

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, March 28, 2024 at 9:00 a.m. CST

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

COMMISSIONER PRESENT: Lynn Jensen, Chairman
Chris Frick
Jaf Karim
Larry Nelson
Austin Simons
Mike Vehle

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Don Roby, Vice-chairman

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

**DOT STAFF PRESENT:
VIA CONFERENCE CALL:** Scott Rabern, Kellie Beck, Dail Mollard, Emily Calhoun, Mark Anderson, Scot Eisenbeisz, Jon Suomala, Misty Berg, Josh Timmerman, Gene Ericson, John Villbrandt, Mark Malone, Tony March, Thomas Spisak, Jamie Hyde, Bob Carrico, Matt Dunk, Michael Johnson, Tom Horan, Jason Baker, Ariana Griffey, Matt Dorfschmidt, Joshua Janes, Tel Saucerman, June Hansen, Kim Nagel, Brent Valandra, Tanya Liska, Josh Timmerman, Bo Groethe, Bradley Staneck, and Tyler Small

OTHERS PRESENT: Scott Simpson – Department of Game, Fish & Parks (SDGF&P); Adam Kulesa – SDGF&P; Greg Heitmann – Federal Highway Administration (FHWA); Kirk Fredrichs – FHWA; and Bob Mercer – Keloland

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 Austin Simons concerning a potential conflict of interest on bid #11 on Attachment #6 of the Commission packet. A copy of the waiver and Attachment #6 is included with these minutes as

ATTACHMENT A. Engle explained that Commissioner Simons would be recusing himself from the discussion and vote on this item.

A MOTION WAS MADE by Vehle and seconded by Frick that the matters disclosed in the written waiver request by Commissioner Simons are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Simons, 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.

Jensen asked for a motion to approve the February 29, 2024 Commission meeting minutes.

Commissioner Jaf Karim asked that the minutes be edited to reflect his attendance as well as his name corrected in paragraph 3 of page 1.

A MOTION WAS MADE by Karim and seconded by Simons to approve the February 29, 2024 Commission meeting minutes with the edits requested by Karim. All present voted aye by roll call vote. The motion carried.

Jensen asked for a motion to approve the March 14, 2024 Commission meeting minutes.

A MOTION WAS MADE by Karim and seconded by Nelson to approve the March 14, 2024 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 to the Commission in his Secretary's Report:

- There were no bridge hits.
- The US Congress has passed the final appropriations bill. The South Dakota Department of Transportation (the "Department") will receive \$326.7 million which is about a 2% increase over last year.
- As an update on the 21-state greenhouse gas emissions rule challenge, the judge has postponed making a ruling until April 1, 2024. The parties agreed to extend the non-enforcement of the rule through this date. In a separate challenge to the rule brought by the Texas Department of Transportation, a Texas district court judge vacated the rule.

- Since the Department was given an approximate 2% increase in federal funds, the Surface Transportation Block Grant Program (STBGP) will increase at the same level. Class 1 cities and counties that do not have STBGP loans with the state will have their funds transferred into their accounts for highway and bridge projects. Overall, approximately \$17.6 million is available to counties and \$16.1 million to Class 1 cities. Once the appropriate amount is subtracted from current outstanding loans, the total that will be transferred is \$28.7 million.

Secretary Jundt stated that the Department entered into a Memorandum of Understanding (MOU) with the Department of Game, Fish, & Parks (SDGF&P) to help fund projects, providing \$2.8 million of state highway funds to SDGF&P every fiscal year. Jundt introduced Adam Kulesa, from SDGF&P, who presented an annual report to the Commission regarding expenditures for improvements to county, township, and park collector roads. SDGF&P discussed its plan for the allocation of \$2.8 million in state highway funds for highway improvements anticipated for fiscal year 2025.

Scott Simpson, Deputy Secretary of SDGF&P shared with the Commission the perspective from SDGF&P in regard to project priority and the positive relationship this funding has created between the agencies as well as with towns and townships statewide.

In accordance with the MOU between the agencies, the \$2.8 million will be allocated to SDGF&P by the Department for fiscal year 2025.

Secretary Jundt presented the Transportation Loan Information Sheet back for further Commission discussion. The Commission discussed revising the information sheet to delete the reference to funding of last resort in the general information section and insert the funding of last resort statement in the STBGP Advance and State Highway Fund Loan sections. The Commission also discussed revising the maximum STBGP advance to three times the applicant's estimated annual STBGP allocation.

