



Planning & Engineering  
Office of Project Development  
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April 30, 2026

**ADDENDUM NO. 2**

**RE: Item #6, May 20, 2026 Letting - CR 000S(462), PCN 09L5, Aurora, Beadle, Brown, Clay, Grant, Lake, Lincoln, Minnehaha, Roberts, Yankton County - Install Dynamic Message Boards**

**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 the attached Index of Special Provisions revised 4/28/26.

Please remove the "Special Provision for Contract Time", dated 4/17/26 and replace with the "Special Provision for Contract Time", dated 4/30/26.

Please add the "Special Provision for Indian Employment and Contracting Sisseton-Wahpeton Oyate", dated 4/27/26 after the "Special Provision for Contract Time", dated 4/30/26.

**SDEBS BID PROPOSAL:** NONE

**PLANS:** NONE

Sincerely,

Sam Weisgram  
Engineering Supervisor

SW/gp

CC: Travis Dressen, Mitchell Region Engineer  
Harry Johnston, Sioux Falls Area Engineer

REV 4/28/26

INDEX OF SPECIAL PROVISIONS

PROJECT NUMBER(S): CR 000S(462) PCN: 09L5

TYPE OF WORK: INSTALL DYNAMIC MESSAGE BOARDS

COUNTIES: AURORA, BEADLE, BROWN, CLAY, GRANT, LAKE, LINCOLN, MINNEHAHA, ROBERTS, YANKTON

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.

Ashley Glaspell, Devon Bartscher, Sara Garbe, Kristal McKee, Robin Wallum, Jim Baltzer, Lisa Johnson, Lacey Johnson is the official in charge of the Aberdeen, Mitchell, Sioux Falls, Vermillion, Huron, Madison, Watertown Career Center for Aurora, Beadle, Brown, Clay, Grant, Lake, Lincoln, Minnehaha, Roberts, Yankton Counties.

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

**Special Provision for Contract Time, dated 4/30/26.**

**Special Provision for Indian Employment and Contracting Sisseton-Wahpeton Oyate, dated 4/27/26.**

**Special Provision for Contractor Staking, dated 4/15/26.**

**Special Provision for Cylindrical Concrete Footings, dated 7/22/25.**

**Intelligent Transportation System Special Provision, 4/6/26.**

**List of Utilities.**

Special Provision for Price Schedule for Miscellaneous Items, dated 2/18/26.

Special Provision for American Security Drone Act, dated 12/15/25.

Special Provision for Steel Beam Guardrail AASHTO M 180 Designation, dated 10/1/25.

Special Provision for Acknowledgment and Certification Regarding Article 3, Section 12 of the South Dakota Constitution, dated 8/24/23.

Fuel Adjustment Affidavit, DOT form 208 dated 11/25.

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

Special Provision For EEO Affirmative Action Requirements on Federal and Federal-Aid Construction Contracts, dated 2/5/24.

Special Provision For Required Contract Provisions Federal-Aid Construction Contracts, Form FHWA 1273 (Rev. October 23, 2023), dated 10/18/23.

Required Contract Provisions Federal-Aid Construction Contracts, Form  
FHWA 1273 (Rev. 10/23/23).

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 SD20260001, dated 1/30/26.

Special Provision Regarding Stormwater Discharges to Waters of the State, dated 11/5/25.

General Permit Authorizing Stormwater Discharges Associated with Construction  
Activities, dated 11/1/23.

[https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/StormWater  
Construction.aspx](https://danr.sd.gov/OfficeOfWater/SurfaceWaterQuality/stormwater/StormWaterConstruction.aspx)

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION  
FOR  
CONTRACT TIME**

**PROJECT CR 000S(462), PCN 09L5  
AURORA, BEADLE, BROWN, CLAY, GRANT, MINNEHAHA, LAKE,  
LINCOLN, ROBERTS, & YANKTON COUNTY**

**APRIL 30, 2026**

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**Work Restrictions**

When the setting of a sign bridge requires traffic to be detoured or crossed over to 2-way traffic, the Contractor will only be allowed to detour traffic between the hours of 11:00 PM and 5:00 AM.

The Contractor will only be allowed to utilize lane closures on the interstate in Lincoln and Minnehaha counties during non-peak hours unless otherwise approved by the Engineer. Peak hours will be from 6:30 AM to 9:00 AM and from 3:30 PM to 6:00 PM

**November 6, 2026 Aberdeen Region Interim Completion Requirement**

The Contractor will complete all work in the Aberdeen region portion of the project by the November 6, 2026 interim completion date.

If the Contractor does not complete the work by the interim completion requirement, the Department will make a disincentive assessment in the amount of \$500 per working day. A contract item for incentive/disincentive pay is included in the bid schedule for the Department's use in assessing disincentive. The Department will use a negative quantity of days for assessing disincentives. The Department will count working days in accordance with Section 8.7 C.

