#### NOTICE TO CONTRACTORS

Sealed bids will be received by the **South Dakota Department of Transportation**, P.O. Box 1970, Rapid City, SD, 57709-1970 or may be hand delivered to the Rapid City Regional Office <u>located at 2300 Eglin</u> Street in Rapid City until 1:00 pm, MT, Thursday, March 28, 2019 for the following project:

<u>Proj.</u> <u>No.</u>	<u>County</u>	Type of Work	Area Office
445-452	Pennington	Replacement of One Wooden Span Wire Pole on SD445	Rapid City
000P-471 & 000N-471	Perkins	Weed Spray in SD DOT ROW Perkins County	Belle Fourche
000P-471, 000N-471 & 000N-472	Harding	Weed Spray in SD DOT ROW Harding County	Belle Fourche
000N-492, 000P-492 000N-491 & 000P-491	Custer	Weed Spray in SD DOT ROW Custer County	Custer

#### **AVAILABILITY OF PLANS AND PROPOSALS:**

Specifications and proposal forms are available at the Rapid City Regional Office and at the following website: <a href="http://sddot.com/business/contractors/bid/region/default.aspx">http://sddot.com/business/contractors/bid/region/default.aspx</a>

The DOT-123 form provided within the proposal document is for information only. Do not use for bidding purposes. Bids submitted on the enclosed DOT-123 form will be considered void and will not be accepted by the department. Please email the Rapid City Region office for the DOT-123 form that can be used for bidding purposes to the following:

<u>John.Rehorst@state.sd.us</u> and <u>Michele.Gabert@state.sd.us</u>

The email request for the DOT-123 form shall include the following information, so that the SDDOT can maintain a list of prospective bidders for this project and to maintain a contact list for future region lettings:

Contact Name Company Name Mailing Address Phone Number

Addendums, if any, will be made available on-line at the above website, no later than 48 hours prior to opening bids. It will be the Contractor's responsibility to check for addendums prior to submitting bids.

#### **CONTENT OF PROPOSALS:**

Returned Proposals shall include the following items all signed in ink:

- 1. A notarized Contract Proposal (DOT-123). Non-signature items shall be typed or completed in ink.
- 2. Participation by Minority Contractors Form
- 3. Contractor's Affidavit/Declaration.
- 4. Fuel Adjustment Affidavit

Proposals shall be in sealed envelopes and clearly marked on the outside as to the content when delivered to the Regional Office by the time indicated for Opening. Proposals faxed to the office will not be accepted.

Bidders will be required to fill out the blank spaces in the proposal form correctly. The bidder must fill in a unit price for each bid item shown on the proposal form. Bidders will also be required to carry out extensions and determine the "Total or Gross Sum Bid" as indicated in the proposal. The total of any proposal, as determined by the bidder, will be used only for a comparison when bids are publicly opened and read, and any errors noted in extensions or totals will be corrected to determine the "Total or Gross Sum Bid" of any proposal.

Failure to properly carry out any of the above requirements is deemed as sufficient reason to reject any proposal.

#### **BONDING & INSURANCE:**

A **bid bond** will not be required.

The successful bidder must provide a <u>performance bond</u> in the total amount of the contract prior to beginning work on the project as per section 3.5 of the Standard Specifications.

<u>NOTE:</u> A cashiers check, money order or other monetary instrument in the total amount of the contract, made out to and under the full control of the Department is acceptable in lieu of a performance bond. Such bond shall remain in effect for not less than one year after date of acceptance of the completed contract by the Department.

Unless the successful bidder already has a **Certificate of Insurance** on file in the Bid Letting Engineer's Office in Pierre, one must be furnished to the Region Office in Rapid City before work may begin.

#### PREQUALIFICATION:

Pursuant to South Dakota Administrative Rules 70:07:02, Classification and Bidding Capacity Rating for Highway Contracts, and Section 2.1 of the SDDOT Standard Specifications For Road and Bridges, all bidders on highway construction projects over \$200,000.00 shall be pre-gualified.

Work Type N/A - http://www.sddot.com/business/contractors/docs/WorkTypes.pdf

#### **MISCELLANEOUS:**

Bidders on projects let through the informal process (being let using a DOT 123 contract form) are excluded from having to submit a request for Plans and Bid Proposal form as required in Standard Specification Section 2.3, showing the bidders status at the time as to their ability to handle the work for which they are submitting a bid. All other portions of Section 2.3 are to remain in effect.

Any person engaged in highway construction work in the State of South Dakota must obtain a motor fuel highway contractor tax license.

The Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, national origin, sex, age or disability in consideration for an award.

The Contractor, by signing and submitting a bid or proposal, agrees to provide services in compliance with the Americans with Disabilities Act of 1990.

The Department of Transportation reserves the right to reject any and all bids.

