

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, May 23, 2024 at 9:00 a.m. CT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Lynn Jensen, Chairman
Don Roby, Vice-chairman (left at 9:56 a.m.)
Larry Nelson
Ron Rosenboom
Austin Simons
Mike Vehle
Rick Vallery
Chris Frick

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Jaf Karim

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Craig Smith, Mike Behm, Jason Humphrey, Mark Peterson, Todd Seaman, John Keyes, Mark Leiferman, Christina Bennett, Sam Weisgram, Ryan Johnson, June Hansen, Kyle Watkins, Katlyn Wieme and Kari Kroll

DOT STAFF PRESENT:
VIA CONFERENCE CALL: Scott Rabern

OTHERS PRESENT: Bob Mercer – Keloland and Leah DeMers – Federal Highway Administration (FHWA)

OTHERS PRESENT

VIA CONFERENCE CALL: Toby Crow – Association of General Contractors (AGC) and Frank Kloucek

Chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CST. A roll call was taken and a quorum was present.

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

Karla Engle, Office of Legal Counsel, presented to the Commission a waiver request for Commissioner Ronald Rosenboom related to his employment at West River Foundation. West River Foundation owns land near Exit 32 on I-90. Various contractors and subcontractors occasionally request to use this land for purposes of storing materials and equipment during construction projects and West River

Foundation often grants these requests and receives no compensation for these land uses. The requests are received after the Commission has made a determination on the bid awards, so there's no opportunity for recusal prior to Commission action. A copy of the waiver is included with these minutes as **ATTACHMENT A**.

A MOTION WAS MADE by Roby and seconded by Vehle that the matters disclosed in the written waiver request by Commissioner Rosenboom are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Rosenboom, who abstained. The motion carried.

Jensen asked for any other potential conflicts of interest. No other members of the Commission disclosed a conflict or requested a waiver.

Roby asked for a motion to approve the April 25, 2024 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve the April 25, 2024 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Roby asked for a motion to approve the May 9, 2024 Commission meeting minutes.

A MOTION WAS MADE by Vehle and seconded by Simons to approve the May 9, 2024 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, presented for Commission consideration amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:02 – Pennington County Speed Zone Rule; 70:01:02:06 – Brookings County Speed Zone Rule; 70:01:02:15 – Butte County Speed Zone Rule; 70:01:02:21 – Custer County Speed Zone Rule; 70:01:02:49 – Meade County Speed Zone Rule; and 70:01:02:53 – Perkins County Speed Zone Rule.

Engle explained the rule adoption process that had been followed to date for the amendments to the rules. She discussed the purpose and effect of the rule changes. Engle reported that no written comments on the rule changes had been timely received.

Jensen asked for public testimony on the proposed rule amendments. No members of the public offered testimony in support of or in opposition to the rule changes.

Commissioner Mike Vehle suggested the Department of Transportation (the "Department") consider using social media platforms along with the current newspaper advertisements and public website postings when advertising rule changes.

A MOTION WAS MADE by Roby and seconded by Frick to approve the proposed amendments to ARSD 70:01:02:02 – Pennington County Speed Zone Rule; 70:01:02:06 – Brookings County Speed Zone Rule; 70:01:02:15 – Butte County Speed Zone Rule; 70:01:02:21 – Custer County Speed Zone Rule; 70:01:02:49 – Meade County Speed Zone Rule; and 70:01:02:53 – Perkins County Speed Zone Rule. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2024 – 5.1 was adopted.

Jensen opened the floor to public input.

Frank Kloucek of Scotland, South Dakota addressed the Commission with the following items:

- He shared that the resurfacing project in the City of Mitchell has poor and unsafe signing being used. He requested that the signage be updated to be more visible.
- He shared his concerns with the new four-way stop at SD37/SD46 and suggested using flashing lights in advance of the stop signs.
- He shared his concerns with the reconstruction project of Highway 46 through Wagner, SD. He noted that there have been no deaths in Wagner with the current 4 lane system and is not sure why the Department is making the changes to 3 lanes and 5 lanes.

No other members of the public addressed the Commission nor offered input.

Secretary Jundt presented to the Commission his Secretary's Report. He started by introducing the newly appointed commissioner, Rick Vallery, and asked Commissioner Vallery to share some history about himself. Next, Jundt noted that a bridge dedicated to the three Herr family fallen heroes is being moved by request from the family. The new bridge location is closer to the family. No formal action is required by the Commission. He also explained the House sub-committee THUD has set hearing on June 27, 2024 to receive input on the next federal appropriation bill. Finally, Jundt shared that the Hall of Honor applications are due May 24.

