



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

TABLE OF CONTENTS

October 2, 2019

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

Welcome by Shannon County 11

Presentation from the South Central Ozark Council of Governments 11

MODOT PRESENTATIONS

The History of Route 19 and the Sinking Creek Bridge in Shannon County 13

ADMINISTRATIVE RULES/POLICIES

Commission Policy Review – Highways – Closing Highways Category 14

Commission Policy Review – Highways – Bridges Category 14

Commission Policy Review – Highways – Construction – Bidding Process Category 17

Commission Policy Review – Highways – Construction – Claims Category 21

BUSINESS ISSUES

Fiscal Year 2020 Budget Amendment..... 24

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

Consideration of Bids for Transportation Improvements 25

Report and Recommendation Regarding the Bootheel Bridge Bundle in Various Counties,
Including Authority for Design-Build Delegation of Authority 28

Report and Recommendation Regarding the Central District Americans with Disabilities Act
Project, Including Authority for Design-Build Delegation of Authority 29

Request for Approval of Location and/or Design on Highways 30

REPORTS

MoDOT Briefing Report 32

Medical and Life Insurance Plan: Missouri Department of Transportation and
Missouri State Highway Patrol Medical and Life Insurance Plan Report..... 32

Financial – Budget – Reports: Year-to-Date Financial Report, Period Ending August 31, 2019..... 33

Consultant Services Contract Report..... 33

**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
EMINENCE, MISSOURI, WEDNESDAY, OCTOBER 2, 2019**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 2, 2019, at Echo Bluff State Park, 34489 Echo Bluff Drive, Eminence, Missouri. Gregg C. Smith, Vice Chairman, called the meeting to order at 10:00 a.m. The following Commissioners were present: Michael T. Waters, Jr., John W. Briscoe, and Terry L. Ecker. Michael B. Pace was absent. Robert G. Brinkmann, P.E. participated via teleconference.

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.

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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, October 2, 2019.

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

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

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

1. Section 610.021(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 Vice-Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Pace, Absent
Commissioner Smith, Aye
Commissioner Waters, Aye
Commissioner Briscoe, Aye
Commissioner Ecker, Aye
Commissioner Brinkmann, Aye

The Commission met in closed session on Tuesday, October 1, 2019, at 3:00 p.m. and adjourned at 5:00 p.m.

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-- OPEN MEETING --

COMMISSION/DIRECTOR ITEMS

APPROVAL OF MINUTES

Upon motion by Commissioner Briscoe, seconded by Commissioner Ecker, the Commission unanimously approved the minutes of the regular meeting held September 6, 2019. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

Consent Agenda Process

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, 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 October 2, 2019, Consent Agenda

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

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has 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 October 2, 2019, meeting.

Audit Committee – Commissioner Waters stated there was no report and the next Audit Committee meeting would be in November 2019.

Legislative Committee – Commissioner Waters stated the annual veto session was held on September 11, 2019. During this year's veto session, the legislature considered six different proposals that were vetoed by Governor Mike Parson from going into law on August 28, 2019. None of the proposals were brought up as an attempt to override the Governor's original veto.

In conjunction with this year's veto session, Governor Parson called for a special session of the Missouri General Assembly to convene and to debate one narrowly defined public policy issue relating to sales and use tax allowances. Earlier this summer, the Missouri Supreme Court unanimously ruled that state law unambiguously permits the sale proceeds of only one vehicle as a credit against the purchase price of a new vehicle, for the purposes of calculating sales tax. The Department of Revenue took exception to this court ruling by saying their practice was to allow more than one vehicle to be used as a deduction to offset sales taxes paid to the state of Missouri. House Bill 1, sponsored by Rep. Becky Ruth (R-Festus), expanded and clarified the deduction to include the values of one or more previously owned motor vehicles, trailers, boats, or outboard motors. Budget officials from the Capitol are unable to determine a fiscal impact to the state road fund, as they are unable to determine just how many Missourians may take advantage of this tax exempt benefit in any one given year. The bill was signed into law by Governor Parson on September 25, 2019, and will take effect within ninety days.

Missouri Transportation Finance Corporation (MTFC) – Commissioner Smith stated the MTFC board met yesterday where it received its eleventh certificate of achievement from the Government Finance Officers Association (GFOA) for excellence in financial reporting.

Williams-Keepers, LLC presented the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2019. The MTFC received an unmodified opinion with no audit findings. This is the twenty-third consecutive unmodified opinion.

The board approved a total of four loans. One loan totaling \$1,250,000 to the City of St. Charles for reconstruction and relocation of Boschertown Road from Hecker Street to Route B. Another loan totaling \$500,000 to the City of St. Charles for construction of a roundabout at Little Hills Expressway and Mel Wetter Parkway. A third loan totaling \$550,000 to the City of St. Charles for improvements to the Route 94/Route 364 and Muegge Road interchange. The fourth loan approved by the board was for a loan totaling \$62,500,000 to the Missouri Highways and Transportation Commission for the INFRA grant project to replace the Rocheport Bridge and construct climbing lanes at Mineola Hill on I-70. The projects that this loan will help construct will address two major freight bottlenecks in this state.

The next MTFC meeting will be in February 2020.

MoDOT and Patrol Employees' Retirement System (MPERS) – Commissioner Briscoe reported the MPERS board met on September 26, 2019. At this meeting the board received a valuation report, and voted to approve the contribution rate of 58 percent. The Audit Committee recommended selection of an audit firm. The Board also discussed the portfolio, investments, and performance of the retirement fund. Commissioner Briscoe asked Director McKenna to add his report regarding the MPERS Investment Committee that he chairs. Director McKenna reported the committee continues its work to look at the underlying costs of the retirement system, the management fees that are paid, the transparency of contracts MPERS enters into, and the values associated with the investments.

