

**TAHOE TRANSPORTATION DISTRICT (TTD)**  
**Special Meeting – Notice of Agenda and Agenda**

Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449

June 29, 2012  
9:00 a.m.

This meeting is being called as a special meeting because it is not occurring on the regularly scheduled second Friday of the month at 9:30 a.m. All items on this agenda are action items unless otherwise noted.

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**I. CALL TO ORDER AND GENERAL MATTERS**

- A. Roll Call and Determination of Quorum of TTD
- B. Approval of Agenda for June 29, 2012

**II. PUBLIC INTEREST COMMENTS**

At this time, members of the public shall have the opportunity to directly address the Board. All comments are to be limited to no more than five minutes per person. The Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda. In addition, members of the public shall have the opportunity to directly address the Board after each item on which action may be taken is discussed by the public body, but before the public body takes action on the item.

**III. TAHOE TRANSPORTATION DISTRICT (TTD) CONSENT ITEMS**

<u>Item</u>	<u>Action Requested</u>	<u>Page</u>
A. Approval of Purchase Orders for Fiscal Year 2013 Budgeted Expenses for Needed District and Transit Operations Goods and Services Support	<b>Approval</b>	<b>1</b>
B. Informational Update on East Shore Express Operations for June 15 through June 21, 2012	<b>Informational Only</b>	<b>3</b>
C. Adoption of Resolution Amending the South Lake Tahoe Short-Range Transit Plan to Include Fueling Station Modernization, Equipment, and Hardware and Software Improvement Projects	<b>Adoption</b>	<b>5</b>

**IV. TAHOE TRANSPORTATION DISTRICT (TTD) BUSINESS ITEMS**

<u>Item</u>	<u>Action Requested</u>	<u>Page</u>
A. Approve Staff Recommendation to Dismiss Bid Protest from A&K Earth Movers; Approve Award of Nevada Stateline to Stateline Bikeway South Demonstration Project – Phase 1 Improvements Construction Contract to Herback General Engineering, LLC; Authorize Chairman and District Manager to Sign the Construction Contract; and Authorize the District Manager to Execute Contract Change Orders Not to Exceed Ten Percent (10%)	<b>Approval</b>	<b>7</b>
B. Approval of Policy Guidance for Right of Way Acquisition and Appraisal for all District Projects	<b>Approval</b>	<b>71</b>

**V. DISTRICT MANAGER REPORT**

**VI. BOARD, COMMISSION MEMBER AND STAFF COMMENTS**

**VII. ADJOURNMENT**

**COMPLIANCE WITH PUBLIC NOTICE REQUIREMENTS**

This notice and agenda has been posted at the TTD office and the following post offices: Stateline, Nevada and Tahoe Valley, California. The notice and agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office and the North Tahoe Chamber of Commerce and on the TTD website: [www.tahoetransportation.org](http://www.tahoetransportation.org).

For those individuals with a disability who require a modification or accommodation in order to participate in the public meeting, please contact Judi White at (775) 589-5502.

**California Open Meeting Law Compliance**

Written notice of this special meeting was delivered to each member of the Board and to each local newspaper of general circulation and radio or television station who has previously requested such notice in writing. Such notice was received at least 24 hours before the time of this special meeting.

Notice of this special meeting was posted at least 24 hours prior to the meeting in a location that is freely accessible to members of the public.

In addition, the Board has caused this agenda and all documents constituting the agenda packet to be mailed to all persons requesting such materials, and such mailing occurred at the time the agenda was posted or upon distribution to all, or a majority of all, of the members of the Board, which occurred first.

**Nevada Open Meeting Law Compliance**

Written notice of this meeting has been given at least three (3) working days before the meeting by posting a copy of this agenda at the principal office of the Board and at three other separate, prominent places within the jurisdiction of the Board not later than 9 a.m. of the third working day before the meeting.

Written notice of this meeting has been given by providing a copy of this agenda to any person who has requested notice of the meetings of the Board. Such notice was delivered to the postal service used by the Board not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail, or if feasible for the Board and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

Supporting materials were provided to any person requesting such materials and were made available to the requester at the time the material was provided to the members of the Board or, if provided to the members of the Board at the meeting, were made available to the requester at the meeting.

This agenda has been posted on the TTD website - [www.tahoetransportation.org](http://www.tahoetransportation.org).



MEMORANDUM

Date: June 25, 2012  
To: Tahoe Transportation District (TTD) Board of Directors  
From: TTD Staff  
Subject: Approval of Purchase Orders for Fiscal Year 2012/2013 Budgeted Expenses for Needed District and Transit Operations Goods and Services Support

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**Action Requested:**

It is requested the Board approve \$4,369,078 in purchase order capacity to procure necessary goods and services for the District's operational needs.

**Background:**

At the beginning of fiscal year 2012, Staff sought purchase order capacity for District and Transit Operations goods and services based on known and budgeted needs for the year. As fiscal year 2012 is coming to an end, those purchase orders will be closed and new purchase orders for fiscal year 2013 will need to be opened.

**Discussion:**

The various activities of the District are accounted for in separate accounts, but the authority for the procurement of operational goods and services is more efficiently achieved through a consolidated request, without sacrificing the effectiveness of the Board's approval.

This request represents various monthly, on-going goods and services included in the budget for the 2012/13 fiscal year, that are considered routine and ordinary, such as contracted transit operations, fuel, fluids and legal services. Additional purchase order approvals will be requested through the year for those goods and services where the vendor or contractor is not yet known. Staff is requesting this \$4,369,078 in purchase order capacity to address these initial needs and recommends approval.

**Fiscal Analysis:**

All expenditures associated with this request are accounted for in the FY13 budget.

**Additional Information:**

If you have any questions or comments regarding this item, please contact Curtis Garner at (775) 589-5505 or [cgarner@tahoetransportation.org](mailto:cgarner@tahoetransportation.org) for transit related questions or Joanie Schmitt at (775) 589-5227 or [jschmitt@tahoetransportation.org](mailto:jschmitt@tahoetransportation.org).

**Attachment:**

A. Purchase Order Request Detail

**Tahoe Transportation District  
Purchase Order Request Detail  
For the Fiscal Year Ending 6/30/13**

**Capital Improvement Program**

Vendor	Amt Requested	Purpose	Funding Source(s)
Taggart & Taggart	<u>\$ 45,670</u>	Legal services for capital improvement program	FLH Half Percent, Q1B, & ARRA Sec. 5311

**District Operations**

Vendor	Amt Requested	Purpose	Funding Source(s)
Taggart & Taggart	15,000	Legal services for general operations	RCMF
TNT TMA	<u>20,000</u>	North Shore transit management	RCMF
	<u>\$ 35,000</u>		

**Transit Operations**

Vendor	Amt Requested	Purpose	Funding Source(s)
Tectrans (Keolis Transit America)	3,277,908	Transit service operations	TDA, FTA Sec. 5311, Transit System Contributions
Tectrans (Keolis Transit America)	93,000	SR 28 East Shore Express transit operations - Summer 2012	FTA Sec. 5311, SNPLMA
Western Energetix	574,000	Transit vehicle fuel	TDA, FTA Sec. 5311, Transit System Contributions
Thomas Petroleum	24,000	Transit vehicle fuel	FTA Sec. 5311, SNPLMA
Pinnacle CNG	152,000	Transit vehicle fuel	TDA, FTA Sec. 5311, Transit System Contributions
Western Energetix	57,500	Bulk fluids for transit vehicles	TDA, FTA Sec. 5311, Transit System Contributions
Taggart & Taggart	17,000	Legal services for transit operations	TDA, FTA Sec. 5311, Transit System Contributions
Taggart & Taggart	51,000	Legal services for transit litigation	Transit System Contributions
Mayer Hoffman McCann	12,000	Audit services for transit operations	TDA, FTA Sec. 5311, Transit System Contributions
Placer County	<u>30,000</u>	West Shore summer transit service (TART)	SNPLMA
	<u>\$ 4,288,408</u>		

**Total Requested \$ 4,369,078**



MEMORANDUM

Date: June 25, 2012

To: Tahoe Transportation District (TTD) Board of Directors

From: TTD Staff

Subject: Informational Update on East Shore Express Operations for June 15 through June 21, 2012

**Action Requested:**

No action is required. This is an informational update on the East Shore Express operations for June 15 through 21, 2012.

**Background:**

To inform the Board of the performance of the BlueGO transit system, Staff will submit a monthly summary of key operational information. As the Board has already had an opportunity to review the most recent BlueGO operations report at the June 9 Board meeting, an update on the East Shore Express (ESE) operations is presented here.

**Discussion:**

The ESE is off to a good start, providing 291 passenger trips during the first week of operation with 186 trips on Sunday, June 17. A positive early indicator is that people are using the service even though the Sand Harbor parking area has not yet been filled to capacity.

The service is also starting to gain community acceptance and comments to the drivers are overwhelmingly positive. One of the Keolis Road Supervisors reports that an Incline Village resident, representing a group opposed to the East Shore Express has used the service and is now a proponent of the ESE and informed the supervisor that he would spread the news.

ESE Ridership June 15 through June 21

<u>Old Elm</u>	<u>Overflow</u>	<u>Tart Stop</u>	<u>Sand Harbor</u>	<u>Reduced Fare</u>	<u>Free Boardings</u>	<u>Total</u>
169	0	9	113	35	33	291

Of the 291 total passengers, 68 were either reduced fare (persons aged 5 to 12 or 60+) or free (children under 5 years of age).

The media outreach has consisted of billboards, television, radio, print, and schedule distribution around Lake Tahoe, Reno/Sparks, Carson/Minden and other surrounding areas.

**Additional Information:**

If you have any questions or comments regarding this item, please contact Curtis Garner at (775) 589-5505 or [cgarner@tahoetransportation.org](mailto:cgarner@tahoetransportation.org).





MEMORANDUM

Date: June 25, 2012  
To: Tahoe Transportation District (TTD) Board of Directors  
From: TTD Staff  
Subject: Adoption of Resolution Amending the South Lake Tahoe Short-Range Transit Plan to Include Fueling Station Modernization, Equipment, and Hardware and Software Improvement Projects

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**Action Requested:**

It is requested the Board adopt the attached resolution (Attachment A) as recommended.

**Background:**

Working with the Regional Transportation Planning Agency (RTPA), District Staff has identified and applied for \$778,306 in Proposition 1B (Prop 1B) Public Transportation Modernization, Improvement, and Service Enhancement Program funds for two projects related to the modernization of an alternative fueling station for the south shore system, and as match to leverage FTA 5309 grant funds for equipment purchases, including hardware and software purchases related to transit system operations. Eligibility for the Prop 1B funds includes being part of a transit plan and these projects are not articulated in the current plan for the south shore.

Staff understands that funds will be available from the State of California and all eligibility requirements must be addressed prior to the end of the fiscal year. It is too late for the RTPA to place a resolution on its agenda adopting these projects as part of the plan, so the District is acting to satisfy eligibility requirements.

**Discussion:**

A resolution of adoption will satisfy the grant requirement as understood by Staff. The District's CNG station is aging and the District has need of a fueling station that is in closer proximity to its service yard, as well as one that offers biodiesel. The District has also modernized its computer and accounting software system used to support transit operations and has planned to use the Prop 1B funds as match with federal funds to pay its fair share towards this and other equipment purchases. Staff recommends approval. Once approved, Staff will submit the resolution to the RTPA for subsequent action with Caltrans.

**Additional Information:**

If you have any questions or comments regarding this item, please contact Carl Hasty at (775) 589-5501 or [chasty@tahoetransportation.org](mailto:chasty@tahoetransportation.org).

**Attachment:**

A. Resolution

**TAHOE TRANSPORTATION DISTRICT  
TTD RESOLUTION NO. 2012-005**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TAHOE  
TRANSPORTATION DISTRICT AMENDING THE SOUTH LAKE TAHOE SHORT-  
RANGE TRANSIT PLAN TO INCLUDE FUELING STATION MODERNIZATION,  
EQUIPMENT, AND HARDWARE AND SOFTWARE IMPROVEMENT PROJECTS**

**WHEREAS**, the Tahoe Transportation District (TTD) operates the transit system serving the City of South Lake Tahoe and El Dorado County at Lake Tahoe, extending across the state line into Douglas County and Carson City in Nevada; and

**WHEREAS**, the Tahoe Regional Planning Agency as the Regional Transportation Planning Agency (RTPA) had completed a Short Range Transit Plan (SRTP) for the South Lake Tahoe area in December of 2010; and

**WHEREAS**, the TTD uses the SRTP for the service it provides and seeks to achieve; and

**WHEREAS**, the TTD has need of improving and modernizing the transit system's facilities and enhance its service, including modernizing its alternative fueling facility, and updating its equipment and software which supports transit operations; and

**WHEREAS**, said projects are not identified in the current SRTP;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Tahoe Transportation District hereby adopts these projects as part of the South Lake Tahoe Short-Range Transit Plan.

