

**AMENDMENT 12/17/09, 7:45 a.m.**

**AGENDA**  
**STATE TRANSPORTATION BOARD MEETING**  
**9:00 a.m., Friday, December 18, 2009**  
**Pima County Administration Building**  
**Board of Supervisors Hearing Room**  
**130 W. Congress, 1<sup>st</sup> Floor**  
**Tucson, AZ 85701**

Pursuant to A.R.S. Sec. 38-431.02, notice is hereby given to the members of the State Transportation Board and to the general public that the State Transportation Board will hold a meeting open to the public on Friday, December 18, 2009, 9:00 a.m., at the Pima County Administration Building, Board of Supervisors Hearing Room, 130 W. Congress, 1<sup>st</sup> Floor, Tucson, AZ 85701. The Board may vote to go into Executive Session, which will not be open to the public, to discuss certain matters relating to any items on the agenda. Members of the Transportation Board will attend either in person or by telephone conference call.

**EXECUTIVE SESSION OF THE STATE TRANSPORTATION BOARD**

Pursuant to A.R.S. 38-431.03 (A)(3), notice is hereby given to the members of the Arizona State Transportation Board and to the general public that the Board may meet in Executive Session for discussion or consultation for legal advice with legal counsel at its meeting on Friday, December 18, 2009. The Board may, at its discretion, recess and reconvene the Executive Session as needed, relating to any items on the agenda.

**Amendments to the State Transportation Board Agenda are shown in bold below:**

**ADDITION TO AGENDA**

**\*ITEM 9: American Recovery and Reinvestment Act (ARRA) 2009 Update**  
Staff will provide an update of current projects, and bid savings to date, and will discuss the status of local ARRA projects. Staff will update the Board on funding strategies for all remaining prioritized projects in greater Arizona. The Board will discuss, and may consider re-prioritizing projects previously approved by the Board. <http://www.azdot.gov/Recovery/index.asp>  
(For discussion and possible action – Floyd Roehrich)

**Addition: Please see attached corresponding documentation to ITEM 9, which includes a memo from Floyd Roehrich, State Engineer and a Funding Status List for Greater Arizona Projects.**

**CHANGE TO AGENDA**

Non-Interstate Federal-Aid ("A" "B") projects do not need FHWA concurrence, but must comply with DBE regulations; other projects are subject to FHWA and/or local government concurrence and compliance with DBE regulations)

\*ITEM 10a: BIDS OPENED: October 30  
HIGHWAY: NOGALES-TOMBSTONE HIGHWAY (SR 82)  
SECTION: San Pedro River Bridge  
COUNTY: Cochise  
ROUTE NO.: SR 82  
PROJECT: STP-082-A(200)A 082 CH 061 H749701C  
FUNDING: 94% Federal 6% State

	LOW BIDDER	SECOND LOW BIDDER
AMOUNT:	R.K. Sanders, Inc.	Bison Contracting Co., Inc.
STATE AMOUNT:	\$ 179,513.92	\$ 204,555.00
\$ OVER(UNDER):	\$ 183,724.00	\$ 183,724.00
% OVER(UNDER):	\$ (4,210.08)	\$ 20,831.00
NO. BIDDERS:	(2.3%)	11.3%
RECOMMENDATION:	12	12

**RECOMMENDATION: Reject the Bid of R.K. Sanders, Inc. and Award the Contract to Bison Contracting Co., Inc.**

**COMMENTS:**

A review of the bid submitted by R.K. Sanders showed a unit price and extended amount of zero for Item 9240050 – Dewatering. The Department concluded that R.K. Sanders' bid is unbalanced and requested them to tell us why the State Engineer should not reject their bid for unbalancing.

R.K. Sanders intends to use a one step method whereby the excavated soils from the footing and stem walls would be used to create water flow diversion berms. R.K. Sanders claims this would make dewatering unnecessary, minor, or incidental. The Department does not agree that the construction of water diversion berms would make dewatering unnecessary, minor, or incidental.

The Special Provision for Item 9240050 requires the contractor to have pumps, hoses and other equipment on the project site for the duration of the work that may require dewatering. By submitting a unit price of zero for this item, R.K. Sanders mathematically unbalanced their bid, as defined in Subsection 101.02 of the Specifications. This gave R.K. Sanders an unfair advantage compared to other bidders who made a provision for this work in their bid. This is unacceptable to the Department. Subsection 102.10 of the Specifications states that proposals may be considered irregular and may be rejected if the bid is unbalanced.