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DIRECTOR'S REPORT

During the October 2, 2019, Commission meeting, Director Patrick McKenna provided the following report:

Funding for Transportation – Director McKenna was pleased to explain about significant roadwork that will be accomplished due to recent receipt of additional federal grant and state funding. Governor Mike Parson recognized the need for additional funding for infrastructure projects in Missouri and in

January 2019 put forth a proposal to repair or replace hundreds of the state's worst bridges. As passed by the 2019 General Assembly and signed by the Governor, \$50 million was appropriated from State General Revenue to replace or repair forty-five bridges in Fiscal Year 2020. In July, MoDOT received an \$81.2 million INFRA Grant from the U.S. Department of Transportation that will facilitate the construction of a new I-70 Missouri River Bridge at Rocheport and I-70 climbing lanes at Mineola Hill in Montgomery County – two significant improvements to the I-70 freight corridor. The grant will also trigger a \$301 million bonding program, authorized by the legislature in the 2019 session and to be repaid over seven years from State General Revenue, which will repair or replace an additional 215 bridges across the state – freeing up \$301 million from the current Statewide Transportation Improvement Program (STIP) for new transportation improvement projects. The Focus on Bridges program will result in the repair or replacement of 250 bridges and is funded with \$50 million in general revenue and \$301 million from bonds that will be issued later this year.

Not only will this program enable MoDOT to fix hundreds of poor bridges throughout the state, it will also enable the department to deliver additional high-priority transportation projects statewide using the funding already dedicated to these bridges in our current construction program and for which our nationally recognized local planning process will be used. Director McKenna noted the department will be working with planning partners to prioritize projects using the \$301 million in reallocated funds in the next STIP.

A full financial plan for the I-70 Rocheport Bridge and I-70 climbing lanes at Mineola Hill in Montgomery County has come together to fund the \$255.8 million project. The following is the blend of funds that are committed to this project:

- \$81.2 million in INFRA Grant;
- \$4.2 million from the City of Columbia, the City of Boonville, Boone County, and Cooper County;
- \$23.2 million previously committed in the STIP for the bridge rehabilitation project;
- \$7.2 million previously committed in the STIP for the I-70 Loutre River bridge replacement at Mineola Hill;
- \$38.9 million in Central District reallocated funds from the \$301 million freed up by the new bonding revenue;
- \$62.5 million from the State Infrastructure Bank; and
- \$38.6 million in cost-share funds.

The department was recently awarded the Competitive Highway Bridge Program grant to replace an additional forty rural bridges in northern Missouri. This grant is for \$20.7 million to replace the bridges that are in poor condition, weight-restricted, supported by timber pile, and only one-lane wide but carry two-way traffic.

Director McKenna thanked the congressional delegation, Governor, Commission, and department staff for their work to support and seek this additional transportation funding for Missouri.

State Employee of the Month – Director McKenna was delighted to be able to announce that Jamie Sartin, regional bridge maintenance supervisor in the Southwest District, was the August Missouri State Employee of the Month. In June 2019, he coordinated three highly-skilled bridge crews from the Southeast and Southwest Districts to quickly complete emergency repairs on the Long Creek Bridge across Table Rock Lake. The bridge was closed on June 3, forcing the 8,600 vehicles that drive across the bridge every day to use a fifty-five mile detour. Mr. Sartin's thorough advanced planning of the work resulted in the bridge being reopened just days later, on June 7, three weeks ahead of schedule.

2019 Blueprint for Safety Conference – Last month was the fourth annual Missouri Highway Safety & Traffic Blueprint Conference in Columbia, presented by the Missouri Coalition for Roadway Safety and the University of Missouri. The three-day conference drew 480 attendees from areas that included law enforcement, health and medical professionals, educators, EMTs, engineers, and industry and local officials. The Blueprint Conference is a great opportunity for everyone who cares about highway safety to learn more about what others are doing in this very specialized and important field as Missouri continues to work toward zero deaths on Missouri roadways. It is also a great reminder that everyone can do something to help make Missouri’s roads safer, a responsibility that everyone shares.

AASHTO Annual Meeting Preview – Director McKenna reported next week MoDOT will host the American Association of State Highway and Transportation Officials (AASHTO) Annual Meeting in St. Louis, the first time in forty-four years that Missouri has hosted the annual conference. Meetings will take place with fifty-two other state departments of transportation, association officials, and representatives from the Federal Highway Administration. The goal for this conference is to bring all fifty-two states into alignment with policy recommendations for Congress for the next reauthorization of the Surface Transportation Act.

Honoring the Fallen – Director McKenna acknowledged the department held its annual Day of Remembrance on September 19, 2019. Ceremonies were held in every district and at Central Office to remember the sacrifice made by the 134 MoDOT employees who lost their lives while performing their duties for the benefit of the citizens of Missouri. The Day of Remembrance reinforces our dedication to do – every single day – whatever it takes to help our customers and our co-workers make it home safely. A short video of the event was shared.

He also noted the fifteenth annual 10-33 Benevolent Fund Golf Tournament was held September 16, 2019, in Columbia. Former Governor Roger Wilson does a great job hosting the day that is very special to him – an opportunity to raise funds for the 10-33 Benevolent Fund. The fund provides immediate benefits to families of public servants who are killed in the line of duty. MoDOT employees, retirees, our partners, suppliers, and others turn out every year for this noble cause. Thirty-three teams played this year and raised approximately \$10,000.

Stand Up for Safety – Director McKenna explained a week from tomorrow, the department will observe the fourth “Stand Up for Safety” Day. All across the organization, MoDOT will step away from their normal duties and focus on what needs to be done to ensure that everyone goes home safe every day. Thank you to Commissioner Pace for inspiring this event!

