



MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Official Minutes

TABLE OF CONTENTS

February 3, 2021

VOTE TO CLOSE MEETING	5
COMMISSION/DIRECTOR ITEMS	
Approval of Minutes	6
Consent Agenda	6
Commission Committees and Commission Related Boards	7
Director's Report	8
PUBLIC PRESENTATIONS	
Representative Louis Riggs Presentation Regarding the Hannibal Bypass	9
Presentation by the Northland Chamber of Commerce	11
PUBLIC COMMENTS	
Public Comment Regarding AGC and MoDOT	12
Concerns Regarding I-70 Design-Build Project.....	12
MODOT PRESENTATIONS	
Consideration of Proposals for the US 169 Buck O'Neil Bridge Design-Build Project	13
Enterprise Risk Management	15
Update From The External Civil Rights Division	17
Update on Fiscal Year 2021 Affirmative Action Plan	20
Financial Forecast Update	22
ADMINISTRATIVE RULES / POLICIES	
Report and Recommendation Regarding Final Order of Rulemaking – Oversize and Overweight Permit Administrative Rule	26
BUSINESS ISSUES	
Audit Services Agreement for Fiscal Years 2021-2025 Financial Statement Audit	28
The Ridge at Ward Branch Transportation Development District, Consideration of the Project and Appointment of an Advisor	28
Report and Recommendation Regarding a MODOT Patent Program	29
STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)	
Consideration of Bids for Transportation Improvements	30
Approval of Plans for Condemnation	33
Request for Approval of Location and Design of Highways.....	34

Report and Recommendations Regarding the I-44 Corridor Bridge Bundle Project in Jasper, Lawrence, Greene, Webster, and Dallas Counties, Including approval as a Design-Build project and Delegation of Authority 35

REPORTS

Audits and Investigations Annual Report 37
Financial Accountability Report – Quarterly Report 37
MoDOT Briefing Report 37
Financial - Budget - Reports – Year-to-Date, Financial Report Period Ending December 31, 2020 37
Consultant Services Contract Report 37

**MINUTES OF THE REGULARLY SCHEDULED
HIGHWAYS AND TRANSPORTATION COMMISSION MEETING
HELD VIA VIDEO CONFERENCE AND IN JEFFERSON CITY, MISSOURI,
WEDNESDAY, FEBRUARY 3, 2021**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, February 3, 2021, via video conference and at the Missouri Department of Transportation, 105 W. Capitol Ave, Jefferson City, Missouri. Michael T. Waters, Jr., Chair, called the meeting to order at 1:00 p.m. The following Commissioners were present: John W. Briscoe, Gregg C. Smith, Robert G. Brinkmann, P.E., Terry L. Ecker, and W. Dustin Boatwright, P.E.

The meeting was called pursuant to Section 226.120 of the Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the Revised Statutes of Missouri, as amended.

* * * * *

* * * * *

Patrick McKenna, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, February 3, 2021.

* * * * *

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

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

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

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

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

Commissioner Waters, Aye
Commissioner Briscoe, Aye
Commissioner Smith, Aye
Commissioner Ecker, Aye
Commissioner Brinkmann, Aye
Commissioner Boatwright, Aye

The Commission met in closed session on Wednesday, February 3, 2021 at 9:00 a.m. and adjourned at 12:00 p.m.

* * * * *

-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

APPROVAL OF MINUTES

Upon motion by Commissioner Smith, seconded by Commissioner Briscoe, the Commission unanimously approved the minutes of the regular meeting held on January 6, 2021. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

* * * * *

CONSENT AGENDA

Consent Agenda Process

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

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

Consideration of February 3, 2021, Consent Agenda

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

* * * * *

COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two standing committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee and board reports were made during the February 3, 2021, meeting.

Audit Committee – Commissioner Waters stated there is no report this month, and the next Audit Committee meeting is scheduled for April 2021.

Legislative Committee – Commissioner Briscoe reported budget hearings have begun following the Governor's State of the State address. As part of the administration's transportation budget for 2022, Governor Parson announced an \$83 million allocation to MoDOT for transportation infrastructure needs, including cost-share projects and low-volume roads. In addition, the Governor highlighted Missouri's strategic location in the center of the nation and is calling for an investment of over \$6 million dollars in projects at Missouri's established ports. This is in response to new shipping technology that could create a corridor through Missouri, giving the Show-Me State the opportunity to become a powerful logistics hub for all of North America. Governor Parson is also seeking \$25 million to fulfill the existing transportation cost-share program to help communities complete other important infrastructure projects.

Regarding the Commission's priority legislation for this session, MoDOT staff continues to work to identify legislative sponsors. Representative Wayne Wallingford from Cape Girardeau filed House Bill (HB) 853. This bill would prohibit hand-held cell phone and other electronic wireless communication devices to be used while driving. This proposal would expand Missouri's current law, which prohibits drivers 21 years of age and under, from using a handheld cell phone or other electronic communication device for text messaging and certain other forms of electronic messaging while driving. The proposed

legislation would expand the current law to all drivers and strengthen it by prohibiting all hand-held use of an electronic wireless communication device. Research tells us:

- Hand-held cell phone use while driving is currently banned in 19 states and the District of Columbia.
- 48 states prohibit texting while driving for all drivers.
- Missouri and Montana are the only two states that do not prohibit texting while driving for all drivers.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith reported the MTFC Board met on January 29, 2021. The board approved a one-year renewal option with Williams Keepers LLC to perform audit services for fiscal year 2021. The next MTFC meeting will be in May 2021.

MoDOT and Patrol Employees' Retirement System (MPERS) – Commissioner Briscoe reported there is no report this month, and the next board meeting is Friday, February 26, 2021.

* * * * *

DIRECTOR'S REPORT

During the February 3, 2021, Commission meeting, Director Patrick McKenna provided the following report:

COVID – The Director was pleased to report that in the last two weeks the department has seen a significant slowing in the incidence of employees testing positive for the COVID-19 virus. That shows that strategies are working, and now the department needs to work hard on the vaccination process. He paid tribute to the leadership provided to that end by Ashley Halford, Assistant to the Chief Administrative Officer for Health and Wellness, and Chris Engelbrecht, Assistant to the Chief Safety and Operations Officer for Emergency Management.

Buck O'Neil and Rocheport Bridges – The Director noted while a while a formal presentation and recommendation about the Buck O'Neil Bridge project is forthcoming, this is a moment that MoDOT and many others have been dreaming about for several years. It is time to move forward with construction of a new Missouri River crossing in Kansas City. He also, reported that last Friday, MoDOT began the procurement process for the I-70 Missouri River Bridge at Rocheport. The next step will be to short-list proposing teams in March.

Statewide Planning Partners Meeting – On February 10, MoDOT will be holding the annual statewide planning partners meeting. This is the next step in development of the 2022-2026 Statewide Transportation Improvement Program (STIP). As discussed at the January commission meeting, MoDOT has increased targets and will be using those when going through the annual STIP process. Special guest

presenters at the planning partners meeting will be Representative Becky Ruth, chair of the House Transportation Committee, and Senator Justin Brown, chair of the Senate Transportation Committee.

