

In The Matter Of:
State of Nevada Public Works Division
Conference Board Meeting

July 10, 2019

Capitol Reporters
123 W. Nye Lane, Ste 107

Carson City, Nevada 89706

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1 STATE OF NEVADA

2 PUBLIC WORKS DIVISION VIDEO-CONFERENCE BOARD MEETING

3

4 WEDNESDAY, JULY 10, 2019

5

6 8:00 A.M.

7

8 CARSON CITY, NEVADA

9 THE BOARD: BRYCE CLUTTS, Chair
 SEAN STEWART, Vice-Chair
 10 DEONNE E. CONTINE,
 Member/Director of the
 11 Department of Administration
 TITO TIBERTI, Member
 12 KEVIN LEWIS, Member
 13 CLINT BENTLEY, Member
 14

15 FOR THE BOARD: SUSAN STEWART, ESQ.
 Construction Law Counsel
 16 JEFF MENICUCCI, ESQ.
 Deputy Attorney General
 17 KENT LEFEVRE,
 Deputy Administrator
 18 WARD PATRICK, Administrator
 19

20 KATHI PASCIAK,
 Program Officer I
 21

22 NICOLE WOODSON,
 Administrative Assistant IV
 23

24 REPORTED BY: CAPITOL REPORTERS
 BY: Nicole Hansen,
 Nevada CCR #446
 25 123 West Nye Lane
 Carson City, Nevada 89706

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1 CARSON CITY, NEVADA; WEDNESDAY, JULY 10, 2019; 8:00 A.M.
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4 CHAIRPERSON CLUTTS: This is the time and the
 5 place for the State Public Works Board meeting for
 6 Tuesday, July 10th, 2019, at 8:00 a.m.

7 Roll call?

8 MS. PASCIAK: Chairman Bryce Clutts?

9 CHAIR CLUTTS: Present.

10 MS. PASCIAK: Vice-Chair Sean Stewart?

11 VICE-CHAIR STEWART: Present.

12 MS. PASCIAK: Member Clint Bentley?

13 MEMBER BENTLEY: Present.

14 MS. PASCIAK: Member Adam Hand?

15 Member Tito Tiberti?

16 MEMBER TIBERTI: Present.

17 MS. PASCIAK: Member Kevin Lewis?

18 Director Deonne Contine?

19 DIRECTOR CONTINE: Here.

20 ADMINISTRATOR PATRICK: Mr. Chairman, it
 21 appears we have a quorum.

22 CHAIRPERSON CLUTTS: Thank you.

23 Is there any public comment in the south?

24 Nope?

25 Any in the north?

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1 Hearing none, we'll move onto Agenda Item
2 Number 3. Agenda Item Number 3, for possible action:
3 Acceptance and approval of the Public Works Board meeting
4 minutes for December 18th, 2018.
5 Per discussion, Construction Law Counsel has
6 reviewed the December 18th, 2018 meeting minutes and
7 recommends the following changes, which are noted in the
8 agenda.
9 Are there any other comments to the meeting
10 minutes? Hearing none, I'd ask for a motion for
11 approval.
12 MEMBER TIBERTI: Tito Tiberti. I'll make a
13 motion to approve, with counsel's changes.
14 MEMBER BENTLEY: Second.
15 CHAIRPERSON CLUTTS: All of those in favor?
16 THE BOARD: Aye.
17 CHAIRPERSON CLUTTS: Thank you.
18 DIRECTOR CONTINE: This is Deonne Contine,
19 for the record. I'll just abstain, since I wasn't
20 present for that meeting, for the record.
21 CHAIRPERSON CLUTTS: Thank you. Moving on to
22 Agenda Item Number 4: Introduction of Deonne Contine,
23 Director of Administration.
24 ADMINISTRATOR PATRICK: Yeah. Thank you.
25 Director Deonne Contine was appointed, I think, I believe

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1 our first day was February 25th, if that's correct, and I
2 would let Deonne introduce herself about her
3 qualifications and some background. Good morning.
4 DIRECTOR CONTINE: Good morning. I'm Deonne
5 Contine. I'm the relatively new director of the
6 Department of Administration, although it's been about
7 close to five months now, which seems kind of crazy.
8 I was the previous director of the Nevada
9 Department of Taxation and also an attorney in the
10 Attorney General's Office, where I represented the
11 Department and several other state agencies, and I did
12 state and local taxation for about ten years. I'm a
13 licensed attorney, and I'm happy to be here.
14 I think Public Works is one of my favorite
15 agencies. So the Department of Administration -- I don't
16 know if you know -- it has 11 agencies. And so we've
17 been having a lot of fun, and I've been learning a lot.
18 And Ward is a great teacher, and it's been fun to get to
19 know him and the team. And I'm looking forward to
20 working with all of you.
21 CHAIRPERSON CLUTTS: Well, welcome. It's a
22 pleasure meeting you.
23 DIRECTOR CONTINE: You, too.
24 CHAIRPERSON CLUTTS: Okay. Moving on to
25 Agenda Item Number 5: Update on Capital Improvement

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1 Plan.
2 Is that you, Ward?
3 ADMINISTRATOR PATRICK: Thank you, Chair.
4 I'll introduce this and turn it over to Kent.
5 We'd like to present the changes to the
6 Capital Improvement Program, as recommended by the Board.
7 We were in close coordination with the Governor's Office
8 prior to even the board meetings in August, and so some
9 of those recommendations by the Board to the Governor's
10 Office had their influence in them.
11 One thing that was consistent throughout this
12 period of the CIP is that if you remember, the bond
13 amount was about \$200 million dollars, which ended up
14 being \$186 million that was pretty consistent. They used
15 those \$14 million, the State did, for other purposes.
16 The unknown component was basically General Fund.
17 And so, with the shared concern that the
18 Governor's Office had with deferred maintenance, the
19 Administrator's recommendation and the Board's
20 recommendation included a significantly larger amount of
21 projects for them to kind of pick how they wanted to go
22 about that. And it turned out that the deferred
23 maintenance projects were honored, basically, throughout
24 the process.
25 And with that, I'll turn it over to Kent to

