



**MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION**

**Official Minutes**

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**June 2, 2010**

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
LEE'S SUMMIT, MISSOURI, WEDNESDAY, JUNE 2, 2010**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, June 2, 2010, at the Lee's Summit City Hall, 220 SE Green, Lee's Summit, Missouri. Rudolph E. Farber, Chairman, called the meeting to order at 10:45 a.m. The following Commissioners were present at the meeting location: Rudolph E. Farber, David A. Gach, Grace M. Nichols, Lloyd J. Carmichael, and Stephen R. Miller. Commissioner Kenneth H. Suelthaus was appointed by the Governor on June 1, 2010 but was not present at the meeting. The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Kevin Keith, Interim Director/Chief Engineer of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission were present on Wednesday, June 2, 2010.

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*“Department” or “MoDOT” herein refers to Missouri Department of Transportation.  
“Commission” or “MHTC” herein refers to Missouri Highways and Transportation Commission.*

**-- CLOSED MEETING --**

**VOTE TO CLOSE MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Farber, Aye  
Commissioner Gach, Aye  
Commissioner Nichols, Aye  
Commissioner Carmichael, Aye  
Commissioner Miller, Aye

The Commission met in closed session from 8:00 a.m. until 10:30 a.m.

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**-- OPEN MEETING --**

**APPROVAL OF MINUTES**

Upon motion by Commissioner Nichols, seconded by Commissioner Gach, the Commission unanimously approved the minutes of the regularly scheduled meeting held on March 10, 2010. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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**CONSENT AGENDA**

**Consent Agenda Process**

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by staff to be of a routine or non-controversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

## **Consideration of June 2, 2010, Consent Agenda**

No items were removed from the consent agenda. Upon motion by Commissioner Gach, seconded by Commissioner Nichols, the consent agenda items were unanimously approved by a quorum of Commission members present.

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## **COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has three committees: Audit, Legislative, and Director Search. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee reports were made during the June 2, 2010, meeting.

**Audit Committee** – Commissioner Nichols reported the committee met on June 1, 2010, and reviewed and approved two internal audit reports. One report was for Motor Carrier Services cash receipts and the other report was a review of Human Resources salary adjustments. The committee also reviewed and approved the Fiscal Year 2011 internal and external audit plans.

**Legislative Committee** – Commissioner Carmichael reported Commissioner Nichols recently traveled to Washington, D.C. and visited all 11 Congressional members of the Missouri delegation to discuss freight issues. The state legislative session recently concluded, the primary focus of this session was the budget. Although MoDOT did not have a legislative agenda this session, several transportation related issues made progress but did not reach final passage. These issues included: expanding the ban on texting while driving to additional drivers to improve safety on highways, and a retirement proposal that would address investment management and would change for new state employees the retirement age, increase the amount of time for vesting, and require a contribution to the retirement plan. Commissioner Miller reported the legislature passed SCR 51 which is a

resolution that encourages Missouri's Congressional delegation to work with the Corps of Engineers to narrow the scope of the current Missouri River study and increase navigation for barge traffic.

**Director Search** – No report was given due to the item on the regular agenda.

**Missouri Transportation Finance Corporation** – Commissioner Gach stated there was no report.

**MoDOT and Patrol Employees Retirement System** – Commissioner Farber reported the Board will meet later in June, and there are two committees working; the Budget Committee met and will make a recommendation to the full board at its June 2010 meeting, and the Investment Committee is working to improve the performance of the funds.

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#### **INTERIM DIRECTOR'S REPORT**

During the June 2, 2010, Commission meeting Interim Director/Chief Engineer, Kevin Keith, provided the following report: Mr. Keith recently attended an AASHTO meeting in Mississippi. The focus of the meeting was on the progress of reauthorization of a federal transportation bill. The good news from the meeting was that Congress passed the HIRE Act which included an extension of a fully funded federal trust fund for transportation that will not expire until September 30, 2011. The bad news from the meeting is currently, there is no plan for passing a long term reauthorization bill.