The Commission asked that the information sheet be reviewed each March. They asked for the Department to make the suggested edits and present the revised sheet to the Commission at the next in-person meeting.

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

CCOs completed in January contain an increase of \$749,889.36. CCOs completed in February contain a decrease of \$956,631.82. Over the past 12 months, the overall contract increase is 2.53%.

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

ABERDEEN REGION

1. Project: EM 0295(45)130, Brookings County, PCN 020V
Location: I-29 – at 20th Street in Brookings
214th Street – from 22nd Avenue to 34th Avenue S in Brookings
Contractor: Bowes Construction, Inc.
Type of Work: construction interchange, grading, structure, lighting

Original Contract Amount:	\$	15,305,307.53
Change on CCO No. 5:	\$	118,481.85
Net Change to Date:	\$	311,687.44

Explanation of Change on CCO No. 5: This increase is the result of SDDOT compensating the contractor for extra work which included panel repair, permanent sign relocation, remove and relocate guardrail, and resetting a large block wall.

2. Project: NH-P 0013(165), Buffalo, Clark, Lyman, Spink County, PCN 08QV
Location: various routes in the Huron and Winner area
Contractor: Northwest Asphalt & Maintenance
Type of Work: rout & seal

Original Contract Amount:	\$	332,032.35
Change on CCO No. 1:	\$	91,635.03
Net Change to Date:	\$	91,635.03

Explanation of Change on CCO No. 1: This increase is the result of SDDOT adjusting the contract quantities of Asphalt Crack Sealing to match as built quantities through normal project variations.

3. Project: P 0026(04)230, Hand & Hyde County, PCN 04X5
Location: SD26 from SD47 to SD45
Contractor: Anderson Western, Inc.
Type of Work: cold milling, asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	5,016,884.25
Change on CCO No. 1:	\$	(187,919.51)
Net Change to Date:	\$	(187,919.51)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations and for incentive/disincentives including IRI smoothness.

4. Project: P 0026(04)230, Hand & Hyde County, PCN 04X5
Location: SD26 from SD47 to SD45
Contractor: Anderson Western, Inc.
Type of Work: cold milling, asphalt concrete resurfacing, pipe work

Original Contract Amount: \$ 5,016,884.25
Change on CCO No. 2F: \$ 63,792.19
Net Change to Date: \$ (124,127.32)

Explanation of Change on CCO No. 2F: This increase is the result of SDDOT making a fuel cost adjustment for diesel fuel in accordance with the contract.

5. Project: P 0047(119)157, Faulk & Hyde County, PCN 069F
Location: SD47 from north of SD26 to the US212 east junction
Contractor: Anderson Western, Inc.
Type of Work: cold milling asphalt concrete, asphalt concrete resurfacing & culvert repairs

Original Contract Amount: \$ 4,153,979.12
Change on CCO No. 2F: \$ 53,613.03
Net Change to Date: \$ (23,085.44)

Explanation of Change on CCO No. 2F: This increase is the result of SDDOT making a fuel cost adjustment for diesel fuel in accordance with the contract.

6. Project: PH 0010(152), Codington, Deuel, Kingsbury, Roberts County, PCN 06K5
Location: various locations in the Watertown area
Contractor: Reede Construction, Inc.
Type of Work: grading, culvert extensions, PCC surfacing, asphalt concrete surfacing

Original Contract Amount: \$ 6,734,394.38
Change on CCO No. 3: \$ 68,058.38
Net Change to Date: \$ 54,911.58

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 including overruns on base course, gravel cushion, and Class E asphalt as well as quality adjustments for failing tests.

