



Department of Transportation

Pierre Region Office

104 S. Garfield – Bldg. A
Pierre, South Dakota 57501-5405 605/773-3464
FAX: 605/773-6215

May 2, 2013

RE: 000N-392, 000P-392, 000P-392, 000N-392, 000P-392, 000N-391, 000P-391, 000I-391, 000N-391, 000I-391, 000P-392, 000P-391 & 000I-391 PCN i2T2, i2T3, i2T4, i2T5, i2T6, i2T7, i2T8, i2T9, i2TA, i2TB, i2TC, i2TE, & i2TF Jackson, Jones, Lyman, Todd, Tripp, Mellette, & Gregory Counties Spraying of Noxious Weeds

TO: INTERESTED BIDDERS

The South Dakota Department of Transportation (SDDOT), Pierre Region Office – Bldg. A, 104 S. Garfield, Pierre, South Dakota 57501, desires to solicit bids for the above referenced project.

A copy of the plans and the proposals may be downloaded from the SDDOT web site 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 Region Office know of their intent to bid on this project so that we can get them added to the plan holders list.

Any addenda will be posted on the Pierre regional letting site no later than 5:00 P.M. (C.D.T.) on **Thursday, May 23, 2013**. It will be the Contractor's responsibility to verify that no addenda have been posted prior to submitting bids. Every addenda posted on the regional letting site 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.

Sealed bids for the contract will be accepted until **2:00 P.M. (C.D.T.) on Tuesday, May 28, 2013**, and will be opened at that time in the Pierre Region Office – Bldg. A. Bids must be received in an envelope with "**Spraying of Noxious Weeds**" written on the outside.

A bid bond will not be required on this contract; however, 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 cashiers check, money order or other monetary instrument in the total amount of the contract, made out to and under the full control of the Department is acceptable in lieu of a performance bond. Such bond shall remain in

effect for not less than one year after date of acceptance of the completed contract by the Department.

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

The Department of Transportation 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.

The Department of Transportation reserves the right to reject any and all bids. No faxed bids will be accepted.

THE CONTRACTORS SIGNATURE ON THE DOT-123 FORMS MUST BE NOTARIZED TO CONSITUTE A LEGAL BID.

Contractors must include with the DOT-123 form completed “Utilization of Minority Business Enterprises Clauses”, “Contractor’s Affidavit/Declaration” and “Fuel Adjustment Affidavit” forms when you submit your bid. Contractor’s bid will be considered incomplete if these forms are not included with your bid.

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

DEPARTMENT OF TRANSPORTATION

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

cc: J. Humphrey - Operations
K. Lewedag – Civil Rights
D. Sherman – Winner Area
Project File

**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT PROPOSAL**

DOT-123
(5/05)
1 of 2

CODE	PROJECT			MAINT UNIT	CONTROL REFERENCE	AFE	FUNCTION	BEGIN MRM	END MRM
	PRE	ROUTE	AGR						
		000N		392		i2t2	2305		
		000P		392		i2t3	2305		
		000P		392		i2t4	2305		
		000N		392		i2t5	2305		
		000P		392		i2t6	2305		
		000N		391		i2t7	2305		
		000P		391		i2t8	2305		
		000I		391		i2t9	2305		
		000N		391		i2ta	2305		
		000I		391		i2tb	2305		
		000P		392		i2tc	2305		
		000P		391		i2te	2305		
		000I		391		i2tf	2305		

CITY AND/OR COUNTY: Jackson, Jones, Lyman, Todd, Tripp, Mellette, Gregory **BUDGET SOURCE:** Contract Maintenance FY13

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: Contract spraying of noxious weeds in the State Highway ROW within the Winner Area less those roads in Bennett County.

ESTIMATE OF QUANTITIES AND COST

BID ITEM NUMBER	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
910E0003	24D Amine	29500	Oz		
910E0007	Tordon 22K	14000	Oz		
910E1000	Equipment Truck/Sprayer	760	Hour		
	TOTAL				

* Nonparticipating to FHWA

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 June 15, 2013 **OVERALL COMPLETION DATE** 31-Oct-13

SUBSCRIBED AND SWORN TO BEFORE ME THE **SIGNATURE** _____
 _____ **DAY OF** _____, 20____ **COMPANY** _____
 _____ **ADDRESS** _____

NOTARY - My Commission Expires _____ **FEDERAL TAX ID NUMBER** _____

RECOMMENDED FOR APPROVAL: _____ _____
 _____ **CONSTRUCTION & MAINTENANCE ENGINEER** **DATE**

**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT PROPOSAL**

DOT-123
(5/05)
2 of 2

CODE	PROJECT			MAINT UNIT	CONTROL REFERENCE	AFE	FUNCTION	BEGIN MRM	END MRM
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		000P		392		i2t6	2305		
		000N		391		i2t7	2305		
		000P		391		i2t8	2305		
		000I		391		i2t9	2305		
		000N		391		i2ta	2305		
		000I		391		i2tb	2305		
		000P		392		i2tc	2305		
		000P		391		i2te	2305		
		000I		391		i2tf	2305		

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.

