



## 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](http://dot.sd.gov)

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April 14, 2026

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

RE: 018-251, 044-251, 047-251, 050-251 (3 Segments), 034-253, 050-253, 224-253 & 281-253  
Aurora, Brule, Buffalo, Charles Mix, Gregory & Sanborn Counties  
PCN I86E, I86F, I86G, I86H, I86J, I86K, I86L, I86M, I86N & I86P  
Spot Asphalt Concrete Resurfacing on various routes in the Mitchell Area

June,

Enclosed are a Contract Proposal and Plans for the above referenced projects that are being let to contract in the Mitchell Region on **May 12, 2026**.

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

Very truly yours,

**DEPARTMENT OF TRANSPORTATION**

Travis Dressen, Region Engineer

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Glenn Walz, Region Design Engineer

cc: Bennett – Construction and Maintenance  
Leiferman – Project Development  
Duchene – Region Design (SF)  
Rice/Malde – Region Design (Mit)  
Peppel/Holthaus/Brandner/Maeschen



## 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](http://dot.sd.gov)

April 14, 2026

TO: Interested Bidders

RE: 018-251, 044-251, 047-251, 050-251 (3 Segments), 034-253, 050-253, 224-253 & 281-253

Aurora, Brule, Buffalo, Charles Mix, Gregory & Sanborn Counties

PCN I86E, I86F, I86G, I86H, I86J, I86K, I86L, I86M, I86N & I86P

Spot Asphalt Concrete Resurfacing on various routes in the Mitchell Area

The South Dakota Department of Transportation (SDDOT) desires to solicit bids for Spot Asphalt Concrete Resurfacing on various routes in the Mitchell Area. 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 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.

Specifications for this contract will be Standard Specifications for Roads and Bridges, 10-1-25 Version, Required Provisions, and Special Provisions as included in the Proposal. The Standard Specifications for Roads and Bridges may be obtained at <https://dot.sd.gov/doing-business/contractors/standard-specifications>

A construction schedule is not required for this contract.

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 5 – Asphalt Concrete Pavement](#).

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](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 Tuesday, May 12, 2026** 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 Tuesday, May 12, 2026**. 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 or Travis Holthaus at 605-995-3341 or Glenn Walz 605-995-3304 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**  
Travis Dressen, Region Engineer

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Glenn Walz, Region Design Engineer

cc: Bennett – Construction and Maintenance  
Hansen – Civil Rights  
Rice/Malde – Region Design (Mit)  
Peppel/Holthaus/Brandner/Maeschen – Mitchell Area  
Weisz – Operations  
Horstman – Materials  
Leiferman – Project Development  
Kaus – Data Inventory  
Destiny Gourneau, TERO Director – Crow Creek Sioux Tribe  
John Stone, TERO Director - Yankton Sioux Tribe





**BIDDER MUST EXECUTE THE FOLLOWING:**

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**CONTRACTOR'S AFFIDAVIT / DECLARATION**

**PROJECTS:** 018-251, 044-251, 047-251, 050-251 (3 Segments), 034-253, 050-253, 224-253 & 281-253  
**PCN** 186E, 186F, 186G, 186H, 186J, 186K, 186L, 186M, 186N & 186P  
**COUNTIES:** Aurora, Brule, Buffalo, Charles Mix, Gregory & Sanborn County