Jundt presented for Commission consideration the need to replace Kathy Zander on Transportation Hall of Honor Committee. Chairman Jensen volunteered and passed the gavel to Vice-chairman Roby.

A MOTION WAS MADE by Vehle and seconded by Vallery to approve the nomination of Lynn Jensen to replace Kathy Zander as the Commission representative on the Transportation Hall of Honor Committee. All present voted aye by roll call vote except Jensen who recused himself. The motion carried.

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

CCOs completed in April contain a decrease of \$127,938.12. Over the past 12 months, the overall contract increase is 2.24%.

The following projects have a CCO amounting to a contract change more than \$50,000.

ABERDEEN REGION

1. Project: P-PH-B 0015(82)167, Grant County, PCN 05D9
Location: SD15 from the north junction of SD20 to Milbank
Contractor: Midland Contracting, Inc.
Type of Work: Grading, interim surfacing, structures

Original Contract Amount: \$ 10,815,862.65
Change on CCO No. 9F: \$ 59,742.76
Net Change to Date: \$ (288,928.03)

Explanation of Change on CCO No. 9F: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

2. Project: P-PH-B 0025(85)115, Clark & Kingsbury County, PCN 04XC
Location: SD25 from north of De Smet to the south junction of SD28 &
SD25 from the north junction of SD28 north 3 miles
Contractor: Midland Contracting, Inc.
Type of Work: Grading, interim surfacing, replace structures

Original Contract Amount: \$ 10,815,862.65
Change on CCO No. 2: \$ (630,775.94)
Net Change to Date: \$ (527,612.63)

Explanation of Change on CCO No. 2: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations including a significant change in the quantity of option borrow.

MITCHELL REGION

3. Project: IM-NH 00021(173), Aurora, Gregory, & McCook County, PCN 070A
 Location: Various routes in the Mitchell area
 Contractor: Reede Construction, Inc.
 Type of Work: Pavement restoration

Original Contract Amount:	\$	2,488,437.96
Change on CCO No. 4:	\$	742,677.70
Net Change to Date:	\$	756,219.20

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work including significantly more full depth and spall repairs than were estimated in the plans.

4. Project: NH 0018(203)333, Charles Mix County, PCN 04V9
 Location: US18 Structure: .8 miles north of Pickstown over Saint Francis Bay
 US18 from Pickstown to Lake Andes
 Contractor: Kea Constructors, LLC.
 Type of Work: Replace structure, approach grading, spot grading, pipe work, interim surfacing

Original Contract Amount:	\$	5,297,447.55
Change on CCO No. 6:	\$	56,215.99
Net Change to Date:	\$	(16,860.49)

Explanation of Change on CCO No. 6: This increase is the result of SDDOT compensating the contractor for extra work to place bonded fiber matrix and fiber mulch to locations that were deemed too steep and inaccessible for conventional mulch placement as well as relocating signs to improve sightlines and safety.

5. Project: NH 0018(211)332, Charles Mix County, PCN 05TT
 Location: US18 from Pickstown to Lake Andes
 Contractor: Spencer Quarries, Inc.
 Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing

Original Contract Amount:	\$	4,038,010.92
Change on CCO No. 2:	\$	327,418.86
Net Change to Date:	\$	328,943.53

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work including placing additional asphalt concrete and asphalt binder due to the poor existing conditions making it impossible for the Contractor to achieve the 2% cross slope as designed. There were also normal variations in contract quantities to match as built quantities as well as quality adjustments for asphalt concrete mix quality.

6. Project: NH 0037(159)105, Sanborn County, PCN 06PD
 Location: SD37 from the west junction of SD34 to south of SD224
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold milling, rubilize existing PCC, edge drains, asphalt concrete surfacing, pipe work

Original Contract Amount:	\$	12,314,959.15
Change on CCO No. 4F:	\$	143,725.45
Net Change to Date:	\$	418,766.58

Explanation of Change on CCO No. 4F: This increase is the result of SDDOT making a fuel cost adjustment for diesel fuel in accordance with the contract.