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#### **PRESENTATION FROM LEE'S SUMMIT AREA OFFICIALS REGARDING COST SHARE PROJECTS, ECONOMIC DEVELOPMENT, AND TRANSPORTATION NEEDS**

Mayor Randy Rhoads welcomed the Commission to Lee's Summit. Steve Arbo, City Manager, reviewed the many partnership opportunities that the City of Lee's Summit has with MoDOT in various projects around the community. The City of Lee's Summit covers a 65 square mile area and is close to being fully developed, so the community is transitioning from addressing high growth to maintenance issues. Some of the projects that the City and MoDOT have partnered

on include the Strother Road Interchange, I-470 and US 50 Interchange improvements, realignment of Route 291 and Oldham Parkway, and making Route 150 four lanes. Mr. Arbo explained that the Surface Transportation Program and American Recovery and Reinvestment Act funds from MoDOT have also helped improve the local road network. The community has shown its willingness to partner by providing matching funds on the projects. Mr. Arbo then explained there are opportunities for future partnerships with interchange improvements along US 50 at Todd George Parkway and Blackwell Parkway. Mr. Arbo concluded his presentation by thanking the Commission and the department for the successful partnerships.

Chairman Farber thanked Mayor Rhoads and Mr. Arbo for their presentation and complimented them for the way the city has distinguished itself with partnerships with MoDOT and for the city's fiscal responsibility and management during these adverse economic times.

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**PRESENTATION FROM OXFORD ACQUISITIONS, LLC, REGARDING RELOCATION OF JOINT MoDOT/KANSAS CITY MAINTENANCE FACILITIES**

Whitney Kerr, Cassidy Turley Principal, described for the Commission a proposed bioscience park development on 350 acres west of Highway 71 at 87<sup>th</sup> street in Kansas City, Missouri. The development will benefit the state with job creation, increased economic activity, and revitalization of the area. Mr. Kerr explained in the middle of this development is a 28 acre tract that houses a joint maintenance facility for both MoDOT and the City of Kansas City. In order for the development to proceed, the maintenance facility needs to be relocated. Mr. Kerr identified a new location for the facility that has been approved by both MoDOT and the City of Kansas City. Mr. Kerr asked the Commission to consider any options available to assist with the cost of relocating the MoDOT facility. Mr. Kerr explained the development has \$4.25 million available to acquire the new property for the relocated facility, that includes a \$2 million contribution from Kansas City of

their Public Improvement Advisory Committee funds. Mr. Kerr estimates the total cost to relocate the facility to be \$10 to \$11 million. Mr. Kerr requested the Commission consider sharing the costs for the relocation of the facility by contributing \$6.75 million.

Commissioner Nichols inquired about the cost of relocation and requested the Interim Director explain the department's analysis of the relocation. Mr. Keith explained the department's practice is to be willing to move a MoDOT facility when it is in the path of economic development, however, the department will need to be made whole for the relocation. The department can work with the developer to determine ways to reduce the scope and costs of relocating the facility and explore other options for payment of the relocation.

Commissioner Miller inquired whether the Department of Economic Development certified the job creation estimates for the proposed development. Bill Crandall explained the developer used an economic forecasting company to determine the estimated number of jobs created and economic activity that would be generated by the development.

Commissioner Farber thanked the delegation for their presentation and explained the Commission will give their request consideration.

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## **REPORT AND RECOMMENDATION REGARDING JOB SPECIFICATION FOR DIRECTOR SEARCH**

On behalf of the Commission, Micki Knudsen, Human Resources Director, presented a job specification for the Commission's consideration. The job specification serves as the foundation of the search for a new director and describes the organization of the Commission and the department, the role of the director, and the qualifications of the candidate. A draft job specification was shared with fifty-three transportation partners including the Governor's office, Senate leadership, House leadership, former commissioners, Metropolitan Planning Organizations, Regional Planning

Commissions, employee groups, labor organizations, engineering association, contractor associations, and multimodal organizations. Ms. Knudsen and the executive search consultant, Dale Meier, received great feedback. The job specification was improved, through this collaborative effort and Ms. Knudsen thanked everyone for their input.