Federal Transit Administration Grant – Two weeks ago, the Multimodal Division received a \$450,000 grant from the Federal Transit Administration. This award will launch a statewide vanpooling program to get individuals to and from work, which will expand job access, create safe and reliable ways to commute, and use state-of-the-art technology to help riders match and pay for fares in real time.

Highway Safety – Later this month MoDOT will be collaborating with partners at the Highway Patrol on a news release about 2020 highway fatality numbers. While the numbers are still preliminary, suffice it to say that fatalities were higher in 2020 than they were in 2019. That is very disappointing considering that for a good portion of the year, traffic volumes were significantly reduced as a result of the pandemic.

* * * * *

PUBLIC PRESENTATIONS

REPRESENTATIVE LOUIS RIGGS PRESENTATION REGARDING THE HANNIBAL BYPASS

The Honorable Louis Riggs, State Representative, stated the Hannibal Bypass is of strategic and logistical importance for the Northeast Missouri region. He noted the bypass was last studied 25 years ago. He explained the last study conducted did not anticipate the four-laning of US 36. This section of roadway was to be improved during the upgrade of Highway 61 to the Avenue of the Saints. There remains 7 stoplights on this highway from St. Paul to St. Louis, all of them located in Hannibal.

Representative Riggs stated he did not understand why this project is not a priority when it is a priority for the citizens' safety. He explained that there is heavy truck traffic on this route. Most trucks do not stop in Hannibal but are passing through. He noted trucks run the red lights and speed through these intersections regularly. He explained that he has prosecuted the trucks in the past for these actions. Representative Riggs shared his concerns for the truck traffic generated by local industry and what they must go through in order to get product delivered. He shared an example of the circuitous routes trucks must take from General Mills, a major manufacturer in the city.

Representative Riggs reported Governor Parson noted in his state of the state address that Missouri must take advantage of its geographical location for being a logistics hub. The representative heartily agreed with that statement noting that Hannibal should be a solution to that problem, not a perennial headache. He explained this stretch of roadway is the only location where there are stop lights for roads that connect from the Gulf of Mexico to Duluth, Minnesota. He wants Hannibal to be part of the conversation for being a logistic hub across Missouri. Unfortunately, Hannibal is not because there is no through route that bypasses those stop lights. Neglecting the bypass punishes Hannibal and the northeast region depriving the area of thousands of jobs.

The bypass is the top priority for the Mark Twain Regional Council of Governments. In addition, the representative provided letters of support for the bypass from the county commissioners, city mayors, Mark Twain Regional Council of Governments, Tri-State Summit, DOT Foods, and Woody Brothers Trucking.

Northeast Missouri has consistently paid for new roadway construction in the region including four laning US 63 from Kirksville to Macon and US 36 from Macon to Hannibal. However, the region cannot proceed with this bypass project until MoDOT supplies the precursor, an engineering study for a bypass that has been neglected for 25 years. He urged the commission to hear his plea to take action and conduct a study for the bypass.

Commissioner Briscoe thanked him for his presentation and continued interest in transportation issues in northeast Missouri. Commissioner Briscoe stated that all of the regional planning commissions in the northeast district need to put this project on their list as a high priority item. When that happens, the project will have a better chance of getting on the STIP.

* * * * *

PRESENTATION BY THE NORTHLAND CHAMBER OF COMMERCE

Ed Ford, Northland Regional Chamber of Commerce Chairman, provided an overview of current activities and future needs for this rapidly growing area of the Kansas City region. The Northland Regional Chamber of Commerce exists to enhance the business community, economic growth, and quality of life in the Northland. Geographically, the organization serves Clay and Platte Counties in the metropolitan Kansas City area. Mr. Ford expressed their appreciation for recent projects including the Buck O'Neil design build project that is moving forward despite its challenges. He also noted their thanks to the department for assistance with the application for the I-29, I-35 BUILD grant with the City of Kansas City and Mid-America Regional Council (MARC). This grant will allow a study to be conducted on how best to address the transportation needs at that location. He also noted appreciation regarding the cost share project for the Platte Purchase interchange and the Northland Neighborhoods Inc. appreciation for the Vivion Road project.

The chamber explained the region continues to grow exponentially and transportation needs are great. Mr. Ford took this opportunity to express the chamber's desire for the following transportation improvements to address the regional growth and transportation needs: I-29 North of I-435; I-70 statewide; Highway 152 safety improvements, traffic congestion mitigation, and capacity improvements; Highway 92; Highway 291 possibly making it a super two roadway with improved shoulders, middle turn lanes, and permanent signals; as well as Multimodal needs including trails and transit. Mr. Ford noted that he appreciates the partnership between MoDOT and the chamber along with the City of Kansas City and the region.

Chairman Waters thanked him for his presentation and noted he heard an announcement regarding Sheila Tracy's retirement scheduled for this summer. The Chairman wished Ms. Tracy well in her future endeavors.

* * * * *

PUBLIC COMMENTS

PUBLIC COMMENT REGARDING AGC AND MODOT

Steve Bubanavich, the newly elected chairman of the highway and heavy infrastructure division for the AGC of Missouri, introduced himself to the Commission. He thanked the commission for the cooperative relationship with the department and looks forward to that continued collaboration. He described how there are different divisions of AGC that work with the various divisions at the department. He also reported on a program that AGC coordinates with local community colleges to train people interested in the construction industry. Commissioner Boatwright thanked Mr. Bubanavich for his comments and for AGC's efforts to advocate for infrastructure throughout the state.

* * * * *

CONCERNS REGARDING I-70 DESIGN-BUILD PROJECT

Arnie Dienoff, a concerned citizen, expressed his concerns regarding a proposed design-build project on I-70 from Cave Springs to Fairgrounds Roads in the St. Louis District. He stated that priorities need to be considered when deciding on roads in communities with the growing populations. It is so important to look at information that is data driven, addresses safety concerns, provides accessibility, and seeks citizen input. He stated he believes another lane to I-70 is needed in both the eastbound and westbound lanes. He noted there have been over 1,400 comments on this project and asked that the department and the Commission take time to address these concerns. He also asked that the 1,400 comments be made available to the public along with a summary of those comments. Chairman Waters thanked Mr. Dienoff for advocating for the constituents in his area.

* * * * *

MODOT PRESENTATIONS

CONSIDERATION OF PROPOSALS FOR THE US 169 BUCK O'NEIL BRIDGE DESIGN-BUILD PROJECT

On behalf of the Director, Ed Hassinger, Deputy Director/Chief Engineer, and Mary Miller, Project Director, described the project that will address the condition of the historic Buck O'Neil Bridge, maintain a reliable regional transportation linkage across the Missouri River that services local and regional traffic while minimizing local traffic conflicts and improve the operations and safety performance of the Missouri River crossing for all transportation modes.