* * * *

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

Utilization of Minority Business Enterprises Clauses

PROJECT(S): 000N-392, 000P-392, 000P-392, 000N-392, 000P-392, 000N-391, 000P-391, 000I-391, 000N-391, 000I-391, 000P-392, 000P-391 & 000I-391

PCN: i2T2, i2T3, i2T4, i2T5, i2T6, i2T7, i2T8, i2T9, i2TA, i2TB, i2TC, i2TE, & i2TF

COUNTY(IES): Jackson, Jones, Lyman, Todd, Tripp, Mellette, & Gregory

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

PROJECT(S): 000N-392, 000P-392, 000P-392, 000N-392, 000P-392, 000N-391, 000P-391, 000I-391, 000N-391, 000I-391, 000P-392, 000P-391 & 000I-391

PCN: i2T2, i2T3, i2T4, i2T5, i2T6, i2T7, i2T8, i2T9, i2TA, i2TB, i2TC, i2TE, & i2TF

COUNTY(IES): Jackson, Jones, Lyman, Todd, Tripp, Mellette, & Gregory

(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 _____)
) :SS
State of _____)

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 _____

Attachment A

DOT-208
(09/08)

FUEL ADJUSTMENT AFFIDAVIT

000N-392, 000P-392, 000P-392, 000N-392, 000P-392, 000N-391, 000P-391, 000I-391, 000N-391, 000I-391,

Project Number 000P-392, 000P-391 & 000I-391
PCN i2T2, i2T3, i2T4, i2T5, i2T6, i2T7, i2T8, i2T9, i2TA, i2TB, i2TC, i2TE, & i2TF
County Jackson, Jones, Lyman, Todd, Tripp, Mellette, & Gregory

For formally let projects (projects let through the South Dakota Electronic Bid System), the Contractor is not required to notify the Department at the time of submitting bids whether he will or will not participate in the fuel cost adjustment program. 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

REV. 11/17/11

PROJECT(S): 000N-392, 000P-392, 000P-392, 000N-392, 000P-392, 000N-391, 000P-391, 000I-391, 000N-391, 000I-391, 000P-392, 000P-391 & 000I-391

PCN «i2T2, i2T3, i2T4, i2T5, i2T6, i2T7, i2T8, i2T9, i2TA, i2TB, i2TC, i2TE, & i2TF»

COUNTY(IES): «Jackson, Jones, Lyman, Todd, Tripp, Mellette, & Gregory»

TYPE OF WORK: «SPRAYING OF NOXIOUS WEEDS»

THE FOLLOWING ITEMS ARE INCLUDED IN THIS PROPOSAL FORM:

PLANS FOR PROJECT – SHEETS 1 THRU 11.

SPECIFICATIONS:

- 1. The Contractor does hereby agree to furnish the necessary equipment, materials and labor to control the growth of declared noxious weeds within the right-of-way of state highway routes as shown on the attached map (Exhibit A).**
- 2. The spraying shall consist of spot treatments and be accomplished by using the herbicides and applicable rates recommended on the attached rate guide (Exhibit B). If a herbicide is needed that is not on this contract, the type and price shall be negotiated and added by Change Order, prior to the use of the herbicide. The contractor may substitute other common industry herbicides which meet or exceed those listed in the bid item list, as approved by the engineer prior to use. The contractor shall submit his intended list of herbicides to the Area Engineer 3 weeks prior to commencing work or at the preconstruction meeting for approval. The cost of using surfactants shall be incidental to the various bid items and no separate payment will be made.**
- 3. The Contractor agrees to indemnify, save and hold harmless, the Department and all its employees and agents, from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by reasons of, the execution or performance of the work provided for under this contract whether or not the Contractor is itself negligent or otherwise culpable, and further agrees to defend at its own sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever nature or character arising under this contract whether or not the Contractor is itself negligent or otherwise culpable. This section does not require the Contractor to be responsible for or defend against claims or damages arising solely from acts or omissions of the State, its officers or employees.**
- 4. The spraying shall be accomplished by personnel properly licensed by the South Dakota Department of Agriculture.**
- 5. The Contractor shall not stop their vehicles on the roadway, driving lanes, or shoulders on the Interstate highway system.**
- 6. All Contractor spraying vehicles shall be equipped with a flashing amber warning light which shall be in operation while spraying highway right of way.**
- 7. The Maintenance Supervisor shall advise the Contractor a minimum of 48 hours in advance of areas and routes to be sprayed. Herbicide application will be in accordance with Exhibit B.**

8. The Contractor shall complete the attached daily form (DOT-820) “Contract Daily Pesticide Application Record” (Exhibit C) furnished by the Department after the completion of a specific route and each day of spraying. The amount of herbicide applied shall be recorded to the nearest ounce. The Contractor shall provide the Maintenance Supervisor with a completed copy of the daily form (DOT-820) within one week after completing the spraying. Failure to submit the DOT 820 in a timely manner may result in a price adjustment for the contract.

9. The contract work shall not exceed the total dollar amount shown on this contract without prior approval by the Department of Transportation.

10. The herbicides selected for use will dictate frequency and timing of application. If several applications are required per growing season, the Maintenance Supervisor shall specify the beginning date and ending date. For herbicides requiring a single application, the applications shall be made in accordance with the label for the product.