Dale Meier explained that Grant Cooper & Associates will launch the nationwide effort this week following approval of the job specification. Screening of candidates will occur consistent with the requirements in the job specification. Mr. Meier reminded the Commission the search will end with the selection of a Director in December 2010.

Ms. Knudsen recommended the Commission approve the job specification. Upon motion by Commissioner Gach, seconded by Commissioner Nichols, the Commission unanimously approved the job specification. Chairman Farber thanked Ms. Knudsen for her hard work and professionalism while working directly for the Commission during the search for a new director.

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### **MoDOT TOOL AND EQUIPMENT CHALLENGE UPDATE**

On behalf of the Interim Director, Don Hillis, Director of System Management, explained the department follows the motto: better, faster, and cheaper. This motto works well when employees think about ways to do their jobs better, faster, and cheaper. For the third year, the department held a Tool and Equipment Challenge and received thirty-seven entries that showcased innovations in the areas of snow and ice response, drainage, and preventive maintenance. Evaluations of the entries included overall cost effectiveness, ease of use, versatility, and the ability to implement the innovation statewide. The cost effective ideas improves the way MoDOT does business. Chairman Farber expressed interest in what new innovations will come from the next Tool and Equipment

Challenge. Commissioner Nichols expressed her appreciation for the program and the employees who participated.

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## **MoDOT PROPOSED FISCAL YEAR 2011 BUDGET**

On behalf of the Interim Director, Roberta Broeker, Chief Financial Officer, presented the Fiscal Year 2011 budget for Commission approval as shown in the table below. The major changes since the budget was presented in May include: (1) increased state receipts from General Revenue by \$1.9 million due to a \$3 million increase for the Kansas City Area Transit Authority (KCATA), but a decrease of \$900,000 in Amtrak, and a decrease of \$160,000 in the State Transit Program, (2) added \$13.1 million to Contractor Payments for increased fiscal year 2011 awards, (3) transferred \$50,000 to Maintenance Operations from Contractor Payments for guardrail repairs, and (4) added \$2 million to Multimodal for the \$3 million increase for KCATA, \$160,000 decrease in transit, \$900,000 decrease in Amtrak, and a \$50,000 increase in ports.

Ms. Broeker explained the challenge is in balancing competing priorities. It is necessary to estimate revenues properly to determine the amount available for projects and meeting commitments. The revenue estimate for Fiscal Year 2011 is \$2.254 billion. These revenues are balanced by the key investments of this budget:

- \$1.605 billion in STIP
- \$955 million for operations
- \$274 million in debt service
- \$239 million for other state agencies

After discussion, and upon motion by Commissioner Carmichael, seconded by Commissioner Gach, the Commission approved the Fiscal Year 2011 Budget as noted in the table below. Revisions to the Fiscal Year 2011 Budget will be presented to the Commission quarterly.