\_\_\_\_\_  
(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 \_\_\_\_\_

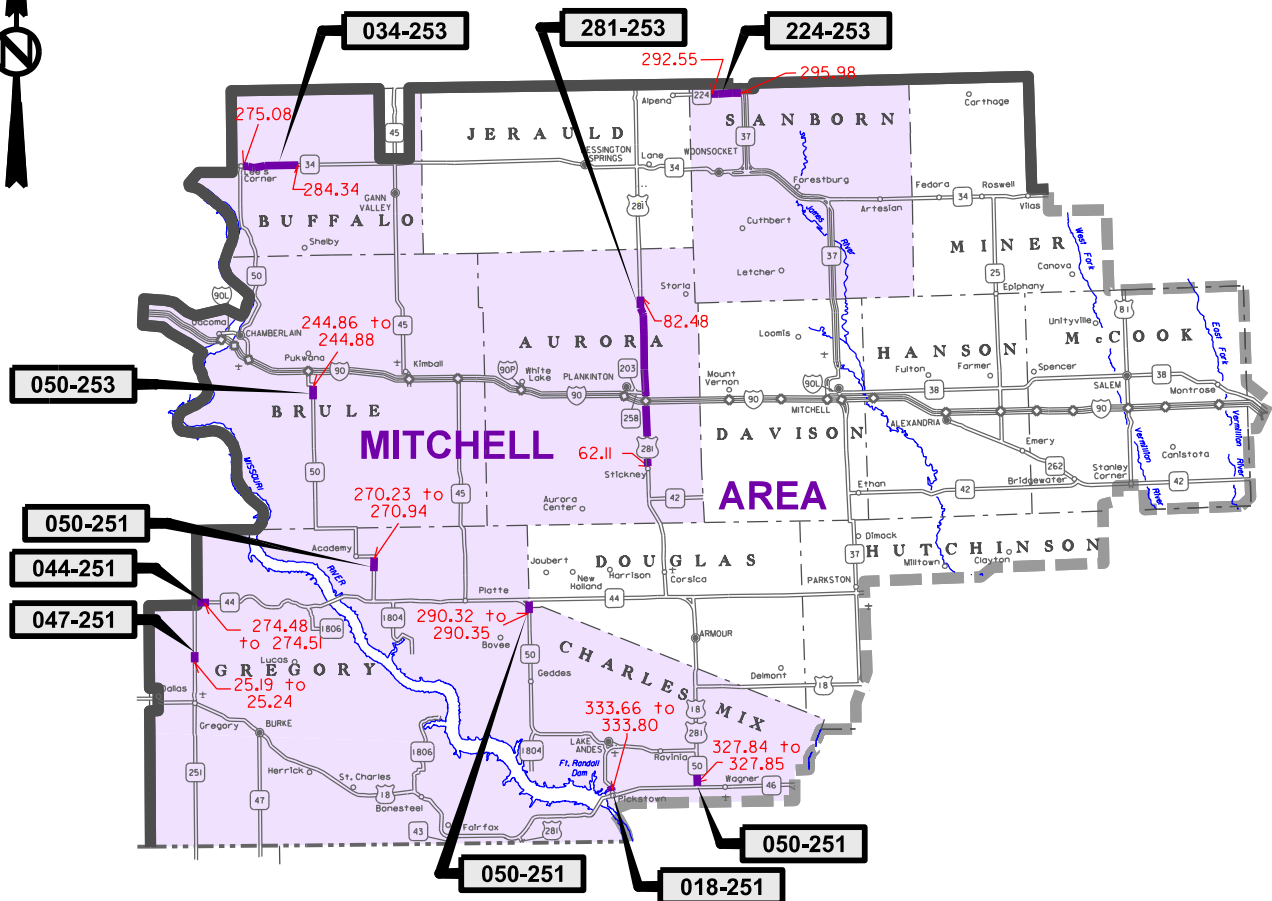
Title \_\_\_\_\_



**SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION  
MITCHELL REGION**

**PROPOSAL FOR**

**PROJECTS 018-251, 044-251, 047-251, 050-251 (3 SEGMENTS),  
034-253, 050-253, 224-253 & 281-253  
AURORA, BRULE, BUFFALO, CHARLES MIX,  
GREGORY & SANBORN COUNTIES  
SPOT ASPHALT CONCRETE RESURFACING  
PCN I86E, I86F, I86G, I86H, I86J, I86K, I86L, I86M, I86N & I86P**



## **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. 2/12/26

## INDEX OF SPECIAL PROVISIONS

PROJECTS: 018-251, 044-251, 047-251, 050-251 (3 Segments), 034-253, 050-253, 224-253 & 281-253

PCN I86E, I86F, I86G, I86H, I86J, I86K, I86L, I86M, I86N & I86P

COUNTIES: Aurora, Brule, Buffalo, Charles Mix, Gregory & Sanborn

TYPE OF WORK: SPOT ASPHALT CONCRETE RESURFACING

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

#### Plans for Project – Sheets 1 through 9.

Special Provision for Indian Employment & Contracting Yankton Sioux Tribe, dated 4/13/26.

