



Department of Transportation

Pierre Region Office

104 S. Garfield – Bldg. A

Pierre, South Dakota 57501-5405 605/773-3464

FAX: 605/773-6215

NOTICE TO CONTRACTORS

June 20, 2016

TO: INTERESTED BIDDERS

**RE: Project T2205—37X/DEL
Partial Building/Approach Slab Floor Removal/Replacement
Dewey County at the Isabel DOT Maintenance Yard**

The South Dakota Department of Transportation (SDDOT) desires to solicit bids for the above referenced project.

A copy of the plans/proposals may be downloaded from the SDDOT Regional Letting website at the following location: <http://sddot.com/business/contractors/bid/region/Default.aspx> or may be obtained in paper format by contacting the Pierre Region Office at 605-773-3464. Contractors that didn't receive this invitation by mail, but downloaded the bidding documents from the website, are encouraged to let the Pierre Region Office know of their intent to bid on this project so that we can get them added to the plan holders list.

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 ensure 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 grounds of race, color, sex, religion or national origin in consideration of an award.

Any addenda will be posted on the regional letting website no later than **5:00 P.M. Central Time on Friday, July 1, 2016**. It will be the Contractor's responsibility to verify that no addenda have been posted prior to submitting bids. Every addenda posted on the website will have a cover sheet attached to it that the contractor will be required to include with their bid. Failure to incorporate changes made through addenda and not submitting all cover sheets will result in an incomplete bid which will subsequently be rejected.

Each bid in excess of \$50,000 must be accompanied by a bid bond, certified check, cashier's check, or bank draft 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.

At the time of execution of the contract, the successful bidder shall furnish a performance bond in a sum equal to the full amount of the contract. Note: A cashier's check, money order or other monetary instrument in the total amount of the contract, made out to and under the full control of the Department is acceptable in lieu of a performance bond. Such bond shall remain in effect for not less than one year after date of acceptance of the completed contract by the Department.

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

The Contractor shall refer to the "Special Provision for Indian Employment and Contracting on the Cheyenne River Sioux Reservation" found in the Contract Proposal for requirements of this project.

Sealed bids for the contract will be accepted by the **South Dakota Department of Transportation, 104 S. Garfield – Bldg. A, Pierre, SD 57501-5405**, or may be hand delivered to the **Pierre Region Office – Bldg. A** until **2:00 P.M. Central Time on Friday, July 8, 2016**, and will be opened at that time in the **Pierre Region Office – Bldg. A**. Bids must be received in an envelope with "**Isabel Floor Removal/Replacement**" written on the outside. Be sure to have all required forms signed and notarized as indicated on the forms as failure to do so will result in an incomplete bid. No faxed bids will be accepted.

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

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

Questions regarding the plans/proposal should be directed to:

Jim Hyde at 605-773-3464 – Operations Engineer

Respectfully,

DEPARTMENT OF TRANSPORTATION

John C. Forman, P.E.
Pierre Region Engineer

cc: B. Moore – Operations
J. Hansen – Civil Rights Specialist
J. Villbrandt, J. Brooks – Mobridge Area
Project File

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT PROPOSAL

DOT-123
(5/05)
1 of 1

| |
|---------------------|
| PROJECT |
| OSE #T2205--37X/DEL |

CITY AND/OR COUNTY: Dewey

BUDGET SOURCE: FY16 Building and Improve

FINALS ENGINEER REVIEW REQUIRED: YES NO
REGION MATERIALS CERTIFICATION REQUIRED: YES NO
CERTIFIED INSPECTORS/TESTERS REQUIRED: YES NO
TO BE INSTALLED ON CM&P: YES NO

TYPE, PURPOSE AND LOCATION OF WORK: Partial Building/Approach Slab Floor Removal/Replacement in Isabel DOT Maintenance Yard