## Fiscal Year 2008-2010 Summary and Fiscal Year 2011 Request

	<b>Fiscal Year 2008 <u>Actual</u></b>	<b>Fiscal Year 2009 <u>Actual</u></b>	<b>Fiscal Year 2010 Budget as <u>Amended</u></b>	<b>Fiscal Year 2011 <u>Request</u></b>
<b>Receipts</b>				
State Receipts	\$ 1,265,099	\$ 1,251,083	\$ 1,244,276	\$ 1,229,734
Less Motor Carrier Refunds	( 29,017 )	( 24,429 )	( 30,200 )	( 30,200 )
Less Miscellaneous Refunds	( 10,940 )	( 12,677 )	( 12,755 )	( 12,755 )
Net State Receipts	<u>1,225,142</u>	<u>1,213,977</u>	<u>1,201,321</u>	<u>1,186,779</u>
Federal Reimbursement	960,105	903,067	918,314	867,910
Federal Reimbursement-ARRA	0	17,966	369,234	199,710
Bond Proceeds	540,871	144,469	1,085,000	0
<b>Total Receipts</b>	<b><u>2,726,118</u></b>	<b><u>2,279,479</u></b>	<b><u>3,573,869</u></b>	<b><u>2,254,399</u></b>
<b>Disbursements</b>				
Administration	46,808	49,214	53,684	53,679
System Management				
Maintenance Operations <sup>1,2</sup>	426,202	458,450	477,210	475,357
Motor Carrier Services	6,930	7,100	8,243	8,200
Highway Safety	15,678	25,090	35,548	35,513
Total System Management	<u>448,810</u>	<u>490,640</u>	<u>521,001</u>	<u>519,070</u>
Program Delivery				
Construction Operations <sup>1</sup>	156,543	155,987	164,807	167,929
Contractor Payments <sup>3</sup>	1,004,200	1,113,016	1,508,579	1,425,326
Design and Bridge Consultant Payments	35,935	54,799	40,000	15,000
Accelerated Program (Reimbursements)	17,368	6,947	5,668	24,645
Right of Way <sup>3</sup>	60,070	80,435	50,000	15,000
Federal Pass-Through <sup>3</sup>	103,216	121,815	135,000	125,000
Debt Service on Bonds	167,620	198,486	217,155	273,962
Total Program Delivery	<u>1,544,952</u>	<u>1,731,485</u>	<u>2,121,209</u>	<u>2,046,862</u>
Fleet, Facilities and Information Systems Operations <sup>1</sup>	37,243	36,577	40,958	39,262
Capital Improvements Investments	10,327	10,411	15,853	10,500
Information Systems Investments	28,575	26,662	33,010	27,491
Fleet Investments	30,198	30,986	29,614	28,081
Total Fleet, Facilities and Information Systems	<u>106,343</u>	<u>104,636</u>	<u>119,435</u>	<u>105,334</u>
Multimodal <sup>3</sup>	77,265	83,006	117,384	108,897
Mississippi River Parkway Commission	0	16	0	0
<b>Total MoDOT Disbursements</b>	<b><u>2,224,178</u></b>	<b><u>2,458,997</u></b>	<b><u>2,932,713</u></b>	<b><u>2,833,842</u></b>
Disbursements by Other State Agencies <sup>4</sup>	<u>198,636</u>	<u>197,207</u>	<u>217,852</u>	<u>239,346</u>
<b>Total Disbursements for MoDOT and Other State Agencies</b>	<b><u>2,422,814</u></b>	<b><u>2,656,204</u></b>	<b><u>3,150,565</u></b>	<b><u>3,073,188</u></b>
<b>Receipts Over (Under) Disbursements<sup>5</sup></b>	<b><u>\$ 303,304</u></b>	<b><u>\$ ( 376,725 )</u></b>	<b><u>\$ 423,304</u></b>	<b><u>\$ ( 818,789 )</u></b>

<sup>1</sup> Operations include personal services, fringe benefits and expense and equipment.

<sup>2</sup> Maintenance Operations includes department-wide cost savings from personal services, fringe benefits and expense and equipment as part of the plan approved by the Commission at the March 10, 2010 meeting. The cost savings will be distributed to the districts during fiscal year 2011 for road improvements.

<sup>3</sup> Contractor Payments, Right of Way, Federal Pass-Through and Multimodal include disbursements for the American Recovery and Reinvestment Act of 2009 (ARRA).

<sup>4</sup> Fiscal year 2011 disbursements are the Truly Agreed To and Finally Passed amounts adjusted for the timing of expenditures for radio interoperability and two-year appropriations.

<sup>5</sup> Existing cash balances will fund the excess of disbursements over receipts.

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## CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects during the past month.

Mr. Nichols recommended (1) Award of contracts to the lowest responsive bidders for bids received on the May 14, 2010 letting, as recommended and noted in Table I below. Non-contractual costs for these projects are shown on the below tabulation. (2) Reject Call 303, as noted in Table II below, due to an excessive bid per Section 102.15(a) of the Missouri Standard Specifications for Highway Construction. (3) Declare the following bids as non-responsive: Wehmeyer Farms, Inc. for Call 201, per Section 102 of the Missouri Standard Specifications for Highway Construction, for providing a non-standard bid; David E. Brown Construction, LLC for Call 201, per Section 102.8 of the Missouri Standard Specifications for Highway Construction, for failure to complete the bid in accordance with the bidding documents; Steve and Associates, Inc. bid on Call 502, per Section 102.3 of the Missouri Standard Specifications for Highway Construction, due to submitting a paper bid for a project exceeding \$250,000; Charles Mooney Construction for Call 802, per Section 102 of the Missouri Standard Specifications for Highway Construction, due to providing a non-standard bid bond. (4) Note Call 409 includes funding by the City of Kansas City and requires their concurrence, the City has concurred.