Special Provision for Indian Employment & Contracting on the Crow Creek Reservation, dated 4/13/26.

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

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

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

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

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

Special Provision For 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 SD20260001, dated 1/30/26.

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**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION FOR  
INDIAN EMPLOYMENT AND CONTRACTING  
YANKTON SIOUX TRIBE**

**PROJECT NO. 018-251, 044-251, 047-251, 050-251, 034-253, 050-253, 224-253 & 281-253;  
PCN I86E, I86F, I86G, I86H, I86J, I86K, I86L, I86M, I86N & I86P  
AURORA, BRULE, BUFFALO, CHARLES MIX, GREGORY & SANBORN COUNTIES  
APRIL 13, 2026**

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**PURPOSE**

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

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

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

**DEFINITIONS**

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

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

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

## **DEPARTMENT RESPONSIBILITIES**

The Department (Civil Rights Office or Area Office):

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

## **CONTRACTOR RESPONSIBILITIES**

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

- C. The contractor agrees that Indians will be given preference for at least fifty percent (50%) of the project work force provided that sufficient qualified Indian applicants are available. The phrase “work force” will not include “core crew employees”.
- D. The contractor and subcontractor are required to complete a compliance plan and submit the compliance plan to the TERO office at least two (2) weeks prior to beginning work. Prior to commencing work, contractors and subcontractors are expected to contact the Yankton Sioux Tribe TERO office concerning an identified core crew, project work force needs, and (sub)contractor/TERO interface. No contractor or subcontractor will begin work until the compliance plan has been approved by the TERO office. The contractor and any subcontractor must submit a copy of the approved compliance plan to the Department’s Area Office prior to commencing work unless arrangements are made for the TERO office to provide the copy of the compliance plan directly to the Department’s Area office. In lieu of a copy of the approved compliance plan, the Department’s Area office may seek approval directly from the TERO office.
- E. The contractor will provide the TERO Director at least forty-eight (48) hours’ notice to locate and refer a qualified Indian applicant for any vacancy or new position except when circumstances require the position be filled within a shorter period of time. If the TERO Office is unable to fill the vacancy, the contractor and subcontractor may recruit and hire workers from whatever sources are available and by whatever process, provided the contractor and subcontractor notifies the TERO Office of any job vacancies, positions, or any negotiated positions.
- F. The contractor and subcontractor will provide for maintenance of records and be prepared to furnish such periodic reports documenting compliance under this Special Provision as the Department determines necessary. The contractor and subcontractor will submit the following information on a weekly basis to the Tribal TERO Office:
  - 1. Weekly TERO Employment Report which includes the following data (forms for the weekly TERO Employment Report available from the TERO office);
    - a) Wage and hour reports;
    - b) New hires or terminations, and disciplinary action taken; and,
    - c) Promotions
  - 2. Copies of official payrolls (as submitted to the Department of Transportation).
- G. The contractor and subcontractor agree that all qualified Indian employees will be adequately trained for the position for which they are hired. The contractor and subcontractor will evaluate and pay all Indian employees in accordance with current company policies and contract provisions.
- H. Nothing in this Special Provision will be construed to interfere with the contractor’s ability to dismiss any employee for cause including, but not limited to, lack of adequate skills or training, inability to perform by virtue of state or federal law, or breach of the contractor’s standards of conduct.

## **OTHER PROVISIONS**

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

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

The contractor is authorized to include in the bid an amount necessary to cover the three percent (3%) employment rights fee, which is applicable to this project, based on the portion of the project which is located within the historic boundaries of the Yankton Reservation. The Department determined that eleven and five-tenths percent (11.5%) of the project is within those boundaries; therefore the contractor is authorized to include a TERO fee amount based on 11.5% of the total contract dollar amount.

The Yankton Sioux Tribe has an Indian Preference Subcontracting goal, which has been established at the same level as the Department's DBE goal for this project and is concurrent with the Department's DBE goal. The Tribe recognizes that FHWA policy does not permit the Department to extend Indian preference in subcontracting for this project and is satisfied that the Department and the contractor will seek qualified and DBE-certified Indian firms for this project. The contractor will make every reasonable effort to inform certified Indian DBE firms of the subcontracting opportunities of the project and to solicit bids from such firms. Contact the Tribal TERO office at 605-384-3641 or the Department's Civil Rights office at 605-773-3540 for assistance.