DEPARTMENT OF TRANSPORTATION Todd A. Seaman Region Engineer

John Rehorst Region Design Engineer

cc: S. Parmely J. Humphrey J. Hansen
M. Carlson P. Knofczynski S. Weisgram
M. Stone R. Zacher J. Matthesen
M. Reiss B. Hoffman File

#### DOT-123 December 2016 1 of 1

## SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION CONTRACT PROPOSAL

	l	PROJEC1	Г	MAINT	CONTROL			BEGIN	END
CODE	PRE	ROUTE	AGR	UNIT	REFERENCE	AFE	FUNCTION	MRM	MRM
		000N		492		i5jg	2305		
		000P		492		i5jh	2305		
		000N		491		i5jj	2305		
		000P		491		i5ik	2305		

CITY AND/OF	COUNTY:	Custer County	Юјк	BUDG	ET SOURCE:		FY 2019, Cont	ract Maint
OIT I AND/OI		CERTIFICATION REQUI	DED: [	YES ☑	NO		1 1 2019, Com	ract Mairit
		DRS/TESTERS REQUIRE		☐ YES ☑	NO			
	TO BE INSTALLED OF	N CM&P:	[	☑ YES □	NO			
	OSE AND LOCATION C	F WORK: Control gro	wth of declar	red weeds in Cus	ster County Sou	uth Dak	ota Departmen	t of
Transportation	right of way.							
			E OLIANITI	TIES AND SO	O.T.			
BID ITEM		ESTIMATE	F QUANTI	TIES AND CO	51			
NUMBER		ITEM			QUANTITY	UNIT	UNIT PRICE	AMOUNT
	Labor and Equipment				400	hr		
910E0003					80	oz		
	Perspective				30	OZ		
910E0046 910E0047					60	OZ		
910E0047 910E0085					500 1500	oz oz		
	Marker Dye				150	OZ		
	Brewer 90 Surfacant				1500	oz		
							TOTAL	
This docume The Contract agrees to prothe current e SUBSTANTIA	ent becomes the Cont tor agrees to provide	attached provisions up ract when signed by the services in compliance is urar compliance is urar compliance.  N/A  N/A	e Contractors with the Archards for Roads	or and a Depart mericans with the foliability and Bridges. ROPOSED STAR	tment of Trans Disabilities Ac overage for t	sporta t_of_ <b>1</b> 9	tion Represer	tative. ractor
SUBSCRIBE	AND SWORN TO	ORE NETHELL	ngsi	and esoliding.	JUSE	5.		
	DAY OF	, 20	C	OMPANY				
			\$1	R. ADDRESS				
			CI	TY, STATE, ZIP				
NOTARY - My	Commission Expires		(SEAL)	FEDERAL T	AX ID NUMBE	R		
		TO BE FILLED O	UT BY STAT	E PERSONNEL				
RECOMMEN	DED FOR APPROVAL:							
			CONSTRU	JCTION & MAIN	TENANCE EN	GINEE	R	DATE
REGION ENG	INEER	DATE	DIRECTO	R OF OPERATION	ONS			DATE
APPROVED F	OR THE TRANSPORT	ATION COMMISSION						
NAME			TITLE				DATE	
APPROVED a	s per Federal Highway	Stewardship Provision	s this		day of			, 20
PROJECT DE	VELOPMENT ENGINE	ER						

#### **SPECIFICATIONS**

- 1.) The Contractor does hereby agree to furnish the necessary equipment, and labor to control the growth of declared noxious weeds within the right-of-way of State Highway routes as listed on Exhibit B.
- 2.) The spraying shall consist of spot treatments and be accomplished by using the herbicides and application rates recommended. If a herbicide is needed that is not on this contract, the type and price shall be negotiated and added by Change Order.
- 3.) The Contractor agrees to indemnify, save and hold harmless the Department all its employees and agents, from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of, or by reason of, the execution of performance of the work provided for under this contract whether or not the Contractor itself is negligent or otherwise culpable, and further agrees to defend at its own sole cost and expense any action or proceeding commenced for the purpose of asserting any claim on whatsoever nature or character arising under this contract whether or not the Contractor is itself negligent or otherwise culpable.
- 4.) The spraying shall be accomplished by personnel properly licensed by the South Dakota Department of Agriculture.
- 5.) Common Mullein shall be sprayed prior July 1.
- 6.) The inslopes shall be sprayed 5 feet off the shoulders along SD 40 to remove Russian thistle, curly cup gum weed, sunflowers, and kochia to improve SDDOT mowing operations.
- 7.) Spraying may need to occur multiple times at a location to treat weeds during the appropriate time of year and to treat weeds that have not emerged at the beginning of the season.
- 8.) Contractor shall not stop their vehicles on the driving lanes.
- 9.) All contractor spraying vehicles shall be equipped with a flashing amber warning light and should be in operation while spraying highway right of way.
- 10.) The Contractor shall advise the local Maintenance Supervisor of his intent to spray, 48 hours prior to doing so.
- 11.) The Contractor shall complete the attached daily form (DOT-820) "Contract" Daily Pesticide Application Record (EXHIBIT A) furnished by the Department, after each day of spraying.
- 12.) The Contractor shall provide the Maintenance Supervisor with a completed copy of the daily form (DOT-820) within one week after completing the spraying.
- 13.) The Contractor shall submit an invoice for payment to the Area Engineer or Maintenance Supervisor (as instructed). The invoice shall be accompanied by the completed original daily form(s) DOT-820. Separate invoices may be submitted for the Spring and Fall sprayings, if the Contractor desires to do so.
- 14.) These applications must be applied by October 1, 2019.