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1 go over some of the finer details of what was added or
2 removed from the CIP in the course of the session.
3 DEPUTY ADMINISTRATOR LEFEVRE: Thank you,
4 Ward. Kent LeFevre, for the record, Deputy
5 Administrator, Public Works.
6 On September 6th, 2018, the Public Works
7 Board recommended to the Governor's Office a total of 101
8 projects, with a total value of \$507 million dollars.
9 This recommendation included 19 C, or construction
10 projects; 59 M, maintenance projects; 11 P, or planning
11 projects; and 12 statewide projects.
12 On or about the 4th of January, 2019, the
13 Governor's recommendation to the 80th Legislature was a
14 total of 95 projects, with a grand total of \$346.1
15 million dollars. And the recommendation and breakdown
16 was as follows: 15 construction projects, 57 maintenance
17 projects, 11 planning projects, and 12 statewide
18 projects.
19 On or about the 5th of June, 2019, the 80th
20 Legislature approved a total of 89 projects, with a grand
21 total of \$347 million dollars, and that was broken down
22 into 13 C projects, construction projects; 54 M, or
23 maintenance projects; 10 P, or planning projects; and 12
24 statewide projects. These projects were approved under
25 Bills AB541 and SB528.

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1 I would like to call your attention to the
2 handout, which shows the approved list of CIP's. The
3 yellow highlighted project, C28, the College of Southern
4 Nevada Health Sciences Building, was added by the
5 Governor during his recommendation, and the project
6 highlighted in green -- there's three projects
7 highlighted in green. They were added by the
8 legislature, and they are the University of Nevada-Las
9 Vegas College of Engineering and Academic Research.
10 And on page six of seven of that handout, the
11 Great Basin College Advance Planning for Welding Lab, and
12 also Western Nevada College, here in Carson City, for
13 renovation of Marlette Hall. So that's kind of the
14 summation of projects that were added.
15 I do have a short list of projects that were
16 removed from the Board Rec. For your information,
17 projects C05, the fleet maintenance building, was
18 removed, actually, by the agency, and that's kind of a
19 strange thing, but they removed it because of financial
20 concerns. And CO8, State Office Building, was removed by
21 the Legislature. And then there were four correctional
22 projects that were removed concerning security cameras
23 and fencing.
24 There was also a housing project for
25 Corrections that was removed, and this was one of the

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1 big-ticket items, \$108 million dollars that the Governor
2 removed from his recommendation. Also, for Corrections,
3 Nevada Northern Nevada Correctional Center Planning,
4 Advance Planning, was removed by the Legislature. And
5 then there were two small lobby security projects that
6 were removed for the Attorney General's Office and the
7 Department of Education.
8 Project C14 was removed, and that was a
9 seismic retrofit to the Stewart Gym here in Carson City.
10 Project C15 was a knowledge and innovation center that
11 was removed by the Governor.
12 And then project MO3 was a Sierra Regional
13 Center generator replacement that was removed due to a
14 lease arrangement with Washoe County, and project PO9,
15 Public Safety headquarters here in Carson City, advance
16 planning that was removed by the Legislature.
17 So, in total, there was nine projects removed
18 by the Legislature and five removed by the Governor's
19 recommendation. Thank you.
20 ADMINISTRATOR PATRICK: That concludes our
21 report.
22 CHAIR CLUTTS: Thank you. Are there any
23 questions down there?
24 MEMBER TIBERTI: John is pouting because of
25 the Stewart removal up there. I'll talk him down.

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1 COUNSEL STEWART: That's Tito Tiberti, for
2 the record.
3 CHAIR CLUTTS: Bryce Clutts, for the record.
4 Ward, a question. You mentioned deferred
5 maintenance. What happened in the session with deferred
6 maintenance?
7 ADMINISTRATOR PATRICK: Yeah. So, to recap a
8 little bit, prior to the session, we were looking at
9 systems, in order to prevent competition between deferred
10 maintenance and capital projects.
11 And so during the budget process, the
12 Director of Administration offered to have a surcharge be
13 put on several buildings to fund deferred maintenance,
14 and that did not move ahead from the Governor's Office as
15 an operating item.
16 And so I think the good news in that is that
17 we here, the staff, thought that there needed to be
18 approximately \$80 million dollars' worth of deferred
19 maintenance each session funded in order to kind of keep
20 things on track. And to go over a little bit of history
21 -- you're stealing some of my thunder from the following
22 item, so that will be coming up in a little bit.
23 CHAIR CLUTTS: Okay. That's fine. We'll
24 defer it to when it comes up.
25 Moving on to Agenda Item Number 6: Legal

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1 update. Legislature, contracts and regulations.
2 Ms. Stewart?
3 COUNSEL STEWART: Thank you, Mr. Chair.
4 Susan Stewart, Construction Law Counsel, for the record.
5 As is our practice at the conclusion of every
6 session, we give the Board an update and report whether,
7 you know, if we've emerged unscathed from the session,
8 and if so, what our battle wounds are.
9 And it seems like every session, I say that
10 "This last session was the most challenging," but I think
11 this last session was the most challenging.
12 And one of the things that I just wanted to
13 mention is that, you know, what you have in front of you
14 as a result of the CIP is a bill that AB541, it's all
15 wrapped up in a bow, but that bill is a result of the
16 effort of staff here. I'm not exaggerating. Hundreds of
17 RFIs about every project, sometimes repetitive RFIs,
18 preparing for testimony, preparing for questions, some
19 that you can anticipate, some that you can't anticipate.
20 So it's always a Herculean effort.
21 There was a lot of new faces in the
22 Legislature, so I think we got a lot of questions that we
23 typically wouldn't get, but I think the end result was a
24 CIP bill -- I speak on behalf of the whole division --
25 that is going to serve the State well and meet the needs

