

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, October 26, 2023 at 9:00 a.m. CDT

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

COMMISSIONER PRESENT: Jaf Karim, Chairman (joined at 9:21 a.m.)
Lynn Jensen, Vice-chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Kathy Zander
Chris Frick
Mike Vehle (joined at 9:01 a.m.)

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Craig Smith, Karla Engle, Mark Leiferman, Joanne Hight, Becky Hoffman, Christina Bennett, Ryan Johnson, Katlyn Wieme, and Kari Kroll

OTHERS PRESENT: Bob Mercer - KELOLAND

Vice-chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the "Commission") to order at 9:00 a.m. CDT. A roll call was taken and a quorum was present.

Jensen turned the gavel over to Commissioner Don Roby.

Commissioner Vehle joined the meeting at 9:01 a.m.

Roby 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 Vice-chair Lynn Jensen concerning a potential conflict of interest he disclosed verbally at the August 26, 2023 Commission meeting. A copy of the waiver is included in these minutes as **ATTACHMENT A**. Jensen had recused himself from the discussion and vote due to a potential conflict of interest as he is a member of South Dakota Soybean Processors, LLC, which is an investor in the project that creates the need for the road improvement project.

A MOTION WAS MADE by Rosenboom and seconded by Zander that the matters disclosed in writing by Vice-chairman Jensen are fair, reasonable, and not contrary to public interest. All present voted aye by voice vote except Vehle and Jensen who abstained. The motion carried.

Roby turned the gavel back over to Jensen.

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

Jensen asked for a motion to approve the October 12, 2023 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the October 12, 2023 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Jensen opened the floor to public input.

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

Secretary Joel Jundt presented the following items in his Secretary's Report to the Commission:

- Federal appropriations bill was not passed by 09/30/2023 but a continuing resolution was passed and is set to expire 11/17/2023.
- Office of Veteran Affairs sent a thank you to the Department of Transportation (the "Department) and the Commission for their approval and work on the twelve bridge dedications.
- A press release went out sharing information on the inter-city bus company study that the Department will be conducting. The objective of the study is to make sure the needs of the citizens of South Dakota are being met for bus transportation between cities. Twelve public meetings will be held from 10/27 – 11/3/2023 to collect comments and input. Currently, Jefferson Lines is the only inter-city bus company in the state.
- An advisory committee is being created to discuss the gas tax reduction that is expected in the future due to electric and more fuel efficient vehicles. Invitations to join the committee will be going out in the next couple of weeks and Jundt hopes to have at least one Commission member serving on the committee.
- There was a bridge hit on I-29 at Exit 77. The Department is working on letting a repair project and will use state funds to pay for the repairs. The Department will coordinate collection efforts with the Office of Risk Management.
- Currently, the Department allocates \$500,000 in funding to counties for road pavement marking projects. The Department would like to supplement the counties based on their Surface Transportation Block Grant Program (STBGP) awards based on the mileage atop of their STBGP funding. The Department will come back to the Commission in the February/March time frame to ask for the actual consideration.

Secretary Jundt asked the Commission to consider the proposed 2024 Commission meeting dates.

Chairman Karim joined the meeting at 9:21 a.m. Jensen passed the gavel to Karim.

A MOTION WAS MADE by Rosenboom and seconded by Jensen to approve the proposed 2024 Commission meeting dates. All present voted aye by roll call vote. The motion carried.

Secretary Jundt presented the Department's Transportation Loan Informational Sheet for Commission consideration.

The Commission discussed aspects of the document and the Department was asked to make changes to the document as follows:

1. In the Criteria section of the STBGP Advancement page, remove 'for' and change the second 'by' to 'be'. In the same section, add two additional bullet points making clear that set annual payments will be required irrespective of whether STBGP allocations are received and applicants will be responsible for any difference between an STBGP allocation applied to the loan and the full loan payment amount due.
2. Create a single introductory section that applies to all loan programs, making clear that the Commission may deviate from the criteria and requirements set forth in the fact sheet, may reject any application, and views loans as funding of last resort.

A MOTION WAS MADE by Nelson and seconded by Roby to approve the informational sheet with the above wording changes.

