

LYON COUNTY HIGHWAY DEPARTMENT
504 FAIRGROUNDS ROAD
MARSHALL, MN 56258

*****PROPOSAL*****

FOR HIGHWAY CONSTRUCTION
AND MAINTENANCE PROJECTS WITH

BIDS RECEIVED UNTIL 10:00 O'CLOCK A.M. ON MARCH 15TH, 2017

Bids accepted by Lyon County Auditor/Treasurer, 607 West Main Street, Marshall, MN 56258

PROPOSAL OF

(NAME OF FIRM)

(ADDRESS)

(AREA CODE) TELEPHONE NUMBER

TO FURNISH AND DELIVER ALL MATERIALS AND TO PERFORM ALL WORK IN ACCORDANCE WITH THE CONTRACT, THE PLANS AND THE APPROVED DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION," 2016 EDITION, EXCEPT AS STATED OTHERWISE IN THE SPECIAL PROVISIONS WHICH ARE PART OF THIS PROPOSAL, FOR

STATE AID PROJECT NO. : **S.A.P. 042-606-011, 042-608-031, 042-609-034, 042-610-041, 042-610-043, 042-611-033, 042-624-017, FOB, & Paver Laid Patching**

LYON COUNTY PROJECT NO. : **C.P. 17:01**

LOCATION: Various Locations, Lyon County, MN

TYPE OF WORK: Bituminous Paving and Aggregate Shouldering


LENGTH:

STARTING DATE: **April 24th, 2017**

COMPLETION DATE: **September 16th, 2017**

NOTICE TO BIDDERS: In submitting a bid, you must return this complete proposal. You must initial changes made in the Schedule of Prices in the Proposal and acknowledge addenda on the back cover sheet.

I certify that this Proposal was prepared by me or under my direct supervision, and that I am a licensed professional engineer under the laws of the State of Minnesota.



Aaron VanMoer, P.E.

License Number 50428 Date: 2/17/17

BID RIGGING IS A SERIOUS CRIME. IF YOU HAVE ANY INFORMATION CONCERNING COLLUSIVE BIDDING, EVEN A REQUEST TO SUBMIT A COMPLIMENTARY BID, PLEASE CALL THE MINNESOTA ATTORNEY GENERAL'S OFFICE AT TELE. NO. 651-296-1796

Commonly Overlooked Items

Below is a list of commonly overlooked items. The purpose of this list is to bring attention to some of the items within the proposal package. This list shall not be considered all-inclusive. The contractor shall be responsible to review the entire set of plans and special provisions.

1. Bids must be received by the Lyon County Auditor/Treasurer by 10:00 a.m. on March 15th, 2017.
2. Bids will be opened at 10:00 a.m. on Wednesday March 15th, 2017 in the Lyon County administrative conference room located in the Lyon County Court House. Lyon County Court House is located at 607 West Main Street, Marshall, MN 56258.
3. Return the entire proposal package with your bid (see specification 1209).
4. Aggregate base (2211) and Shoulder base aggregate (2221) is modified so 6%-12% shall pass the #200 sieve.
5. The contractor is required to submit a load rating prior to milling (2232) bridge decks to assure the structure can withstand the proposed milling and truck combination.
6. The use of RAP is eliminated for all mix designations that have a Standard Binder Grade designation of "C" (PG 58-34).
7. S.A.P. 042-611-033 is bid as "alternate A" and not part of the guaranteed base bid.

To Lyon County Board of Commissioners:

According to the advertisement of Lyon County inviting proposals for the improvement of the section of highway hereinbefore named, and in conformity with the Contract, Plans, Specifications and Special Provisions pertaining thereto, all on file in the office of the Auditor of Lyon County:

(I)(We) hereby certify that (I am)(we are) the only person(s) interested in this proposal as principal(s); that this proposal is made and submitted without fraud or collusion with any other person, firm or corporation at all; that an examination has been made of the site of the work and the Contract form, with the Plans, Specifications and Special Provisions for the improvement.

(I)(We) understand that the quantities of work shown herein are approximate only and are subject to increase or decrease; that all quantities of work, whether increased or decreased within the limits specified in Mn/DOT 1903, are to be done at the unit prices shown on the attached schedule; that, at the time of opening bids, totals only will be read, but that comparison of bids will be based on the correct summation of item totals obtained from the unit prices bid, as provided in Mn/DOT 1301.

(I)(We) propose to furnish all necessary machinery, equipment, tools, labor and other means of construction and to furnish all materials specified, in the manner and at the time prescribed, all according to the terms of the Contract and Plans, Specifications, and the Special Provisions forming a part of this.

(I)(We) further propose to do all Extra Work that may be required to complete the contemplated improvement, at unit prices or lump sums to be agreed upon in writing before starting such work, or if such prices or sums cannot be agreed upon, to do such work on a Force Account basis, as provided in Mn/DOT 1904.

(I)(We) further propose to execute the form of Contract within 10 days after receiving written notice of award, as provided in Mn/DOT 1306.

(I)(We) further propose to furnish a payment bond equal to the Contract amount, and a performance bond equal to the Contract amount, with the aggregate liability of the bond(s) equal to twice the full amount of the Contract if the contract is less than or equal to five million dollars (\$5,000,000.00), or if the contract is in excess of five million dollars (\$5,000,000.00) the aggregate liability shall be equal to the amount of the contract, as security for the construction and completion of the improvement according to the Plans, Specifications and Special Provisions as provided in Mn/DOT 1305.

(I)(We) further propose to do all work according to the Plans, Specifications and Special Provisions, and to renew or repair any work that may be rejected due to defective materials or workmanship, before completion and acceptance of the Project by Lyon County.

(I)(We) agree to all provisions of Minnesota Statutes, Section 181.59.

(I)(We) further propose to begin work and to prosecute and complete the same according to the time schedule set forth in the Special Provisions for the improvement.

(I)(We) assign to Lyon County all claims for overcharges as to goods and materials purchased in connection with this Project resulting from antitrust violations that arise under the antitrust laws of the United States and the antitrust laws of the State of Minnesota. This clause also applies to subcontractors and first tier suppliers under this Contract.

NOTICE TO ALL BIDDERS

To report bid rigging activities call:
1-800-424-9071

The U.S. Department of Transportation (DOT) operates the above toll free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m., eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

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NOTICE TO BIDDERS
SUSPENSIONS/DEBARMENTS

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DEPARTMENT OF TRANSPORTATION

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Fibertech, Inc. and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

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DEPARTMENT OF ADMINISTRATION

As of the date of this notice and in accordance with Minnesota Rules 1230.1150, the Minnesota Department of Administration has debarred and disqualified the following persons and businesses from entering into or receiving a State of Minnesota contract:

NAME	DATE OF SUSPENSION
Ace Hydro Seeding, Inc. Crystal VanMuyden 909 Central Avenue North #125 Park Rapids, MN 56470-1290	August 30, 2016 through March 1, 2017
Asphalt Recycling Solutions, Inc. Donald Wesley Johnson 2068 Homestead Ave. Oakdale, MN 55128-5330	May 24, 2016 through November 24, 2016
Devos, Ltd. d/b/a Guaranteed Returns Dean Volkes, Donna Fallon & Ronald Carlino 100 Colin Drive Holbrook, NY	December 5, 2014 through December 31, 2099
Wide Open Services, LLC Steve Mittelstaedt 6938 Highway 169 Virginia, MN 55792	March 30, 2016 through September 30, 2016
NAME	DATE OF DEBARMENT
Best Electric Thomas Clifton and Earl Standafer 9909 S. Shore Drive #155 Plymouth, MN 55441	May 22, 2015 through May 21, 2018 (eligible for reinstatement on May 21, 2019)
Best Used Trucks of Minnesota, Inc. Jason W. Leas 635 Marin Avenue Crookston, MN 56716	Nov. 20, 2012 through Nov. 20, 2015 (eligible for reinstatement on Nov. 20, 2016)
C & S Electric, Inc. Thomas Clifton and Earl Standafer 9909 S. Shore Drive #155 Plymouth, MN 55441	May 22, 2015 through May 21, 2018 (eligible for reinstatement on May 21, 2019)
Dahl Trucking Marlin Dahl 305 Highway 169 South Elmore, MN 56027	Aug.19, 2014 through January 12, 2018
Elmore Truck and Trailer Repair, Inc. Marlin Dahl 305 Highway 169 South Elmore, MN 56027	Aug.19, 2014 through Jan. 12, 2018 (eligible for reinstatement on Jan. 12, 2019)
Fibertech, Inc. Jeffrey and Laurie Plzak 5075 Nielsen Circle, P.O. Box 236 Loretto, MN 55357	July 24, 2014 through July 23, 2017 (eligible for reinstatement on July 23, 2018)
Glacier, Inc. Joan Niesen 122 Summerfield Drive, PO Box 216 Waverly, MN 55390	May 24, 2016 through November 24, 2016

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Groundscape Maintenance, Inc. Rob Sievers 1160 County Road 83 Maple Plain, MN 55359	February 19, 2015 through February 19, 2016 (eligible for reinstatement February 19, 2017)
Guaranteed Returns Ronald Carlino, Donna Fallon, Dean Volkes 100 Colin Drive Holbrook, NY 11741	December 5, 2014 through December 31, 2099
Honda Electric, Inc. Jeffrey and Laurie Plzak 5075 Nielsen Circle, P.O. Box 236 Loretto, MN 55357	July 24, 2014 through July 23, 2017 (eligible for reinstatement on July 23, 2018)
Hunt's Carpet Service, Inc. ¹ Robert and Joni Hunt 4102 46th Avenue North Robbinsdale, MN 55422	Sept. 15, 2015 through Sept. 15, 2020
McCaa, Webster & Associates, Inc. Sammie McCaa 2751 Hennepin Avenue South, #301 Minneapolis, MN 55408-1002	May 1, 2014 through April 30, 2015 (eligible for reinstatement on April 30, 2016)
MG Carlson Construction Company, Inc. Martin Gerald Carlson 701 East First Street Fort Worth, TX 76102-3276	Sept. 5, 2014 through October 5, 2015 (eligible for reinstatement on April 5, 2016)
Ocuture, LLC 11930 Camby Park Drive Houston, TX 77047	Dec. 15, 2014 through Dec. 15, 2015 (eligible for reinstatement Dec. 15, 2016)
Ramco Heating and Air Conditioning Mark and Cheryl Ramquist 605 Ash Street Downing, WI 54734	March 11, 2015 through March 11, 2016 (eligible for reinstatement March 11, 2017)
Southwest Paving, Inc. Greg Brakefield 26412 State Highway 29 Deer Creek, MN 56527	March 30, 2016 through March 30, 2017 (eligible for reinstatement March 30, 2018)
St. Cloud Lawn & Landscaping, Inc. Pat Murphy 10602 County Road 2 Brainerd, MN 56401	February 20, 2015 through February 20, 2016 (eligible for reinstatement on Feb. 20, 2017)
TAC Construction Solutions, Inc. Christina Woods 31767 Deacons Way Pequot Lakes, MN 56472	August 19, 2014 through August 19, 2016 (eligible for reinstatement on August 19, 2017)
Watab Hauling Co. Gary Francis Bauerly 9695 Deerwood Rd. NE Rice, MN 56367	Jan. 14, 2013 through Jan. 14, 2016 (eligible for reinstatement on Jan. 14, 2017)

Minnesota Administrative Rule part 1230.1150, subpart 6 requires the Materials Management Division to maintain a master list of all suspensions and debarments. The master list must retain all information concerning suspensions and debarments as a public record for at least three (3) years following the end of a suspension or debarment. Refer to the following website for the master list: <http://www.mmd.admin.state.mn.us/debarredreport.asp>.