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1 going forward.
2 The summary that I have of the Legislature,
3 they also, Deputy Administrator LeFevre mentioned SB525
4 authorized three additional projects. There were a
5 number of prevailing wage bills: AB136, AB190, SB231,
6 SB243. Those are the ones that passed. There were more
7 than that that started out.
8 One of the things that happened this session
9 that was fairly challenging for me was the extent to
10 which the original bill started as one premise and then
11 was amended so that it could kind of morph into something
12 completely different. So it was quite challenging to
13 find a way forward to what the agency's position was
14 going to be on those bills.
15 One of our challenges coming up is the
16 passage of the SB207. This is a requirement on Public
17 Work's projects that a certain percentage of the
18 workforce be comprised of apprentices.
19 There's a waiver process that can occur
20 before advertisement, which I'm not -- I'm still unclear
21 how that's going to work. Before advertisement, there's
22 not a project. The waiver request can happen before
23 advertisement, before bidding, and then during the work
24 itself.
25 We did put in a request for an additional

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1 person to help us manage this. I have some concerns
2 about the legality of this, and it may run afoul of
3 Nevada's right to work statutes, but I'm working with the
4 Labor Commissioner, and we will find a way forward to
5 implement the bill in a way that will hopefully have a
6 very minimal impact on our projects. Of course, that's
7 always the goal. So you'll probably be hearing from me
8 on that more in the future as to the impacts on that.
9 The good news is, it's not effective until January 2020.
10 The bad news is, it's effective January 2020.
11 The AB56, you'll recall, this was a bill that
12 was proposed by the prior Governor's office, expanding
13 exceptions to Public Work's services to certain agencies
14 and also clarifying the Administrator's delegation of the
15 authority. That bill did not pass, and we are not sad
16 that it didn't pass.
17 Also, what didn't pass is AB179. This bill
18 resurrected AB101 from the 2017 session. AB101, from
19 2017, would have significantly impacted Public Works and
20 compensation for construction delays. As the bill was
21 written in 2017, it proposed a significant shift in the
22 risk of delays from the contractor to the owner. The
23 bill did not pass in 2017. It was resurrected this
24 session.
25 I felt like we laid some good groundwork for

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1 working with the industry. We were very close to an
2 amendment that we felt would address the construction
3 industry's concerns without resulting in a shift in the
4 risk. But then ultimately, the sponsor of the bill
5 pulled the bill. So that did not pass. It's kind of
6 shocking how much time you spend on something that
7 doesn't happen, and AB179 was one of those.
8 One of the things that often happens because
9 of new legislation is we have to re-write our contracts.
10 One of the bills to come out of the session is AB136. It
11 lowers the threshold for the trigger for prevailing wage
12 from \$250,000 back to \$100,000, which means that we will
13 be revising -- we have revised our contracts so that our
14 contracts, \$100,000, are subject to prevailing wage
15 requirements. And so that requires us to shift some of
16 our categories of construction contracts.
17 At this point, I don't anticipate that we're
18 going to need to do any changes to our regulations, with
19 a caveat that I don't know exactly how SB207 is going to
20 shake out. There may be some resultant changes. We may
21 need to look at our regs to implement that bill. But as
22 of right now, I don't have any intention of proposing any
23 new regulations going forward. And that's the conclusion
24 of my legal update. I'd be happy to answer any
25 questions.

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1 CHAIRPERSON CLUTTS: For the record, Bryce
2 Clutts. Just note that Member Lewis appeared.
3 Are there any questions down south?
4 Any questions up here? Okay. Hearing none,
5 we'll move on -- thank you, Ms. Stewart -- to Agenda Item
6 Number 7.
7 Agenda Item Number 7, at the December 18th,
8 2018 Board meeting, Chairperson Clutts reported that he
9 had received correspondence from Paul G. Corrado
10 regarding Public Work's use of a LEED System and the
11 SITESv2 System. Mr. Clutts asked that staff respond as
12 appropriate. Attached is Mr. Corrado's letter and Ward
13 Patrick's December 19th, 2018 response. This agenda item
14 is for informational purposes.
15 Are there any questions or comments?
16 Okay. Thank you, Mr. Patrick, for doing
17 that.
18 ADMINISTRATOR PATRICK: My pleasure.
19 CHAIRPERSON CLUTTS: Agenda Item Number 8:
20 Administrator's report.
21 Mr. Patrick?
22 ADMINISTRATOR PATRICK: Thank you, Chair.
23 The first item here is the budget, referring to operating
24 budgets. The Division has five operating budgets, one
25 for buildings and grounds. This is Marlette Lake water

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1 system, which has some items in the CIP; our facility
2 condition analysis budget, which includes some of the
3 Board's expenses, engineering, and then our management
4 budgets. So all of these budgets were approved with
5 minor increases for 3 percent cost of living increase for
6 personnel.
7 We received an information technology project
8 that is intended to help us track -- in the CIP -- help
9 us track cost, scope, and inflation.
10 Also of note in these budgets, another
11 favorable increase and really no hits to the budget
12 request, but this other favorable increase was buildings
13 and grounds, on the operating side, received additional
14 funding for maintenance of our buildings. So that should
15 help decrease the load that goes into the CIP.
16 Go through a few more of these items.
17 Regarding staffing, we're pleased to keep expanding,
18 filling our empty slots in our staff.
19 The first person I'd like to introduce, which
20 is here, may not be able to be seen on the screen in
21 Southern Nevada, so I might ask you to relocate, Rick.
22 Rick Kabele is our new building official. And so at the
23 last board meeting, we -- so you might need to scoot in a
24 little bit more. There we go.
25 So Jeff Brown was our prior building

