

AGENDA
SPECIAL MEETING of the
STATE TRANSPORTATION BOARD
10:00 a.m., Tuesday, March 1, 2011
Human Resource Development Center (HRDC) Grand Canyon Room
1130 N. 22nd Ave.
Phoenix, Arizona 85009

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 at 10:00 a.m. on Tuesday, March 1, at the Human Resource Development Center (HRDC), Grand Canyon Room, 1130 N. 22nd Ave, Phoenix, Arizona 85009. 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 Tuesday, March 1. The Board may, at its discretion, recess and reconvene the Executive Session as needed, relating to any items on the agenda.

ROLL CALL

Roll call by Board Secretary, Mary Currie

CALL TO AUDIENCE (Information and discussion)

An opportunity for citizens to discuss items of interest with the Board may be provided. **Please fill out a Request for Public Input** form and turn in to the Chairman or Secretary if you wish to address the Board. **Time limits may be imposed.**

***ITEM 1: Discussion of Bid Protests and Construction Contracts**

Staff will discuss the bid protest process and the following items and then present recommended project awards. Representatives of the firms involved in the bid protests will be allowed to present information to the Board.

- Winslow Business Route 40B
- Payson-Show Low Hwy SR260

(For discussion and possible action – Floyd Roehrich)

***ITEM 2: Sedona Route Transfer Update**

Staff will update the Board on actions taken by the Sedona City Council at their meeting of February 22, 2011, and make recommendations to the Board on future actions the Board may need to take in conjunction with this issue.

(For discussion and possible action – John McGee)

***Adjournment**

*ITEMS that may require board action

Dated this 23rd day of February, 2011
STATE TRANSPORTATION BOARD
By: Mary Currie

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 1a:** BIDS OPENED: January 28
HIGHWAY: WINSLOW BUSINESS ROUTE 40B
SECTION: B-40 at SR 87
COUNTY: Navajo
ROUTE NO.: B-40
PROJECT: STP-B40-E(210)A 040B NA 254 HX11201C
FUNDING: 94% Federal 94% Federal
LOW BIDDER: Michael J. Valente Contracting, Inc.
AMOUNT: \$ 817,375.00
STATE AMOUNT: \$ 785,245.00
\$ OVER : \$ 32,130.00
% OVER: 4.1%
NO. BIDDERS: 9
RECOMMENDATION: Award the project to Michael J. Valente Contracting and reject the protest of Bison Contracting

COMMENTS:

On January 28, 2011 bids were opened on the above referenced project. At the bid opening, Michael J. Valente Contracting, Inc. (Valente) was read as the apparent low bidder with a bid of \$817,375.00. The second low bidder was Bison Contracting Co., Inc. (Bison) with a bid of \$846,702.55.

Subsequent to the bid opening, Bison Contracting submitted a formal bid protest. The protest claims that Valente is not prequalified with the Department to perform the full scope of work described in the Advertisement for Bids. Furthermore, Bison requests that Valente’s bid be disqualified and that the project be awarded to Bison Contracting.

Bison’s protest contends that Valente is not prequalified for constructing Portland Cement Concrete Pavement (PCCP). The Pre-qualification rules establish the work category of PCCP for the placement of large quantities of concrete pavement using high production, specialized equipment.

The nature of the PCCP placement for this project does not require high production, specialized equipment. In fact, to do so would be uneconomical. Rather, the concrete pavement will be placed with conventional fixed form methods, screed finished, and textured and cured manually. The State Engineer recommends that the Board deny Bison’s protest.

Bison submitted another protest dated February 17 which included alternative arguments not previously set forth in the original protest. The State Engineer also recommends that the Board deny the “second” protest due to it being submitted late.

Valente is prequalified with the Department for Miscellaneous Concrete and Minor Concrete Structures. Based on the nature of the concrete pavement for this project, the Department considers these types of work to be sufficient. Prequalification for PCCP is not required for this project. Therefore, the State Engineer recommends that the Board award the project to Michael J. Valente Contracting and deny the protests of Bison Contracting.