¹ Debarred by Hennepin County from working on any Hennepin County projects as a general contractor or subcontractor at any tier. Minn. Rules Part 1230.1150, subpart 2, item B, subitem (1) provides that any vendor debarred by the federal government, the state of Minnesota, or any of its departments, commissions, agencies, or political subdivisions, is automatically debarred by the (Department of Administration, Materials Management) division under the same terms and limits of the original debarment.

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If the project is financed in whole or in part with federal funds, refer to the following website for vendors debarred by federal government agencies: <http://sam.gov>.

This list does not include preclusion actions taken by cities, counties or local authorities. Consult local authorities to ensure that contractors, subcontractors and materials suppliers are not currently suspended or debarred.

STATE FUNDED ONLY CONSTRUCTION CONTRACTS SPECIAL PROVISIONS DIVISION A - LABOR

I. INTRODUCTION

- A. **Policy Statement.** It is in the public interest that public buildings and other public works projects be constructed and maintained by the best means and the highest quality of labor reasonably available and that persons working on public works projects be compensated according to the real value of the services they perform.¹
- B. **State and Federal Regulations Govern.** This Contract is subject to the Minnesota Prevailing Wage Act², Minnesota Fair Labor Standards Act³, Minnesota Rules⁴, Minnesota Department of Labor and Industry (MnDLI) Wage Decision(s), MnDLI Truck Rental Rate Schedule and the Federal Fair Labor Standards Act.⁵
- C. **Purpose.** These provisions: (1) outline your obligations under state and federal laws, rules and regulations; (2) explain the requirements necessary to demonstrate compliance; and (3) explain the processes that the Department will undertake to ensure compliance.
- D. **Questions or Resources.** Please visit the Minnesota Department of Transportation (MnDOT) Labor Compliance Unit (LCU) website at: www.dot.state.mn.us/const/labor.

II. DEFINITIONS

Many of the terms used in these provisions are defined in MnDOT's Standard Specifications for Construction,⁶ unless defined below.

- A. **Apprentice.** A Worker at least 16 years of age who is employed to learn an apprenticeable trade or occupation in a registered apprenticeship program.⁷
- B. **Bona Fide.** Made or carried out in good faith; authentic.⁸
- C. **Certified Payroll Report (CPR).** A report comprised of two components; (1) a payroll report, and (2) a statement of compliance report.⁹
- D. **Contractor.** An individual or business entity that is engaged in construction or construction service-related activities including trucking activities either directly or indirectly through a Contract, or by Subcontract with the Prime Contractor, or by a further Subcontract with any other person or business entity performing Work.¹⁰
- E. **Employer.** An individual, partnership, association, corporation, business trust, or other business entity that hires a Worker.¹¹
- F. **Fringe Benefit.** An employment benefit given in addition to a Worker's wages or salary.¹²
- G. **Independent Truck Owner/Operator (ITO).** An individual, partnership, or principal stockholder of a corporation who owns or holds a vehicle under lease and who contracts that vehicle and the owner's services to an entity which provides construction services to a public works project.¹³

¹ Minn. Stat. 177.41

² Minn. Stat. 177.41 to 177.44

³ Minn. Stat. 177.21 to 177.35

⁴ Minn. R. 5200.1000 to 5200.1120

⁵ 29 U.S.C. 201, et seq.

⁶ MnDOT Standard Specifications for Construction, Section 1103

⁷ Minn. Stat. 178.011, Subdivision 2

⁸ The American Heritage College Dictionary, Third Edition, 2000

⁹ Minn. R. 5200.1106, Subpart 10

¹⁰ Minn. R. 5200.1106, Subpart 2(D)

¹¹ Minn. Stat. 177.42, Subdivision 7

¹² The American Heritage College Dictionary, Third Edition, 2000

¹³ Minn. R. 5200.1106, Subpart 7(A)

- H. **Journeyworker**. A person who has attained a level of skill, abilities, and competencies recognized within and industry as having mastered the skills and competencies required for the trade or occupation.¹⁴
- I. **Prime Contractor**. An individual or business entity that enters into a Contract with the Department.¹⁵
- J. **Subcontract**. A Contract that assigns some obligations of a prior Contract to another party.¹⁶
- K. **Substantially In Place**. Mineral aggregate is deposited on the project site directly or through spreaders where it can be spread from or compacted at the location where it was deposited.¹⁷
- L. **Total Prevailing Wage Rate**. The sum of the prevailing hourly “basic” and “fringe” rate that is established in a Wage Decision.
- M. **Trucking Broker (Broker)**. An individual or business entity, the activities of which include, but are not limited to: contracting to provide trucking services in the construction industry to users (Contractor) of such services, contracting to obtain such services from providers (ITO/MTO) of trucking services, dispatching the providers (ITO/MTO) of the services to do Work as required by the users (Contractor) of the services, receiving payment from the users (Contractor) in consideration of the trucking services provided, and making payment to the providers (ITO/MTO) for the services.¹⁸
- N. **Trucking Firm/Multiple Truck Owner (MTO)**. Any legal business entity that owns more than one vehicle and hires the vehicles out for services to Trucking Brokers or Contractors on public works projects.¹⁹ A MTO also includes: (1) a legal business entity that is not primarily owned by the operator of the truck; and (2) a legal business entity that owns one truck that is operated by two or more individuals.
- O. **Truck Rental Rate Schedule**. A document prepared by the MnDLI through a Contractor survey process that identifies the required hourly Total Prevailing Wage Rate and operating cost for various types of trucks that perform hauling activities (Work) under a Contract that is funded in whole or in part with state funds.²⁰
- P. **Wage Decision**. A document prepared by the MnDLI through a Contractor survey process that identifies the required hourly basic rate of pay and hourly Fringe Benefits for various labor classifications that perform Work under a Contract that is funded in whole or in part with state funds.²¹
- Q. **Work (Work)**. All construction activities associated with a public works project, including any required hauling activities on-the-site-of or to-or-from a public works project and conducted pursuant to a Contract, regardless of whether the construction activity or Work is performed by the Prime Contractor, subcontractor, Trucking Broker, Trucking Firm (MTO), ITO, independent contractor, or employee or agent of any of the foregoing entities.²²
- R. **Worker (Laborer or Mechanic)**. A Worker in a construction industry labor class identified in or pursuant to Minnesota Rules 5200.1100, Master Job Classifications.²³

¹⁴ Minn. Stat. 178.011, Subdivision 9

¹⁵ Minn. R. 5200.1106, Subpart 2(C)

¹⁶ The American Heritage College Dictionary, Third Edition, 2000

¹⁷ Minn. R. 5200.1106, Subpart 5(C)

¹⁸ Minn. R. 5200.1106, Subpart 7(C)

¹⁹ Minn. R. 5200.1106, Subpart 7(B)

²⁰ Minn. R. 5200.1105

²¹ Minn. R. 5200.1020 to 5200.1060

²² Minn. R. 5200.1106, Subpart 2(A)

²³ Minn. R. 5200.1106, Subpart 5(A)

III. APPLICATION & UNDERSTANDING

- A. **Provisions & Prevailing Wage Rates Apply.** These provisions, along with the prevailing Wage Decision(s) that are incorporated into the Contract, apply to all Contractors contracting to do all or part of the Work.²⁴
- B. **Truck Rental Rates Apply.** The Truck Rental Rate Schedule incorporated into the Contract applies to all hired trucking entities that perform covered hauling activities related to the project.²⁵
- C. **Prevailing Wage Terms Must Be Included in All Contracts.** The Prime Contractor is required to ensure that all subcontractors performing Work receive the Contract Wage Decision(s), Truck Rental Rate Schedule, and a copy of these provisions with their written Subcontracts, agreements and/or purchase orders.²⁶
- D. **Responsible for Understanding All Requirements.** Each Contractor is responsible for understanding all laws, rules, regulations, plans, and specifications that are incorporated physically, or by reference, into the Contract.²⁷
- E. **E-Verify.** For services valued in excess of \$50,000, the Contractor certifies that as of the date of services performed on behalf of State, the Contractor will have implemented or be in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work under the contract. The Prime Contractor is responsible to collect all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc>. All subcontractor certifications must be kept on file with the Prime Contractor and made available to the State upon request.

IV. VENDOR REGISTRATION

Vendor Registration Required. A Contractor that performs Work, supplies material, or product must be registered with MnDOT. The Contractor must complete and submit a vendor form²⁸ to the MnDOT LCU²⁹, along with all applicable documentation that is required. This registration process is separate and distinct from other state agency requirements.