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1 official, and he resigned effective about the last time
2 we had a board meeting, and so Rick has been hitting the
3 ground running here and helping us leading the team and
4 working to fill empty spots in our inspection division,
5 of which we have a certain amount of challenges there.
6 So we're keeping him very busy on our growing
7 construction projects and need for staffing and qualified
8 staffing. So this is Rick Kabele, if you have anything
9 to say.
10 MR. KABELE: Thank you very much. My
11 pleasure to be here this morning. I have over 40 years'
12 experience in code enforcement and code applications.
13 I've been a member of both the International Code Council
14 and the National Fire Protection Association for many,
15 many years. And I'm excited about the position here.
16 All of my friends ask me what the job is
17 like. I tell them, "It's very intense." And so it is
18 very intense every day, but I personally thrive on
19 stress, so it works well. It's a good marriage. Thank
20 you.
21 ADMINISTRATOR PATRICK: Thanks, Rick.
22 Also in the room, we have Nicole Woodson, who
23 is my executive assistant.
24 MS. WOODSON: Good morning.
25 ADMINISTRATOR PATRICK: And so she's been in

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1 correspondence with you all, I'm sure, and she's been a
2 big help since her arrival.
3 Two additional staff members. Will Lewis is
4 an architect -- not here right now -- but we're
5 increasing our architectural prowess as well as we got a
6 new draftsman on staff, which is helping us.
7 We've hired a draftsman, Carol Meyers, as
8 well. And so we're finding we've been elevating people
9 up the chain of command, and so we still have many
10 vacancies because we're filling with existing staff
11 somewhat in other areas.
12 Then AE selection. So we've received the
13 authorization for the \$347 million in the '19 CIP, and
14 our conclusion is there's seven projects there that need
15 to have formal architect and engineer selection, the AE
16 selection.
17 And what this is, is selection by committee
18 process where the fees for the design work are expected
19 to be over \$250,000. And so there's several mechanical,
20 electrical, and civil-type projects in that list, as well
21 as seismic upgrade at one of the Attorney General's
22 historic buildings here in town, and there's a couple --
23 the two projects.
24 One of the projects that was added by the
25 Legislature is a welding lab addition at Great Basin

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1 College at Elko that you'll see on our advertisement, if
2 you go to our website. And then also, there's a forestry
3 project where we're remodeling and adding a welding shop.
4 Those are all part of the '19 CIP.
5 So this advertisement is in the papers, and
6 we expect to receive the statements of qualifications
7 from our candidates July 23rd here this month.
8 Update on deferred maintenance. Here comes
9 the thunderous report. So originally, the Board
10 recommendation included approximately \$150 million
11 dollars' worth of deferred maintenance, and there were
12 some cuts and withdrawals based on providing cost
13 containment. So our summary now is that there's \$117
14 million dollars' worth of maintenance in the '19 CIP.
15 And I would point out that last session, that
16 number was approximately \$114 million. And during the
17 prior five sessions, the average was only \$44 million.
18 So certainly, we're above that \$80 million-dollar
19 threshold that I referenced earlier, so we're working on
20 methods to see if we're decreasing deferred maintenance
21 overall, and we'll be able to report on that as we go
22 through this next CIP planning process.
23 But so you can see, we're above that
24 threshold, and so we think that it's a positive light
25 that the past Governor's administration took to heart the

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1 Board's letter of three years ago, almost four years ago,
2 expressing the concern for deferred maintenance.
3 And this Governor's administration was very
4 engaged in the CIP review process, and so then I would
5 make a conclusion that they also share the concern of
6 deferred maintenance as those -- no maintenance projects
7 got removed during that process. So that's on deferred
8 maintenance, if there are any comments on that.
9 Then major projects. So we've got certain
10 projects that were in the '17 CIP that are moving through
11 the construction process. And I would point out at the
12 beginning and during the session, in the past two
13 legislative sessions, we offer expected schedules on
14 those projects, and so we work hard to keep on those,
15 especially during times when inflation is increasing.
16 Time is money. And so we consider that important to keep
17 these projects on track.
18 And so I would point out, kind of in
19 chronological order, that the Vet's home in Sparks was
20 funded and noticed received was issued around two years
21 ago, July of 2017. And that project is basically
22 completed. With a Vet's home, there's significant
23 certifications and inspections required to open. There's
24 one of those remaining.
25 That final inspection has to do with testing

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1 all of the systems, both administrative and facilities
2 systems, where the parts of the building are actually
3 occupied. So there's currently seven occupants in the
4 building, and that's part of the final certification
5 process.
6 UNR Engineering building is approximately 50
7 percent complete. The Readiness Center in Las Vegas near
8 the Speedway has been ongoing, and it's somewhat less
9 than 50 percent complete, but the notice to proceed, I
10 believe, was in February.
11 South Reno DMV was contracted and the notice
12 to proceed was in early May, and so that's an ongoing
13 project. And so that is warm and fuzzy for the
14 administrator, knowing that all of these major projects
15 are now contracted in a time when inflation could have
16 had a major impact on these projects.
17 It turns out we brought to the Board a
18 project to give a booster shot to two of these projects
19 in the '19 CIP. And so the Speedway received
20 approximately \$4 million dollars, and the South Reno DMV
21 received approximately \$9 million dollars. And this was
22 all, you know, a two year -- a year ago projection that
23 we would need this funding, and so the bidding and the
24 projects kind of came out that those predictions were on
25 track, and so these projects are proceeding. So that's a

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1 lookback.
2 A look ahead is that we have three or four
3 projects in the current CIP that we're thinking are large
4 projects that are going to have -- that fit the major
5 projects criteria here.
6 And so we have the Nevada State College
7 Health Sciences building in Southern Nevada, and CMAR
8 project, and we opened bids yesterday. And so these
9 projects are on track.
10 Preliminary indications are that these
11 subcontractor bids are in line with our budgets, and so
12 the contractor has 14 days in which to provide a
13 subcontractor list and another week in order to provide a
14 guaranteed maximum price proposal to the State for our
15 review, and then we would go into our due diligence after
16 that.
17 Then we've got the College of Southern Nevada
18 Education Building, which is -- plan checking is
19 completed and bidding will commence here in the next
20 month or so. So these projects are underway.
21 And then Member Tito is always interested in
22 UNLV, and so I share these two together and last to give
23 a little update on these two projects. The UNLV Medical
24 Education Building was funded last session for \$50
25 million dollars; \$25 million of state funding and \$25