New Roles at MoDOT – Director McKenna was pleased to share that a couple of employees have taken on new roles with the department and called upon Ed Hassinger, Deputy Director, to introduce them. Deputy Director Hassinger explained that the department continues working on its succession plan. He reported he has filled the vacancy recently created by Dave Silvester’s move from Central District Engineer to the District Engineer in Kansas City District. He introduced Mabelle Watkins as the new District Engineer for the Central District. He also introduced Benji Philpot, the new Project Director for the Bootheel Bridges Design Build Project. Design-Build has become a routine business for the department but plays a very important role in accomplishing the work that needs to be done to Missouri’s transportation system.

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PUBLIC PRESENTATIONS

WELCOME BY SHANNON COUNTY

Jeff Cowen, Presiding Commissioner, welcomed the Commission to Shannon County. He thanked the commission and MoDOT for the teamwork used when replacing the Sinking Creek bridge. The bridge had to be weight restricted, which affected commerce in Shannon County by creating a one hundred mile roundtrip detour. Shortly after the weight restriction was put in place, Mr. Cowen called a meeting with MoDOT and others to express concerns regarding the impact of a weight restricted bridge. The department came up with a unique solution of using a temporary bridge over Sinking Creek before the bridge could be replaced. Mr. Cowen stated he appreciated the department working together to find a solution. Commissioner Smith thanked Mr. Cowen for his remarks.

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PRESENTATION FROM THE SOUTH CENTRAL OZARK COUNCIL OF GOVERNMENTS

Cody Dalton, Assistant Director for the South Central Ozark Council of Governments (SCOCOG), presented to the commission the past, present, and future of transportation in the region. He first described the region, that it includes seven counties and twenty-four cities with a population of approximately 135,000. The region has 2,667 miles of state highways and 239 state bridges; in addition, there are 279 off system bridges. The region has many challenges based on its geography – there is a tremendous need for transit in the region, and there is a lot of heavy truck traffic on low volume routes.

Mr. Dalton explained SCOCOG has a Transportation Advisory Committee that is made up of twenty-one members, three from each county that includes county and city officials and others. The committee meets quarterly to make fact-based decisions on transportation priorities and needs. He shared an example of using a density map of severe and fatal crashes throughout the region to identify safety concerns.

He then shared some of the region's successful and beneficial past transportation projects:

- With the expansion of US 60 to a four lane corridor connecting Charleston in the east to Springfield in the west, the interchange at US 60 and US 63 has improved safety and economic development in the region.
- The expansion of US 63 in the City of Houston has helped with truck traffic in the region.
- The replacement of Sinking Creek Bridge on Route 19 and the collaboration that led to the installation of a temporary bridge during construction.

Mr. Dalton also expressed appreciation for the assistance with flash flooding events and the recovery that followed. With recent events that washed away Route CC Hammond Bridge, Route JJ bridge in Ozark County, and Route PP James Bridge all along the North Fork River, these structures were re-built very quickly minimizing the impact to the local residents who had to endure lengthy detours.

He also shared some of the projects that were completed recently, are underway, or are being considered for adding to the STIP. These projects include:

- Safety improvements at Birch Tree and Winona on US 60. Expansion of Route CC/17 in West Plains that is located near the \$68 million hospital expansion project, and a cost share application was recently submitted for this project.
- A new roundabout on Route 5 in Ava is coming.
- Shoulders on US160 at South Fork School have been constructed.
- Improvements were made recently at the West Plains regional airport.
- Safety improvements will soon be constructed on US 160 at Tecumseh Hill.

Looking into the future, the long range priorities for the region include expansion of US 63 to four lanes in the region and across the state, construction of a bridge on US 160 over the railroad tracks in West Plains, and expansion of Route 95 in Mountain Grove is also needed to address some congestion issues. Mr. Dalton thanked the Commission and the department for working collaboratively on planning for transportation improvements for the region. Commissioner Smith thanked Mr. Dalton for his presentation and partnership with the department.

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MODOT PRESENTATIONS

THE HISTORY OF ROUTE 19 AND THE SINKING CREEK BRIDGE IN SHANNON COUNTY

On behalf of the Director, Audie Pulliam, Resident Engineer, described how in the early 1920s the Round Springs area of Northern Shannon County was identified as a growing tourism area with significant transportation needs along what is now the Route 19 Corridor. In 1923, Shannon, Oregon, and Dent counties collectively met with the State Highway Commission to discuss the increasing needs for the transportation system in the Round Springs area and the Route 19 corridor as a whole. To address those needs, in the mid-1920s the Missouri State Highway Commission directed the construction of an 18 foot wide gravel roadway through the area and three new bridges over Spring Valley, Current River, and Sinking Creek. The Sinking Creek Bridge was the first of these new structures to be completed in 1925 at a cost of \$38,724.07. This bridge consisted of three two-rib open span dual arch stands with deck girder stands at the abutments.

During a routine bridge inspection in 2015, it was determined that the bridge had structural issues that required a twenty ton weight limit and restriction to one lane of traffic. These limitations effectively closed the corridor to heavy truck traffic and commercial deliveries between communities along the route. The near 80 mile detour caused hardship on those in the timber, trucking, and delivery industries, creating significant public support for decisive action. In April 2015, an onsite meeting was held with the county, MoDOT, Federal Highway Administration, US Fish and Wildlife Service, Corps of Engineers, National Park Service, Department of Natural Resources, and Department of Conservation to discuss the challenges with replacing this bridge; the historic nature of the existing structure; any endangered species that might be impacted; and any water quality issues.

Working closely with many partners, MoDOT developed a plan to install a temporary bridge at the location to address the short term needs of customers and began accelerated planning for a new permanent structure. The temporary bridge was installed and opened to traffic in May 2015. This

bridge permitted two way traffic to flow with no weight restriction restoring full traffic access. However, this bridge was about seven feet lower than the existing structure, which caused it to flood.

