

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING
Thursday, April 23, 2020, at 9:00 a.m. CDT
Conference Call Meeting

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:**

Mike Vehle, Chairman
Larry Nelson, Vice Chairman
Ron Rosenboom
Rod Fouberg
Bruce Cull
Benj Stoick
Don Roby
Kathy Zander
Jaf Karim

DOT STAFF PRESENT:

Kari Kroll

DOT STAFF PRESENT

VIA CONFERENCE CALL:

Secretary Darin Bergquist, Deputy Secretary Joel Jundt, Mike Behm, Craig Smith, Karla Engle, Bonnie Olson, Ryan Johnson, Mark Leiferman, Doug Kinniburgh, Sam Weisgram, Joel Gengler, Kellie Beck, and Tony Ondricek

OTHERS PRESENT

VIA CONFERENCE CALL:

Mark Clausen – Federal Highway Administration (FHWA); Kirk Fredrichs – FHWA; and Lindsey Willis – Association of General Contractors (AGC)

Chairman Mike Vehle called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CDT.

Vehle opened the floor to the Commission members to disclose potential conflicts of interests and to present requests for waiver pursuant to the South Dakota Codified Law (SDCL) chapter 3 – 23.

No conflicts were disclosed, and no waivers were requested.

Vehle asked for a motion to approve the April 9, 2020, Commission meeting minutes.

Commissioner Nelson left the call at 9:03 a.m.

A MOTION WAS MADE by Fouberg and seconded by Roby to approve the April 9, 2020, Commission meeting minutes. All present voted aye by roll call vote, except Nelson who was absent from the vote. The motion carried.

Commissioner Nelson re-joined the call at 9:05 a.m.

Karla Engle, Office of Legal Counsel, requested the Commission set an administrative hearing date for May 28, 2020, to consider amendments to ARSD Articles 70:01:02:00 – Interstate Highway Speed Zone Rule and 70:01:02:49 – Meade County Speed Zone Rule.

A MOTION WAS MADE by Roby and seconded by Rosenboom to set the administrative hearing date for May 28, 2020. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 4.1 was adopted.

Secretary Bergquist presented the Secretary's Report. Bergquist announced that Chairman Vehle and Commission Rosenboom were reappointed by Governor Noem to the Transportation Commission for another term and have agreed to serve.

Bergquist informed the Commission the Department of Transportation (the "Department") was starting to see some flooding issues in three locations and provided the Department's plan to address the flooding situations.

1. South Dakota Highway 38 west of United States Highway 81 has a bridge which was closed last year from severe damage from the flooding in the spring of 2019 will likely be replaced. The Department will be installing a single lane temporary panel bridge to maintain traffic flow in the area.
2. South Dakota Highway 262 east of Mitchell has closed basin flooding issues that need to be addressed. The Department is working with the Federal Highway Administration (FHWA) regarding availability of Emergency Relief funding.
3. South Dakota Highway 25 has a slough that is slowly rising which will cause water to come over the road. The Department is hoping to let this project in May 2020 to get work done this summer. Until then, the road will have a single lane down the middle of the road to maintain traffic flow in the area.

Bergquist provided an update to the Commission on the COVID-19 effects on the Department. The Department continues to work remotely through May. Construction and maintenance are happening as normal. The biggest impact will be on State Highway Fund revenues. Comparing April 2020 to April 2019 shows approximately a 40% decrease in vehicle miles traveled. The motor vehicle excise tax revenue from the purchase of vehicles is also expected to be down but no specific percentages are currently available. Average monthly revenues from the gas tax are \$15 million and from motor vehicle excise tax are \$10 million. If both decline 40% the lost revenue will be \$10 million per month. The issues are similar for most other states. Congress is aware of the loss of funding issues for states and they are discussing multiple options for possible assistance.

Craig Smith, Director of the Division of Operations, presented the following Construction Change Orders (CCOs) to the Commission.

Construction change orders completed in March contain an increase of approximately \$847,830.

Over the past 12 months, the overall contract increase is 2.51%.

The following projects have a Construction Change Order (CCO) amounting to a contract change more than \$50,000.