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1 million of University funding. Originally, that was
2 envisioned to be approximately 220,000 square-foot
3 building and a \$250 million-dollar project.
4 We have not proceeded with any design work on
5 that, although it's likely that the Board of Regents this
6 month will approve of funding that will allow us to start
7 rescoping that project, get it underway, and then get the
8 design underway and then allow for -- to meet some
9 criteria regarding the land at which that building is to
10 occupy. And so that criteria basically is, I think, the
11 county has provided the land, with the criteria that
12 groundbreaking needs to occur before June 30th of 2021.
13 So we have two years to re-scope, get the
14 design done and bid an award, contracting, and get that
15 dirt broken; get that green site turned into a
16 construction site.
17 So one other final major project is the UNLV
18 engineering building. And so this is a project that was
19 funded for and designed through construction documents in
20 the '17 CIP: 17-PO9. And this project, you saw in the
21 August board meetings, and it was approximately a \$66
22 million-dollar project to take that from shovel-ready
23 design status through construction, which would include
24 the FF&E.
25 And so, at the tail end of the session, that

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1 \$66 million-dollar project was authorized for \$40 million
2 dollars: \$20- of State and \$20- of University funding.
3 So we're regrouping and reeling from that. This project
4 is likely to also be presented at the Board of Regents,
5 and so some re-scoping, repackaging will likely occur
6 there.
7 And it may be that -- it's likely to be that
8 there will be some portion of the site work and shell
9 will be completed and with the intent that you'd see
10 another request for funding for the balance of the state
11 funding and the tenant improvement, basically, and FF&E
12 at the next August report.
13 CHAIR CLUTTS: Bryce Clutts, for the record.
14 What was the Legislature's intention with that funding?
15 ADMINISTRATOR PATRICK: Well, write that
16 question down. So Kent mentioned, and Susan, SB528 is
17 where that project is authorized. And so there was zero
18 testimony and near zero intent listed in the bill.
19 We've been in communications with UNLV, and
20 they believe it's just what I explained, which is likely
21 some package of site work and shelling to commence.
22 And so the challenge there would be to get
23 some project completed and close it up or get that
24 project where it could integrate into future money so it
25 might seem seamless.

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1 So developing that strategy is pending Board
2 of Regents' approval of the other funding, and that's
3 expected to happen this month, but we're just listing
4 this as we expect re-scoping of our work after we hear
5 the results of that.
6 CHAIRPERSON CLUTTS: So I would assume you're
7 going to have to spend some of that money in redesign and
8 all of that.
9 ADMINISTRATOR PATRICK: Yes. So whether or
10 not we're redesigning or just repackaging to enable.
11 CHAIRPERSON CLUTTS: Either way, you're going
12 to have --
13 ADMINISTRATOR PATRICK: We're going to have a
14 design period, so we're going to have costs, and we're
15 going to have a schedule extension.
16 COUNSEL STEWART: Susan Stewart, for the
17 record. I'd just ask the Chair and the Administrator to
18 identify yourself so that our court reporter can keep
19 track of who is talking, if you would, even though you're
20 sitting right next to each other.
21 ADMINISTRATOR PATRICK: Thank you.
22 COUNSEL STEWART: Thank you.
23 ADMINISTRATOR PATRICK: So that concludes the
24 major projects portion. I would pause for any other
25 questions on that. Ward Patrick, for the record.

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1 CHAIRPERSON CLUTTS: Bryce Clutts, for the
2 record. Are there any questions or comments in the
3 south?
4 ADMINISTRATOR PATRICK: The final item we
5 have here -- Ward Patrick for the record -- is cost
6 containment.
7 And so we'd like to think here at Public
8 Works that everything we do is providing customer service
9 to the clients, as is Director Contine's whole department
10 is providing services to the various departments of the
11 State. And so we're providing customer service, and
12 we're working to contain costs and yet provide what is
13 needed for the long-term best interest of the State.
14 And so what is cost containment? And so cost
15 containment is not only first-time costs for the
16 facilities, and it's likely not only first-time costs for
17 life cycle costs. Excuse me.
18 It's not only facility costs of the life
19 cycle of the facility, but it may include things beyond
20 the facilities, like marketing for Nevada System of
21 Higher Education, their reputation that is sometimes
22 based on their facilities, their ability to attract
23 students, their ability to attract faculty as well as
24 grants and research funding. And so all of those things
25 and many more are considered in our desires for the

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1 Nevada System of Higher Education.
2 Also, other entities, including the
3 Governor's Office of Economic Development. They have
4 needs beyond facilities needs. Location is very
5 important to them. They're attracting future companies
6 to the State of Nevada, and so they might have needs that
7 don't fit into the first-time cost containment or life
8 cycle costs. And so we want everybody to keep that in
9 mind. And so we provided three or four pages of dialogue
10 about what we do here at Public Works.
11 And so I would just offer that one of the key
12 things in containing costs is selecting consultants that
13 have a history of providing sound design within our
14 capital budgets as well as meeting the needs of our
15 customers. And so that process has been initiated. And
16 so that's a key component, is to assure that we're
17 developing a good team that enables us to contain costs.
18 Also, I would offer choosing proper delivery
19 methods helps us contain costs. So when we choose a
20 delivery method that creates a time-certain delivery and
21 provides almost nil litigation possibilities might also
22 be in the cost containment area. And so timely delivery
23 and mitigating litigation has been part of our strategy
24 to contain costs.
25 Talking a little bit about the CMAR delivery

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1 method. We've been doing this process, I think, for over
2 ten years. And so that is going to be the next thing on
3 our docket, is to do CMAR selections right after we get
4 these architects directed. So you'll be seeing
5 advertisements in the paper and information out in the
6 construction community about that.
7 And to follow up with our CMAR process, we
8 have a two -- most of the people in the room know this,
9 but we have a two-step process where we have a pre-
10 construction phase. So that's basically the construction
11 manager at-risk supporting the design process.
12 And of interest, in the area of cost
13 containment, we can also choose not to proceed with that
14 contractor after the design has been completed. And so
15 we've done this one time, and so it's in an effort to
16 better the State and to better the budgets.
17 Our other delivery method is the hard-bid
18 delivery method. And so during this process, a hundred
19 percent construction document projects are advertised for
20 bids, and based upon estimated costs of construction,
21 formal and informal advertisement, minimum wage, bonding
22 requirements, subcontractor lists, bid bonds,
23 contractor's bid preference, disabled veteran's
24 preference, are all based upon estimated costs of
25 construction.