**Table I**  
**Award of Contracts**  
**May 14, 2010, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	169	Worth	J1P2170	\$1,138,935.16	\$656.00	Herzog Contracting Corp.	Resurface with BP-1
102	71	Nodaway	J1P2187	467,978.27	418.00	Vance Brothers, Inc.	Microsurfacing
	136	Nodaway	J1P2187B		656.00		

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
103	59	Buchanan	J1P2188	635,745.64	656.00	Herzog Contracting Corp.	Coldmill, Resurface with BP-1, Shoulder Widening
104	169	Buchanan	J1P1021	1,679,476.13	656.00	Ideker, Inc.	Resurface with Superpave, Shoulders with BP-1
	169	Buchanan	J1S0977		656.00		
201	6	Adair	J2P0483K	120,366.00	0	Phillips Grading & Construction, Inc.	Streambank Stabilization
301	36	Shelby	J3P0792	5,435,472.80	400.00	Chester Bross Const. Co./C.B. Equipment, Inc.	Alt. Resurfacing (Superpave, Coldmill, Hot in-Place Recycling) Pavement Repair
302	36	Shelby, Marion	J3P0792B	2,997,291.35	400.00	Cedar Valley Paving Corporation	Unbonded Overlay with A3 Shoulders
304	151/79	Monroe, Pike	J3P2171C	176,343.29	548.00	PCIRoads, LLC	Bridge Rehabilitation
401	Various	Cass	J4B0803B	420,900.00	0	Thomas Industrial Coatings, Inc.	Bridge Painting
402	7	Jackson	J4S1962	1,532,793.72	528.72	Chester Bross Const. Co./C. B. Equipment, Inc.	Construct Shoulders, Optional Widening
403	35	Clay	J4I2270	415,393.49	328.00	Leavenworth Exc. & Equip. Co., Inc./Julius Kaaz Const. Co. Inc.	Culvert Repair and Alternate Slide Repair
404	13	Johnson	J4P1138F	828,012.28	0	Phillips Grading & Construction Inc.	Grading, Drainage & Optional Paving
405	50	Johnson	J4P1973	2,779,730.37	656.00	Ideker, Inc.	Resurfacing with Superpave, Shoulders BP-1, Pavement Repair
406	71	Jackson	J4S1936	1,113,453.78	656.00	Ideker, Inc.	Resurface with UBAWS, Fog Seal Shoulders

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
407	291	Jackson	J4P1956	1,403,674.86	656.00	Ideker, Inc.	Ultrathin Bonded Asphalt Wearing Surface
408	35	Jackson	J4M0209	97,951.65	0	PCIRoads, LLC	Repair Stone Façade Face of Retaining Wall
409*	269	Jackson, Clay	J4U1303E	2,734,864.09	0	PCIRoads, LLC	Bridge Rehabilitation and Bikeway Enhancements
	269	Jackson, Clay	J4U1303F		418.00		Bikeway Enhancements
410	Various	Jackson, Cass, Clay, Platte	J4P2274	418,176.50	0	Comanche Construction, Inc.	On-Call Bridge Deck Repair
411	Various	Jackson, Platte, Cass, Clay	J4P2299	392,872.50	0	Vance Brothers, Inc.	On-Call Safety Microsurfacing
501	54	Camden	J5P0347G	16,758,269.92	2,338.96	Emery Sapp & Sons, Inc.	Alternate Paving (Superpave or PCCP), Bridges, Grading & Drainage
502**	BU 54	Callaway	J5S0927	1,575,808.63	656.00	Sam Gaines Construction, Inc.	Grading, Drainage, Paving, Signing and Culvert, Roundabout to Replace Bridges and Signalized Intersection
503	89	Osage, Maries	J5M0073	469,368.64	144.00	Jefferson Asphalt Company	Thin Lift Overlay
505	H, C, E, Y, HH, D	Benton, Callaway, Moniteau, Morgan, Pettis	J5B0803B	720,000.00	0	Thomas Industrial Coatings, Inc.	Bridge Painting on Eight Bridges
506	70	Cooper, Boone, Callaway, Saline	J5M0076	205,206.07	0	Collins & Hermann, Inc.	On-Call Guard Cable Repair