ABERDEEN REGION

- I. Project: P 000S(00)220, Regionwide, PCN 04LV
 Location: Various Locations in the Aberdeen Region
 Contractor: Vogel Traffic Services Inc
 Type of Work: County Pavement Marking

Original Contract Amount:	\$	427,156.70
Change on CCO No. 1:	\$	(55,972.15)
Net Change to Date:	\$	(55,972.15)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantities of pavement marking. Due to extreme weather during 2019, some routes in some counties were not able to be completed with this contract.

MITCHELL REGION

- II. Project: IM-NH-P 0021(161), Aurora County, PCN 05L2
 Location: Various Routes in the Mitchell Area
 Contractor: The Road Guy Construction Company Inc
 Type of Work: Asphalt Surface Treatment (Chip Seal)

Original Contract Amount:	\$	4,285,503.87
Change on CCO No. 2:	\$	(293,982.17)
Net Change to Date:	\$	(278,955.72)

Explanation of Change on CCO No. 2: This decrease is the result of the Department adjusting the contract quantities of asphalt for surface treatment, cover aggregate, asphalt for fog seal, sand for fog seal, pilot car, and flagging. The Department approved mix design contained an application rate for asphalt for surface treatment and cover aggregate lower than estimated in the plans. In addition, the quantity of fog seal, sand for fog seal, flagging, and pilot car used during construction were lower than estimated in the plans.

- III. Project: NH-P 0019(43)0, Clay County, PCN 05TU
 Location: SD19 from the Missouri River north 4 miles & from SD50 in Vermillion to the SD46E Junction
 Contractor: Spencer Quarries Inc
 Type of Work: Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

Original Contract Amount:	\$	6,346,537.28
Change on CCO No. 7:	\$	(70,802.11)
Net Change to Date:	\$	(186,666.68)

Explanation of Change on CCO No. 7: This decrease is the result of the Department adjusting the contract quantities of asphalt binder, asphalt concrete, base course, and asphalt for tack. The variations in quantities were all due to normal project variations during construction.

PIERRE REGION

- IV. Project: NH 0012(152)187, Walworth County, PCN 02A6
 Location: 3 Missouri River Structures in the Mobridge Area
 Contractor: Corr Construction Services Inc
 Type of Work: Substructure Work

Original Contract Amount:	\$	334,425.60
Change on CCO No. 3:	\$	101,135.00
Net Change to Date:	\$	121,742.75

Explanation of Change on CCO No. 3: This increase is the result of the Department compensating the Contractor for additional work performed for concrete crack injection/sealing. During construction, the Department identified additional freeze/thaw cracks in need of repair.

- V. Project: NH 0012(152)187, Walworth County, PCN 02A6
 Location: 3 Missouri River Structures in the Mobridge Area
 Contractor: Corr Construction Services Inc
 Type of Work: Substructure Work

Original Contract Amount:	\$	334,425.60
Change on CCO No. 5:	\$	67,117.80
Net Change to Date:	\$	213,554.42

Explanation of Change on CCO No. 5: This increase is the result of the Department compensating the Contractor for additional work performed for concrete patching, concrete crack injection/sealing, and flagging. During construction, the Department identified additional concrete patching and freeze/thaw cracks in need of repair. Additionally, extra hours of flagging were utilized to maintain traffic through construction.

- VI.** Project: NH 0012(152)187, Walworth County, PCN 02A6
 Location: 3 Missouri River Structures in the Mobridge Area
 Contractor: Corr Construction Services Inc
 Type of Work: Substructure Work

Original Contract Amount:	\$	334,425.60
Change on CCO No. 7:	\$	(92,680.05)
Net Change to Date:	\$	144,839.37

Explanation of Change on CCO No. 7: This decrease is the result of the Department adjusting the contract quantities to the actual quantities used during construction. Some of the quantities varied from the plans estimate and some varied from the amount added on previous CCO's.