The intent of the requirement to have the dewatering equipment at the project site and ready for use is to avoid delays when dewatering is necessary. Bidding a unit price of zero and stating that the dewatering is unnecessary, minor, or incidental, all indicate an intent to avoid performing the dewatering work and having the equipment onsite. Whether or not R.K. Sanders believes the dewatering work is necessary is irrelevant. The contract requirement to furnish the equipment to the project site prior to the work, and have it ready for use as needed, is not optional. Not having the equipment on hand would cause a delay in the project when dewatering is necessary.

The State Engineer considers R.K. Sanders' bid to be unbalanced to the detriment of the Department and has concluded that its bid was not based on the project as advertised. Therefore, the State Engineer recommends rejecting R.K. Sanders' bid and awarding the contract to Bison Contracting.

\*ITEM 10d: BIDS OPENED: November 19  
HIGHWAY: GRAHAM COUNTY HIGHWAY  
SECTION: Safford-Bryce Road @ Peterson Wash  
COUNTY: Graham  
ROUTE NO.: N/A  
PROJECT: STP-GGH-0(006)A 0000 GH GGH SH27701C  
FUNDING: 94% Federal 6% Graham County

	LOW BIDDER		SECOND LOW BIDDER
LOW BIDDER:	D & O Contractors, Inc.		Bison Contracting Co., Inc.
AMOUNT:	\$ 714,072.30	\$	714,555.15
STATE AMOUNT:	\$ 846,413.75	\$	846,413.75
\$ UNDER:	\$ 132,341.45	\$	131,858.60
% UNDER:	15.6%		15.6%
NO. BIDDERS:	13		13
RECOMMENDATION:	Reject the Bid of D & O Contractors, Inc. and Award the Contract to Bison Contracting Co., Inc.		

COMMENTS:

On November 5, 2009, Bison Contracting protested the potential award to D&O Contractors, claiming that D&O is not prequalified with the Department for the type of work required on this project. Independently, the Department has determined that D&O is not prequalified for the work specified in this project, in particular minor concrete structure work.

D&O has not provided any information to refute this determination. The project widens the roadway over the wash and requires the extension of the existing concrete box culvert, making minor concrete structure work a significant part of the project. The Department did not waive the requirement to be prequalified with the Department to bid on the project, the scope of the advertised project is beyond the type of work for which D&O is currently prequalified, and therefore the Department does not consider D&O Contractors' bid to be valid and recommends rejecting it.

Subsection 102.02 of the Standard Specifications states in part: "Prior to submitting a bid, the bidder will (unless waived by the Department) be required to be prequalified with the Department to bid on the project."

The Department has administrative regulations regarding contractor prequalification that have the force of law. A.C.R.R. R17-3-201 thru R17-3-204. The project was advertised with the prequalification requirement. The prequalification requirement can not be waived after the bid opening. Nor can it be cured retroactively. Prequalification is necessary to bid the project.

Even if D&O Contractors may be capable of performing work beyond their current Prequalification type of work, the regulation and the contract required prequalification before the bid was submitted. It is clear that D&O Contractors' prequalification does not include minor concrete structure work. Although D&O Contractors is prequalified with the Department for Asphaltic Concrete Paving, Grading, and Draining, the scope of the advertised project is beyond the type of work for which D&O Contractors is prequalified. Therefore, the State Engineer does not consider the bid submitted by D&O Contracting to be valid, and recommends rejecting it.

Dated this 17th day of December, 2009.  
STATE TRANSPORTATION BOARD  
By: Mary Currie



**Arizona Department of Transportation**  
**Intermodal Transportation Division**  
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

John S. Halikowski  
Director

Floyd Roehrich Jr.  
State Engineer

December 16, 2009

RE: ARRA PROJECT FUNDING STATUS FOR GREATER ARIZONA PROJECTS

DEAR STATE TRANSPORTATION BOARD MEMBER:

At the November State Transportation Board meeting I provided a current status on the ARRA bid savings for the PAG, MAG, and Greater Arizona regions. At the meeting a motion was passed to add back a project in the Greater Arizona region that was previously deleted, I-10, I-8 to SR 87 roadway widening with an estimated cost of \$55M, and to fund that project with ARRA bid savings. In addition, the motion directed staff to present a funding strategy that would provide assurance to the Board that we would advertise a number of projects that at least equaled the \$55M estimated for the I-10 project. Attached is a spreadsheet identifying the current funding strategy for all the prioritized projects within the Greater Arizona region.