7. Project: IM-NH-P 0012(305), Brookings, Codington, Deuel, Hamlin County, PCN 08RE
Location: various locations in the Watertown area
Contractor: Bituminous Paving, Inc.
Type of Work: asphalt surface treatment, flush seal

Original Contract Amount: \$ 1,185,437.75
Change on CCO No. 3: \$ (85,557.11)
Net Change to Date: \$ (85,197.11)

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

8. Project: NH 0014(232)401, Brookings & Kingsbury County, PCN 05HU
Location: US14 from south of Arlington to east of the south US81 junction
Contractor: Bowes Construction, Inc.
Type of Work: grading, rubbilize PCC, asphalt concrete surfacing

Original Contract Amount: \$ 7,476,807.37
Change on CCO No. 3: \$ (302,062.07)
Net Change to Date: \$ (286,779.52)

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

9. Project: NH 0014(254)302, Beadle & Hand County, PCN 08XT
Location: US14 from Miller to Wessington
Contractor: Asphalt Paving & Materials Company
Type of Work: asphalt concrete surfacing of shoulders, asphalt concrete resurfacing of bike path

Original Contract Amount: \$ 2,572,502.84
Change on CCO No. 1: \$ (55,326.44)
Net Change to Date: \$ (55,326.44)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations and quality adjustments for out of specification glass beads.

10. 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
from the north junction of SD28 north .3 miles
Contractor: Midland Contracting, Inc.
Type of Work: grading

Original Contract Amount: \$ 18,297,489.13
Change on CCO No. 1: \$ 103,163.31
Net Change to Date: \$ 103,163.31

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for extra work including applying dust control chloride, adding turn lanes to the project, and correcting mistakes in pipe sizes in the plans.

MITCHELL REGION

11. Project: IM 0905(118)260, Brule & Lyman County, PCN 06P0
Location: I-90 from Oacoma to 2 miles east of Chamberlain
Contractor: BX Civil & Construction, Inc.
Type of Work: asphalt concrete resurfacing of shoulders, edge drains, repair bridge, joint & spall repair, pipe work, lighting
- Original Contract Amount: \$ 20,835,000.00
Change on CCO No. 7: \$ 232,682.77
Net Change to Date: \$ 351,634.10

Explanation of Change on CCO No. 7: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

12. Project: IM 0905(118)260, Brule & Lyman County, PCN 06P0
Location: I-90 from Oacoma to 2 miles east of Chamberlain
Contractor: BX Civil & Construction, Inc.
Type of Work: asphalt concrete resurfacing of shoulders, edge drains, repair bridge, joint & spall repair, pipe work, lighting
- Original Contract Amount: \$ 20,835,000.00
Change on CCO No. 9: \$ (85,593.84)
Net Change to Date: \$ 288,664.26

Explanation of Change on CCO No. 9: This decrease is the result of SDDOT redesigning a median gutter foundation from 11.5" base course to 5.5" base course.

13. Project: IM 2292(103)2, Minnehaha County, PCN 06CF
Location: I-229 Exit 2 in Sioux Falls
Contractor: T & R Contracting, Inc.
Type of Work: grading, storm sewer, curb & gutter, PCC surfacing, ROW, signals & lighting

Original Contract Amount:	\$	2,603,333.33
Change on CCO No. 2:	\$	231,076.42
Net Change to Date:	\$	341,771.96

Explanation of Change on CCO No. 2: This increase is the result of SDDOT altering the design of several pipes and junction boxes to avoid the Northern Natural Gas line to avoid lengthy delays.

14. Project: NH 0018(203)333, Charles Mix County, PCN 04V9
Location: US18 from Pickstown to Lake Andes
US18 Structure .8 miles north of Pickstown over Saint Francis Bay
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. 4:	\$	79,791.90
Net Change to Date:	\$	185,682.64

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work to extend the hike path adjacent to the Northpoint Recreation Area entrance as directed by the engineer.

15. Project: NH 0018(203)333, Charles Mix County, PCN 04V9
Location: US18 from Pickstown to Lake Andes
US18 Structure .8 miles north of Pickstown over Saint Francis Bay
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. 5:	\$	(258,759.12)
Net Change to Date:	\$	(73,076.48)

Explanation of Change on CCO No. 5: This decrease is the result of SDDOT charging the contractor a disincentive for not meeting the interim completion requirement.

16. Project: P 000S(00)286, Mitchell Region, PCN 07DT
Location: various locations in the Mitchell region
Contractor: Dakota Traffic Services, LLC
Type of Work: country pavement markings

Original Contract Amount:	\$	1,493,305.20
Change on CCO No. 2:	\$	286,615.60
Net Change to Date:	\$	288,499.65

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

17. Project: P 000S(00)286, Mitchell Region, PCN 07DT
Location: various locations in the Mitchell region
Contractor: Dakota Traffic Services, LLC
Type of Work: country pavement markings

Original Contract Amount:	\$	1,493,305.20
Change on CCO No. 4:	\$	(259,378.44)
Net Change to Date:	\$	54,495.21

Explanation of Change on CCO No. 4: This decrease is the result of SDDOT adjusting the contract quantities of pavement markings and pavement marking paint due to adding or eliminating routes on the project.