**PASSED AND ADOPTED** by the Board of Directors of the Tahoe Transportation District at its special meeting held on June 29, 2012, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

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Andrew Strain, Chair  
Tahoe Transportation District



MEMORANDUM

Date: June 25, 2012

To: Tahoe Transportation District (TTD) Board of Directors

From: TTD Staff

Subject: Approve Staff Recommendation to Dismiss Bid Protest from A&K Earth Movers; Approve Award of Nevada Stateline to Stateline Bikeway South Demonstration Project – Phase 1 Improvements Construction Contract to Herback General Engineering, LLC; Authorize Chairman and District Manager to Sign the Construction Contract; and Authorize the District Manager to Execute Contract Change Orders Not to Exceed Ten Percent (10%)

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**Action Requested:**

It is requested the Board approve Staff's recommendation to dismiss A&K Earth Movers' bid protest and award the Nevada Stateline to Stateline Bikeway South Demonstration Project – Phase 1 Improvements (Project) construction contract to Herback General Engineering, LLC (Herback); authorize the Chairman and District Manager to sign the construction contract; and authorize the District Manager to execute contract change orders not to exceed ten percent (10%) of the contract amount.

**Background:**

At the April 2011 Board meeting, the Board approved the Nevada Stateline to Stateline Bikeway South Demonstration Project Final Joint Environmental Assessment and associated project. Also as part of that action, the Board approved TTD staff to take a project lead role as it relates to the construction of the Project, including the bid and award of the construction contract. Since that time, Staff has successfully managed the design and permitting contract with Lumos and Associates, resulting in project approval from all applicable permitting agencies. To carry out the Project, Staff requested and received Board approval to advertise the construction contract for the project at the April 2012 Board meeting. Staff issued the formal bid advertisement on May 13, 2012, which concluded at 1:30 p.m. on June 1, 2012 and resulted in the submittal of five (5) bids ranging from \$1,498,835 to \$1,888,007.

Following the review of the bids by Staff, the Resident Engineer (Matzoll Development Consultants), and Legal Counsel (Taggart and Taggart, Ltd. and Woodburn and Wedge), Staff issued the "All Bidders Letter" which initiated the ten day (10) bid protest period provided in the instructions to bidders and included Staff's notice of intent to award to the "apparent lowest responsive/responsible bidder," Herback, and reiterated the procedures for filing a bid protest. The bid protest period concluded on June 20, 2012 at 5:00 p.m., with Staff receiving one protest from A&K Earth Movers, Inc. (Attachment A), which alleged that Herback's bid did not achieve the 3% Disadvantaged Business Enterprises (DBE) goal for the Project, nor were their "Good Faith Efforts" adequate in soliciting and/or securing participation by DBE firms. A&K Earth Movers did not submit a surety bond or other security with its bid protest as required on the

AK/jw

AGENDA ITEM: IV.A.

contract specifications. TTD staff scheduled and held a meeting at A&K Earth Movers' office in Sparks, Nevada on June 22, 2012 to review and discuss the validity of the protest and reiterated Staff's conclusion that the bid protest lacked merit and that Herback is the lowest responsive/responsible bidder, as their bid was the lowest and in compliance with all provisions of the contract and therefore would be recommended for award of the Project construction contract. The TTD's evaluation of the apparent low bidder's good faith efforts is based on the "Guidance Concerning Good Faith Efforts" contained in 49 CFR Part 26, Appendix A. The engineer's estimate for the Project was estimated to be \$1.55 million and Herback's bid was \$1,498,835 and is therefore within the project budget.

**Discussion:**

Staff has thoroughly reviewed all DBE "Good Faith Effort" documentation provided by Herback (Attachment B) and while a 3% DBE goal was not achieved, Staff has determined that Herback's "Good Faith Efforts" in soliciting and procuring DBE's were adequate. As a result of that review and determination, Staff is recommending that the Board approve Staff's recommendation to dismiss the bid protest from A&K Earth Movers. Approval of Staff's recommendation will constitute a "final decision" on the bid protest, thereby satisfying all protest/appeal procedures required by Article 26 of the instructions to bidders, which are the protest/appeal procedures approved by the Board for this Project.

Staff has thoroughly reviewed all other aspects of Herback's bid and has determined that it is lowest responsive/responsible bid for the Project. As a result of that review and determination, Staff recommends awarding the Nevada Stateline to Stateline Bikeway South Demonstration Project – Phase 1 Improvements Construction Contract to Herback in the amount of \$1,498,835 and authorizing the Chairman and District Manager to sign the construction contract. Staff is also recommending the Board authorize the District Manager to execute contract change orders not to exceed 10% of the contract amount. In the case of this Project, the District Manager would be authorized to execute change orders for a cumulative not to exceed amount of \$149,883. All change orders above and beyond 10% of the contract amount would be subject to Board review and approval.

**Fiscal Analysis:**

All expenditures associated with this item are accounted for in the 2011/12 and 2012/13 Work Programs and associated budgets and will be funded by a combination State of Nevada funds, Recreation and Trails funds, and local mitigation funds.

**Work Program Analysis:**

This Project is included in the work program and the TTD's Capital Improvement Program. All work associated with this effort will be captured under respective elements of the existing Work Program and corresponding allotted staff time.

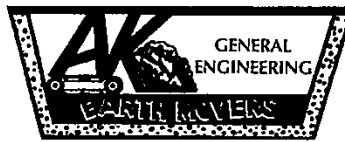
**Additional Information:**

If you have any questions or comments regarding this item, please contact Alfred Knotts at [aknotts@tahoetransportation.org](mailto:aknotts@tahoetransportation.org) or (775) 589-5503.

**Attachments:**

- A. Bid Protest Received from A&K Earth Movers, Inc.
- B. Response to Bid Protest and DBE Good Faith Effort documentation received from Herback General Engineering, LLC

ENGINEERING  
A & K EARTH MOVERS, INC.  
12251 TRUCKEE CANYON COURT  
SPARKS, NEVADA 89434  
(775) 825-1636 • FAX (775) 825-6171



Visit us at:  
www.akearthmovers.com

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A & K EARTH MOVERS, INC.  
515 WINDMILL DRIVE • P.O. BOX 1059  
FALLON, NEVADA 89406  
(775) 423-6085 • FAX (775) 423-8410

June 19, 2012

RECEIVED 2:50 p.m.  
6/20/12

Mr. Alfred Knotts, Project Manager  
Tahoe Transportation District  
128 Market Street, Suite 3F  
Stateline, NV. 89449

**RE: Nevada Stateline to Stateline Bikeway South Demonstration Project – Phase 1 Improvements: Protest Letter**

Dear Mr. Knotts,

This letter is being written as A&K Earth Movers, Inc.'s formal protest on the above referenced project under the directions outlined in your letter dated June 6, 2012.

It is A&K's, position that Herback General Engineering, LLC failed to meet the required 3% goal of Disadvantage Business Enterprise as outlined in the Instructions to Bidders Section 2 – Instructions to Bidders, Article 25. It is also A&K's position that Herback General Engineering, LLC performed an inadequate good faith effort in finding and utilizing available Disadvantage Business Enterprise subcontractors or vendors as required by 49 CFR Part 26.

As per Section 2 – Instructions to Bidders, Article 25, Policy, the Tahoe Transportation District has adopted the DBE requirements of 49 CFR Part 26 and these shall apply to this contract. Furthermore, NDOT has established a DBE participation goal of 3%.

Section 2 – Instructions to Bidders, Article 25 of the Contract Documents allows the contractor to fulfill the requirements of a DBE goal by either using a subcontractor or vendor who is registered with the Nevada Unified Certification Program as a Disadvantaged Business Enterprise. As per Section 49 CFR 26.55 subsection e1. and e2., when a registered subcontractor is used, the contractor is allowed to use 100% of the value of the subcontractors proposal towards the DBE goal. When the contractor uses a registered vendor, the contractor is only allowed to use 60% of the value of the materials towards the DBE goal. It is not always possible to find a qualified DBE registered subcontractor to achieve the required DBE goal but by using a vendor, the goal is more achievable. All of the contractors who submitted bids and achieved some or all of the 3% DBE goal, listed vendors as part of their DBE efforts. In other words, there were enough materials required on this project that using a DBE vendor would have satisfied the DBE goal.

A contractor must make every effort to solicit proposals from registered DBE contractors. The Instructions to Bidders, page IB-12 state that the Nevada Department of Transportation may be contacted if a contractor needs additional assistance or has

NEVADA CONTRACTOR'S LICENSE NO. 24548



CALIFORNIA CONTRACTOR'S LICENSE NO. 339463

questions regarding DBE compliance. Burdick Excavating enclosed the list of DBE contractors listed by NDOT as part of their good faith effort but Herback General Engineering, LLC did not furnish any evidence that they contacted NDOT for assistance with DBE questions. Had Herback General Engineering, LLC been diligent in their good faith effort and consulted NDOT's list of registered DBE's they would have found Lumber suppliers, carpenters for the construction of the boardwalk and handrail, freight carriers for asphalt oil and aggregates, paving contractors, fencing contractors and a number of material suppliers. For example, Dixon Trucking Inc., K&B Transportation LLC and Julio Jones Trucking Inc. are all local registered DBE vendors that will rent trucking services on an hourly basis. On past projects, in order to satisfy the DBE goals, A&K has negotiated purchasing asphalt oil through a registered DBE vendor and used DBE subcontractors to haul the oil or the asphalt. Qualcon Contractors and Sierra Nevada Construction both listed Black Diamond Asphalt, a registered DBE vendor to supply and haul the asphalt oil. If Herback General Engineering, LLC were to self-perform the paving operations, purchasing the asphalt oil from a registered DBE vendor should have been pursued as part of the good faith effort. If Herback General Engineering, LLC had contracted out the paving operations, they could have used Don Garcia Paving, a registered DBE contractor who had a very competitive paving proposal. If Herback General Engineering, LLC opts for another contractor to perform their paving operations, they should have negotiated with the paving subcontractor to purchase the asphalt oil from a registered DBE vendor or use a registered DBE trucking company to haul the asphalt. The avenues for obtaining the 3% DBE participation goal for this project are in abundance if the contractor puts in the effort to find the registered subcontractors or vendors.

Appendix A to Part 26 of the 49 CFR, Section V states that the performance of other bidders in meeting the goal may be taken into consideration in determining if good faith efforts have been made. If two contractors submitting bid proposals can meet or exceed the 3% DBE goal, and another contractor can achieve 1.9% of the DBE goal how can a contractor with a DBE participation of 0% claim that they have demonstrated good faith effort? Section V. further states that if the apparent successful bidder fails to meet the goal but meets or exceeds the average DBE participation obtained by the other bidders, this may be viewed as good faith effort. The average DBE participation goal by the other bidders is 2.36% (see Table 1.0). Herback General Engineering, LLC's DBE participation of 0% is certainly less than the average and therefore should not be considered good faith effort. If one or more contractors have gone through the DBE solicitation process and have been able to find DBE registered subcontractors and vendors, then a claim by other contractors of not being able to find any qualified Disadvantaged Business Enterprise subcontractors/suppliers is unfounded. As a matter of fact, A&K received bid proposals from registered DBE contractors that were not solicited. After reviewing the DBE and good faith effort documentation provided by Herback General Engineering, LLC the same subcontractors that submitted unsolicited proposals to A&K also sent proposals to them.

Finally, it is A&K's opinion that not using a registered DBE because their costs proposal was higher than a non-DBE contractor is not demonstrating good faith effort. After reviewing Herback General Engineering, LLC's good faith effort documentation, it was found that although receiving a proposal from a registered DBE contractor (Creekside Electrical), they opted to use a contractor that was not a DBE (Sierra Valley Electrical, Inc.) because their price was cheaper. Appendix A to Part 26 of the 49 CFR, Section IV, subsection D2., acknowledges that additional costs may be involved in using DBE's and

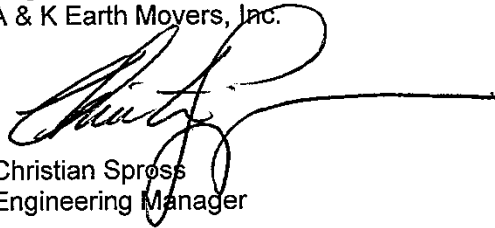
that this is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. The costs difference between the registered DBE contractor and non-DBE contractor was \$3,001.00. A \$3,001.00 cost difference on a bid proposal of \$1,498,835.00 would hardly be considered excessive or unreasonable. Furthermore, the scopes of work provided by the two electrical subcontractors were different in nature and had Herback negotiated in good faith with Creekside Electrical and given them the opportunity to bid the same scope as Sierra Valley Electric, Inc., the cost difference between the two would have been less than \$3,001.00 making the overall impact on the total bid price even less of a factor.