V. LABOR CLASSIFICATIONS

- A. **Labor Classification Assignment.** A Worker must be paid at least the Total Prevailing Wage Rate in the same or most similar trade or occupation.³⁰ To determine the appropriate labor classification for a Worker, a Contractor must refer to the Wage Decision(s) incorporated into the Contract, the labor classification descriptions for laborers and special crafts established in Minnesota Rules or the United States Department of Labor's Dictionary of Occupational Titles.³¹
- B. **Labor Classification Clarification & Disputes.** A Contractor needing assistance in determining a labor classification must submit a Classification Clarification Request³² to the MnDOT LCU for a written decision. If the Contractor chooses to contest the classification assignment, it must provide written notice to the MnDOT LCU. The MnDOT LCU will forward the matter to the MnDLI for a final ruling.
- C. **Performing Work in Multiple Labor Classifications.** For Workers performing Work in multiple labor classifications, the Contractor must compensate at a minimum the Total Prevailing Wage Rate, and report the hours worked, in each applicable labor classification.³³

²⁴ Minn. Stat. 177.44, Subdivision 1

²⁵ Minn. Stat. 177.44, Subdivision 3

²⁶ MnDOT Standard Specifications for Construction, Section 1801

²⁷ MnDOT Standard Specifications for Construction, Section 1701

²⁸ www.dot.state.mn.us/const/labor/documents/forms/contractorform2016.pdf or www.dot.state.mn.us/const/labor/documents/forms/truckvendorform2016.pdf

²⁹ lcusupport.dot@state.mn.us

³⁰ Minn. Stat. 177.44, Subdivision 1

³¹ Minn. R. 5200.1101 and 1102 and US DOL Dictionary of Occupational Titles

³² <http://www.dot.state.mn.us/const/labor/documents/forms/classification-clarification-request.pdf>

³³ Minn. Stat. 177.44, Subdivision 1

VI. WAGE DECISION(S) & WAGE RATE(S)

- A. **Applicability of a Highway and Heavy Wage Decision.** A highway and heavy Wage Decision applies to a Worker that is engaged in a construction activity or performing Work to construct or maintain a highway or other public works project, such as a road, street, airport runway, bridge, power plant, dam or utility³⁴ that is external to a sheltered enclosure (structure). This includes, but is not limited to, the following Work: site clearing; grading; excavating backfilling; paving; curbs; gutters; sidewalks; culverts; bridges; lighting systems; traffic management systems; installing of utilities out from an exterior meter; fuel islands; communication towers; or other activities similar to highway and/or heavy Work.
- B. **Applicability of a Commercial Wage Decision.** A commercial Wage Decision applies to a Worker that is engaged in a construction activity or performing Work to construct a sheltered enclosure (structure) with walk-in access for the purpose of housing persons, machinery, equipment or supplies.³⁵ This includes, but is not limited to, the following Work: constructing foundations, aprons, stoops; framing walls; installing windows, doors, tiling, plumbing, electrical, HVAC systems; roofing; installing utilities into the building from an exterior meter.
- C. **Pay According to Wage Decision(s).**
1. **Contract with One Wage Decision.** If the Contract contains one Wage Decision, the Contractor must examine the Wage Decision and compensate the Worker at a minimum the Total Prevailing Wage Rate for the appropriate labor classification(s).
 2. **Contract with Multiple Highway/Heavy Wage Decisions.** If the Contract contains multiple Highway/Heavy Wage Decisions, the Contractor must examine each Wage Decision and compensate the Worker, at a minimum, the Total Prevailing Wage Rate that is the greatest³⁶ for the appropriate labor classification(s).
 3. **Contract with Highway/Heavy and Commercial Wage Decision(s).** If the Contract contains a Highway/Heavy and Commercial Wage Decision(s), the Contractor must first determine which Wage Decision is applicable to the Worker. The Contractor must then compensate the Worker, at a minimum, the Total Prevailing Wage Rate for the appropriate labor classification(s).
- D. **Must Pay Total Prevailing Wage Rate.** A Contractor must compensate each Worker, at a minimum, the Total Prevailing Wage Rate(s) for all hours worked on the project for the appropriate labor classification(s).³⁷
- E. **Missing Wage Rate.** If a Wage Decision fails to include a wage rate for a labor classification(s) that will be utilized on a project, the Contractor must obtain a wage rate prior to furnishing an estimate, quote or bid.³⁸
1. **Wage Rate Request.** A Contractor must complete a Request for Rate Assignment form³⁹ and submit it to the MnDOT LCU⁴⁰ for processing.
 2. **No Contract Price Adjustment for Missing Wage Rate.** If MnDLI determines that a higher wage rate applies, the Department will not reimburse the Contractor.
- F. **Salaried Worker.** A salaried Worker is not exempt from these Provisions. A Contractor must convert the Worker's salary to an average hourly rate of pay by dividing the Worker's salary by the total number of hours Worked (government and non-government) during the pay period.⁴¹ A salaried Worker must be included on a CPR.

³⁴ Minn. R. 5200.1010, Subdivision 3

³⁵ United States Department of Labor All Agency Memorandum #130

³⁶ Minn. Stat. 177.44, Subdivision 4

³⁷ Minn. Stat. 177.44, Subdivision 1

³⁸ Minn. R. 5200.1030, Subpart 2a(C)

³⁹ <http://www.dot.state.mn.us/const/labor/documents/forms/request-for-rate-assignment.doc>

⁴⁰ lcusupport.dot@state.mn.us

⁴¹ Refer to Appendix A

- G. **Reduction in Standard (Private) Contractual Regular Rate of Pay Prohibited.** A Contractor must not reduce a Worker's standard, contractual regular rate of pay when the prevailing wage rate(s) certified by the MnDLI is less.⁴²
- H. **Prohibited Payment Practices.** A Contractor is prohibited from taking (accepting) a rebate for the purpose of reducing or otherwise decreasing the value of the compensation paid.⁴³
- I. **Prohibited Deductions.** Direct or indirect deductions from a Worker's wages will not be allowed for:⁴⁴
1. **Uniforms.** Purchased or rented uniforms or specifically designed clothing that is required by the Employer, by the nature of employment, or by statute, or as a condition of employment.
 2. **Equipment.** Purchased or rented equipment used in employment. The cost of the Worker's use of equipment used outside of employment, such as tools, a motor vehicle, cell phone, may be deducted only if an agreement between the Employer and employee existed prior to the purchase of the equipment.
 3. **Supplies.** Consumable supplies required in the course of employment.
 4. **Travel Expenses.** Travel expenses in the course of employment except those incurred in traveling to and from the employee's residence and place of employment.
- J. **Permissible Payroll Deductions.** Deduction(s) voluntarily consented to, or authorized, by the Worker in writing, and in advance of the period in which work is done, is allowable, along as the deduction(s) is bona fide and in the best interested of the Worker.⁴⁵

VII. HOURS OF WORK

- A. **Work Performed Under the Contract.** A Worker performing Work is subject to prevailing wage for all hours associated with the Contract⁴⁶, unless the Worker is exempt under state law.⁴⁷
- B. **Wait Time Subject to Prevailing Wage.** A Worker who is required to remain on the project and is waiting to Work because of the fault of the Contractor is considered "engaged to wait" and subject to prevailing wage for the time spent, unless the Worker is completely relieved of duty and free to leave the project for a defined period of time.⁴⁸
- C. **On-Call Time Subject to Prevailing Wage.** A Contractor that requires a Worker to remain on the project (or so close to the project that the Worker cannot use the time effectively for the Worker's own purposes) the Worker is considered "on-call."⁴⁹ On-call time is paid time, unless the Worker is completely relieved of duty and free to leave the project for a defined period of time.⁵⁰
- D. **Travel Time (Compensable).** The following examples are considered hours worked and the Employer must compensate the Worker under the Fair Labor Standards Act:
1. **Travel all in a Day's Work.** Time a Worker spends traveling from place-of-work to Project Site, Project Site to place-of-work, or between project sites, during working hours.⁵¹
 2. **Travel Away from Home Community (One Day).** Time a Worker spends traveling to - and returning from - the other city. The Employer is allowed to subtract the time the Worker would normally spend traveling from home to work.⁵² (see Subpart E(1) of this section)

⁴² Minn. Stat. 181.03, Subdivision 1(2)

⁴³ Minn. R. 5200.1106, Subpart 6

⁴⁴ Minn. Stat. 177.24, Subdivision 4(1-4); Minn. R. 5200.1106, subpart 4

⁴⁵ United States Department of Labor Field Operation Handbook, Section 15f07(b)

⁴⁶ Minn. Stat. 177.44, Subdivision 1

⁴⁷ Minn. Stat. 177.44, Subdivision 2 or Minn. R. 5200.1106, Subpart 4

⁴⁸ United States Department of Labor Fact Sheet #22

⁴⁹ Minn. R. 5200.0120, Subpart 2

⁵⁰ Minn. R. 5200.0120, Subpart 3

⁵¹ United States Department of Labor Fact Sheet #22

⁵² United States Department of Labor Fact Sheet #22

3. **Travel Away from Home Community (Overnight)**. Time a Worker spends traveling away from - and back to – their home community. The Employer is allowed to subtract the time the Worker would normally spend traveling from home to work.⁵³ (see **Subpart E(1) of this section**)
- E. **Travel Time (Non-Compensable)**. The following examples are not considered hours worked and the Employer does not need to compensate the Worker:
1. **Travel from Home to Work**. Time a Worker spends traveling from home-to-work, or work-to-home, before the workday begins, or after the workday ends.⁵⁴
 2. **Passenger in a Vehicle**. Time a Worker spends as a passenger in a vehicle traveling away from home community, outside of regular working hours, on any day of the week. This exemption only applies to a Worker that is not performing any work-related duties during the time as a passenger.⁵⁵

VIII. FRINGE BENEFITS

- A. **Funded Fringe Benefit Plan Criteria**. In order for a funded Fringe Benefit (e.g., health/medical insurance, disability insurance, life insurance, pension, etc.) to be considered and creditable towards the Total Prevailing Wage Rate it must be:⁵⁶
1. a contribution irrevocably made by a Contractor on behalf of an Worker to a financially responsible trustee, third person, fund, plan, or program;
 2. carried out under a financially responsible plan or program;
 3. legally enforceable;
 4. communicated in writing to the Worker; and
 5. made available to the Worker once he/she has met all eligibility requirements.
- B. **Unfunded Fringe Benefit Plan Criteria**. In order for a unfunded Fringe Benefit (e.g., vacation, holiday, sick leave, etc.) to be considered and creditable towards the Total Prevailing Wage Rate it must be:⁵⁷
1. reasonably anticipated to provide a benefit;
 2. a commitment that can be legally enforced;
 3. carried out under a financially responsible plan or program;
 4. communicated in writing to the Worker; and
 5. made available to the Worker once he/she has met all eligibility requirements.
- C. **Fringe Benefit Contributions for Hours Worked**. A Contractor that provides Fringe Benefits to a Worker must make contributions, not less than quarterly⁵⁸, for all hours worked,⁵⁹ including overtime hours, unless it's a defined benefit or contribution plan that provides for immediate participation and immediate or essentially immediate vesting (see **subpart D2 of this section**).⁶⁰

⁵³ United States Department of Labor Fact Sheet #22

⁵⁴ United States Department of Labor Fact Sheet #22

⁵⁵ United States Department of Labor Fact Sheet #22

⁵⁶ Minn. Stat. 177.42, Subdivision 6

⁵⁷ Minn. Stat. 177.42, Subdivision 6

⁵⁸ 29 CFR, Part 5.5(a)(1)(i)

⁵⁹ Government and non-government Work

⁶⁰ United States Department of Labor Field Operation Handbook, Section 15f14(f)(1)