18. Project: IM 0293(112)76, Minnehaha County, PCN 06VQ
Location: I-29 SBL from 57th Street to 49th Street in Sioux Falls
Contractor: D & G Concrete Construction, Inc.
Type of Work: remove riprap, concrete ditch lining, culvert work

Original Contract Amount:	\$	1,290,058.82
Change on CCO No. 2:	\$	(90,046.80)
Net Change to Date:	\$	(86,472.80)

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 as well as removing place riprap and Type B drainage fabric from the contract due to private utility conflicts.

19. Project: NH-P 0021(176), Mitchell Region, PCN 07KP
Location: various routes in the Mitchell Region
Contractor: Asphalt Surface Technologies Corporation
Type of Work: asphalt surface treatment

Original Contract Amount:	\$	3,498,498.83
Change on CCO No. 1:	\$	(446,952.62)
Net Change to Date:	\$	(446,952.62)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations. Items such as CRS-2P Asphalt for surface treatment and fog seal oil were applied at a lighter rate than plans indicated for the entire contract.

20. Project: P-PH 0052(05)315, Bon Homme County, PCN 04HK
Location: SD52 from SD37 to SD50
Contractor: Midwest Contracting, LLC
Type of Work: grading, interim surfacing, replace culverts, structures, roadway lighting

Original Contract Amount:	\$	12,682,115.06
Change on CCO No. 7F:	\$	(64,254.11)
Net Change to Date:	\$	(255,401.71)

Explanation of Change on CCO No. 7F: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations and making a fuel cost adjustment for diesel fuel in accordance with the contract.

21. Project: IM 0909(97)404, Minnehaha County, PCN 092E
Location: I-90 from Exit 402 to Exit 406
Contractor: Runge Enterprises, Inc.
Type of Work: median & ramp crossovers, shoulder widening

Original Contract Amount:	\$	1,254,979.58
Change on CCO No. 4:	\$	(80,290.02)
Net Change to Date:	\$	(43,664.43)

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

22. 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. 6:	\$	(96,337.35)
Net Change to Date:	\$	160,289.06

Explanation of Change on CCO No. 6: This decrease is the result of SDDOT adjusting the contract quantities of various items to match as built quantities through normal project variations.

23. Project: NH-P 0023(66), Bon Homme, Clay, Hutchinson, Turner, Union, & Yankton County, PCN 08RG
Location: various locations in the Yankton area
Contractor: The Road Guy Construction Company, Inc.
Type of Work: asphalt surface treatment

Original Contract Amount:	\$	4,949,856.99
Change on CCO No. 1F:	\$	(74,186.00)
Net Change to Date:	\$	(74,186.00)

Explanation of Change on CCO No. 1F: This decrease is the result of SDDOT adjusting the contract quantities of various items to match as built quantities through normal project variations.

PIERRE REGION

24. Project: NH 0012(227)99, Corson & Perkins County, PCN 068A
Location: US12 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. 4F:	\$	63,981.77
Net Change to Date:	\$	170,237.27

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.

25. Project: NH 0018(191)250, Tripp County, PCN 03TK
Location: US18 from west of the structure over Dog Creek to west of Monroe Street in Winner
Contractor: Reede Construction, Inc.
Type of Work: grading, PCC surfacing, curb & gutter, sidewalk, ADA, storm sewer, lighting

Original Contract Amount: \$ 20,993,728.92
Change on CCO No. 20: \$ 107,877.39
Net Change to Date: \$ 1,230,667.42

Explanation of Change on CCO No. 20: This increase is the result of SDDOT compensating the contractor for extra work and material to install a 100 ft long wall alongside the 6" PCC ditch liner to provide adequate cover over the sanitary sewer line coming from an existing manhole.

