

### **Department of Transportation**

#### **Mitchell Region Office**

PO Box 1206

Mitchell, SD 57301-7206 605/995-8129

FAX: 605/995-8135

May 24, 2016

June Hansen Civil Rights Officer Department of Transportation 700 Broadway Avenue East Pierre, South Dakota 57501

RE: 090W-253, 090E-253 & 050-253, Lyman & Brule Counties - PCN I4D0, I4CX & I4CY Pipe Repair and Cured in Place Pipe Lining along I90 & SD50 near Oacoma/Chamberlain

June,

Enclosed are a Contract Proposal and Plans for the above referenced projects that are being let to contract in the Mitchell Region on June 9, 2016.

We have sent a bid invitation letter to the DBE/WBE Contractor listed below:

BX Civil & Construction Inc.

If you know of any other interested Contractors, please advise us.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Craig Smith, Region Engineer

Monte D. Rice, Region Design Engineer

cc: Humphrey – Construction and Maintenance Peppel/Weisz/Maeschen – Mitchell Area

#### NOTICE TO CONTRACTORS



### **Department of Transportation**

#### **Mitchell Region Office**

PO Box 1206

Mitchell, SD 57301-7206 605/995-8129

FAX: 605/995-8135

May 24, 2016

TO: Interested Bidders

RE: 090W-253, 090E-253 & 050-253, Lyman & Brule Counties - PCN I4D0, I4CX & I4CY Pipe Repair and Cured in Place Pipe Lining along I90 & SD50 near Oacoma/Chamberlain

The South Dakota Department of Transportation (SDDOT) desires to solicit bids for Pipe Repair and Cured in Place Pipe Lining along I90 & SD50 near Oacoma/Chamberlain. Refer to the proposal and plans (in the link below) for location and details of the work to be done.

A Contract Proposal (DOT 123) form, a Utilization of Minority Business Enterprises Clauses form and a Contractor's Affidavit/Declaration form are enclosed for submission of your bid. Be sure to have the forms signed and notarized as indicated on the forms. FAX bids will not be accepted.

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 successful bidder will need to submit the DOT-208 Fuel Adjustment Affidavit (Attachment A) prior to the contract being awarded; therefore, all bidders are encouraged to submit the Fuel Adjustment Affidavit prior to or at the time of bidding.

If you submit a bid for these projects, a bid bond, certified check, cashier's check, or bank draft will be required for NOT LESS THAN FIVE (5) PERCENT OF THE TOTAL AMOUNT OF THE BID. If an electronic bid bond is used, the Contractor is required to submit the bid bond identification number with the bid. Except for the lowest bidder on the project, all guarantees will be returned immediately following the receipt and checking of all bids.

The successful bidder shall furnish a performance bond in a sum equal to the full amount of the contract, prior to contract award. Therefore, please provide the performance bond as soon as possible after letting. The performance bond will not be returned for one (1) year after the completion of the projects.

A Certificate of Insurance will be required from the successful bidder prior to beginning work.

Sealed bids will be received by the SDDOT through the US Postal Service at PO Box 1206 until 8:00 A.M. on Thursday, June 9, 2016 or may be hand delivered (in person or by a package delivery service) to the Department of Transportation, Mitchell Regional Office located at 1300 S Ohlman St, Mitchell, SD 57301 until 1:30 P.M. on Thursday, June 9, 2016. Bid must be submitted in an envelope clearly indicating that the contents are a bid and the letting for which the bid applies.

If hand delivering, address the envelope to:

Monte Rice, Region Design Engineer
Department of Transportation
1300 S Ohlman St
Mitchell, SD 57301

If using the US Postal Service, address the envelope to:

Monte Rice, Region Design Engineer Department of Transportation PO Box 1206 Mitchell, SD 57301

Proposal and Plans (and Addenda, when applicable) can be accessed at the following link: <a href="http://sddot.com/business/contractors/bid/region/Default.aspx">http://sddot.com/business/contractors/bid/region/Default.aspx</a>. Prior to submitting a bid, it is the bidder's responsibility to

<u>http://sddot.com/business/contractors/bid/region/Default.aspx</u>. Prior to submitting a bid, it is the bidder's responsibility to examine the project in accordance with Section 2.5 of the specifications. It is also the bidder's responsibility to acknowledge and account for any addenda issued prior to bid opening.