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
507	Various	Osage, Pettis, Benton, Boone, Callaway, Camden	J5M0077	197,339.96	0	Mar-Jim Contracting, LLC	On-Call Guardrail Repair
601	270 OR	St. Louis	J6I2096	321,135.76	144.00	All Type Excavating, Inc./ DBA L. Krupp Construction, Inc.	Install Concrete Median and Lighting
602	40/ 61	St. Charles	J6P2311	161,723.00	144.00	Concrete Strategies, LLC	Grading and Erosion Control
603	Various	St. Louis	J6S2214	562,768.14	0	Meyer Electric Company, Inc.	Replace Signals, Lighting and ADA Facilities
604	61/ 67	St. Louis	J6S2216	245,338.27	144.00	Gerstner Electric, Inc.	Replace Signals, Lighting and ADA Facilities
605	DD	St. Charles	J6S2281	1,164,818.23	656.00	All Type Excavating Inc./ DBA L. Krupp Construction, Inc.	Add Turn Lanes and Resurfacing with Superpave
607	270	St. Louis	J6I2010	1,914,000.00	288.00	Pace Construction Company, LLC	Coldmilling & UBAWS
	270	St. Louis	J6I2010C		288.00		
608	EE	St. Louis	J6S1973	934,000.00	418.00	Pace Construction Company, LLC	Coldmilling and Resurface with Superpave
609	109	St. Louis	J6S1975	483,025.24	175.00	J. M. Marschuetz Construction Co.	Bridge Replacement and Optional Paving
610	30	Franklin	J6M0142	231,993.43	144.00	Blevins Asphalt Construction Company, Inc.	Chip Seal
611	TT	Jefferson	J6M0143	135,714.42	144.00	Lead Belt Materials Company, Inc.	Resurface with BP-1
701	Various	Bates, Dade, Vernon	J7B0803	266,500.00	0	Thomas Industrial Coatings, Inc.	Bridge Painting on Three Bridges
801	44	Webster, Greene, Laclede	J8I2227	512,581.64	144.00	Leo Journagan Construction Co., Inc.	Full Depth Pavement Repair
802	76	Taney	J8P2216	122,115.00	656.00	Hunter Chase & Associates, Inc.	Sidewalk and Curb Ramp
803	Various	Taney	J8P2177	236,409.00	0	James H. Drew Corporation	Guardrail Replacement

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
804	32/ AA	Dallas, Polk	J8B0803	179,045.00	0	Thomas Industrial Coatings, Inc.	Bridge Painting on Two Bridges
901	63	Phelps	J9M0087	1,243,000.00	328.00	N. B. West Contracting Company	Coldmill and Resurface with Superpave
			J9P0597		328.00		
904	Various	Washington, Crawford, Phelps, Howell, Pulaski	J9B0803	480,000.00	0	Thomas Industrial Coatings, Inc.	Bridge Painting on Five Bridges
X01	105, 80	Mississippi	J0M0030	685,596.50	144.00	Apex Paving Co.	Thin Lift Overlay
X02	Bus 60	Butler	J0S0980	695,334.09	984.00	Fronabarger Concreters, Inc.	Optional Paving and Signal Installation
X03	55 OR	Scott	J0I0943	4,333,380.45	0	R. L. Persons Construction Inc.	Grading, Alternate Paving and Bridge to Construct Outer Road
X04	55 & 57	Cape Girardeau, Jefferson, Mississippi, Perry, Ste. Genevieve, Scott	J0M0033	100,059.85	0	Freedom Fence, LLC	On-Call Guardrail Repair
X05	55 & 57	Pemiscot, New Madrid	J0M0034	93,676.20	0	Freedom Fence, LLC	On-Call Guardrail Repair
X06	55	Cape Girardeau, Scott	J0M0035	83,048.10	0	Freedom Fence, LLC	On-Call Guard Cable Repair
X08	55	Ste. Genevieve	J0I2187	318,888.50	0	K and K Electric Company	Install Interchange Lighting
X09	NN	Dunklin	J0S2205	851,831.13	0	A. E. Simpson Construction, Inc.	Thin Lift Overlay
X10	Various	Butler, Cape Girardeau, St. Francois, Ste. Genevieve	J0B0803	377,365.00	0	Thomas Industrial Coatings, Inc.	Bridge Painting on Four Bridges
			<b>TOTAL:</b>	<b>\$61,448,772.05</b>	<b>\$16,556.68</b>		