Project Goals

The goals of the design-build project are to construct a new Missouri River Bridge that can be reasonably maintained and provide a century of service within the program budget; provide a safe, connected, and accessible transportation facility that improves system performance; minimize the impact to the traveling public during construction; and complete the project by December 1, 2024, utilizing a diverse construction workforce.

MoDOT's External Civil Rights Division established a fourteen percent disadvantaged business enterprise goal for construction work and an eighteen percent disadvantaged business enterprise goal for professional services for the project. The best value proposer will be required to meet federal workforce goals per trade of 12.7 percent minority and 6.9 percent female. There is an on-the-job training requirement for six construction trainees and one design trainee at 1,000 hours each.

Procurement Process

By Commission action on November 6, 2019, the Commission approved the use of design-build for the Buck O'Neil Bridge Design-Build Project. Since then, MoDOT's design-build team has been working through the procurement process. Five teams were prequalified on August 17, 2020, to compete for the contract. The Request for Proposals was issued September 2, 2020. The MoDOT Design-Build

team held eight confidential discussions with each team to discuss their proposal ideas. Three proposals were submitted by the deadline on December 22, 2020. The MoDOT design-build team reviewed and evaluated the proposals. The three teams that submitted proposals include:

- American Bridge – Major Participants include American Bridge company, Parsons Transportation Group, and Radmacher Brothers Excavating Company, Inc.
- Massman-Clarkson Joint Venture – Major Participants include Massman Construction Company, Clarkson Construction Company, and HNTB Corporation
- Traylor Ames Joint Venture – Major Participants include Traylor Bros, Inc., Ames Construction, Inc., Jacobs Engineering Group, Inc., and Garver LLC.

Evaluation

The items that were evaluated by the MoDOT design-build team included: Project Definition (65 points available), Safety (20 points available), and Maintenance of Traffic and Schedule (15 points available). Ms. Miller provided a summary of the proposals submitted by each team and the total points awarded to each team as outlined below.

- American Bridge-Parsons – 70.3 points
- Massman-Clarkson Joint Venture – 85.5 points
- Traylor-Ames Joint Venture – 56.7 points

Commission Consideration and Action

Ms. Miller recommended Massman-Clarkson Joint Venture as the best value proposer. Their proposal included:

- 2 river bridge structures, with two lanes northbound and two lanes southbound, and a ten-foot shared use path
- Downtown airport access improvements
- 45 mph direct connections between US 169 and I-35
- City street access changes
- Urban designs such as a bike and pedestrian path across the river, decorative color changing bridge lighting, decorative bridge railing, scenic overlook, and murals
- Design build contract completed by December 1, 2024, which utilized the \$219.353 million programmed budget

Chairman Waters thanked Ms. Miller for her presentation and the MoDOT design-build team for their work on this project to date. After consideration, Commissioner Brinkmann moved that the Commission adopt staff recommendations to approve the Massman-Clarkson Joint Venture design-build team for submitting the best value proposal for the Buck O'Neil Bridge design-build project on Route 169 in Jackson and Clay counties; authorize the Director, Deputy Director/Chief Engineer, or their designee to negotiate and execute a contract with Massman-Clarkson Joint Venture subject to approval as to form by the Chief Counsel's Office; authorize payment of the agreed stipend to the two unsuccessful proposing teams; and found and determined the recommended location and design would best serve the interest of the public. This motion was seconded by Commissioner Ecker. The Commission unanimously approved the motion.

* * * * *

ENTERPRISE RISK MANAGEMENT

On behalf of the Director, Misty Volkart, Audits and Investigations Director, presented the annual Enterprise Risk Management (ERM) report. Ms. Volkart explained Enterprise Risk Management is an organization strategy for identifying, assessing, and managing overall risk to an organization. ERM provides a broad framework for managing risks, identifying an organization's most significant risk, and managing those risks within an acceptable level to ensure the organization's objectives are met. For ERM to be successful, an organization needs to know their risks and develop a clear strategy and define goals.

MoDOT began to conduct the ERM process in 2011 as a good governance activity. This process has helped the department strategically review the risks that could impact its ability to deliver the department's mission and assess strategies to mitigate those risks. ERM involves the Commission, department leadership, and employees in assessing the risks. Commission policy requires the department have an ERM process and provide an annual report to the Commission regarding that process. The initial ERM assessment took place in 2012; this is the seventh time the department has been through the process.

Ms. Volkart provided the Commission with a detailed report and reviewed in her presentation with the Commission what changed since the last ERM review.

There are ten risk areas that have been identified: financial, workforce, public opinion/support, political risk, transportation system failures, natural disasters, safety and security, legal and regulatory changes, information technology, and fraud and theft. Each risk category was considered equally and separately from other risks and not ranked in order. Each risk category was scored from one to five in preparedness, likelihood, and impact. Preparedness was ranked from unprepared to plans in place and tested. Likelihood was ranked from little chance of occurring to fairly certain it will occur. Impact was ranked from very little impact to devastating impact.

The information was then placed on a heat map. The heat map identifies areas that may require additional monitoring or controls for improvement by evaluating risks in terms of risk exposure which considers impact and likelihood, compared to preparedness. The heat map visually displays where Senior Management Team (SMT) members assess organizational risks.

The heat map shows that workforce is the risk category that SMT members assessed with the highest risk exposure along with the risk of being the least prepared to handle. MoDOT continues to present pay strategies to address market concerns, improve retention and recruitment, and improve employee engagement. The pandemic brought unique challenges with hiring, and Human Resources was able to move to virtual hiring and on-boarding, and the department continued to look for ways to manage that risk.

In the current environment it is hard not to talk about the risks to the organization due to the COVID-19 Pandemic, MoDOT's primary mission in the event of a pandemic is to provide personnel, equipment and necessary material to assure continuous performance of MoDOT's mission and critical functions. MoDOT implemented a variety of strategies to respond to the pandemic which include remote work, shared work, and following best practices to stop the spread of the virus. It's important to note that

a pandemic is part of the department's enterprise risk management process and is within the national disasters section in the risk categories.

Ms. Volkart concluded her presentation and noted the existence of an enterprise risk management process within an organization is recognized as an example of good governance and is important to strategic management of organizational risk. This process continues each year as SMT and employees identify, assess, and monitor organizational risks. Commissioner Smith expressed his concerns that the workforce risk category is usually rated high and that the turnover is related to compensation; while the Commission and department continue to work to improve compensation, more needs to be done. He also commended the department for their efforts to improve the things that are in the department's control and encouraged staff to keep up the good work!

* * * * *

UPDATE FROM THE EXTERNAL CIVIL RIGHTS DIVISION

On behalf of the Director, Missy Stuedle, External Civil Rights Director, presented a brief overview of the responsibilities and accomplishments of the External Civil Rights Division.

The External Civil Rights Division's activities include Disadvantaged Business Enterprise (DBE) Program, Supportive Services, On-the Job Training (OJT) Program, External Workforce Diversity, Contract Compliance, Title VI and the Americans with Disabilities Act. There are twelve people in the division who work from St. Louis, Kansas City, and Jefferson City to deliver these programs and services.