The contract for the new bridge was awarded to Lehman Construction for \$2,868,552.90 and construction began in the spring of 2017. The scheduled completion date was December 1, 2017, and the bridge was opened to traffic on October 26, 2017. The new bridge was designed to complement the scenic area using weathered steel plate girders, concrete form liners, and decorative rail.

Mr. Pulliam stated this project was unique in that it showcased MoDOT's ability to respond to a critical need for the traveling public. It proved that teamwork and communication with partners can expedite most processes, which helped the department fulfill its commitment to construct the new bridge in a significantly reduced amount of time. This project also laid the groundwork for the addressing the emergency projects for the bridges in Ozark county that needed to be replaced after flash flooding in the region.

Commissioner Briscoe thanked Mr. Pulliam for his presentation and stated he did not realize the department has temporary bridges. Ed Hassinger, Deputy Director, explained the department acquired the temporary bridges and have them stationed around the state to be able to quickly replace bridges that may be destroyed or damaged in the event of an earthquake.

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ADMINISTRATIVE RULES/POLICIES

COMMISSION POLICY REVIEW – HIGHWAYS – BRIDGES CATEGORY

Following a comprehensive review of all Commission policies, on November 7, 2013, the Commission formally compiled and adopted the Commission policies that the department currently operates under today. Since this initial action, some policies have been updated as necessary. As part of the Commission's desire to periodically review Commission policies, the department and Commission have conducted a thorough review of the policies in the Highways-Bridges category. As a result of this

review process, recommendations were made to reaffirm or reaffirm with updates the policies in the Highways-Bridges category. On behalf of the Director, Pamela J. Harlan, Secretary to the Commission, recommended the Highways-Bridges category of policies be revised as indicated with the green text for new language, red strikethrough text for deleted language, blue strikethrough text that was deleted and moved, and purple text that was moved as follows:

Category: HIGHWAYS
Subcategory: Bridges

BRIDGE ATTACHMENTS

The Deputy Director/Chief Engineer is instructed and empowered to enter into negotiations with various companies making requests to use bridges to carry utility lines. Agreements allowing attachments to bridges may be executed by a member of the Executive Committee ~~the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer.~~

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

Effective Date: October 2, 2019 ~~April 3, 2012 – EOD, Paragraph G2~~
Supersedes Policy Dated: April 3, 2012 – EOD, Paragraph G2 ~~January 11, 2012 – EOD~~
Last Reaffirmed: November 7, 2013
Date of Origin: May 2, 1986 - EOD

Related Commission Minutes: July 10, 1923; December 8, 1925; December 1, 1942; January 10, 1950; May 2, 1986; January 14, 2006-EOD; January 12, 2011-EOD; April 3, 2012-EOD, November 7, 2013 – Comprehensive Policy Review, October 2, 2019 – Comprehensive Policy Review.

Category: HIGHWAYS
Subcategory: Bridges

BRIDGE INSPECTIONS – LOCAL AGENCY BRIDGES

– See “State and Local Entities.”

Category: HIGHWAYS
Subcategory: Bridges

BRIDGE WEIGHT AND SPEED LIMIT POSTINGS

Related Statutes: Section 227.080 RSMo, Certain bridges part of highway system (1949)
Section 227.110 RSMo, Specifications for highway system (1939)
Section 304.180 RSMo, Regulations as to weight allowed on bridges (2001)
Section 304.210 RSMo – Reduction of maximum weights by highways and transportation commission (1939)

Section 304.180.4, RSMo ~~2000~~, authorizes the Commission to establish maximum weight limits and speed limits for vehicles using bridges ~~where the commission finds the legal weights may endanger the bridge or the users of the bridge.~~ In keeping with Section 304.180.4, RSMo-~~2000~~, the Commission delegates its authority to establish maximum bridge weight and speed limits to the Deputy Director/Chief Engineer, Assistant Chief Engineer, or State Bridge Engineer, and further directs them to give notice to motorists by posting signs at conspicuous places at each end of such bridge.

Effective Date: October 2, 2019 ~~November 7, 2013~~
Supersedes Policy Dated: November 7, 2013
Last Reaffirmed:
Date of Origin: November 7, 2013

Related Commission Minutes: 1963-1986 - Numerous actions pertaining to approval of bridge capacity reports or specific bridge postings. November 7, 2013 – Comprehensive Policy Review, October 2, 2019 – Comprehensive Policy Review.

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

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COMMISSION POLICY REVIEW – HIGHWAYS – CLOSING HIGHWAYS CATEGORY

Following a comprehensive review of all Commission policies, on November 7, 2013, the Commission formally compiled and adopted the Commission policies that the department currently operates under today. Since this initial action, some policies have been updated as necessary. As part of the Commission’s desire to periodically review Commission policies, the department and Commission have conducted a thorough review of the policies in the Highways-Closing Highways category. As a result of this review process, recommendations were made to reaffirm with updates the policy in the

Highways-Closing Highways category. On behalf of the Director, Pamela J. Harlan, Secretary to the Commission, recommended the Highways-Closing Highways category of policies be revised as indicated with the green text for new language, red strikethrough text for deleted language, blue strikethrough text that was deleted and moved, and purple text that was moved as follows:

Category: HIGHWAYS
Subcategory: Closing Highways ~~Temporary~~

~~CLOSING HIGHWAYS~~—DELEGATION OF AUTHORITY AND ADMINISTRATIVE RULES AND REGULATIONS

Related Statute: Section 227.250, Commission may close state highways temporarily
Related Rule: [7 CSR 10-2.020 – Traffic Regulation](#)

Section 227.250 RSMo ~~2000~~ grants power to the Commission to close state highways temporarily ~~for the purpose of construction or repair and to issue regulations controlling the use of the state highways and all properties related thereto.~~ In keeping with Section 227.250 RSMo ~~2000~~, the Commission delegates authority to the Deputy Director/Chief Engineer or his designee to immediately close or limit the use of state highways when necessary. ~~extraordinary conditions jeopardize the preservation of such roads and/or compromises public safety.~~ Temporary highway closings will be in keeping with Code of State Regulations, Title 7, Division 10, Chapter 2, *Traffic Regulations*, as adopted by the Commission and filed with the Joint Committee on Administrative Rules and the Secretary of State.