Questions regarding the plans and/or proposal should be directed to:

Jay Peppel at 605-995-3340, Steven Weisz at 605-995-3341 or Monte Rice at 605-995-3302.

The SDDOT reserves the right to reject any or all bids.

Please verify that all required information is complete prior to mailing bid documents.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Craig Smith, Region Engineer

Monte D. Rice, Region Design Engineer

cc: Humphrey – Construction and Maintenance
 R. Johnson/Underberg/Kruger – Operations Support
 Hansen – Civil Rights
 Peppel/Weisz/Maeschen – Mitchell Area
 Gustafson – Operations
 Long – Materials

## SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION CONTRACT PROPOSAL

	I	PROJECT	•	MAINT	CONTROL			BEGIN	END
CODE	PRE	ROUTE	AGR	UNIT	REFERENCE	AFE	FUNCTION	MRM	MRM
		090 W		253		I4D0	2290	258.2	258.3
		090 E		253		I4CX	2290	262.3	262.5
		050		253		I4CY	2290	233.0	233.1

CITY AND/OR COUNTY: Lyman & Brule Counties	BUDGET SOURCE:	Contract Maintenance
FINALS ENGINEER REVIEW REQUIRED:	✓ YES □ NO	
REGION MATERIALS CERTIFICATION REQUIRED:	✓ YES □ NO	
CERTIFIED INSPECTORS/TESTERS REQUIRED:	✓ YES □ NO	
TO BE INSTALLED ON CM&P:	✓ YES □ NO	
TYPE PURPOSE AND LOCATION OF WORK: Pine Renair and C	Cured In Place Pine Lining on 190 & SD	50

#### **ESTIMATE OF QUANTITIES AND COST**

BID ITEM	ESTIMATE OF QUANTITIES AND COST							
NUMBER	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT			
009E0010	Mobilization	Lump Sum	LS	Lump Sum				
110E0500	Remove Pipe Culvert	62	Ft					
110E5451	Salvage Riprap	19.6	Ton					
110E7500	Remove Pipe for Reset	8	Ft					
120E0600	Contractor Furnished Borrow Excavation	590	CuYd					
230E0020	Contractor Furnished Topsoil	15	CuYd					
230E0100	Remove and Replace Topsoil	Lump Sum	LS	Lump Sum				
450E4739	12" CMP 16 Gauge, Furnish	70	Ft					
450E4740	12" CMP, Install	70	Ft					
	18" CMP 16 Gauge, Furnish	120	Ft					
450E4760	18" CMP, Install	120	Ft					
	12" CMP Elbow, Furnish	4	Each					
450E5001	12" CMP Elbow, Install	4	Each					
	18" CMP Elbow, Furnish	2	Each					
450E5011	18" CMP Elbow, Install	2	Each					
450E5211	18" CMP Flared End, Furnish	1	Each					
	18" CMP Flared End, Install	1	Each					
450E8009	18" RCP to CMP Transition, Furnish	1	Each					
450E8010	18" Pipe Transition, Install	1	Each					
450E9000	Reset Pipe	8	Ft		·			
	Cured in Place Pipe	329	Ft					
700E2010	Place Riprap	19.6	Ton		<u> </u>			
734E0010	Erosion Control	Lump Sum	LS	Lump Sum	<u> </u>			
				TOTAL				

#### **CONTRACTOR'S PROPOSAL STATEMENT**

The undersigned does hereby agree to furnish the labor and/or material in the quantities, at the unit price, for the purpose, in the place and in accordance with attached provisions upon approval of this Proposal by the State Transportation Commission. This document becomes the Contract when signed by the Contractor and a Department of Transportation Representative. The Contractor agrees to provide services in compliance with the Americans with Disabilities Act of 1990. The Contractor agrees to provide a certificate of insurance prior to commencing work, for liability coverage for the duration of the work as per the current edition of the SDDOT Standard Specifications for Roads and Bridges.