The DBE program strives to create a level playing field on which DBEs can compete fairly with all firms in the transportation industry. One of the areas of responsibility for the division is processing new DBE applications and making certification determinations. The federal regulations outline that women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Subcontinent Asian Americans are considered socially disadvantaged. Applicants are required to submit a certification application with supplemental documentation such as by laws, business taxes, financials,

equipment and other corporate documents. For firms located in Missouri, MoDOT staff conduct an on-site review. During this time, due to COVID 19, staff are using web-based platforms to conduct the interviews virtually. Once a firm becomes certified, MoDOT is required to review an Annual No Change Affidavit from the DBE on a yearly basis. As of December 31, 2020, there were 1,260 DBE firms certified in the Missouri Regional Certification Committee DBE Directory. Of which MoDOT has oversight for 277 of those certified firms. Not all firms listed in the DBE Directory are able to perform work on MoDOT projects.

The External Civil Rights Division reviews all federal-aid construction and consultant projects individually to determine if a DBE goal shall be placed on the project. DBE Goals are set on projects as a means for providing DBEs opportunities and to create a level playing field on which DBEs can compete fairly with all firms in the transportation industry. Typically, DBE firms perform those items listed under subcontracting opportunities. In 2020, the division reviewed approximately 675 projects for a DBE goal.

Overall DBE goals are set on federal-aid projects as a means for providing DBEs opportunities and to create a level playing field on which DBE's can compete fairly with all firms in the transportation industry. Every three years, MoDOT is required to set an overall DBE goal. The overall DBE goals are set separately for each of the three major USDOT Operating Administrations. The Federal Highway Administration overall goal for federal fiscal years 2021-2023 is 12.45 percent. The Federal Aviation Administration overall goal for federal fiscal years 2022-2024 is 12.45 percent. The Federal Transit Administration overall goal for federal fiscal years 2019-2021 is 1.04 percent.

The Federal Highway Administration (FHWA) provides DBE Supportive Services funds for training, assistance, and services to DBE firms. In 2007, MoDOT launched a pilot DBE Supportive Services Program. MoDOT is still receiving DBE Supportive Services funding from FHWA on a yearly basis. The DBE Supportive Services Program includes training in the areas of accounting, bidding, bonding, business law, business software, collaboration, estimating, financing, human resources,

marketing, and project management. As of December 30, 2020, 194 firms have graduated from the DBE supportive services program. Graduates from the programs have earned approximately \$31 million in contracts from MoDOT from January 1, 2016 to December 31, 2020.

Another program area the ECR division administers is the On-the-Job Training Program (OJT). The intent of the OJT Program is to train minority, female and economically disadvantaged workers; provide job site and classroom training and set OJT goals on projects. In conjunction with the OJT Program, the ECR division receives funding from FHWA for OJT Supportive Services. MoDOT's OJT Supportive Services Program has been funded by the FHWA since 2000. With these funds, MoDOT works with apprenticeship and training programs to move women, minorities and economically disadvantaged individuals into journey-level positions. In addition, the OJT supportive services increases the availability of a diverse workforce able to meet contractor's hiring needs. This pre-apprenticeship training includes certification in CPR\First-Aid, OSHA-30 safety, Commercial Driver's License Training, and flagger certification. Since 2000, OJT programs have graduated 1,529 individuals and placed 788 individuals.

In order to ensure contractors are maintaining diversity on federally funded projects, the division monitors workforce diversity on projects to help ensure the construction projects reflect the communities being served. In 2015, MoDOT began to pilot the Construction Workforce Program tracking the utilization of minorities and females per month on selected projects. As of November 30, 2020 MoDOT has tracked over 227 projects for workforce utilization. The average goals for all counties in Missouri is 7.6 percent minority and 6.9 percent female. As of November 30, 2020, the actual utilization for all crafts for projects reviewed in the Construction Workforce Program is 13.9 percent minority 5.3 percent female.

MoDOT's External Civil Rights Division is responsible for implementing and monitoring compliance with Title VI and the Americans with Disabilities Act. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin as it relates to any program

that receives federal funding. Under Title VI, environmental justice ensures full and fair participation by potentially affected communities in every phase of the transportation decision making process. Also, under Title VI, limited English proficiency outlines that individuals are entitled to language assistance as it relates to MoDOT's program areas. This includes providing translation services at public meetings or providing documents and forms in other languages. The American's with Disabilities Act (ADA) ensures that pedestrians with disabilities have an equal opportunity to use the public right of way as it relates to transportation. The division reviews all complaints related to the ADA Act.

The External Civil Rights division covers many different areas. The division strives to assist minority and females with placement on heavy highway projects, assist DBE firms with having a level playing field in which they can compete for projects, and ensure compliance with federal guidelines. The division is grateful for the support shown by the Commission and the Executive Team. Without this support, the division would not be able to carry out its job duties.

Commissioner Boatwright thanked Ms. Stuedle for her presentation and noted it is important that the workforce reflect the diversity of the communities in which these projects occur.

* * * * *

UPDATE ON FISCAL YEAR 2021 AFFIRMATIVE ACTION PLAN

On behalf of the Director, Rudy Nickens, Equal Opportunity and Diversity Director, and Beckie Brietzke, Senior Diversity and Inclusion Specialist, presented an update on the department's affirmative action plan. As a recipient of federal funding, the Missouri Department of Transportation is legally required to produce an Affirmative Action Plan outlining the efforts made by the department during the course of the previous fiscal year for recruiting and retaining minority and female employees. The following update provides information on: efforts made by the department, placement goals, current incumbency of minority and female employees, adverse impacts in the hiring process, discipline, and grievances filed.

For this report there are seven job groups as listed below:

- A- Officials and Administrators
- B- Professionals
- C- Technicians
- E- Paraprofessionals
- F- Office and Clerical
- G- Skilled Craft Workers
- H- Service Maintenance

Ms. Brietzke reviewed placement goals. She explained there are currently only four placement goals. For the Fiscal Year 2021 plan MoDOT was able to successfully meet the goal for minorities in job group E – Paraprofessionals, but was unable to meet the goal for the four remaining job groups: A – Officials and Administrators for both minorities and females, F – Office Clerical for minorities, and G – Skilled Craft Workers for minorities.

Next, Ms. Brietzke reviewed incumbency rates compared to availability. She noted there are four areas that are highlighted indicating underutilization, this means MoDOT is below eighty percent of availability for those job groups. Incumbency for minorities increased in five of the seven job groups and three of the seven for females. MoDOT has been steadily trending down in female employment for the past several quarters.

Ms. Brietzke then reviewed adverse impacts in the hiring process. An adverse impact occurs when the selection rate is eighty percent less than the comparison group. The hiring practices indicate an adverse impact in 10 job groups, compared to the previous year's plan where there were zero adverse impacts. Six of the adverse impacts occurred against protected classes of minorities and females. There was an adverse impact for minorities in job groups: B – Other Professionals, C – Other Technicians, E – Paraprofessionals, F – Clerical Support, and G – Skilled Craft Workers. There was an adverse impact for women in job group B – Other Professionals.