Of the 49 projects currently on the prioritized project list we have identified a strategy that will deliver 46 of them for construction. Three projects, Priority Nos. 47, 74 and 78, have outstanding design issues that at this time make it uncertain as to whether these issues could be mitigated within the time necessary to use either ARRA or FY 10 federal-aid funding. Also, there are 17 of these projects that have already been awarded using federal-aid funding. With the I-10 project, Priority No. 40, planned for ARRA funding that leaves 28 projects left from the approved priority list that require funding for construction. As identified in the status column those projects will be funded by either FY 09 federal-aid closeout funds, which were obligated by the FHWA in September, or regular FY 10 federal-aid funds which require obligation by September of 2010.

At the Board meeting this Friday I will answer any questions you may have or if you would like additional information prior to the Board meeting, please call me at (602) 712-7391.

Sincerely,

A handwritten signature in black ink, appearing to read "Floyd Roehrich, Jr.", written over a white background.

Floyd Roehrich, Jr., PE  
State Engineer

cc:

John Halikowski, ADOT  
John McGee ADOT  
Sam Maroufkhani, ADOT  
John Fink, ADOT

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
 GREATER ARIZONA PROJECTS  
 FUNDING STATUS DECEMBER 2009

Priority	RT	Begin MP	CO	Project Name	Type of Work	Cost	Accumulative Total	STATUS
30	8	0	YU	MP 0 - MP 19	Sign Replacement	\$ 1,500,000	\$ 1,500,000	FY 10 Sub-Program
31	80	368.4	CH	East of Douglas	Pavement Preservation	\$ 6,500,000	\$ 8,000,000	FY 09 Fed Close Out
32	40	46.7	MO	Holy Moses - Rattlesnake	Pavement Preservation	\$ 17,000,000	\$ 25,000,000	Awarded July 09
33	260	385	AP	Greer - Rodeo Grounds	Pavement Preservation	\$ 7,000,000	\$ 32,000,000	FY 09 Fed Close Out
34	180	347	AP	Ranch - Jct 61	Pavement Preservation	\$ 2,700,000	\$ 34,700,000	Awarded Sep 09
35	17	263	YV	Cordes Jct. TI	Reconstruct TI	\$ 62,000,000	\$ 96,700,000	FY 10 Federal
36	40	85.9	MO	Willow Creek Br. WB #1769	Bridge Rehabilitation	\$ 1,550,000	\$ 98,250,000	FY 09 Fed Close Out
37	40	8	MO	Jct 95 - Walnut Creek (EB)	Pavement Preservation	\$ 25,000,000	\$ 123,250,000	FY 10 Federal
38			Statewide	Raised Pavement Markers	RPM	\$ 6,000,000	\$ 129,250,000	FY 09 Fed Close Out
39	198		SC	B-19 & SPRR OP # 980	Bridge Deck Rehabilitation	\$ 2,000,000	\$ 131,250,000	Awarded Sep 09
40	10	199.7	PN	I-8 - SR 87	Roadway Widening	\$ 55,000,000	\$ 184,750,000	ARRA Bid Savings
41	60	263	GI	Ryan's Water - Rock Springs	Pavement Preservation	\$ 9,500,000	\$ 195,750,000	FY 09 Fed Close Out
42	17	229	YV	MP 229 - MP 279	Sign Replacement	\$ 1,500,000	\$ 197,250,000	FY 09 Fed Close Out
43	40	177	CN	MP 177 - MP 182	Pavement Preservation	\$ 1,000,000	\$ 198,250,000	Awarded Jun 09
44	160	452	AP	Red Mesa - Teec Nos Pos	Pavement Preservation	\$ 6,000,000	\$ 204,250,000	FY 10 Federal
45	17	340	CN	MP 340.01 - MP 340.42	Pavement Preservation	\$ 300,000	\$ 204,550,000	FY 10 Sub-Program
46	87	231.8	GI	Ord Mine - Jct 188	Pavement Preservation	\$ 1,500,000	\$ 206,050,000	FY 10 Federal
47	95	156.6	LA	Holiday Harbor	Roadway and Drainage Improvement	\$ 3,500,000	\$ 209,550,000	Design Issues
48	40	21	MO	MP 21 - Walnut Creek (WB)	Pavement Preservation	\$ 11,476,000	\$ 221,026,000	Awarded Nov 09