No action was taken at this time. The Commission discussed further changes as follows:

3. In the Criteria section of the SIB/Federal Loan Program page dealing with interest rates, remove "...depending on current market rates" and add "...by the Transportation Commission." The revised section would read: "The current interest rate is 1.5% for a maximum of a 7-year payment duration but could be increased by the Transportation Commission." In the same section, add an additional bullet point to read: "The dollar amount in the SIB Program is the cap amount."
4. In the Criteria section of the STBGP Advancement page, delete "...if current market rates are significantly higher," and place a period after Transportation Commission. The revised section would read: "The interest rate for these advancements will be 1.5% but could be increased by the Transportation Commission."
5. Include the loan agreement templates as an exhibit to the informational sheet.

The pending motion was withdrawn by the movant with the consent of the second. The Commission asked the Department to continue to make revisions to the informational sheet and present the document again at the November 21, 2023 meeting for consideration by the Commission.

The Commission took a short recess from 10:34 – 10:42 a.m.

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

CCOs completed in September contain an increase of \$1,265,645.18. Over the past 12 months, the overall contract increase is 2.15%.

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

ABERDEEN REGION

1. Project: P 0015(89)167, Grant County, PCN 05J4
Location: SD 15 from the north junction of SD 20 to Milbank
Contractor: Bituminous Paving, Inc
Type of Work: Cold milling, asphalt concrete surfacing, guardrail, pipe work

Original Contract Amount:	\$	6,598,581.20
Change on CCO No. 2:	\$	(88,752.85)
Net Change to Date:	\$	11,154.35

Explanation of Change on CCO No. 2: This decrease is the result of SDDOT adjusting the contract quantities of several items to match as built quantities.

2. Project: P PH B 0015(82)167, Grant County, PCN 05D9
Location: SD 15 from the north junction of SD 20 north to Milbank
Contractor: Midland Contracting, Inc.
Type of Work: Grading, interim surfacing, structures

Original Contract Amount:	\$	10,815,862.65
Change on CCO No. 6:	\$	(574,726.11)
Net Change to Date:	\$	(377,617.77)

Explanation of Change on CCO No. 6: This decrease is the result of SDDOT adjusting the contract quantities of excavation to match as built quantities.

MITCHELL REGION

3. Project: IM 0293(106)76, Minnehaha County, PCN 03RA
 Location: I-29 Exit 77 in Sioux Falls (41st St)
 Contractor: D & G Concrete Construction, Inc.
 Type of Work: Grading, structures, MSE retaining walls, curb & gutter, storm sewer

Original Contract Amount:	\$	35,568,714.00
Change on CCO No. 8:	\$	155,941.40
Net Change to Date:	\$	257,985.03

Explanation of Change on CCO No. 8: This increase is the result of SDDOT compensating the contractor for a Value Engineering Credit for reinforcing a junction box instead of replacing it.

4. Project: IM 0293(106)76, Minnehaha County, PCN 03RA
 Location: I-29 Exit 77 in Sioux Falls (41st St)
 Contractor: D & G Concrete Construction, Inc.
 Type of Work: Grading, structures, MSE retaining walls, curb & gutter, storm sewer

Original Contract Amount:	\$	35,568,714.00
Change on CCO No. 10:	\$	(701,299.24)
Net Change to Date:	\$	(428,621.94)

Explanation of Change on CCO No. 10: This decrease is the result of SDDOT removing permeable pavers from the project. The pavers already produced by the supplier were purchased and stored for future use by the Department.

5. Project: IM FP 0908(95)362, McCook County, PCN 05HP
 Location: I-90 EBL from 2 miles west of Salem Interchange to 2 miles west of Humboldt
 Structures - .6 miles west of the US 81 interchange over west fork of Vermillion River
 - 2 miles east of the US 81 interchange over 443 Ave
 - 2.1 miles west of the Minnehaha Co. line over east fork of Vermillion River
 - 1 mile west of the Minnehaha Co. line over 453 Ave
 Contractor: Reede Construction, Inc.
 Type of Work: Remove & replace PCC pavement, pipe work, replace structure & approach grading, deck overlay, approach slabs, polymer chip seal

Original Contract Amount:	\$	37,412,446.36
Change on CCO No. 13:	\$	140,522.31
Net Change to Date:	\$	229,203.55

Explanation of Change on CCO No. 13: This increase is the result of SDDOT compensating the contractor for extra work and additional material necessary to move the location of temporary ramps and to match the grade to the minimum in slope detailed in the plans.