7. Project: NH-B 0081(103)6, Yankton County, PCN 04G5
 Location: US81 from the end of the divided lanes to 303rd Street north of Yankton
 Contractor: Loiseau Construction, Inc.
 Type of Work: Grading, replace structures, interim surfacing

Original Contract Amount:	\$	16,655,788.00
Change on CCO No. 4:	\$	61,468.45
Net Change to Date:	\$	71,943.64

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for additional hours of flagging and pilot car to safely move traffic through the construction due to an increase in equipment and personnel on the roadway.

8. Project: NH TA 0100(108)407, Lincoln County, PCN 01V6
 Location: Veteran's Parkway - from Western Avenue to Cliff Avenue
 Contractor: John Riley Construction, Inc.
 Type of Work: Grading, structure, MSE retaining wall, PCC surfacing, curb & gutter, storm sewer

Original Contract Amount:	\$	47,933,520.32
Change on CCO No. 8:	\$	183,981.30
Net Change to Date:	\$	431,457.08

Explanation of Change on CCO No. 8: This increase is the result of SDDOT compensating the contractor for extra work to place granular material instead of the soil material originally in the plans to meet gradation requirements.

9. Project: IM B 2291(01)10, Minnehaha County, PCN 01QA
 Location: I-229 60th Street North Exit
 Contractor: Grangaard Construction, Inc.
 Type of Work: Structure, gravity large concrete block wall, approach grading, curb & gutter, asphalt concrete surfacing

Original Contract Amount:	\$	6,500,005.66
Change on CCO No. 4F:	\$	(182,564.00)
Net Change to Date:	\$	(331,431.55)

Explanation of Change on CCO No. 4F: This decrease is the result of SDDOT enforcing disincentives for overruns on interim and substantial completion dates.

10. Project: P 0021(181), Aurora, Charles Mix, Jerauld, & Sanborn County, PCN 0885
 Location: Various locations in the Mitchell area
 Contractor: Asphalt Surface Technologies Corporation
 Type of Work: Rout & Seal

Original Contract Amount:	\$	216,499.46
Change on CCO No. 2:	\$	(61,293.45)
Net Change to Date:	\$	(61,293.45)

Explanation of Change on CCO No. 2: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

11. Project: P-PH 0052(08)332, Yankton County, PCN 05ET
 Location: SD52 from the west junction of SD50 to Summit Street in Yankton
 Contractor: Central Specialties, Inc.
 Type of Work: Shoulder widening, asphalt concrete surfacing, bridge maintenance

Original Contract Amount:	\$	15,017,076.93
Change on CCO No. 2:	\$	(105,764.50)
Net Change to Date:	\$	(89,194.22)

Explanation of Change on CCO No. 2: This decrease is the result of SDDOT removing several items from the contract including asphalt for flush seal, asphalt concrete blade laid, and asphalt prime.

PIERRE REGION

12. Project: NH EM 0083(74)55, Jones & Mellette County, PCN 04E7
 Location: US83 from north of White River to north of the Mellette/Jones County line
 Contractor: Foothills Contracting, Inc
 Type of Work: Grading, structures, interim surfacing

Original Contract Amount:	\$	25,965,988.45
Change on CCO No. 22F:	\$	311,346.22
Net Change to Date:	\$	929,510.54

Explanation of Change on CCO No. 22F: This increase is the result of SDDOT making a fuel cost adjustment for diesel fuel in accordance with the contract.

13. Project: P 0044(212)172, Mellette County, PCN 04X0
 Location: SD44 from SD63 to the north junction of US83
 Contractor: Bituminous Paving, Inc.
 Type of Work: Full depth reclamation, asphalt concrete surfacing, gravel surfacing, modify intersections, pipe work

Original Contract Amount:	\$	21,444,089.86
Change on CCO No. 1:	\$	68,597.20
Net Change to Date:	\$	68,597.20

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for traffic control set up on multiple structures. The plans only called for the traffic control to be set up once while there are multiple structures on this project. The plans also mistakenly omitted the temporary pavement markings needed for this project.

14. Project: P 1806(16)138, Lyman & Stanley County, PCN 04XW
 Location: SD1806 -from SD273 north 11.3 miles to the Lyman/Stanley County line
 -6.4 miles northwest of SD271 over Cedar Creek
 -6.7 miles northwest of SD271 over Straight Creek
 Contractor: Morris Inc.
 Type of Work: Spot grading, cold milling, asphalt concrete resurfacing, pipe work, approach guardrail, erosion repair

Original Contract Amount:	\$	9,135,064.50
Change on CCO No. 5:	\$	(323,680.37)
Net Change to Date:	\$	(116,320.21)

Explanation of Change on CCO No. 5: This decrease is the result of SDDOT adjusting contract quantities of various items through normal project variations.