#### **EXHIBIT A**

#### "CONTRACT" DAILY PESTICIDE APPLICATION RECORD

DATE:	CONTRA	ACT NO:		
CUSTOMER:				
CONTRACTOR: _				
SPRAYING ON TI	HIS DATE WAS ACCOMPLIS	SHED ON:	INDICATE V	VHICH DITCH
HIGHWAY NO: _	FROM MRM_	TO MRM	N S E W	OR MEDIAN
HIGHWAY NO: _	FROM MRM_	TO MRM	N S E W	OR MEDIAN
	FROM MRM_	TO MRM	N S E W	OR MEDIAN
	TYPE OF PESTICIDE			
HIGHWAY NO.	EMPLOYEE NAME	HOURS WORKED	RATE =	COST
		X		
HIGHWAY NO.	MILES OR EQUIPMENT	HOURS WORKED	RATE	COST
		X		
			TOTAL COST	=
		SPRAYER OP	ERATOR SIGNA	ATURE

THIS FORM SHALL BE COMPLETED IN TRIPLICATE. ONE COPY TO BE FORWARDED TO THE LOCAL MAINTENANCE UNIT SUPERVISOR, AND ONE TO BE RETAINED ON FILE BY THE CONTRACTOR AND ONE (ORIGINAL)TO ACCOMPANY THE CONTRACTOR'S INVOICE FOR PAYMENT.

D.O.A. LICENSE NUMBER:

## PROJECTS FOR WEED SPRAYING EXHIBIT B CUSTER COUNTY

Project Number	Function	Route	Begin MRM	End MRM
016-491	2305	US16	0.00	33.76
16A-491	2305	US16A	23.13	51.96
036-491	2305	SD36	36.00	45.21
040-491	2305	SD40	41.20	69.47
079-492	2305	SD79	32.90	59.50
079-452	2305	SD79	59.50	61.68
087-491	2305	SD87	47.27	75.90
089-492	2305	SD89	33.00	44.41
089-491	2305	SD89	58.51	64.58
385-492	2305	US385	39.40	42.70
385-491	2305	US385	49.20	66.93

#### **NOTICE TO ALL BIDDERS**

#### TO REPORT BID RIGGING ACTIVITIES, CALL: 1-800-424-9071

THE U.S. DEPARTMENT OF TRANSPORTATION (DOT) OPERATES THE ABOVE TOLL-FREE "HOTLINE" MONDAY THROUGH FRIDAY, 8:00 A.M. TO 5:00 P.M., EASTERN TIME. ANYONE WITH KNOWLEDGE OF POSSIBLE BID RIGGING, BIDDER COLLUSION, OR OTHER FRAUDULENT ACTIVITIES SHOULD USE THE "HOTLINE" TO REPORT SUCH ACTIVITIES.

THE "HOTLINE" IS PART OF THE DOT'S CONTINUING EFFORT TO IDENTIFY AND INVESTIGATE HIGHWAY CONSTRUCTION CONTRACT FRAUD AND ABUSE AND IS OPERATED UNDER THE DIRECTION OF THE DOT INSPECTOR GENERAL.

ALL INFORMATION WILL BE TREATED CONFIDENTIALLY AND CALLER ANONYMITY WILL BE RESPECTED.

