



Division of Operations

Mitchell Region Design Office

Better Lives Through Better Transportation

1300 S Ohlman St - PO Box 1206, Mitchell, SD 57301

Phone: 605-995-8129 | Fax: 605-995-8135

dot.sd.gov

September 12, 2025

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

RE: 2025-2026 Guardrail Repair – Mitchell Area
000P-251, 000I-252 & 000I-253 – PCN I7YT, I7YU & I7YV
Aurora, Brule, Buffalo, Charles Mix, Davison, Douglas, Gregory, Hanson,
Hutchinson, Jerauld, Lyman, McCook, Miner & Sanborn Counties

June,

Enclosed are a Contract Proposal and Plans for the above referenced projects that are being let to contract in the Mitchell Region on **October 9, 2025**.

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

BX Civil & Construction Inc.

Guardrail Enterprises Inc.

Mid States Rebar & Supply

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Travis Dressen, Region Engineer

Monte Rice, Region Design Engineer

cc: Bennett – Construction and Maintenance
Leiferman – Project Development
Poppel/Holthaus/Brandner/Doyle – Mitchell Area

NOTICE TO CONTRACTORS



Division of Operations

Mitchell Region Design Office

Better Lives Through Better Transportation

1300 S Ohlman St - PO Box 1206, Mitchell, SD 57301

Phone: 605-995-8129 | Fax: 605-995-8135

dot.sd.gov

September 12, 2025

TO: Interested Bidders

RE: 2025-2026 Guardrail Repair – Mitchell Area
000P-251, 000I-252 & 000I-253 – PCN I7YT, I7YU & I7YV
Aurora, Brule, Buffalo, Charles Mix, Davison, Douglas, Gregory, Hanson,
Hutchinson, Jerauld, Lyman, McCook, Miner & Sanborn Counties

The South Dakota Department of Transportation (SDDOT) desires to solicit bids for repair and/or replacement of accident damage to Beam, MGS, Cable and High Tension Cable Guardrail on Interstate 90 from MRM 251.6 to MRM 379.0 and on various State Highways. 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.

If bidding \$250,000 or more, bidders must be prequalified in accordance with the Special Provision for Prequalification of Bidders contained in this Proposal for: Work Type 13 – Incidental Construction.

The required application form for prequalification of bidders can be accessed at the following link:

https://www.state.sd.us/eforms/secure/eforms/S_E0945V3-ContractorsPrequalificationStatement.pdf Submit the application to the Classification and Rating Committee in accordance with the Special Provision for Prequalification of Bidders.

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 will 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, October 9, 2025** 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, October 9, 2025**. 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:

<https://apps.sd.gov/HC65BidLetting/RegionDefault.aspx> 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, Travis Holthaus at 605-995-3341 or Monte Rice at 605-995-3302.

Bidders may provide limitations of work with their bids. Bidders may limit the total dollar volume of work or number of contracts they will accept and the SDDOT will determine which contract or contracts will be awarded to the bidder within the limits set by the bidder. 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

Travis Dressen, Region Engineer

Monte Rice, Region Design Engineer

cc: Bennett – Construction and Maintenance
Hansen – Civil Rights
Peppel/Holthaus/Brandner/Doyle – Mitchell Area
Weisz – Operations
Horstman – Materials
Leiferman – Project Development

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION CONTRACT PROPOSAL

CODE	PROJECT			MAINT UNIT	CONTROL REFERENCE	AFE	FUNCTION	BEGIN MRM	END MRM
	PRE	ROUTE	AGR						
		000P		251		I7YT	2409		
		000I		252		I7YU	2409		
		000I		253		I7YV	2409		

CITY AND/OR COUNTY: Mitchell Areawide

BUDGET SOURCE: Contract Maintenance

REGION MATERIALS CERTIFICATION REQUIRED: ☒ YES ☐ NO

WIP #:

CERTIFIED INSPECTORS/TESTERS REQUIRED: ☒ YES ☐ NO

TO BE INSTALLED ON CM&P: ☒ YES ☐ NO

TYPE, PURPOSE AND LOCATION OF WORK: Provide repair and/or replacement of accident damage to Beam, MGS, Cable, and High Tension Cable Guardrail on Interstate 90 from MRM 251.6 to MRM 379.0 and on various State Highways.