26. Project: NH 0018(191)250, Tripp County, PCN 03TK
Location: US18 from west of the structure over Dog Creek to west of Monroe Street in Winner
Contractor: Reede Construction, Inc.
Type of Work: grading, PCC surfacing, curb & gutter, sidewalk, ADA, storm sewer, lighting

Original Contract Amount: \$ 20,993,728.92
Change on CCO No. 21: \$ 118,060.87
Net Change to Date: \$ 1,348,728.29

Explanation of Change on CCO No. 21: This increase is the result of SDDOT compensating the contractor for extra work to repair areas damaged from using the North County Road as an over width detour with asphalt concrete composite.

27. Project: NH 0018(191)250, Tripp County, PCN 03TK
Location: US18 from west of the structure over Dog Creek to west of Monroe Street in Winner
Contractor: Reede Construction, Inc.
Type of Work: grading, PCC surfacing, curb & gutter, sidewalk, ADA, storm sewer, lighting

Original Contract Amount: \$ 20,993,728.92
Change on CCO No. 22: \$ 65,378.23
Net Change to Date: \$ 1,414,106.52

Explanation of Change on CCO No. 22: This increase is the result of SDDOT adjusting the contract quantities of numerous items such as Type C retaining wall and Class M6 concrete to match as built quantities through normal project variations.

28. Project: NH 0018(191)250, Tripp County, PCN 03TK
Location: US18 from west of the structure over Dog Creek to west of Monroe Street in Winner
Contractor: Reede Construction, Inc.
Type of Work: grading, PCC surfacing, curb & gutter, sidewalk, ADA, storm sewer, lighting

Original Contract Amount: \$ 20,993,728.92
Change on CCO No. 23: \$ 104,945.57
Net Change to Date: \$ 1,519,052.09

Explanation of Change on CCO No. 23: This increase is the result of SDDOT adjusting the contract quantities of 6" concrete sidewalk and 6" colored concrete sidewalk to match as built quantities through normal project variations.

29. Project: NH PS 0012(187)106, Corson County, PCN 04FL
Location: US12 Structures: 7.9 miles east of the Perkins County line
0.2 miles west of SD65S over the BNSF railroad
Contractor: Foothills Contracting, Inc.
Type of Work: replace structures & approach grading

Original Contract Amount: \$ 13,899,350.16
Change on CCO No. 12: \$ 75,000.00
Net Change to Date: \$ 540,737.32

Explanation of Change on CCO No. 12: This increase is the result of SDDOT compensating the contractor for extra work to construct and remove a traffic diversion for the contractor to access and install the north half of the box culvert.

30. Project: NH PS 0012(187)106, Corson County, PCN 04FL
Location: US12 Structures: 7.9 miles east of the Perkins County line
0.2 miles west of SD65S over the BNSF railroad
Contractor: Foothills Contracting, Inc.
Type of Work: replace structures & approach grading

Original Contract Amount: \$ 13,899,350.16
Change on CCO No. 14: \$ 93,125.00
Net Change to Date: \$ 673,982.32

Explanation of Change on CCO No. 14: This increase is the result of SDDOT adjusting the contract quantities of Class A45 concrete, drilled shaft to match the as built quantities.

31. Project: PH 00SW(52), Pierre and Rapid City Regions, PCN 05M6
Location: various paved county, tribal, and city roads in the Pierre and Rapid City regions
Contractor: Hamm Contracting, LLC
Type of Work: signing & delineation

Original Contract Amount:	\$	4,999,168.10
Change on CCO No. 3:	\$	123,529.00
Net Change to Date:	\$	709,652.50

Explanation of Change on CCO No. 3: This increase is the result of SDDOT adjusting contract quantities of various items through normal project variations.

32. Project: PH 00SW(52), Pierre and Rapid City Regions, PCN 05M6
Location: various paved county, tribal, and city roads in the Pierre and Rapid City regions
Contractor: Hamm Contracting, LLC
Type of Work: signing & delineation

Original Contract Amount:	\$	4,999,168.10
Change on CCO No. 4:	\$	100,092.89
Net Change to Date:	\$	819,745.39

Explanation of Change on CCO No. 4: This increase is the result of SDDOT adjusting contract quantities of aluminum signs due to a plan error. Numerous original signs in the plans that were manufactured and placed were smaller than required, misspelled, or incorrect and had to be replaced with correct signage.