\* \* \* \*

## BIDDER <u>MUST</u> EXECUTE THE FOLLOWING: PARTICIPATION BY MINORITY CONTRACTORS

#### **Utilization of Minority Business Enterprises**

Cla	auses PRO <del>JECT(S): 000N-492, 000P-492, 000N-491 &amp; 000P-491</del>	PCN i5jg, i5jh, i5jj
CC	OUNTY(IES): Custer	& i5jk
1.	The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to extent consistent with the efficient performance of his contract. As used in this contract, 'Minority Busin Enterprise' or 'MBE' means a small business concern, as defined pursuant to section 3 of the Small Bus and implementing regulations, which is owned and controlled by one or more minorities or women. 'Ow controlled' means a business: (a) Which is at least 51 per centum owned by one or more minorities or win the case of publicly owned business, at least 51 per centum of the stock of which is owned by one or minorities or women; and (b) Whose management and daily business operations are controlled by one such individuals. 'Minority' means a person who is a citizen or lawful permanent resident of the United and who is: (a) Black (a person having origins in any of the black racial groups of Africa); (b) Hispanic (a of Spanish or Portuguese culture with origins in Mexico, South or Central America or the Caribbean Isla regardless of race); (c) Asian American (a person having origins in any of the original peoples of the Fa Southeast Asia, the Indian subcontinent, or the Pacific Islands); or (d) American Indian and Alaskan Na person having origins in any of the original peoples of North America); (e) Members of other groups, or individuals, found to be economically and socially disadvantaged by the Small Business Administration section 8(a) of the Small Business Act, as amended. Contractors may rely on written representatives b subcontractors regarding their status as minority business enterprise in lieu of an independent investigation.	ess siness Act ned and romen or, more or more States a person nds, r East, tive (a other under
2.	The Contractor agrees to establish and conduct a program which will enable minority business enterpris considered fairly as subcontractors and suppliers under this contract. In this connection the Contractor	se to be shall
	<ul> <li>(a) Designate a liaison officer who will administer the Contractor's minority business enterprises prograted (b) Provide adequate and timely consideration of the potentialities of known minority business enterprises "make-or-buy" decisions.</li> <li>(c) Ensure that known minority business enterprises will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specificatelivery schedules so as to facilitate the participation of minority business enterprises.</li> <li>(d) Maintain records showing (1) procedures which have been adopted to comply with the policies set if this clause, including the establishment of a source list of minority business enterprises, (2) awards to not business enterprises on the source list, and (3) specific efforts to identify and award contracts to minority business enterprises.</li> <li>(e) Include the "Utilization of Minority Business Enterprises Clause" in subcontracts which offer substant minority business enterprises subcontracting opportunities.</li> <li>(f) Cooperate with the State's Contracting Officer in any studies and surveys of the Contractor's minority business enterprises procedures and practices that the State's Contracting Officer may from time to time conduct.</li> <li>(g) Submit periodic reports of subcontracting to known minority business enterprises with respect to the referred to in subparagraph (d) above, in such form and manner and at such time (not more often than as the State's Contracting Officer may prescribe.</li> </ul>	es in all  ations and  orth in  ninority  y  atial  y  e  records quarterly)
3.	The Contractor further agrees to insert in any subcontract hereunder provisions which shall conform sul to the language of this clause, including this paragraph 3 and to notify the State's Contracting Officer of names of such subcontractors.	
4.	The bidder hereby certifies that should he at any time decide to subcontract a portion of the work, he wi affirmative action to seek out and consider minority business enterprises as potential subcontractors. Exertifies that he will maintain records showing the contacts made with potential minority business enterprises and the results of such contacts.	le further
Na	me of Company (print or type)  Date	_
Ву		
•	Signature of Company Official Title	

#### BIDDER MUST EXECUTE THE FOLLOWING:

## STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

#### **CONTRACTOR'S AFFIDAVIT / DECLARATION**

ECT(S): 000N-492, 000P-492, 000N-491 & 000	P-491	PCN i5jg, i5jh, i5jj & i5jk
ITY(IES): Custer		
	(an individual) (a partnership) (a corporation)	
pal investigator, project director or other position in ted, have not directly or indirectly, entered into a ction in restraint of free competitive bidding in consist none of the above have been suspended, deband or state agency, been indicted, convicted, or has eas entity described herein by a court of competer ich we are currently under suspension or debarm	nvolved in management of the prony agreement, participated in any unection with the contract for the particle, voluntarily excluded or determent a civil judgment rendered against jurisdiction in any matter involviment. Nor is a proposed suspension	oject for which this bid is collusion, or otherwise taken roject, and that within the last mined ineligible by any st any of the above or the ng fraud or official misconduct
	* * * *	
PLETE SIGNATURE BLOCK <u>A. or B.</u> BELOW:		
	(a corporation)	
Title		
County of) State of)	):SS	
	day of	, 20
(SEAL)Notary Public	My Commission Expires	
true and correct. Signed	(an individual)(a partnership) (a corporation)	that the above statement is
i e i	eby certify that I, We or any owner or partner ho al investigator, project director or other position ited, have not directly or indirectly, entered into a stion in restraint of free competitive bidding in cores none of the above have been suspended, debated or state agency, been indicted, convicted, or has sentity described herein by a court of compete ich we are currently under suspension or debarrated any of the above for any of the above listed read the standard of the above for any of the above listed read the standard of the stand	(a partnership) (a corporation)  eby certify that I, We or any owner or partner holding a controlling interest, director all investigator, project director or other position involved in management of the protect, have not directly or indirectly, entered into any agreement, participated in any tion in restraint of free competitive bidding in connection with the contract for the personance of the above have been suspended, debarred, voluntarily excluded or deter to restate agency, been indicted, convicted, or had a civil judgment rendered agains as entity described herein by a court of competent jurisdiction in any matter involving the ware currently under suspension or debarment. Nor is a proposed suspension any of the above for any of the above listed reasons.  ****  ****  ****  ****  ***  ***  *

#### INDEX OF SPECIAL PROVISIONS

PROJECT(S): 000N-492, 000P-492, 000N-491 & 000P-491 PCN i5jg, i5jh, i5jj & i5jk

COUNTY(IES): Custer

TYPE OF WORK: WEED SPRAY IN SD DOT ROW CUSTER COUNTY

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

Special Provision for Contractor Administered Preconstruction Meeting, dated 3/15/16.

