50954; Park County; Yellowstone Park to Cody; RM 0.39 to 0.59; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$21,200; request federal construction engineering and construction funds of \$233,090

ACNH 4.12 DR50956; Park County; Yellowstone Park to Cody; RM 4.12 to 4.52; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$30,000; request federal construction engineering and construction funds of \$329,950

ACNH 5.75 DR50957; Park County; Yellowstone Park to Cody; RM 5.75 to 6.15; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$13,700; request federal construction engineering and construction funds of \$150,400

ACNH 15.73 DR50958; Park County; Yellowstone Park to Cody; RM 15.73 to 15.93; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$3,011; request federal construction engineering and construction funds of \$33,121

ACNH 24.74 DR50959; Park County; Yellowstone Park to Cody; RM 24.74 to 24.94; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$7,281; request federal construction engineering and construction funds of \$80,090

ACNH 44.40 DR50961; Park County; Yellowstone Park to Cody; RM 44.40 to 44.60; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$8,003; request federal construction engineering and construction funds of \$88,812

ACNH 29.55 DR50963; Washakie County; Ten Sleep to Buffalo; RM 29.55 to 30.00; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$8,400; request federal construction engineering and construction funds of \$92,400

Rural Major Collector

ACSTP 0.00 DR50962; Washakie County; Manderson to Ten Sleep, County Road 47; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$11,500; request federal construction engineering and construction funds of \$127,035

COMMISSION DISTRICT 6

Rural Interstate

IM 186.30 I904133; Crook County; I-90, Sundance Marginal; RM 186.30 to 188.80; replace fence; FY 2013 construction; request federal preliminary engineering funds of \$10,000

Rural Minor Collector

BROS 0.00 CN14063; Niobrara County; Lance Creek Bridge; FY 2014 construction; request federal preliminary engineering funds of \$209,000

COMMISSION DISTRICT 7

Rural Principal Arterial

ACNH 69.00 DR50913; Fremont County; Dubois to Diversion Dam; RM 69.00 to 69.10; erosion and scour repair; FY 2012; request federal preliminary engineering funds of \$3,000; request federal construction engineering and construction funds of \$139,177

COMMISSION DISTRICT M (Miscellaneous)

Rural Interstate

IM-SR 61.59 B123089; Uinta and Sweetwater counties, District 3, various I-80 bridge rehabilitations; FY 2012; request federal preliminary engineering funds of \$37,500; request federal construction engineering and construction funds of \$1,250,000

Rural Major Collector

STP-PM 132.99 B135021; District 5, various locations, non-NHS; chip seal; FY 2013 construction; request federal preliminary engineering funds of \$14,400

Rural Local

NRT 0.00 NRT1202; statewide, national recreation trails; FY 2012; request federal other funds of \$70,000; administered by State Parks and Cultural Resources

17. Colonel Oyler presented the Highway Patrol report.

The Fatal Crash Summary through September 30, 2011, includes 92 fatal crashes involving 105 deaths. The fatalities include 45 rollover crashes, 30 multi-car crashes, 7 fixed objects, 19 motorcycles and all-terrain vehicles, 4 pedestrians, and 18 commercial vehicles.

There have been 26 crashes to date deemed alcohol related that resulted in 32 deaths. Of those deaths, 19 were attributed to not using occupant restraints.

Of the 105 deaths that have occurred this year, 47 can be attributed to the non-use of occupant restraints, with 37 involving rollover crashes, 9 involving multi-car collisions, and 1 involving a fixed object. Of the 47 deaths that occurred from non-use of occupant restraints, 32 were Wyoming residents and 15 were non-residents.

Patrol-Investigated Crash Summary: The Patrol-Investigated Crash Summary reflects activity through August 31, 2011. The summary depicts 3,780 crashes statewide, of which 3,122 involved non-commercial vehicles and 658 involved commercial vehicles.

Patrol Field Arrest Activity: Field arrest activity indicates that the majority of arrests made as of September 30, 2011, have been DUI related. There have been 1,086 field arrests made so far this year, including:

- DUI arrests from crashes – 87
- DUI arrests from traffic stops – 475
- DUI arrests from the REDDI Program – 117
- DUI arrests from ports-of-entry – 11
- NCIC hits (person) – 33
- Wyoming warrants hits – 105
- Drug arrests – 116
- Other arrests – 142

Colonel Oyler advised that nine new troopers will be commissioned before the Wyoming Supreme Court on October 20, 2011. Two additional weeks of classroom training will be provided before each trooper is given complete law enforcement privileges.

18. Mr. Buyske presented the Aeronautics report in Mr. Byrne's absence, beginning with the September 2011 Aeronautics Flight Operations Passenger Summary Report and the Wyoming Aircraft Accident Report.

Aeronautics Flight Operations Aircraft Usage Report - Fiscal Years 2008-2011: Mr. Buyske provided a three-year summary of state aircraft usage. The report was detailed by individual agencies and organizations that used the plane from 2008 through 2011 and delineated aircraft usage by individual programs within WYDOT.

Director Cox stated that he believes the report will provide further justification for the state utilizing jets rather than prop planes. The report provides proof that jets are a more efficient and cost effective means of travel throughout Wyoming.