Ms. Brietzke also reviewed the discipline and grievances filed. The discipline report indicates that minority employees were disciplined at a rate over three times that of their white peers when compared to total employment. The number of grievances filed against the department increased to 36 as compared to the previous year with only 19 filed complaints.

Affirmative Action is a program designed to prevent discriminatory employment practices and ensure equal opportunity. Mr. Nickens stated while the plan is a look back at the past year, the department understands that the Affirmative Action Plan is used as a tool to improve employee retention and increase recruitment practices. This will ensure MoDOT is able to meet staffing needs, while maintaining a focus on diversity.

Chairman Waters thanked Mr. Nickens and Ms. Brietzke for their presentation and for continuing with the preparation of the department's annual Affirmative Action Plan.

* * * * *

FINANCIAL FORECAST UPDATE

On behalf of the Director, Brenda Morris, Chief Financial Officer, presented the revised financial forecast for fiscal years 2022-2026. Since the January Commission meeting, the financial forecast has been revised to include the additional funds provided by the Amendment 3 bond issuances, Coronavirus Response and Relief Supplemental Appropriations (COVID Relief) Act and redirected Coronavirus Aid, Relief and Economic Security (CARES) Act monies.

MoDOT prepares an annual financial forecast to estimate future revenues and disbursements. The forecast is the basis for MoDOT's operating budget, and the funding targets provided to planning partners and MoDOT staff to select projects for the Statewide Transportation Improvement Program (STIP). The financial forecast estimates the various components of state revenue, including the state motor fuel tax, motor vehicle sales taxes, motor vehicle and drivers' license fees, and federal funds from the federal motor fuel tax and other sources as provided by Congress.

The financial forecast discussion is the starting point for the development of the STIP. The STIP will detail the department's capital spending plan for the next five years. The STIP is updated annually, however, last year was an exception given the uncertainty of revenues because of the pandemic, no update was made last year. MoDOT will host a meeting with planning partners on February 10 as part of the STIP development process.

Based on discussion with the Commission and additional action by Congress, the department made some modifications to the financial forecast that was presented to the Commission at the January 6, 2021 Commission meeting. Changes were made to the forecast for three major items. First, a plan has been developed to establish a repeatable bonding program for Amendment 3 revenues, which are dedicated to the repayment of debt. Starting in 2023, the Commission would issue \$500 million of bonds, with an expected term of ten years. Every three or four years thereafter, the Commission would again issue another \$500 million of bonds. For this forecast, MoDOT placed that next issuance in 2026 year, however, as that year draws near the department will re-evaluate that to ensure that is the best year to issue the next debt. Because the 2023 debt issuance would impact the first three years of the planning cycle, it was important to go ahead and include this into the planning process now. This increases the amount of contractor awards to a point that the department must also increase some of the related costs associated with administering a larger program. This includes a two percent increase in staffing or approximately 100 employees. This also increased the assumptions for spending for design bridge consultants for construction projects, and for right-of-way needed for those additional projects. Additionally, included are the corresponding debt service payments.

The second major change is related to the COVID Relief Act passed by Congress in December. This Act contained \$10 billion of relief funding for Department of Transportation to help restore current and future highway user revenue loss due to the pandemic. The COVID Relief Act brings \$234.8 million to Missouri, with \$28.5 million of that being sub-allocated to large urban areas.

The third major change is the addition of some monies to this forecast from funds that became available because CARES Act monies were redirected for some expenses paid by highway user fees. These are the funds that allowed the Commission last month to reinstate projects for the Governor's cost share program. The department added an additional \$48 million of these funds.

Eric Schroeter, Assistant Chief Engineer, presented the programs that will utilize these funds. He reminded the Commission of past discussion regarding asset management and funding for asset management deficits. There are two components of funding for asset management one is in the STIP, which are capital projects, and the other is the operating budget for maintenance operations. First, he reviewed the STIP funding. He explained in 2017, the department started allocating \$10 million a year toward asset management to help districts that were not meeting their condition goals and did not have enough resources to meet their condition goals. The asset management deficit program is set to expire in Fiscal Year 2022, so the department is going to request that program continue but with a little bit different focus on closing the gap and ensure citizens across Missouri have a similar experience on similar types of roads, and right now that is not what Missourians experience. For the asset management deficit program, the department will look at the districts that are not able to meet the condition goals and don't have any flexible funds available to shift toward asset management. The department will then use the number of lane miles of poor condition low-volume and minor roads to allocate those funds to those districts. The allocation of the \$10 million for the asset management deficit program will be distributed to the districts through the STIP process.

The second part is the asset management deficit through the maintenance operations program. The operating budget takes care of everything from plowing snow to mowing the grass to striping and patching and putting up signs and is also the source of funding for low volume road maintenance by the department's maintenance crews. Since 2013, MoDOT used a formula to distribute operating funds to the districts for their yearly allocation. In 2017, an adjustment was made to target some funds toward

asset management. What ended up happening was taking funds from some districts to help others, the five southern districts were giving \$200,000 each, to then provide \$500,000 to each of the northern districts to help with closing the gap in low-volume road condition. That has been a significant amount of money over time, but it hasn't been enough. The department is recommending cessation of that program and replacing it with funding for fiscal years 2022 through 2024. The allocation would be \$15 million in Fiscal Year 2022, \$15 Million in Fiscal Year 2023, and then \$12.5 million in Fiscal year 2024. The department will use a similar formula to what is being used for STIP funds for distributing maintenance asset management deficit funding to the districts by reviewing the miles that are in poor condition and the districts that can't meet their condition goals. This will help target those funds a little more intensively toward closing the gap in condition.

Combined, these programs (asset management deficit in the STIP, and maintenance asset management deficit in the operating budget) provide \$72.5 million over a three-year period. This allows MoDOT to really target funds to address condition deficits and allocate funding to each district over the next three years. Mr. Schroeter stated the department believes it can make some significant progress doing this to start closing that gap, so that people across Missouri have a similar experience on similar types of roadways.

The third piece that Mr. Schroeter presented was the Commission's cost share program and the need to make changes to it. The department wants to recommend changing the amount of money that is set aside for economic development from ten to twenty percent. Staff is currently working on all the details to make that happen and will bring that to the Commission for consideration in April. He noted that all funds in the cost share program have been committed through 2023, and 2024 will be the first year that funds will be available to make this happen.

Ms. Morris then reviewed the key differences between the January and February financial forecasts. For the 2022 to 2026 time period, the same time period for the next STIP, the difference between

the January and February forecast, is revenues have been increased a little over \$1.1 billion, and disbursements increase by a similar amount. This forecast continues to reflect deficit spending and the cash balance is expected to decline from \$778 million in 2021 to \$296 million in 2027. There is a significant difference in contractor awards. The changes discussed today adds an additional \$800 million in contractor awards for the time period of 2022 through 2026, and that is very good news!