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

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

Special Provision For Implementation of Clean Air Act & Federal Water Pollution Control Act, dated 9/1/97.

Special Provision Regarding Minimum Wage on State Funded Projects, dated 4/30/13.

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 4/18/18.

Special Provision for Errata to 2015 Standard Specifications for Roads and Bridges, dated 4/4/18. Special Provision for Price Schedule for Miscellaneous Items, dated 6/6/18.

\* \* \* \*

## SPECIAL PROVISION FOR CONTRACTOR ADMINISTERED PRECONSTRUCTION MEETING

#### MARCH 15, 2016

#### I. DESCRIPTION

This work consists of the Contractor scheduling and conducting a preconstruction meeting prior to beginning work on this contract. Additionally, this work consists of the Contractor providing the Area Engineer a completed list of required submittals.

#### II. MATERIALS (Not Specified)

#### III. CONSTRUCTION REQUIREMENTS

The Area Engineer will provide the Contractor the Authorization Form for Preconstruction Meeting (Form DOT-270) and the Contractor's Required Submittals Form (Form DOT-272) after the date of the Notice of Award and no later than 10 business days after the date of the Notice to Proceed.

The Contractor's authorized representative as indicated on the Signature Authorization Form (Form DOT-209) will complete, in its entirety, the first page of the Authorization Form for Preconstruction Meeting and will initial each proceeding section. By initialing each section, the Contractor is confirming comprehension of each section.

The Contractor's Required Submittals Form is a document outlining information required prior to the completion of the project. This list will include two types of submittals; 1) information required before scheduling a preconstruction meeting and 2) information required before the Contractor begins related work. The Department reserves the right to request additional information not included in the original list of required submittals. The list of required submittals will include, but is not limited to, proposed sequence changes, shop drawings, permits, certifications, mix designs, labor compliance, equal employment opportunity, and disadvantaged business enterprise documents. The Area Engineer will update the Contractor's Required Submittals Form with any project specific requirements and cross out or delete those that do not apply prior to providing the document to the Contractor.

Prior to scheduling the preconstruction meeting, the Contractor will complete and provide the Area Engineer all items on the list of required submittals that are required as described in 1) above. If the Contractor cannot complete and provide a submittal item required prior to scheduling the preconstruction meeting, the Contractor will contact the Area Engineer to establish a mutually agreed upon date when the required submittal will be completed and provided to the Area office.

The Contractor will not begin work on an item until the Contractor has provided the Area Engineer with all required information for the applicable work item and the appropriate office has approved the information, if necessary. The Contractor will make every reasonable effort to deliver the required submittals at the earliest possible time.

When the Contractor has provided the Area Engineer all required submittals, except those mutually agreed upon to be provided at a later date or dates, the Contractor will schedule a preconstruction meeting with the Area Engineer.

Within 2 business days following the Contractor scheduling the preconstruction meeting, the Area Engineer will prepare and send the Contractor a meeting confirmation and the Preconstruction Meeting Outline (Form DOT-271).

The Area Engineer will edit and amend the Preconstruction Meeting Outline, as necessary, to meet the specific needs of the project. The Area Engineer will complete the project information and the Department information prior to furnishing the form to the Contractor.

The Contractor will complete the Contractor's portion of the Preconstruction Meeting Outline and will add additional discussion items as needed. The Contractor will send the meeting notice and final Preconstruction Meeting Outline to the Area Engineer, all subcontractors, utility companies, and all suppliers at least 5 business days prior to the preconstruction meeting.

The Area Engineer will send the notice of the meeting and the final Preconstruction Meeting Outline of discussion items to any other government entities and other principle stakeholders involved in the project at least 3 business days prior to the preconstruction meeting.

At the discretion of the Area Engineer, the preconstruction meeting may be held in person, videoconference, or over the phone. The Contractor's competent superintendent who will be working on this project, as required by Section 5.5, or the Contractors Project Manager, as required by the Special Provision for Cooperation by Contractor and Department (if applicable), , is required to attend the preconstruction meeting.

The Contractor will lead the meeting discussion as described in the Preconstruction Meeting Outline. The Area Engineer will prepare the meeting minutes including any unresolved items and distribute the minutes to all attendees and principle stakeholders within 5 business days following the preconstruction meeting.

#### IV. METHOD OF MEASUREMENT

The Department will not make a separate measurement for the preconstruction meeting.

#### V. BASIS OF PAYMENT

The Department will not make a separate payment for the preconstruction meeting. All costs associated with the preconstruction meeting will be incidental to other contract items.