6. Project: IM P 0021(180), Brule & Charles Mix County, PCN 089J
 Location: Various locations in the Mitchell area
 Contractor: Forby Contracting, Inc.
 Type of Work: Pavement restoration

Original Contract Amount:	\$	775,231.80
Change on CCO No. 4:	\$	65,892.15
Net Change to Date:	\$	235,561.41

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for addition work to repair deteriorated and broken concrete on Chamberlain King St as determined by the Engineer.

7. Project: NH 2042(29), Minnehaha County, PCN 06YQ
 Location: Arrowhead Parkway from .5 miles west of Six Mile Road to Six Mile Road in Sioux Falls
 Contractor: T & R Contracting, Inc.
 Type of Work: Grading, storm sewer, curb & gutter, PCC surfacing, ROW, signals & lighting

Original Contract Amount:	\$	20,025,525.25
Change on CCO No. 5:	\$	380,916.34
Net Change to Date:	\$	468,905.40

Explanation of Change on CCO No. 5: This increase is the result of SDDOT adjusting the contract quantities of excavation, pavement removal, and asphalt concrete items to match as built quantities through normal project variations.

8. Project: P 000S(00)276, Mitchell Region, PCN 07DN
 Location: Various locations in the Mitchell Region
 Contractor: Traffic Solutions, Inc.
 Type of Work: Pavement markings

Original Contract Amount:	\$	1,092,383.23
Change on CCO No. 2:	\$	155,716.75
Net Change to Date:	\$	155,716.75

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

9. Project: P PH EM 0046(60)347, Clay County, PCN 04J5
 Location: SD 46 from Irene to west of SD 19/19A
 Contractor: Central Specialties, Inc.
 Type of Work: Shoulder widening, structures, pipe work, spot grading, asphalt concrete surfacing of shoulders

Original Contract Amount:	\$	11,277,765.88
Change on CCO No. 6:	\$	563,295.69
Net Change to Date:	\$	745,602.67

Explanation of Change on CCO No. 6: This increase is the result of SDDOT adjusting the contract quantities of excavation and granular material items to match as built quantities through normal project variations.

10. Project: NH P 0022(91), Kingsbury, Lake, Lincoln, Minnehaha, & Turner County, PCN 08RD
 Location: Various locations in the Sioux Falls area
 Contractor: Bituminous Paving, Inc.
 Type of Work: Asphalt surface treatment, rout & seal

Original Contract Amount:	\$	2,756,046.32
Change on CCO No. 2:	\$	(107,391.58)
Net Change to Date:	\$	(103,827.58)

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 EM 0046(60)347, Clay County, PCN 07L2
 Location: SD 46 from Irene to west of SD 19/SD 19A
 Contractor: D & G Concrete Construction, Inc.
 Type of Work: Grading, structures, MSE retaining walls, curb & gutter, storm sewer

Original Contract Amount:	\$	1,725,004.98
Change on CCO No. 4F:	\$	(108,845.24)
Net Change to Date:	\$	(92,041.33)

Explanation of Change on CCO No. 4F: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

PIERRE REGION

12. Project: IM 0905(109)226, Lyman County, PCN 05EF
 Location: I-90 from Presho to Reliance
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, polymer chip seal, LSDC overlay, approach slabs
- | | | |
|---------------------------|----|---------------|
| Original Contract Amount: | \$ | 21,484,465.19 |
| Change on CCO No. 17: | \$ | 300,981.80 |
| Net Change to Date: | \$ | 1,901,768.94 |

Explanation of Change on CCO No. 17: This increase is the result of SDDOT compensating the contractor for extra work to repair a damaged existing structure approved by the Engineer.

13. Project: IM 0905(109)226, Lyman County, PCN 05EF
 Location: I-90 from Presho to Reliance
 Contractor: Bituminous Paving, Inc.
 Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, polymer chip seal, LSDC overlay, approach slabs
- | | | |
|---------------------------|----|---------------|
| Original Contract Amount: | \$ | 21,484,465.19 |
| Change on CCO No. 18: | \$ | 96,581.00 |
| Net Change to Date: | \$ | 1,998,349.94 |

Explanation of Change on CCO No. 18: This increase is the result of SDDOT compensating the contractor for bridge repair work that will be performed in 2024 due to seasonal limitations.

14. Project: NH 0012(227)99, Corson & Perkins County, PCN 068A
 Location: US 12 from the Perkins/Corson County line to Morrystown
 Contractor: Border States Paving, Inc.
 Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, pipe work
- | | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 4,596,629.39 |
| Change on CCO No. 3: | \$ | 62,981.71 |
| Net Change to Date: | \$ | 106,318.50 |

Explanation of Change on CCO No. 3: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations as well as removing unused items from the contract.