**December 4, 2026 Mitchell Region Interim Completion Requirement**

The Contractor will complete all work in the Mitchell region portion of the project, excluding all work at the sign bridge locations by the December 4, 2026 interim completion date.

If the Contractor does not complete the work by the interim completion requirement, the Department will make a disincentive assessment in the amount of \$500 per working day. A contract item for incentive/disincentive pay is included in the bid schedule for the Department's use in assessing disincentive. The Department will use a negative quantity

of days for assessing disincentives. The Department will count working days in accordance with Section 8.7 C.

**Field Work Completion**

The Contractor will complete the project by the June 25, 2027 field work completion date.

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 8.9. 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 8.7 C.

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**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION FOR  
INDIAN EMPLOYMENT AND CONTRACTING  
SISSETON-WAHPETON OYATE**

**PROJECT NO. CR 000S(462); PCN 09L5  
AURORA, BEADLE, BROWN, CLAY, GRANT, LAKE, LINCOLN,  
MINNEHAHA, ROBERTS & YANKTON COUNTIES  
APRIL 27, 2026**

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**PURPOSE**

The purpose of the Indian Employment and Contracting Special Provision is to establish the specifications for Indian preference and the responsibilities of contractor and subcontractors for this project.

A portion of this project is located within the historic exterior boundaries of the Lake Traverse Reservation.

Title 23 United States Code (USC), Section 140(d), recognizes and permits the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. The State of South Dakota and the Department of Transportation, consistent with the intent of Section 140(d), affirms that it is their policy to encourage employment of minorities.

**DEFINITIONS**

For the purposes of this Special Provision, the following definitions will apply:

- A. **Indian:** An enrolled member of a federally recognized Indian tribe.
- B. **Qualified Indian Applicant** is defined as one or more of the following:
  - 1) Applicants approved by the contractor based on job performance on other jobs.
  - 2) Applicants who have demonstrated or are presently demonstrating their work qualifications during a probationary work period on this project.
  - 3) Applicants certified by local referral agencies, including Tribal TERO offices, as having adequate skills and training necessary to perform the duties of the position.
- C. **Core Crew Employee:** A contractor's or subcontractor's core crew is composed of full time employed individuals necessary to satisfy his/her reasonable needs for supervisory or specially experienced personnel to assure an efficient execution of the contract work. Any Indian already employed by a contractor will be included in the core crew, regardless of job function, to avoid the unintended results of having a contractor lay-off or terminate an Indian employee to hire another under this provision.

- D. **Pre-Employment Standards:** Directly related job standards of fitness and ability which indicate that with a reasonable amount of job training a person would be capable of satisfactorily performing an entry level position as well as jobs at a higher level which, with a reasonable amount of training, are normally filled by progression from an entry-level position. This applies to those persons who, at the time of application for employment are not fully qualified for the available job but have general potential of becoming qualified through a reasonable amount of training.

## **DEPARTMENT RESPONSIBILITIES**

The Department (Civil Rights Office or Area Office):

- A. Will monitor contractor and subcontractors for compliance with the requirements of this special provision and will perform necessary reviews of contractors and subcontractors to ensure compliance with the Special Provision.
- B. Will assist the contractor and subcontractor with any disputes with the TERO Office or other Tribal entity.
- C. Will establish on-the-job training opportunities as specified in the On-the-Job Training Special Provision.
- D. Will provide notification to the TERO office of the name of the successful low bidder.
- E. Will provide notification to the successful low bidder regarding the TERO requirements.
- F. Will invite a representative of the TERO office to attend the preconstruction meeting and provide a copy of the preconstruction meeting minutes to the TERO office.
- G. Will not allow a contractor or subcontractor to commence work until the contractor's or subcontractor's compliance plan has been approved and the Department's Area Office has received a copy of the approved compliance plan or verbal or written notification of approval by the TERO Office.

## **CONTRACTOR RESPONSIBILITIES**

- A. The contractor and subcontractor will give preference in employment opportunities under this Agreement to qualified Indian applicants who can perform the work required regardless of race, color, creed, age, sex, religion, national origin, disability, or tribal affiliation to the extent set out in the paragraphs below.
- B. The contractor and subcontractor will not use pre-employment standards, qualifications, criteria, or other personnel requirements as barriers to Indian employment except when such criteria or standards are required by business necessity. The contractor and subcontractor have the burden of showing that such criteria or standards are required by business necessity.

