

November 24, 2021

**ADDENDUM NO. 1**

**RE: Item #7, December 1, 2021 Letting - IM-EM 0908(97)362, PCN 05HQ, McCook County -  
Remove & Replace PCC Pavement, Pipe Work, Structure (254' Steel Girder Bridge, 320'  
Steel Girder Bridge, 2-6'x5' RCBC Extension, 2-12'x11' CIP RCBC) & Approach Grading,  
Deck Overlay, Approach Slabs, Polymer Chip Seal, Rest Area Lighting**

**TO WHOM IT MAY CONCERN:**

The following addenda to the plans shall be inserted and made a part of your proposal for the referenced project.

**SPECIAL PROVISIONS:** Please remove the Index of Special Provisions and replace with attached Index of Special Provisions revised 11/24/21.

Please remove the "Special Provision for Contract Time", dated 8/30/21 and replace with the "Special Provision for Contract Time", dated 11/23/21.

**SDEBS BID PROPOSAL:** NO CHANGE

**PLANS:** NO CHANGE

Sincerely,

Sam Weisgram  
Engineering Supervisor

SW/cj

CC: Travis Dressen, Mitchell Region Engineer  
Jay Peppel, Mitchell Area Engineer

REV 11/24/21

INDEX OF SPECIAL PROVISIONS

PROJECT NUMBER(S): IM-EM 0908(97)362 PCN: 05HQ

TYPE OF WORK: REMOVE & REPLACE PCC PAVEMENT, PIPE WORK, STRUCTURE  
(254' STEEL GIRDER BRIDGE, 320' STEEL GIRDER BRIDGE, 2-6'X5'  
RCBC EXTENSION, 2-12'X11' CIP RCBC) & APPROACH GRADING,  
DECK OVERLAY, APPROACH SLABS, POLYMER CHIP SEAL, REST  
AREA LIGHTING

COUNTY: MCCOOK

The following clauses have been prepared subsequent to the Standard Specifications for Roads and Bridges and refer only to the above described improvement, for which the following Proposal is made.

The Contractor's attention is directed to the need for securing from the Department of Environment & Natural Resources, Foss Building, Pierre, South Dakota, permission to remove water from public sources (lakes, rivers, streams, etc.). The Contractor should make his request as early as possible after receiving his contract, and insofar as possible at least 30 days prior to the date that the water is to be used.

Sara Garbe is the official in charge of the Sioux Falls Career Center for McCook County.

**THE FOLLOWING ITEMS ARE INCLUDED IN THIS PROPOSAL FORM:**

**Special Provision for Contract Time, dated 11/23/21.**

**Special Provision for Subletting of Contract, dated 6/29/21.**

**Special Provision for Prosecution and Progress, dated 1/21/21.**

**Special Provision for Cooperation by Contractor and Department, dated 8/17/17.**

**Special Provision for On-The-Job Training Program, dated 3/10/16.**

**Special Provision for Alternate Bidding, dated 11/4/21.**

**Special Provision Regarding Section 404 of the Clean Water Act, dated 10/30/20.**

**Fact Sheet #23.**

**Special Provision for Construction Practices in Streams Inhabited  
by the Topeka Shiner, dated 8/29/18.**

**Special Provision for Stud Shear Connector Field Installation (Incidental), dated 12/11/18.**

**Special Provision for Stainless Reinforcing Steel, dated 6/29/21.**

**Special Provision for Concrete Penetrating Sealer, dated 2/22/10.**

**Special Provision for Contractor Furnished Mix Design for PCC Pavement, dated 8/30/18.**

**Special Provision for Durable Pavement Markings, dated 9/27/21.**

**Special Provision for PI PCC Pavement Smoothness with 0.2" Blanking Band, dated 11/30/18.**

**Special Provision for IRI PCC Pavement Smoothness, dated 10/1/18.**

**Special Provision for IRI Bridge Smoothness, dated 8/23/21.**

**Special Provision for Contractor Staking with Machine Control Grading Option, dated 7/15/21.**

Special Provision for Portland Cement, dated 12/3/20.

Special Provision for Prequalification of Bidders, dated 10/16/20.

Special Provision for Restriction of Boycott of Israel, dated 1/31/20.