In summary, it is A&K's position that not only did Herback General Engineering, LLC fail to "meet the DBE goal", they made no real attempt at good faith effort to meet ANY portion of the goal. Advertising for solicitations and then disregarding the proposals from DBE subcontractors and vendors to utilize cheaper pricing or their own forces cannot and should not be construed as good faith effort.

For the reasons stated above, A&K Earth Movers, Inc. is requesting that you reconsider your recommendation to award this project to Herback General Engineering, LLC and award the project to the A&K Earth Movers, Inc., the lowest responsive and responsible bidder.

Please contact me if you have any questions, comments or require additional information.

Regards,  
A & K Earth Movers, Inc.

A handwritten signature in black ink, appearing to read "Christian Spross", with a long horizontal line extending to the right.

Christian Spross  
Engineering Manager

cc: Parsons, Behle and Latimer

Table 1.0

Contractor	Bid Price	DBE Participation
Herback General Engineering, LLC	\$1,498,835.00	0.0%
A & K Earth Movers Inc.	\$1,527,000.00	3.1%
Burdick Excavating	\$1,554,554.00	3.0%
Qualcon Contractors Inc.	\$1,720,240.00	3.8%
Sierra Nevada Construction	\$1,888,007.00	1.9%
	<b>AVG</b>	<b>2.36%</b>

06/22/2012 11:02 7752676801

HERBACK GENERAL ENG

PAGE 02/15

***HERBACK***  
***GENERAL ENGINEERING, LLC***  
 NV Lic # 33090A      2531 Nowlin Road      Telephone 775-267-6800  
 CA Lic # 486035      Minden, NV 89423      Fax: 775-267-6801

June 22, 2012

Mr. Alfred Knotts, Project Manager  
 Tahoe Transportation District  
 128 Market Street, Suite 3F  
 Stateline, NV 89449

RE: Nevada Stateline to Stateline Bikeway South Demonstration Project-  
 Phase 1 Improvements: Protest Letter Response

Dear Mr. Knotts,

Please accept this letter as our initial response to the accusation presented by A & K Earthmovers, Inc. in regards to their protest to the award of the regarded project to our company. It is our intent to clarify their assumptions and prove our good faith efforts were not only timely and thorough, but were also made with genuine intent to include any reasonable proposal from DBE's.

**Clarification to A&K Earthmovers accusations:**

**Paragraph 3** – Agreed, a goal of 3% was established and our firm used significant inside and outside resources as our first order of business to contact, advertise and follow up with the available DBE's. There were many opportunities to participate on this project as subcontractors including fencing, hand rails, landscaping, and erosion control

**Paragraph 4 & 5 – The use of material vendors** – Their accusation that material suppliers were available is circumstantial. Unlike A & K Earthmovers, HGE does not produce asphalt concrete. A&K listed an asphalt oil trucker/supplier. Because they produce the end product, they can directly control who they get their oil from and how it is transported. Because HGE does not produce asphalt concrete, we are limited in our ability to require a third party agreement with the asphalt concrete supplier (Bing Materials in this case) who did not make this option available. Furthermore, the truck/supplier used by other firms does not perform a regular and "Commercially Useful Function" (CUF as defined in attachment A). HGE operates at the highest level of integrity and has no intention to fabricate DBE's that do not provide a CUF.

A&K claims lumber, carpenters/carpentry, handrail and fencing were all available on the NDOT website, however our search resulted in zero (0) results (see attachment B).

As for the use of trucking or pavers, it is not a reasonable business decision to park the company assets including leveraged trucks and heavy equipment. The use of these tools is critical to our financial obligations associated with their use. Not using our own capital assets to complete the project could result in financial devastation to our company. All other items of work that were labor and/or material intensive were made available to DBE's.

**Paragraph 5 – Contacting NDOT** – Their accusation that NDOT was not contacted is false. NDOT was our primary source for available subcontractors and materials suppliers. It was not required to submit NDOT printouts. We used the information received from NDOT and created a tracking/call sheet that is

Page 1 of 2

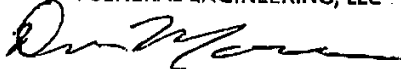
used as an aggressive tool to clearly organize and document our efforts. This spreadsheet was submitted as proof of our good faith effort.

**Paragraph 6 – Reference to appendix A to part 26 of the 49 CFR** – The accusation from A&K Earthmovers that our firm did not provide a good faith effort is again false. We have a strong history of meeting DBE goals. It is clear that all interested and available DBE subcontractors /suppliers were not reasonably available or usable for this project. We had contacted Kelley Erosion Control on multiple occasions to confirm their intent to participate with this project (with a yes response). For reasons beyond our control they decided to not bid (their participation alone would have exceeded the goal). We are not aware of any unsolicited DBE proposals that were ignored in our office, relevance of this statement by A&K is unknown.

**Paragraph 7 – Relevance to price when choosing a subcontractor/supplier** - The accusation that price is not a factor in determining whether to use or not to use a DBE is False. It is our responsibility to provide the lowest responsible and responsive price to TTD. Using hindsight to determine eligibility of a DBE subcontractor after all the bids have been revealed is simplistic and not realistic. The price difference between Sierra Valley Electric and Creekside Electrical (the DBE) and the merits of each were not examined as a percentage of the total, but as an item of work within the project. There was a substantial price difference between the bids (the DBE was 75% higher). It was a reasonable and responsible decision not to list Creekside Electric.

In conclusion we find A&K assumptions unfounded and false. Furthermore their complaints and theories have no legal merit to protest award of the above contract. Should you need any additional information or wish to discuss any of the above issue in greater detail please contact me at your earliest convenience. We look forward to working with you on this project.

HERBACK GENERAL ENGINEERING, LLC



Dan Morse | Project Manager  
775-267-6800

cc: File, Legal, Greg





*Attachment A*  
**COMMERCIALLY USEFUL FUNCTION (CUF)  
 PROJECT SITE REVIEW  
 CUF FORM**

Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit.

Resident Engineer's will perform CUF reviews on DBE a federally-assisted construction project. The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.

<b>Contract/Project No(s):</b>  <b>County(ies):</b>  <b>Prime Contractor:</b>  <b>DBE Superintendent/Foreman:</b>  <b>DBE Start Date:</b>	<b>Resident Engineer:</b>  <b>NDOT Reviewer:</b>  <b>Reviewer Title</b>  <b>Review Date:</b>  <b>DBE Anticipated Completion Date:</b>						
<b>DBE Name:</b>							
<b>Provide a brief description of the DBE's scope of work:</b>							
<b><u>Supervision</u></b> Does the DBE have a superintendent/foreman on project? Does the superintendent/foreman work exclusively for the DBE? If not, who does he/she work for? Who does the superintendent/foreman report to?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>Yes</b></td> <td style="width: 50%;"><b>No</b></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Yes</b>	<b>No</b>						
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<b><u>Employees</u></b> Does the DBE have employees on the job? Do they appear on DBE payrolls? If not, why? Do they appear on prime contractor's payroll? Who Assigns work to them?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<b><u>Performance</u></b> Has any other contractor performed any of the DBE's work? If yes, who and what work items?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>						
<b><u>Equipment</u></b> Whose name appears on the equipment? Does DBE own or lease equipment? Does DBE use prime contractor's equipment?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<b><u>CUF</u></b> Does it appear the DBE is performing a CUF? If DBE is not performing a CUF, contact Contract Compliance Office	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>						
<b><u>COMMENTS:</u></b> <i>Regular Transaction - Paramount Oil → Bing Materials</i> <i>DBE Transaction - Paramount Oil → Black Diamond → Bing</i>							

Reviewer Signature \_\_\_\_\_

R.E. Signature \_\_\_\_\_

## CUF DETERMINANTS

*If any Red Flag Conditions are identified, contact the Contract Compliance Office*

### **PERFORMING**

- DBE must be responsible for performing its own work on the project
- The work of the subcontract must be performed by the DBE with its own workforce
- The DBE keeps a regular workforce and has its own employees
- The DBE is utilizing its own equipment
- Operation of the equipment must be subject to the full control of the DBE

### **RED FLAGS**

- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor
- Employee working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor or another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity
- Equipment has another contractor's name on it

### **RECORDS/DOCUMENTS**

- Subcontract Agreement or Purchase Order
- Equipment ownership, rental, or lease documents
- Certified payrolls

### **MATERIALS (For material credit)**

- DBE is responsible for the delivery of the materials
- DBE is ordering the material and invoices indicate that DBE is the customer
- Material invoices indicate that DBE owner or Superintendent is the contact person

### **RED FLAGS**

- Materials for DBE credited work are delivered by the Prime Contractor
- Materials are ordered, billed to, and/or paid by the Prime Contractor
- Invoices do not indicate that DBE is the customer
- Prime's employee is listed as the contact person on invoices
- Materials come from Prime's stockpiles

### **RECORDS/DOCUMENTS**

- Invoices
- Haul tickets or Bills of Lading
- Material on Hand documentation
- Joint check agreement
- Cancelled checks

### **SUPERVISING**

- DBE supervisor is a full-time employee of the DBE
- Employees are being supervised by DBE supervisor
- DBE is scheduling work operations

### **RED FLAGS**

- DBE's employees are being supervised by Prime Contractor or another contractor
- DBE provides little or no supervision of work
- DBE supervisor is not a full-time employee of the DBE

### **RECORDS/DOCUMENTS**

- Certified Payrolls
- Document communication with DBE owner or Superintendent

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"Attachment B"  
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#### KELLEY EROSION CONTROL INC

NV00061UCPN

Specialty Erosion Control, Revegetation, Hydroseeding, Dust Control, Landscaping and Wetlands.

[Hide details](#)

NAICS 237310 Highway, Street, and Bridge Construction  
238910 Site Preparation Contractors  
238990 All Other Specialty Trade Contractors  
541620 Environmental Consulting Services  
561730 Landscaping Services

Contact CLAUDIA J CHAMBERS

Address 2395 B TAMPA STREET  
RENO, NV 89512-1674

Email [claudia@kelleyerosioncontrol.com](mailto:claudia@kelleyerosioncontrol.com)

Phone (775) 322 7755

Fax (775) 322 6606

Website <http://www.kelleyerosioncontrol.com>

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<http://nevadadbe.com/dbe-vendors?query=Erosion+Control>

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**Judi White**

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**Sent:** Tuesday, June 05, 2012 10:12 AM  
**To:** jwhite@tahoetransportation.org  
**Subject:** FW: TTD Project #300-003.1B - Nevada Stateline to Stateline Bikeway South Demonstration Project  
**Attachments:** Good Faith Efforts for Bikeway.pdf



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**Sent:** Monday, June 04, 2012 2:56 PM

**mtaylor@herback.net**

---

**From:** <mtaylor@herback.net>  
**To:** <lmenante@candengineering.com>; <creeksideelectric@charter.net>;  
<kpurcell@pkelectrical.com>; <nancy@whittenselectric.com>; "Claudia Chambers"  
<claudia@kelleyerosioncontrol.com>; <colleen@shephardmechanical.com>;  
<regunderson@gundersonltd.com>; <carey@mapcasurveys.com>; <bjenne@tristateltd.com>  
**Sent:** Friday, May 18, 2012 3:18 PM  
**Subject:** Nevada Stateline to Stateline Bikeway

Good Afternoon.

We are bidding the "Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements" in Stateline, Nevada as a Prime Contractor on June 1, 2012. I have attached an Invitation to Bid for the project, please fill out the attached form and return it to me either through fax 775-267-6801 or email [mtaylor@herback.net](mailto:mtaylor@herback.net).

Below is a link that will provide you access to the plans and specifications for the project:

<http://www.panteratools.com/download/1A32CF6D12>

Should you have any questions, please feel free to contact Dan Morse in our office at (775) 267-6800 or by email at [dmorse@herback.net](mailto:dmorse@herback.net)

We look forward to hearing from you.