ESTIMATE OF QUANTITIES AND COST

BID ITEM NUMBER	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
009E0197	Mobilization 1 (Unit 251)	5	Each		
009E0198	Mobilization 2 (Unit 252)	10	Each		
009E0199	Mobilization 3 (Unit 253)	10	Each		
628E1500	Concrete Barrier End Protection	1	Each		
628E1500	Concrete Barrier End Protection (Mash)	1	Each		
628E1520	Refurbish Concrete Barrier End Protection	1	Each		
629E0100	3 Cable Guardrail	30	Ft		
629E0210	Reset High Tension 3 Cable Guardrail	5	Ft		
629E0211	Reset High Tension 4 Cable Guardrail	20	Ft		
629E0222	Reset High Tension Cable Guardrail Sleeve	20	Each		
629E0300	3 Cable Guardrail Slip Base Anchor Assembly	1	Each		
629E0400	3 Cable Guardrail Anchor Assembly	1	Each		
629E0450	Retension 3 Cable Guardrail	20	Each		
629E0453	Retension High Tension 3 Cable Guardrail	10	Ft		
629E0454	Retension High Tension 4 Cable Guardrail	300	Ft		
629E1000	Repair 3 Cable Guardrail	1700	Ft		
629E1010	Repair 3 Cable Guardrail Slip Base Anchor Assembly	1	Each		
629E1100	3 Cable Guardrail End Post (I Beam)	5	Each		
629E1102	3 Cable Guardrail Intermediate Post (Flanged)	90	Each		
629E1102	3 Cable Guardrail Intermediate Post (I Beam)	25	Each		
629E1103	3 Cable Guardrail Slip Base Anchor Post	5	Each		
629E1104	3 Cable Guardrail Post, Winter	55	Each		
629E1106	Drive Down 3 Cable Guardrail Post	15	Each		
629E1108	Reset 3 Cable Guardrail Post	25	Each		
629E1110	Cable Anchor Bracket	1	Each		
629E1112	Cable Splice	3	Each		
629E1114	3 Cable Guardrail J Hook Bolt	350	Each		
629E1116	Steel Turnbuckle Cable End Assembly	12	Each		
629E1118	Spring Cable End Assembly with Turnbuckle	6	Each		
629E1120	W Beam to 3 Cable Transition Bracket	3	Each		
629E1122	3 Cable Guardrail End Post Cap	3	Each		
629E1143	High Tension 3 Cable Guardrail Post	1	Each		
629E1144	High Tension 4 Cable Guardrail Post	60	Each		
629E1158	High Tension 3 Cable Guardrail Post and Sleeve	1	Each		
629E1159	High Tension 4 Cable Guardrail Post and Sleeve	35	Each		
629E1163	High Tension 3 Cable Guardrail Sleeve	1	Each		
629E1164	High Tension 4 Cable Guardrail Sleeve	3	Each		
629E1170	High Tension Cable Guardrail Terminal Post	12	Each		
629E1172	High Tension Cable Guardrail Terminal Cable Release Post	12	Each		

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION CONTRACT PROPOSAL

CODE	PROJECT			MAINT UNIT	CONTROL REFERENCE	AFE	FUNCTION	BEGIN MRM	END MRM
	PRE	ROUTE	AGR						
		000P		251		I7YT	2409		
		000I		252		I7YU	2409		
		000I		253		I7YV	2409		