The Department acknowledges the Yankton Sioux Tribe issues a business license to contractors working on projects within the exterior historic boundaries of the Yankton Reservation. For further information contact the Tribal TERO Office at 605-384-3641.

## **ENFORCEMENT**

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

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

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

Nothing in this Agreement will be construed to constitute recognition of or denial of the status of any particular piece of land as "reservation" as defined by 18 USC 1151(a), or as "Indian country" as defined by 18 USC 1151(c). The Tribe and the Department agree that the question of the status of the lands involved in and adjacent to this project under 18 USC 1151 is in dispute and do not intend that anything in this Agreement will be offered in or will affect the outcome of any litigation on that question.

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**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION FOR  
INDIAN EMPLOYMENT AND CONTRACTING ON THE  
CROW CREEK RESERVATION**

**PROJECT NO. 018-251, 044-251, 047-251, 050-251, 034-253, 050-253, 224-253 &  
281-253; PCN I86E, I86F, I86G, I86H, I86J, I86K, I86L, I86M, I86N & I86P  
AURORA BRULE, BUFFALO, CHARLES MIX, GREGORY & SANBORN COUNTIES  
APRIL 13, 2026**

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**PURPOSE**

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

A portion of this project is located within the exterior boundaries of the Crow Creek Reservation.

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

**DEFINITIONS**

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

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

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

## **DEPARTMENT RESPONSIBILITIES**

The Department (Civil Rights Office or Area Office):

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

## **CONTRACTOR RESPONSIBILITIES**

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

- C. The contractor agrees that Indians will be given preference for at least eighty percent (80%) of the skilled labor force and one hundred percent (100%) of the general laborers of project work force, as described in the Davis-Bacon Act Wage Decisions, Heavy-Highway scale, provided that sufficient qualified Indian applicants are available. The phrase “work force” will not include “core crew employees”.
- D. The contractor and subcontractor are required to complete a compliance plan and submit the compliance plan to the TERO Office at least two (2) weeks prior to beginning work. Prior to commencing work, contractors and subcontractors are expected to contact the Crow Creek Sioux Tribe TERO Office concerning an identified core crew, project work force needs, and (sub)contractor/TERO interface. No contractor or subcontractor will begin work until the compliance plan has been approved by the TERO Office. The contractor and any subcontractor must submit a copy of the approved compliance plan to the Department’s Area Office prior to commencing work unless arrangements are made for the TERO Office to provide the copy of the compliance plan directly to the Department’s Area Office. In lieu of a copy of the approved compliance plan, the Department’s Area Office may seek approval directly from the TERO Office.
- E. The contractor will provide the TERO Director at least seventy-two (72) hours’ notice to locate and refer a qualified Indian applicant for any vacancy or new position except when circumstances require the position be filled within a shorter period of time such as the safety needs of the traveling public and contractor’s workers. In that case, the contractor may temporarily fill the position during the 72 hour period after notice is given to the TERO office. If the TERO Office is unable to fill the vacancy, the contractor and subcontractor may recruit and hire workers from whatever sources are available and by whatever process, provided the contractor and subcontractor notifies the TERO Office of any job vacancies, positions, or any negotiated positions.
- F. Any referral from the TERO office must process a referral card from the TERO office. Contractor is required to verify the possession of the TERO referral card.
- G. The contractor and subcontractor will provide for maintenance of records and be prepared to furnish such periodic reports documenting compliance under this Special Provision as the Department determines necessary. The contractor and subcontractor will submit the following information on a weekly basis to the Tribal TERO Office:
1. Weekly TERO Employment Report which includes the following data (forms for the weekly TERO Employment Report available from the TERO Office):
    - a) Wage and hour reports; and,
    - b) Personnel actions which include new hires, promotions, terminations, and disciplinary actions
  2. Copies of official payrolls.
- H. The contractor and subcontractor agree that all qualified Indian employees will be adequately trained for the position for which they are hired. The contractor and subcontractor will evaluate and pay all Indian employees in accordance with current company policies and contract provisions.
- I. Nothing in this Special Provision will be construed to interfere with the contractor’s ability to dismiss any employee for cause including, but not limited to, lack of adequate skills or training,

inability to perform by virtue of Tribal, state, or federal law, or breach of the contractor's standards of conduct.