15. Project: NH EM 0014(194)227, Campbell, Corson, Dewey, McPherson, & Walworth County, PCN 08R7

Location: Various locations in the Mobridge area

Contractor: Jensen Rock & Sand, Inc.

Type of Work: Asphalt surface treatment

Original Contract Amount:	\$	4,446,743.78
Change on CCO No. 4:	\$	147,178.10
Net Change to Date:	\$	172,014.50

Explanation of Change on CCO No. 4: This increase is the result of SDDOT adjusting the contract quantities of cover aggregate to match as built quantities through normal project variations and due to a spread rate different than estimated in the plans.

16. Project: NH P 0031(55), Potter, Stanley, Sully, & Walworth County, PCN 08R8

Location: Various routes in the Pierre area

Contractor: Jensen Rock & Sand, Inc.

Type of Work: Asphalt surface treatment

Original Contract Amount:	\$	2,369,657.27
Change on CCO No. 3:	\$	(115,158.18)
Net Change to Date:	\$	(114,874.28)

Explanation of Change on CCO No. 3: This decrease is the result of SDDOT adjusting the contract quantities of asphalt for surface treatment and cover aggregate to match as built quantities through normal project variations and due to a spread rate different than estimated in the plans.

17. Project: NH P 0033(15), Lyman, Mellette, Todd, & Tripp County, PCN 041V

Location: Various locations in the Winner area

Contractor: Schweigert Construction, Inc.

Type of Work: Culvert repair

Original Contract Amount:	\$	2,283,827.41
Change on CCO No. 9:	\$	(243,735.53)
Net Change to Date:	\$	(152,117.82)

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

RAPID CITY REGION

18. Project: IM NH P 0041(163), Lawrence & Pennington County, PCN 06FK
 Location: Various locations throughout the Rapid City area
 Contractor: Mainline Contracting, Inc.
 Type of Work: Pipe repair

Original Contract Amount:	\$	1,822,513.35
Change on CCO No. 3:	\$	183,168.67
Net Change to Date:	\$	200,298.67

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for extra work to replace a 30" CMP with a 48" RCP in order to handle the high volume of water traveling through this structure.

19. Project: NH 0018(184)39, Fall River County, PCN 03TH
 Location: US 18 from US 385 to Hot Springs city limits
 Contractor: Complete Concrete, Inc.
 Type of Work: Urban reconstruction, PCC surfacing, curb & gutter, sidewalk, lighting, signals

Original Contract Amount:	\$	22,618,378.60
Change on CCO No. 2:	\$	249,458.80
Net Change to Date:	\$	249,458.80

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work including additional temporary surfacing, erosion control, and traffic control measures.

20. Project: NH 0018(184)39, Fall River County, PCN 03TH
 Location: US 18 from US 385 to Hot Springs city limits
 Contractor: Complete Concrete, Inc.
 Type of Work: Urban reconstruction, PCC surfacing, curb & gutter, sidewalk, lighting, signals

Original Contract Amount:	\$	22,618,378.60
Change on CCO No. 3:	\$	163,205.85
Net Change to Date:	\$	412,664.65

Explanation of Change on CCO No. 3: This increase is the result of SDDOT removing pavement marking tape and replacing it with High Build Waterborne Pavement Marking Paint to achieve a longer life in urban areas.

21. Project: NH 0385(60)35, Fall River County, PCN 07V4
Location: US 385 from north of Jennings Ave to south of Minnekahta Ave in Hot Springs
Contractor: Complete Concrete, Inc.
Type of Work: Urban reconstruction, PCC surfacing, curb & gutter, storm sewer

Original Contract Amount: \$ 3,221,921.62
Change on CCO No. 2: \$ 71,524.99
Net Change to Date: \$ 71,524.99

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work including removing an existing concrete wall conflicting with the location of the new storm sewer.

22. Project: NH 0385(60)35, Fall River County, PCN 07V4
Location: US 385 from north of Jennings Ave to south of Minnekahta Ave in Hot Springs
Contractor: Complete Concrete, Inc.
Type of Work: Urban reconstruction, PCC surfacing, curb & gutter, storm sewer

Original Contract Amount: \$ 3,221,921.62
Change on CCO No. 4: \$ 90,253.75
Net Change to Date: \$ 178,615.74

Explanation of Change on CCO No. 4: This increase is the result of SDDOT adjusting the contract quantities to match as built quantities on items such as longitudinal pedestrian barricade and temporary surfacing.