629E1174	Hardware for High Tension Cable Attachment to Terminal Post							12	Each		
629E1175	Hardware for High Tension Cable Attachment to Post							60	Each		
629E1176	High Tension Cable Guardrail Turnbuckle							5	Each		
629E1177	High Tension Cable Guardrail Double Turnbuckle							5	Each		
629E1179	High Tension Cable Guardrail Push Lock Fitting							25	Each		
629E1180	High Tension Cable Guardrail Post Strap							12	Each		
629E1182	High Tension Cable Guardrail Spacer with Delineator							25	Each		
629E1185	High Tension Cable Guardrail Post Cap							12	Each		
629E1186	High Tension Cable Guardrail Post Cap with Delineator							12	Each		
629E9070	Reflective Crossover PVC Pipe							3	Each		
630E0200	Straight Class A Thrie Beam Rail (12 Gauge)							75	Ft		
630E0210	Straight Class B Thrie Beam Rail (10 Gauge)							12.5	Ft		
630E0500	Type 1 MGS							200	Ft		
630E0513	Type 1C MGS							12.5	Ft		
630E0520	Type 2 MGS							12.5	Ft		
630E0530	Type 3 MGS							12.5	Ft		
630E0540	Type 4 MGS							12.5	Ft		
630E1005	18'-9" Longspan MGS							1	Each		
630E1006	25'-0" Longspan MGS							1	Each		
630E1200	Straight Class A W Beam Rail (12 Gauge)							250	Ft		
630E1210	Straight Class B W Beam Rail (10 Gauge)							12.5	Ft		
630E1500	Type 1 Guardrail Transition							1	Each		
630E1501	Type 1 Retrofit Guardrail Transition							1	Each		
630E1505	Type 2A Guardrail Transition							1	Each		
630E1510	Type 3 Guardrail Transition							1	Each		
630E2000	W Beam to Thrie Beam Guardrail Transition							2	Each		
630E2001	Assymetrical W Beam to Thrie Beam Guardrail Transition							1	Each		
630E2008	W Beam Slotted Rail for High Tension Cable Connection							12.5	Ft		
630E2015	W Beam Guardrail Flared End Terminal							1	Each		
630E2016	MGS Flared End Terminal							1	Each		
630E2017	MGS Mash Flared End Terminal							1	Each		
630E2018	MGS Mash Tangent End Terminal							2	Each		
630E2019	MGS Tangent End Terminal							1	Each		
630E2020	W Beam Guardrail Tangent End Terminal							1	Each		
630E2030	W Beam Guardrail Breakaway Cable Terminal							1	Each		
630E2050	Beam Guardrail Trailing End Terminal (W or Thrie Beam)							1	Each		
630E2065	MGS Trailing End Terminal							1	Each		
630E2100	Beam Guardrail Post							6	Each		
630E2105	Beam Guardrail Block							6	Each		
630E2110	Beam Guardrail Post and Block							60	Each		
630E2120	Beam Guardrail Post and Block, Winter							40	Each		
630E2150	End Terminal Wood Breakaway Post							4	Each		
630E2155	End Terminal Hinged Breakaway Post							3	Each		
630E2210	Breakaway Cable Terminal End Rail							1	Each		
630E2215	W Beam Guardrail End Section Buffer							4	Each		
630E2220	Tangent End Terminal Extruder Head							1	Each		
630E2222	MGS Extruder Head							1	Each		
630E2235	Tangent End Terminal Rail							62.5	Ft		

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT PROPOSAL

DOT-123
February 2021
3 of 3

CODE	PROJECT			MAINT UNIT	CONTROL REFERENCE	AFE	FUNCTION	BEGIN MRM	END MRM
	PRE	ROUTE	AGR						
		000P		251		I7YT	2409		
		000I		252		I7YU	2409		
		000I		253		I7YV	2409		

630E2260	MGS End Rail	62.5	Ft		
630E2262	MGS Terminal Post	3	Each		
630E2264	MGS Anchor Post	6	Each		
630E2266	MGS End Terminal Upper Post	5	Each		
630E2300	Rubrail	14	Ft		
630E5212	Reset MGS Extruder Head	5	Each		
630E5520	Drive Down Beam Guardrail Post	40	Each		
630E5550	Reset Beam Guardrail Post and Block	25	Each		
632E2220	Guardrail Delineator	50	Each		
632E2510	Type 2 Object Marker Back to Back	3	Each		
632E2520	Type 2 Object Marker	7	Each		
634E0010	Flagging	25	Hour	\$36.03	
634E0110	Traffic Control Signs	474	SqFt		
634E0120	Traffic Control, Miscellaneous	Lump Sum	LS	Lump Sum	
634E0275	Type 3 Barricade	1	Each		
634E0420	Type C Advance Warning Arrow Panel	1	Each		
				TOTAL	

CONTRACTOR'S PROPOSAL STATEMENT

The undersigned agrees to offer the labor and material in the quantities, at the unit price, for the purpose, in the place, and in accordance with attached provisions. The Contractor will provide services in compliance with the Americans with Disabilities Act of 1990 and any amendments.

SUBSTANTIAL COMPLETION DATE N/A

FIELD WORK COMPLETION DATE October 31, 2026

SUBSCRIBED AND SWORN TO BEFORE ME THE

DAY OF _____, 20__

NOTARY _____

My Commission Expires: _____

PROPOSED START DATE _____

SIGNATURE _____

PRINTED NAME _____

COMPANY _____

STR. ADDRESS _____

CITY, STATE, ZIP _____

PHONE NUMBER _____

DATE _____ **(SEAL)** _____ **FEDERAL TAX ID NUMBER** _____

TO BE FILLED OUT BY STATE PERSONNEL:

The parties agree that the Department of Transportation may execute this contract by electronic signature.