PROPOSED START DATE		FIELD WORK COMPLETION DATE	September 30, 2016
SUBSCRIBED AND SWORN TO BEFORE ME TH	IE	SIGNATURE	
DAY OF,	20	PRINTED NAME	
		COMPANY	
	-	ADDRESS	
NOTARY - My Commission Expires	(SEAL)	FEDERAL TAX ID NUMBER	

DOT-123 (5/05) 2 of 2

## SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION CONTRACT PROPOSAL

	F	PROJECT	•	MAINT	CONTROL			BEGIN	END
CODE	PRE	ROUTE	AGR	UNIT	REFERENCE	AFE	FUNCTION	MRM	MRM
		090 W		253		I4D0	2290	258.2	258.3
		090 E		253		I4CX	2290	262.3	262.5
		050		253		I4CY	2290	233.0	233 1

<b>RECOMMENDED FOR APPR</b>	OVAL:				
		CONSTRUCTION	CONSTRUCTION & MAINTENANCE ENGINEER		
REGION ENGINEER	DATE	DIRECTOR OF OF	DIRECTOR OF OPERATIONS		
APPROVED FOR THE TRANS	SPORTATION COMMIS	SSION			
NAME		TITLE		DATE	
APPROVED as per Federal H	lighway Stewardship F	Provisions this	day of		_, 20
PROJECT DEVELOPMENT E	NGINEER				

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

	Utilization of Minority Bu	siness Enterprises Clauses
PROJECTS:_	090W-253, 090E-253 & 050-253	PCN I4D0, I4CX & I4CY
COUNTIES: _	LYMAN & BRULE	
extent cons Enterprise' and implem controlled' in the case minorities of such individed and who is: of Spanish regardless Southeast in person have individuals, section 8(a	sistent with the efficient performance of his or 'MBE' means a small business concernenting regulations, which is owned and comeans a business: (a) Which is at least 5 of publicly owned business, at least 51 per women; and (b) Whose management are duals. 'Minority' means a person who is a (a) Black (a person having origins in any or Portuguese culture with origins in Mexicof race); (c) Asian American (a person having origins in any of the original peoples of found to be economically and socially dis of the Small Business Act, as amended.	out this policy in the award of his subcontracts to the fullest contract. As used in this contract, 'Minority Business and as defined pursuant to section 3 of the Small Business Act controlled by one or more minorities or women. 'Owned and a per centum owned by one or more minorities or women or, are centum of the stock of which is owned by one or more and daily business operations are controlled by one or more citizen or lawful permanent resident of the United States of the black racial groups of Africa); (b) Hispanic (a person co, South or Central America or the Caribbean Islands, ving origins in any of the original peoples of the Far East, ic Islands); or (d) American Indian and Alaskan Native (a f North America); (e) Members of other groups, or other advantaged by the Small Business Administration under Contractors may rely on written representatives by iness enterprise in lieu of an independent investigation.
considered	fairly as subcontractors and suppliers und	ogram which will enable minority business enterprise to be der this contract. In this connection the Contractor shall
(b) Provide "make-or-b (c) Ensure subcontrac delivery sch (d) Maintai this clause, business el business el (e) Include	e adequate and timely consideration of the uy" decisions. that known minority business enterprises ts, particularly by arranging solicitations, tinedules so as to facilitate the participation in records showing (1) procedures which had including the establishment of a source linterprises on the source list, and (3) specinterprises.	nave been adopted to comply with the policies set forth in st of minority business enterprises, (2) awards to minority fic efforts to identify and award contracts to minority rprises Clause" in subcontracts which offer substantial
<ul><li>(f) Cooperabusiness election</li><li>(g) Submit referred to</li></ul>	ate with the State's Contracting Officer in a nterprises procedures and practices that the periodic reports of subcontracting to know	any studies and surveys of the Contractor's minority the State's Contracting Officer may from time to time wn minority business enterprises with respect to the records and manner and at such time (not more often than quarterly)
to the langu		ntract hereunder provisions which shall conform substantially oh 3 and to notify the State's Contracting Officer of the
affirmative certifies that	action to seek out and consider minority b	e decide to subcontract a portion of the work, he will take usiness enterprises as potential subcontractors. He further ntacts made with potential minority business enterprises
Name of Com	pany (print or type)	Date
By Signature of	of Company Official	Title