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
 GREATER ARIZONA PROJECTS  
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Priority	RT	Begin MP	CO	Project Name	Type of Work	Cost	Accumulative Total	STATUS
49	95	243.9	MO	Bridge to Marina	Pavement Preservation	\$ 6,000,000	\$ 227,026,000	Awarded Sep 09
50	191	390	AP	Wide Ruins	Passing Lane	\$ 2,400,000	\$ 229,426,000	FY 09 Fed Close Out
51	40	247	CN	MP 247 - MP 298	Sign Replacement	\$ 1,150,000	\$ 230,576,000	FY 09 Fed Close Out
52	40	74.5	MO	Peacock Wash - Silver Springs TI	Pavement Preservation	\$ 5,000,000	\$ 235,576,000	FY 10 Federal
53	40	Various	NA	Holbrook District	Spot Repairs - District Wide	\$ 2,000,000	\$ 237,576,000	Awarded July 09
54	87	131.5	PN	S. Coolidge - Jct 287	Pavement Preservation	\$ 3,500,000	\$ 241,076,000	Awarded Aug 09
55	87	267	GI	Cinch Hook - Pine	Pavement Preservation	\$ 8,200,000	\$ 249,276,000	FY 10 Federal
56	82	61.2	CH	San Pedro River Bridge # 403	Bridge Scour Retrofit	\$ 200,000	\$ 249,476,000	Awarded Nov 09
57			Statewide	Statewide Steel Girder Repair (10 bridges)	Steel Girder Repair	\$ 1,100,000	\$ 250,576,000	FY 10 Sub-Program
58	79	135.5	PN	Gila River Bridge # 501	Bridge Deck Rehabilitation	\$ 700,000	\$ 251,276,000	Awarded Sep 09
59	160	465.1	AP	Teec Nos Pos	POE Improvement	\$ 600,000	\$ 251,876,000	FY 10 Federal
60	177	136.31	GI	Winkelman	Pavement Preservation	\$ 600,000	\$ 252,476,000	Awarded Sep 09
61	89	283.4	YV	People's Valley Yard - Wilhoit	Pavement Preservation	\$ 4,800,000	\$ 257,276,000	FY 09 Federal
62	40	9.8	MO	Lake Havasu TIUP # 1586	Bridge Deck Rehabilitation	\$ 400,000	\$ 257,676,000	FY 10 Federal
63	89	313.4	YV	Granite Creek Bridges NB & SB #482 & 1042	Bridge Replacement	\$ 2,600,000	\$ 260,276,000	Awarded Jun 09
64	89	346.7	YV	Hell Canyon Bridge #483	Bridge Deck Rehabilitation	\$ 400,000	\$ 260,676,000	Awarded Aug 09

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
 GREATER ARIZONA PROJECTS  
 FUNDING STATUS DECEMBER 2009

Priority	RT	Begin MP	CO	Project Name	Type of Work	Cost	Accumulative Total	STATUS
65	17	298.96	YV	Jct 179 - Yavapai Co Line	Pavement Preservation	\$ 15,000,000	\$ 275,676,000	Awarded Sep 09
66	180	324.9	NA	Purified Forest	Pavement Preservation	\$ 615,000	\$ 276,291,000	Awarded July 09
67	260	350	NA	Porter Mountain Rd to Woodland Rd	Transportation Enhancement	\$ 481,000	\$ 276,772,000	Awarded Oct 09
68	40	0	MO	State Line - MP 2	Pavement Preservation	\$ 4,000,000	\$ 280,772,000	FY 10 Federal
69	191	374.04	AP	Jct 140 - MP 385	Pavement Preservation	\$ 8,500,000	\$ 289,272,000	FY 10 Federal
70	40	14.9	MO	Buck Mountain Wash	Bridge Rehabilitation	\$ 2,000,000	\$ 291,272,000	FY 09 Fed Close Out
71	40	131	YV	Seligman - Pineveta (EB)	Pavement Preservation	\$ 7,000,000	\$ 298,272,000	FY 10 Federal
72	89	495	CN	The Gap - Cedar Ridge T. Post	Pavement Preservation	\$ 6,500,000	\$ 304,772,000	FY 10 Federal
73	17	311.6	CN	Munds Park - Yavapai Co Ln (SB)	Pavement Preservation	\$ 2,200,000	\$ 306,972,000	FY 10 Federal
74	40	217.9	CN	Cocorino Forest Boundary to Buffalo Range EB & WB	Pavement Preservation	\$ 12,000,000	\$ 318,972,000	Design Issues
75	78	154.65	GE	Jct 191 to Forest Service Boundary	Chip Seal and Guardrail Extension	\$ 1,000,000	\$ 319,972,000	Awarded Aug 09
76	17	305	YV	Stoneman Lake - County Line	Pavement Preservation	\$ 4,000,000	\$ 323,972,000	FY 10 Federal
77	79	126	PN	Box Culvert Extension at MP 126.0	Culvert Extension	\$ 1,000,000	\$ 324,972,000	FY 09 Fed Close Out
78	79	124.2	PN	Box Culvert Extension at MP 124.2	Culvert Extension	\$ 900,000	\$ 325,872,000	Design Issues
						<b>\$ 325,872,000</b>		