Special Provision for South Dakota Electronic Bid System, dated 7/23/18.

Special Provision for Contractor Administered Preconstruction Meeting, dated 12/18/19.

Fuel Adjustment Affidavit, DOT form 208 dated 7/15.

Standard Title VI Assurance, dated 3/1/16.

Special Provision For Disadvantaged Business Enterprise, dated 8/14/18.

Special Provision For EEO Affirmative Action Requirements on Federal and Federal-aid Construction Contracts, dated 9/1/97.

Special Provision For Required Contract Provisions Federal-aid Construction Contracts, Form FHWA 1273 (Rev. May/1/12), dated 10/21/19.

Required Contract Provisions Federal-aid Construction Contracts, Form FHWA 1273 (Rev. 5/1/12).

Special Provision for Cargo Preference Act, dated 1/20/16.

Special Provision Regarding Minimum Wage on Federal-Aid Projects, dated 10/24/19.

Wage and Hour Division US Department of Labor Washington DC. - US Dept. of Labor Decision Number SD180001, dated 4/6/18.

Special Provision for Supplemental Specifications to 2015 Standard Specifications for Roads and Bridges, dated 11/20/19.

Special Provision for Errata to 2015 Standard Specifications for Roads and Bridges, dated 11/20/19.

Special Provision for Price Schedule for Miscellaneous Items, dated 10/7/20.

Special Provision Regarding Storm Water Discharge, dated 5/8/18.

General Permit for Storm Water Discharges Associated with Construction Activities, dated 4/1/18

<http://denr.sd.gov/des/sw/IPermits/ConstructionGeneralPermit2018.pdf>

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION  
FOR  
CONTRACT TIME**

**PROJECT IM 0908(97)362; PCN 05HQ  
MCCOOK COUNTY**

**NOVEMBER 23, 2021**

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**November 18, 2022 Substantial Completion Requirement**

The Contractor will substantially complete the project by the November 18, 2022 substantial completion requirement.

The Department will consider the work substantially complete when all lanes are opened to unimpeded traffic and all work is completed except temporary ramp detour removal, permanent pavement marking, and seeding and mulching in the areas of the temporary ramp detour removals.

The Engineer, in the Engineer's sole discretion, will determine when the project is substantially complete.

The Department wants to accelerate the project by offering an incentive to the Contractor. The Department will make an incentive payment in the amount of \$8,300 per calendar day to the contract for each calendar day the Contractor substantially completes the work prior to the required substantial completion requirement. The Department will make a disincentive assessment in the amount of \$8,300 per calendar day to the contract for each calendar day the work is not completed beyond the required substantial completion requirement. A contract item for incentive/disincentive pay is included in the bid schedule for the Department's use in assessing incentive and disincentive. The Department will use a positive quantity of days for assessing incentives and a negative quantity of days for assessing disincentives. The Department will count calendar days in accordance with Section 8.6 B. The Department will continue to count calendar days and assess this disincentive until the Contractor substantially completes the project or until the Department suspends the project and the calendar day count in accordance with the requirements below for work remaining after the November 18, 2022 substantial completion requirement.

The maximum incentive for this portion of the project is limited to \$373,500. There is no maximum disincentive.

Following the substantial completion of the project, the Department will allow single lane closures for the completion of the remaining items of work (including, but not limited to, temporary ramp detour removal, permanent pavement marking, and seeding and mulching in the areas of the temporary ramp detour removals). The Department will allow single lane closures during daylight hours only and only when the Contractor is actively performing work. Daylight hours will be defined as sunrise to sunset.

### **Requirements for Work Remaining after the November 18, 2022 Substantial Completion Requirement**

In the event the Contractor does not complete all required work prior to the substantial completion requirement; the Department will, in the Department's sole discretion, determine the extent of contract work which may continue. Following the November 18, 2022 substantial completion requirement and based on the Contractor's updated construction schedule, construction conditions, and forecasted weather conditions; the Department, in the Department's sole discretion, will determine a date, in 2022, by which hard surfacing must be in place and all I-90 traffic restored to the full roadway unimpeded. This requirement may include the Contractor placing temporary hard surfacing over any uncompleted portion of the project including, but not limited to, driving lanes, shoulders, ramps, gore areas, guardrail areas, and bridge approaches to tie partially completed work with the existing pavement.