#### FUEL ADJUSTMENT AFFIDAVIT

Project Number
PCNCounty
For project let using the SDEBS) and in accordance with Section 9.12, the bidder is not required to notify the Department at the time of submitting bids whether the Contractor will or will not participate in the fuel cost adjustment program. Prior to execution of the contract, the successful bidder must submit this completed form to the Department for approval. The Fuel Adjustment Affidavit shall include the anticipated fuel cost of subcontractors.
Does your company elect to participate in a fuel adjustment for this contract for the fuels that do not have a fixed price? No adjustments in fuel prices will be made if "No" is checked.
☐ Yes ☐ No
If yes, provide the total dollars for each of the applicable fuels. No adjustments in fuel price will be made for the fuel types that are left blank or completed with a \$0.00 value.
Diesel (x) \$
Unleaded (y) \$
Burner Fuel (z) \$ Type of Burner Fuel Used:
Sum $(x + y + z) = $ \$
<b>Note:</b> The sum of the x, y, and z may not exceed 15% of the original contract amount.
The following must be completed regardless of whether the Contractor elects to participate in the fuel adjustment affidavit  Under the penalty of law for perjury or falsification, the undersigned,
of
hereby certifies that the documentation is submitted in good faith, that the information provided is accurate and complete to the best of their knowledge and belief, and that the monetary amount identified accurately reflects the cost for fuel, and that they are duly authorized to certify the above documentation on behalf of the company.
I hereby agree that the Department or its authorized representative shall have the right to examine and copy all Contractor records, documents, work sheets, bid sheets, and other data pertinent to the justification of the fuel costs shown above.
Dated Signature
Notarization is required only when the Contractor elects to participate in the fuel adjustment affidavit
Subscribed and sworn before me this day of, 20
Notary Public My Commission Expires

### STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES APPENDIX A & E

#### **MARCH 1, 2016**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- Compliance with Regulations: The contractor (hereinafter includes consultants) will comply
  with the Acts and the Regulations relative to Non-discrimination in Federally-assisted
  programs of the U.S. Department of Transportation, Federal Highway Administration, as they
  may be amended from time to time, which are herein incorporated by reference and made a
  part of this contract.
- 2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- 4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- 5. **Sanctions for Noncompliance**: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
- 6. **Incorporation of Provisions**: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or

is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

#### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not):
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis
  of disability in the operation of public entities, public and private transportation systems, places
  of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as
  implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations:
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

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## SPECIAL PROVISION FOR IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

#### **SEPTEMBER 1, 1997**

By signing this bid, the bidder will be deemed to have stipulated as follows:

- a) That any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR, Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.
- b) That the State Transportation Department shall be promptly notified prior to contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

\* \* \* \*

## SPECIAL PROVISION REGARDING MINIMUM WAGE ON STATE FUNDED PROJECTS

#### **APRIL 30, 2013**

This proposal contains a copy of the most recent United States Department of Labor (USDOL) Davis-Bacon Act Wage Decision, adopted by the South Dakota Transportation Commission.

If the amount of this contract, as awarded, is \$100,000.00 or more, the following wage provisions will apply:

- 1. The Contractor and each related subcontractor will pay all laborers and mechanics working at the site of work unconditionally and not less than once a week, and without subsequent deduction or rebate of any account, other than permitted payroll deductions. The Contractor and each related subcontractor must compute the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at the time of payment at rates not less than those rates contained in the USDOL Davis-Bacon Act Wage Decision.
- The Contractor and each related subcontractor will pay their respective employees not less than the USDOL minimum wage for each work classification an employee actually performs at the site of the work.
- 3. The Contractor and each related subcontractor must submit weekly, for each week in which any contract work is performed, a copy of a completed certified weekly payroll report to the South Dakota Department of Transportation (SDDOT) Labor Compliance Officer (LCO), at the following mailing address, within fourteen (14) calendar days of the end of the workweek

Department of Transportation Labor Compliance Program 700 E. Broadway Avenue. Pierre, SD 57501-2586

4. Each submitted certified weekly payroll report must set out accurately and completely all information required by the Instructions for SDDOT Statement of Compliance & Certified Payroll Report (located on the SDDOT Labor Compliance website). Each certified weekly payroll report must include the most recent <a href="SDDOT Statement of Compliance Form">SDDOT Statement of Compliance Form</a>, signed by the Contractor or related subcontractor or his or her agent who pays or supervises the payment of the persons employed

under the contract. The SDDOT will not accept any payroll report which does not include the most recent SDDOT Statement of Compliance Form.