RECOMMENDED FOR APPROVAL:

		_____ CONSTRUCTION & MAINTENANCE ENGINEER	_____ DATE
_____ AREA / REGION / OPS ENGINEER	_____ DATE	_____ DIRECTOR OF OPERATIONS	_____ DATE
		_____ INTERNAL SERVICES / AUDITS	_____ DATE

ACCEPTED BY SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

NAME _____ **TITLE** _____ **DATE** _____

IF FEDERAL FUNDS WILL BE EXPENDED UNDER THIS AGREEMENT, ACCEPTANCE BY PROJECT DEVELOPMENT IS REQUIRED

PROJECT DEVELOPMENT ENGINEER _____ **DATE** _____

**BIDDER MUST EXECUTE THE FOLLOWING:
PARTICIPATION BY MINORITY CONTRACTORS**

Utilization of Minority Business Enterprises Clauses

PROJECTS: 000P-251, 000I-252 & 000I-253

PCN I7YT, I7YU & I7YV

COUNTIES: AURORA, BRULE, BUFFALO, CHARLES MIX, DAVISON, DOUGLAS, GREGORY,
HANSON, HUTCHINSON, JERAULD, LYMAN, MCCOOK, MINER & SANBORN

1. The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of his contract. As used in this contract, 'Minority Business Enterprise' or 'MBE' means a small business concern, as defined pursuant to section 3 of the Small Business Act and implementing regulations, which is owned and controlled by one or more minorities or women. 'Owned and controlled' means a business: (a) Which is at least 51 per centum owned by one or more minorities or women or, in the case of publicly owned business, at least 51 per centum of the stock of which is owned by one or more minorities or women; and (b) Whose management and daily business operations are controlled by one or more such individuals. 'Minority' means a person who is a citizen or lawful permanent resident of the United States and who is: (a) Black (a person having origins in any of the black racial groups of Africa); (b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America or the Caribbean Islands, regardless of race); (c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or (d) American Indian and Alaskan Native (a person having origins in any of the original peoples of North America); (e) Members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration under section 8(a) of the Small Business Act, as amended. Contractors may rely on written representatives by subcontractors regarding their status as minority business enterprise in lieu of an independent investigation.
2. The Contractor agrees to establish and conduct a program which will enable minority business enterprise to be considered fairly as subcontractors and suppliers under this contract. In this connection the Contractor shall . . .
 - (a) Designate a liaison officer who will administer the Contractor's minority business enterprises program.
 - (b) Provide adequate and timely consideration of the potentialities of known minority business enterprises in all "make-or-buy" decisions.
 - (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, specifications and delivery schedules so as to facilitate the participation of minority business enterprises.
 - (d) Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of minority business enterprises, (2) awards to minority business enterprises on the source list, and (3) specific efforts to identify and award contracts to minority business enterprises.
 - (e) Include the "Utilization of Minority Business Enterprises Clause" in subcontracts which offer substantial minority business enterprises subcontracting opportunities.
 - (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.
 - (g) Submit periodic reports of subcontracting to known minority business enterprises with respect to the records referred to in subparagraph (d) above, in such form and manner and at such time (not more often than quarterly) as the State's Contracting Officer may prescribe.
3. The Contractor further agrees to insert in any subcontract hereunder provisions which shall conform substantially to the language of this clause, including this paragraph 3 and to notify the State's Contracting Officer of the names of such subcontractors.
4. The bidder hereby certifies that should he at any time decide to subcontract a portion of the work, he will take affirmative action to seek out and consider minority business enterprises as potential subcontractors. He further certifies that he will maintain records showing the contacts made with potential minority business enterprises subcontractors and the results of such contacts.