The Department will define hard surfacing as new permanent surfacing, existing permanent surfacing, temporary surfacing, and any combination of new permanent surfacing, existing permanent surfacing, and temporary surfacing. For the hard surfaced roadway requirement, the temporary surfacing must consist of granular material topped with either asphalt concrete or PCC pavement. The Department will provide the surfacing thickness requirements. The temporary surfacing must bring the temporary surface to the final grade elevation and provide proper drainage throughout the project leaving no bumps, dips, or vertical drop offs throughout the project.

The Department will not make payment for any temporary surfacing necessary to meet the hard surfacing requirements. In addition, the Department will not make payment for any permanent surfacing placed under conditions not meeting the specifications (the Department will also consider this temporary surfacing) necessary to meet the hard surfacing requirements. The Department will also not make payment for the removal of any surfacing or the reshaping of any subgrade/granular material necessary due to the Contractor's failure to meet the November 18, 2022 substantial completion requirement.

The Contractor will apply pavement markings as required to safely accommodate traffic prior to opening all lanes of I-90 to unimpeded traffic. The Department will not make payment for any additional temporary pavement markings or any additional traffic control required in the spring of 2023 due to the Contractor's failure to meet the November 18, 2022 substantial completion date requirement.

The Contractor will provide maintenance of the project until unimpeded traffic is restored to all lanes of I-90 and will provide maintenance of any temporary surfacing through the winter months. This may include temporary stabilization of all exposed soils, maintenance of traffic control devices, or other work as determined necessary to safely maintain the existing roadway and slope.

The Contractor will not be responsible for snow removal. The Contractor will be responsible for any damage to traffic control items caused by the Department's snow removal operations after November 18, 2022 until the Department suspends the project for the winter of 2022/2023. Any damage to traffic control items caused by the Department's snow removal operations from the date the Department suspends the project for the winter of 2022/2023 until the Contractor resumes work in the spring of 2023 will be at the Department's expense.

### **April 3, 2023 Work Restriction**

The Contractor will not begin any work remaining after the suspension of the project in 2022 prior to April 3, 2023.

Once work is resumed on or after April 3, 2023, the Contractor may be required to place traffic back into a two-lane two-way configuration in the eastbound lanes to complete the remaining items of work. The Department will not make payment for any traffic control and pavement markings required for the removal and completion of work specified to be complete but not completed by the November 18, 2022 substantial completion requirement.

If the Contractor elected to place PCC pavement on the median shoulders as part of their bid alternate choice and the PCC shoulder is complete, the Department will allow single lane closures for the completion of the remaining items of work. The Department will allow single lane closures during daylight hours only and only when the Contractor is actively performing work. Daylight hours will be defined as sunrise to sunset.

For permanent pavement marking work, the Department will allow single lane closures. The Department will allow single lane closures during daylight hours only and only when the Contractor is actively performing work. Daylight hours will be defined as sunrise to sunset. The Department will make payment for traffic control in accordance with the specifications.

### **Field Work Completion**

The Contractor will complete the project by the June 30, 2023 field work completion date.

### **Time Extensions**

The Contractor may request a time extension for the substantial completion requirement and field work completion requirement. The Department will consider these time

extension requests using the same considerations that apply when granting an extension of Contract Time under Section 8.7, except: 1) extra work or an increase in quantities will not qualify for an extension of time based solely on a proportional increase in the contract amount; and, 2) an extension of the substantial completion requirement will have no effect on eligibility for incentive payments. In order to qualify for an incentive payment, the Contractor must meet the original contract substantial completion requirement.

### **Failure to Complete on Time**

The Contractor will complete all work on the project prior to the field work completion requirement. If the Contractor does not complete all work by the field work completion requirement, the Department will assess liquidated damages in accordance with Section 8.8. The Department will assess liquidated damages for each working day the work (project) is late until the Contractor completes all field work.

In the event the Contractor does not complete all field work on time, the Department will count working days in accordance with Section 8.6 C.

### **Expected Adverse Weather Days**

The Department has provided Attachment 1 for information purposes only as a guide to bidders. This table depicts the typical number of adverse weather days expected for any given month, based on historical records. The Department will consider this project a surfacing project in Zone 5.