- VII.** Project: NH 0083(82)25, Mellette County, PCN 03RR
 Location: US 83 from US 18 to SD 44
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Asphalt Concrete Surfacing of Shoulders, and Bridge Approach Reconstruction

Original Contract Amount:	\$	9,319,298.67
Change on CCO No. 1:	\$	214,264.30
Net Change to Date:	\$	214,264.30

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities of asphalt binder and the unit price of asphalt concrete. Due to variations in the in place material from what was represented in the plans, the Contractor was not able to utilize as much recycled asphalt pavement (RAP) in the new asphalt concrete. This variation resulted in the need to negotiate a new unit price for asphalt concrete and an increase in the amount of virgin asphalt binder added to the mix.

- VIII.** Project: NH 0083(86)0, Todd County, PCN 068G
 Location: US 83 from the Nebraska state line to Mission
 Contractor: Bituminous Paving Inc
 Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Rumble Strips

Original Contract Amount:	\$	6,950,879.72
Change on CCO No. 1:	\$	276,649.00
Net Change to Date:	\$	276,649.00

Explanation of Change on CCO No. 1: This increase is the result of the Department adjusting the contract quantities of asphalt binder and the unit price of asphalt concrete. Due to variations in the place material from what was represented in the plans, the Contractor was not able to utilize as much recycled asphalt pavement (RAP) in the new asphalt concrete. This variation resulted in the need to negotiate a new unit price for asphalt concrete and an increase in the amount of virgin asphalt binder added to the mix. Additionally, the Department added asphalt concrete resurfacing

to numerous approaches on the project resulting in additional asphalt concrete quantity on the contract.

- IX.** Project: NH-P 0031(38), Haakon County, PCN 05Y7
 Location: Various Routes in the Pierre Area
 Contractor: Jensen Rock & Sand Inc
 Type of Work: Asphalt Surface Treatment (Chip Seal)

Original Contract Amount:	\$	2,694,342.13
Change on CCO No. 4:	\$	207,988.24
Net Change to Date:	\$	227,053.00

Explanation of Change on CCO No. 4: This increase is the result of the Department adjusting the contract quantities of asphalt for surface treatment, cover aggregate, asphalt for fog seal, sand for fog seal, pilot car, and flagging. The Department approved mix design contained an application rate for asphalt for surface treatment and cover aggregate higher than estimated in the plans. In addition, the quantity of fog seal, sand for fog seal, flagging, and pilot car used during construction were more than estimated in the plans.

- X.** Project: P 0047(105)44, Lyman County, PCN 03U5
 Location: SD47 and structures 5.5 miles north of the Gregory county line over Waterhole Creek and 7.3 miles south of I-90 over the White River
 Contractor: Schweigert Construction Inc
 Type of Work: Replace Structure (2-11' x 11' RCBC) & Scour Protection
- | | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 2,243,686.02 |
| Change on CCO No. 10: | \$ | 394,659.70 |
| Net Change to Date: | \$ | 709,666.62 |

Explanation of Change on CCO No. 10: This increase is the result of the Department compensating the Contractor for extra work performed on the project. During construction, a large rain event resulted in a large scour hole at one structure site resulting in the need for a landslide repair and a very large increase in the excavation quantities.

RAPID CITY REGION

- XI.** Project: NH 014A(14)38, Lawrence County, PCN 04FX
 Location: US14A – 2 miles N of US85 Over Deadwood Creek
 Contractor: Heavy Constructors Inc
 Type of Work: Replace Structure (2-12'x12' CIP RCBC) & Approach Grading

Original Contract Amount: \$ 1,847,364.00
 Change on CCO No. 2: \$ 58,640.02
 Net Change to Date: \$ 87,107.51

Explanation of Change on CCO No. 2: This increase is the result of the Department compensating the Contractor for extra work performed and additional materials necessary to stabilize the project for the winter of 2019/2020. Due to extraordinary wet conditions encountered during the 2019 construction season, the Contractor was delayed in completing the work resulting in the need to stabilize the work for the winter for completion in 2020.

- XII.** Project: P 0231(12)80, Pennington County, PCN 02R5
 Location: SD 231 from Sheffer St to Sturgis Road in Rapid City, SD 231 west of SD 445 over RCP&E railroad
 Contractor: Complete Concrete Inc DBA Complete Contracting
 Type of Work: Urban Grading, Roadway Lighting, Storm Sewer, Curb & Gutter, Sidewalk, Traffic Signals, Structure Repair, Pedestrian Crossing, and PCCP Surfacing

Original Contract Amount: \$ 9,538,196.01
 Change on CCO No. 19: \$ (101,961.12)
 Net Change to Date: \$ 324,838.53

Explanation of Change on CCO No. 19: This decrease is the result of the Department adjusting the contract quantities to match the quantities used during construction. No large variations of any items were noted. The variations are considered normal variations for the work involved.