***ITEM 1b:**

BIDS OPENED:	January 21	
HIGHWAY:	PAYSON – SHOW LOW HIGHWAY (SR 260)	
SECTION:	Heber to Show Low	
COUNTY:	Navajo	
ROUTE NO.:	SR 260	
PROJECT:	HSIP-260-B(202)A 260 NA 317 H770501C	
FUNDING:	94% Federal	94% Federal
LOW BIDDER:	Intermountain West Civil Constructors, Inc.	
AMOUNT:	\$	3,043,674.35
STATE AMOUNT:	\$	3,305,050.00
\$ OVER:	\$	261,375.65
% OVER:		7.9%
NO. BIDDERS:		14
RECOMMENDATION:	Reject the bid of Intermountain West Civil Constructors, Inc. and award the project to Bison Contracting	

COMMENTS:

On January 21, 2011 bids were opened on the above referenced project. At the bid opening, Intermountain West Civil Constructors, Inc. (Intermountain) was read as the apparent low bidder with a bid of \$3,043,674.35. The second low bidder was Bison Contracting Co., Inc. (Bison) with a bid of \$3,071,215.55.

Bison submitted a protest on January 21, 2011. The protest claimed that Intermountain is not prequalified with the Department for the full scope of work required for the referenced project. The protest was sent only to the Department. The protest failed to comply with the bid dispute requirements of Subsection 103.10 of the Standard Specifications, in that all bidders were not notified. The State Engineer recommends that the Board deny Bison’s protest.

Bison submitted another protest on February 2, 2011 and copied all bidders. The February 2, 2011 protest also failed to comply with the bid dispute requirements of Subsection 103.10 of the Standard Specifications since it was submitted later than seven calendar days of the bid opening. The State Engineer recommends that the Board deny Bison’s “second” protest as well.

However, despite the invalidity of the protests, the Department conducted an evaluation of the bids, and those actions included a review of Intermountain’s prequalification related to this project.

The scope of the advertised project requires the construction of a retaining wall, which requires that bidders be prequalified for minor concrete structures. The retaining wall is a key structural component in that it supports the embankment for a specific roadway section. The construction of a retaining wall requires a different skill set than the types of work for which Intermountain is currently prequalified. Intermountain is prequalified with the Department for Asphaltic Concrete Paving, Grading, Draining, Miscellaneous Concrete, and Underground. Intermountain’s prequalification does not include minor concrete structures.

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 did not waive the prequalification requirement in the Advertisement for Bids for this project. The Department has administrative regulations regarding contractor prequalification that have the force of law. See 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.

While Intermountain is prequalified with the Department for Asphaltic Concrete Paving, Grading, Draining, Miscellaneous Concrete, and Underground, the scope of the advertised project is beyond the type of work for which Intermountain is prequalified.

The question of whether Intermountain is capable of performing the retaining wall work included in this project is irrelevant, since Intermountain's current prequalification does not include all the appropriate categories. Intermountain has had sufficient opportunity to revise their prequalification categories of work to include minor concrete structures if Intermountain was dissatisfied with the Prequalification Board's decision. To date, no request for reconsideration has been received.

Even though the Department erred in issuing bid documents to Intermountain, this does not eliminate the bidding requirements that a contractor must be prequalified with the Department to bid on a project.

Therefore, the State Engineer does not consider the bid submitted by Intermountain to be valid, and recommends rejecting it. This determination was made independently of the protest submitted by Bison.

The State Engineer, therefore, recommends that the Board reject the bid of Intermountain and award the contract to Bison.