Effective Date: ~~October 2, 2019~~ ~~April 8, 1988 – Final rules adopted.~~
Supersedes Policy Dated: ~~April 8, 1988 – Final rules adopted~~ ~~February 13, 1950~~
Last Reaffirmed: November 7, 2013
Date of Origin: February 13, 1950

Related Commission Minutes: Adm. Rules - February 13, 1950; ~~February 5, 1988; April 8, 1988;~~ November 7, 2013 – Comprehensive Policy Review, [October 2, 2019 – Comprehensive Policy Review](#).

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

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COMMISSION POLICY REVIEW – HIGHWAYS – CONSTRUCTION – BIDDING PROCESS CATEGORY

Following a comprehensive review of all Commission policies, on November 7, 2013, the Commission formally compiled and adopted the Commission policies that the department currently

operates under today. Since this initial action, some policies have been updated as necessary. As part of the Commission's desire to periodically review Commission policies, the department and Commission have conducted a thorough review of the policies in the Highways-Construction-Bidding Process category. As a result of this review process, recommendations were made to reaffirm or reaffirm with updates the policies in the Highways-Construction-Bidding Process category. On behalf of the Director, Pamela J. Harlan, Secretary to the Commission, recommended the Highways-Construction-Bidding Process category of policies be revised as indicated with the green text for new language and red strikethrough text for deleted language, blue strikethrough text that was deleted and moved, and purple text that was moved as follows:

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Bidding Process

Related Statutes: ~~RSMo 2000, as amended~~
Section 227.100 RSMo – Publication of notices, where – construction bids – rejection – bond required
Section 227.102 RSMo – Electronic bidding authorized, requirements and criteria – rulemaking authority. (2008)
Section 227.103 RSMo – Annual **bid bond** for construction and maintenance projects authorized – rulemaking authority. (2008)
Section 290.260 RSMo – Public Works Projects – Highway and Transportation Commission

AUTHORITY TO RECEIVE AND COMPILE BIDS

In keeping with Sections 227.102 and 227.100.3, RSMo ~~2000~~, the **Deputy Director**/Chief Engineer is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the internet or using paper bids and to develop policies, processes and procedures related thereto. The policies, processes and procedures shall include the opening or compilation of bids.

Effective Date: ~~November 7, 2013~~ October 2, 2019
Supersedes Policy Dated: November 7, 2013 ~~December 30, 1922~~
Last Reaffirmed:
Date of Origin: December 30, 1922
Related Commission Minutes: December 30, 1922; November 7, 2013 – Comprehensive Policy Review; **October 2, 2019 Comprehensive Policy Review.**

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Bidding Process

COMPETITIVE BIDDING

Competitive bidding principles will be strictly adhered to for all construction projects, except in emergency situations.

Effective Date: November 7, 2013
Supersedes Policy Dated: July 9-10, 1951
Last Reaffirmed: [October 2, 2019](#)
Date of Origin: July 9-10, 1951
Related Commission Minutes: July 9-10, 1951; November 7, 2013 – Comprehensive Policy Review; [October 2, 2019 – Comprehensive Policy Review](#).

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Bidding Process

FAIR LABOR STANDARDS ACT APPLIED TO BOTH FEDERAL AND STATE PROJECTS

Contractors will be governed by the requirements of the Fair Labor Standards Act of 1938 on all state contracts, whether financed wholly or partially by federal funds or entirely by state funds.

Effective Date: May 8, 1939
Supersedes Policy Dated:
Last Reaffirmed: ~~November 7, 2013~~ [October 2, 2019](#)
Date of Origin: May 8, 1939
Related Commission Minutes: May 8, 1939; November 7, 2013 – Comprehensive Policy Review; [October 2, 2019 – Comprehensive Policy Review](#).

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Bidding Process

ESCROWING BID DOCUMENTS

When Applicable

The Commission recognizes the unique, difficult, and costly task required of contractors to prepare bids for road and bridge improvements, and, therefore, directs the staff to put in place all processes necessary

to preserve the confidentiality of the contractors' bid documents. Escrowing of bid documents will apply for major projects as determined by the Deputy Director/Chief Engineer or Assistant Chief Engineer. When used, the request for proposal will include instructions regarding this requirement.

Execution of Documents

~~The Director, Chief Engineer, Chief Financial Officer, Assistant Chief Engineer, or the State Design Engineer;~~ A member of the Executive Committee or the State Design Engineer may execute agreements, affidavits, and related documents and expend funds for costs associated with the rental of safe deposit boxes, and for the opening and closing of escrow accounts using those safe deposit boxes or other secure storage facilities, for the escrow of contractors' and Departmental bidding records, in accordance with the contract language. These staff members may delegate to others under their supervision by written advisory filed with the State Design Engineer.

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

Effective Date: ~~November 7, 2013~~ October 2, 2019
Supersedes Policy Dated: ~~November 7, 2013~~ July 7, 1995 and April 3, 2011 — EOD, Paragraph B3d
Last Reaffirmed:
Date of Origin: July 7, 1995

Related Commission Minutes ~~for Execution of Documents:~~ July 7, 1995; July 10, 2001; ____ January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review; ~~October 2, 2019 – Comprehensive Policy Review.~~
~~Related Commission Minutes for When Applicable: July 7, 1995; November 7, 2013 — Comprehensive Policy Review.~~

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Bidding Process

PRE-BID INFORMATION AVAILABLE TO PUBLIC

Prospective Bidders

A list of prospective bidders that have ~~taken out~~ downloaded plans and who are willing to be identified will be made available to those who request it.