Name of Company (print or type)

Date

By _____
Signature of Company Official

Title

BIDDER MUST EXECUTE THE FOLLOWING:

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

CONTRACTOR'S AFFIDAVIT / DECLARATION

PROJECTS: 000P-251, 000I-252 & 000I-253 PCN I7YT, I7YU & I7YV

COUNTIES: AURORA, BRULE, BUFFALO, CHARLES MIX, DAVISON, DOUGLAS, GREGORY,
HANSON, HUTCHINSON, JERAULD, LYMAN, MCCOOK, MINER & SANBORN

(an individual)
(a partnership)
(a corporation)

do hereby certify that I, We or any owner or partner holding a controlling interest, director or officer of the bidder; principal investigator, project director or other position involved in management of the project for which this bid is submitted, have not directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for the project, and that within the last 3 years none of the above have been suspended, debarred, voluntarily excluded or determined ineligible by any federal or state agency, been indicted, convicted, or had a civil judgment rendered against any of the above or the business entity described herein by a court of competent jurisdiction in any matter involving fraud or official misconduct for which we are currently under suspension or debarment. Nor is a proposed suspension or debarment pending against any of the above for any of the above listed reasons.

* * * *

COMPLETE SIGNATURE BLOCK A. or B. BELOW:

A. Signed _____ (an individual)

(a partnership)
(a corporation)
By _____
Title _____
County of _____)
State of _____);SS
Subscribed and sworn to before me this _____ day of _____, 20____.
(SEAL) _____
Notary Public My Commission Expires _____.