Regards,

Michelle Taylor  
Herback General Engineering  
2531 Nowlin Road  
Minden, NV 89423  
775 267-6800  
775 267-6801 Fax  
[mtaylor@herback.net](mailto:mtaylor@herback.net)

6/4/2012

[mtaylor@herback.net](mailto:mtaylor@herback.net)

---

**From:** "Karen Purcell" <kpurcell@pkelectrical.com>  
**To:** <mtaylor@herback.net>  
**Sent:** Friday, May 18, 2012 3:20 PM  
**Attach:** ATT00381.txt  
**Subject:** Read: Nevada Stateline to Stateline Bikeway

Your message

**To:** [imenante@candmengineering.com](mailto:imenante@candmengineering.com); [creeksideelectric@charter.net](mailto:creeksideelectric@charter.net);  
Karen Purcell; [nancy@whittenselectric.com](mailto:nancy@whittenselectric.com); Claudia Chambers;  
[colleen@shephardmechanical.com](mailto:colleen@shephardmechanical.com); [regunderson@gundersonltd.com](mailto:regunderson@gundersonltd.com);  
[carey@mapcasurveys.com](mailto:carey@mapcasurveys.com); [bjenne@tristateltd.com](mailto:bjenne@tristateltd.com)

**Subject:** Nevada Stateline to Stateline Bikeway  
**Sent:** Fri, 18 May 2012 15:18:03 -0700

was read on Fri, 18 May 2012 15:20:31 -0700

6/4/2012

**To:** Derek Kirkland

**Subject:** TTD Project #300-003.1B - Nevada Stateline to Stateline Bikeway South Demonstration Project

Hello Mr. Kirkland,  
Please find attached our Good Faith Effort for the Nevada Stateline to Stateline Bikeway South Demonstration Project (Project #300-003.1B). We believe this is all the information required, however should you find that we are missing some information please contact us and we will send it to you before the 5 pm deadline on June 5th.

We appreciate your assistance.

Sincerely,

Michelle Taylor  
Herback General Engineering  
2531 Nowlin Road  
Minden, NV 89423  
775 267-6800  
775 267-6801 Fax  
[mtaylor@herback.net](mailto:mtaylor@herback.net)



Nevada Stateline to Stateline Bikeway  
 Stateline, Nevada  
 DBE -- Faith Effort Documentation

FORM 1

DISADVANTAGE BUSINESS ENTERPRISE (DBE)  
 "GOOD FAITH" EFFORT LIST OF SUBCONTRACTORS SOLICITED

Contractor Name	Contractor Address	Date of Contact	Contact Method	Type of Work/Trade	Response (Yes/No)	Contact Name
C & M Engineering & Design 775-856-3312	9498 Double R Blvd, Ste B, Reno, NV 89521 775-856-3318 lmenante@candmengineering.com	5/18/2012 5/25/12	Fax / Email Phone	Staking, Surveying	Yes	Bill
Creekside Electrical Contractors 775-841-5558	6290 Salk Road, Carson City, NV 89706 775-841-5565 creeksideelectric@charter.net	5/18/2012 5/25/2012 5/29/2012	Fax / Email Phone (L/M) Fax	Electrical	Yes	Jennifer Andrews
PK Electrical Inc. 775-826-9010	681 Sierra Rose Dr, Ste B, Reno, NV 89511 775-826-9030 kpurcell@pkelectrical.com	5/18/2012 5/25/2012	Fax / Email Phone	Electrical	No	Karen Purcell
Whittens Electric Inc. 775-331-3292	380 Freeport #19, Sparks, NV 89431 775-331-8567 nancy@whittenselectric.com	5/18/2012 5/25/2012	Fax / Email Phone	Electrical	No	Nancy Whitten
Kelley Erosion Control Inc. 775-322-7755	2395 B Tampa Street, Reno, NV 89512-1674 775-322-6606 claudia@kelleyerosioncontrol.com	5/18/2012 5/19/2012	Email Email	Erosion Control Hydroseeding Landscaping	Yes	Claudia Chambers
Affordable Fence 775-356-6910	235 Bret Harte Avenue, Reno, NV 89509 775-826-5410 dummy@company.com	5/18/2012 5/25/2012 5/30/2012 5/30/2012	Fax Phone (L/M) Phone (L/M) Fax	Fencing		

Nevada Stateline to Stateline Bikeway  
Stateline, Nevada  
DBE -- Faith Effort Documentation

Shephard Mechanical 916-368-0110	PO Box 276629, Sacramento, CA 95827 916-368-0111 colleen@shephardmechanical.com	5/18/2012	Fax / Email	Plumbing	No	Coleen Schneider
		5/25/2012	Phone (L/M)			
		5/30/2012	Phone			
GA Engineering and Planning 775-324-2663	280 Greg Street, Ste 8, Reno, NV 89502 775-324-1866 regunderson@gundersonltd.com	5/18/2012	Fax / Email	Surveying	Yes	Ronald Gunderson Nancy
		5/25/2012	Phone			
Mapca Surveys Inc. 775-842-2421	9498 Double R Blvd, Ste B, Reno, NV 89521 775-856-3318 carey@mapcasurveys.com	5/18/2012	Fax / Email	Surveying	Yes	Bill
		5/25/2012	Phone			
Tri State Surveying LTD 775-358-9491	1925 East Prater Way, Sparks, NV 89434 775-358-3664 bjenne@tristateld.com	5/18/2012	Fax / Email	Surveying		
		5/25/2012	Phone (L/M)			
		5/29/2012	Phone			
Diversified Builders 775-828-9015	4888 Reno Hwy, Fallon, NV 89406 775-828-0346 renodesignbuild@gmail.com	5/18/2012	Fax / Email	Prefab Building, Concrete	No	Juanita Munoz
		5/25/2012	Phone (L/M)			
		5/30/2012	Phone			
Tonopah Sand and Gravel 775-482-5792	Airport Road, Tonopah, NV 89049 775-482-3850 linsblu@yahoo.com	5/18/2012	Fax / Email	Aggregates, Concrete Asphalt Paving,	No	Linda Blue
		5/25/2012	Phone			
Walker River Construction 775-224-1883	31105 Pasture Rd, Schurz, NV 89427 775-313-0860 rafterg@hotmail.com	5/18/2012	Fax / Email	Excavation, Concrete Surveying, Fencing	No	Gypsy Holman
		5/25/2012	Phone			

*Nevada Stateline to Stateline Bikeway  
Stateline, Nevada  
DBE -- Faith Effort Documentation*

Numu Construction 702-523-4342	151 Campbell Lane, Yerlinton, NV 89447 702-452-7812 thepalureindian@yahoo.com	5/18/2012	Fax / Email	Concrete, Asphalt, Pipe	No	Jim Burchette
		5/25/2012	Phone			
PCM Plumbing LLC 775-428-2145	5011 Rivers Edge Dr, Fallon, NV 89406 angway@cccomm.net	5/18/2012	Email	Plumbing	Business Closed	Wayne Ocegquera
		5/25/2012	Phone			

**HERBACK****GENERAL ENGINEERING, LLC**

NV Lic. # 33090A  
CA Lic. # 486035

2531 Nowlin Road  
Minden, NV 89423

Telephone: 775-267-6800  
Fax: 775-267-6801

**INVITATION TO BID****We are seeking certified and qualified DBE / WBE / MBE subcontractors and/or suppliers for:**

AC Paving; Bedding Materials; Building – Restroom; Concrete – Ready Mix; Concrete Subcontractors; Construction Material Suppliers; Construction Staking; Corrugated Metal Pipe; Electrical; Erosion Control-Temp BMP's; Fencing; Hydroseeding; Landscaping; Site Furnishings; Treatment Vaults; Pre-Fab Restroom; Pipe Suppliers-Pipe Fittings; Plumbing; Precast Concrete Materials – Manholes, DI's; Reinforced Concrete Pipe; Reinforcing Steel; Revegetation/Perm. Erosion Control; Rip Rap; Rock Slope Protection; Signage; Structural Backfill; Structural Excavation; Surveying; Boardwalk Raised Decking.

**Project:** Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements  
**Owner:** Tahoe Transportation District  
PWP-DO-2012-35  
**Location:** Stateline, Nevada  
**Bid Date:** June 1, 2012  
**Contact:** Please return this form, via fax, to (775) 267-6801 with a copy of your certification to the attention of Dan Morse.

**\*\*\*\*\* PLEASE SEND ADVANCED SCOPE LETTERS \*\*\*\*\***

*Quotations will be broken down into comparable packages as reasonably necessary. 100% performance and payment bonds may be required for the full amount of subcontract price. Subcontractors must possess a current contractor's license, insurance and worker's compensation coverage meeting HGE's requirements and will be required to sign the standard HGE Subcontract Agreement. See specifications and contract for exact insurance verbiage. We will assist with obtaining insurance, bonds or lines of credit, equipment, supplies or materials necessary to participate in this project. Plans and specifications are available for viewing at our office: 2531 Nowlin Road, Minden, NV 89423 or available on-line at <http://www.panteratools.com/download/1A32CF6D12>*

**HGE IS AN EQUAL OPPORTUNITY EMPLOYER.**

# HERBACK

## GENERAL ENGINEERING, LLC

NV Lic. # 33090A  
CA Lic. # 486035

2531 Nowlin Road  
Minden, NV 89423

Telephone: 775-267-6800  
Fax: 775-267-6801

### INVITATION TO BID

**Project:** Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements

**Owner:** Tahoe Transportation District  
PWP-DO-2012-35

**Location:** Stateline, Nevada

**Bid Date:** June 1, 2012

**Contact:** Please return this form, via fax, to (775) 267-6801 with a copy of your certification to the attention of **Dan Morse**.

### PARTICIPATION RESPONSE FORM:

( ) Yes, we can participate in this contract

TYPE OF SERVICE OR SUPPLIES: \_\_\_\_\_

( ) Sorry, we cannot participate in the contract

\_\_\_\_\_  
*Print Name of Business*

\_\_\_\_\_  
*Print Name of Contact*

\_\_\_\_\_  
*Signature*


Dated: \_\_\_\_\_

Opportunity

Page 1 of 3

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Opportunity

**Offer Overview**  
**Herback General Engineering**

The following is a summary of the information you have submitted into the Opportunity Database. If you would like to add or modify any of the information below, please click the "Edit" link corresponding to the section you would like to edit.

Please keep in mind that for your Opportunity to be complete and active, you must complete the Contact Information, Offer Information (with today's date falling between the open and close dates), Bond Information, Location Information, as well as supply at least one SIC or NAICS code.

* Required Fields	
<b>OPPORTUNITY STATUS</b>	
Current Status:	Active
Last Modified Date:	May 17, 2012
Last Modified By:	Greg Herback
<b>SPECIAL INITIATIVE PROGRAMS</b> <span style="float:right">[Edit]</span>	
Is this opportunity related to Special Initiative Programs?	
<b>OPPORTUNITY INFORMATION</b> <span style="float:right">[Edit]</span>	
* First Name:	Dan
* Last Name:	Morse
* Telephone:	775-267-6800
Fax:	775-267-6801
Email Address:	dmorse@herback.net
* Date Open:	May 17, 2012
* Date Closed:	June 01, 2012
* Opportunity Title:	Nevada Stateline to Stateline Bikeway South
* Solicitation ID:	PWP-DO-2012-35
* Contract Value Amount:	0
* Estimated Contract Duration:	6 - 9 Months
* Opportunity Type:	Local Government
* Offer Description:	PHGE is seeking quotes from all qualified subcontractors and suppliers including certified DBE/WBE/MBE firms for the following items of work, including but not limited to the following: AC Paving; Bedding Materials; Building Restroom; Concrete Ready Mix; Concrete Subcontractors; Construction Material Suppliers; Construction Staking; Corrugated Metal Pipe; Electrical; Erosion Control Temp. BMPs; Fencing; Hydroseeding; Landscaping; Site Furnishings; Treatment vaults; Pre-Fab Restroom; Pipe Suppliers Pipe Fittings; Plumbing; Precast Concrete Materials Manholes, Dis; Reinforced Concrete Pipe; Reinforcing Steel; Revegetation/Perm. Erosion Control; Rip Rap; Rock Slope Protection; Signage; Structural Backfill; Structural Excavations; Surveying; Boardwalk Raised Decking. We are an equal opportunity employer. Quotations will be broken down into comparable packages as reasonably necessary. Inquire about possible training opportunities and employment of lower income persons. We will require that all participating companies possess a current contractors license, carry Workers Compensation & Liability Insurance and be bonded. See specifications for exact Insurance requirements and verbiage We will assist with obtaining insurance, bonds or lines of credit, equipment, supplies or materials necessary to participate in this project. Plans/Specs avail for viewing at our office: 2531 Nowlin Road, Minden, NV or may be available online at <a href="http://www.pantortools.com/download/1A32CF6D12">http://www.pantortools.com/download/1A32CF6D12</a> for scope of work. Contact Dan Morse (775) 267-6800 or dmorse@herback.net.
* Keywords:	Paving, grading
* Bond Request:	Unknown
Bond Amount:	Not Specified
<b>INDUSTRY CODES</b> <span style="float:right">[Edit]</span>	
NAICS:	23 - Construction 234 - Heavy Construction 2341 - Highway, Street, Bridge, and Tunnel Construction 23499 - All Other Heavy Construction 2349 - Other Heavy Construction 23491 - Water, Sewer, and Pipeline Construction 23411 - Highway and Street Construction
<b>LOCATION INFORMATION</b> <span style="float:right">[Edit]</span>	
Stateline, Nevada 89449 USA	
<a href="#">Return to Company Details</a>	

Thank you for participating in the  
Minority Business Development Agency's Opportunity program.