\* Call 409 – Funding by City of Kansas City \$224,895.05.

\*\* Call 502 – Funding by City of Fulton \$124,245.

**Table II  
Rejection of Bids  
May 14, 2010, Bid Opening**

Call No.	Route	County	Job No.	Description
303	94	Warren	J3P2171	Bridge rehabilitation.

**Commission Consideration and Action**

After consideration, and upon motion by Commissioner Gach, seconded by Commissioner Nichols, the Commission took the following action:

1. Awarded contracts to the lowest responsive bidders for bids received on the May 14, 2010 bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected the bid received on Call 303, as noted in Table II above, because it was considered excessive.
3. Declared the bid of Wehmeyer Farms, Inc. on Call 201 as non-responsive; declared the bid of David E. Brown Construction, LLC on Call 201 as non-responsive; declared the bid of Steve and Associates, Inc. on Call 502 as non-responsive; and declared the bid of Charles Mooney Construction on Call 802 as non-responsive.
4. Noted receipt of concurrence in award of Call 409 from the City of Kansas City.

In keeping with the Commission’s Delegation of Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

\* \* \* \* \*

**REQUEST FOR APPROVAL OF DESIGN OF HIGHWAYS**

**Route 61 Spur (McNutt Street)  
Jefferson County in Herculaneum  
Job No. J6S2262  
Public Hearing Held March 4, 2010**

The proposed improvement provides for the widening of McNutt Street to four twelve-foot through lanes with left turn lanes between I-55 and Route 61/67. The project will have normal access right of way. Existing Route 61 spur will remain open to traffic during construction. This project is 0.6 miles in length.

Mr. Ed Hassinger, District 6 Engineer, recommended approval of design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation.

\* \* \* \* \*

**FISCAL YEAR 2010 BUDGET AMENDMENT**

On behalf of the Interim Director, Brenda Morris, Resource Management Director, recommended adjustments for transfers between appropriations to provide greater flexibility to districts and divisions in funding program priorities. The net impact from these adjustments to the fiscal year 2010 budget is zero.

Via approval of the consent agenda, the Commission unanimously approved the amendments and adjustments to the fiscal year 2010 budget as noted above.

\* \* \* \* \*

**CONTRACTOR DISQUALIFICATION FOR MISCONDUCT**

Interim Director, Kevin Keith, recommended disqualification of Heckert Construction Company, Inc. (and Mr. Charles Heckert, Mr. Roger Heckert, Mr. Michael Lehman, and Ms. Dietra Cowen, individually) from future bidding or other work with the Commission due to the misconduct in violation of 7 CSR 10-18.020(1)(G) until such time as they are no longer suspended or debarred by the Federal Highway Administrative (FHWA)

Via approval of the consent agenda, the Commission unanimously approved the recommended disqualification as noted above.

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**HIGHWAY 63 TRANSPORTATION CORPORATION, APPOINTMENT AND REAPPOINTMENT OF BOARD MEMBERS**

On behalf of the Interim Director, Dan Niec, District 2 Engineer, conveyed the following recommendation of the Highway 63 Transportation Corporation Board of Directors as it pertains to membership on that board:

- Appoint Tony Askew to replace Don Wilhelm, for a three-year term beginning July 1, 2010 and ending July 1, 2013.
- Reappoint Dave Ramsey, Allan Muncy, Donald Crabtree, and Norman Belitz, for three-year terms beginning July 1, 2010 and ending July 1, 2013.