11. The Contractor shall supply visible proof to the Maintenance Supervisor that the spraying operations are performing effectively by killing weeds. Failure to supply visible proof will result in non-payment of work performed.

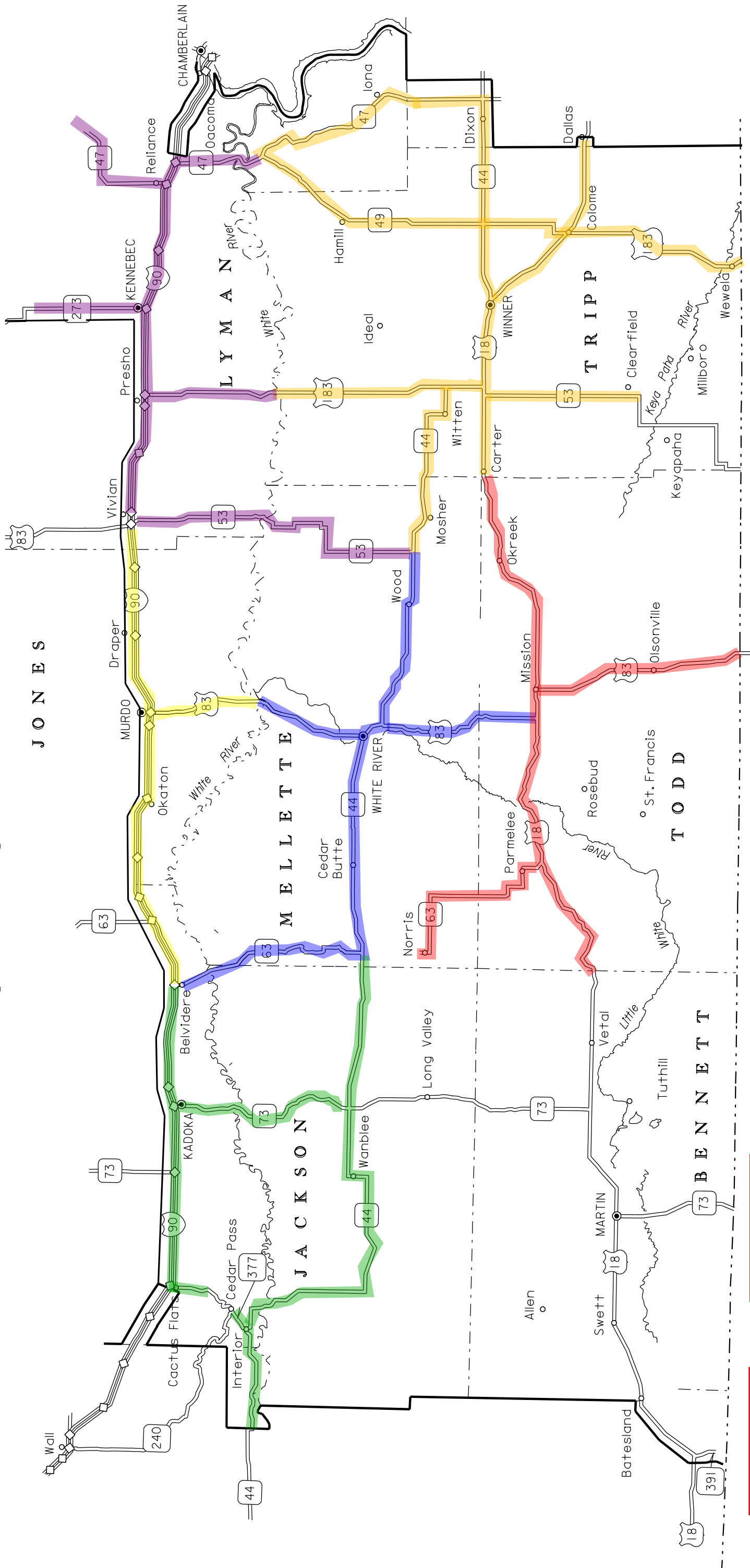
12. Failure to comply with any of these requirements will result in non-payment for work performed.

Conversion Chart

Unit of Measure	Equivalent	Ounces
4 Quarts	1 Gallon	128 ounces
2 Pints	1 Quart	32 ounces
1 Pint	2 Cups	16 ounces
1 Cup	~	8 ounces