- |                     |                           |                         |  |
|---------------------|---------------------------|-------------------------|--|
| GENERAL INFO        | PRESS/MEDIA INFO          | BUSINESS WORKSPACE      | U.S. Department of Commerce [+] FEEDBACK |
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U.S. Department of Commerce, 1401 Constitution Avenue, N.W. Washington, DC 20230  
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Opportunity

Page 3 of 3

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**Display Solicitation Record**

**Your solicitation has been entered in SUB-Net database. Thank you very much!**

Prime's Name: **Herback General Engineering**

Contact: **Dan Morse**

Address 1: **2531 Nowlin Road**

Address 2:

City: **MINDEN** State: **NV**

Zip: **89423** Zip+4:

Phone: **775-267-6800**

Fax: **775-267-6801**

Email: **dmorse@herback.net**

Seeking: • **US Department Of Transportation Disadvantaged Business Enterprise (DBE)**  
 • **Small Disadvantaged Business (SDB)**  
 • **Women Owned Small Business (WOSB)**  
 • **Hubzone Small Business (HUBZSB)**  
 • **Veteran Owned Small Business (VOSB)**  
 • **Historically Black Colleges and Universities and Minority Institutions (HBCU & MI)**  
 • **Other Small Business**  
 • **Service-Disabled Veteran-Owned Small Business(SD-VOSB)**

Description: **Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements. HGE is seeking quotes from all qualified subcontractors and suppliers including certified DBE/WBE/MBE firms for the following items of work, including but not limited to the following: AC Paving; Bedding Materials; Building - Restroom; Concrete – Ready Mix; Concrete Subcontractors; Construction Material Suppliers; Construction Staking; Corrugated Metal Pipe; Electrical; Erosion Control – Temp. BMP's; Fencing; Hydroseeding; Landscaping; Site Furnishings; Treatment Vaults; Pre-Fab Restroom; Pipe Suppliers – Pipe Fittings; Plumbing; Precast Concrete Materials – Manholes, DI's; Reinforced Concrete Pipe; Reinforcing Steel; Revegetation/Perm. Erosion Control; Rip Rap; Rock Slope Protection; Signage; Structural Backfill; Structural Excavation; Surveying; Boardwalk Raised Decking. We are an equal opportunity employer. Quotations will be broken down into comparable packages as reasonably necessary. Inquire about possible training opportunities and employment of lower income persons. We will require that all participating companies possess a current contractor's license, carry Workers Compensation & Liability Insurance and be bonded. See specifications for exact insurance requirements and verbiage We will assist with obtaining insurance, bonds or lines of credit, equipment, supplies or materials necessary to participate in this project. Plans/Specs avail for**

[https://eweb1.sba.gov/subnet/search/dsp\\_detailed\\_bid\\_record.cfm?bid\\_seq...](https://eweb1.sba.gov/subnet/search/dsp_detailed_bid_record.cfm?bid_seq...) 5/17/2012

viewing at our office: 2531 Nowlin Road, Minden, NV or  
may be available online at  
<http://www.panteratools.com/download/1A32CF6D12>  
for scope of work. Contact Dan Morse (775) 267-6800  
or [dmorse@herback.net](mailto:dmorse@herback.net).

NAICS Code: **237310**  
**237990**

Place of performance: **NV - Nevada**

Prime Sol. Number:

Subcontract Sol. Number: **PWP-DO-2012-35**

Bid Closing Date: **6/1/2012**

Time: **1:30 PM PDT**

Reserved for SB: **No**

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## Nevada DBE - Opportunities

Page 1 of 1

**DBE Opportunity****View****Edit**

title	Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements
intro	HGE is seeking DBE/WBE/MBE for:
date_happen	06/01/2012
date_show	05/17/2012
date_expire	06/02/2012
support_doc	
details	<p>HGE is seeking quotes from all qualified subcontractors and suppliers including certified DBE/WBE/MBE firms for the following items of work, including but not limited to the following: AC Paving; Bedding Materials; Building – Restroom; Concrete – Ready Mix; Concrete Subcontractors; Construction Material Suppliers; Construction Staking; Corrugated Metal Pipe; Electrical; Erosion Control – Temp. BMP's; Fencing; Hydroseeding; Landscaping; Site Furnishings; Treatment Vaults; Pre-Fab Restroom; Pipe Suppliers – Pipe Fittings; Plumbing; Precast Concrete Materials – Manholes, DI's; Reinforced Concrete Pipe; Reinforcing Steel; Revegetation/Perm. Erosion Control; Rip Rap; Rock Slope Protection; Signage; Structural Backfill; Structural Excavation; Surveying; Boardwalk Raised Decking. We are an equal opportunity employer. Quotations will be broken down into comparable packages as reasonably necessary. Inquire about possible training opportunities and employment of lower income persons. We will require that all participating companies possess a current contractor's license, carry Workers Compensation &amp; Liability Insurance and be bonded. See specifications for exact insurance requirements and verbiage We will assist with obtaining insurance, bonds or lines of credit, equipment, supplies or materials necessary to participate in this project. Plans/Specs avail for viewing at our office: 2531 Nowlin Road, Minden, NV or may be available online at <a href="http://www.panteratools.com/download/1A32CF6D12">http://www.panteratools.com/download/1A32CF6D12</a> for scope of work. Contact Dan Morse (775) 267-6800 or <a href="mailto:dmorse@herback.net">dmorse@herback.net</a>.</p>

## NAICS Codes:

- No NAICS Codes set

**Vendors similar to the Opportunity's description:**

No vendors have matching NAICS codes.  
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5/17/2012

ACTIVITY REPORT

TIME : 05/18/2012 16:06  
 NAME : HERBACK GENERAL ENG  
 FAX : 7752676801  
 TEL : 7752676800  
 SER.# : BROF9J942936

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
#304	05/18	11:53	17076785154	29	02	OK	TX ECM
#305	05/18	11:54	19166631058	24	02	OK	TX ECM
#306	05/18	11:55	17078381689	37	02	OK	TX ECM
#307	05/18	11:56	15306731800	28	02	OK	TX ECM
#308	05/18	11:57	15308772251	25	02	OK	TX ECM
#311	05/18	11:59	12098470159	22	02	OK	TX ECM
#312	05/18	11:59	12099430437	27	02	OK	TX ECM
#314	05/18	12:02	15302419647	36	02	OK	TX ECM
#315	05/18	12:03	19166524376	24	02	OK	TX ECM
#297	05/18	12:04	15303786828	37	02	OK	TX ECM
#303	05/18	12:05	17074489407	37	02	OK	TX ECM
#313	05/18	12:07	15305289666	00	00	BUSY	TX ECM
#310	05/18	12:16	15302546121	00	00	BUSY	TX ECM
	05/18	12:26		34	01	OK	RX ECM
	05/18	12:42	212 785 5900	29	01	OK	RX ECM
#316	05/18	14:56	19164450469	00	00	BUSY	TX ECM
	05/18	15:18	212 785 5900	02:25	07	OK	RX ECM
#317	05/18	15:28	17758563318	20	02	OK	TX ECM
#318	05/18	15:29	17758415565	25	02	OK	TX ECM
#319	05/18	15:30	17758269030	25	02	OK	TX ECM
#320	05/18	15:31	17753318567	28	02	OK	TX ECM
#321	05/18	15:32	17758265410	39	02	OK	TX ECM
#322	05/18	15:33	19163680111	26	02	OK	TX ECM
#323	05/18	15:34	17753241866	44	02	OK	TX ECM
#324	05/18	15:35	17758563318	27	02	OK	TX ECM
#325	05/18	15:36	17753583664	42	02	OK	TX ECM
#326	05/18	15:58	17758280346	29	02	OK	TX ECM
#327	05/18	15:59	17754823850	39	02	OK	TX ECM
#328	05/18	16:00	17753130860	25	02	OK	TX ECM

BUSY: BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION / OUT OF MEMORY  
 CV : COVERPAGE  
 POL : POLLING  
 RET : RETRIEVAL

TRANSMISSION VERIFICATION REPORT

TIME : 05/18/2012 16:19  
NAME : HERBACK GENERAL ENG  
FAX : 7752676801  
TEL : 7752676800  
SER.# : BROF9J942936

DATE, TIME	05/18 16:19
FAX NO./NAME	17024527812
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE

**mtaylor@herback.net**

---

**From:** <mtaylor@herback.net>  
**To:** <renodesignbuild@gmail.com>; <linsublu@yahoo.com>; <rafterg@hotmail.com>;  
<thepaiuteindian@yahoo.com>; <angway@cccomm.net>  
**Sent:** Friday, May 18, 2012 3:53 PM  
**Attach:** Bid Invite.docx  
**Subject:** Nevada Stateline to Stateline Bikeway

Good Afternoon.

We are bidding the "Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements" in Stateline, Nevada as a Prime Contractor on June 1, 2012. I have attached an Invitation to Bid for the project, please fill out the attached form and return it to me either through fax 775-267-6801 or email [mtaylor@herback.net](mailto:mtaylor@herback.net).

Below is a link that will provide you access to the plans and specifications for the project:

<http://www.panteratools.com/download/1A32CF6D12>

Should you have any questions, please feel free to contact Dan Morse in our office at (775) 267-6800 or by email at [dmorse@herback.net](mailto:dmorse@herback.net)

We look forward to hearing from you.

Regards,

Michelle Taylor  
Herback General Engineering  
2531 Nowlin Road  
Minden, NV 89423  
775 267-6800  
775 267-6801 Fax  
[mtaylor@herback.net](mailto:mtaylor@herback.net)

6/4/2012

**mtaylor@herback.net**

---

**From:** "Claudia Chambers" <claudia@kelleyerosioncontrol.com>  
**To:** <mtaylor@herback.net>  
**Sent:** Friday, May 18, 2012 3:20 PM  
**Attach:** ATT00386.txt  
**Subject:** Read: Nevada Stateline to Stateline Bikeway  
Your message was read on Friday, May 18, 2012 10:20:28 PM UTC.

6/4/2012

mtaylor@herback.net

---

**From:** "Ron Gunderson" <REGunderson@gundersonltd.com>  
**Sent:** Wednesday, May 23, 2012 11:30 AM  
**Attach:** ATT00358.txt  
**Subject:** Not read: Nevada Stateline to Stateline Bikeway

Your message

**To:** [Imenante@candmengineering.com](mailto:Imenante@candmengineering.com); [creeksideelectric@charter.net](mailto:creeksideelectric@charter.net);  
[kpurcell@pkelectrical.com](mailto:kpurcell@pkelectrical.com); [nancy@whittenselectric.com](mailto:nancy@whittenselectric.com); Claudia Chambers;  
[colleen@shephardmechanical.com](mailto:colleen@shephardmechanical.com); Ron Gunderson; [carey@mapcasurveys.com](mailto:carey@mapcasurveys.com);  
[bjenne@tristateltd.com](mailto:bjenne@tristateltd.com)

**Cc:**

**Subject:** Nevada Stateline to Stateline Bikeway

**Sent:** Fri, 18 May 2012 15:18:03 -0700

was deleted without being read on Tue, 22 May 2012 16:25:15 -0700

6/4/2012



**mtaylor@herback.net**

---

**From:** "Claudia Chambers" <claudia@kellejerosioncontrol.com>  
**To:** <mtaylor@herback.net>  
**Sent:** Friday, May 18, 2012 3:20 PM  
**Subject:** RE: Nevada Stateline to Stateline Bikeway

Hi – We will look at it, thank you.