19. Mr. Shultz presented the Operations report.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-282 to furnish four each, 30' x 40' post-frame salt/sand storage buildings to be constructed in Casper, Chugwater, Midwest, and Wheatland. The bid was awarded to Norb Olind Construction, Inc., of Wheatland, Wyoming, for the sum of \$269,689.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner McCormack, and carried to approve purchase for bid number 11-311 to furnish three each, new, current model, four-door, full-size sedans for delivery in Cheyenne. The bid was awarded to Fremont Chevrolet GMC, of Lander, Wyoming, for the sum of \$55,197.63.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Anderson, and carried to approve purchase for bid number 11-312 to furnish three each, new, current model, seven-passenger mini-vans for delivery in Casper, Evanston, and Riverton. The bid was awarded to Greiner Motor Co., of Douglas, Wyoming, for the sum of \$59,460.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-313 to furnish five each, new, current model, four-wheel-drive utility vehicles for delivery in Cheyenne, Kemmerer, Rock Springs, and Cody. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$145,905.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried to approve purchase for bid number 11-315 to furnish seven new, current model, conventional-cab, pool pickup trucks for delivery in Cheyenne, Sheridan, Laramie, and Douglas. The bid was awarded to Spradley Barr Motors, Inc., of Cheyenne, Wyoming, for the sum of \$97,965.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Vice Chairman Latta, and carried to approve purchase for bid number 11-316 to furnish 11 new, current model, four-wheel-drive, extended cab pickup trucks for delivery in Rawlins, Wheatland, Casper, Jackson, Afton,

Sheridan, Basin, and Thermopolis. The bid was awarded to Greiner Buick GMC Cadillac, of Casper, Wyoming, for the sum of \$232,243.

It was recommended by Mr. Shultz, moved by Commissioner Anderson, seconded by Commissioner Ertman, and carried to approve purchase for bid number 11-317 to furnish 13 each, new, current model construction pickup trucks for delivery in Laramie, Rawlins, Cheyenne, Casper, Douglas, Evanston, Gillette, Buffalo, and Cody. The bid was awarded to Greiner Buick GMC Cadillac, of Casper, Wyoming, for the sum of \$233,311.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Ertman, and carried to approve purchase for Requisition Number 0000023615 to furnish a replacement server to relay road and travel and other important information to the public. The contract was awarded to Hewlett-Packard Co., of Atlanta, Georgia, for the sum of \$59,376.66.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner McCormack, and carried to approve purchase for Requisition Number 0000023776 to provide annual maintenance for the Falcon/Dynamic Message Sign statewide WYDOT license. The contract was awarded to TSA/ADVET, of Pittsburgh, Pennsylvania, for the sum of \$206,907.

It was recommended by Mr. Shultz, moved by Commissioner Ertman, seconded by Commissioner Anderson, and carried to approve purchase for Requisition Number 0000023792 to furnish Trimble survey global positioning units for use by the District 2 Construction Program. The contract was awarded to Frontier Precision, Inc., of Cheyenne, Wyoming, for the sum of \$51,183.63.

It was recommended by Mr. Shultz, moved by Vice Chairman Latta, seconded by Commissioner Ertman, and carried to approve purchase for Requisition Number 0000023801 to furnish software, hardware, and licenses to bring five remote telecommunication sites to the network. The contract was awarded to Alcatel USA Marketing, Inc., of Plano, Texas, for the sum of \$53,450.

It was recommended by Mr. Shultz, moved by Commissioner McCormack, seconded by Commissioner Anderson, and carried to approve purchase for Requisition Number 0000023849 to furnish 125 each Computer-aided Drafting and Design software licenses for use by Project Development, Photogrammetry and Surveys, Hydraulics, Geology, Right-of-Way, Construction Staff/Snow Control, and Districts 1, 2, 3, 4, and 5. The contract was awarded to Bentley Systems, Inc., of Exton, Pennsylvania, for the sum of \$343,932.40.

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

WYDOT Rules and Regulations, Chapter 30: The Commission voted to adopt the new rule, Chapter 30, Procedures for Locally Establishing Speed Limits, at its September 15, 2011, business meeting. The approved resolution was sent to the Governor's office for signature, but the Wyoming Management Council recommended that it not be signed by Governor Mead. The rule would have

required that speed limits be established based on the findings of an engineering study, but the Wyoming State Legislature intended to strike this requirement from the existing law.

Executive staff met with the WYDOT and Legislative Services Office attorneys, University of Wyoming Technology Transfer (T²) personnel, and Wyoming County Commissioners Association (WCCA) officials to discuss possible solutions to the matter. The outcome of the meeting was to begin the rule-making process again and to add the element of training county personnel to properly assess safe speed limits on paved and unpaved county roads. The revised rule will also include clear procedures for establishing speed limits on unpaved and paved county roads rather than merely referencing the *Standards and Procedures for Establishing Speed Limits on Wyoming Unpaved Roads*, as adopted by the Transportation Commission of Wyoming. Neither WCCA or T² commented on the initial rule during its 45-day comment period, but both entities have indicated that they will do so when it is re-advertised.

21. Highway 50 Project Near Gillette: Mr. McOmie briefed the Commission at its September 15, 2011, meeting about a landowner who complained about waste material that was being removed from a nearby construction site to his property. The Department had a signed agreement with the landowner to place the dirt on his property, but the material contained a much higher coal content than what was originally anticipated. The landowner asked the Department to remove the waste material, which would have cost the Department a significant amount of money. The landowner has verbally agreed to allow the Department to leave the waste material on his property, and the Department will have to pay to leave it there. Mr. McOmie advised that an agreement is expected to be signed within the next week.

22. Completed Inflation Calculations for 2011: The Department experienced a 9.22 percent inflation rate in FY 2011. Mr. McOmie indicated that fuel prices and related paving materials influenced the data, and he was surprised that the number was so high last fiscal year.

23. It was moved by Vice Chairman Latta, seconded by Commissioner McCormack, and carried to adjourn the meeting. Chairman Covello adjourned the meeting at 11:07 a.m. on Thursday, October 20, 2011.