ARIZONA DEPARTMENT OF TRANSPORTATION
 INTERMODAL TRANSPORTATION DIVISION
 CONTRACTS AND SPECIFICATIONS SECTION

BID RESULTS

Completion Date:
 120 Working Days

The proposed work is located in Winslow on Interstate 40 Business Route, locally known as 2ND Street and 3rd Street (One-Way couplet) from Milepost 253.71 to 253.74, within the limits of the City of Winslow in Navajo County, at the intersection of State Route 87, locally known as Williamson Avenue. The proposed work consists of curb removal, new curb and gutter, paving, sidewalk, ramps, removal and installation of new traffic signals and other related items.

Bid Opening Date : 01/28/2011, Prequalification Required, Engineer Specialist : Gutierrez Adrian

Project No.	Highway Termini	Location	Item
040B NA 254 HX11201C STP-B40-E(210)A	WINSLOW BUSINESS ROUTE 40B	B-40 AT SR 87 Holbrook District	72811

Rank	Bid Amount	Contractor Name	Address of Contractor
	\$785,245.00	DEPARTMENT	
1	\$817,375.00	MICHAEL J. VALENTE CONTRACTING, INC.	3635 S. 43RD AVENUE PHOENIX, AZ 85009
2	\$846,702.55	BISON CONTRACTING CO., INC.	2449 EAST CHAMBERS STREET PHOENIX, AZ 85040
3	\$878,163.40	JNJ ENGINEERING CONSTRUCTION, INC.	P.O. BOX 2218 COLORADO CITY, AZ 86021
4	\$893,094.60	AJP ELECTRIC, INC.	11250 N. CAVE CREEK RD. PHOENIX, AZ 85020
5	\$909,674.95	MCCAULEY CONSTRUCTION INC.	206 W. 1ST ST. WINSLOW, AZ 86047
6	\$964,994.20	ASPHALT PAVING & SUPPLY, INC.	2425 NORTH GLASSFORD HILL RD PRESCOTT VALLEY, AZ 86314

Rank	Bid Amount	Contractor Name	Address of Contractor
7	\$1,014,374.75	EAGLE MOUNTAIN CONSTRUCTION COMPANY, INC.	3885 EAST INDUSTRIAL FLAGSTAFF, AZ 86004
8	\$1,068,692.00	VASTCO, INC.	425 INDUSTRIAL DRIVE CHINO VALLEY, AZ 86323
9	\$1,176,513.20	PULICE CONSTRUCTION, INC.	2033 W. MOUNTAIN VIEW RD. PHOENIX, AZ 85021
	NON RESPONSIVE	R.K. SANDERS, INC.	3807 W. LOWER BUCKEYE ROAD PHOENIX, AZ 85009

Bid not read and declared non-responsive due to submission of unsigned proposal.

Apparent Low Bidder is 4.1% Over Department Estimate (Difference = \$32,130.00)

ARIZONA DEPARTMENT OF TRANSPORTATION

ADVERTISEMENT FOR BIDS

BID OPENING: FRIDAY, JANUARY 28, 2011, AT 11:00 A.M. (M.S.T.)

TRACS NO 040B NA 254 HX11201C
PROJ NO STP-B40-E(210)A
TERMINI WINSLOW BUSINESS ROUTE 40B
LOCATION B-40 AT SR 87

ROUTE NO.	MILEPOST	DISTRICT	ITEM NO.
B-40	253.71 to 253.74	HOLBROOK	18911

The amount programmed for this contract is \$950,000.00. The location and description of the proposed work and the representative items and approximate quantities are as follows:

The proposed work is located in Winslow on Interstate 40 Business Route, locally known as 2ND Street and 3rd Street (One-Way couplet) from Milepost 253.71 to 253.74, within the limits of the City of Winslow in Navajo County, at the intersection of State Route 87, locally known as Williamson Avenue. The proposed work consists of curb removal, new curb and gutter, paving, sidewalk, ramps, removal and installation of new traffic signals and other related items.