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1 In some instances, projects are advertised
2 with a base bid followed by certain add alternates. All
3 of this is to support our customers and control costs on
4 projects. The base bid must be completed and the add
5 alternates are additional work that, while desired, are
6 not critical for the success of the project.
7 If bids are favorable within budget, the
8 alternates are selected. Our Nevada Administrative Code
9 allows Public Works to negotiate with the low bidder if
10 the bidder is less than the legislative appropriation and
11 does not exceed the relative budget item by more than 10
12 percent.
13 So again, we'd like to think everything we do
14 is in an effort to provide customer product they're
15 looking for and provide cost containment.
16 And so a few other items that we've put in
17 your packet before the first blue sheet under this item
18 is not maintaining buildings that should be torn down.
19 We think that is a cost containment item that really
20 isn't seen in the CIP, but the CIP -- we have buildings
21 that are being torn down in the '17 CIP as well as in the
22 '19 CIP. So this contains costs of maintaining buildings
23 that are beyond repair.
24 The second bullet item here is replacing
25 buildings that have a repair cost higher than 50 percent

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1 of the replacement cost. And so this is a guide, not
2 really a rule, but so this is something that we strongly
3 consider in our work.
4 We conduct preliminary planning on certain
5 projects, which allows more certain funding request for
6 the planning process and for construction.
7 We're proposing to evaluate our projects a
8 little more closely on a variance analysis basis where
9 we're looking at the variance in our scope that we've
10 been approved for and our pricing that we've been
11 approved for. And so we're hoping to, in the future, be
12 tracking these items a little more closely. It's more of
13 an accounting approach to our construction projects. So
14 this will allow cost tracking, scope tracking, and
15 inflation tracking.
16 We attempt to bid certain projects in the
17 winter like roofing projects or paving projects where
18 these contractors are what I would describe to as a, say,
19 filling their dance card for the construction season.
20 So if you bid a project when everybody has
21 their work schedule filled out for the whole season,
22 you're not going to get favorable bids. And so timing
23 during the course of the year is important to contain the
24 costs of those projects and reviewing other public
25 entities, bidding schedules.

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1 So if there's a project that every contractor
2 wants to receive and we bid before that, they would
3 likely bid higher on our project. On the other hand, if
4 there's a project that the public entities have that
5 other public entities have that is that same condition,
6 more desirable, we might want to bid after that because
7 then all contractors that didn't pull the subs and
8 generals would be more hungry, knowing that they didn't
9 get that plum project. And so that's some strategies
10 there that we try to use.
11 Having our PM's contract the contracting
12 community prior to bidding. So during this AE selection
13 process, we're contacting the community. During our
14 construction process, we make sure people know what's
15 happening in our project so we get as good a competition
16 as possible.
17 And then tracking estimates and the bids. So
18 throughout the design and construction process, we try to
19 track the whole estimate, so you can see how that varies
20 throughout the process.
21 Tracking change orders is a historical thing
22 that we do. So we log errors and omissions by the
23 designers. We track change orders that are by owner
24 request or unforeseen conditions or other reasons for
25 change orders. So we can always -- we have a lot so

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1 pdf's of items, but we don't have the data source, a lot
2 of information. And so we're hoping to be able to move
3 that into the data arena and allow us to make conclusions
4 about the why we run our business.
5 Then Kent mentioned that we were involved
6 with some research arrangements that Nevada Northern
7 Nevada Adult Mental Health System had, and it turned out
8 we all here recommended a few projects in the CIP for
9 that. And so we were alert and got all parties to agree
10 that could be withdrawn. So that creates money for next
11 CIP.
12 And then finally, something that's been in
13 our AE agreements is that the consultants are responsible
14 for the design scope to fit within the budget. And so
15 our contract documents refer to if the project bid is
16 within 10 percent of the budget, they're obligated,
17 within their lump sum contract, to help negotiate this
18 within the price.
19 And if it's I believe 85 percent of the
20 budget, we have the opportunity to get a credit on their
21 work because they might have underdesigned the work. And
22 then, if it's over that 10 percent threshold, the
23 consultant is required to rebid the project within the
24 original contract.
25 And so these are items that are far more

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1 challenging to do when inflation is in the unexpected
2 range, so we're a little more understanding during those
3 contracts, but we're managing the business here trying to
4 create value for all of the customers and departments in
5 the State.
6 So we have a flowchart, and I'll just go over
7 a few of the key items here. There's an 11-by-17. And
8 so the first three columns here are largely about the
9 various submittal processes.
10 So then I would just point out in the big
11 black box that there's really some key information here
12 is that the AE and the CMAR submit separate cost
13 estimates at each milestone, and these milestones are
14 listed over here at the left. And then the AE and the
15 CMAR also evaluate and analyze prior cost estimates and
16 compare them to the current level of design estimates.
17 And then finally, the team addresses and
18 resolves conflicts and inconsistencies regarding pricing,
19 scheduling, which affects costs, subcontractor
20 coordination, and sequencing. So that's just some of our
21 process there that or some of the key things that we work
22 at to control the projects.
23 Now I've got a series of contract documents
24 on the CMAR process to go over. So the first one was --
25 you'll see -- is proposal. It's a few pages about the