Claudia

Claudia J. Chambers CPESC, CISEC, QSP  
[claudia@kellejerosioncontrol.com](mailto:claudia@kellejerosioncontrol.com)



**KELLEY EROSION CONTROL, INC.**  
 2395-B Tampa Street  
 Reno, NV 89512  
 (775) 322-7755 Fax (775) 322-6606 Cell (775) 741-8875

---

**From:** mtaylor@herback.net [mailto:mtaylor@herback.net]  
**Sent:** Friday, May 18, 2012 3:18 PM  
**To:** lmenante@candmengineering.com; creeksideelectric@charter.net; kpurcell@pkelectrical.com;  
 nancy@whittenselectrical.com; Claudia Chambers; colleen@shephardmechanical.com;  
 regunderson@gundersonltd.com; carey@mapcasurveys.com; bjenne@tristateltd.com  
**Subject:** Nevada Stateline to Stateline Bikeway

Good Afternoon.

We are bidding the "Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements" in Stateline, Nevada as a Prime Contractor on June 1, 2012. I have attached an Invitation to Bid for the project, please fill out the attached form and return it to me either through fax 775-267-6801 or email [mtaylor@herback.net](mailto:mtaylor@herback.net).

Below is a link that will provide you access to the plans and specifications for the project:

<http://www.paneratools.com/download/1A32CF6D12>

Should you have any questions, please feel free to contact Dan Morse in our office at (775) 267-6800 or by email at [dmorse@herback.net](mailto:dmorse@herback.net)

We look forward to hearing from you.

Regards,

6/4/2012

Michelle Taylor  
Herback General Engineering  
2531 Nowlin Road  
Minden, NV 89423  
775 267-6800  
775 267-6801 Fax  
[mtaylor@herback.net](mailto:mtaylor@herback.net)

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.2171 / Virus Database: 2425/5007 - Release Date: 05/18/12

6/4/2012

May 21, 2012 8:22AM 7752676801

HERBACK GENERAL ENG

No. 5808 P. 1E 02/02

# HERBACK

## GENERAL ENGINEERING, LLC

NV Lic. # 33090A  
CA Lic. # 486035

2531 Nowlin Road  
Minden, NV 89423

Telephone: 775-267-6800  
Fax: 775-267-6801

### INVITATION TO BID

**Project:** Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements  
**Owner:** Tahoe Transportation District  
 PWP-DO-2012-35  
**Location:** Stateline, Nevada  
**Bid Date:** June 1, 2012  
**Contact:** Please return this form, via fax, to (775) 267-6801 with a copy of your certification to the attention of **Dan Morse**.

### PARTICIPATION RESPONSE FORM:

Yes, we can participate in this contract

TYPE OF SERVICE OR SUPPLIES: SURVEYING

Sorry, we cannot participate in the contract

MAPCA SURVEYS  
Print Name of Business




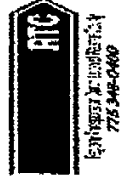
BILL CAREY  
Print Name of Contact

[Signature]  
Signature

Dated: 5-20-12

No. 5808 P. 2

May. 21. 2012 8:22AM

# Nevada Unified Certification Program

*This is to Certify that:*

**MAPCA SURVEYS, INC.**

*is registered as a Disadvantaged Business Enterprise in the Nevada Unified Certification Program*

*Under the Provisions of 49 CFR Part 26*

*And is Therefore Recognized This 27th Day of January, 2010*

*And supersedes any certification or listing previously issued*

**Certificate No. NV01228UCPN**

*This Certificate expires December 31, 2013*

Printed in U.S.A.

All Rights Reserved

05/29/2012 05:14 FAX 7758415585

CREEKSIDE ELECTRIC

001/002

05/18/2012 15:29 7752676801

HERBACK GENERAL ENG

PAGE 02/R2

# HERBACK GENERAL ENGINEERING, LLC

NV Lic. # 33090A  
CA Lic. # 486035

2531 Nowlin Road  
Minden, NV 89423

Telephone: 775-267-6800  
Fax: 775-267-6801

## INVITATION TO BID

**Project:** Nevada Stateline to Stateline Bikeway South Demonstration Project, Phase 1 Improvements  
**Owner:** Tahoe Transportation District  
PWP-DO-2012-35  
**Location:** Stateline, Nevada  
**Bid Date:** June 1, 2012  
**Contact:** Please return this form, via fax, to (775) 267-6801 with a copy of your certification to the attention of **Dan Morse**.

### PARTICIPATION RESPONSE FORM:

Yes, we can participate in this contract

TYPE OF SERVICE OR SUPPLIES: ELECTRIC SERVICE TO RESTROOM

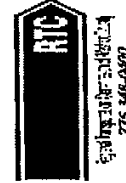
Sorry, we cannot participate in the contract

CREEKSIDE ELECTRIC  
Print Name of Business

Jim Andrews  
Print Name of Contact

[Signature]  
Signature

Dated: 5-29-12



# Nevada Unified Certification Program

*This is to Certify that:*

**CREEKSIDE ELECTRICAL CONTRACTORS, INC.**

*Is registered as a Disadvantaged Business Enterprise in the Nevada Unified Certification Program*

*Under the Provisions of 49 CFR Part 26*

*And is Therefore Recognized This 2nd Day of July, 2009*

*And supersedes any certification or listing previously issued*

**Certificate No. NV08H93UCPN**

*This Certificate expires December 31, 2012*

Ultra in U.S.A.

© COES 342  
All Rights Reserved

002/00

CREEKSIDE ELECTRIC

05/29/2012 05:14 FAX 7758415585

Thanks.

Derek

RECEIVED  
6/4/12  
4:17 pm

---

**From:** mtaylor@herback.net [mailto:mtaylor@herback.net]  
**Sent:** Monday, June 04, 2012 4:17 PM  
**To:** Derek Kirkland  
**Subject:** Re: TTD Project #300-003.1B - Nevada Stateline to Stateline Bikeway South Demonstration Project

Hello Mr. Kirkland,  
This is in response to your questions regarding our Good Faith Efforts.

1. Regarding Creekside Electric. Please find attached Creekside Electric's quote along with Sierra Valley Electric. You will see that Sierra Valley Electric was almost half the price.
2. Regarding MAPCA Surveys. I have attached the section in the spec book that indicates the Owner will be providing surveying.
3. Regarding C & M Engineering, GA Engineering & Planning and Tri-State Surveying. The positive response that was indicated in the table was their response that they would give us a quote for the project which was received verbally when I called May 25th. They did not fax or email back the "Participation Response Form". I have attached their quotes for your review.

Thank you for your time and assistance in reviewing our Good Faith Efforts. Should you have additional questions, please let me know.

Sincerely,  
Michelle

----- Original Message -----

**From:** Derek Kirkland  
**To:** mtaylor@herback.net  
**Cc:** Karl Matzoll ; Alfred Knotts ; gbarnard@woodburnandwedge.com  
**Sent:** Monday, June 04, 2012 3:11 PM  
**Subject:** RE: TTD Project #300-003.1B - Nevada Stateline to Stateline Bikeway South Demonstration Project

Thank you. Can you please verify why Creek Side Electrical and MAPCA Surveys was not selected to participate in your bid?

Thanks.

Derek

---

**From:** [mtaylor@herback.net](mailto:mtaylor@herback.net) [mailto:[mtaylor@herback.net](mailto:mtaylor@herback.net)]

**Sent:** Monday, June 04, 2012 2:56 PM

**To:** Derek Kirkland

**Subject:** TTD Project #300-003.1B - Nevada Stateline to Stateline Bikeway South Demonstration Project



Hello Mr. Kirkland,  
Please find attached our Good Faith Effort for the Nevada Stateline to Stateline Bikeway South Demonstration Project (Project #300-003.1B). We believe this is all the information required, however should you find that we are missing some information please contact us and we will send it to you before the 5 pm deadline on June 5th.

We appreciate your assistance.

Sincerely,

Michelle Taylor  
Herback General Engineering  
2531 Nowlin Road  
Minden, NV 89423  
775 267-6800  
775 267-6801 Fax  
[mtaylor@herback.net](mailto:mtaylor@herback.net)

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.2178 / Virus Database: 2425/5044 - Release Date: 06/04/12

# Sierra Valley ELECTRIC, INC.

## BID PROPOSAL

WE ARE PLEASED TO QUOTE THE FOLLOWING JOB

JOB NAME: STATELINE TO STATELINE BIKE PATH - PHASE 1

DESCRIPTION: ELECTRICAL

ADDENDUMS: 1 & 2

LINE ITEM # 37: \$ 3,999.00

- INCLUDES:
- Commercial meter pedestal.
  - Wire installed from pedestal to restroom panel - conduit by others.
  - Grounding per code.
  - Assuming pedestal location within 120' of building panel.

- EXCLUDES:
- Concrete pad for pedestal.
  - Conduit from pedestal to restroom panel.
  - Power to landscape irrigation control.

CONTACT: Sandy Herback  
DATE: June 1, 2012

CALIFORNIA CONTRACTOR LICENSE # 391090  
NEVADA CONTRACTOR LICENSE # 19409 - UNLIMITED  
INSURED AND BONDABLE  
PLEASE CONFIRM RECEIPT OF THIS BID



**Creekside Electrical Contractors, Inc.**

6290 Salk Road Carson City, Nevada 89706

Ph: (775) 841-5558 Fax: (775) 841-5565

E-mail: [creeksideelectric@charter.net](mailto:creeksideelectric@charter.net)**NV Lic. #50401 CA Lic. #915754 NVDBE #01193UPCN****Confidential Proposal**

Date: June 1, 2012

Reference: Stateline to Stateline Bikeway South Demonstration Project Phase I

Estimating Department,

Creekside Electrical Contractors, Inc. hereby proposes to furnish the electrical installation for the above referenced project as outlined below.

Addendums Noted: #1 &amp; #2

Bid Item #37: Restroom Electrical Service \$7,000.00

## Clarifications &amp; Inclusions:

1. Furnish and install NV Energy conduit, sweeps and riser from pole to pedestal.  
Excavation and backfill not included.
2. Furnish and install 100A metered pedestal per NV Energy requirements.
3. Furnish and install conduit and wire from metered pedestal to restroom provided panel.  
Excavation and backfill not included.
4. Provide single point connection to pre-manufactured restroom building.
5. Furnish and install conduit and wire to irrigation controller for power only.  
Irrigation conductors not included.

## Exclusions:

1. Payment and Performance Bonds (available at additional cost, 2%).
2. Excavation, backfill, shoring, concrete encasement, rebar and bedding.
3. Core Drilling, Concrete/ Asphalt Sawing and Patching.
4. Housekeeping Pads for Metered Pedestal.
5. Trash Dumpster and Fees.
6. Permit and Engineering Fees.
7. Utility Fees and Charges.
8. Protective Bollards.

This proposal is firm for thirty (30) days. We are a Union and certified NVDBE company. Should you have any questions, do not hesitate to contact our office. We look forward to being of service to you.

Sincerely,  
Jennifer Andrews  
President, Owner  
Creekside Electrical Contractors, Inc.

C. The CONTRACTOR shall keep all project records at least six (6) years from the end of the State fiscal year (July-June) in which the Project is completed. If any litigation concerning the Project is begun before the expiration of this six (6) year period, the records must be retained for six (6) calendar years from the date of resolution of the litigation; and before any State Question-1 files are destroyed CONTRACTOR must contact the State Department of Conservation and Natural Resources to obtain and verify final disposition instructions.

**SC-6.21 Construction Staking Notice**

Add the following new paragraph:

The CONTRACTOR shall provide 72 hours notice to the Engineer when requesting construction staking and must provide sufficient staking tasks for a full day of work by the survey crew.

**ARTICLE 7-- OTHER WORK**

**SC-7.02 Coordination**

Add the following new paragraph immediately after paragraph 7.02.B

- C. Other work associated with this contract includes, but is not limited to:
1. The preconstruction treatment of noxious weeds. This work will be carried out by the Owner. Contractor shall coordinate with Owner to ensure preconstruction treatment is completed prior to the Contractor beginning work in noxious weed infested areas.