ESTIMATE OF QUANTITIES AND COST

| BID ITEM NUMBER | ITEM | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|-----------------|----------------------------------|----------|------|------------|--------|
| 009E0010 | Mobilization | Lump Sum | LS | Lump Sum | |
| 110E1100 | Remove Concrete Pavement | 169.1 | SqYd | | |
| 120E0100 | Unclassified Excavation, Digouts | 17 | CuYd | | |
| 380E1030 | 8" Miscellaneous PCC Pavement | 169.1 | SqYd | | |
| 380E6000 | Dowel Bar | 24 | Each | | |
| 460E0380 | Install Dowel in Concrete | 67 | Each | | |
| TOTAL | | | | | |

CONTRACTOR'S PROPOSAL STATEMENT

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

PROPOSED START DATE July 18, 2016

OVERALL COMPLETION DATE September 30, 2016

SUBSCRIBED AND SWORN TO BEFORE ME THE
____ DAY OF _____, 20__

SIGNATURE _____

COMPANY _____

ADDRESS _____

NOTARY - My Commission Expires _____

FEDERAL TAX ID NUMBER _____

RECOMMENDED FOR APPROVAL:

CONSTRUCTION & MAINTENANCE ENGINEER DATE

REGION ENGINEER DATE

DIRECTOR OF OPERATIONS DATE

APPROVED FOR THE TRANSPORTATION COMMISSION

NAME _____ TITLE _____ DATE _____

APPROVED as per Federal Highway Stewardship Provisions this _____ day of _____, 20__.

PROJECT DEVELOPMENT ENGINEER

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. 6/1/16

PROJECT(S): OSE #T2205—37X/DEL

COUNTY(IES): DEWEY

TYPE OF WORK: PARTIAL BUILDING/APPROACH SLAB FLOOR REMOVAL/REPLACEMENT

THE FOLLOWING ITEMS ARE INCLUDED IN THIS PROPOSAL FORM:

DOT-57 Supplier's Certification – Class M6 Concrete

Special Provision for Indian Employment and Contracting on the Cheyenne River Sioux
Reservation dated June 13, 2016.

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

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

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PLANS FOR PROJECT – SHEETS 1 THRU 30

SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DOT-57
(9-10)

FILE NO. _____

SUPPLIER'S CERTIFICATION - CLASS M6 CONCRETE

PROJECT _____ COUNTY _____ PCN _____

SUPPLIER _____

PLANT ADDRESS _____ DATE _____

MIX DATA

_____ lbs. Coarse Aggregate per Cubic Yard

_____ lbs. Fine Aggregate per Cubic Yard

_____ lbs. Cement, Type _____ per Cubic Yard

_____ lbs. Fly Ash, Type _____ per Cubic Yard

_____ lbs. () gals. () Water per Cubic Yard

_____ oz/cwt Air Entrainment

_____ oz/cwt Water Reducer or Other

Source of Coarse Aggregate _____

Source of Fine Aggregate _____

Source of Cement _____

Source of Fly Ash _____

Source & Name of Admixtures _____

I hereby certify the mix and all component materials supplied for Class M - 6 Concrete for use on the above project meet the requirements of the specifications of the South Dakota Department of Transportation.

Supplier or Authorized Representative _____
Signature

Title _____

Date _____

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION FOR
INDIAN EMPLOYMENT AND CONTRACTING ON THE
CHEYENNE RIVER RESERVATION**

**PROJECT NO. T2205-37X/DEL
DEWEY COUNTY
JUNE 13, 2016**

PURPOSE

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

All of this project is located within the exterior boundaries of the Cheyenne River 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 job but have general potential of becoming qualified through a reasonable amount of training.