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1 proposal, and then on the Hotel College at UNLV, and then
2 there's a sample contract in here from the Sahara DMV.
3 And so these are just a sampling of our delivery
4 documents.
5 And just to go through this a little bit. So
6 if you see, under Article 1, there's six items listed
7 there. And so under cost containment, we have bid
8 documents that are plan checked, and then those are bid
9 to all of the subs. And so on this particular project,
10 you see \$39 million dollars of \$44.
11 These are all bid projects by prequalified
12 subs because then you see the CMAR's general conditions,
13 is line item two, which a portion of that is their labor
14 for their on-site work of the prime contractor, and so
15 that portion is under scrutiny during the very initial
16 selection process.
17 So other general conditions are reviewed by
18 our staff during our due diligence period -- which if you
19 remember on the health science building, that's going to
20 start in about 21 days.
21 And so then you've got the CMAR fee, which is
22 also a part of the selection criteria during CMAR
23 selection. So you see there's price components here that
24 are all either bid or a part of the selection process,
25 and then some are under scrutiny during our due

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1 diligence.
2 And then item four and five are contingencies
3 on the project. There's a CMAR contingency and an
4 owner's contingency. And these are in order. So CMAR
5 contingencies are generally two and a half percent of the
6 GMP or less, and the owners' contingency has been two
7 percent to five percent, historically. So that's a
8 little bit about some of the information that we see
9 monetarily.
10 Then I'd point out quickly in Article 2 that
11 early on, we were sharing savings from the CMAR. At the
12 end of the project, there might be a CMAR contingency
13 remaining. And so you'll see here back in the day when
14 we selected this consultant that we were sharing 50
15 percent of those savings, and we'll see a trend here as
16 we go through some of this paperwork.
17 I would ask you to turn a couple of pages to
18 a project cost estimate for the Hotel College 15 C78.
19 And I just wanted to point out a line item on here, that
20 there's a subtotal midway down the project and a couple
21 of -- three lines up from that is third-party commission.
22 And so what we do here is we basically are
23 auditing the design and construction of the HVAC
24 mechanical, electrical.
25 And now, we're increasing our efforts in the

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1 building envelope to do this third-party commissioning of
2 that part of the work. So initially, we were doing HVAC.
3 We've included electrical, electrical, which includes the
4 switch gear and the sequencing of the switch gear
5 operations, and then lighting and the power. And now
6 we're doing the envelope, building envelope, the
7 exterior, whether it be the window walls or roofing. And
8 so that's just things that we're doing to assure that the
9 State is getting what we pay for.
10 And so having a third-party consultant on
11 those items helps us control whether designers are hiding
12 their design errors by not asking them to review their
13 own designs, and the same thing would go for the
14 constructor. So it's a third-party reviewer. And so we
15 think that helps provide value, and therefore, either
16 long-term or short-term cost containment.
17 And so, as a result of this, we've had to
18 invite out-of-state contractors to help with the envelope
19 third-party work because there's only few very people
20 that do that in the state. And it helps with our
21 expertise in that area as well.
22 But we've been doing commissioning the HVAC
23 system since I was started here at Public Works, and so
24 we have three mechanical engineers on staff, and they're
25 very proficient in this. And so on smaller projects, we

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1 self-perform this effort. On larger projects, we
2 contract for that. So this is a one of the things that
3 we do to assure the State is getting what we're paying
4 for and containing costs on the project.
5 And now, I'd have you turn to after the next
6 blue page and to before we saw a proposal for CMAR
7 project and a guaranteed maximum price. And this is
8 simply just an earlier or a later construction agreement
9 for owner CMAR.
10 And so you'll -- not to go through these
11 items, but you'll see the contingencies are basically in
12 the realm that we discussed earlier. And I would point
13 out, turning to the next page, that now you see this
14 shared CMAR contingency is now a greater portion is the
15 State's at 70 percent on that next page.
16 And so we are now -- in the past, CMAR
17 advertisements have been advertising those as a shared
18 savings in the 90/10 so that the CMAR gets some benefit,
19 but there's very little incentive to use that as, say, a
20 profit center. So we believe that we're asking them to
21 focus on the benefit of the work and not on profits, this
22 being a profit center.
23 And so just a final comment on the last page
24 in this section. You'll see kind of a traditional
25 narrative that you've seen in our CIP books. You also --

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1 what largely the Board doesn't see is there's this new
2 item -- not a new item, but an item new to the Board:
3 Hearing notes in the middle of the page. And so this is
4 where we document things that we think are important to
5 the success of the project as a result of the legislative
6 session.
7 And so on here, we try to track any
8 scheduling criteria that came out of the session or any
9 scope, any important scope or sequencing items. And so
10 all of these things, the way we do our work, we think,
11 helps provide the best product to our clients and control
12 costs on the projects. That concludes that report.
13 CHAIR CLUTTS: Thank you. Bryce Clutts, for
14 the record. Thank you, Mr. Patrick.
15 Any questions down south?
16 MEMBER TIBERTI: Chairman Clutts, Tito
17 Tiberti, for the record. I have three questions.
18 Perhaps this is not the appropriate time.
19 I would like to ask. A while back, we were
20 talking about the inflation going forward. Maybe a year
21 ago, and they were staggering numbers to me. They were
22 15, I don't know, percent, 20 percent.
23 So my one question is: Is that coming true,
24 or how have you found the inflation on contract bidding
25 and estimating coming in at the end of the day?