23. Project: P 0044(217)88, Pennington County, PCN 06R3
Location: SD 44 from Scenic to 11 miles west of Interior
Contractor: Bituminous Paving, Inc.
Type of Work: Spot grading, asphalt concrete resurfacing, Contractor furnished asphalt concrete

Original Contract Amount: \$ 12,808,955.50
Change on CCO No. 2: \$ 102,528.54
Net Change to Date: \$ 130,364.54

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work to extend the processed subgrade topping through the entire transition.

Ryan Johnson, Office of Operations Support, presented for Commission consideration the following proposed price changes to the Special Provision for Price Schedule for Miscellaneous Items:

1. Engineer Directed Surveying/Staking - change from the current rate of \$150.00 / hour to \$175.00 / hour. This item was last modified in 2020. CCI and information provided from AGC was used to establish this rate.
2. Water for Dust Control - change from the current rate of \$25.00 / MGal. to \$35.00 / MGal. This item was last modified in 2020. Average unit bid prices for the item of water for granular material, CCI, fuel cost index, and information provided from AGC was used to establish this rate.
3. Dust Control Chlorides – this new item added to address some confusion in proper use and future changes planned with standard specifications. The rate matches the proposed rate for item #28 below.
4. Extra Haul (Various Granular Materials) - change from the current rate of \$0.20 / ton-mile to \$0.25 / ton-mile for truck haul and current rate of \$0.08 / yd³-station to \$0.10 / yd³-station for scraper haul. This item was last modified in 2020. CCI, fuel cost index, and information provided from AGC was used to establish this rate.
5. Unclassified Excavation Digouts - change from the current rate of \$11.00 / yd³ to \$15.00 / yd³. This item was last modified in 2020. CCI, fuel cost index, labor rates, and information provided from AGC was used to establish this rate.
6. Extra Haul (Excavation & Embankment) - change from the current rate of \$0.20 / ton-mile to \$0.25 / ton-mile for truck haul and current rate of \$0.08 / yd³-station to \$0.10 / yd³-station for scraper haul. This item was last modified in 2020. CCI, fuel cost index, and information provided from AGC was used to establish this rate.
7. Water for Embankment - change from the current rate of \$25.00 / MGal. to \$35.00 / MGal. This item was last modified in 2020. Average unit bid prices for the item of water for granular material, CCI, and information provided from AGC was used to establish this rate.
8. Undercutting Culverts - change from the current rate of \$15.00 / yd³ to \$20.00 / yd³. This item was last modified in 2020. CCI, fuel cost index, and labor rates was used to establish this rate.
9. Timber Pile Splice - change from the current rate of \$750.00 / each to \$850.00 / each. This item was last modified in 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
10. Steel Pile Splice (8 HP) - change from the current rate of \$150.00 / each to \$200.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
11. Steel Pile Splice (10 HP) - change from the current rate of \$175.00 / each to \$250.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.

12. Steel Pile Splice (12 HP) - change from the current rate of \$200.00 / each to \$275.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
13. Steel Pile Splice (14 HP) - change from the current rate of \$225.00 / each to \$300.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
14. Steel Pile Splice (8 HP) - change from the current rate of \$325.00 / each to \$400.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
15. Steel Pile Splice (10 HP) - change from the current rate of \$425.00 / each to \$525.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
16. Steel Pile Splice (12 HP) - change from the current rate of \$525.00 / each to \$650.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
17. Steel Pile Splice (14 HP) - change from the current rate of \$600.00 / each to \$750.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
18. Pile Shoes (Timber Pile) - change from the current rate of \$150.00 / each to \$190.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
19. 10" HP Tip Reinforced - change from the current rate of \$160.00 / each to \$200.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
20. 12" HP Tip Reinforced - change from the current rate of \$185.00 / each to \$225.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
21. 14" HP Tip Reinforced - change from the current rate of \$225.00 / each to \$275.00 / each. This item was last modified 2020. CCI, labor rates, and information provided from AGC was used to establish this rate.
22. Granular Material - change from the current rate of \$20.00 / ton to \$28.00 / ton. This item was last modified in 2020. Average unit bid prices for the item of gravel surfacing, CCI, fuel cost index, and information provided from AGC was used to establish this rate.