- D. **Hourly Fringe Benefit Credit.** An hourly Fringe Benefit credit toward the Total Prevailing Wage Rate must be determined separately for each Worker⁶¹ based on one or more of the following methods:
1. **Monthly, Quarterly or Annual Computation Methods.** A Contractor must compute its monthly, quarterly or annual cost⁶² of a particular Fringe Benefit and divide that amount by the estimated total number of hours worked (government and non-government) during the time frame used.⁶³ Typical plans that require monthly, quarterly or annual computations include but are not limited to: health/medical insurance, disability insurance, life insurance, vacation, holiday, sick leave and defined benefit or contribution pension plans that do not provide for immediate participation and immediate or essentially immediate vesting.
 2. **Fringe Benefit Credit not Requiring Monthly, Quarterly or Annual Computation Methods.** A defined benefit or contribution pension plan that allows for a higher hourly rate of contribution for government work (prevailing wage) than non-government (non-prevailing wage) will be fully credited only if the plan provides for immediate participation and immediate or essentially immediate vesting.⁶⁴
- E. **Wages In Lieu of Fringe Benefits.** A Contractor that does not provide full Fringe Benefits must compensate a Worker the difference between the Total Prevailing Wage Rate and the rate actually paid for the appropriate labor classification(s).⁶⁵ The compensation paid is considered wages and subject to tax liabilities.
1. **Overtime.** The cash equivalent (wages paid) made in lieu of Fringe Benefits is excluded from the overtime calculation requirement, unless the cash equivalent (wages paid) is part of the Worker's standard straight time wage.⁶⁶
- F. **Administrative Costs Not Creditable.** Administrative expenses incurred by a Contractor in connection with the administration of a Bona Fide Fringe Benefit plan are not creditable towards the Total Prevailing Wage Rate.⁶⁷
- G. **Federal, State & Local Fringe Benefit Credit Prohibited.** No credit is allowed for benefits required by federal, state or local law, such as: worker's compensation, unemployment compensation, and social security contributions.⁶⁸
- H. **Transportation, Board and Lodging Costs Not Fringe Benefits.** Payments for the cost of transportation, board and lodging are not Fringe Benefits.⁶⁹ A Contractor that sends a Worker away from home to perform work outside the Worker's normal commuting distance so that, as a practical matter, the Worker can return home on the weekend only, must incur the cost of transportation, meals and lodging.⁷⁰

IX. OVERTIME

- A. **Overtime after 8 Hours per Day or 40 Hours per Week.** A Contractor must not permit or require a Worker to work longer than the prevailing hours of labor unless the Worker is paid for all hours in excess of the prevailing hours at a rate of at least 1.5 times the hourly basic rate of pay.⁷¹ The prevailing hours of labor is defined as not more than 8 hours per day and more than 40 hours per week.⁷²

⁶¹ United States Department of Labor Field Operation Handbook, Section 15f11(c)

⁶² United States Department of Labor Field Operation Handbook, Section 15f12(a-d)

⁶³ Refer to Appendix B

⁶⁴ United States Department of Labor Field Operation Handbook, Section 15f14(f)(1)

⁶⁵ United States Department of Labor Field Operation Handbook, Section 15f11(c)

⁶⁶ 2010 United States Department of Labor Field Operation Handbook, Section 15k06

⁶⁷ United States Department of Labor Field Operation Handbook, Section 15f18

⁶⁸ Minn. Stat. 177.42, Subdivision 6

⁶⁹ Minn. Stat. 177.44, Subdivision 4(4); Minn. R. 5200.0900, Subpart 1; Minn. R. 5200.0700, Subpart 1.

⁷⁰ 2010 United States Department of Labor Field Operation Handbook, Section 15f19

⁷¹ Minn. Stat. 177.44, Subdivision 1 and Refer to Appendix D

⁷² Minn. Stat. 177.42, Subdivision 4

- B. **Wages in Lieu of Fringe Benefits Overtime.** Wages paid in Lieu of Fringe Benefits must be paid for all hours worked under the contract.
- C. **Multiple Labor Classifications and Overtime.** A Worker employed in multiple labor classifications throughout a workweek must be compensated at the applicable labor classification overtime rate in effect during the hours worked in excess of 8 hours per day or 40 hours per week.
- D. **Federal Fair Labor Standards Act (FLSA) and Overtime.** A Contractor subject to the FLSA may be subject to additional overtime compensation requirements.

X. PAYROLLS AND STATEMENTS

- A. **Reporting.** Each Contractor that is performing Work must submit a CPR(s) to the Department.
 - 1. **Payroll Report (Paper).** Each Contractor performing Work must submit a paper (written) payroll report to the Department. The payroll report is available on the MnDOT LCU website.⁷³
 - 2. **Statement of Compliance (Paper).** Each Contractor's paper (written) payroll report must include a paper (written) "Statement of Compliance Form". The "Statement of Compliance Form" must: (1) state whether or not Fringe Benefits are provided to a Worker; (2) provide a description of each benefit, the hourly contribution made on behalf of each Worker, along with fund/plan information; and (3) a signature attesting that the payroll and Fringe Benefit information provided is truthful and accurate.⁷⁴
 - 3. **Electronic Reporting.** If the Contract is subject to electronic reporting, each Contractor performing Work must submit a CPR(s) using the AASHTOWare, Civil Rights Labor (CRL) system. Refer to the **Special Provisions Division S – "Electronic Submission of Payrolls and Statements"** which is incorporated into and found elsewhere in the Contract for detailed requirements.
- B. **Biweekly Payroll Reporting and Payment of Wages.** A CPR(s) must be submitted no later than 14 calendar days after the end of each Contractor's pay period⁷⁵ to the Department. A Contractor must pay its employees at least once every 14 calendar days.⁷⁶
- C. **Payroll Report Data.** Each payroll report must include all Workers that performed Work and provide at a minimum the following information:⁷⁷
 - 1. Contractor's name, address, and telephone number.
 - 2. State project number.
 - 3. Contract number (if applicable).
 - 4. Project number.
 - 5. Payroll report number.
 - 6. Project location.
 - 7. Workweek end date.
 - 8. Each Worker's name, home address, and social security number.⁷⁸
 - 9. Labor classification(s) title(s) and optional three-digit code for each Worker.

⁷³ www.dot.state.mn.us/const/labor/certifiedpayroll.html

⁷⁴ Minn. R. 5200.1106, Subpart 10

⁷⁵ Minn. Stat. 177.43, Subdivision 3

⁷⁶ Minn. Stat. 177.30 (a)(4)

⁷⁷ Minn. Stat. 177.30 (a)(1-4) and Minn. R. 5200.1106, Subpart 10

⁷⁸ Minn. R. 5200.1106, Subpart 10A & Minn. Stat. 13.355, Subdivision 1

10. Hours worked daily and weekly in each labor classification, including overtime hours, for each Worker.
 11. Wage rate paid to each Worker for straight time and overtime.
 12. Authorized legal deductions for each Worker.
 13. Project gross amount, weekly gross amount, and net wages paid to each Worker.
- D. **Prime Contractor to Ensure Compliance.** The Prime Contractor must review the CPR(s) submitted by each lower tier Contractor and sign the “Statement of Compliance Form”.⁷⁹ The Prime Contractor must ensure that each lower tier Contractor’s CPR(s) include all Workers that performed Work and accurately reflect labor classifications, hours worked, regular and overtime rates of pay, gross earnings for the project and Fringe Benefits.⁸⁰
- E. **Retention of CPR(s).** The Prime Contractor must keep its written CPR(s), including those of all lower tier Contractors, for three (3) years after the final payment is issued.⁸¹
- F. **Retention of Employment-Related Records.** Each Contractor must keep employee records, including, but not limited to: Fringe Benefit statements, time cards, payroll ledgers, check registers and canceled checks⁸² for at least three (3) years after the final payment is issued.⁸³ Other laws may have longer retention requirements.
- G. **Detailed Earning Statement.** At the end of each pay period, each Contractor must provide every Worker, in writing or by electronic means, an accurate, detailed earnings statement.⁸⁴
- H. **Reports and Records Request.** Upon a request from the Department, the Prime Contractor must promptly furnish copies of CPR(s) for its Workers and those of all lower tier Contractors, along with employment-related records, documents, and agreements that the Department considers necessary to determine compliance.⁸⁵

XI. APPRENTICES, TRAINEES AND HELPERS

- A. **Apprentice.** An Apprentice will be permitted to Work at less than the prevailing basic hourly rate only if the Apprentice is:
1. Registered with the U.S. Department of Labor (DOL), Bureau of Apprenticeship and Training or MnDLI Division of Voluntary Apprenticeship.⁸⁶
 2. Performing Work of the trade, as described in the apprenticeship agreement.⁸⁷
 3. Compensated according to the rate specified in the program for the level of progress.⁸⁸
 4. Supervised by a Journeyworker from the same company, in accordance with the program ratio requirements.⁸⁹
- B. **Ratio Requirement.** If an approved apprenticeship program fails to define a ratio allowance, the first Apprentice must be supervised by a Journeyworker within the same trade or occupation. Any subsequent Apprentice must be supervised by an additional three Journeyworkers.⁹⁰

⁷⁹ MnDOT Standard Specifications for Construction, Section 1701

⁸⁰ MnDOT Standard Specifications for Construction, Section 1801

⁸¹ Minn. Stat. 177.30 (a)(5)

⁸² Minn. R. 5200.1106, Subpart 10

⁸³ Minn. Stat. 177.30 (a)(5)

⁸⁴ Minn. Stat. 181.032

⁸⁵ Minn. Stat. 177.44, Subdivision 7; Minn. Stat. 177.33(a)(5)

⁸⁶ Minn. R. 5200.1070, Subpart 1

⁸⁷ 29 CFR, Part 29.2(j)

⁸⁸ Minn. R. 5200.1070, Subpart 1 and Refer to Appendix C

⁸⁹ Minn. Stat. 178.036, Subdivision 5

⁹⁰ Minn. Stat. 178.036, Subdivision 5

- C. **Failure to Comply with Apprenticeship Requirements.** If a Contractor fails to demonstrate compliance with the terms established in this section, the Contractor must compensate the Apprentice not less than the applicable Total Prevailing Wage Rate for the actual classification of labor performed.⁹¹
- D. **Trainee and Helper.** A trainee or helper is not exempt from prevailing wage under state law. The Contractor must assign the trainee or helper a labor classification that is the "same or most similar"⁹² and compensate the trainee or helper for the actual Work performed regardless of the trainee's or helper's skill level.