RAPID CITY REGION

15. Project: NH PH 0385(50)96, Pennington County, PCN 03BD
 Location: US385 from north of Pactola Dam to 4 miles north of the SD44 junction
 Contractor: Zandstra Construction, Inc.
 Type of Work: Grading, structures, interim surfacing, pipe work

Original Contract Amount:	\$	23,492,147.29
Change on CCO No. 4:	\$	96,909.35
Net Change to Date:	\$	196,207.74

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work and materials to install type 1 temporary fencing as requested by the Forest Service to contain cattle released in their grazing lots.

16. Project: BR CSBP(01), Butte County, PCN 07ME
 Location: Structure 1 mile north and 4.3 miles west of Newell on Orman Road over a creek
 Contractor: Heavy Constructors, Inc.
 Type of Work: Structures, approach grading

Original Contract Amount:	\$	6,361,292.01
Change on CCO No. 11:	\$	(73,112.50)
Net Change to Date:	\$	(46,693.26)

Explanation of Change on CCO No. 11: This decrease is the result of SDDOT adjusting contract quantities of various items through normal project variations and incentives/disincentives.

17. Project: IM-P 0041(178), Pennington County, PCN 08RK
 Location: Various locations in the Rapid City area
 Contractor: Asphalt Surface Technologies Corporation
 Type of Work: Microsurfacing, asphalt concrete patching

Original Contract Amount:	\$	4,582,972.72
Change on CCO No. 2:	\$	(503,771.71)
Net Change to Date:	\$	(136,950.77)

Explanation of Change on CCO No. 2: This decrease is the result of SDDOT adjusting contract quantities for microsurfacing as the rates of materials in the plans were incorrect.

18. Project: P TAPU (31), Lawrence County, PCN 08E7
Location: Spearfish- along McGuigan Road & Old Belle Road from Tumbleweed Trail to north of I-90 WB on-ramp at Exit 8
Contractor: Mainline Contracting, Inc.
Type of Work: Asphalt concrete shared use path

Original Contract Amount:	\$	955,809.45
Change on CCO No. 1:	\$	(57,760.00)
Net Change to Date:	\$	(57,760.00)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting contract quantity of Base Course due to an error in design.

19. Project: PH 0040(239), Meade & Pennington County, PCN 05GA
Location: Various locations in the Rapid City region
Contractor: Traffic Services Company, LLC
Type of Work: Cold plastics durable pavement markings

Original Contract Amount:	\$	1,472,265.30
Change on CCO No. 1:	\$	(284,106.55)
Net Change to Date:	\$	(284,106.55)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting contract quantities of durable pavement markings from 6" to 4". The contract was let anticipating a change in standards for interstate markings to be required to be 6", but the standards did not change.

Craig Smith gave a summary of winter operations for 2023/2024 in comparison to the previous year. He shared that the cost was less than half of last year, at around \$19 million vs. \$42 million. He noted there was only one closing of the interstate system on Christmas day, and there were less vehicle accidents involving plow trucks.

He also noted that the Department has worked with local counties and tribes to upgrade the SD511 system. Moving forward, closures on a majority of the counties and tribes' roadways will also be available on SD511.

Commissioner Don Roby left the meeting at 9:56 a.m.

Craig Smith (for the Mitchell Region) along with Todd Seaman (Rapid City Region Engineer), Jason Humphrey (Pierre Region Engineer), and Mark Peterson (Aberdeen Region Engineer) highlighted construction projects in each region.

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

May 15, 2024

PCC Shared Use Path

3	08W6 P TAPU(37)	Minnehaha County
	Journey Group Companies	\$293,293.00
	Crooks - Along the W Side of S West Ave fm 7th St to Dianne St	

Temporary Grading, Asphalt Concrete Surfacing, Temporary Structure Installation & Large Block Concrete Retaining Walls, Crossovers

4	07CY IM 2292(105)3	Minnehaha County
	Soukup Construction Inc	\$5,659,099.00
	I229 - for Cliff Ave	

Traffic Signals & Lighting

6	09AU P 0052(09)340	Yankton County
	Muth Electric, Inc.	\$340,506.90
	SD52 - Deer Blvd W of Yankton	

Asphalt Surface Treatment

7	0976 IM-NH-P 0033(44)	Bennett, Jackson, Jones, Lyman County
	Bituminous Paving, Inc.	\$3,533,799.56
	Various Locations in the Winner Area	

A MOTION WAS MADE by Nelson and seconded by Rosenboom to approve bids #3, 4, 6 and 7. All present voted aye by roll call vote. The motion carried.