EXHIBIT A - GENERAL MAP

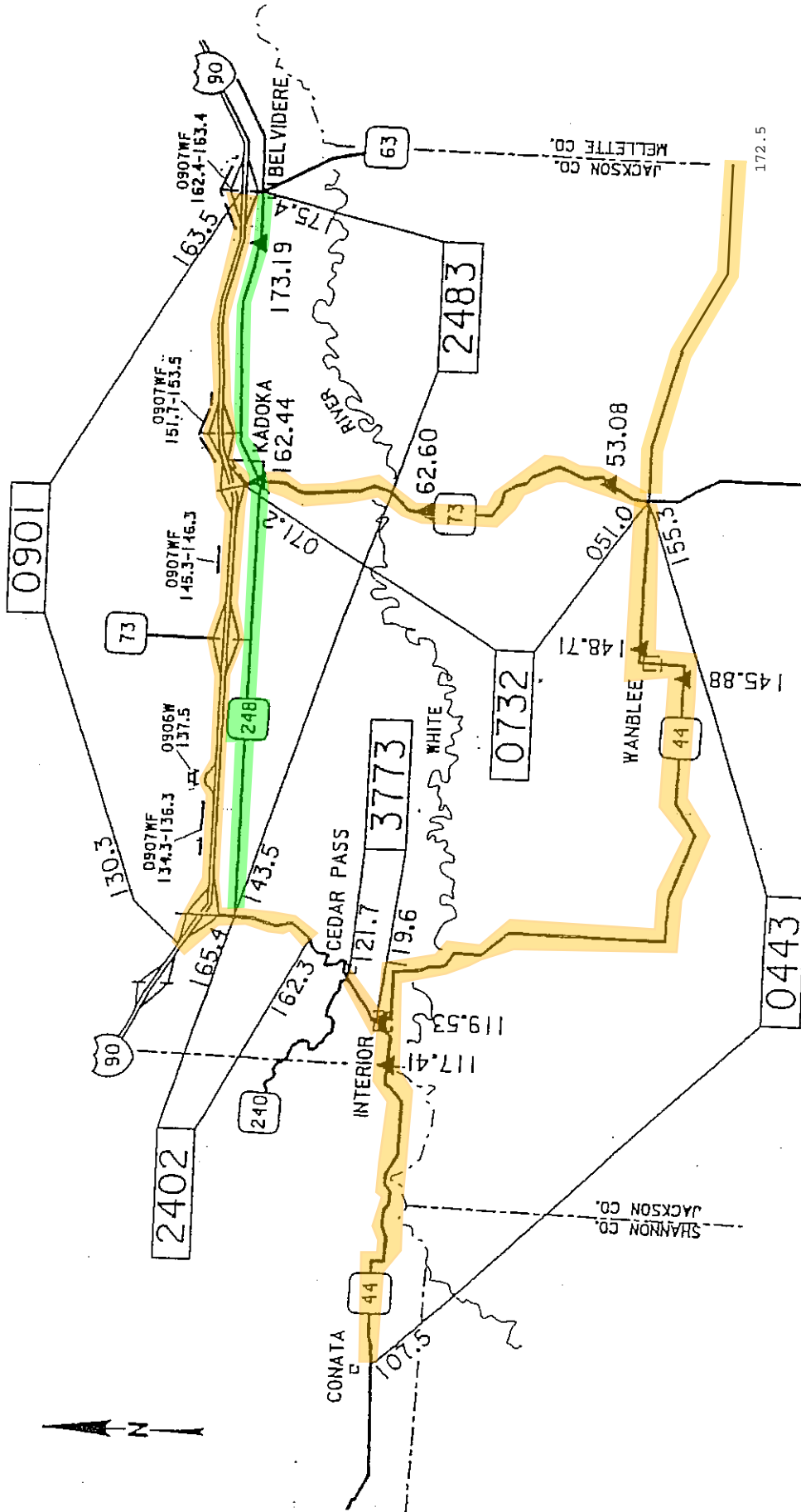
WINNER AREA MAP



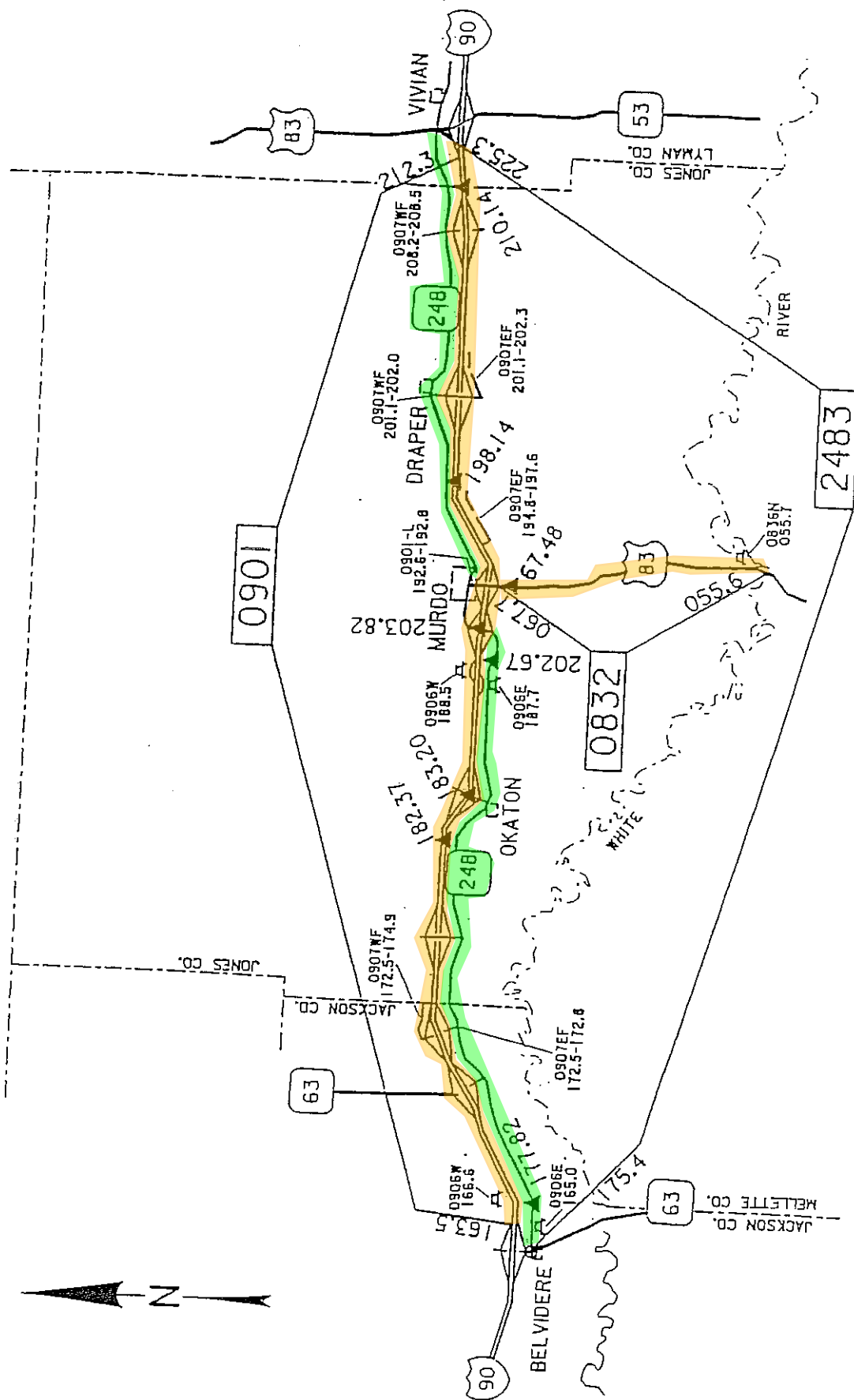
- 398-KADOKA
- 394-MURDO
- 395-PRESHO
- 397-WINNER
- 396-WHITE RIVER
- 393-MISSION