XII. INDEPENDENT CONTRACTORS, OWNERS, SUPERVISORS, AND FOREMAN

- A. **Independent Contractor.** An independent contractor (IC) that is not an Independent Truck Owner/Operator (ITO), who is performing Work must be properly classified and compensated.⁹³ The IC must submit a CPR(s) to the Department. If the IC does not receive an hourly wage, but instead a weekly, biweekly, monthly or quarterly distribution for performance, the IC must calculate its hourly rate of pay by dividing the weekly, biweekly, monthly, or quarterly company distribution by all hours worked during that time frame and report the information on a CPR. If necessary, the Department may request documentation from the IC to determine how the hourly wage rate was calculated.⁹⁴
- B. **Owners, Supervisors and Foreman.** An owner, supervisor, or foreman performing Work is subject to prevailing wage and must be properly classified, compensated and reported.⁹⁵

XIII. TRUCKING

- A. **Covered Hauling Activities.** A Contractor must ensure that all Workers, including hired Trucking Brokers, MTOs and ITOs are paid the applicable Total Prevailing Wage Rate or truck rental rate for the following Work:
1. The hauling of material to and from a Prime Contractor's material operation that is not a separately owned commercial establishment.⁹⁶
 2. The hauling of any or all stockpiled or excavated materials on the project work site to other locations on the same project even if the truck leaves the work site at some point.⁹⁷
 3. The delivery of materials from a non-commercial establishment to the project and the return haul to the starting location either empty or loaded.⁹⁸
 4. The delivery of materials from another construction project site to the public works project and the return haul, either empty or loaded. Construction projects are not considered commercial establishments.⁹⁹
 5. The hauling required to remove any materials from the project to a location off the project site and the return haul, either empty or loaded from other than a commercial establishment.¹⁰⁰
 6. The delivery of materials or products by trucks hired by a Contractor, subcontractor, or agent thereof, from a commercial establishment.¹⁰¹

⁹¹ Minn. R. 5200.1070, Subpart 3

⁹² Minn. Stat. 177.44, Subdivision 1

⁹³ Minn. Stat. 177.44, Subdivision 1

⁹⁴ Minn. Stat. 177.30(a)(5); Minn. Stat. 181.723; United States Department of Labor Field Operation Handbook, Section 15f08

⁹⁵ Minn. Stat. 177.44, Subdivision 1

⁹⁶ ALJ Findings of Fact, Conclusions of Law, and Recommendation, Conclusions (7), Case #12-3000-1 1993-2

⁹⁷ Minn. R. 5200.1106, Subpart 3B(1)

⁹⁸ Minn. R. 5200.1106, Subpart 3B(2)

⁹⁹ Minn. R. 5200.1106, Subpart 3B(3)

¹⁰⁰ Minn. R. 5200.1106, Subpart 3B(4)

¹⁰¹ Minn. R. 5200.1106, Subpart 3B(5)

7. The delivery of mineral aggregate materials by or for a commercial establishment, which is deposited “Substantially in Place”, and the return haul to the off-site facility either empty or loaded.¹⁰²
- B. **Hauling Activities Not Subject to Prevailing Wage or Truck Rental Rates.** A Contractor may exclude a Worker, including hired Trucking Brokers, MTOs and ITOs from prevailing wage or truck rental rates for the Work described in (1-2) of this section. However, this Work is considered hours worked and subject to standard compensation.
1. The delivery of processed or manufactured goods to a public works project by Workers hired by or employed directly for a commercial establishment, unless it is the delivery of mineral aggregate that is deposited Substantially in Place.¹⁰³
 2. The delivery of oil offsite, to a Prime Contractor’s permanent (commercial) asphalt mixing facility that is not to, from, or on the project Work site.¹⁰⁴
- C. **Repair, Maintenance & Waiting to Load Time.** An ITO and MTO must be paid the truck rental rate for time spent repairing or maintaining equipment, and for waiting to load or unload if the repair, maintenance, or wait time is the fault of the Trucking Broker, Contractor, its agent or employees.¹⁰⁵
- D. **Month End Trucking Report.** A Contractor that acquires the services of an ITO or MTO must submit a “MnDOT – MTO and/or ITO Month-End Trucking Report”, and a “MnDOT – Month-End Trucking Statement of Compliance Form” to the Department for each month hauling activities are performed under the Contract.¹⁰⁶ The forms are available on the MnDOT LCU website.¹⁰⁷
- E. **Broker Fee.** A Trucking Broker contracting to provide trucking services to a user (Contractor)¹⁰⁸ must receive payment from the user (Contractor) in consideration of the trucking services provided.¹⁰⁹ Broker fees must not be charged to ITOs and MTOs.¹¹⁰
- F. **MTO Request to Sublet Form.** A Contractor that hires a MTO must provide a “MTO Request to Sublet Form” to the Department. The form is available on the MnDOT LCU website.¹¹¹

XIV. OFF-SITE FACILITIES

- A. **Off-Site Facility Activities Subject to Prevailing Wage.** A Contractor must ensure that all Workers performing Work at a covered off-site facility are paid the applicable Total Prevailing Wage Rate for the following Work:
1. The processing or manufacturing of material at a Prime Contractor’s off-site facility that is not a separately held commercial establishment.¹¹²
 2. The processing or manufacturing of material at an off-site facility that is not considered a commercial establishment.¹¹³
- B. **Off-Site Facility Activities Not Subject to Prevailing Wage.** A Contractor may exclude a Worker from prevailing wage for the following work:
1. The processing or manufacturing of material or products by or for a commercial establishment.¹¹⁴

¹⁰² Minn. R. 5200.1106, Subpart 3B(6)

¹⁰³ Minn. R. 5200.1106, Subpart 4(C)

¹⁰⁴ J.D. Donovan, Inc. vs. Minnesota Department of Transportation, 878 N.W.2d 1 (2016)

¹⁰⁵ Minn. R. 5200.1106, Subpart 8(A)(1)

¹⁰⁶ Minn. R. 5200.1106, Subpart 10

¹⁰⁷ <http://www.dot.state.mn.us/const/labor/forms.html>

¹⁰⁸ Minn. R. 5200.1106, Subpart 7(C)(1)

¹⁰⁹ Minn. R. 5200.1106, Subpart 7(C)(4)

¹¹⁰ Minn. R. 5200.1106, Subpart 6, Minn. R. 5200.1106, Subpart 7(A)(3)

¹¹¹ <http://www.dot.state.mn.us/const/labor/documents/Contractdocs/mtosubletform.pdf>

¹¹² ALJ Findings of Fact, Conclusions of Law, and Recommendation, Conclusions (7), Case #12-3000-11993-2

¹¹³ Minn. R. 5200.1106, Subpart 3(A)

¹¹⁴ Minn. R. 5200.1106, Subpart 4(A)

2. The work performed by Workers employed by the owner or lessee of a gravel or borrow pit that is a commercial establishment, even if the screening, washing or crushing machines are portable.¹¹⁵

XV. SUBCONTRACTING PART OF THE CONTRACT

The Prime Contractor must include the Contract Special Provisions, Wage Decision(s) and Truck Rental Rate Schedule in all Subcontracts, agreements and purchase orders with lower tier Contractors.¹¹⁶ This requirement also applies to all lower tier subcontractors.

XVI. SITE OF WORK REQUIREMENTS

- A. **Poster Board.** The Prime Contractor must construct and display a poster board containing all required posters. The poster board must be accurate, legible, and accessible to all project Workers from the first day of Work until the project is one hundred percent (100%) complete.¹¹⁷ A poster board at an off-site location, or inside a construction trailer, does not meet this requirement.
- B. **How to Obtain a Poster Board.** The Prime Contractor may obtain the required posters and the necessary contact information that is required to be inserted on each poster by visiting the MnDOT LCU website.¹¹⁸
- C. **Employee Interviews.** The Contractor must permit representatives from the Department or other governmental entities¹¹⁹ to interview Workers at any time during working hours on the project.¹²⁰

XVII. CHILD LABOR

- A. **No Worker under the Age of 18.** No Worker under the age of 18 is allowed to perform Work on a Project Site, except pursuant to Section XVII B below.¹²¹
- B. **Parental Supervision.** A Worker under the age of 18 may perform Work on a Project Site if all of the following criteria are met:
 1. The Contractor (Employer) is not subject to FLSA.
 2. The Worker is employed in a corporation owned solely by one or both parents.
 3. The Worker is supervised by the parent(s).
 4. The Worker is not working in a hazardous occupation.¹²²
- C. **Removal of Minor from Project.** The Engineer or inspector may remove a Worker that appears to be under the age of 18 from the Project Site until the Contractor or Worker can demonstrate proof of age and compliance with all applicable federal and state regulations.¹²³

XVIII. NON-COMPLIANCE AND ENFORCEMENT

- A. **Case-by-Case Enforcement.** The Department has the authority to enforce the prevailing wage law on a case-by-case.¹²⁴
- B. **Prime Contractor Responsible for Unpaid Wages.** The Prime Contractor will be held liable for any unpaid wages to its Workers or those of any lower tier Contractor.¹²⁵

¹¹⁵ Minn. R. 5200.1106, Subpart 4(B)

¹¹⁶ MnDOT Standard Specifications for Construction, Section 1801

¹¹⁷ Minn. Stat. 177.44, Subdivision 5

¹¹⁸ www.dot.state.mn.us/const/labor/posterboards

¹¹⁹ MnDLI, U.S. DOL, U.S. Department of Transportation, Federal Highways Administration

¹²⁰ MnDOT Standard Specifications for Construction, Section 1511

¹²¹ Minn. R. 5200.0910, Subpart F; 29 CFR Part 570.2(a)(ii)

¹²² Minn. R. 5200.0930, Subpart 4

¹²³ Minn. Stat. 181A.06, Subdivision 4; MnDOT Standard Specifications for Construction, Section 1701

¹²⁴ See International Union of Operating Engineers, Local 49 v. MnDOT, No. C6-97-1582, 1998 WL 74281, at *2 (Minn. App. Feb. 24, 1998)