#### BIDDER MUST EXECUTE THE FOLLOWING:

## STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

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

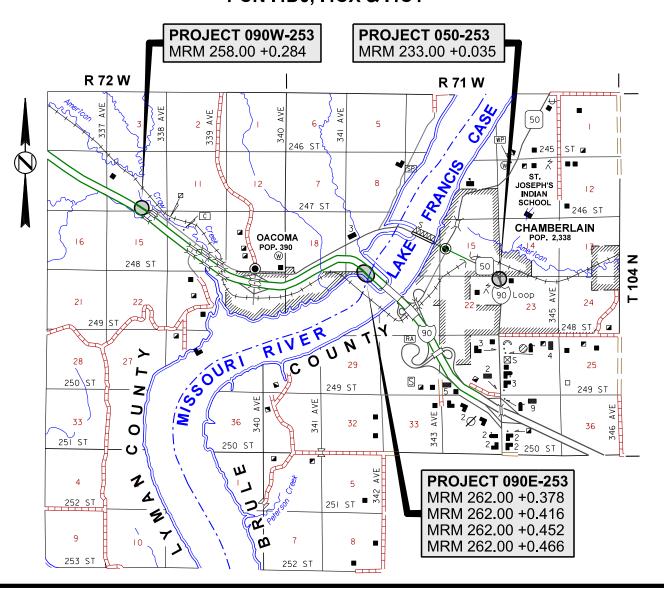
PROJE	CTS:_	090W-253, 090E-253 & 050-253	PCN I4D0, I4CX & I4CY
COUNT	ΓIES: _	LYMAN & BRULE	
			(an individual) (a partnership) (a corporation)
principa submitte any action 3 years federal of business for whice	al invest ed, have ion in re none o or state ss entity ch we ar	igator, project director or other position involve not directly or indirectly, entered into any estraint of free competitive bidding in connef the above have been suspended, debarred agency, been indicted, convicted, or had a described herein by a court of competent j	ng a controlling interest, director or officer of the bidder; blved in management of the project for which this bid is agreement, participated in any collusion, or otherwise taken ction with the contract for the project, and that within the last d, voluntarily excluded or determined ineligible by any a civil judgment rendered against any of the above or the urisdiction in any matter involving fraud or official misconduct. Nor is a proposed suspension or debarment pending ins.
		*	* * *
COMPL	LETE SI	GNATURE BLOCK <u>A. or B.</u> BELOW:	
			(a corporation)
		r of) of)	:SS
			day of
	(SEAL)	Notary Public	/ly Commission Expires
			* * *
			United States, I hereby certify that the above statement is  (an individual)
	_		(a partnership) (a corporation)
	-,		

# SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION MITCHELL REGION

**PROPOSAL FOR** 

PROJECTS 090W-253, 090E-253 & 050-253

INTERSTATE 90 &
SD HIGHWAY 50
LYMAN & BRULE COUNTIES
PIPE REPAIR & CURED IN PLACE PIPE LINING
PCN I4D0, I4CX & I4CY



#### **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.

\* \* \* \*

PROJECTS: 090W-253, 090E-253 & 050-253 PCN I4D0, I4CX & I4CY

COUNTIES: <u>LYMAN & BRULE</u>

TYPE OF WORK: PIPE REPAIR & CURED IN PLACE PIPE LINING

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

Special Provision for Contract Time, date 05/24/16.

Special Provision for Contractor Administered Preconstruction Meeting, dated 4/18/13.

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 SD150001, dated 10/9/15.

Special Provision for Supplemental Specifications to 2015 Standard Specifications for Roads and Bridges, dated 6/1/16.

Special Provision for Errata to 2015 Standard Specifications for Roads and Bridges, dated 6/1/16. Special Provision for Price Schedule for Miscellaneous Items, dated 10/14/15.

Plans for Project – Sheets 1 through 9.

\* \* \* \*

#### SPECIAL PROVISION FOR CONTRACT TIME

## PROJECT 090W-253, 090E-253, 050-253; PCN I4D0, I4CX, & I4CY LYMAN & BRULE COUNTIES

MAY 24, 2016

#### Sturgis Motorcycle Rally Restrictions

Due to the Sturgis Motorcycle Rally, the Contractor will not be allowed lane closures (except for emergency repair) at the following locations during the following times.