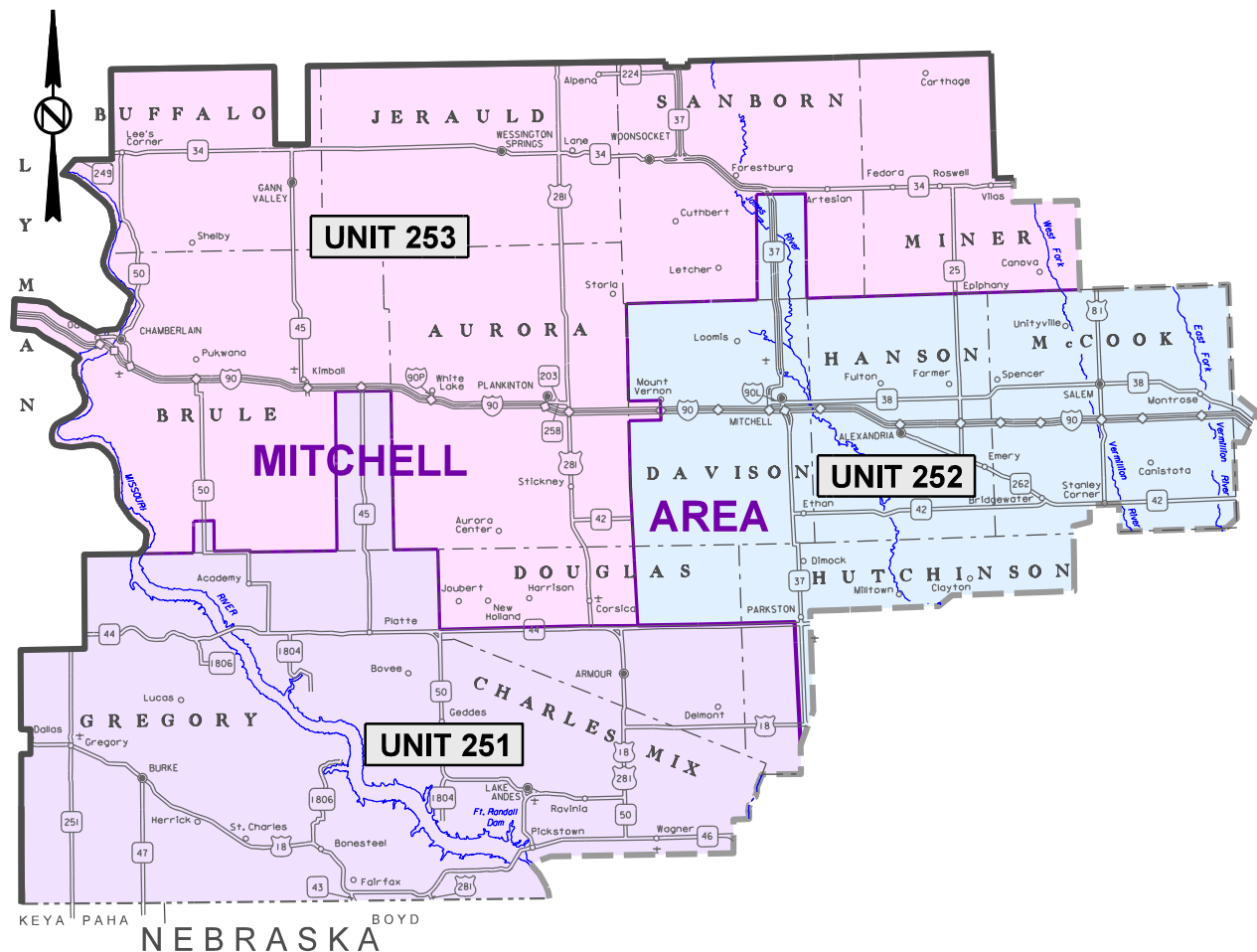
* * * *

B. Under the penalty of perjury under the laws of the United States, I hereby certify that the above statement is true and correct.
Signed _____ (an individual)

(a partnership)
(a corporation)
By _____
Title _____

**SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
MITCHELL REGION**

**PROPOSAL FOR
GUARDRAIL REPAIR
000P-251, 000I-252 & 000I-253
AURORA, BRULE, BUFFALO, CHARLES MIX,
DAVISON, DOUGLAS, GREGORY, HANSON,
HUTCHINSON, JERAULD, LYMAN, MCCOOK,
MINER & SANBORN COUNTIES
PCN I7YT, I7YU & I7YV**



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.

* * * * *

REV. 10/1/25

INDEX OF SPECIAL PROVISIONS

PROJECTS: 000P-251, 000I-252 & 000I-253 PCN I7YT, I7YU & I7YV

COUNTIES: AURORA, BRULE, BUFFALO, CHARLES MIX, DAVISON, DOUGLAS, GREGORY,
HANSON, HUTCHINSON, JERAULD, LYMAN, MCCOOK, MINER & SANBORN

TYPE OF WORK: GUARDRAIL REPAIR

THE FOLLOWING ITEMS ARE INCLUDED IN THIS PROPOSAL FORM:

Plans for Project – Sheets 1 through 127.

Special Provision for Steel Beam Guardrail AASHTO M 180 Designation, dated 10/8/24.
Special Provision for Acknowledgement and Certification Regarding Article 3, Section 12 of the
South Dakota Constitution, dated 8/24/23.
Special Provision for Buy America, dated 5/1/24.
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 10/24/19.
Wage and Hour Division US Department of Labor Washington DC.
- US Dept. of Labor Decision Number SD180001, dated 3/10/23.

* * * *

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION
FOR
STEEL BEAM GUARDRAIL
AASHTO M 180 DESIGNATION**

OCTOBER 1, 2025

Section 630.2 B. – Delete and replace with the following:

B. Beam Guardrail:

For all projects let prior to January 1, 2027 the following shall apply:

Beam guardrail will conform to AASHTO M 180-18, Type I, or AASHTO M 180-23, Type I, unless the plans specify another type.

For all projects let January 1, 2027 and after the following shall apply:

Beam guardrail will conform to the most recent, at the time of the letting, version of AASHTO M 180, Type I, unless the plans specify another type.

Section 630.2 C. – Delete and replace with the following:

C. Bolts, Nuts, and Washers:

For all projects let prior to January 1, 2027 the following shall apply:

Bolts, nuts, and washers will be as specified in AASHTO M 180-18 or AASHTO M180-23.

For all projects let January 1, 2027 and after the following shall apply:

Bolts, nuts, and washers will be as specified in the most recent, at the time of the letting, version of AASHTO M 180.

* * * * *

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION
FOR
ACKNOWLEDGEMENT AND CERTIFICATION REGARDING
ARTICLE 3, SECTION 12
OF THE SOUTH DAKOTA CONSTITUTION**

AUGUST 24, 2023

In accordance with the State of South Dakota Office of the Governor Executive Order 2023-13, the following will apply to all contracts:

The Contractor acknowledges and certifies that the following information is correct:

CERTIFICATION OF NO STATE LEGISLATOR INTEREST:

Contractor (i) understands neither a state legislator nor a business in which a state legislator has an ownership interest may be directly or indirectly interested in any contract with the State that was authorized by any law passed during the term for which that legislator was elected, or within one year thereafter, and (ii) has read South Dakota Constitution Article 3, Section 12 and has had the opportunity to seek independent legal advice on the applicability of that provision to this contract. By signing this contract, Contractor hereby certifies that this contract is not made in violation of the South Dakota Constitution Article 3, Section 12.