## **OTHER PROVISIONS**

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

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

The contractor is authorized to include in the bid an amount necessary to cover the employment rights fee of four percent (4%) employment rights fee, which is applicable to this project, based on the portion of the project located within the boundaries of the Crow Creek Reservation. The Department has determined that thirty-one and nine-tenths percent (31.9%) of the project is within those boundaries; therefore the contractor is authorized to include a TERO fee amount based on 31.9% of the total contract dollar amount.

The contractor is authorized to include in the bid an amount necessary to cover a Tribal Training Fee. This fee is one percent (1%) and based on the portion of the project which is located within the boundaries of the Crow Creek Reservation. The Department has determined that thirty-one and nine-tenths percent (31.9%) of the project is within those boundaries; therefore the contractor is authorized to include a Tribal Training fee amount based on 31.9% of the total contract dollar amount.

The contractor is authorized to include in the bid an amount necessary to cover the work permit fee of \$200.00 per employee based on the following criteria: 1) The Tribe has the right to dispute individuals listed as a core crew employee and require the prime contractor and subcontractor to provide evidence that the individual meets the definition of a core crew employee; 2) All approved core crew employees are exempt from work permit fees; and 3) All TERO Certified Tribal members are exempt from work permit fees whether considered a core crew employee or not. Contact the Tribal TERO Office for complete details at 605-245-2221.

The Department acknowledges that the Crow Creek Sioux Tribe issues a business license to contractors working on projects within the exterior boundaries of the Crow Creek Reservation. For further information contact the Tribal TERO Office at 605-245-2221.

The Crow Creek Sioux Tribe has an Indian Preference Subcontracting goal, which has been established at the same level as the Department's DBE goal for this project and is concurrent with the Department's DBE goal. The Tribe recognizes that FHWA policy does not permit the Department to extend Indian preference in subcontracting for this project and is satisfied that the Department and the contractor will seek qualified and DBE-certified Indian firms for this project. The contractor will make every reasonable effort to inform certified Indian DBE firms of the subcontracting opportunities of the project and to solicit bids from such firms. Contact the Tribal TERO Office at 605-245-2221 or the Department's Civil Rights Office at 605-773-3540 for assistance.

**ENFORCEMENT**

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

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

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

\*\*\*\*\*

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION  
FOR  
PRICE SCHEDULE FOR MISCELLANEOUS ITEMS**

**FEBRUARY 18, 2026**

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Delete the Flagging and Pilot Car rows from the table in Section 4.4 and replace them with the following:

<b>Specification Section Number</b>	<b>Specification Section Name</b>	<b>Item Name</b>	<b>Price per Item</b>
634.5	Temporary Traffic Control	Flagging	\$43.36/Hour
634.5	Temporary Traffic Control	Pilot Car	\$58.77/Hour

\* \* \* \* \*



**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

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

**OCTOBER 1, 2025**

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**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**

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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.

\* \* \* \* \*



**FUEL ADJUSTMENT AFFIDAVIT**

Project Number \_\_\_\_\_  
PCN \_\_\_\_\_  
County \_\_\_\_\_

*For projects let using the SDEBS) and in accordance with Section 9.10, 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 will 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 must 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 will 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).

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**STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION**

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

**SEPTEMBER 1, 1997**

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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**

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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 Decision  
State: South Dakota  
Construction Types: Heavy and Highway  
Counties: South Dakota Statewide**

Agency: U.S. DOL  
Wage Decision Number: **SD20260001 SD1**  
Counties: SD Statewide  
Wage Decision Date: **01/30/2026 (Mod-0)**

**\*SASD2025-001 12/12/2024**

**LABORERS**

**Group GL1**

Air Tool Operator; Common Laborer; Landscape Worker; Flagger; Pilot Car Driver; Trucks under 26,000 GVW; Materials Checker, Special Surface Finish Applicator

**Group GL2**

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

**Group GL3**

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

**Group GL5**

Carpenter; Form Builder

**Group GL6**

Concrete Finisher; Grade Checker

**POWER EQUIPMENT OPERATORS**

**Group G01**

Tractor (farm type with attachments, including loaders but excluding Backhoe); Self Propelled Broom; Concrete Routing Machine; Paver Feeder; Pugmill; Skid Steer