- I-90 Westbound lanes from Friday, August 5, 2016 to Friday, August 12, 2016 (inclusive)
- I-90 Eastbound lanes from Wednesday, August 10, 2016 to Sunday, August 14, 2016 (inclusive)

The Contractor will not expose traffic to differential elevations in traveling lanes due to milling or paving operations during these timeframes. The Department will not allow milled surfaces, grooved surfaces, uneven lanes, loose gravel, unmarked lanes, or shoulder drop offs during these timeframes. The Contractor will pave all transitions for a smooth ride as approved by the Engineer.

The Department will make a disincentive assessment in the amount of \$1,000 per calendar day for the Contractor's failure to comply with the Sturgis Motorcycle Rally restrictions. The Department will not grant time extensions for the Sturgis Motorcycle Rally restrictions for any reason.

#### Field Work Completion

The Contractor will complete the project by the September 30, 2016 field work completion date.

#### Failure to Complete on Time

The Contractor will complete all work on the project prior to the field work completion requirement or the field work completion requirement as amended by formally approved time extension. If the Contractor does not complete all work by the field work completion requirement or the field work completion requirement as amended by formally approved time extension, 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 grading 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 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.

\* \* \* \* \*

#### **ATTACHMENT 1**

Figure A - Expected Adverse Weather Days for South Dakota

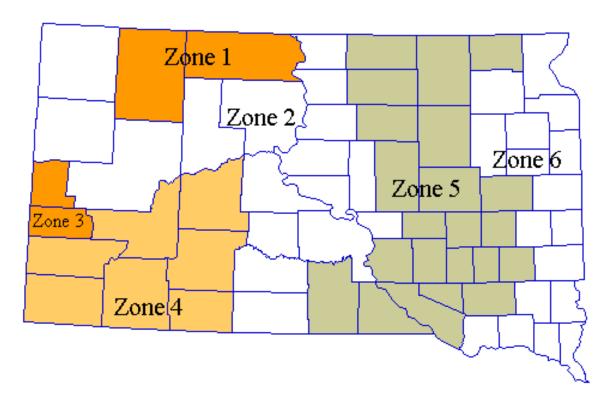


Table 1 - Expected Adverse Weather Days for South Dakota

	Table 1 Expedied Naverse Wedither Bays for Court Baketa											
	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.

## SPECIAL PROVISION FOR CONTRACTOR ADMINISTERED PRECONSTRUCTION MEETING

#### **APRIL 18, 2013**

#### 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

For the purposes of this special provision, a business day is any calendar day except Saturdays, holidays, and days designated by the Governor of this State as an administrative leave day for state employees.

The Department will provide the Contractor a list of required submittals and the Authorization Form for Preconstruction Meeting (Form DOT-270) within five (5) business days of the date of the Notice to Proceed.

The Contractor's Required Submittals Form (Form DOT-272) 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.

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.

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.

When the Contractor has provided the Area Engineer all required submittals, unless the Contractor and Department have established an agreement in writing providing future dates of outstanding required submittal items, the Contractor will schedule a preconstruction meeting with the Area Engineer.

Within two (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) of discussion items including specific Department items.

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 five (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 three (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, as required by Section 5.5, who will be working on this project, 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 them to all attendees and principle stakeholders within five (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 NumberPCN	
County	
the Department at the time of submitting be cost adjustment program. Prior to exec	accordance with Section 9.12, the bidder is not required to notify oids whether the Contractor will or will not participate in the fuel cution of the contract, the successful bidder must submit this roval. The Fuel Adjustment Affidavit shall include the anticipated
Does your company elect to participate in fixed price? No adjustments in fuel prices	a fuel adjustment for this contract for the fuels that do not have a will be made if "No" is checked.
Y	Yes No
If yes, provide the total dollars for each o for the fuel types that are left blank or com	of the applicable fuels. No adjustments in fuel price will be made appleted 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 regard adjustment affidavit Under the penalty of law for perjury or false	lless of whether the Contractor elects to participate in the fuel sification, the undersigned,
	(Printed Name)
of	(Contractor)
hereby certifies that the documentation is and complete to the best of their knowleds	submitted in good faith, that the information provided is accurate ge and belief, and that the monetary amount identified accurately duly authorized to certify the above documentation on behalf of
	authorized representative shall have the right to examine and copy sheets, bid sheets, and other data pertinent to the justification of
Dated Signature	
Notarization is required only when the Co	ontractor 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 <u>SDDOT Statement of Compliance Form</u>, 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