DEPARTMENT RESPONSIBILITIES

The Department (Civil Rights Office or Area Office):

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

CONTRACTOR RESPONSIBILITIES

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

- C. The contractor and subcontractor agree that Indians will be given preference for at least eighty percent (80%) 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, subcontractor, and supplier 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 must contact the Cheyenne River Sioux Tribe TERO Office concerning an identified core crew, project work force needs, and (sub)contractor/TERO interface. No contractor, subcontractor, or supplier will begin work until the compliance plan has been approved by the TERO Office. The contractor, any subcontractor, and any supplier must submit a copy of the approved compliance plan to the Department’s Area Office prior to commencing work unless arrangements are made for the TERO Office to provide the copy of the compliance plan directly to the Department’s Area Office. In lieu of a copy of the approved compliance plan, the Department’s Area Office may seek approval directly from the TERO Office.
- E. The contractor will provide the TERO Director at least forty-eight hours’ notice to locate and refer a qualified Indian applicant for any vacancy or new position except when circumstances require the position be filled within a shorter period of time. If the TERO Office is unable to fill the vacancy, the contractor and subcontractor may recruit and hire workers from whatever sources are available and by whatever process, provided that the contractor and subcontractor notifies the TERO Office of any job vacancies, positions, or any negotiated positions.
- F. The contractor and subcontractor will provide for maintenance of records and be prepared to furnish such periodic reports documenting compliance under this Special Provision as the Department determines necessary. The contractor and subcontractor will submit the following information on a weekly basis to the Tribal TERO Office:
1. One copy of the official payroll (as submitted to the Department of Transportation).
 2. TERO Weekly Employment Report (forms for the weekly TERO Employment Report available from the TERO Office)
 3. The weekly report and copy of the certified payroll will include company’s core crew.
- 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 all 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 located within the boundaries of the Cheyenne River Reservation. The Department has determined that one hundred percent (100%) of the project is within those boundaries; therefore the contractor is authorized to include a TERO fee amount based on 100% of the total contract dollar amount.

The Cheyenne River Sioux Tribe has a United States Department of Labor, Bureau of Apprenticeship Training approved training program (apprenticeship program) for operating engineers. Under the provision of this apprenticeship program, the Tribal TERO Office may assign one or more apprentices to the contractor for training on this project. The TERO Office will provide employers with information regarding such training including the name, training status, and wage level of each apprentice assigned. The contractor is authorized to include in the contractor's bid an amount necessary to cover the apprenticeship training fee, which is a component of this apprenticeship program. The apprenticeship training fee is one-half of one percent (0.5 of 1%) of the total bid amount, based on the portion of the project which is located within the boundaries of the Cheyenne River Reservation. The Department has determined that one hundred percent (100%) of the project is within those boundaries; therefore the contractor is authorized to include a training fee amount based on 100% of the total contract dollar amount. Contact the Tribal TERO Office for complete details at 605-964-8376.

The Cheyenne River 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 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 605-964-8376 or the Department Civil Rights Office at 605-773-3540 for assistance.

The Department acknowledges that the Cheyenne River Sioux Tribe issues a business license to contractors working on projects within the exterior boundaries of the Cheyenne River Reservation. For further information contact the Tribal TERO Office at 605-964-8376.

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, 2015 edition.

The TERO Special Provision will apply to the entire project and not just the portion located within the boundaries of the Cheyenne River Reservation with the exception of the fees that are calculated based on the portion located within reservation boundaries.

It is the intent of all parties that this Special Provision be implemented on a cooperative basis without regard to jurisdictional issues. The Department and the Tribe will encourage informal resolutions of problems prior to instituting litigation against a contractor or subcontractor. Nothing will prevent the Tribe or the Department from instituting any litigation against a contractor or subcontractor with regard to the business licensing code, the employment rights code, or any other matter. This Agreement is not intended to be, does not constitute, and will not be construed as a waiver of sovereign immunity by the Tribe or the Department. The Tribe and the Department expressly preserve their sovereign immunity from suit against each other and by all contractors, subcontractors, and other parties.

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

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

JUNE 1, 2016

The Supplemental Specifications dated June 1, 2016 are in effect for and made a part of this contract.

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

Department Website:

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

Operations Support:

605-773-3571

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

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

JUNE 1, 2016

The Supplemental Specifications for Errata dated June 1, 2016 are in effect for and made a part of this contract.

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

Operations Support:

605-773-3571

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