It is understood and agreed that, if this certification is false, such false certification will constitute grounds for the Department to terminate the contract.

The Contractor further agrees to provide immediate written notice to the Department if during the term of the contract it no longer complies with this certification and agrees such noncompliance may be grounds for contract termination.

* * * * *

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION
FOR
BUY AMERICA
FOR MANUFACTURED (COMPOSITE) PRODUCTS**

OCTOBER 1, 2025

Section 6.9 C – Page 64 – Delete and replace with the following:

- C. Manufactured (Composite) Products:** Iron and Steel components of manufactured (composite) products will comply with the Buy America requirements for iron & steel. Due to an existing nationwide waiver, manufactured (composite) products without iron and steel components currently have no specific requirements.

Section 6.9 F 2.b – Page 65 – Delete and replace with the following:

- b.** Minor quantities of non-compliant iron & steel and construction materials may be incorporated in the Department's sole discretion based on the Department's review of the Contractor's documented invoiced material costs, provided the total value of the non-compliant items does not exceed 5.0% of the total applicable costs for the project or \$1,000,000, whichever is less.

The total value of the non-compliant items will include non-compliant iron & steel and non-compliant construction materials. The total value of the non-compliant items will not include excluded materials, manufactured (composite) products, or other items within the scope of an existing Buy America waiver.

The total value of an item includes the cost of the material plus the cost of transportation to the project site, as evidenced by delivery receipt, but does not include the labor costs to assemble and install at the project site.

The total applicable project costs will be defined as the total value of materials used in the project that are subject to a domestic preference requirement, including the total value of any iron & steel, construction materials, manufactured (composite) products, and other items within the scope of an existing Buy America waiver. The total applicable project costs will not include excluded materials.

* * * * *

FUEL ADJUSTMENT AFFIDAVIT

Project Number _____
PCN _____
County _____

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) = \$ _____

Note: 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, _____,
(Printed Name)

_____ of _____,
(Title) (Contractor)

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

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**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:

1. **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 Non-discrimination 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).

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**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.

* * * *

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION REGARDING
MINIMUM WAGE ON STATE FUNDED PROJECTS**

OCTOBER 24, 2019

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.
2. 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, an electronic certified weekly payroll report. The payroll report must be submitted electronically to the Elation System website. The Elation System website can be accessed by logging onto the State of South Dakota's single sign-on website at <https://mysd.sd.gov/> or can also be accessed at <https://elationsys.com/>. First time users will need to use the Promotion Code SDDOT-19. The payroll report must be submitted within fourteen (14) calendar days after the end of the workweek. The payroll reports submitted shall set out accurately and completely all the information required to be maintained under 29 C.F.R. 5.5(a)(3)(i). Weekly transmittals must include an individually identifying number for each employee, such as the last four digits of the employee's social security number, but these weekly transmittals must not include full social security numbers or home addresses. The Contractor is responsible for the submission of certified payroll reports by all subcontractors.
4. Each certified weekly payroll report must include the most recent South Dakota Department of Transportation (SDDOT) Statement of Compliance Form, 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 Instructions for the SDDOT Statement of Compliance Form are found at <https://dot.sd.gov/doing-business/contractors/labor-compliance/certified-payrolls-let-after-6/5/19>. 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 Labor Compliance Officer (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

***SUSD2023-001 01-11-2023**

LABORERS

GROUP 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; Oilier/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

GROUP G02

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, 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.

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

U.S. DOL
SD20230032 SD1
SD Statewide
03/10/2023 (Mod-0)

<u>Rates</u>	<u>Fringes</u>
22.38	0.00

23.16	0.00
--------------	-------------

24.41	0.00
--------------	-------------

31.94	0.00
--------------	-------------

26.45	0.00
--------------	-------------

24.57	0.00
--------------	-------------

24.68	0.00
--------------	-------------

26.07	0.00
--------------	-------------

27.18	0.00
--------------	-------------

30.01	0.00
--------------	-------------

24.52	0.00
--------------	-------------

25.88	4.28
--------------	-------------

29.78	5.04
--------------	-------------

A COPY OF THIS DOCUMENT, COLORED TAN, MUST BE CONSPICUOUSLY POSTED AT THE PROJECT SITE

**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**

=====

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: <https://dot.sd.gov/doing-business/contractors/labor-compliance>

=====

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.

=====

END OF GENERAL DECISION