See individual maps for further detail.

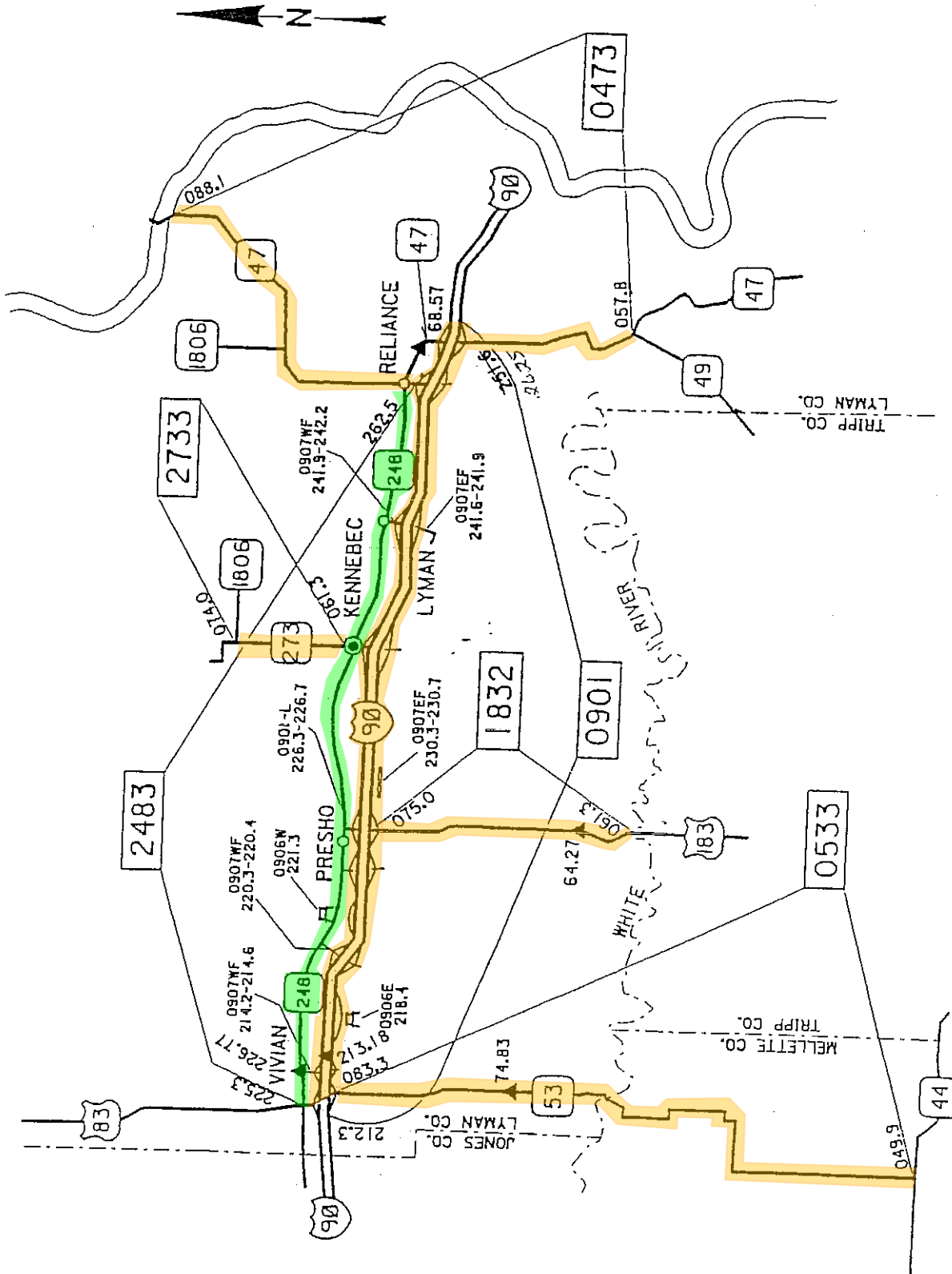
NEBRASKA



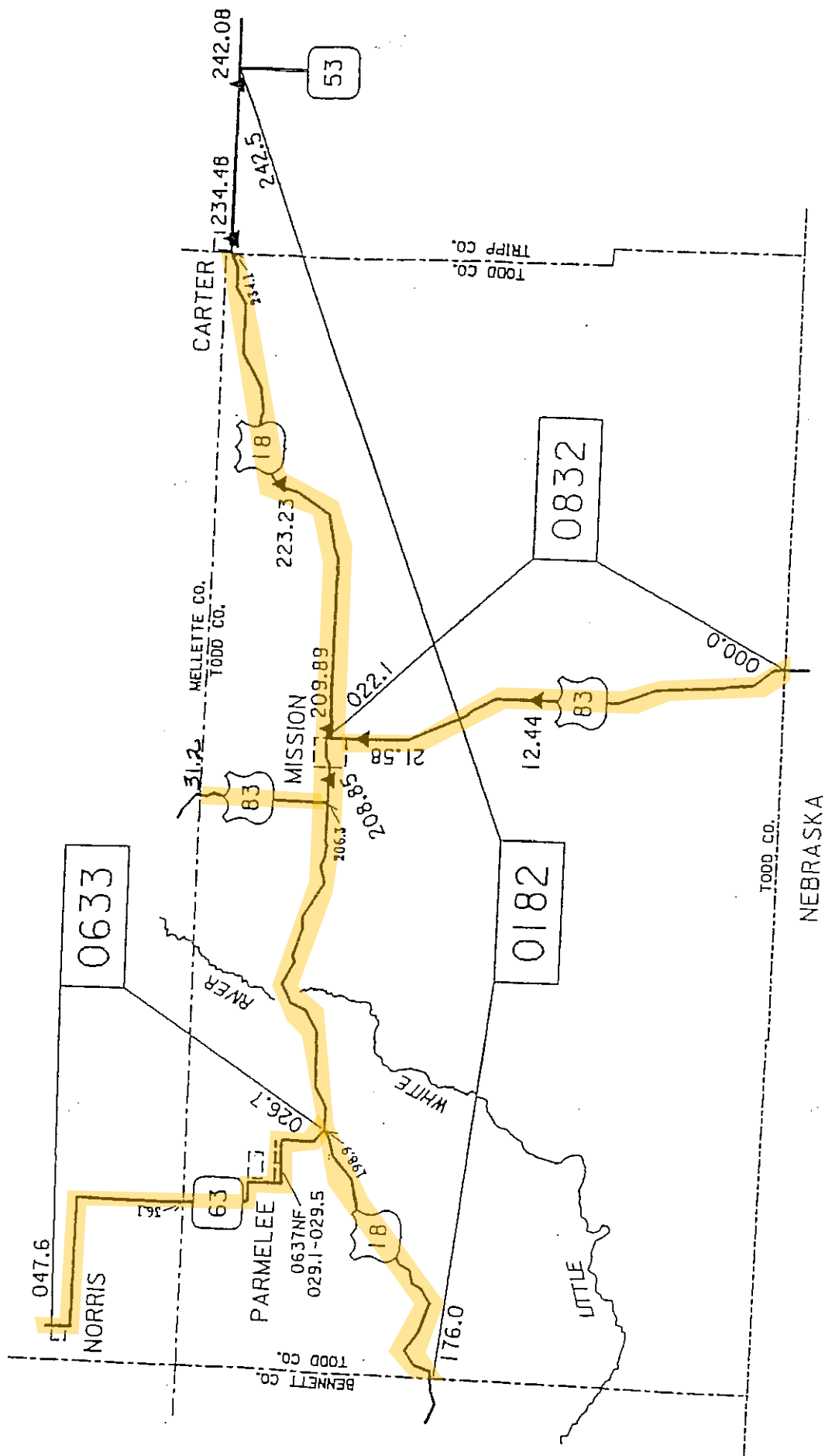
398 - KADOKA



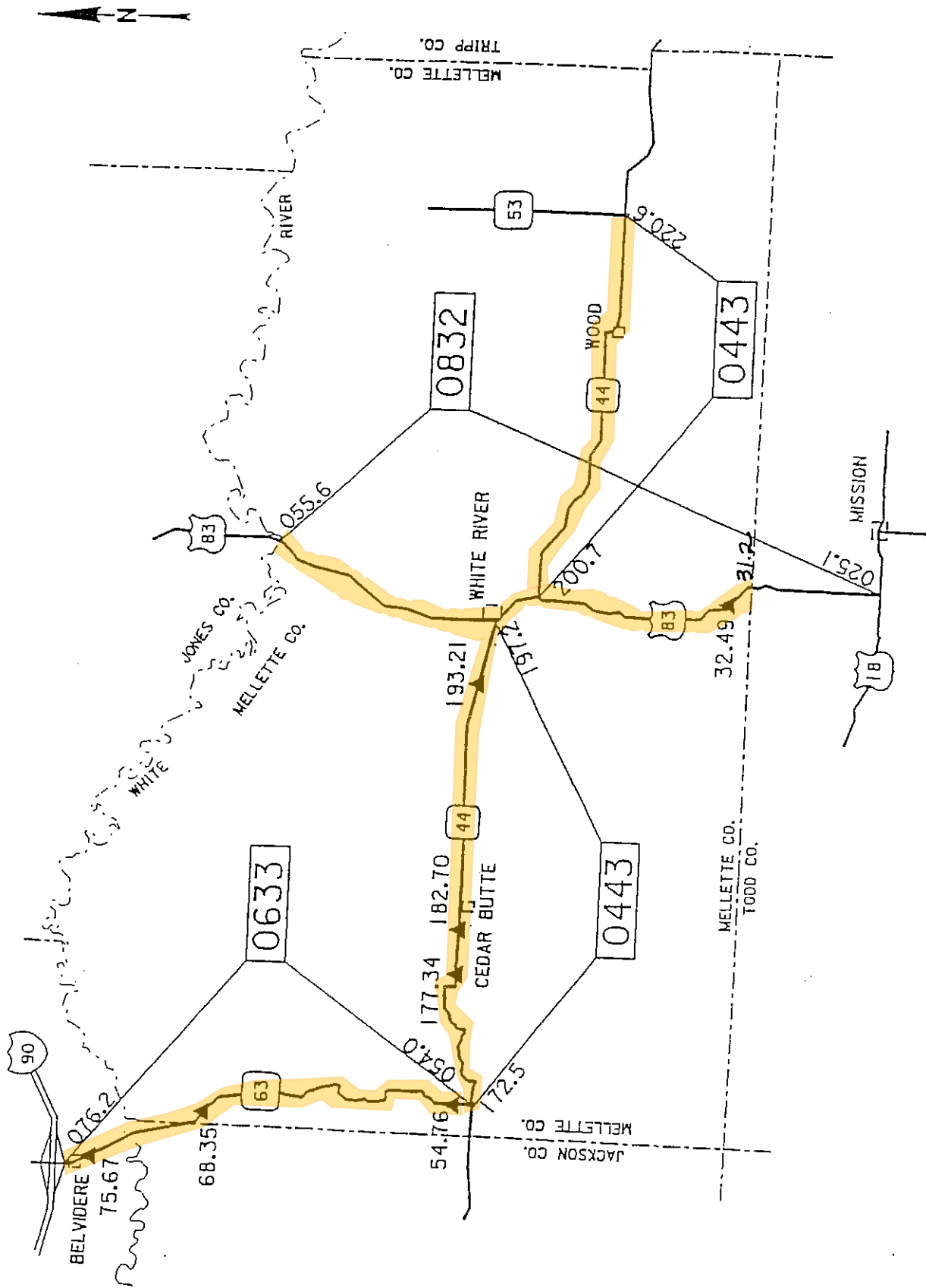
394-MURDO



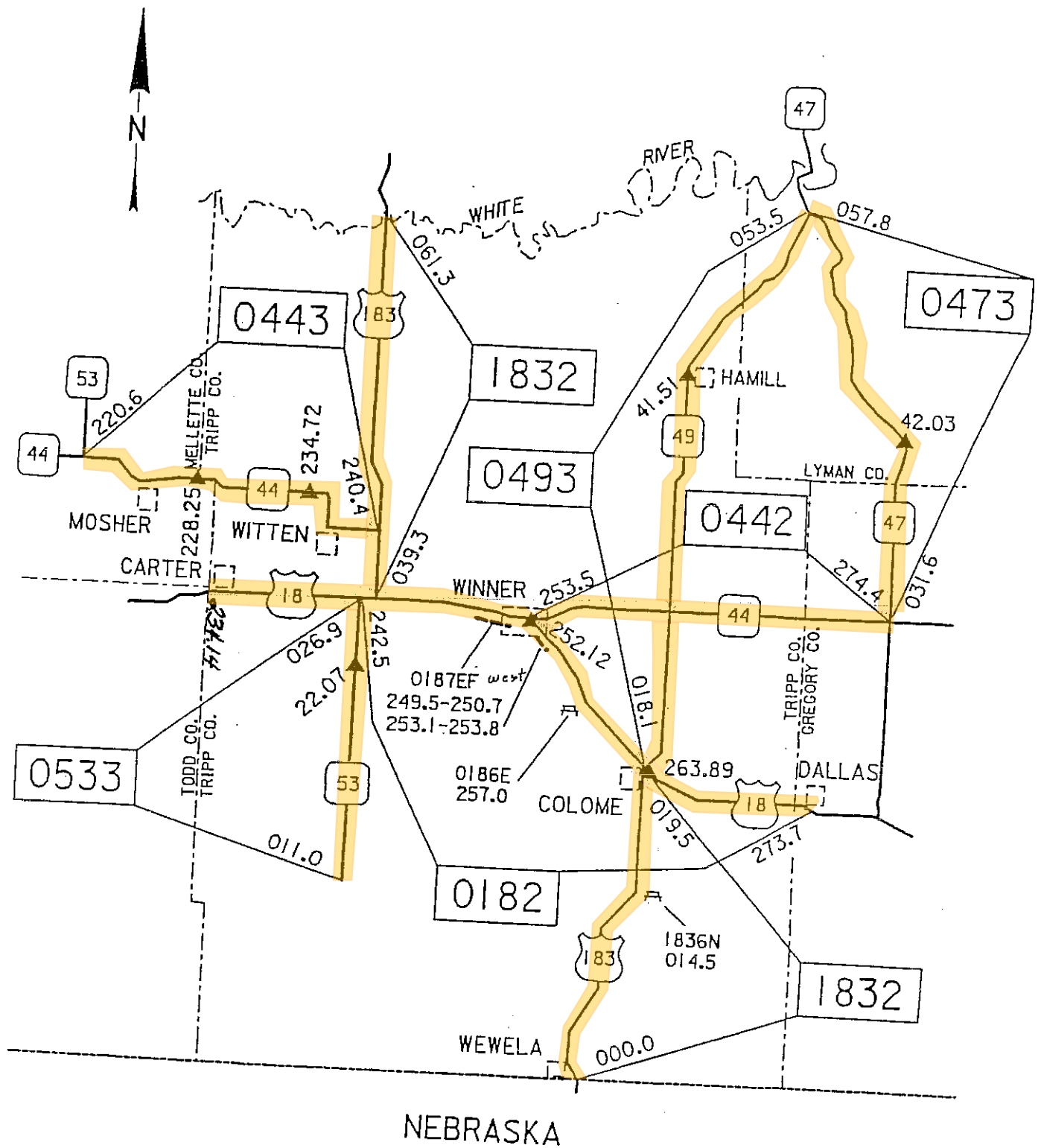
395-PRESHO



393-MISSION



396-WHITE RIVER



397-WINNER

**HERBICIDE RECOMMENDATIONS FOR NOXIOUS WEEDS IN
NON-CROPLAND & HIGHWAY RIGHTS-OF-WAY**

RATES SHOWN ARE RECOMMENDATIONS OF SDSU EXTENSION SERVICE

NOTE:

This information is intended as a guide for selecting herbicide treatments for noxious weed control