Letting Schedule

The Department's letting schedule will be provided to the public provided the document clearly states the following: (1) the letting schedule is tentative and is subject to change ~~revisions have historically been made in these documents and revisions can be expected to be made in the future;~~ and (2) the Commission assumes no responsibility for any inconvenience or expense caused by changes to the letting schedule. ~~there is no obligation on the part of the Commission to construct the projects listed in the document; and (3) any decision made by the user on the basis of the information contained in the advance letting schedules is made at the user's own risk.~~

Effective Date: ~~November 7, 2013~~ October 2, 2019

Supersedes Policy Dated: ~~November 7, 2013 Letting Schedule—October 7, 1988; Prospective Bidders—February 15, 1973~~
Last Reaffirmed:
Date of Origin: Letting Schedule - October 7, 1988; Prospective Bidders – February 15, 1973

Related Commission Minutes: ~~Prospective Bidders—~~ February 9, 1967; April 13-14, 1967; March 7, 1968; February 5, 1970; February 15, 1973; ~~Letting Schedule—~~October 7, 1988. Combined Policy - November 7, 2013 – Comprehensive Policy Review. ~~October 2, 2019 – Comprehensive Policy Review.~~

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

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COMMISSION POLICY REVIEW – HIGHWAYS – CONSTRUCTION – CLAIMS CATEGORY

Following a comprehensive review of all Commission policies, on November 7, 2013, the Commission formally compiled and adopted the Commission policies that the department currently operates under today. Since this initial action, some policies have been updated as necessary. As part of the Commission’s desire to periodically review Commission policies, the department and Commission have conducted a thorough review of the policies in the Highways-Construction-Claims category. As a result of this review process, recommendations were made to reaffirm or reaffirm with updates the policies in the Highways-Construction-Claims category. On behalf of the Director, Pamela J. Harlan, Secretary to the Commission, recommended the Highways-Construction-Claims category of policies be revised as indicated with the green text for new language and red strikethrough text for deleted language, blue strikethrough text that was deleted and moved, and purple text that was moved as follows:

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Claims

CONTRACTOR CLAIMS AND CLAIMS AGAINST CONTRACTORS

The **Deputy Director**/Chief Engineer shall develop policies, specifications, and processes regarding contractor claims and claims made against a contractor. The Commission assumes no responsibility for a claim made by others against the contractor.

Effective Date: October 2, 2019 ~~November 7, 2013~~
Supersedes Policy Dated: November 7, 2013
Last Reaffirmed:
Date of Origin: November 7, 2013

Related Commission Minutes: November 7, 2013 – Comprehensive Policy Review. October 2, 2019 – Comprehensive Policy Review.

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Claims

**ARBITRATION – AND MEDIATION OF CONSTRUCTION DISPUTES – CLAIMS
BETWEEN \$25,000 AND APPROXIMATELY \$400,000**

Related Statute: Section 226.096 RSMo ~~2000~~ – Arbitration – Mediation
Related Rule: [7 CSR 10-26 – Arbitration and Mediation of Construction Disputes](#)

Policies and procedures required to implement and administer Section 226.096 RSMo, as revised, pertaining to Contractor Claims that exceed \$25,000 but are less than ~~approximately \$400,000~~ \$327,000 (adjusted on an annual basis in accordance with ~~as determined by~~ the Implicit Price Deflator for Personal Consumption Expenditures ~~pursuant to Section 537.610.5~~) will be in keeping with Code of State Regulations, Title 7, Division 10, Chapter 26, *Arbitration and Mediation of Construction Disputes*, adopted by the Commission and filed with the Joint Committee on Administrative Rules and the Secretary of State.

Effective Date: October 2, 2019 ~~May 10, 2006 – Final rules adopted.~~
Supersedes Policy Dated: ~~May 10, 2006 – Final rules adopted.~~ ~~March 10, 2004 – Final rules adopted.~~
Last Reaffirmed: November 7, 2013
Date of Origin: March 10, 2004 – Final rules adopted.

Related Commission Minutes: November 4, 2003; March 10, 2004; January 11, 2006; May 10, 2006; November 7, 2013 – Comprehensive Policy Review; October 2, 2019 – Comprehensive Policy Review.

ARBITRATION AGREEMENTS

Arbitration Agreements in connection with highway construction projects, which are not provided for in a construction contract, may be executed by a member of the Executive Committee. ~~the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer.~~

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

Effective Date: October 2, 2019 ~~April 3, 2012 – EOD, Paragraph B3a~~
Supersedes Policy Dated: ~~April 3, 2012 – EOD, Paragraph B3a~~ ~~January 11, 2011 – EOD~~

Last Reaffirmed: November 7, 2013
Date of Origin: November 3, 1989

Related Commission Minutes: November 3, 1989; July 10, 2001-EOD; December 10, 2004-EOD; January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review; [October 2, 2019 – Comprehensive Policy Review](#).

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Claims

CONTRACTOR CLAIMS ADMINISTRATIVE SETTLEMENTS

A member of the Executive Committee or the State Construction and Materials Engineer ~~The Chief Engineer, Assistant Chief Engineer, and Chief Financial Officer (any one) or their designees, as filed with the State Construction and Materials Engineer~~, are authorized to settle contractor claims in the amount of \$250,000 or less. The [Deputy Director](#)/Chief Engineer or Assistant Chief Engineer and the Chief Financial Officer are authorized to concurrently settle contractor claims up to, and including, \$1,000,000. Settlement of claims in excess of \$1,000,000 must be approved by the Commission.

Executive Committee

For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.

Effective Date: [October 2, 2019](#) ~~November 7, 2013~~
Supersedes Policy Dated: [November 7, 2013](#) ~~April 3, 2012 – EOD, Paragraph B3b~~
Last Reaffirmed:
Date of Origin: September 9, 1994

Related Commission Minutes: September 9, 1994; July 10, 2001-EOD; December 10, 2004-EOD; January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review; [October 2, 2019 – Comprehensive Policy Review](#).