Sam Weisgram, Office of Project Development, presented the following bid results:

April 15, 2020

Concrete Sidewalk

2	06NC P TAPR(28)	Faulk County
	Big-O-Concrete, LLC	\$105,936.58
	Various Locations in Faulkton	

Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Culvert Work & CIPP Lining

3	02R0 P 0042(70)280	Aurora County
	Spencer Quarries Incorporated	\$1,475,380.02
	SD42 - Fm US281 to the Aurora/Davison Co Line	

Rumble Stripes/Strips, Pavement Markings & Signing

- 5 06TU PH 0020(192) Clay, Lake, Minnehaha, Moody, Union, Yankton County
Dakota Traffic Services, LLC \$780,029.50
Various locations on the local system in the Mitchell Region

A MOTION WAS MADE by Cull and seconded by Karim to approve bids #2, 3, and 5. All present voted aye by roll call vote. The motion carried.

Structure (68'-0" Prestressed Girder Bridge) & Approach Grading

- 1 078F BRF 6302(00)19-1 Tripp County
REJECTED BY SDDOT COMMISSION
Structure 2.5 miles north & 6.9 miles east of Millboro on 296th St over Rahn Lake

A MOTION WAS MADE by Stoick and seconded by Roby to reject bid #1 and re-let in the fall. All present voted aye by roll call vote. The motion carried.

Grading for Turn Lane & Asphalt Concrete Surfacing

- 4 07CU PH 0081(113)12 Yankton County
Midwest Contracting, LLC \$1,203,425.85
US81 at the junction of 300th St

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve bid #4. All present voted aye by roll call vote. The motion carried.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following STIP Revisions:

FOR COMMISSION APPROVAL

(to add or delete a project in the 4-year construction STIP)

- REV 20-049 This revision will add a FY2020 grade raise project on SD 25 east of Roslyn in Day County. Water is over the roadway for approximately 3000 feet and this location is a closed basin.

FY 2020 Plus \$624,000

A MOTION WAS MADE by Rosenboom and seconded by Fouberg to approve STIP REV 20-049. All present voted aye by roll call vote. The motion carried.

Leiferman presented the following information revisions to the STIP.

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move FY's within the 4-year construction STIP)

- REV 20-048 This revision advanced a FY2021 Shared Use Path project in Rapid City along I190 and SD44/Omaha St in the Rapid City Region to FY2020. (Sequence # 665, Page 154 in the 2020-2023 STIP Book).

FY 2020 Plus \$169,000
FY 2021 Minus \$169,000

REV 20-SC-027 This revision increased the cost of a FY2020 Slide Repair project on SD44 from E of SD47 to 6.5 W of the Platte/Winner (Missouri River) Bridge in the Mitchell Region.

FY 2020 Plus \$760,000

REV 20-SC-028 This revision added Federal Aid to a Traffic Signal project on US212 at the junction of 33rd St SE in Watertown in the Aberdeen Region. (Sequence #169, Page 68 in the 2020-2023 STIP Book).

FY 2020 No Change

REV 20-SC-029 This revision added Federal Aid to an ADA project on US12 through Aberdeen in the Aberdeen Region. (Sequence #75, Page 53 in the 2020-2023 STIP Book).

FY 2020 No Change

REV 20-SC-030 This revision added Federal Aid to an ADA project on US18 through Canton in the Mitchell Region. (Sequence #443, Page 120 in the 2020-2023 STIP Book).

FY 2020 No Change

Vehle opened the floor to public input.

No members of the public addressed the Commission or offered input.

With no other business before the Commission, Vehle asked for a motion to adjourn.

A MOTION WAS MADE by Stoick and seconded by Rosenboom to adjourn the meeting. All present voted aye by voice vote. The motion carried and the Chair declared the meeting adjourned at 9:43 a.m. CDT.