



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

February 21, 2023

TO: INTERESTED BIDDERS

RE: PROJECTS 000N-351, 000P-351
PCN i71H, i71J
Stanley & Lyman Counties
Contract Spraying of Noxious Weeds – Pierre Area Units 351

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: <https://apps.sd.gov/HC65BidLetting/RegionDefault.aspx>

Please email the Pierre Region office for the DOT-123 form for bidding. Shelley.Larson@state.sd.us
The email request for the DOT-123 form will include the following information, so that the SDDOT can maintain a list of prospective bidders for this project and to maintain a contact list for future region lettings:

Contact Name / Company Name / Mailing Address / Phone Numbers

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, religion, national origin, sex, age, or disability 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 Wednesday, March 1, 2023**. 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.

There are **no** bonding requirements for this contract; however, a Certificate of Liability Insurance will be required of the successful bidder.

The successful bidder must submit the **Fuel Adjustment Affidavit (DOT-208)** form prior to the execution of the contract; therefore, all bidders are encouraged to submit the Fuel Adjustment Affidavit prior to or at the time of bidding.

The enclosed **Contract Proposal (DOT-123), Utilization of Minority Business Enterprises Clauses, Contractor's Affidavit/Declaration, and Contractor Certification/Executive Order 2023-02** forms will be submitted with your bid. The bid will be considered incomplete if these forms are not included with your bidding documents.

Sealed bids for the contract will be accepted by the SDDOT via available shipping couriers or may be hand delivered to the Pierre Regional Office until **2:00 P.M. Central Time on Tuesday, March 7, 2023**. At that time all submitted bids will be opened. Bids must be received in an envelope with "**Weed Spraying – Pierre Area - Unit 351 (i71H)**" 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.

Mailing & Hand Delivering Address

Attn: Melody Maeschen
Department of Transportation
104 S. Garfield, Bldg A
2nd Floor, RM 205
Pierre, SD 57501-5405

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:

Dean VanDeWiele at 605-773-5294 – Pierre Area Engineer
Dan Vockrodt at 605-773-5294 – Pierre Area Project Engineer Supervisor
Shelley Larson at 605-773-3464 – Senior Region Design Engineer
or Vance Martin at 605-845-6947 – Region Design Engineer

Respectfully,

DEPARTMENT OF TRANSPORTATION

Shelley Larson

Shelley M. Larson – Region Senior Design Engineer

cc: J. Humphrey – Region Engineer
J. Hanson – Civil Rights
C. Bennett – Operations
L. DeMers – DBE Coordinator
D. VanDeWiele, D. Vockrodt - Pierre Area
Project File

**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT PROPOSAL**

CODE	PROJECT			MAINT UNIT	CONTROL REFERENCE	AFE	FUNCTION	BEGIN MRM	END MRM
	PRE	ROUTE	AGR						
		000N		351		I71J	2305		
		000P		351		I71H	2305		

CITY AND/OR COUNTY: Stanley and Lyman Counties BUDGET SOURCE: Contract Maintenance FY23
 REGION MATERIALS CERTIFICATION REQUIRED: YES NO WIP #: _____
 CERTIFIED INSPECTORS/TESTERS REQUIRED: YES NO
 TO BE INSTALLED ON CM&P: YES NO

TYPE, PURPOSE AND LOCATION OF WORK: _____
Contract spraying of noxious weeds in the State Highway right-of-way within Stanley and Lyman Counties

ESTIMATE OF QUANTITIES AND COST

BID ITEM NUMBER	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
910E0001	Tordon 22K	85	Gal		
910E0009	24D Amine	340	Gal		
910E0050	Plateau	32	Gal		
910E0085	Milestone	500	Oz		
910E0100	Escort	25	Oz		
910E0197	Surfactant	2000	Oz		
910E1000	Equipment truck/sprayer	150	Hour		
910E1050	ATV/Sprayer	75	Hour		
910E1060	Labor	200	Hour		
TOTAL					

CONTRACTOR'S PROPOSAL STATEMENT

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

SUBSTANTIAL COMPLETION DATE N/A PROPOSED START DATE _____
 FIELD WORK COMPLETION DATE October 27, 2023 SIGNATURE _____
 SUBSCRIBED AND SWORN TO BEFORE ME THE PRINTED NAME _____
 _____ DAY OF _____, 20__ COMPANY _____
 NOTARY _____ STR. ADDRESS _____
 My Commission Expires: CITY, STATE, ZIP _____
 _____ PHONE NUMBER _____
 DATE _____ (SEAL) FEDERAL TAX ID NUMBER _____

TO BE FILLED OUT BY STATE PERSONNEL:

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

RECOMMENDED FOR APPROVAL:

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

ACCEPTED BY SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
 NAME _____ TITLE _____ DATE _____
 IF FEDERAL FUNDS WILL BE EXPENDED UNDER THIS AGREEMENT, ACCEPTANCE BY PROJECT DEVELOPMENT IS REQUIRED
 PROJECT DEVELOPMENT ENGINEER _____ DATE _____

FUEL ADJUSTMENT AFFIDAVIT

Project Number **000N-351, 000P-351**
PCN **i71H, i71J**
County **Stanley & Lyman Counties**

For project let using the SDEBS) and in accordance with Section 9.12, the bidder is not required to notify the Department at the time of submitting bids whether the Contractor will or will not participate in the fuel cost adjustment program. Prior to execution of the contract, the successful bidder must submit this completed form to the Department for approval. The Fuel Adjustment Affidavit shall include the anticipated fuel cost of subcontractors.