- 5. The Contractor and each related subcontractor will maintain payrolls and basic records relating thereto during the course of the work and preserve these records for a period of three (3) years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, and guards working at the site of the work. These records must contain the name, address, social security number of each such worker, his or her correct work classification, and hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof). The Contractor and each related subcontractor will make these records available for inspection, copying, or transcription by the LCO and will permit the LCO to interview employees during working hours on the site of the work.
- 6. The SDDOT will upon its own action, or upon written request of an authorized representative of the USDOL, withhold, or cause to be withheld, from the Contractor or related subcontractor under this contract, or any other contract with the same prime Contractor, as much of the accrued payments, advances, or guarantee of funds as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers employed by the Contractor or any related subcontractor, the full amount of wages required by the contract. In the event the Contractor fails to pay any laborer or mechanic, including any apprentice, trainee, or helper employed or working on the site of the work, all or part of the wages required by the contract, the LCO may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds under this contract or any other contract with the same prime Contractor until such violations have ceased.

#### Wage and Hour Division U.S. Department of Labor (DOL) 200 Constitution Avenue, N.W. Washington, DC 20210

**Davis-Bacon Act Wage Decisions** 

State: South Dakota

**Construction Types: Heavy and Highway** 

**Counties: South Dakota Statewide** Agency:

Wage Decision Number: SD180001 SD1 General Decision Number: SD180001 Mod-1 04/06/2018 SD1 SD Statewide

Counties:

Wage Decision Date: 04/06/2018 (Mod-1)

U.S. DOL

Rates Fringes

0.00

0.00

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4.22

3.85

18.86

17.51

18.95

27.96

21.41

20.62

20.66

23.79

24.77

21.46

21.66

26.42

22.02 0.00

\*SUSD2018-001 03-20-2018

LABORI	<u>ERS</u>
<b>GROUP</b>	GL1

Air Tool Operator; Common Laborer; Landscape Worker; Flagger; Pilot Car Driver;

Trucks under 26,000 GVW; Blue-top Checker; Materials Checker

#### **GROUP GL2**

Mechanic Tender (Helper); Pipe Layer (except culvert); Form Builder Tender;

Special Surface Finish Applicator; Striping

#### **GROUP GL3**

Asphalt Plant Tender; Pile Driver Leadsman; Form Setter; Oiler/Greaser

#### **GROUP GL5**

Carpenter; Form Builder

GROUP GL6

Concrete Finisher; Painter; Grade Checker

#### **POWER EQUIPMENT OPERATORS**

#### **GROUP G01**

Concrete Paving Cure Machine; Concrete Paving Joint Sealer; Conveyor; Tractor (farm type with attachments); Self Propelled Broom; Concrete Routing Machine; Paver Feeder; Pugmill; Skid Steer

Bull Dozer 80 HP or less; Front End Loader 1.25 CY or less; Self-Propelled Roller (except Hot Mix); Sheepsfoot/50Ton Pneumatic Roller; Pneumatic Tired Tractor or Crawler (includes Water Wagon and Power Spray units); Wagon Drill; Air Trac; Truck Type Auger; Concrete Paving Saw

#### **GROUP G03**

Asphalt Distributor; Bull Dozer over 80 HP; Concrete Paving Finishing Machine; Backhoes/ Excavators 20 tons or less; Crusher (may include internal screening plant); Front End Loader over 1.25 CY; Rough Motor Grader; Self Propelled Hot Mix Roller; Push Tractor; Euclid or Dumpster; Material Spreader; Rumble Strip Machine

#### **GROUP G04**

Asphalt Paving Machine Screed; Asphalt Paving Machine; Cranes/Derricks/Draglines/Pile Drivers/Shovels 30 to 50 tons; Backhoes/Excavators 21 to 40 tons; Maintenance Mechanic; Scrapers; Concrete Pump Truck

#### **GROUP G05**

Asphalt Plant; Concrete Batch Plant; Backhoes/Excavators over 40 Tons; Cranes/ Derricks/Draglines/Pile Drivers/Shovels over 50 tons; Heavy Duty Mechanic; Finish Motor Grader; Automatic Fine Grader; Milling Machine; Bridge Welder

#### TRUCK DRIVERS

#### **GROUP GT1**

Tandem Truck without trailer or pup; Single Axle Truck over 26,000 GVW with Trailer

#### GROUP GT2

Semi-Tractor and Trailer; Tandem Truck with Pup

#### **ELECTRICIANS GROUP E01**

Electrician

#### WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor contract clauses (29 CFR 5.5(a)(1)(ii)). Contractors are responsible for requesting SDDOT to secure necessary additional work classifications and rates.

\*Classifications listed under an "SU" identifier were derived from survey data and the published rate is the weighted average rate based on all rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Survey wage rates are not updated and will remain in effect until a new survey is conducted.