ELECTRICIANS
GROUP E01
Electrician

**Construction Types: Heavy and Highway** 

Counties: South Dakota Statewide

Agency:
Wage Decision Number:
Counties:
Wage Decision Date:

U.S. DOL <u>SD150001</u> SD1 SD Statewide

22.79

0.00

Counties:	SD Statewide
*SUSD2015-001 08-13-2015 Wage Decision Date:	<mark>10/09/2015</mark>
LABORERS CONTROL OF THE CONTROL OF T	Batas Estadas
GROUP GL1	Rates Fringes
Air Tool Operator; Common Laborer; Landscape Worker; Flagger; Pilot Car Driver;	15.74 0.00
Trucks under 26,000 GVW; Blue-top Checker; Materials Checker	
GROUP GL2	
Mechanic Tender (Helper); Pipe Layer (except culvert); Form Builder Tender;	17.51 0.00
Special Surface Finish Applicator; Striping	
GROUP GL3	
Asphalt Plant Tender; Pile Driver Leadsman; Form Setter; Oiler/Greaser	18.95 0.00
GROUP GL5	
Carpenter; Form Builder	22.77 0.00
GROUP GL6	
Concrete Finisher; Painter; Grade Checker	21.41 0.00
Soliolog Filliolog Famor, Stade Silvonor	21.41 0.00
DOWED FOLIDMENT ODED ATODS	
POWER EQUIPMENT OPERATORS	
GROUP G01	4
Concrete Paving Cure Machine; Concrete Paving Joint Sealer; Conveyor; Tractor (farm type with	16.85 0.00
attachments); Self Propelled Broom; Concrete Routing Machine; Paver Feeder; Pugmill; Skid Steer	
GROUP G02	
Bull Dozer 80 HP or less; Front End Loader 1.25 CY or less; Self Propelled Roller (except Hot Mix);	18.13 0.00
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	4
Asphalt Distributor; Bull Dozer over 80 HP; Concrete Paving Finishing Machine; Backhoes/ Excavators	19.89 0.00
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	
	00.00
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	20.30 0.00
GROUP G05	00.75 0.00
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;	22.75 0.00
Milling Machine; Bridge Welder	
Willing Machine, Bridge Weider	
TRUCK DRIVERS	
GROUP GT1	40.57
Tandem Truck without trailer or pup; Single Axle Truck over 26,000 GVW with Trailer	16.57 0.00
GROUP GT2	
Semi-Tractor and Trailer; Tandem Truck with Pup	18.82 0.00

#### 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, pursuant to 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 of all the 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** 

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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

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#### 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

#### **JUNE 1, 2016**

The Supplemental Specifications dated June 1, 2016 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

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

#### **JUNE 1, 2016**

The Supplemental Specifications for Errata dated June 1, 2016 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

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## SPECIAL PROVISION FOR PRICE SCHEDULE FOR MISCELLANEOUS ITEMS

#### **OCTOBER 14, 2015**

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

		Stool Dilo Splices	Colina made ofter
		Steel Pile Splices	Splice made after
		(*All Weights)	one of the pieces
		0.110*	has been driven.
		8 HP*	\$220.00/each
		10 HP*	\$300.00/each
		12 HP*	\$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
510.5 E	Timber, Prestressed,	Pile Shoes (Timber	\$110.00/each
	and Steel Piles	Pile)	
510.5.H	Timber, Prestressed,	Pile Tip	
	and Steel 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	
601.5	Haul Roads	Granular Material	\$12.00/ton
601.5	Haul Roads	Asphalt Concrete	\$80.00/ton
		(including asphalt)	
601.5	Haul Roads	Cover Aggregate	\$25.00/ton
601.5	Haul Roads	Asphalt for Prime	\$700.00/ton
601.5	Haul Roads	Asphalt (Tack,	\$450.00/ton
		Flush & Surface	·
		Treatment)	
601.5	Haul Roads	Water	\$15.00/M.Gal
601.5	Haul Roads	Dust Control	\$0.35/lb
		Chlorides	
634.5	Temporary Traffic	Flagging	\$24.19/hour
	Control		
634.5	Temporary Traffic	Pilot Car	\$38.35/hour
	Control		