¹²⁵ MnDOT Standard Specifications for Construction, Section 1801

- C. **Enforcement Options.** If evidence shows that a Contractor has violated prevailing wage requirements, or these Special Provisions, the Department may, after written notice, implement one or more of the following:
1. **Withholding Payment.** The Department may withhold from the Prime Contractor payments relating to prevailing wage underpayments.¹²⁶
 2. **Non-Responsible Contractor.** The Department may reject a bid from a Prime Contractor that has received two (2) or more Determination Letters within a three (3) year period from the Department finding an underpayment by the Contractor to its own employees.¹²⁷
 3. **Default.** The Department may take the prosecution of the Work out of the hands of the Prime Contractor, place the Contractor in default, and terminate the Contract for failure to comply.¹²⁸
 4. **Suspension or Debarment.** The Department may refer violations and matters of non-compliance by a Contractor to the Minnesota Department of Administration for suspension or debarment proceedings.¹²⁹
 5. **County Attorney.** The Department may refer suspected criminal violations by Contractor to the appropriate local county attorney for prosecution.¹³⁰
 6. **Financial Penalties.** Any Contractor who violates the state prevailing wage law is guilty of a misdemeanor and may be fined not more than \$300 or imprisoned not more than 90 days or both. Each day that the violation continues is a separate offense.¹³¹ A Contractor may be fined up to \$1,000 for each failure to maintain records.¹³²
 7. **False Claims Act Violation.** All required payroll and certification reports are legal documents; knowing falsification of the documents by a Contractor may result in civil action and/or criminal prosecution¹³³ and may be grounds for debarment proceedings.¹³⁴
 8. **Compliance Order.** The Department may request that MnDLI issue a compliance order to a Contractor for violations of the state prevailing wage law. If the Contractor is found to have committed a violation, liquidated damages and other costs may be assessed against the Employer.¹³⁵
 9. **Private Right of Action.** The Department may direct an employee to pursue a civil action in district court against its Employer for failure to comply with the proper payment of wages.¹³⁶ If the Employer is found to have committed a violation, liquidated damages and other costs may be assessed against the Employer.¹³⁷
 10. **Fringe Benefits; Misdemeanor.** A Contractor that is obligated to deposit Fringe Benefit contributions on behalf of a Worker into a financially responsible trustee, third person, fund, plan, or program and fails to make timely contributions is guilty of a gross misdemeanor or other violations under federal law.¹³⁸

¹²⁶ MnDOT Standard Specifications for Construction, Section 1906

¹²⁷ Minn. Stat. 16C.285

¹²⁸ MnDOT Standard Specifications for Construction, Section 1808

¹²⁹ Minn. R. 1230.1150, Subpart 2(A)(4)

¹³⁰ Minn. Stat. 177.44, Subdivision 7

¹³¹ Minn. Stat. 177.44, Subdivision 6

¹³² Minn. Stat. 177.30(b)

¹³³ Minn. Stat. 15C.02; , Minn. Stat. 161.315; Minn. Stat. 177.32; Minn. Stat. 177.43, Subdivision 5, Minn. Stat. 609.63

¹³⁴ Minn. Stat. 161.315 and Minn. Stat. 609.63

¹³⁵ Minn. Stat. 177.43, Subdivision 6a

¹³⁶ Minn. Stat. 177.27, Subdivision 8

¹³⁷ Minn. Stat. 177.27, Subdivision 10

¹³⁸ Minn. Stat. 181.74, Subdivision 1

**THE FOLLOWING APPENDICES ARE FOR
EXPLANATORY PURPOSES ONLY.
FOR SPECIFIC QUESTIONS, PLEASE CONTACT LCU.¹³⁹**

APPENDIX A**SALARIED WORKER WAGE COMPUTATION**

Salaried Workers. In order to convert the Worker's salary into an hourly rate of pay, divide the employee's weekly, bi-weekly or monthly earnings by the total number of hours Worked (government and non-government), including overtime hours for the time period used.¹⁴⁰

$$\text{\$800.00 (weekly salary) / 40 (total weekly hours) = \$20.00}$$

$$\text{\$1,600.00 (bi-weekly salary) / 80 (total bi-weekly hours) = \$20.00}$$

$$\text{\$3,200.00 (monthly salary) / 160 (total monthly hours) = \$20.00}$$

APPENDIX B**FRINGE BENEFIT CREDIT**

Fringe Benefit Credit Calculation. The Employer contributes monthly (\$600.00) for medical insurance on behalf of a Worker. In order to calculate the projected hourly credit that the Employer can take, the Employer should: (1) add the monthly contributions for each Worker, (2) multiply by twelve (12) months, and (3) divide the total cost of the benefit by the total hours worked (government and non-government)¹⁴¹ (see annual example below). Quarterly and monthly examples are also provided.

Annual: $(\$600.00) \times (12 \text{ months}) = \$7,200.00$
 $(\$7,200.00) / (2080 \text{ hours}) = \underline{\text{\$3.46 per hour credit}}$

Quarterly: $(\$600.00) \times (3 \text{ months}) = \$1,800.00$
 $(\$1,800.00) / (520 \text{ hours}) = \underline{\text{\$3.46 per hour credit}}$

Monthly: $(\$600.00) \times (1 \text{ month}) = \600.00
 $(\$600.00) / (173 \text{ hours}) = \underline{\text{\$3.47 per hour credit}}$

End of Year Self-Audit. At the end of the calendar year, the Contractor must conduct an audit to determine if the hourly fringe benefit credit taken for each Worker was accurate. The Contractor must calculate the total annual fringe benefits paid on behalf of each Worker and divide that amount by the total number of hours worked (government and non-government) by that Worker. If the hourly fringe benefit credit was less than what was reported on a CPR, the contractor must compensate the Worker the hourly difference, multiplied by the total hours worked under the Contract.

APPENDIX C**APPRENTICE RATE OF PAY**

State Requirements. The Apprentice must be compensated according his/her level of progress, which is expressed as a percentage of the Journeyworker wage that is established in the program.

Journeyworker Wage Established in Program = \$25.00

Apprentice Level of Progress = 60%

$(\$25.00) * (.60) = \15.00

¹³⁹ lcusupport.dot@state.mn.us or (651) 366-4238

¹⁴⁰ United States Department of Labor Field Operation Handbook, Section 15f08

¹⁴¹ United States Department of Labor Field Operation Handbook, Section 15f12

APPENDIX D**PREVAILING WAGE OVERTIME CALCULATION**

Overtime Hourly Rate of Pay. Here is the formula to calculate the required minimum overtime.¹⁴²

$$OT = (PW * .5) + (HW) + (RF) + (F)$$

Definition of OT Acronyms

OT: overtime.

PW: the basic hourly prevailing wage rate established in a federal and/or state prevailing Wage Decision.

HW: hourly wage rate paid to a Worker.

RF: remaining fringe, which means the difference between the Contract hourly Fringe Benefit rate and the actual hourly Fringe Benefit rate paid by the Contractor to a third party on behalf of a Worker.

F: Fringe Benefit contributions that are bona-fide and contributed by an Employer to a third party on behalf of a Worker.

The Total Prevailing Wage Rate for a Worker is \$30.00, which is comprised of an hourly basic rate of \$20.00 and an hourly fringe rate of \$10.00. The table below includes various hourly basic and Fringe Benefit payments that a Contractor could potentially make to a Worker.

OT CALCULATION FORMULA AND EXAMPLES				
OT = (PW * .5) + (HW) + (RF) + (F)				
Hourly Wage Paid	Fringe Benefits Paid	<u>Payment To Employee</u> (PW * .5) + (HW) + (RF)	<u>Fringe Payment</u> + (F)	<u>Total Payment</u> = OT
\$ 20.00	\$ 10.00	(\$ 20.00 * .5) + (\$ 20.00) + (\$ 0.00) = \$ 30.00	+ \$ 10.00	= \$ 40.00
\$ 18.00	\$ 12.00	(\$ 20.00 * .5) + (\$ 18.00) + (\$ 0.00) = \$ 28.00	+ \$ 12.00	= \$ 40.00
\$ 22.00	\$ 8.00	(\$ 20.00 * .5) + (\$ 22.00) + (\$ 0.00) = \$ 32.00	+ \$ 8.00	= \$ 40.00
\$ 30.00	\$ 0.00	(\$ 20.00 * .5) + (\$ 30.00) + (\$ 0.00) = \$ 40.00	+ \$ 0.00	= \$ 40.00
\$ 24.00	\$ 4.00	(\$ 20.00 * .5) + (\$ 24.00) + (\$ 2.00) = \$ 36.00	+ \$ 4.00	= \$ 40.00

Regarding the last example the Contractor would be required to pay an additional \$2.00 to the Worker, which is wages in lieu of fringe for a straight time hourly rate of \$26.00 not \$24.00.

A Contractor subject to the Fair Labor Standards Act (FLSA) may be subject to additional overtime compensation requirements.

¹⁴² United States Department of Labor Field Operation Handbook, Section 15k

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY PREVAILING WAGES FOR STATE FUNDED CONSTRUCTION PROJECTS

 **THIS NOTICE MUST BE POSTED ON THE JOBSITE IN A CONSPICUOUS PLACE**

Construction Type: Highway and Heavy

Region Number: 08

Counties within region:

- CHIPPEWA-12
- KANDIYOHI-34
- LAC QUI PARLE-37
- LINCOLN-41
- LYON-42
- MCLEOD-46
- MEEKER-47
- MURRAY-51
- PIPESTONE-59
- REDWOOD-64
- RENVILLE-65
- YELLOW MEDICINE-87

Effective: 2016-11-07 Revised: 2016-12-27

This project is covered by Minnesota prevailing wage statutes. Wage rates listed below are the minimum hourly rates to be paid on this project.

All hours worked in excess of eight (8) hours per day or forty (40) hours per week shall be paid at a rate of one and one half (1 1/2) times the basic hourly rate.

Violations should be reported to:

Department of Transportation
 Office of Construction
 Transportation Building MS650
 John Ireland Blvd
 St. Paul, MN 55155
 (651) 366-4209

Refer questions concerning the prevailing wage rates to:

Department of Labor and Industry
 Prevailing Wage Section
 443 Lafayette Road N
 St Paul, MN 55155
 (651) 284-5091
DLI.PrevWage@state.mn.us

<u>LABOR CODE AND CLASS</u>	<u>EFFECT DATE</u>	<u>BASIC RATE</u>	<u>FRINGE RATE</u>	<u>TOTAL RATE</u>
LABORERS (101 - 112) (SPECIAL CRAFTS 701 - 730)				
101 LABORER, COMMON (GENERAL LABOR WORK)	2016-11-07	25.88	16.57	42.45

