

FILED
Court Administrator

JUL 12 2011

STATE OF MINNESOTA

By Deputy

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In re Government Shutdown Litigation)

In re Temporary Funding of Core)
Functions of the Executive Branch)
Of the State of Minnesota)

Case Type: Civil

Court File No. 62-cv-11-5203

AFFIDAVIT OF JON CHIGLO

Jon Chiglo, being duly sworn, on oath states and deposes as follows:

1. My name is Jon Chiglo. I am the Division Director of the Engineering Services Division in the Minnesota Department of Transportation ("MnDOT").
2. I grew up in Caledonia, Minnesota. I received my B.S. in Civil Engineering from the University of Minnesota in 1997. I am licensed as a Professional Engineer by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design. I joined MnDOT fourteen years ago.
3. Some of my experience at MnDOT includes the following, in increasing order of responsibility:
 - * Construction Engineer in MnDOT's Resident Office in Owatonna, Minnesota.
 - * Assistant Project Manager on the Rochester Highway 52 Design Build project.
 - * Project Manager on the Highway 212 Design Build project.

* Project Manager on the Interstate 35W Bridge Design Build project, constructed to replace the bridge that collapsed. On that project, I was in charge of the contract documents development, procurement, and the administration of all aspects of the contract, including design and construction.

* Division Director of the Engineering Services Division since January 4, 2011.

4. MnDOT owns or controls the right of way on which bridge and highway projects are constructed. On most construction projects on the Trunk Highway System, MnDOT acts as the owner of the project and as a regulator.

5. MnDOT assigns its own field personnel or authorized representative to each project in which it acts as owner and regulator. For example, on the 494-169 project, until it was suspended MnDOT had assigned to the project approximately 12 full-time MnDOT employees, as well as consultant staff. While some projects are financed through state issued bonds, most MnDOT personnel are not funded from bond proceeds.

6. There are many MnDOT personnel not on a project site that are critical to a construction project. Funds to support those personnel have not yet been appropriated. Many of those individuals work in the units of the Engineering Services Division that I direct:

A. MnDOT's bridge office. This unit is important for bridge design and inspection. Bridges pose unique design, construction, and traffic control issues. Within the bridge office, among other related activities, the steel fabrication unit assigns staff to travel across the country inspecting steel to be used in road and bridge construction.

B. MnDOT's technical support office. This unit does estimating, utility permitting and agreements, and consultant agreements. It is critical to evaluating the need for and the costs of change orders during the course of a project.

C. MnDOT's construction and innovative contracting unit. This unit processes invoices and contract changes. It also advises District Offices regarding claims management and project controls issues that arise during construction activities.

D. MnDOT's environmental services unit. This unit is critical to obtaining necessary permits and monitoring compliance. Some MnDOT construction projects have significant environmental challenges.

E. MnDOT's land management unit. This unit is critical to obtaining, securing, and protecting the right of way.

7. Also paid for by funds that have not yet been appropriated is MnDOT's Operations Division. Within the Operations Division are MnDOT's eight District Offices, as follows:

- A. Duluth, with Resident Offices in Duluth, Virginia, and Grand Rapids.
- B. Bemidji, with Resident Offices in Bemidji and Thief River Falls.
- C. Baxter, with Resident Offices in Baxter and St. Cloud.
- D. Detroit Lakes, with Resident Offices in Detroit Lakes and Morris.
- E. Rochester, with Resident Offices in Rochester, Owatonna, and Winona.
- G. Mankato, with Resident Offices in Mankato and Windom.
- H. Willmar, with Resident Offices in Willmar, Marshall, and Hutchinson.
- I. The Metro, with Resident Offices in Oakdale, Mendota Heights, Eden Prairie, and three in Golden Valley.

8. The District and Resident Offices administer the contracts which include ensuring safety of the traveling public, contract interpretations, providing engineering guidance, and other activities for the safety and success of MnDOT construction projects. Traffic engineering functions administered by the District and Resident Offices are extremely important. Congestion or critical accidents at one spot can have an enormous impact on the entire metropolitan highway system.

9. Also paid for by funds that have not yet been appropriated are MnDOT's offices that deal with civil rights and affirmative action. Disadvantaged Business Enterprise and Equal Employment Opportunity programs are extremely important in federally funded highway projects.

10. Also paid for by funds that have not yet been appropriated is MnDOT's Materials & Road Research office. This unit provides important technical services regarding structural concrete, pavement, and grading activities.

11. Also paid for by funds that have not yet been appropriated is MnDOT's State Aid Division. This division manages the Local Roads Program and, therefore, is involved in the administration and safety of local road and bridge projects.

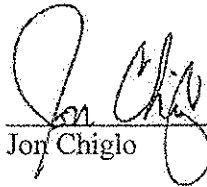
12. I have attached a MnDOT organization chart. The other Division Directors and I report to the Deputy Commissioner and Chief Engineer. He reports to the Commissioner. These positions are paid for by funds that have not yet been appropriated.

13. The finance function is important because of the complex nature of construction projects. Finance staff set up projects in the accounting systems, track cost collection, ensure the appropriate funding sources are applied to each project, and pay contractor invoices. The auditing function is also extremely important in making sure

funds are spent on appropriate activities and contractor invoices are accurate. These functions are paid for by funds that have not yet been appropriated.

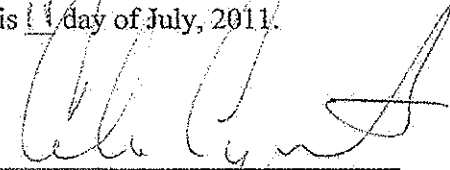
14. Effective July 1, 2011, MnDOT suspended 98 active projects and all related contracts. Also suspended were 56 projects where contracts had not yet been let or awarded. MnDOT cannot effectively reactivate, administer, supervise, inspect, and close those projects without funds that have not yet been appropriated.

Further affiant sayeth not.



Jon Chiglo

Subscribed and sworn to before me
this 14 day of July, 2011.



Notary Public





The Minnesota Department of Transportation