33. Project: P 0053(11)49, Mellette County, PCN 07YF
Location: SD53 from SD44 north 11 miles
Contractor: Bituminous Paving, Inc.
Type of Work: full depth reclamation, otta seal & blotter surfacing

Original Contract Amount:	\$	2,913,162.70
Change on CCO No. 9:	\$	62,601.76
Net Change to Date:	\$	582,817.58

Explanation of Change on CCO No. 9: This increase is the result of SDDOT compensating the contractor for hauling and stockpiling unused cover aggregate for future use.

34. Project: IM-NH-P 0033(39), Bennett, Jackson, Jones, Mellette, Todd, & Tripp County, PCN 08RF
Location: various locations in the Winner area
Contractor: Bituminous Paving, Inc.
Type of Work: asphalt surface treatment, rout & seal

Original Contract Amount:	\$	7,977,577.98
Change on CCO No. 3:	\$	(899,469.10)
Net Change to Date:	\$	(899,469.10)

Explanation of Change on CCO No. 3: This decrease is the result of SDDOT adjusting the contract quantities of various items to match as built quantities through normal project variations.

RAPID CITY REGION

35. 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, interim surfacing, structures, pipe work

Original Contract Amount:	\$	23,492,147.29
Change on CCO No. 1:	\$	117,454.84
Net Change to Date:	\$	117,454.84

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for extra work and material to apply water for dust control and dust control chloride for the safety of project personnel and the traveling public.

36. Project: PH 0034(202)12, Butte & Lawrence County, PCN 06UM
Location: SD34 from Belle Fourche to Whitewood
Contractor: Bituminous Paving, Inc.
Type of Work: asphalt concrete surfacing, passing lanes, intersection improvements, pipe work

Original Contract Amount:	\$	10,186,452.80
Change on CCO No. 4:	\$	199,719.68
Net Change to Date:	\$	229,386.68

Explanation of Change on CCO No. 4: This increase is the result of SDDOT adjusting contract quantities of various items through normal project variations.

37. Project: P 0043(35), Pennington County, PCN 089E
 Location: various locations in the Custer area
 Contractor: Asphalt Surface Technologies Corporation
 Type of Work: microsurfacing

Original Contract Amount:	\$	599,988.84
Change on CCO No. 1:	\$	(80,158.09)
Net Change to Date:	\$	(80,158.09)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting contract quantities of numerous items to as built quantities including pavement markings, surfacing, and traffic control.

38. Project: NH-P 0041(176), Pennington County, PCN 0874
 Location: various location in the Rapid City area
 Contractor: Highway Improvement, Inc.
 Type of Work: rout & seal

Original Contract Amount:	\$	113,297.90
Change on CCO No. 1:	\$	60,626.77
Net Change to Date:	\$	60,626.77

Explanation of Change on CCO No. 1: This increase is the result of SDDOT adjusting contract quantity of asphalt concrete crack sealing to match the as built quantity. These are normal variations in a rout and seal job.

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

March 20, 2024

Full Depth Reclamation, Asphalt Concrete Surfacing, Pipe Work

6	06CW P 0021(174)127	Hamlin County
	Bituminous Paving, Inc.	\$2,876,960.45
	SD21 - Fm W City Limits of Hayti to US81	

Cold Milling, Asphalt Concrete Resurfacing, Pipe Work

9	06PN NH 0037(164)24	Bon Homme, Hutchinson County
	Spencer Quarries Incorporated	\$4,540,728.49
	SD37 - Fm SD50 to the Bon Homme/Hutchinson Co Line	

Intersection Safety Improvements, Signing & Lighting

10 07A2 PH 0020(212) Lincoln, Minnehaha County
Builders Electric \$168,388.59
Mitchell Region

Rout & Seal

13 096A P 0013(167) Faulk, Hand, Hyde County
Asphalt Surface Technologies Corporation \$234,340.05
Various Locations in the Huron Area

Rout & Seal

14 096T P 0033(43) Lyman, Tripp County
Highway Improvement, Inc \$198,144.45
Various Locations in the Winner Area

A MOTION WAS MADE by Frick and seconded by Nelson to approve bids #6, 9, 10, 13, and 14. All present voted aye by roll call vote. The motion carried.