	<u>LABOR CODE AND CLASS</u>	<u>EFFECT DATE</u>	<u>BASIC RATE</u>	<u>FRINGE RATE</u>	<u>TOTAL RATE</u>
102	LABORER, SKILLED (ASSISTING SKILLED CRAFT JOURNEYMAN)	2016-11-07	25.88	16.57	42.45
103	LABORER, LANDSCAPING (GARDENER, SOD LAYER AND NURSERY OPERATOR)	2016-11-07	16.50	0.00	16.50
104	FLAG PERSON	2016-11-07	12.89	0.00	12.89
105	WATCH PERSON	2016-11-07	16.25	12.94	29.19
106	BLASTER	2016-11-07	24.39	14.90	39.29
107	PIPELAYER (WATER, SEWER AND GAS)	2016-11-07	23.89	14.90	38.79
108	TUNNEL MINER	2016-11-07	16.69	6.91	23.60
109	UNDERGROUND AND OPEN DITCH LABORER (EIGHT FEET BELOW STARTING GRADE LEVEL)	2016-11-07	22.09	14.90	36.99
110	SURVEY FIELD TECHNICIAN (OPERATE TOTAL STATION, GPS RECEIVER, LEVEL, ROD OR RANGE POLES, STEEL TAPE MEASUREMENT; MARK AND DRIVE STAKES; HAND OR POWER DIGGING FOR AND IDENTIFICATION OF MARKERS OR MONUMENTS; PERFORM AND CHECK CALCULATIONS; REVIEW AND UNDERSTAND CONSTRUCTION PLANS AND LAND SURVEY MATERIALS). THIS CLASSIFICATION DOES NOT APPLY TO THE WORK PERFORMED ON A PREVAILING WAGE PROJECT BY A LAND SURVEYOR WHO IS LICENSED PURSUANT TO MINNESOTA STATUTES, SECTIONS 326.02 TO 326.15.	2016-11-07	26.00	12.45	38.45
111	TRAFFIC CONTROL PERSON (TEMPORARY SIGNAGE)	2016-11-07	20.50	5.38	25.88
112	QUALITY CONTROL TESTER (FIELD AND COVERED OFF-SITE FACILITIES; TESTING OF AGGREGATE, ASPHALT, AND CONCRETE MATERIALS); LIMITED TO MN DOT HIGHWAY AND HEAVY CONSTRUCTION PROJECTS WHERE THE MN DOT HAS RETAINED QUALITY ASSURANCE PROFESSIONALS TO REVIEW AND INTERPRET THE RESULTS OF QUALITY CONTROL TESTERS. SERVICES PROVIDED BY THE CONTRACTOR.	2016-11-07	16.04	0.00	16.04
SPECIAL EQUIPMENT (201 - 204)					
201	ARTICULATED HAULER	2016-11-07	25.11	18.90	44.01
		2017-05-01	25.31	19.70	45.01
202	BOOM TRUCK	2016-11-07	25.11	18.90	44.01
		2017-05-01	25.31	19.70	45.01
203	LANDSCAPING EQUIPMENT, INCLUDES HYDRO SEEDER OR MULCHER, SOD ROLLER, FARM TRACTOR WITH ATTACHMENT SPECIFICALLY SEEDING, SODDING, OR PLANT, AND TWO-FRAMED FORKLIFT (EXCLUDING FRONT, POSIT-TRACK, AND SKID STEER LOADERS), NO EARTHWORK OR GRADING FOR ELEVATIONS	2016-11-07	20.00	0.00	20.00
204	OFF-ROAD TRUCK	2016-11-07	21.96	14.15	36.11

	<u>LABOR CODE AND CLASS</u>	<u>EFFECT DATE</u>	<u>BASIC RATE</u>	<u>FRINGE RATE</u>	<u>TOTAL RATE</u>
205	PAVEMENT MARKING OR MARKING REMOVAL EQUIPMENT (ONE OR TWO PERSON OPERATORS); SELF-PROPELLED TRUCK OR TRAILER MOUNTED UNITS.	2016-11-07	31.45	17.95	49.40

HIGHWAY/HEAVY POWER EQUIPMENT OPERATOR

GROUP 2		2016-11-07	26.35	18.90	45.25
		2017-05-01	26.55	19.70	46.25

302 HELICOPTER PILOT (HIGHWAY AND HEAVY ONLY)

303 CONCRETE PUMP (HIGHWAY AND HEAVY ONLY)

304 ALL CRANES WITH OVER 135-FOOT BOOM, EXCLUDING JIB (HIGHWAY AND HEAVY ONLY)

305 DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR OTHER SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS THREE CUBIC YARDS AND OVER MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS. (HIGHWAY AND HEAVY ONLY)

306 GRADER OR MOTOR PATROL

307 PILE DRIVING (HIGHWAY AND HEAVY ONLY)

308 TUGBOAT 100 H.P. AND OVER WHEN LICENSE REQUIRED (HIGHWAY AND HEAVY ONLY)

GROUP 3		2016-11-07	25.42	18.90	44.32
		2017-05-01	25.62	19.70	45.32

309 ASPHALT BITUMINOUS STABILIZER PLANT

310 CABLEWAY

311 CONCRETE MIXER, STATIONARY PLANT (HIGHWAY AND HEAVY ONLY)

312 DERRICK (GUY OR STIFFLEG)(POWER)(SKIDS OR STATIONARY) (HIGHWAY AND HEAVY ONLY)

313 DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS, UP TO THREE CUBIC YARDS MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS (HIGHWAY AND HEAVY ONLY)

314 DREDGE OR ENGINEERS, DREDGE (POWER) AND ENGINEER

315 FRONT END LOADER, FIVE CUBIC YARDS AND OVER INCLUDING ATTACHMENTS. (HIGHWAY AND HEAVY ONLY)

316 LOCOMOTIVE CRANE OPERATOR

317 MIXER (PAVING) CONCRETE PAVING, ROAD MOLE, INCLUDING MUCKING OPERATIONS, CONWAY OR SIMILAR TYPE

318 MECHANIC . WELDER ON POWER EQUIPMENT (HIGHWAY AND HEAVY ONLY)

319 TRACTOR . BOOM TYPE (HIGHWAY AND HEAVY ONLY)

320 TANDEM SCRAPER

321 TRUCK CRANE . CRAWLER CRANE (HIGHWAY AND HEAVY ONLY)

322 TUGBOAT 100 H.P AND OVER (HIGHWAY AND HEAVY ONLY)

GROUP 4		2016-11-07	25.11	18.90	44.01
		2017-05-01	25.31	19.70	45.01

323 AIR TRACK ROCK DRILL

324 AUTOMATIC ROAD MACHINE (CMI OR SIMILAR) (HIGHWAY AND HEAVY ONLY)

325 BACKFILLER OPERATOR

326 CONCRETE BATCH PLANT OPERATOR (HIGHWAY AND HEAVY ONLY)

327 BITUMINOUS ROLLERS, RUBBER TIED OR STEEL DRUMMED (EIGHT TONS AND OVER)

328 BITUMINOUS SPREADER AND FINISHING MACHINES (POWER), INCLUDING PAVERS, MACRO SURFACING AND MICRO SURFACING, OR SIMILAR TYPES (OPERATOR AND SCREED PERSON)

329 BROKK OR R.T.C. REMOTE CONTROL OR SIMILAR TYPE WITH ALL ATTACHMENTS

330 CAT CHALLENGER TRACTORS OR SIMILAR TYPES PULLING ROCK WAGONS, BULLDOZERS AND SCRAPERS

331 CHIP HARVESTER AND TREE CUTTER

332 CONCRETE DISTRIBUTOR AND SPREADER FINISHING MACHINE, LONGITUDINAL FLOAT, JOINT MACHINE, AND SPRAY MACHINE

333 CONCRETE MIXER ON JOBSITE (HIGHWAY AND HEAVY ONLY)

<u>LABOR CODE AND CLASS</u>	<u>EFFECT DATE</u>	<u>BASIC RATE</u>	<u>FRINGE RATE</u>	<u>TOTAL RATE</u>
334 CONCRETE MOBIL (HIGHWAY AND HEAVY ONLY)				
335 CRUSHING PLANT (GRAVEL AND STONE) OR GRAVEL WASHING, CRUSHING AND SCREENING PLANT				
336 CURB MACHINE				
337 DIRECTIONAL BORING MACHINE				
338 DOPE MACHINE (PIPELINE)				
339 DRILL RIGS, HEAVY ROTARY OR CHURN OR CABLE DRILL (HIGHWAY AND HEAVY ONLY)				
340 DUAL TRACTOR				
341 ELEVATING GRADER				
342 FORK LIFT OR STRADDLE CARRIER (HIGHWAY AND HEAVY ONLY)				
343 FORK LIFT OR LUMBER STACKER (HIGHWAY AND HEAVY ONLY)				
344 FRONT END, SKID STEER OVER 1 TO 5 C YD				
345 GPS REMOTE OPERATING OF EQUIPMENT				
346 HOIST ENGINEER (POWER) (HIGHWAY AND HEAVY ONLY)				
347 HYDRAULIC TREE PLANTER				
348 LAUNCHER PERSON (TANKER PERSON OR PILOT LICENSE)				
349 LOCOMOTIVE (HIGHWAY AND HEAVY ONLY)				
350 MILLING, GRINDING, PLANNING, FINE GRADE, OR TRIMMER MACHINE				
351 MULTIPLE MACHINES, SUCH AS AIR COMPRESSORS, WELDING MACHINES, GENERATORS, PUMPS (HIGHWAY AND HEAVY ONLY)				
352 PAVEMENT BREAKER OR TAMPING MACHINE (POWER DRIVEN) MIGHTY MITE OR SIMILAR TYPE				
353 PICKUP SWEEPER, ONE CUBIC YARD AND OVER HOPPER CAPACITY(HIGHWAY AND HEAVY ONLY)				
354 PIPELINE WRAPPING, CLEANING OR BENDING MACHINE				
355 POWER PLANT ENGINEER, 100 KWH AND OVER (HIGHWAY AND HEAVY ONLY)				
356 POWER ACTUATED HORIZONTAL BORING MACHINE, OVER SIX INCHES				
357 PUGMILL				
358 PUMPCRETE (HIGHWAY AND HEAVY ONLY)				
359 RUBBER-TIRED FARM TRACTOR WITH BACKHOE INCLUDING ATTACHMENTS (HIGHWAY AND HEAVY ONLY)				
360 SCRAPER				
361 SELF-PROPELLED SOIL STABILIZER				
362 SLIP FORM (POWER DRIVEN) (PAVING)				
363 TIE TAMPER AND BALLAST MACHINE				
364 TRACTOR, BULLDOZER (HIGHWAY AND HEAVY ONLY)				
365 TRACTOR, WHEEL TYPE, OVER 50 H.P. WITH PTO UNRELATED TO LANDSCAPING (HIGHWAY AND HEAVY ONLY)				
366 TRENCHING MACHINE (SEWER, WATER, GAS) EXCLUDES WALK BEHIND TRENCHER (HIGHWAY AND HEAVY ONLY)				
367 TUB GRINDER, MORBARK, OR SIMILAR TYPE				
368 WELL POINT DISMANTLING OR INSTALLATION (HIGHWAY AND HEAVY ONLY)				
GROUP 5	2016-11-07	23.40	18.90	42.30
	2017-05-01	23.60	19.70	43.30
369 AIR COMPRESSOR, 600 CFM OR OVER (HIGHWAY AND HEAVY ONLY)				
370 BITUMINOUS ROLLER (UNDER EIGHT TONS)				
371 CONCRETE SAW (MULTIPLE BLADE) (POWER OPERATED)				
372 FORM TRENCH DIGGER (POWER)				
373 FRONT END, SKID STEER UP TO 1C YD				
374 GUNITE GUNALL (HIGHWAY AND HEAVY ONLY)				
375 HYDRAULIC LOG SPLITTER				
376 LOADER (BARBER GREENE OR SIMILAR TYPE)				
377 POST HOLE DRIVING MACHINE/POST HOLE AUGER				
378 POWER ACTUATED AUGER AND BORING MACHINE				
379 POWER ACTUATED JACK				
380 PUMP (HIGHWAY AND HEAVY ONLY)				
381 SELF-PROPELLED CHIP SPREADER (FLAHERTY OR SIMILAR)				