As mentioned before, all these steps fit together like a puzzle. The next step in the process is to take this information included in this financial forecast and begin the development of the STIP and the department's budget. Drafts of those spending plans will be brought to the Commission at the May Commission meeting.

Director McKenna noted the department is maximizing the capital program. Just five short years ago, MoDOT had a plan over a five-year period that was \$1.6 billion in anticipated contractor awards for a five-year period, and the forecast today, is about \$5.8 billion. So, we have made some progress, even though that progress is almost all on the federal side of the ledger, and now more needs to be done on the state revenue side.

Commissioner Waters thanked Ms. Morris and Mr. Schroeter for their presentation and noted he is looking forward to next month when the policy changes are presented which will help the department with the next steps of this process.

* * * * *

ADMINISTRATIVE RULES / POLICIES

REPORT AND RECOMMENDATION REGARDING FINAL ORDER OF RULEMAKING – OVERSIZE AND OVERWEIGHT PERMIT ADMINISTRATIVE RULE

On behalf of the Director, Jerica Holtsclaw, Motor Carrier Services Director, presented the final order of rulemaking for 7 CSR 10-25.020, Oversize and Overweight Permits. At the October 7, 2020, meeting, the Commission authorized the filing and publication of proposed amended rules 7 CSR 10-25.020,

Oversize and Overweight Permits. After Commission approval, staff filed these rules with the Joint Committee on Administrative Rules and the Office of the Secretary of State, who published the amended rules in the *Missouri Register* for public comment. The public had from November 16, 2020 to December 16, 2020, to submit comments in support of or in opposition to the notice of amended rulemaking. No comments were received during the public comment period.

The following is a summary of the significant changes to the rule. Section 304.180, RSMo, the statute which establishes weight limits for transportation on the public highways of this state, was amended by General Assembly action in 2018 in Senate Bill 683 which authorizes the Commission to issue annual permits for the transportation of cranes, set fees for such permits, and set parameters for the transport of cranes. The proposed amendment also updates additional rule provisions, including fees that may be waived by the Motor Carrier Services Director during emergency declarations and under special or unusual circumstances, increases load widths for night movements and for annual blanket permits, changes when escorts for oversize loads are necessary, adds more axle configurations, and other rule changes.

The department supports this final order of rulemaking for Oversize and Overweight Permits. After consideration, the Commission via approval of the consent agenda, unanimously approved the final order of rulemaking and authorized the Secretary to the Commission to file the final orders of rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State, and authorized the Director, Deputy Director/Chief Engineer, Chief Financial Officer, Assistant Chief Engineer, Chief Safety and Operations Officer, or Chief Administrative Officer to execute documents to complete the final rulemaking process.

* * * * *

BUSINESS ISSUES

AUDIT SERVICES AGREEMENT FOR FISCAL YEARS 2021-2025 FINANCIAL STATEMENT AUDIT

On behalf of the Director, Todd Grosvenor, Financial Services Director, recommended approval of Rubin Brown LLP to provide audit services to the Commission and Department for the fiscal years 2021-2023 financial statement audit with two one-year renewal options. He also recommended the Commission authorize the Director, Deputy Director/Chief Engineer, Chief Financial Officer or Assistant Chief Engineer to exercise a three-year (with two one-year extensions) audit services agreement with Rubin Brown LLP, with approval as to form by the Chief Counsel's Office. He also recommended the Commission authorize the Director, Deputy Director/Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to independently exercise, without Commission approval, the two one-year audit service contract extension options through the fiscal year 2025 audit, with approval as to form by the Chief Counsel's Office.

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

* * * * *

THE RIDGE AT WARD BRANCH TRANSPORTATION DEVELOPMENT DISTRICT, CONSIDERATION OF THE PROJECT AND APPOINTMENT OF AN ADVISOR

On behalf of the Director, Steve Campbell, Southwest District Engineer, advised the Commission that in response to a petition filed by RW Developments, LLC, Springfield-Greene County Library District, and Burning Tree Consulting, LLC on June 19, 2020, with the Circuit Court of Greene County; the court established the Ridge at Ward Branch Transportation Development District (TDD) as a new political subdivision on December 7, 2020. The proposed project includes improvements to Route 160 (Campbell Avenue) including, but not limited to, constructing new public roads, realigning, reconstructing, and improving median and intersections, construction of driveways and parking lots,

grading, drainage, curbing, gutters, sidewalks, signage and striping, landscaping, irrigation systems, utility relocation, traffic controls, signals and lighting. The Commission does not own any real property and no state roadway is located within the proposed TDD boundaries.

In keeping with Sections 238.220.4 and 238.225.1, RSMo, the Commission via approval of the consent agenda, (1) appointed the Southwest District Engineer, or his designee, as the Commission advisor to the Ridge at Ward Branch TDD board of directors, and (2) found the upgrades to the area noted above, to be a necessary and desirable extension of the state highways and transportation system, subject to the TDD making any revisions on the plans and specifications required by the Commission and subject to the TDD entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project. In keeping with the Commission's Execution of Documents Policy, and Financial – Project Funding and Financing Alternatives – Transportation Development Districts Policy, any member of the Executive Committee may execute the related agreements.

* * * * *

REPORT AND RECOMMENDATION REGARDING A MODOT PATENT PROGRAM

On behalf of the Director, Becky Allmeroth, Chief Safety and Operations Officer, and Terri Parker, Assistant Chief Counsel–Project Development, reported implementation of a patent program would allow the Commission to patent processes and products that have been invented or created by MoDOT employees while working for the department. Patents for select innovations would keep the department from having to buy back its innovation at commercial prices and allow the department to share the innovation with other state and local governments without charge or at reduced pricing. At present, neither the Commission nor MoDOT has a policy regarding patents for innovations created by MoDOT employees for: tools and equipment; projects; and/or productivity.

Ms. Allmeroth and Ms. Parker recommended authorizing the department to implement a patent program which would allow the Commission to patent processes and products that have been invented or

created by MoDOT employees. Via approval of the consent agenda, the Commission unanimously approved the recommendation.

* * * * *

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

CONSIDERATION OF BIDS FOR TRANSPORTATION IMPROVEMENTS

On behalf of the Director, Travis Koestner, State Design Engineer, presented the following recommendations pertaining to bids received on federal aid and state highway and bridge projects during the past month. He noted Calls A06 and B01 have local funding, as noted in Table I below, and the department received all the necessary concurrences.