Urban Grading, PCC Surfacing, Storm Sewer, Curb & Gutter, Sidewalk, Lighting, Signals, Crossing Surface

1 06A2 NH-CR 0037(158)126 Beadle County
SD37 - Fm 9th St S to 3rd St N in Huron

Water Main Replacement, Associated Service Lines & Sanitary Sewer Spot Repairs; Downtown Streetscape Improvements and South End Tree Replacement

2 X05T 2024 01() Beadle County
SD37 - Fm 9th St S to 3rd St N in Huron

A MOTION WAS MADE by Nelson and seconded by Simons to defer action on bids #1 and 2 to the April 11, 2024 meeting. All present voted aye by roll call vote. The motion carried.

Asphalt Concrete Shared Use Path & 8x8 CIP RCBC Extension

3 0745 P TAPU(25) Codington County
Duininck, Inc \$830,268.20
Watertown along Lake Kampeska from Parkview Drive to Marina Drive

Asphalt Concrete Share Use Path

4 08W3 P TAPU(34) Codington County
Duininck, Inc \$628,075.60
Watertown - Along the W side of South Lake Dr fm Lynwood Dr to South Lake Dr

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

Asphalt Concrete Shared Use Path

5 09LG P 016A(00)24 Custer County
Western Construction, Inc. \$779,341.35
US16A - Fm Custer to Stockade Lake

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

Inslope Repair & Restoration, Culvert Extensions

7 08KR NH-P 000S(432) Campbell, Edmunds, McPherson, Potter County
Lien Transportation Co \$2,584,969.53
Various Locations in the Pierre & Aberdeen Regions

A MOTION WAS MADE by Vehle and seconded by Karim to approve bid #7. All present voted aye by roll call vote. The motion carried.

Replace Joints, Bearings, Box Girder End Repair

8 08PN IM 0291(136)9 Union County
I29 - Exit 9 (Jefferson) & Exit 15 (Elk Point) over I29

A MOTION WAS MADE by Simons and seconded by Karim to reject bid #8. All present voted aye by roll call vote. The motion carried.

Commissioner Austin Simons recused himself from the next bid at 10:14 a.m. and took a seat in the galley.

Asphalt Surface Treatment

11 0973 NH-P 0031(59) Haakon, Hughes, Lyman, Potter, Stanley County
Jensen Rock & Sand, Inc. \$3,294,106.36
Various Locations in the Pierre Area

Simons recused himself and left the table during the discussion of this item. A MOTION WAS MADE by Nelson and seconded by Frick to approve bid #11. All present voted aye by roll call vote except Simons who recused himself. The motion carried.

Simons rejoined the Commission at 10:16 a.m.

Asphalt Surface Treatment

12 0974 IM-NH 0041(181) Jackson, Lawrence, Meade, Pennington County
Bituminous Paving, Inc. \$2,640,715.95
Various Locations in the Rapid City Area

A MOTION WAS MADE by Karim and seconded by Vehle to approve bid #12. 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 to the Commission for their consideration.

1. Request Transportation Commission approval to abandon by resolution the following property acquired for highway right of way:

Lots AB1 and AB2 in a portion of Lot H1 and Lot H2 in the NE1/4 NE1/4 of Section 11, Township 122 North, Range 48 West of the 5th P.M., Roberts County, South Dakota.

Lot AB1 contains 1.32 acres and Lot AB2 contains 1.2 acres

Lots AB1 and AB2 are located at the intersection of Hwy SD15 and SD109 approximately one-half mile south of Big Stone Lake.

DOT Watertown Area advises the above property is no longer needed for highway purposes and abandonment is recommended.

A MOTION WAS MADE by Vehle and seconded by Karim to approve the abandonment of easement in Roberts County. All present voted aye by roll call vote.

RESOLUTION #2024 – 3.1 was adopted.

2. Request Transportation Commission approval to abandon by resolution the following property acquired for highway right of way:

Lot B in Lot H1 in the S1/2 SE1/4 of Section 36, Township 96 North, Range 54 West of the 5th P.M., Yankton County, South Dakota, containing 0.02 acre.

Lot C and Lot D in Lot H1 in Lot H and Lot I in Section 36, Township 96 North, Range 54 West of the 5th P.M., Yankton County, South Dakota. Lot C contains 17 sq. ft. and Lot D contains 0.08 acre.

Lots B, C and D are located on the north side of Hwy SD46 approximately one-half mile west of Irene.

DOT Yankton Area advises the above property is no longer needed for highway purposes and abandonment is recommended.

A MOTION WAS MADE by Simons and seconded by Frick to approve the abandonment of easement in Yankton County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2024 – 3.2 was adopted.