Structure (3-12'x8' CIP RCBC) & Approach Grading

1	08N5 BRO-B 8055(35)	Roberts County
	General Excavating, LLC	\$839,168.50
	Structure 4.5 E & 1 N of Rosholt on 104th St over a Ck SN 55-283-040	

Structure (2-10'x6' CIP RCBC) & Approach Grading

2	08N4 BRO-B 8055(34)	Roberts County
	General Excavating, LLC	\$477,932.00
	Structure 6 N of Sisseton on 457th Ave over a Ck SN 55-080-127	

A MOTION WAS MADE by Vehle and seconded by Simons to approve bids #1 and 2. All present voted aye by roll call vote. The motion carried.

Approach Slabs

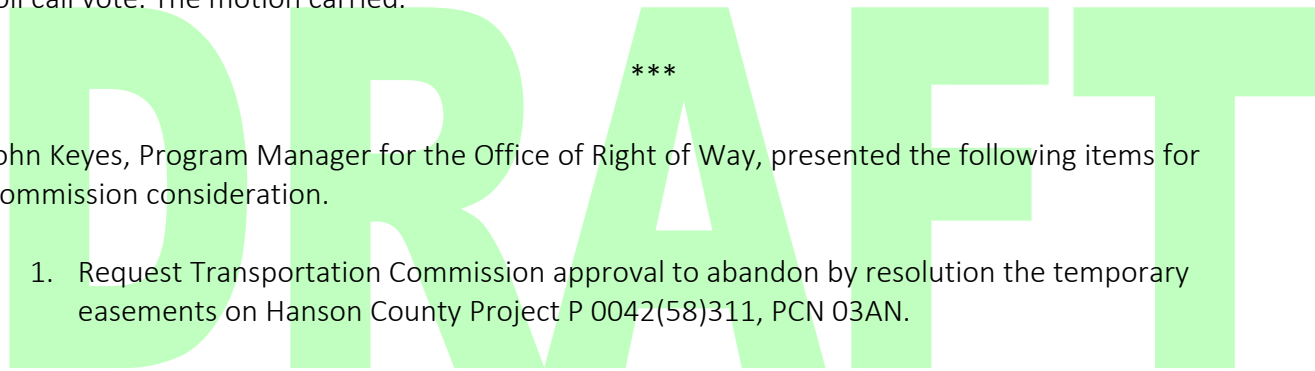
5	09J7 P 0045(66)30	Charles Mix County
	General Excavating, LLC	\$289,988.50
	SD45 - 3.2 N of Platte over Platte Ck	

A MOTION WAS MADE by Vehle and seconded by Vallery to approve bid #5. All present voted aye by roll call vote. The motion carried.

Asphalt Surface Treatment

8	097A IM-NH-P 0012(315)	Brookings, Clark, Codington, Deuel, Grant, Hamlin, Roberts County
	Bituminous Paving, Inc.	\$6,989,259.18
	Various Locations in the Watertown Area	

A MOTION WAS MADE by Rosenboom and seconded by Frick to approve bid #8. All present voted aye by roll call vote. The motion carried.



John Keyes, Program Manager for the Office of Right of Way, presented the following items for Commission consideration.

1. Request Transportation Commission approval to abandon by resolution the temporary easements on Hanson County Project P 0042(58)311, PCN 03AN.
2. Request Transportation Commission approval to abandon by resolution the temporary easements on Hutchinson County Project PH 0018(192)390, PCN 04KT.
3. Request Transportation Commission approval to abandon by resolution the temporary easements on Mellette County Project NH-EM 0083(74)55, PCN 04E7.
4. Request Transportation Commission approval to abandon by resolution the temporary easements on Minnehaha County Project IM-B 2291(01)10, PCN 01QA.
5. Request Transportation Commission approval to abandon by resolution the temporary easements on Pennington County Project NH 0044(220)46, PCN 04PD.