23. Asphalt Concrete - change from the current rate of \$120.00 / ton to \$160.00 / ton. This item was last modified in 2020. Average unit bid prices for the item of asphalt concrete composite, CCI, fuel cost index, and information provided from AGC was used to establish this rate.
24. Cover Aggregate - change from the current rate of \$45.00 / ton to \$55.00 / ton. This item was last modified in 2020. Average unit bid prices for the item of cover aggregate, CCI, fuel cost index, and information provided from AGC was used to establish this rate.
25. Asphalt for Prime - change from the current rate of \$925.00 / ton to \$1200.00 / ton. This item was last modified in 2020. Average unit bid prices for the item of asphalt for prime, CCI, fuel cost index, and information provided from AGC was used to establish this rate.
26. Asphalt (Tack, Flush, & Surface Treatment) - Change from the current rate of \$600.00 / ton to \$800.00 / ton. This item was last modified in 2020. Average unit bid prices for the items of asphalt for tack, asphalt for flush seal, and asphalt for surface treatment; CCI; fuel cost index; and information provided from AGC was used to establish this rate.
27. Water (Haul Roads) - change from the current rate of \$25.00 / MGal. to \$35.00 / MGal. This item was last modified in 2020. Average unit bid prices for the item of water for granular material, CCI, fuel cost index, and information provided from AGC was used to establish this rate.
28. Dust Control Chlorides - change from the current rate of \$0.45 / pound to \$0.70 / pound. This item was last modified in 2020. Average unit bid prices for the item of dust control chloride, CCI, fuel cost index, and information provided from AGC was used to establish this rate.
29. Flagging – no change. This item was last updated in 3/2023.
30. Pilot Car – no change. This item was last updated in 3/2023.

A MOTION WAS MADE by Jensen and seconded by Rosenboom to approve the proposed changes to the Special Provision for Price Schedule for Miscellaneous Items as recommended. All present voted aye by voice vote. The motion carried.

Smith presented for Commission consideration the 2023-2024 Highway Winter Maintenance Plan.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the 2023-2024 Highway Winter Maintenance Plan as presented. All present voted aye by voice vote. The motion carried.

Becky Hoffman, Office of Project Development, presented to the Commission the following bid letting results:

October 18, 2023

Grading, Structures ((2) 8x10 Precast RCBC, 3-10x7 CIP RCBC, 2-10x10 CIP RCBC), Interim Surfacing & Pipe Work

1	03BD NH-PH 0385(50)96 Zandstra Construction Incorporated US385 - Fm N of Pactola Dam to 4 N of the SD44 Jct	Pennington County \$23,492,147.29
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Grading, Interim Surfacing, Replace Str (8'x8' CIP or Precast, 3-13'x13' CIP or Precast, 2-12'x12' CIP or Precast, 3-12'x12' CIP or Precast, 7'x7' CIP or Precast, 2-8'x8' CIP & 11'x11' CIP)

2	04JF P-PH 0046(61)366 Foothills Contracting, Inc. SD46 - Fm Beresford E 15	Union County \$24,893,720.55
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Structure (4-10'x9' CIP RCBC, 4-10'x8' CIP RCBC, 3-12'x11' CIP RCBC) & Approach Grading

3	086A, 086E, 086F BRO-B 8058(23), BRO-B 8058(25), BRO-B 8058(26) BX Civil & Construction, Inc. Structure 1.0 N & 4.1 W of Northville on 153rd St over Snake Creek SN 58-029-050; Structure 1.5 S & 1.0 W of Northville on 382nd Ave over a Creek SN 58-060-075; Structure 0.5 N of Athol on 382nd Ave over a Creek SN 58-060-158	Spink County \$2,745,000.00
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Sign Bridges, Guardrail

5	095Q IM 2292(113)0 BX Civil & Construction, Inc. I229 N & S - Fm I29 to Exit 2 (Western Ave)	Lincoln, Minnehaha County \$1,318,725.00
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Cold Milling, Asphalt Concrete Resurfacing, Shoulder Surfacing

7	08XW, 09C7, 07YP NH-CR 0081(127)119, NH 0014(256)385, P 0028(54)329 Brookings, Hamlin, Kingsbury County BITUMINOUS PAVING, INC. US81 - Fm Arlington to SD28; US14 - Fm 2.4 W of Lake Preston to 3.6 E of Lake Preston; US14, US14 E&W - Fm E Ash St in Arlington S 0.5; SD28 - Fm 7 W of Lake Norden E to US81	\$9,528,149.55
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A MOTION WAS MADE by Zander and seconded by Roby to approve bids #1, 2, 3, 5, and 7. All present voted aye by voice vote. The motion carried.