Keyes presented items #3- 7 as one motion with the request to edit item #4 to read Lincoln and Minnehaha Counties.

3. Request Transportation Commission approval to abandon by resolution the temporary easement on Clark County Project P 0020(167)365, PCN 05N2.
4. Request Transportation Commission approval to abandon by resolution the temporary easement on Lincoln County Project P 3017(08)52, PCN 6962.
5. Request Transportation Commission approval to abandon by resolution the temporary easements on Lyman County Project P 0047(97)42, PCN 02ZM.
6. Request Transportation Commission approval to abandon by resolution the temporary easements on Project NH-P 0033(15), PCN 041V including Lyman, Tripp, Mellette and Todd Counties.
7. Request Transportation Commission approval to abandon by resolution the temporary easements on Stanley County Project P 1806(15)176, PCN 045K.

A MOTION WAS MADE by Karim and seconded by Vehle to approve the abandonment of temporary easements in Clark, Lincoln, Minnehaha, Lyman, Tripp, Mellette, Todd, and Stanley Counties. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2024 – 3.3, 2024 – 3.4, 2024 – 3.5, 2024 – 3.6, 2024 – 3.7, 2024 – 3.8, 2024- 3.9, 2024 – 3.10, AND 2024 – 3.11 were adopted.

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

FOR COMMISSION APPROVAL

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

REV 24-035 This revision will add a FY2024 Replace Sewer Line project on I90 E & W Wasta Rest Areas in the Rapid City Region.

FY 2024 Plus \$489,000

A MOTION WAS MADE by Simons and seconded by Nelson to approve STIP revision #REV-24-035. All present voted aye by roll call vote. The motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

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

REV 24-SC-012 This revision increased the cost of a FY2024 polymer chip seal, joints, approach slab repair project on I-90 E & W - Strs 1.7 miles & 2 miles east of the WY State Line; Interchange over Schenk Lane; 3 miles & 1.3 miles west of the US85 Interchange, EBL Off Ramp 0.3 miles west of the US85 Interchange & 1 mile SE of the SD34 N Interchange in Lawrence County in the Rapid City Region. (Sequence #437, Page 121 in the 2024-2027 STIP book).

FY 2024 Plus \$1,233,000

- Original = \$1,567,000; Updated = \$2,800,000

REV 24-SC-013 This revision increased the cost of a FY2024 guardrail replacement project on various locations in the Rapid City Region. (Sequence #443 & 658, Page 121 & 152 in the 2024-2027 STIP book).

FY 2024 Plus \$1,048,000

- Original = \$1,144,000; Updated = \$2,192,000

REV 24-SC-014 A segment of SD75 is in better condition than anticipated and can be added to FY2025 project. The change will remove the segment of road and “& Belle Fourche Area” from the location description for the FY2024 project. The segment will be added and cost increased for the FY2025 rout & seal project on various locations in the Belle Fourche Area in the Rapid City Region. (Sequence #109, 117, 176, 238, 541, 558, 1,000 & 1,022, Page 62, 64, 75, 86, 135, 138, 193 & 197 in the 2024-2027 STIP book).

FY 2024 Minus \$264,000

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

FY 2025 Plus \$271,000

- Original = \$691,000; Updated = \$961,000

Jensen asked for a motion for the Commission to enter into executive session.

A MOTION WAS MADE by Nelson and seconded by Simons to enter into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel and reviewing communications from legal counsel about proposed or pending litigation or contractual matters. All present voted aye by roll call vote. The motion carried.

Executive session began at 10:27 a.m. CT.

Commissioner Don Roby left the meeting at 11:23 a.m. CT

Executive session ended at 11:24 a.m. CT.

With no further business to come before the Commission, Chairman Jensen declared the meeting adjourned at 11:25 a.m. CT

DRAFT

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: 3/25/24

Name of Board Member or Former Board Member: Austin Simons

Name of Board, Authority or Commission: SD DOT Transportation Commission

Brief explanation of your potential conflict of interest:
Attachment #6: Bid Awards - Item # 11
for meeting held 3/28/24

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

Brief explanation of the essential terms of the contract or transaction.

Brief explanation of why you believe a waiver should be granted:
Thorntenson Trucking, the company I own, is contracted by
Jensen Rock - Sand for Hauling hot oil.

Signature of Person Requesting Waiver: 