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Claims

CONTRACTOR CLAIMS ANNUAL REPORT

The Commission is to be furnished an annual update on contractor claims, together with an assessment of the activities during the reporting year.

Effective Date: July 1, 1991
Supersedes Policy Dated:
Last Reaffirmed: ~~November 7, 2013~~ [October 2, 2019](#)

Date of Origin: July 1, 1991

Related commission Minutes: July 1, 1991; November 7, 2013 – Comprehensive Policy Review; [October 2, 2019 – Comprehensive Policy Review](#).

Category: HIGHWAYS
Subcategory: Construction
Sub-Subcategory: Claims

CONSTRUCTION CLAIMS NEGOTIATIONS

Contracts with third party consultants in the amount of \$200,000 or less to provide services in the analysis and resolution of claims by negotiation, as well as in mediations, and the defense of arbitration demands and litigation defense may be executed by [a member of the Executive Committee](#) ~~the Director, Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer.~~

Executive Committee

[For purposes of this policy the term Executive Committee includes the individuals who fill the positions of Director, Deputy Director/Chief Engineer, Assistant Chief Engineer, Chief Safety and Operations Officer, Chief Administrative Officer, and Chief Financial Officer.](#)

Effective Date: [October 2, 2019](#) ~~April 3, 2012 – EOD, Paragraph B3e~~
Supersedes Policy Dated: [April 3, 2012 – EOD, Paragraph B3c](#) ~~January 11, 2011 – EOD~~
Last Reaffirmed: November 7, 2013
Date of Origin: December 10, 2004

Related Commission Minutes: December 10, 2004-EOD; January 12, 2011-EOD; April 3, 2012-EOD; November 7, 2013 – Comprehensive Policy Review; [October 2, 2019 – Comprehensive Policy Review](#).

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

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BUSINESS ISSUES

FISCAL YEAR 2020 BUDGET AMENDMENT

On behalf of the Director, Todd Grosvenor, Financial Services Director, recommended decreasing disbursements \$2.1 million for the fiscal year 2020 budget. Mr. Grosvenor also

recommended transfers between operating budget categories to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities.

Via approval of the consent agenda, the Commission unanimously approved the fiscal year 2020 budget amendment described above.

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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 G03 and G09 have local funding, as noted in Table I below, and the department received all of the necessary concurrences.

Mr. Koestner recommended (1) Award of contracts to the lowest responsive bidders for bids received at the September 20, 2019, letting, as recommended and noted in Table I below; and (2) Award of contract to the lowest responsive bidder for bids received at the September 27, 2019, emergency letting, as recommended and noted in Table II below.

Table I
Award of Contracts
September 20, 2019, Bid Opening

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01^	T	Holt	J1S3070	\$1,805,416.35	\$0.00	Phillips Hardy, Inc.	Bridge Rehabilitation
			J1S3071				
	H		J1S3162				
	U	Atchison	J1S3204				
A02^	YY	Worth	J1S3134	\$1,594,505.80	\$0.00	Boone Construction Co.	Bridge Replacement
A03^	A	Dekalb	J1S3137	\$730,173.50	\$238.28	Boone Construction Co.	Bridge Replacement
A05	116	Buchanan	J1S3129	\$1,542,023.15	\$0.00	Clarkson Construction Company	Bridge Replacement

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
B01	24	Monroe	J2P3183^	\$7,223,865.02	\$0.00	Magruder Paving, LLC	Bridge Rehabilitation
			J2P3144				Coldmill and Resurface
			J2P3282				
B02	149	Macon	J2S3223	\$1,161,369.55	\$0.00	Pavement Solutions, LLC	ADA Improvements
	C		J2S3172				Pavement Improvements and ADA Improvements
C01	Various	Jackson	J4P3295B	\$912,012.29	\$0.00	CSD Environmental Services, Inc.	Sign Installation
D01	I-44	Crawford, Laclede, Phelps, Pulaski	J5I3424	\$1,990,339.48	\$0.00	N.B. West Contracting Company	Pavement Improvements
D02^	Z	Howard	J5S3238	\$508,678.90	\$0.00	Widel, Inc.	Bridge Replacement
D03^	HH	Boone	J5S3249	\$539,042.40	\$0.00	E & C Bridge, LLC	Bridge Deck Replacement
D04^	C	Miller	J5S3263	\$1,521,900.55	\$0.00	Lehman Construction, LLC	Bridge Rehabilitation
	D	Camden	J5S3262				
F01	I-70	St Louis	J6M0277	\$354,777.00	\$0.00	Pace Construction Company	Coldmill and Resurface
F02	115	St Louis	J6S3327	\$118,439.50	\$0.00	R. V. Wagner, Inc.	Bridge Rehabilitation
F03	Various	Jefferson	J6S3395	\$108,225.42	\$0.00	Brockmiller Construction, Incorporated	Sign Installation
G01^	18	Henry	J4S2276	\$2,606,835.73	\$0.00	Capital Paving & Construction, LLC	Bridge Rehabilitation
G03*	CC	Webster	J7P3187H	\$1,799,938.24	\$0.00	APAC-Central, Inc.	Intersection Improvements
			J7S3348				Resurface
G04	7	Henry	J7P3255	\$1,963,507.39	\$0.00	Capital Paving & Construction, LLC	Coldmill and Resurface
G06^	U	Jasper	J7S3172	\$747,138.70	\$0.00	Phillips Hardy, Inc.	Bridge Deck Replacement
G07	D	Greene, Webster	J7S3219	\$1,896,629.59	\$0.00	Leo Journagan Construction Co., Inc.	Resurface
	KK	Webster	J7S3218				
	Z	Douglas, Webster	J7S3217				
G08	CC	Newton	J7S3231	\$2,198,667.69	\$0.00	Emery Sapp & Sons, Inc.	Resurface
	MM	Jasper	J7S3226				
	M		J7S3225				
	H		J7S3224				