**ARTICLE 8 -- OWNER'S RESPONSIBILITIES**

*Survey Not Required*

Add the following new paragraph immediately after paragraph 8.11:

**SC-8.12 Construction Stakes**

The Owner will provide the following construction stakes for the project:

1. Control survey along the entire project alignment to verify design control is still in place and has not been disturbed and to densify control points and benchmarks outside the limits of construction.
2. BMP Fencing - Provide stakeout for approximately 12,000 LF of Construction Limit Fence (Estimated at 250 stakes)
3. AC Pavement Removal - Provide paint markings or stakes (Estimated at 20 paint marks or stakes)
4. Trees to be protected - Provide marking for each tree as designated on the plan view drawings.
5. AC Pavement Removal - Provide paint markings or stakes (Estimated at 20 paint marks or stakes)
6. Rough Grade Parking Lot - Provide slope stakes to parking lot area on 25' to 50' intervals to toe of slope or back of walk (approximately 40 stakes)
7. Bike Path Centerline - Provide offset stakes on one side of the bike path for approximately 5,400 LF (approximately 220 stakes)

SC-4

8. Boardwalk and Abutments - Provide offset stakes for each abutment and offsets to centerline on both sides of boardwalk on 25' intervals (Estimated at 40 stakes)
9. Storm Drain Pipe and Culverts - Provide offset stakes for 152 LF (Estimated at 10 stakes)
10. Drainage Inlet (Type 1A) - Provide stakeout for 2 ea (Estimated at 2 stakes)
11. Parking Lot Utilities - Provide offset stakes for water, electric and sewer service (approximately 30 stakes)
12. Vegetated Swales - Provide offset stakes for 240 linear feet (LF) (Estimated at 15 stakes)
13. Final Grade Parking Lot - Provide offset stakes to top back of curb and valley gutters for 890 LF (approximately 45 stakes)
14. Building Corners Restroom - Offset 4 corners of restroom building (8 stakes)
15. Signs - Provide stakeout for 17 ea (Estimated at 17 stakes)

#### **ARTICLE 17 -- MISCELLANEOUS**

Add the following new paragraphs immediately after paragraph 17.06.A:

##### **SC-17.07 Road Closures and Traffic Delays**

A. Closure of Kahle Drive in order to facilitate construction of the utility connections will be permitted, provided that:

1. The CONTRACTOR notifies the OWNER in writing at least 10 days prior to the proposed closure of his intent to close the road.
2. The CONTRACTOR shall install standard traffic control devices in accordance with the Detour Signage plan provided in the bid documents and the Manual on Uniform Traffic Control Devices (MUTCD.)
3. The road closure shall be permitted for one (1) day only between Hwy 50 and Laura Drive.
4. The road closure shall be permitted only between the hours of 8:00 a.m. and 5:00 p.m. The detour signs shall be covered when the road closure is not in effect.

B. CONTRACTOR shall notify the following agencies of any traffic delays or road closures seven days in advance of the work:

- |  |                                    |
|--|------------------------------------|
| 1. Douglas County Sheriff's Department:    | 782-9935                           |
| 2. Tahoe Douglas Fire Department:          | 588-3591                           |
| 3. Douglas County School Bus Garage:       | 782-5194                           |
| 4. Kingsbury General Improvement District: | 588-3548                           |
| 5. Oliver Park GID:                        | P.O. Box 12487 Stateline, NV 89449 |
| 6. Radio Station KRLT:                     | 580-7130                           |

Add the following new paragraphs immediately after paragraph 17.07.B:

##### **SC-17.08 Trail Closures and Diversions**

- A. Closure of the existing Lam Watah Trail parking lot on Kahle Drive and the Lam Watah Trail between the south end of the existing boardwalk and a point 950 feet

SC-5

05/31/2012 16:43 17753527027

TRI STATE

PAGE 01/06

5/31/2012  
Page 1 of 6**TRI STATE SURVEYING, Ltd.**

1925 E. Prater Way, Sparks, Nevada 89434  
 Telephone (775) 358-9491 ♦ FAX (775) 358-3664  
 Toll Free: 1-800-411-3752

*Land Information Solutions*

Estimating Department  
 Herback General Engineering  
 2531 Nowlin Road  
 Minden, Nevada 89423

Via Fax: (775) 267-6801

*Not Required*  
*SEE Specs*

**Subject: Proposal for Professional Surveying Services  
 Nevada Stateline to Stateline Bikeway – Phase I  
 Kahle Drive to Elks Point Road, Stateline, Nevada**

Dear Estimator:

Tri State Surveying is pleased for the opportunity to submit this proposal to provide Construction Surveying Services for Nevada Stateline to Stateline Bikeway, Phase I located at Kahle Drive to Elks Point Road, Stateline, Nevada, which is referred to herein as the Project. After execution of this document and your authorization to proceed, Tri State (now considered a W.B.E. firm) will provide the following scope of services based upon our prevailing wage rate (\$180\Hour) for a two-person crew and understanding of the Project:

**900. CONSTRUCTION SURVEY SERVICES FOR OFF-SITE IMPROVEMENTS****Grading Staking**

- 901. Control and Verification Survey.** Conduct a horizontal and vertical survey to establish control throughout the project based upon the Basis of Bearings and Benchmark referenced on the Approved Improvement Plans. Conduct a survey to verify the location and elevation of existing improvement match locations such as curbing and pavement.
- 903. Rough Grade – Parking Area.** Provide one set of stakes set at an offset designated by the Contractor at angle points, tie-ins, radius points, returns, grade breaks and mid-points. We will provide staking for the location on the building for the purpose of building pad construction.

**Utility Staking**

- 822. Storm Drain.** Provide one set of storm drain stakes at an offset designated by the Contractor on 50-foot intervals and at ends of pipes and at drop inlets as shown on the plan and profile sheets.

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**Final Staking**

940. **Curb & Gutter – Parking Area.** Provide one set of stakes at an offset requested by the Contractor to the top back of curb on 50-foot intervals in tangents and 25 foot intervals in curves including grade breaks, angle points, traffic islands and curb transitions.
941. **Bike Pathway.** Provide one stakes will be set at an offset designated by the Contractor at ends, grade breaks, radius points, returns, beginning of curve, end of curves, mid-points of curves and 50-foot intervals for rough grading. This will include double offsets to B.C.'s, E.C.'s, P.R.C.'s and the cross drains. We anticipate the staking of 418 points for this task. **We will provide stake to one-side of the pathway.**
950. **Building Envelops.** Provide one set of eight (8) offset stakes for each building envelope. Provide a fill to the finish floor elevation on one offset stake selected by the Contractor.

**Note To Contractors**

Grades for construction surveys are given from the top of stakes or nails. In the case of curb, the given grade refers to the top back of the curb; in the case of a pipe or culvert, it refers to the elevation of the invert, or inside bottom; in the case of a header, it refers to the top of header. Prior to the start of construction it is the Contractors responsibility to verify the size and elevation of existing features at all match/join conditions. Contractors are also cautioned to observe the following rule in using the grades given by this office for putting in curbs, walks, pipes, channels and all other work. Three (3) consecutive points that are shown to be on the same rate of slope must be used in common in order that any variation out of a perfect straight grade may be detected. In case any such discrepancy is found, the same must be reported to our office prior to final construction, otherwise Tri State Surveying will not be responsible for any error in the grade of the finished work. Tri State Surveying will not be responsible for the acts or omissions of the Contractor, or any Subcontractor, performing work on the Project. Tri State Surveying accepts the responsibility to properly perform the services for the Project described in this proposal.

**Acceptance of Digital Electronic Files**

In accepting and utilizing computer aided mapping drawings or other data in the form of electronic media prepared by Tri State Surveying, Ltd., the Client agrees that all such digital drawings and data are instruments of the professional services of Tri State Surveying, who shall be deemed the author and shall retain all copyrights. The Client agrees that any digital drawings prepared by Tri State Surveying shall conform to the specifications Digital Mapping Standards of Tri State Surveying. The electronic files submitted by Tri State Surveying to the Client are submitted for an acceptance period of 90 calendar days. Any defects the Client discovers during this period shall be reported to Tri State Surveying and will be corrected as part of Tri State Surveying's scope of services contained in this proposal. The Client further agrees not to use such digital drawings and data, in whole or in part, for any purpose other than the Project, which is the subject of this proposal. The Client agrees to waive all claims against Tri State Surveying resulting from any unauthorized changes or reuse of the digital drawings and data. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold Tri State Surveying harmless for any damage, liability or cost, including reasonable attorneys' fees, arising from any changes made by anyone other than Tri State Surveying or from any reuse of the digital drawings and data without the prior written consent of Tri State Surveying.

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05/31/2012 16:43 17753527027

TRI STATE

PAGE 03/06

5/31/2012  
Page 3 of 6**EXCLUDED SERVICES**

The following services are specifically excluded from this proposal:

**DELIVERABLES**

The deliverables for the CONSTRUCTION SURVEYING SERVICES provided to the Project shall include the following:

- (1) Wet stamped Cut Sheets for applicable tasks

**FEES FOR SERVICES**

The fees for the services included in the proposal are as follows:

The fees for the services described under CONSTRUCTION SURVEYING SERVICES OFF-SITE IMPROVEMENTS:	\$20,925
<b>Total Fees For Services</b>	<b>\$20,925</b>

This proposal includes estimated costs for reimbursable expenses such as reproduction of drawings, postage, express shipping charges, travel, lodging or other out-of-pocket expenses in connection with the project. The above fees will not be exceeded without your prior authorization. This proposal is subject to the terms and conditions attached.

**CLIENT SUPPLIED INFORMATION**

Upon notice to proceed from the Client to commence work on the Project the Client shall supply the following necessary Project information to Tri State Surveying, Ltd.:

For CONSTRUCTION SURVEYING SERVICES:

- (1) Two (2) sets of Approved Improvement Plans for the Project
- (2) Supporting CAD files for the improvement plans
- (3) Revisions to Approved Improvement Plans for the Project
- (4) Revised Supporting CAD files for Improvement Plan Revisions

**SCHEDULE OF DELIVERABLES**

The schedule of deliverables is based upon receipt of this signed proposal, the Client supplied information in its entirety and your authorization to proceed.

The items under CONSTRUCTION SURVEYING SERVICES shall be executed on an "on-call" basis. We require 48-hour notice for these services in order to properly prepare and schedule field survey crews. Completion of services involving field surveying is contingent upon weather conditions.

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**TERMS AND CONDITIONS**

1. This agreement shall be governed by and construed in accordance with the laws of the State of Nevada. Services provided shall be in conformance with local ordinances, Nevada Revised Statutes and the Nevada Administrative Code Standards of Practice for Professional Land Surveyors. The Client understands and acknowledges that as a professional service provider Tri State Surveying, Ltd. (Consultant) cannot offer any warranty or guarantee relating to the construction of the Project.
2. The Client shall place on deposit with Consultant a prepayment on the contract of \$0.00, which shall be used as payment against the final billing invoice. Consultant shall perform the services that are contained in the subject proposal promptly, without delay and that the product of such services will be of customary quality in all respects and consistent with professional skill and care. Upon written request the Client shall execute and deliver such additional instruments, documents, governmental fees and charges that are necessary to perform the services for the project.
3. This proposal, once executed will remain in effect until December 31, 2012, at which time Consultant reserves the right to increase remaining fees for unrendered services described in this proposal 2.5% due to increase in labor and material costs. Any increase in excess of 2.5% will be negotiated with the Client. In the event of a controversy, claim or dispute between Consultant and the Client arising out of or relating to the Project, the prevailing party shall be entitled to recover attorney fees, expert witness fees, expenses and costs whether or not litigation is instituted.
4. The Client agrees that periodic billings from Consultant to the Client are correct, conclusive, and binding on the Client unless the Client, within ten days from the date of receipt of such billing, notifies Consultant in writing of alleged inaccuracies, discrepancies, or errors in the billing. Payment for the services described above will be due within a net 30 days upon receipt of an invoice statement for our work performed during the preceding billing period. Invoices not paid within 60 days of the date of the invoice are subject to an interest charge of 1% per month until paid in full.
5. In the event that the contract is mutually terminated, any prior work completed shall be billed as services rendered and any monies received over and above the final bill shall be returned to the Client. Either party may terminate this agreement at any time without cause upon delivery of written notice to that affect to the other, in which event this agreement shall terminate twenty-four hours after the delivery of such written notice.
6. It is the Client's responsibility to provide Consultant with wet stamped plan revisions and supporting CAD files for Construction Surveying Services. Consultant shall not be responsible or liable for errors resulting from construction surveys based upon plan revisions not received prior to Client survey requests.
7. Should the Client require additional services, other than those detailed in this proposal, such additional services shall be provided based upon our current hourly rate schedule. Additional services involving field surveying will only be performed after written authorization of payment from the Client or the Client's onsite representative. At the time of engagement of Consultant the Client shall provide Consultant, in writing, the names of those individuals authorized to order and approve payment of restaking and additional requested services. In the event that any staking is destroyed, damaged or disturbed by an act of God or parties other than Consultant, the cost of restaking shall be paid for by the Client as additional services. Consultant shall not be responsible for delays or damages incurred from such delays in the project caused by activities or factors beyond the control of Consultant. Unless otherwise stated herein, Consultant shall not be responsible for verifying or coordinating the services or work of other consultants or subcontractors.