REPRESENTATIVE ITEMS	UNIT	QUANTITY
Removal of Concrete Sidewalks, Driveways and Slabs	SF	4,368
Removal of PCCP	SY	1,810
Aggregate Base	CY	177
PCCP (6")	SY	141
PCCP (10")(Accelerated Strength)	SY	1,420
ACFC, Special with PG 76-22 TR+	TON	98
Dual Component Pavement Marking (Epoxy)	LFT	6,475
Traffic Signal Poles	EA	12
Mast Arms	EA	14
Electrical Conduit (PVC), 2", 2 1/2", 3"	LFT	1,080
Traffic Signal Face	EA	39
Traffic Signal Mount	EA	30
Control Cabinet	EA	2
Concrete Curb and Gutter	LFT	776
Concrete Sidewalk	SF	2,132
Concrete Sidewalk Ramp	EA	16
Construction Surveying	LS	1

The time allowed for the completion of the work included in this project will be **120** working days.

The Arizona Department of Transportation hereby notifies all bidders that pursuant to this advertisement for bids, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this solicitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

Project plans, special provisions, and proposal pamphlets may be purchased from Contracts and Specifications Section, 1651 W. Jackson, Room 121F, Phoenix, AZ 85007-3217, (602) 712-7221. Plans and bidding documents should be available for sale to bidders within one week following the advertisement for bids. The cost is \$25.00, payable at time of order by cash, check or money order. Please indicate whether a bid proposal package or a subcontractor/supplier set

is desired. An additional fee of \$5.00 will be charged for each set of Special Provisions requested which is not accompanied by the purchase of a related set of project plans. Checks should be made payable to the Arizona Department of Transportation. No refund will be made for plans and specifications returned. We cannot guarantee mail delivery.

This project is eligible for electronic bidding.

No contracting firm will be issued a proposal pamphlet until it has become prequalified. The Application for Contractor Prequalification shall be filed at least 15 calendar days prior to the bid opening date. The Application may be obtained from Contracts and Specifications Section.

No award will be made to any contractor who is not a duly licensed contractor in accordance with Arizona Revised Statutes 32-1101 through 32-1170.03.

All labor employed on this project shall be paid in accordance with the minimum wage rates shown in the General Wage Decision. These rates have been determined in accordance with the requirements of the law and issued by the Secretary of Labor for this project. The wage scale is on file in Contracts and Specifications Section and copies may be obtained at all reasonable times.

A proposal guaranty in the form of either a certified or a cashier's check made payable to the State Treasurer of Arizona for not less than ten percent of the amount of the bid or in the form of a surety (bid) bond for ten percent of the amount of the bid shall accompany the proposal.

Surety (bid) bonds will be accepted only on the form provided by the Department and only from corporate sureties authorized to do business in Arizona.

Proposal pamphlets shall be submitted only in the envelope provided by the Department to:

Arizona Department of Transportation
Intermodal Transportation Division
Contracts and Specifications Section
1651 West Jackson Street, Room 121F
Phoenix, Arizona 85007-3217

Sealed bids will be received until the hour indicated and then publicly opened and read. No bids will be received after the time specified.

Engineering Specialist:	Adrian C. Gutierrez	(602) 712-8257
Construction Supervisor:	Carl Ericksen	(928) 524-5421

BARRY CROCKETT,
Engineer-Manager
Contracts & Specifications Section

ARIZONA DEPARTMENT OF TRANSPORTATION
 INTERMODAL TRANSPORTATION DIVISION
 CONTRACTS AND SPECIFICATIONS SECTION

BID RESULTS

Completion Date:

100 Working Days

The proposed work is located in Navajo County on SR 260, approximately 10 miles east of Heber, between milepost (MP) 317.33 and MP 331.90. The proposed work consists of constructing passing lanes from MP 317.33 to MP 318.00 (eastbound), from MP 319.10 to MP 320.24 (westbound) and MP 330.63 to MP 331.90 (westbound). Additional work includes milling, placing Asphalt Rubber Asphalt Concrete Friction Course, placing pipe culverts, installing guardrail, replacing pavement markings, and other miscellaneous work.