- C. The contractor and subcontractor agree that Indians will be given preference for at least seventy percent (70%) of the project work force provided that sufficient qualified Indian applicants are available. The phrase “work force” will not include “core crew employees”.
- D. The contractor and subcontractor are required to complete a compliance plan and submit the compliance plan to the TERO office at least two (2) weeks prior to beginning work. Prior to commencing work, contractors and subcontractors are expected to contact the Sisseton-Wahpeton Oyate TERO office concerning an identified core crew, project work force needs, and (sub)contractor/TERO interface. No contractor or subcontractor will begin work until the compliance plan has been approved by the TERO office. The contractor and any subcontractor must submit a copy of the approved compliance plan to the Department’s Area Office prior to commencing work unless arrangements are made for the TERO office to provide the copy of the compliance plan directly to the Department’s Area Office. In lieu of a copy of the approved compliance plan, the Department’s Area Office may seek approval directly from the TERO office.
- E. The contractor will provide the TERO Director at least forty-eight hours’ notice to locate and refer a qualified Indian applicant for any vacancy or new position except when circumstances require that the position be filled within a shorter period of time. If the TERO Office is unable to fill the vacancy, the contractor and subcontractor may recruit and hire workers from whatever sources are available and by whatever process, provided that the contractor and subcontractor notifies the TERO Office of any job vacancies, positions, or any negotiated positions.
- F. The contractor and subcontractor will provide for maintenance of records and be prepared to furnish such periodic reports documenting compliance under this Special Provision as the Department determines necessary. The contractor and subcontractor will submit the following information on a weekly basis to the Tribal TERO Office:
  - 1) Weekly TERO Employment Report which includes the following data (forms for the weekly TERO Employment Report available from the TERO Office):
    - a) Wage and hour reports
    - b) New hires or terminations, and disciplinary action taken
    - c) Promotions
  - 2) Copies of official payrolls.
- G. The contractor and subcontractor agree that all qualified Indian employees will be adequately trained for the position for which they are hired. The contractor and subcontractor will evaluate and pay all Indian employees in accordance with current company policies and contract provisions.
- H. Nothing in this Special Provision will be construed to interfere with the contractor’s ability to dismiss any employee for cause including, but not limited to, lack of adequate skills or training, inability to perform by virtue of state or federal law, or breach of the contractors standards of conduct.

## **OTHER PROVISIONS**

This Special Provision supplements but does not replace the existing equal employment opportunity and disadvantaged business enterprise requirements, which may be included in this Agreement.

The Tribal TERO Office will maintain a Job Skills Bank, listing available Indians by job classification based on skill level as indicated on their TERO application. The contractor and subcontractors agree to utilize the Tribal TERO Office to locate qualified applicants.

The contractor is authorized to include in the bid an amount necessary to cover the five and five-tenths percent (5.5%) employment rights fee, which is applicable to this project, based on the portion of the project located within the historic exterior boundaries of the Lake Traverse Reservation. The Department has determined that twelve and five-tenths percent (12.5%) of the project is within those boundaries; therefore the contractor is authorized to include a TERO fee amount based on 12.5% of the total contract dollar amount.

The Sisseton-Wahpeton Oyate has an Indian Preference Subcontracting goal, which has been established at the same level as the Department's DBE goal for this project and is concurrent with the Department's DBE goal. The Tribe recognizes that FHWA policy does not permit the Department to extend Indian preference in subcontracting for this project and is satisfied the Department and the contractor will seek qualified and DBE-certified Indian firms for this project. The contractor will make every reasonable effort to inform certified Indian DBE firms of the subcontracting opportunities of the project and to solicit bids from such firms. Contact the Tribal TERO Office at 605-698-3549 or the Department's Civil Rights Office at 605-773-3540 for assistance.

Contractors should be aware that the Sisseton-Wahpeton Oyate has a Business License Ordinance (Chapter 53, Tribal Code) which the Tribe contends is applicable to contractors working on this project. For further information contact the Tribal Tax Office at Tribal Headquarters, Agency Village, SD at 605-698-3911.

## **ENFORCEMENT**

The contractor and all subcontractors are made aware that this Special Provision is made a part of the contract requirements, and that the Department of Transportation will monitor and enforce these provisions in a manner similar to other special provisions, as outlined in Division I, General Provisions of the Standard Specifications for Roads and Bridges.

For all highway maintenance contracts where the majority of the project is within the historic exterior boundaries of the Lake Traverse Reservation, this Special Provision will apply to the entire contract and not just the portion of the project located within the reservation boundaries, except that any TERO fee and Training Program fee will be based only on the portion of the project located within the reservation boundaries. For highway maintenance contracts where the majority of the project is outside the historic exterior boundaries of the Lake Traverse Reservation, this Special Provision will only apply to that portion of the project located within the reservation boundaries. Maintenance refers to work intended to preserve a highway's condition or function. Maintenance includes but is not limited to crack sealing, chip sealing, surface repairs, sign installation, pavement markings, and roadway lighting.

It is the intent of all parties that this Special Provision be implemented on a cooperative basis without regard to jurisdictional issues. It is agreed that nothing in this Special Provision will prevent the Tribe, the Department, or any contractor from instituting any litigation pertaining to any jurisdictional issue with regard to the employment rights code or any other matter.

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