Does your company elect to participate in a fuel adjustment for this contract for the fuels that do not have a fixed price? No adjustments in fuel prices will be made if "No" is checked.

Yes No

If yes, provide the total dollars for each of the applicable fuels. No adjustments in fuel price will be made for the fuel types that are left blank or completed with a \$0.00 value.

Diesel (x) \$ _____

Unleaded (y) \$ _____

Burner Fuel (z) \$ _____ Type of Burner Fuel Used: _____

Sum (x + y + z) = \$ _____

Note: The sum of the x, y, and z may not exceed 15% of the original contract amount.

The following must be completed regardless of whether the Contractor elects to participate in the fuel adjustment affidavit

Under the penalty of law for perjury or falsification, the undersigned, _____,
(Printed Name)
_____ of _____,
(Title) (Contractor)

hereby certifies that the documentation is submitted in good faith, that the information provided is accurate and complete to the best of their knowledge and belief, and that the monetary amount identified accurately reflects the cost for fuel, and that they are duly authorized to certify the above documentation on behalf of the company.

I hereby agree that the Department or its authorized representative shall have the right to examine and copy all Contractor records, documents, work sheets, bid sheets, and other data pertinent to the justification of the fuel costs shown above.

Dated _____ Signature _____

Notarization is required only when the Contractor elects to participate in the fuel adjustment affidavit

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public

My Commission Expires

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

Utilization of Minority Business Enterprises Clauses

PROJECT(S): 000N-351, & 000P-351

PCN i71H, i71J

COUNTY(IES): Stanley & Lyman Counties

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-351, & 000P-351

PCN i71H, i71J

COUNTY(IES): Stanley & Lyman Counties

(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 _____

**CONTRACTOR CERTIFICATION
REQUIRED BY
STATE OF SOUTH DAKOTA OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2023-02**

Section 1. Definitions. The words used in this Certification shall mean:

1.1. “Prohibited Entity,” an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates, of those entities or business associations, regardless of its principal place of business, that is ultimately owned or controlled, directly or indirectly, by a foreign national, a foreign parent entity, or foreign government from China, Iran, North Korea, Russia, Cuba, or Venezuela;

1.2. “Executive Branch Agencies,” each state agency, authority, bureau, board, commission, department, or institution of the State of South Dakota that is controlled by the Governor;

1.3. “Contract,” any type of agreement by or on behalf of the State to sell or lease supplies or goods, or to provide services, professional services, construction, or public improvements, to the State in return for a fee, or any other form of compensation to be paid or provided by the State; and

1.4. “Contractor,” a vendor, supplier, construction contractor, or subcontractor that has submitted a bid or offer for or has been selected to engage in providing goods or services to the State but does not mean a sole proprietorship or individual natural U.S. citizen.

Section 2. Certification. The undersigned hereby certifies to the State of South Dakota as follows:

2.1. The undersigned is not a Prohibited Entity.

2.2. If at any time after making this certification the undersigned becomes a Prohibited Entity, the undersigned will provide immediate written notice to all Executive Branch Agencies with whom the undersigned has Contracts. The undersigned understands and agrees that if the undersigned becomes a Prohibited Entity, Executive Branch Agencies may terminate any Contract with the undersigned.

2.3. The undersigned acknowledges and agrees that Executive Branch Agencies have the right to terminate a Contract with any Contractor that submits a false certification.

Dated _____, 202__.

Contractor:

By: _____

Printed Name: _____

Title: _____

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.

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SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

PIERRE REGION

PROPOSAL FOR

PROJECTS 000N-351 & 000P-351

Stanley & Lyman Counties

PCN i71H & i71J

Spraying of Noxious Weeds - Pierre Area

Maintenance Shop 355



REV. 2/9/23

INDEX OF SPECIAL PROVISIONS

PROJECT(S): 000N-351, & 000P-351 PCN i71H, i71J

COUNTY(IES): Stanley & Lyman Counties

TYPE OF WORK: SPRAYING OF NOXIOUS WEEDS

THE FOLLOWING ITEMS ARE INCLUDED IN THIS PROPOSAL FORM:

Plan Sheets 1-5

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