in certain areas. It includes those herbicides considered for most situations and those generally available. Rates are based on research data available.

READ AND FOLLOW ALL LABEL DIRECTIONS & RESTRICTIONS

**NOXIOUS WEED CONTROL
HERBICIDE RATE GUIDE**

AMOUNT FOR 1 ACRE

	LEAFY SPURGE	CANADA & P. SOW THISTLE	FIELD BINDWEED	HOARY CRESS	RUSSIAN KNAP WEED	PURPLE LOOSESTRIFE
Tordon 22K	2 qt.	2 qt.	2 qt.	2 qt.	2 qt.	N/A
Tordon & 2,4-D**	3/4 qt & 1 qt	1 pint & 1 qt.	1 pint & 1 qt.	3/4 qt. & 1 qt.	3/4 qt. & 1 qt.	N/A
Banvel	N/A	2 qt.	2 qt.	N/A	N/A	N/A
Banvel & 2,4-D**	N/A	1 qt. & 1 qt.	1 qt & 1 qt.	N/A	N/A	N/A
2,4-D**	1-1/2 qt.	1 qt.	1 qt.	1-1/2 qt.	1-1/2 qt.	N/A
Roundup	N/A	3 qt.	4 qt.	N/A	N/A	N/A
Rodeo	N/A	N/A	N/A	N/A	N/A	2 oz/gal (spot spray)
Glyphosate 3L Curtail	N/A	4 pint	N/A	4 pint	N/A	N/A

** Based on 4 lb/gal product.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

DOT 820 Modified - Winner Area

PCN

Rev 02/10

DATE: _____

WEATHER CLOUDY PARTLY CLOUDY MOSTLY SUNNY CLEAR

COUNTY Bennett Jones Lyman Todd
 Gregory Jackson Mellette Tripp

	START	END
TIME		
TEMP - °F		
WIND - Direction		
WIND - Speed		

COMMENTS: _____

APPLICATION

LOCATION

HWY#

DITCH

MRM START

MRM END

SPRAY

CONTINUOUS

SPOT

CHEMICAL

TYPE:

BRAND:

UNIT

QUANTITY

	NAME	START	STOP	HOURS	
LABOR					LABOR TOTAL HOURS

	TYPE	START	STOP	HOURS	
EQUIPMENT					EQUIP. TOTAL HOURS

Operator- Applicator _____ D.O.A. License # _____

Address: _____

This form shall be completed in duplicate for each route after completion of your daily pesticide application. One copy is to be kept on file for a period of three (3) years, and the other copy is to be forwarded to the Area Engineer.