Via approval of the consent agenda, the Commission unanimously approved the appointment and reappointments to the Highway 63 Transportation Corporation Board of Directors as recommended and noted above.

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**REPORT AND RECOMMENDATION REGARDING FINAL ORDER OF RULEMAKING, DESCRIPTION, ORGANIZATION, AND INFORMATION**

On behalf of the Interim Director, Micki Knudsen, Human Resources Director, reminded the Commission that at their February 4, 2010, meeting, the Commission authorized filing and publication of the notice of proposed amended rulemaking for 7 CSR 10-1.010, that depicts the department's organizational structure, and is consistent with the department's current business practices. The amended rule was published in the *Missouri Register* on March 15, 2010, and no comments were received during the 30-day public comment period.

Ms. Knudsen recommended approval of the final order of rulemaking and requested authorization for the Secretary to the Commission to file the final rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State. She further recommended that the Interim Director or Chief Financial Officer be authorized to execute any document appropriate and necessary to complete this final rulemaking process.

The Commission, by unanimous vote of all members present, approved the recommendations.

\* \* \* \* \*

**DISPOSAL OF EXCESS PROPERTY**

In keeping with the Commission’s October 11, 2006 Delegation of Authority policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission to a governmental entity at no cost or exchange interest in land must be approved by specific Commission action. The following sales are to governmental entities.

**Business Route 63, Randolph County, Excess Parcel Number E2-0397**

On behalf of the Interim Director, Dan Niec, District 2 Engineer, recommended conveyance of 0.424 acre of land located in Randolph County at the southeast corner of the intersection of Business Route 63 and McKinsey Street to the Adjutant General, State of Missouri, for the consideration of \$1.00.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

**Route 6, Daviess County, Excess Parcel Number E1-0341**

On behalf of the Interim Director, Don Wichern, District 1 Engineer, recommended conveyance of 0.285 acre of land located in Daviess County at the intersection of Route 6 and County Road 92 to Daviess County for the consideration of \$1.00.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

**Route W, Cape Girardeau County, Excess Parcel Number E10-0507**

On behalf of the Interim Director, Mark Shelton, District 10 Engineer, recommended conveyance of 0.77 acre of land located in Cape Girardeau County near the intersection of Wigwam Lane and Route W to the City of Cape Girardeau for the consideration of \$1.00.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

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**DISPOSAL OF EXCESS PROPERTY, ROUTE 141,  
ST. LOUIS COUNTY, EXCESS PARCEL NUMBER E6-1078A**

In keeping with the Commission's June 14, 2006 policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Interim Director, Ed Hassinger, District 6 Engineer, recommended conveyance of 17.814 acres located in St. Louis County along Route 141, south of the intersection of Olive Boulevard to the Stephen Brauer Trust for \$1.00, as part of a land acquisition settlement agreement.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

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**-- REPORTS --**

The Commission received the following written reports.

**FINANCIAL – BUDGET - REPORTS  
YEAR-TO-DATE FINANCIAL REPORT, APRIL 30, 2010**

Deborah S. Rickard, Controller, provided to the Commission the Fiscal Year 2010 monthly financial report for the period ending April 30, 2010, with budget and prior year comparisons.

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**DELEGATION OF AUTHORITY FOR EXECUTION OF DOCUMENTS,  
OPERATING BUDGET APPROPRIATIONS**

In keeping with the Commission's delegation of authority for specific staff members to execute documents in keeping with its approved budget, and in keeping with the Commission's desire to be apprised of all single purchases over \$200,000, Beth Ring, General Services Director, submitted a report showing the purchase orders issued and contracts executed that exceeded \$200,000 in the third quarter of Fiscal Year 2010.

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**CONTRACTOR PERFORMANCE REPORT**

Dave Ahlvers, State Construction and Materials Engineer, presented the annual contractor performance report for 2009. Performance summaries were mailed to the contractors the week of May 10, 2010. No contractors were identified for disqualification or probation through the annual performance rating process. Contractors receiving the top ratings for 2009 construction season will be recognized at the MoDOT / AGC Coop meeting in the fall of 2010.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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