Column & Bent Repair, Approach Slab Joint Repair

4	081T, 08P6 P-B 0050(136)232, P 0045(63)73 Journey Group Companies SD50 - Str 2.7 N of I90 over Ringneck & Western RR; SD45 - Str's 2.2 N Brule Co Line & 0.6 S of SD34 over Crow Ck	Brule, Buffalo County \$445,607.60
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A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve bid #4. All present voted aye by voice vote. The motion carried.

Zone Painting, Replace Joints, Collect Drainage Under Open Joints, Polymer Chip Seal

6	05QE P 0063(53)144	Ziebach County
	BX Civil & Construction, Inc.	\$2,403,000.00
	SD63 - Str at the Ziebach/Haakon County Line Over the Cheyenne River	

A MOTION WAS MADE by Simons and seconded by Zander to approve bid #6. All present voted aye by voice vote. The motion carried.

Cold Milling, Asphalt Concrete Resurfacing of Shoulders & WIM Upgrades

8	08XP NH-CR 0012(310)298	Brown, Day County
	Bituminous Paving, Inc.	\$5,868,951.95
	US12E Fm E of Bath to W of Groton; US12, US12 E & W - Fm Groton E to Webster	

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

Cold Milling, Asphalt Concrete Resurfacing of Shoulders, Modify NB Off Ramp, Lighting

9	08XY, 08Y1 IM 0291(138)1, P 029P(02)4	Union County
	Knife River Midwest LLC	\$3,180,471.68
	I29 N - Fm Exit 2 to the NCL of North Sioux City, I29 S - Fm N of Exit 1 to the NCL of North Sioux City; I29 P - In North Sioux City	

A MOTION WAS MADE by Frick and seconded by Jensen to approve bid #9. All present voted aye by voice vote. The motion carried.

Mike Behm, Division Director of Planning & Engineering, presented for Commission consideration the following items.

Behm shared that Item #1 in the Commission packet was withdrawn and would be presented at a future meeting. Behm then presented the following abandonment requests:

2. Request Transportation Commission approval to abandon by resolution the temporary easements on Pennington County DOT Project NH 0044(167)44, PCN 027K.
3. Request Transportation Commission approval to abandon by resolution the temporary easements on Pennington County DOT Project P 0231(13)79, PCN 03CP.

4. Request Transportation Commission approval to abandon by resolution the temporary easements on Pennington County DOT Project P 0445(00)74, PCN 06WX.
5. Request Transportation Commission approval to abandon by resolution the temporary easements on Roberts County DOT project P 0015(81)182, PCN 05J7.

A MOTION WAS MADE by Rosenboom and seconded by Vehle to approve the abandonment of temporary easements in Pennington and Roberts Counties as proposed by the Department. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2023 – 10.1, 2023 – 10.2, 2023 – 10.3, and 2023 – 10.4 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented for Commission consideration the following Statewide Transportation Improvement Program (STIP) revisions:

<u>FOR COMMISSION APPROVAL</u> (to add or delete a project in the 4-year construction STIP)	
REV 24-002	<p>This revision will add a FY2024 Mill, AC Resurfacing project on SD45 fm Cemetery Rd to Truck St in Kimball and tied it to a nearby existing Mill, AC Resurfacing project on I90 & I90P in the Mitchell Region. (Sequence #6 & 93, Page 48 & 60 in the 2024-2027 STIP Book).</p> <p>FY 2024 Plus \$74,000</p>
REV 24-003	<p>This revision will delete a FY2024 Median Crossovers project on US16E - Jct of US16 & Neck Yoke Rd (Reptile Garden Ent) and will add “Construct Median Crossovers” to the work description of a FY2025 Grading, AC Surfacing, Replace Str Bridge project on US16 - Intersection of US16 & Neck Yoke Rd (Reptile Garden Ent) in the Rapid City Region. (Sequence #651 & 668, Page 151 & 153 in the 2024-2027 STIP Book).</p> <p>FY 2024 Minus \$1,392,000 FY 2025 Plus \$1,909,000</p> <ul style="list-style-type: none">• Original = \$16,536,000; Updated = \$18,445,000
REV 24-004	<p>This revision will add a FY2024 Cold Plastics Durable Pavement Marking project at various locations on the State System in the Rapid City Region.</p> <p>FY 2024 Plus \$1,421,000</p>
REV 24-005	<p>This revision will add a FY2024 Grading, Interim Surfacing, Replace Str Bridge project on US12 - Fm Morrystown to 9 E in Corson County in the Pierre Region.</p>

FY 2024 Plus \$17,547,000

REV 24-006 This revision will add a FY2024 Traffic Signal project on SD115 N & S - Tiger Way Jct in Harrisburg in the Mitchell Region.