Mr. Koestner recommended: (1) Award of contracts to the lowest responsive bidders for bids received at the January 22, 2021, letting, as recommended and noted in Table I below. (2) Rejection of bids received on Calls A02 and A03 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction, as recommended and noted in Table II below

**Table I
Award of Contracts
January 21, 2021, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	I-29	Andrew, Holt	J1I3020B	\$1,695,736.00	\$0.00	Omega Coatings & Construction, LLC	Bridge Painting
		Holt	J1P3023B				
			J1I3099B				
	Various	Various	J1S3181				
A04 and A07 #	BB	Atchison	J1S3420	\$2,084,888.96	\$0.00	Emery Sapp & Sons, Inc.	Resurface
	TT		J1S3421				
	A		J1S3428B				
			J1S3428				
A05 #	M	Chariton	J1S3424	\$1,395,203.74	\$0.00	Capital Paving & Construction, LLC	Resurface
	O	Carroll	J1S3423				
	V		J1S3422				
A06 *	E	Mercer	J1S3427	\$142,394.00	\$0.00	Leavenworth Excavating & Equipment Company, Inc.	Bridge Scour Repair
	JJ		J1S3425				
			J1S3426				

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
B01 **	63	Adair	J2P2215	\$4,940,992.78	\$0.00	L.F. Krupp Construction, Inc. dba Krupp Construction	Resurface and ADA Improvements
B02	36	Macon	J2S3339	\$2,649,980.42	\$0.00	Capital Paving & Construction, LLC	Resurface
	63		J2P2216				Resurface and ADA Improvements
B03	63	Adair, Macon	J2P3283	\$1,289,499.51	\$0.00	Asphalt Stone, Co.	Pavement Improvements
C01	Various	Various	J0I3006G	\$2,340,000.00	\$0.00	Realm Construction Inc.	Job Order Contract for Concrete Pavement Repair
C02	65	Pettis	J3P3062	\$3,790,917.10	\$0.00	Emery Sapp & Sons, Inc.	Resurface
C03 ^	I-29	Platte	J4I3291	\$7,541,439.87	\$1,871.00	Radmacher Brothers Excavating Co., Inc.	Bridge Replacement
			J4I3297		\$3,072.00		
C04	Various	Various	J4I3396	\$475,537.48	\$0.00	James H. Drew Corporation	Sign Replacement
C05	US 50	Jackson	J4P3352	\$4,775,000.00	\$0.00	Ideker, Inc.	Coldmill and Resurface
C06	291	Cass	J4P3379	\$1,862,575.46	\$0.00	Emery Sapp & Sons, Inc.	Bridge Deck Replacement
	58		J4P3373				Bridge Replacement
C07	OR I-49	Cass	J4S3375	\$1,028,179.00	\$0.00	Lehman Construction, LLC	Bridge Replacement
C08	I-670	Jackson	J4S3380	\$3,089,538.28	\$0.00	Clarkson Construction Company	Bridge Replacement
C09	67th St	Jackson	J4S3389	\$2,152,835.10	\$0.00	Clarkson Construction Company	Bridge Replacement
D02	68/HH	Dent, Phelps	J5P3236	\$5,294,709.41	\$0.00	N.B. West Contracting Company	Resurface and Add Shoulders
	F	Dent	J5S3277				Resurface
	K	Phelps	J5S3393				
D03	54,63	Callaway, Cole	J5P3337	\$4,125,000.00	\$0.00	KCI Construction Company	Bridge Rehabilitation
D04	50,63	Gasconade, Maries	J5P3399	\$1,413,242.50	\$0.00	Concrete Strategies, LLC	Bridge Rehabilitation
D05	UU, JJ	Callaway	J5S3324	\$1,493,205.34	\$0.00	Christensen Construction Co.	Resurface and Add Shoulders
D06	Various	Cole	J5S3386	\$560,000.00	\$0.00	Blevins Asphalt Construction Company, Inc.	Pavement and Guardrail Improvements
F01	Various	Various	J6I3498	\$443,253.20	\$0.00	D & S Fencing Company Inc.	Sign Installation
F02	370	St Charles, St Louis	J6P3325	\$4,050,296.18	\$0.00	Parking Lot Maintenance, LLC	Pavement and Guardrail Improvements

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
F03	Various	St Charles, St Louis	J6P3477	\$496,372.25	\$0.00	R. V. Wagner, Inc.	High Friction Surface Treatment
F05	W, FF	Jefferson	J6S3575B	\$520,668.68	\$0.00	N.B. West Contracting Company	Seal Coat
F07	Various	Various	J6P3446	\$2,121,000.00	\$0.00	Concrete Strategies, LLC	Job Order Contract for Bridge Repairs
G01 ^	I-49	Jasper	J7I3254	\$1,412,225.00	\$0.00	Hartman and Company, Inc.	3 Bridge Rehabilitations
			J7I3256				Bridge Rehabilitation
G02 ^	I-49	Barton	J7I3362	\$1,731,143.17	\$0.00	Emery Sapp & Sons, Inc.	Bridge Replacement
G03	266	Lawrence	J7P3107B	\$761,337.61	\$0.00	Mera Excavating, LLC	Bridge Replacement
G04 ^	FF	Vernon	J7P3190C	\$1,145,925.00	\$0.00	Hartman and Company, Inc.	Bridge Deck Replacement
G05 ^	B	Bates	J7P3190D	\$3,262,203.68	\$0.00	Lehman Construction, LLC	2 Bridge Rehabilitations
	M		J7S3481				Culvert Replacement
			J7S3261				Bridge Rehabilitation
G06	Various	Various	J7P3417	\$2,737,118.74	\$0.00	Vance Brothers, Inc.	Seal Coat
H01	160	Ozark	J9P3169	\$3,491,712.42	\$0.00	H.R. Quadri Contractors, LLC	Pavement and Guardrail Improvements
H02	17	Howell, Texas	J9P3558	\$1,895,891.91	\$0.00	H.R. Quadri Contractors, LLC	Shoulder Improvements
H03	Various	Various	J9P3628	\$1,285,500.00	\$0.00	Putz Construction, LLC	Job Order Contract for Erosion Control
H04	95	Ozark	J9P3711	\$1,834,980.13	\$0.00	Emery Sapp & Sons, Inc.	Scrub seal
	51	Bollinger	J9P3709				
	E	Stoddard	J9S3712				
	Y	Ste Genevieve, St Francois	J9S3708				
	K	Howell	J9S3710				
	H	New Madrid	J9S3713				
H05	J	Various	J9S3340	\$2,798,726.11	\$0.00	N.B. West Contracting Company	Pavement and Add Shoulders
H06	M	Butler	J9S3556	\$1,296,256.38	\$0.00	H.R. Quadri Contractors, LLC	Shoulder Improvements
H08	60	Mississippi	J9S3732	\$338,890.70	\$0.00	Venture Construction Waterproofing, Inc.	High Friction Surface Treatment
			TOTAL:	\$85,764,376.11	\$4,943.00		

^Focus on Bridges Program

#Pending FEMA funding

*Call A06 – Funding by ER Funding

**Call B01 – Funding by the City of Kirksville – \$111,251.20

Table II
Rejection of Bids
January 22, 2021, Bid Opening

Call	Route	County	Job No.	Description
A02 ^	65	Grundy	J1P3252	Bridge Rehabilitation
	36	Livingston	J1P3255	Twin Bridges Rehabilitation
A03 ^	159	Holt	J1P3254	Bridge Rehabilitation
	59	Andrew	J1S3251	Bridge Rehabilitation

^Focus on Bridges Program

Commission Consideration and Action

After consideration, and upon motion by Commissioner Smith, seconded by Commissioner Boatwright the Commission took the following action with abstentions listed below.