The Department will consider expected adverse weather days cumulative in nature over the time period when the Contractor is actively pursuing completion of the work. The Department will not consider adverse weather days during an extended period of time when the Contractor is not pursuing completion of the work. When considering a time extension for interim completion or field work completion of the project, the Engineer will compare the total number of expected adverse weather days against the total number of actual adverse weather days for the time period during which the work was being completed.

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## ATTACHMENT 1

Figure A - Expected Adverse Weather Days for South Dakota

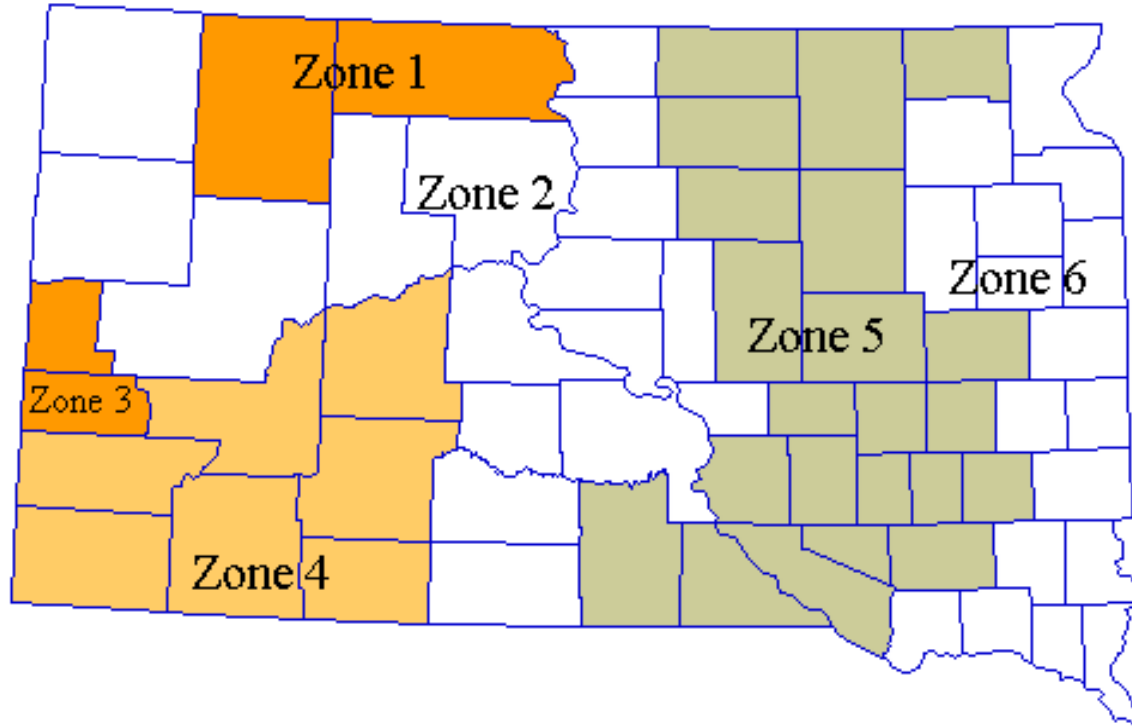


Table 1 - Expected Adverse Weather Days for South Dakota

	Grading Projects						Surfacing and Structural Projects					
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Jan	18	18	16	16	22	24	18	18	15	16	21	23
Feb	19	18	12	14	19	21	19	18	12	14	19	21
Mar	12	10	9	8	11	13	12	10	9	8	10	12
Apr	6	5	8	5	6	6	5	4	6	4	4	4
May	6	6	8	6	6	6	5	5	6	4	4	5
Jun	7	6	7	6	7	8	5	5	5	4	5	6
Jul	5	5	6	5	6	7	4	4	5	3	4	5
Aug	4	4	5	4	5	6	3	3	4	3	4	4
Sep	3	3	4	3	4	5	2	2	3	2	3	4
Oct	4	3	5	3	4	4	3	3	4	2	3	3
Nov	11	9	8	7	10	12	11	9	8	7	10	11
Dec	21	19	15	14	20	22	21	19	15	14	20	22

NOTE: Includes Holidays and Weekends.