Bid Opening Date : 01/21/2011, Prequalification Required, Engineer Specialist : Shah Manish

Project No.	Highway Termini	Location	Item
260 NA 317 H770501C 260-B-(202)A	PAYSON-SHOW LOW HWY (SR 260)	HEBER TO SHOW LOW Globe District	12510

Rank	Bid Amount	Contractor Name	Address of Contractor
1	\$3,043,674.35	INTERMOUNTAIN WEST CIVIL CONSTRUCTORS, INC.	P. O. BOX 2790 PAYSON, AZ 85547
2	\$3,071,215.55	BISON CONTRACTING CO., INC.	2449 EAST CHAMBERS STREET PHOENIX, AZ 85040
3	\$3,091,340.05	COMBS CONSTRUCTION COMPANY, INC.	P. O. BOX 10789 GLENDALE, AZ 85318
4	\$3,189,912.65	SHOW LOW CONSTRUCTION, INC.	P. O. BOX 29 SHOW LOW, AZ 85902-0029
5	\$3,280,701.00	HATCH CONSTRUCTION & PAVING, INC.	P. O. BOX 127 TAYLOR, AZ 85939
6	\$3,297,322.00	FANN CONTRACTING, INC	1403 INDUSTRIAL WAY PRESCOTT, AZ 86301
	\$3,305,050.00	DEPARTMENT	

Rank	Bid Amount	Contractor Name	Address of Contractor
7	\$3,443,019.00	MEADOW VALLEY CONTRACTORS, INC.	4602 E. THOMAS RD. PHOENIX, AZ 85018
8	\$3,445,457.46	HAYDON BUILDING CORP	4640 E. COTTON GIN LOOP PHOENIX, AZ 85040
9	\$3,559,896.35	ASPHALT PAVING & SUPPLY, INC.	2425 NORTH GLASSFORD HILL RD PRESCOTT VALLEY, AZ 86314
10	\$3,610,331.30	MARKHAM CONTRACTING CO., INC.	22820 NORTH 19TH AVENUE PHOENIX, AZ 85027
11	\$3,626,926.50	FNF CONSTRUCTION, INC.	115 S. 48TH ST TEMPE, AZ 85281
12	\$3,655,498.44	CSW CONTRACTORS, INC.	6135 N. 7TH STREET SUITE #105 PHOENIX, AZ 85014
13	\$3,723,777.00	R.E.MONKS CONSTRUCTION COMPANY, LLC	16646 E LASER DRIVE FOUNTAIN HILLS, AZ 85268
14	\$4,149,401.60	RUMMEL CONSTRUCTION, INC	7520 E. ADOBE DRIVE SCOTTSDALE, AZ 85255

Apparent Low Bidder is 7.9% Under Department Estimate (Difference = (\$261,375.65))

ARIZONA DEPARTMENT OF TRANSPORTATION

ADVERTISEMENT FOR BIDS

BID OPENING: FRIDAY, JANUARY 21, 2011, AT 11:00 A.M. (M.S.T.)

TRACS NO 260 NA 317 H770501C
PROJ NO HSIP-260-B-(202)A
TERMINI PAYSON-SHOW LOW HWY (SR 260)
LOCATION HEBER TO SHOW LOW

ROUTE NO.	MILEPOST	DISTRICT	ITEM NO.
SR 260	317.33 to 331.90	GLOBE	12510

The amount programmed for this contract is \$5,300,000. The location and description of the proposed work and the representative items and approximate quantities are as follows:

The proposed work is located in Navajo County on SR 260, approximately 10 miles east of Heber, between milepost (MP) 317.33 and MP 331.90. The proposed work consists of constructing passing lanes from MP 317.33 to MP 318.00 (eastbound), from MP 319.10 to MP 320.24 (westbound) and MP 330.63 to MP 331.90 (westbound). Additional work includes milling, placing Asphalt Rubber Asphalt Concrete Friction Course, placing pipe culverts, installing guardrail, replacing pavement markings, and other miscellaneous work.