Call No.	Route	Counties	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
G09**	I-44	Webster	J8I0445	\$11,544,399.94	\$16,902.56	H.R. Quadri Contractors, LLC	New Interchange and Roadway
G10	413	Greene	J8S3114	\$1,645,000.01	\$0.00	Blevins Asphalt Construction Company, Inc.	Coldmill and Resurface
	FF		J8S3121				
H01	I-55	Scott	J9M0277	\$225,000.00	\$0.00	Steve's Auto Etc., LLC dba Steve's Hauling & Excavating	Tree Clearing
H02	32	Texas	J9P3446	\$2,441,948.14	\$0.00	Magruder Paving, LLC	Resurface
	19	Shannon	J9P3413				
H03	Various	Ste Genevieve	J0I3005T	\$0.00	\$0.00	No Bidders	Job Order Contract for Asphalt Repair
H04	32	Iron	J9P3411	\$2,098,666.68	\$0.00	Magruder Paving, LLC	Pavement Improvements
			TOTAL:	\$49,278,501.02	\$17,140.84		

^ Focus On Bridges Program

* Call G03 – Funding by City of Marshfield (J7P3187H) – \$722,862.81

** Call G09 – Funding by City of Marshfield – \$7,807,614.83

**Table II
Award of Contract
September 27, 2019, Emergency Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
A01	CC	Atchison	J1S3349	\$249,730.95	\$0.00	Widel, Inc.	Culvert Replacement
			TOTAL:	\$249,730.95	\$0.00		

Commission Consideration and Action

After consideration, and upon motion by Commissioner Briscoe, seconded by Commissioner Ecker, the Commission took the following action with abstentions noted below:

1. Awarded contracts to the lowest responsive bidders for bids received at the September 20, 2019, bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.

2. Awarded contracts to the lowest responsive bidders for bids received at the emergency September 27, 2019, bid opening, as recommended and noted in Table II above. Non-contractual costs for these projects are shown on the above tabulation.
3. Authorized the Director, Deputy Director/Chief Engineer, Chief Financial Officer, or Assistant Chief Engineer to execute the contracts awarded above.

Commissioner Smith abstained from voting on Call G04. Commissioner Brinkmann abstained from voting on Call G09.

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REPORT AND RECOMMENDATION REGARDING THE BOOTHEEL BRIDGE BUNDLE IN VARIOUS COUNTIES, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, Jessie “Benji” Philpot, Southeast District Transportation Project Manager, recommended the Commission approve the Bootheel Bridge Bundle Project in Various Counties 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 Bootheel Bridge Bundle Project in Various Counties 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 Bootheel Bridge Bundle in Various Counties Project procurement process will begin November 2019. Funds for this project are included in the Statewide Transportation Improvement Program. The project is estimated at \$22 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.

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REPORT AND RECOMMENDATION REGARDING THE CENTRAL DISTRICT AMERICANS WITH DISABILITIES ACT PROJECT, INCLUDING AUTHORITY FOR DESIGN-BUILD DELEGATION OF AUTHORITY

On behalf of the Director, Mabelle Watkins, Central District Engineer, recommended the Commission approve the Central District Americans with Disabilities Act Project 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 Central District Americans with Disabilities Act 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 Central District Americans with Disabilities Act Project procurement process will begin November 2019. Funds for this project are included in the Statewide Transportation Improvement Program. The project is estimated at \$10.7 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.

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REQUEST FOR APPROVAL OF DESIGN OF HIGHWAYS

**Route 160, Ozark County
Job No. J9P3169
Public Hearing Held August 6, 2019**

The proposed improvement provides pavement widening for 12 foot lanes and 4 foot shoulders, with curve relocation, curve widening, and guardrail. This project will be constructed under traffic. No detours or road closures will be necessary. The project will have normal access right of way. The project is 1.19 miles in length.

On behalf of the Director, Mark Shelton, Southeast District Engineer, recommended approval of the design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended design, the Commission via approval of the consent agenda unanimously found and

determined the recommended design would best serve the interest of the public and approved the recommendation.

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-- **REPORTS** --

REPORTS

The Commission received the following written reports.

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 was one briefing report for the past month.

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MEDICAL AND LIFE INSURANCE PLAN: MISSOURI DEPARTMENT OF TRANSPORTATION AND MISSOURI STATE HIGHWAY PATROL MEDICAL AND LIFE INSURANCE PLAN REPORT

Ashley Halford, Assistant to the Chief Administrative Officer – Employee Health and Wellness, provided financial and claims data reports for the period January 2019 through June 2019, and for the most recent five calendar years, to update the Commission on the cost and utilization of the Medical and Life Insurance Plan. The number of claims processed monthly in the first six months of calendar year 2019 increased 7.6 percent compared to the first half of the 2018 calendar year. Medical claims increased 20.5 percent and pharmacy claims decreased 1.8 percent when compared with the same timeframe in 2018. There was an increase of 3.1 percent in 2018 total claims expense when compared to 2017, and a 5.3 percent increase in pharmacy spending from 2017 to 2018. This increase can be attributed to an increase in the cost of specialty drug claims. The total operating revenues decreased 1.3 percent, which can be attributed to the decrease in medical premiums collected and a decrease in the state paid life rate for 2019. Operating revenues have outpaced operating expenses thus far in the calendar year, resulting in net income of \$14.5 million.

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**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING AUGUST 31, 2019**

Todd Grosvenor, Financial Services Director, submitted a written financial report for fiscal year to date August 31, 2019, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Travis Koestner, State Design Engineer, submitted a written report of consultant contracts executed in the past month; however, the data included with the report was incorrect. The report will be corrected and resubmitted for consideration at the next commission meeting.

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

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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.

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