**Group G02**

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

**Group G03**

Asphalt Distributor; Bull Dozer over 80 HP; 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 or Pull Tractor; Off-Highway Haul Trucks; Material Spreader or Placer; Rumble Strip Machine; Pavement Marking Grinding Equipment

**Group G04**

Concrete Paving Finishing Machine; 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 (wheel or tracks); 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 or Trailer

<u>Rates</u>	<u>Fringes</u>
<b>26.93</b>	<b>0.00</b>
<b>26.96</b>	<b>0.00</b>
<b>28.97</b>	<b>0.00</b>
<b>31.94</b>	<b>0.00</b>
<b>29.81</b>	<b>0.00</b>
<b>30.16</b>	<b>0.00</b>
<b>31.73</b>	<b>0.00</b>
<b>31.56</b>	<b>0.00</b>
<b>32.49</b>	<b>0.00</b>
<b>34.96</b>	<b>8.36</b>
<b>30.01</b>	<b>0.00</b>
<b>32.07</b>	<b>8.42</b>

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

**Davis-Bacon Act Wage Decision  
State: South Dakota  
Construction Types: Heavy and Highway  
Counties: South Dakota Statewide**

Agency: U.S. DOL  
Wage Decision Number: **SD20260001 SD1**  
Counties: SD Statewide  
Wage Decision Date: **01/30/2026 (Mod-0)**

\*SASD2025-001 12/12/2024

**ELECTRICIANS**

**Group E01**

Electrician

**IRON WORKERS**

**Group I01**

Position and secure steel bars or mesh in concrete for reinforcement, steel tiers, saw. Carrying, placing, tying, reinforcing steel under supervision, cutting. Placing steel or prefabricated reinforcement assembly for placement in concrete forms.

**Group I02**

Erect, place and join steel girders, columns, structural framework, air wrenches, spud bars, grinders, drills, sledgehammers, tag lines, plumb bobs, lasers, levels, bolts, wire, welds, shears, rod-bending machines, torches.

**PAINTERS**

**Group P01**

Line striping machine, paint trucks, epoxy trucks, thermoplastic trucks, cold applied plastic/and preformed thermoplastic pavement marking equipment. Operate pavement marking equipment to include epoxies, paints, primers, sealers, cold applied tapes, thermoplastics used for traffic marking purposes.

**Group P02**

Painting or protective coating bridges, apply varnish, anti-rust materials, prepare steel or other surfaces with primer or sandblasting, paints structural framework of bridges, guardrails and cables of bridges and other structures.

<u>Rates</u>	<u>Fringes</u>
<b>35.43</b>	<b>8.69</b>
<b>26.93</b>	<b>0.00</b>
<b>28.97</b>	<b>0.00</b>
<b>26.96</b>	<b>0.00</b>
<b>29.81</b>	<b>0.00</b>

**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.

The "SA" identifier indicates that the classifications and prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R. 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the "SA" identifier took effect under state law in the state from which the rates were adopted.

For SDDOT Defined Work Classifications, please visit: <https://dot.sd.gov/doing-business/contractors/labor-compliance>

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

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

**Davis-Bacon Act Wage Decision  
State: South Dakota  
Construction Types: Heavy and Highway  
Counties: South Dakota Statewide**

SD20260001 SD1 01/30/2026 (Mod-0)

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**WAGE DETERMINATION APPEALS PROCESS**

- 1) Has there been an initial decision in the matter? This can be:
- a) a survey underlying a wage determination
  - b) an existing published wage determination
  - c) an initial WHD letter setting forth a position on a wage determination matter
  - d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch of Wage Surveys. Requests can be submitted via email to [davisbaconinfo@dol.gov](mailto:davisbaconinfo@dol.gov) or by mail to:

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

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to [BCWD-Office@dol.gov](mailto:BCWD-Office@dol.gov) or by mail 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 an initial decision has been issued, then any interested party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to [dba.reconsideration@dol.gov](mailto:dba.reconsideration@dol.gov) or by mail 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 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.**

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**END OF GENERAL DECISION**