#### Wage and Hour Division U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

**Davis-Bacon Act Wage Decisions** 

State: South Dakota

**Construction Types: Heavy and Highway** 

**Counties: South Dakota Statewide** 

General Decision Number: SD180001 Mod-1 04/06/2018 SD1

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In the listing above, the "SU" identifier indicates the rates were derived from survey data. As these weighted average rates include all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of the survey on which these classifications and rates are based. The next number, 007 in this example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

For SDDOT Defined Work Classifications, please visit: http://www.sddot.com/business/contractors/labor/wcwr/Default.aspx

#### WAGE DETERMINATION APPEALS PROCESS

- 1.) Has there been an initial decision in the matter? This can be:
  - an existing published wage determination
  - a survey underlying a wage determination
  - a Wage and Hour Division letter setting forth a position on a wage determination matter
  - a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations Wage and Hour Division U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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# SPECIAL PROVISION FOR SUPPLEMENTAL SPECIFICATIONS TO 2015 STANDARD SPECIFICATIONS FOR ROADS AND BRIDGES

#### **APRIL 18, 2018**

The Supplemental Specifications dated April 18, 2018 are in effect for and made a part of this contract.

The Supplemental Specifications may be obtained from the Department website or the local Area Office or by contacting the Operations Support Office.

Department Website:

http://www.sddot.com/business/contractors/specs/2015specbook/Default.aspx

Operations Support: 605-773-3571

# SPECIAL PROVISION FOR SUPPLEMENTAL SPECIFICATIONS FOR ERRATA TO 2015 STANDARD SPECIFICATIONS FOR ROADS AND BRIDGES

#### **APRIL 4, 2018**

The Supplemental Specifications for Errata dated April 4, 2018 are in effect for and made a part of this contract.

The Supplemental Specifications for Errata may be obtained from the Department website or the local Area Office or by contacting the Operations Support Office.

#### Department Website:

http://www.sddot.com/business/contractors/specs/2015specbook/Default.aspx

Operations Support: 605-773-3571

## SPECIAL PROVISION FOR PRICE SCHEDULE FOR MISCELLANEOUS ITEMS

#### **JUNE 6, 2018**

The following unit bid prices have been established by the South Dakota Department of Transportation Commission.

These prices will be pre-entered in the bidding package for each project or will establish a standard price to be used whenever no project contract unit price exists for that item.

Each unit price listed is considered full compensation for the cost of labor, material, and equipment to provide the item of work and/or material, complete in place, including (but not limited to) royalty, waste of unsuitable materials, equipment rental, overhead, profit, and incidentals.

Items specified in this document may be paid for on progressive estimates without the benefit of a prior approved Construction Change Order.

Specification Section Number	Specification Section Name	Item Name	Price per Item
5.8	Construction Stakes, Lines and Grades	Three-Man Survey Crew	\$160.00/hour
7.7	Public Convenience and Safety	Water	\$15.00/M.Gal
9.3	Payment for extra haul of Materials	Extra Haul	\$0.15/ton mile
120.5 A.5.	Roadway and Drainage Exc. & Emb.	Unclassified Excavation Digouts	\$8.00/cu.yd.
120.5 H.	Roadway and Drainage Exc. & Emb.	Extra Haul	\$0.05/cu.yd. station
120.5 I.	Roadway and Drainage Exc. & Emb.	Water for Embankment	\$15.00/M.Gal
421.5	Undercutting Pipe & Plate Pipe	Undercutting Culverts	\$12.00/cu.yd.
510.5 D.	Timber, Prestressed, and Steel Piles	Timber Pile Splice	\$550.00/each

	Steel Pile Splices	Splice made after
	(*All Weights)	one of the pieces
	0.1.154	has been driven.
		\$220.00/each
		\$300.00/each
		\$360.00/each
	14 HP*	\$420.00/each
		Splice made before
		either of the pieces
		has been driven.
	8 HP*	\$105.00/each
	10 HP*	\$125.00/each
	12 HP*	\$140.00/each
	14 HP*	\$160.00/each
Prestressed,	Pile Shoes (Timber	\$110.00/each
el Piles	Pile)	
Prestressed,	Pile Tip	
el Piles	Reinforcement	
	(Steel Pile)	
	10" HP Tip	\$120.00/each
	Reinforced	
	12" HP Tip	\$140.00/each
	Reinforced	
	14" HP Tip	\$170.00/each
	Reinforced	
ads	Granular Material	\$12.00/ton
ads	Asphalt Concrete	\$80.00/ton
		·
ads		\$25.00/ton
ads		\$700.00/ton
ads	•	\$450.00/ton
	Flush & Surface	·
	Treatment)	
ads	Water	\$15.00/M.Gal
	Dust Control	\$0.35/lb
	Chlorides	
arv Traffic		\$28.99/hour
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ary Traffic	Pilot Car	\$41.88/hour
-		,
	Prestressed, el Piles Prestressed, el Piles ads ads ads ads ads ads ads ads ary Traffic	12 HP* 14 HP* Prestressed, Pile Shoes (Timber Pile) Prestressed, Pile Tip Reinforcement (Steel Pile) 10" HP Tip Reinforced 12" HP Tip Reinforced 14" HP Tip Reinforced  ads Granular Material ads Asphalt Concrete (including asphalt) ads Cover Aggregate ads Asphalt for Prime ads Asphalt (Tack, Flush & Surface Treatment) ads Water ads Dust Control Chlorides ary Traffic Flagging