REPRESENTATIVE ITEMS	UNIT	QUANTITY
Remove Bituminous Pavement (Milling) (1/2")	SQ.YD.	57,600
Roadway Excavation	CU.YD.	68,850
Aggregate Base, Class 2	CU.YD.	14,500
Asphaltic Concrete Friction Course (Asphalt-Rubber)	TON	2,450
Asphaltic Concrete (3/4" Mix) (End Product) (Special Mix)	TON	10,600
Pipe, Corrugated Metal	L.FT.	430
Temporary Painted Marking	L.FT.	244,900
Pavement Marker, Recessed	EACH	840
Dual Component Pavement Marking (Epoxy)	L.FT.	120,225
Erosion Control (Wattles)	L.FT.	25,370
Guard Rail, W-Beam, Single Face	L.FT.	3,075
Provide On-The-Job Training	HOUR	250
Contractor Quality Control	L.SUM	1
Construction Surveying And Layout	L.SUM	1
Ground-In Rumble Strip (8 Inch)	L.FT.	22,240

The time allowed for the completion of the work included in this project will be 100 working days.

The Arizona Department of Transportation hereby notifies all bidders that pursuant to this advertisement for bids, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this solicitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

Project plans, special provisions, and proposal pamphlets may be purchased from Contracts and Specifications Section, 1651 W. Jackson, Room 121F, Phoenix, AZ 85007-3217, (602) 712-7221. Plans and bidding documents should be available for sale to bidders within one week following the advertisement for bids. The cost is \$43.00, payable at time of order by cash, check or money order. Please indicate whether a bid proposal package or a

subcontractor/supplier set is desired. An additional fee of \$5.00 will be charged for each set of Special Provisions requested which is not accompanied by the purchase of a related set of project plans. Checks should be made payable to the Arizona Department of Transportation. No refund will be made for plans and specifications returned. We cannot guarantee mail delivery.

This project is eligible for electronic bidding.

Cross sections and/or earthwork quantity sheets, if available, may be ordered from the Control Desk of Roadway Design Section at (602) 712-8667. Orders must be placed at least five days prior to bid opening to insure availability. Documents may be picked up and paid for at Contracts & Specifications Section.

No contracting firm will be issued a proposal pamphlet until it has become prequalified. The Application for Contractor Prequalification shall be filed at least 15 calendar days prior to the bid opening date. The Application may be obtained from Contracts and Specifications Section.

No award will be made to any contractor who is not a duly licensed contractor in accordance with Arizona Revised Statutes 32-1101 through 32-1170.03.

All labor employed on this project shall be paid in accordance with the minimum wage rates shown in the General Wage Decision. These rates have been determined in accordance with the requirements of the law and issued by the Secretary of Labor for this project. The wage scale is on file in Contracts and Specifications Section and copies may be obtained at all reasonable times.

A proposal guaranty in the form of either a certified or a cashier's check made payable to the State Treasurer of Arizona for not less than ten percent of the amount of the bid or in the form of a surety (bid) bond for ten percent of the amount of the bid shall accompany the proposal.

Surety (bid) bonds will be accepted only on the form provided by the Department and only from corporate sureties authorized to do business in Arizona.

Proposal pamphlets shall be submitted only in the envelope provided by the Department to:

Arizona Department of Transportation
Intermodal Transportation Division
Contracts and Specifications Section
1651 West Jackson Street, Room 121F
Phoenix, Arizona 85007-3217

Sealed bids will be received until the hour indicated and then publicly opened and read. No bids will be received after the time specified.

C&S Technical Leader:	Manish Shah	(602) 712-7216
Construction Supervisor:	Elaine Leavens	(928) 532-2345

BARRY CROCKETT,
Engineer-Manager
Contracts & Specifications Section

Advertised on November 30, 2010