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1 My second question would be -- two questions.
2 This Sawyer state office building and the building -- I
3 think it's the state office building in front of the
4 Sahara DMV -- are those -- over here on Sahara, is that
5 going to be torn down or redone, or where is that in
6 thinking? The Sahara -- I mean the Sawyer Building, down
7 by Cashman Field, is that in good shape, or how is that
8 coming along?
9 ADMINISTRATOR PATRICK: Ward Patrick, for the
10 record. I just want to make sure that this is the
11 appropriate place for these. Okay.
12 So three items you mentioned, Member Tiberti,
13 is the inflation and how that's coming about based on any
14 projections. The Bradley Building at the Sahara Complex,
15 what was the status of that, and then the Sawyer
16 Building, what is the condition of that building.
17 So regarding inflation, as you pointed out,
18 you talk to five sources and they would tell you, or if
19 you're looking at national indices, you would say
20 inflation nationally in Engineering News Record might be
21 on the order of 7 percent. And if you talk to certain
22 contractors in the Las Vegas area, they might use those
23 higher numbers above in the double-digit arena, 15
24 percent as you pointed out.
25 So what we've tried to approach -- we've

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1 successfully approached, basically, the school districts,
2 the Washoe County School District in the north, and Clark
3 County School District in the south, and we've looked at
4 Engineering News Record and the different terms,
5 inflation, as well as we have our actual bid results and
6 we have our contractors that we've been working with.
7 And so, on a planning-level basis, we've been
8 using double-digit inflation on a planning-level basis.
9 And so the two projects that I mentioned were the -- and
10 so we use 10 percent, basically, and sometimes our
11 advisors would use 12 percent. But we're in that kind of
12 range right there, depending on how you compound your
13 inflation and escalation costs.
14 And so the two bids, the two projects that we
15 bid most recently and awarded, are the DMV project up
16 north and the Readiness Center down south. And so we
17 considered the Readiness Center to be a favorable bid,
18 and so we thought therefore, the inflation was less than
19 what we've been using to predict.
20 It turned out that we had other issues on the
21 project, and we needed to increase the funding in the CIP
22 for sewer issues but not really related to inflation. So
23 inflation was lower than predicted on the Readiness
24 Center.
25 And so then, down in Reno, we had the DMV

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1 project, and so our bids are close and within reason to
2 all of our planning. And so the inflation up north --
3 based on that one sample -- we don't have a large "N," a
4 large sample size, but that one, it seemed like,
5 inflation is similar to what we've been using for
6 planning. So, if that answers your question, Member
7 Tito.
8 MEMBER TIBERTI: Similar. What would the
9 number be on the Reno DMV? Is it 3 percent? Ten
10 percent?
11 ADMINISTRATOR PATRICK: So we've been using
12 this ten percent, kind of ten to 12 percent factor, and
13 so we think it might be 9 to 11 percent based on that
14 project. So that project -- there were a lot of
15 questions during our August meeting about those projects.
16 And so what's of interest, I think, the
17 takeaway on some of that is we built the Sahara DMV, and
18 that price per square foot of the building only was about
19 \$344 a square foot, and the awarded contract amount on
20 the South Reno DMV is 50 percent bigger in a five-year
21 period.
22 And so these design standards are basically
23 the same. The northern project is a little bigger, but
24 there was as 50 percent increase -- if the DMV were a
25 commodity, there was a 50 percent increase in the price

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1 of the DMV over a five-year period. So given, again, any
2 way you'd interpret escalation and compounding, simply,
3 it's 10 percent per year. So then -- simple interest
4 basis.
5 So, Ward Patrick, for the record. Go on with
6 the Bradley Building. So that building has been in
7 disrepair for a number of years and has been seen as a
8 building that we weren't planning on going forward with
9 from a Public Work's perspective.
10 It turns out, during the session, the
11 legislature was interested and asked us for project cost
12 information so they could take over the building and
13 remodel it and use the facility. And so apparently,
14 there's interest by one state entity in keeping that
15 building around. As it turns out, no funding was
16 authorized for that vacant building, so we don't
17 anticipate reviving that from the Public Work's side.
18 Regarding the Sawyer building -- so that's a
19 big topic during the session and at our prior meetings
20 with the Board. And so that building has been a little
21 bit of a victim of lack of maintenance. And I would
22 describe that building as it reminds me of my
23 grandmother's house. Like none of the finishes have been
24 updated since it was opened. So it was opened in January
25 of 1995, and so this building is now 24 years old.

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1 We've replaced the roof on the building.
2 We've put in magnetic chillers, frictionless chillers in
3 the building. We're saving 30, 40 percent of the costs
4 of cooling that structure. In the current CIP, the
5 planning project that the Board recommended to the
6 Governor is funded. It's on that list in front of you.
7 It might be -- it's on that list.
8 And so in October, we enlisted the service of
9 an architectural firm to do programming and do analysis
10 of the engineering systems, and we're following a
11 template to renovate the building that was laid out by
12 KGA Architecture in that planning process. Thank you.
13 MEMBER TIBERTI: Thank you.
14 CHAIR CLUTTS: Bryce Clutts, for the record.
15 Are there any other questions?
16 Moving on to Agenda Item Number Nine: Board
17 Comment and Discussion. Is there any further Board
18 comment or further discussion? Board comments on any
19 agenda items?
20 Any items the Board wishes to be included in
21 any future agendas?
22 Are there any action items for the State
23 Public Works Division management? I don't think there
24 is.
25 Do we need to set a future meeting date

1 today?
2 COUNSEL STEWART: Susan Stewart, for the
3 record. I don't believe so. I think as issues come up,
4 we'll pull the Board and schedule a meeting, as
5 necessary, if that's okay with the Board Chair.
6 CHAIRPERSON CLUTTS: Works for me.
7 Okay. Moving on to Agenda Item Number 10:
8 Public comment. Any public comment?
9 Hearing none, we'll move on to Agenda Item
10 Number 11: Adjournment of the meeting at 10 after 9:00.
11 Thank you.
12 (The meeting concluded at 9:10 a.m.)
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1 STATE OF NEVADA)
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6
7 I, NICOLE HANSEN, Official Court Reporter for the
8 State of Nevada, State Public Works Division, do hereby
9 Certify:
10 That on the 10th day of July, 2019, I was
11 present at said meeting for the purpose of reporting in
12 verbatim stenotype notes the within-entitled public
13 meeting;
14 That the foregoing transcript, consisting of pages 1
15 through 45, inclusive, includes a full, true and correct
16 transcription of my stenotype notes of said public
17 meeting.
18
19 Dated at Reno, Nevada, this 10th day of
20 July, 2019.
21
22
23
24 NICOLE HANSEN, NV CCR #446
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