FY 2024 Plus \$520,000

REV 24-007 This revision will add four (4) FY2024 Local Federal Bridge Replacement Program projects in Pennington County in the Rapid City Region.

FY 2024 Plus \$7,262,000

REV 24-008 This revision will add a FY2024 Grading, Buildings project on SD44 - E of Missouri River Bridge (Platte/Winner) in the Mitchell Region.

FY 2024 Plus \$5,930,000

A MOTION WAS MADE by Vehle and seconded by Zander to approve STIP revisions REV24-002, REV24-003, REV24-004, REV24-005, REV24-006, REV24-007 and REV24-008. All present voted aye by voice vote. The motion carried.

Leiferman presented the follow 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-001 This revision added "LSDC" to the work description and increased the cost of a FY2024 structure preservation project on I29 N & S - 0.4 N of the US18 W Interchange over Snake Ck & 294 St (FAS 6116) 3 N of the SD46 Interchange over I29 in Lincoln County in the Sioux Falls Area in the Mitchell Region. (Sequence #468, Page 124 in the 2024-2027 STIP Book).

FY 2024 Plus \$187,000

- Original = \$551,000; Updated = \$738,000

REV 24-SC-002 This revision added "& Belle Fourche Area" to the Location Description and increased the cost of a FY2024 Rout & Seal project on Various Locations in the Mobridge Area in the Pierre & Rapid City Region. (Sequence #117, 176, 238, 541 & 1,000, Page 64, 75, 86, 135 & 193 in the 2024-2027 STIP Book).

FY 2024 Plus \$284,000

- Original = \$868,000; Updated = \$1,152,000

Behm presented for Commission consideration the following Transit revision:

FOR COMMISSION APPROVAL
(to add or delete a project in the 4-year Program)

REV 24- Transit - 01 This revision will add funding for a planning grant that was awarded to Rivers Cities Transit from FTA. The purpose of the plan is to identify transportation-disadvantaged populations and build a comprehensive program that improves the lives of these populations. The study will focus on the counties of Dewey, Haakon, Hughes, Jackson, Lyman, Pennington, Stanley, Sully, & Ziebach.

FY 2024 Plus \$528,000

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve REV24-Transit-01. All present voted aye by voice vote. The motion carried.

With no further business to come before the Commission, Chairman Karim declared the meeting adjourned at 12:00 p.m. CDT.

DRAFT

STATE OF SOUTH DAKOTA
TRANSPORTATION COMMISSION

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

Date: August 24, 2023

Name of Board Member or Former Board Member: **Lynn Jensen**

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

South Dakota Department of Transportation and Davison County, South Dakota.

b) Board Member's role in the contract

The Transportation Commission approves Economic Development Agribusiness Grant applications. Davison County applied for an agribusiness grant to complete road improvements arising from a development project of High Plains Processing, LLC and South Dakota Soybean Processors, LLC. I am an investor in South Dakota Soybean Processors, LLC. I verbally disclosed this matter to the Transportation Commission when the grant application came before the commission on August 24, 2023, and I recused myself from the discussion and vote on the application.

c) Purpose and objective of the contract

The South Dakota Department of Transportation will provide funding to Davison County for a road improvement project in the Mitchell area associated with the new High Plains Processing, LLC facility planned by South Dakota Soybean Processors, LLC.

d) Consideration or benefit conferred or agreed to be conferred upon each party

Davison County will receive \$162,250.00 from the South Dakota Department of Transportation for a road improvement project arising from the new High Plains Processing LLC facility planned by South Dakota Soybean Processors, LLC.

e) Duration of the contract

Because Davison County will be responsible for maintenance of the road improvements, it is expected that the contract duration will be for the life of the road improvement project.

Signature of Requesting Party:  Date 10-26-23