A MOTION WAS MADE by Frick and seconded by Simons to approve the abandonment of temporary easements in Hanson, Hutchinson, Mellette, Minnehaha, and Pennington Counties. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2024 – 5.2, 2024 – 5.3, 2024 – 5.4, 2024 – 5.5, and 2024 – 5.6 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development presented the following STIP revisions for the Commission's information:

INFORMATIONAL REVISIONS FOR THE COMMISSION

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

- REV 24-SC-015 This revision increased the cost of a FY2024 Local Structure Replacement project in Milltown on Benson Rd over Twelve Mile Creek in Hutchinson County in the Mitchell Region. (Sequence #380, Page 110 in the 2024-2027 STIP Book).
- FY 2024 Plus \$2,824,000
- Original = \$756,000; Updated = \$3,580,000
- REV 24-SC-016 This revision increased the cost of a FY2024 Regionwide Approach Slab Repair project throughout the Mitchell Region. (Sequence #204 & 335, Page 80 & 102 in the 2024-2027 STIP Book).
- FY 2024 Plus \$2,893,000
- Original = \$3,306,000; Updated = \$6,200,000
- REV 24-SC-017 This revision removed the Aberdeen and Pierre Regions from a High Friction Surface Treatment project on Various Locations on the state and local systems in the Aberdeen, Pierre, and Mitchell Regions. (Sequence #157, 473 & 588, Page 71, 125 & 142 in the 2024-2027 STIP Book).
- FY 2024 No Change
- REV 24-SC-018 This revision added "PE" to the Work Description of a recently added local Urban Grading project in Lemmon in the Rapid City Region.
- FY 2025 No Change
- REV 24-SC-019 This revision increased the cost of a FY2024 Local Structure Replacement project in Big Stone City on 2nd Ave over the BN RR Creek in Grant County in the Aberdeen Region. (Sequence #280, Page 92 in the 2024-2027 STIP Book).
- FY 2024 Plus \$2,531,000
- Original = \$2,269,000; Updated = \$4,800,000
- REV 24-SC-020 This revision increased the cost of a FY2024 AC Resurfacing project on I90 E & W fm Box Elder to two miles east of New Underwood in the Rapid City Region. (Added to the 2024-2027 STIP per REV 24-019).
- FY 2024 Plus \$2,641,000
- Original = \$7,133,000; Updated = \$9,774,000

The Commission took a recess from 10:43 – 10:53 a.m.

June Hansen and Kyle Watkins gave a PowerPoint presentation about the Federal Disadvantaged Business Enterprise (DBE) Program.

Secretary Jundt informed the Commission about a ribbon cutting ceremony for the opening of the Sioux Falls 41st Street Diverging Diamond Intersection during the first week of July.

With no further business to come before the Commission, Chairman Jensen declared the meeting adjourned at 11:49 a.m. CT.

DRAFT

STATE OF SOUTH DAKOTA
TRANSPORTATION COMMISSION

REQUEST FOR STATE BOARD WAIVER
PURSUANT TO SDCL 3-23-3

Date: May 22, 2024

Name of Board Member or Former Board Member: **Ron Rosenboom**

Brief explanation of contract for which a waiver is requested:

- a) Parties to the contract
West River Foundation and various contractors and subcontractors on construction projects, including projects for the South Dakota Department of Transportation (DOT).

- b) Board Member's role in the contract
I am the executive director of West River Foundation and a member of the South Dakota Transportation Commission. The South Dakota Transportation Commission awards contracts for DOT construction projects.

- c) Purpose and objective of the contract
West River Foundation owns land near Interstate 90 Exit 32. Occasionally, contractors and subcontractors on highway construction projects (including projects for DOT) request permission to use the vacant land owned by West River Foundation to store materials and equipment. These requests occur after the Transportation Commission has made its decisions on project bid awards. West River Foundation allows contractors and subcontractors to use its land, so long as the contractors and subcontractors include West River Foundation as an insured on the insurance coverage for their operations and leave the property in a neat and workmanlike manner. Neither I nor West River Foundation receive any compensation or other consideration for allowing the use of the foundation's land.

- d) Consideration or benefit conferred or agreed to be conferred upon each party
No consideration or benefit is conferred on me or West River Foundation.

- e) Duration of the contract
The use of the foundation's land is typically in effect during construction of the projects.

Signature of Requesting Party: 

Date

5-23-2024