1. Awarded contracts to the lowest responsive bidders for bids received at the January 22, 2021, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.
2. Rejected the bids received on Calls A02 and A03 due to excessive bids per Section 102.15 of the Missouri Standard Specifications for Highway Construction, as recommended and noted in Table II above.
3. Authorized the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Brinkmann abstained from Calls D03, D04, F01, and F07.

* * * * *

APPROVAL OF PLANS FOR CONDEMNATION

On behalf of the Director, Travis Koestner, State Design Engineer, recommended the Commission approve the following detailed project plans, approved by the Chief Engineer, for filing as necessary for the condemnation of right of way.

<u>County</u>	<u>Route</u>	<u>Job Number</u>
St. Louis	100	J6S1718
St. Louis	100	J6S1718B

In accordance with Section 227.050 RSMo, the Commission via approval of the consent agenda, approved the detailed project plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

* * * * *

REQUEST FOR APPROVAL OF LOCATION AND DESIGN OF HIGHWAYS

Route P, from Route 30 to Route 366, St. Louis County
Job No. J6S3273
Virtual Public Hearing Held December 15, 2020
Online Public Comments Received Until December 28, 2020

The proposed improvement provides pavement resurfacing and upgrades to the existing pedestrian facilities to comply with MoDOT's ADA Transition Plan. The project will have normal access right of way. The roadway will remain open to traffic during construction. Night work is anticipated in order to minimize traffic disruption during peak hours. Entrance work will be done so residents and customers can always access the business or subdivision. The project is 2.14 miles in length.

On behalf of the Director, Thomas Blair, St. Louis District Engineer, recommended approval of the location and design as presented at the public hearing.

Route 109 at Route CC, St. Louis County
Job No. J6S3351
Virtual Public Hearing Held December 3, 2020
Online Public Comments Received Until December 24, 2020

The proposed improvement replaces the existing four-way stop-controlled intersection with a roundabout. The project will have normal access right of way. The intersection will remain open to traffic during construction. Temporary short-term closures may be required to tie in the approach legs in which detours would be utilized on local roads. The project is 0.03 mile in length.

On behalf of the Director, Thomas Blair, St. Louis District Engineer, recommended approval of the location and design as presented at the public hearing.

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

* * * * *

REPORT AND RECOMMENDATIONS REGARDING THE I-44 CORRIDOR BRIDGE BUNDLE PROJECT IN JASPER, LAWRENCE, GREENE, WEBSTER, AND DALLAS COUNTIES, INCLUDING APPROVAL AS A DESIGN-BUILD PROJECT AND DELEGATION OF AUTHORITY

On behalf of the Director, Steve Campbell, Southwest District Engineer, recommended the Commission approve the I-44 Corridor Bridge Bundle, J7I3420, as a Design-Build project and approve authority be delegated to the Deputy Director/Chief Engineer or his designee to approve and execute documents and expend funds on behalf of the Missouri Highways and Transportation Commission for the following items on the I-44 Corridor Bridge Bundle Design-Build Project:

- **Escrow of Bid Documents** – Approve authority to execute agreements, affidavits, and related documents and expend funds for costs associated with the escrow of bid documents on the project.
- **Agreements** – Approve authority to execute agreements with local governments including other entities for cost-share, enhancements, use of property, environmental mitigations, utilities, etc. on the project, subject to approval as to form by the Chief Counsel’s Office (CCO) and the Commission Secretary’s (CS) attestation.
- **Railroad Agreements** – Approve authority to execute agreements pertaining to railroads, subject to approval as to form by CCO and CS attestation.
- **Construction Change Orders** – Approve authority to approve construction change orders on the project.
- **Consultant Engineering Services** – Approve authority to execute contracts for engineering services needed subject to approval as to form by CCO and CS attestation and in keeping with the Brooks Act, 40 USC 1101 et seq. and 23 CFR 172.5 as well as Section 8.285 RSMo.
- **Other** – Approve authority to expend funds for the project, as well as approve, execute, sign and seal project specific documents.
- **Design Exceptions** – Approve authority to sign design exceptions specific to the design of the project currently delegated to the State Design Engineer and the State Bridge Engineer, subject to consultation with the department’s technical experts.

Project changes resulting from this delegation will not exceed the cap of two percent over the programmed cost or those changes will be taken back to the Commission. The I-44 Corridor Bridge Bundle Project procurement process will begin May 2021. Funds for this project are included in the Statewide Transportation Improvement Program. The project is estimated at \$35.085 million total for right of way, utility relocation, and the design-build contract. Via approval of the consent agenda, the Commission unanimously approved the delegation of authority as recommended and noted above.

* * * * *

-- REPORTS --

REPORTS

The Commission received the following written reports.

AUDITS AND INVESTIGATIONS ANNUAL REPORT

Misty Volkart, Audits and Investigations Director provided to the Commission the Audits and Investigations Annual Report for calendar year 2020.

* * * * *

FINANCIAL ACCOUNTABILITY REPORT – QUARTERLY REPORT

Todd Grosvenor, Financial Services Director, provided to the Commission the written Quarterly Financial Accountability Report for the period ending December 31, 2020.

* * * * *

MODOT BRIEFING REPORT

Patrick McKenna, Director, provided to the Commission the written monthly Issue Briefs that are sent from the department to the Governor since the previous MoDOT Briefing Report. There were no briefing reports for the past month.

* * * * *

FINANCIAL - BUDGET - REPORTS – YEAR-TO-DATE, FINANCIAL REPORT PERIOD ENDING DECEMBER 31, 2020

Todd Grosvenor, Financial Services Director, submitted a written financial report for fiscal year to date December 31, 2020, with budget and prior year comparisons.

* * * * *

CONSULTANT SERVICES CONTRACT REPORT

Travis Koestner, State Design Engineer, submitted a written report of consultant contracts executed in the month of December 2020, for both engineering and non-engineering related projects. The

department utilizes consultants to efficiently manage workload and provide specialized expertise to supplement and support department staff. Expenditures for consultant services are funded from the Commission approved Statewide Transportation Improvement Program and MoDOT Operating Budget. There were 363 active contracts held by individual engineering consultant firms prior to December 1, 2020. Five engineering consultant services contracts were executed in December 2020, for a total of \$511,449. There was one non-engineering consultant contract executed in December 2020, for a total cost of \$47,018.

* * * * *

* * * * *

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

* * * * *

* * * * *

The Mission of the Missouri Highways and Transportation Commission is to:

- Represent the citizens of Missouri pursuant to the Constitution by providing independent and nonpartisan governance of the Missouri Department of Transportation; and
- Establish policies, exercise oversight, and ensure accountability in developing and maintaining a world class transportation system in Missouri which fosters safety and economic development.

* * * * *