Boundary Surveys ♦ Water Rights ♦ Land Divisions ♦ Construction Surveys ♦ Global Positioning ♦ Aerial Photogrammetry

8. When applicable, Client is noticed that at a future date Consultant may claim a lien as provided by law against the property if not paid in full. Consultant's liability is limited to the negligence, willful misconduct or omissions of its own employees and subconsultants. In recognition of the relative risks and benefits of the Project to both the Client and Consultant, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of Consultant to the Client for any and all claims expenses from any cause or causes, including attorney's fees, expert witness fees and costs, so that the total aggregate liability of Consultant to the Client shall not exceed \$25,000.00, or the amount of Consultant's total fee for services rendered on the Project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.
9. Consultant agrees, to the fullest extent permitted by law, to indemnify and hold the Client harmless from damages and losses arising from the negligent acts, errors or omissions of Consultant in the performance of professional services under this Agreement, to the extent that Consultant is responsible for such damages and losses on a comparative basis of fault and responsibility between Consultant and the Client. Consultant is not obligated to indemnify the Client for the Client's own negligence.

**Additional Terms and Conditions Applicable Only to Condominium Projects**

1. The Client acknowledges the risks to the Consultant inherent in condominium projects and the disparity between the Consultant's fee and the Consultant's potential liability for problems or alleged problems with such condominium projects. Therefore, the Client agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless the Consultant, its officers, directors, employees and subconsultants (collectively, Consultant) against all claims, damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising out of or in any way connected with the services performed under this agreement, except for the Consultant's sole negligence or willful misconduct.
2. In consideration of the substantial risks to the Consultant in rendering professional services in connection with this Project, the Client agrees to make no claim and hereby waives, to the fullest extent permitted by law, any claim or cause of action of any nature against Consultant, its officers, directors, employees and subconsultants (collectively, Consultant) which may arise out of or in connection with this Project or the performance, by any of the parties above named, of the services under this agreement.
3. The Client agrees that the bylaws of the Homeowners' Association established for this Project will require that the Association will perform, as recommended in the Maintenance Manual, all necessary routine maintenance, maintenance inspections and any other necessary repairs and maintenance called for as a result of these maintenance inspections. The bylaws shall also contain an appropriate waiver and indemnity in favor of the Client, the Consultant and his or her subconsultants and the Contractor if the maintenance recommendations contained in the Maintenance Manual are not performed. All structures are subject to wear, tear, environmental and manmade exposures. As a result, all structures require regular and frequent monitoring and maintenance to prevent damage and deterioration. Such monitoring and maintenance is the sole responsibility of Owner. The Consultant shall have no responsibility for such issues or resulting damages.

We appreciate the opportunity to offer to provide our professional services to this Project, and look forward to working with you. If this proposal is satisfactory to you, please indicate your agreement by signing and returning one original to us to serve as our notice to proceed. This proposal is valid for execution for a period of 90 days. If you have any questions, or if I can be of further service, please don't hesitate to call me. Thank you for your consideration of Tri State Surveying for this project.

Boundary Surveys ♦ Water Rights ♦ Land Divisions ♦ Construction Surveys ♦ Global Positioning ♦ Aerial Photogrammetry

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PAGE 06/06

5/31/2012  
Page 6 of 6

Sincerely,

Tri State Surveying, Ltd.



Lee H. Smithson, P.L.S., W.R.S.  
Vice president

Client Acceptance and Notice to Proceed:

Herback General Engineering

By: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

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Boundary Surveys ♦ Water Rights ♦ Land Divisions ♦ Construction Surveys ♦ Global Positioning ♦ Aerial Photogrammetry

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GA ENGINEERING

PAGE 01/04

DBE



Civil Engineering  
Land Surveying  
Water Supply Systems  
Land Development Services

R.E. Gunderson, PE  
G.W. Heiskanen, PE, PLS  
Steve Bell, PLS  
280 Greg Street - Suite 8  
Reno, Nevada 89502  
(775) 324-2663  
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[admin@gundersonltd.com](mailto:admin@gundersonltd.com)

May 31, 2012

**FAX TRANSMITTAL**

TO: Herback General Engineering  
Attn: Project Estimator  
Fax: 775-267-6801  
From: Steve Bell, PLS  
Cell phone: 775-240-3079  
RE: Nevada Stateline to Stateline Bikeway Project

*Not Required  
Owner furnished*

**INFORMATION TRANSMITTED:**

1. Survey Staking proposal

**COMMENTS:** If you have any questions, please give me a call.

Thanks,

Steve Bell, PLS



Civil Engineering  
Land Surveying  
Water Supply Systems  
Land Development Services

R.E. Gunderson, P.E.  
Steve Bell P.L.S.  
280 Greg Street Suite 8  
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Telephone: (775) 324-2663  
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E-mail: admin@gundersonltd.com  
Toll Free: (877) 558-9749

May 31, 2012

Proposal No 9999-3237

Attention: **PROJECT ESTIMATOR**

**CONFIDENTIAL**

**Subject: Construction Staking for Nevada Stateline Bikeway Project**  
(Plans by Lumos & Associates – Dated 4/18/2012)

The following is the Scope of Work for the above-mentioned Project:

**(1) Control**

- (a) Sufficient Horizontal and Vertical Control and an AutoCad drawing of the project to be supplied by Engineer.

**(2) Parking Lot Extension**

- (a) **Rough Grade** – Stake offsets to the Restroom Structure and Parking Area  
(b) **Finish Grade** – Stake offsets to the Restroom Structure, Curb, Sidewalk, Valley Gutter, Fencing, Fire Hydrant, Sanitary Sewer Lateral and Clean Out, Storm Drain Drop Inlet, Basin Infiltration Trench.

**(3) Bike Path**

- (a) Stake offsets to the Bike Path at 100' intervals on tangents, 50'± on curves, beginning and end of curves, low & high points, etc.  
(b) Stake 18" RCP Storm Drain Pipe and Cross Drains.

**(4) Office Calculations**

- Provide necessary calculations to provide Construction Staking for the above items (1) through (3).

*Not Required*

● Page 2 of 3

May 31, 2012

**Scope of Work subject to the following Conditions and Requirements:**

- A. The Contractor shall provide a working set of CAD drawings for the use and purpose of performing calculations.
- B. The Contractor shall give G.A. not less than two full workdays (48 Hours excluding Saturdays, Sundays, and Holidays) notice for each staking request. Said staking requests shall be in writing on the Survey Request Form provided to the Contractor by G.A., and the minimum staking request shall be not less than 4 Hours work as determined by G.A.
- C. Scope of Work items are for **one set of stakes only**. The Contractor shall be solely responsible for the maintenance and protection of the survey stakes once they are set. Any additional stakes requested, will be provided at the Contractor's expense, for an additional staking fee of \$150 per field crew hour.
- D. The estimate for this project is based on Six (6) site visits for Construction Staking. All extra staking, site visits, travel time and office calculations will be charged per Item "E" of these Conditions and Requirements
- E. Additional work will not be provided until an authorized representative has signed an additional work authorization form, or made a request via e-mail to. Said extra work will be charged at \$150 per field crew hour, \$75 per hour for Office Calculations, and \$100 per hour for a Professional Land Surveyor.
- F. Should a dispute arise regarding the vertical or horizontal location of stakes set by G.A. personnel, and G.A. is notified in a **timely manner** in order to preclude costly construction delays, then G.A. will rectify said dispute at G.A.'s cost. Should G.A. prove that G.A. is not at fault, and then the Contractor will compensate G.A. for any office or field time spent developing such proof at Fees stated in Item E.
- G. If revised plans are issued to replace the plans originally received by G.A., there will be an automatic extra charge of \$200 to review the revised plans. If said revised plans alter the Scope of Work for this Project, the Contractor agrees that G.A. should be compensated for any calculations and/or fieldwork that must be performed as a result of the revised plans at the extra work rates stated above.
- H. The Control Points and/or Monumentation for this Project are assumed to be in place and easily located. Re-establishment of Control Points and/or Monumentation will be considered as Extra Work. Access to the Project Site and/or Work Area shall not be impeded and/or denied. Said access to Work Areas should be free and clear of equipment and/or debris. Any delay time in work performance due to obstructed work access shall be considered as Extra Work.
- I. This cost estimate represents the construction staking required to complete the items specifically set forth herein, using the drawings obtained prior to commencement of work, and does not include any addenda brought forth since the date of this proposal.

● Page 3 of 3

May 31, 2012

**Compensation: Our estimated fee for the above Scope of Work is Six Thousand Nine Hundred Fifty Dollars (\$6950).**

This proposal shall be only considered as Exhibit A of a Professional Services Agreement (PSA), and is not to be considered a "stand alone" document. The PSA Agreement, together with this proposal, will be offered for your approval and acceptance.

The estimated fee is for a Survey Field Crew with Equipment, Travel Costs, Office Calculations, Project Administration, and all necessary Field Materials. We will invoice on a monthly basis and expect payment within 20 calendar days.

We appreciate the invitation to submit the above proposal. If you accept the above offer for the stated Scope of Work, please indicate below with your signature as an authorized representative of your firm.

Sincerely,

Accepted:



R.E. Gunderson, P.E.  
President

Signature

Date

Printed Name & Title







MEMORANDUM

Date: June 25, 2012  
To: Tahoe Transportation District (TTD) Board of Directors  
From: TTD Staff  
Subject: Approval of Policy Guidance for Right of Way Acquisition and Appraisal for all District Projects

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**Action Requested:**

It is requested the Board approve the attached policy of principles that guides the District's actions for project development and construction (Attachment A).

**Background:**

The District Staff and Board have used a set of principles developed through discussion and action that have guided the District when developing project plans and implementation. However, the District has not articulated them in a formal fashion as a public statement of policy. The public's concerns and questions regarding the potential right of way acquisition for the US 50 South Shore Community Revitalization Project, for which a preferred alternative has not yet been selected or the acquisition process ready to be pursued, may be reassured with a public statement of policy by the District about its practice and intended outcomes.

**Discussion:**

The proposed policy statement is a general statement of principles the District has been using as a guide for project planning and development. When it comes to acquisition, state and federal laws provide very specific requirements that protect the rights of property owners, as well as public agencies.

Much of the anxiety at South Shore seems to relate to the current outcome of the convention center project, its lack of progress, and the resulting "hole in the ground" where businesses have been removed and nothing has replaced them, creating a very negative impression and sense of loss. The public is not interested in a repeat of the situation in regard to the US 50 South Shore Community Revitalization Project, and neither is the District.

Staff recommends approval of the policy guidance.

**Fiscal Analysis:**

Any costs associated with this policy would be part of any individual project budget and paid from project fund sources once project funding is acquired, program, and project approvals received.

**Additional Information:**

If you have any questions or comments regarding this item, please contact Carl Hasty at (775) 589-5501 or [chasty@tahoetransportation.org](mailto:chasty@tahoetransportation.org).

**Attachment:**

A. Policy Statement

# Tahoe Transportation District

## Policy Guidance on Right of Way Appraisal and Acquisition

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The Tahoe Transportation District (TTD) Board of Directors recognizes that transportation improvement projects often require the acquisition of real property and rights-of-way. The policy described in this statement is meant to apply to all projects and actions undertaken by TTD.

*It is the general policy of TTD to develop transportation improvement projects that bring the greatest benefit to the Lake Tahoe community by addressing environmental, economic, and social concerns while minimizing adverse impacts to individuals in the community.*

*It is the general policy of TTD to work collaboratively with the community to deliver projects that address the needs of the many while preserving the rights of individuals who may be directly affected by those projects.*

*It is the general policy of TTD that all appraisals and acquisitions of real property and rights-of-way will be consistent with applicable federal and state laws and requirements, and also that TTD staff, consultants, and other personnel will work with affected individuals to the maximum extent practicable to ensure that the concerns and needs of affected individuals are considered and addressed.*

*It is the general policy of TTD to relocate any affected resident, property owner, or business that chooses to be relocated, in a manner that is consistent with federal and state law and which strives to keep each residence, property, or business in the same, or comparable, circumstance in which it existed at the time of acquisition.*

Please contact TTD staff by telephone at (775) 589-5500, or by mail at P.O. Box 499, Zephyr Cove, NV 89448, with any questions regarding this general policy statement.