<u>LABOR CODE AND CLASS</u>	<u>EFFECT DATE</u>	<u>BASIC RATE</u>	<u>FRINGE RATE</u>	<u>TOTAL RATE</u>
382 SHEEP FOOT COMPACTOR WITH BLADE . 200 H.P. AND OVER				
383 SHOULDERING MACHINE (POWER) APSCO OR SIMILAR TYPE INCLUDING SELF-PROPELLED SAND AND CHIP SPREADER				
384 STUMP CHIPPER AND TREE CHIPPER				
385 TREE FARMER (MACHINE)				
GROUP 6	2016-11-07	22.80	18.90	41.70
	2017-05-01	23.00	19.70	42.70
387 CAT, CHALLENGER, OR SIMILAR TYPE OF TRACTORS, WHEN PULLING DISK OR ROLLER				
388 CONVEYOR (HIGHWAY AND HEAVY ONLY)				
389 DREDGE DECK HAND				
390 FIRE PERSON OR TANK CAR HEATER (HIGHWAY AND HEAVY ONLY)				
391 GRAVEL SCREENING PLANT (PORTABLE NOT CRUSHING OR WASHING)				
392 GREASER (TRACTOR) (HIGHWAY AND HEAVY ONLY)				
393 LEVER PERSON				
394 OILER (POWER SHOVEL, CRANE, TRUCK CRANE, DRAGLINE, CRUSHERS, AND MILLING MACHINES, OR OTHER SIMILAR HEAVY EQUIPMENT) (HIGHWAY AND HEAVY ONLY)				
395 POWER SWEEPER				
396 SHEEP FOOT ROLLER AND ROLLERS ON GRAVEL COMPACTION, INCLUDING VIBRATING ROLLERS				
397 TRACTOR, WHEEL TYPE, OVER 50 H.P., UNRELATED TO LANDSCAPING				
TRUCK DRIVERS				
GROUP 1	2016-11-07	19.25	5.65	24.90
601 MECHANIC . WELDER				
602 TRACTOR TRAILER DRIVER				
603 TRUCK DRIVER (HAULING MACHINERY INCLUDING OPERATION OF HAND AND POWER OPERATED WINCHES)				
GROUP 2	2016-11-07	16.82	0.00	16.82
604 FOUR OR MORE AXLE UNIT, STRAIGHT BODY TRUCK				
GROUP 3	2016-11-07	14.57	0.00	14.57
605 BITUMINOUS DISTRIBUTOR DRIVER				
606 BITUMINOUS DISTRIBUTOR (ONE PERSON OPERATION)				
607 THREE AXLE UNITS				
GROUP 4	2016-11-07	22.51	14.40	36.91
608 BITUMINOUS DISTRIBUTOR SPRAY OPERATOR (REAR AND OILER)				
609 DUMP PERSON				
610 GREASER				
611 PILOT CAR DRIVER				
612 RUBBER-TIRED, SELF-PROPELLED PACKER UNDER 8 TONS				
613 TWO AXLE UNIT				
614 SLURRY OPERATOR				
615 TANK TRUCK HELPER (GAS, OIL, ROAD OIL, AND WATER)				
616 TRACTOR OPERATOR, UNDER 50 H.P.				
SPECIAL CRAFTS				
701 HEATING AND FROST INSULATORS	2016-11-07	17.50	2.79	20.29
702 BOILERMAKERS	2016-11-07	35.15	27.02	62.17

<u>LABOR CODE AND CLASS</u>	<u>EFFECT DATE</u>	<u>BASIC RATE</u>	<u>FRINGE RATE</u>	<u>TOTAL RATE</u>
703 BRICKLAYERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
704 CARPENTERS	2016-11-07	27.46	16.11	43.57
705 CARPET LAYERS (LINOLEUM)	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
706 CEMENT MASONS	2016-11-07	31.35	20.70	52.05
707 ELECTRICIANS	2016-11-07	32.23	19.59	51.82
	2017-09-01	33.63	20.44	54.07
711 GROUND PERSON	2016-11-07	16.63	6.38	23.01
712 IRONWORKERS	2016-11-07	36.00	24.90	60.90
713 LINEMAN	2016-11-07	24.82	8.50	33.32
714 MILLWRIGHT	2016-11-07	35.13	21.03	56.16
	2017-05-01	37.08	21.03	58.11
715 PAINTERS (INCLUDING HAND BRUSHED, HAND SPRAYED, AND THE TAPING OF PAVEMENT MARKINGS)	2016-11-07	27.76	15.01	42.77
716 PILEDRIIVER (INCLUDING VIBRATORY DRIVER OR EXTRACTOR FOR PILING AND SHEETING OPERATIONS)	2016-11-07	27.46	16.11	43.57
717 PIPEFITTERS . STEAMFITTERS	2016-11-07	42.76	24.38	67.14
719 PLUMBERS	2016-11-07	31.34	20.00	51.34
	2017-05-01	32.94	20.00	52.94
721 SHEET METAL WORKERS	2016-11-07	40.88	25.10	65.98
723 TERRAZZO WORKERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
724 TILE SETTERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
725 TILE FINISHERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
727 WIRING SYSTEM TECHNICIAN	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
728 WIRING SYSTEMS INSTALLER	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
729 ASBESTOS ABATEMENT WORKER	2016-11-07	30.08	16.46	46.54
730 SIGN ERECTOR	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			

LABOR CODE AND CLASS

EFFECT DATE BASIC RATE FRINGE RATE TOTAL RATE

NOTICE OF CERTIFICATION OF TRUCK RENTAL RATES AND EFFECTIVE DATE PURSUANT TO MINNESOTA RULES, PART 5200.1105

From April 6, 2015, to June 5, 2015, the Department of Labor and Industry (DLI) conducted a truck operational cost survey. On January 25, 2016, the Commissioner of DLI certified the minimum truck rental rates for highway projects in the state's ten highway and heavy construction areas for trucks and drivers operating "four or more axle units, straight body trucks," "three axle units," "tractor only" and "tractor trailers." The certification followed publication of the Notice of Determination of Truck Rental Rates in the *State Register* on November 16, 2015, and the informal conference held pursuant to Minnesota Rules, part 5200.1105 on December 3, 2015.

According to Minnesota Rules, part 5200.1105, the purpose of the informal conference is for DLI to obtain further input regarding the proposed rates before the rates are certified. Approximately 8 individuals attended the informal conference. None of the attendees at the informal conference commented on the Determination of the Construction Truck Rental Rates or contacted the department with comments regarding the rates prior to the date of this Certification.

Truck rental rates are determined by adding the certified prevailing wage driver rate in each region to the statewide operating cost survey data. The minimum hourly truck rental rate for the four types of trucks in each area is certified to be as follows:

3 Axle Units				
	Effective Date	Certified 607 Driver Rate	Surveyed Operating Cost	Determined Truck Rental Rate
Region 1	Certification date	\$40.60	\$37.35	\$77.95
Region 2	Certification date	\$34.26	\$37.35	\$71.61
Region 3	Certification date	\$36.91	\$37.35	\$74.26
	May 1, 2016	\$38.36	\$37.35	\$75.71
Region 4	Certification date	\$40.63	\$37.35	\$77.98
Region 5	Certification date	\$43.65	\$37.35	\$81.00
	May 1, 2016	\$44.85	\$37.35	\$82.20
Region 6	Certification date	\$41.45	\$37.35	\$78.80
	May 1, 2016	\$42.90	\$37.35	\$80.25
Region 7	Certification date	\$36.91	\$37.35	\$74.26
	May 1, 2016	\$38.36	\$37.35	\$75.71
Region 8	Certification date	\$13.77	\$37.35	\$51.12
Region 9	Certification date	\$43.65	\$37.35	\$81.00

	May 1, 2016	\$45.10	\$37.35	\$82.45
Region 10	Certification date	\$13.77	\$37.35	\$51.12
4 or More Axle Units				
	Effective Date	Certified 604 Driver Rate	Surveyed Operating Cost	Determined Truck Rental Rate
Region 1	Certification date	\$40.70	\$50.82	\$91.52
Region 2	Certification date	\$37.06	\$50.82	\$87.88
	May 1, 2016	\$38.51	\$50.82	\$89.33
Region 3	Certification date	\$37.06	\$50.82	\$87.88
	May 1, 2016	\$38.51	\$50.82	\$89.33
Region 4	Certification date	\$23.88	\$50.82	\$74.70
Region 5	Certification date	\$28.17	\$50.82	\$78.99
Region 6	Certification date	\$41.55	\$50.82	\$92.37
	May 1, 2016	\$43.00	\$50.82	\$93.82
Region 7	Certification date	\$37.40	\$50.82	\$88.22
Region 8	Certification date	\$16.32	\$50.82	\$67.14
Region 9	Certification date	\$43.75	\$50.82	\$94.57
	May 1, 2016	\$45.20	\$50.82	\$96.02
Region 10	Certification date	\$16.02	\$50.82	\$66.84

Tractor						
	Effective Date	Certified 602 Driver Rate	Surveyed Operating Cost	Determined Tractor Only Truck Rental Rate	Plus Trailer Operating Cost	Determined Tractor Trailer Rental Rate
Region 1	Certification date	\$43.90	\$49.17	\$93.07	\$11.46	\$104.53
	May 1, 2016	\$45.35	\$49.17	\$94.52	\$11.46	\$105.98
Region 2	Certification date	\$37.57	\$49.17	\$86.74	\$11.46	\$98.20
	May 1, 2016	\$39.02	\$49.17	\$88.19	\$11.46	\$99.65
Region 3	Certification date	\$27.10	\$49.17	\$76.27	\$11.46	\$87.73
Region 4	Certification date	\$24.45	\$49.17	\$73.62	\$11.46	\$85.08
Region 5	Certification date	\$26.27	\$49.17	\$75.44	\$11.46	\$86.90
Region 6	Certification date	\$39.45	\$49.17	\$88.62	\$11.46	\$100.08

Region 7	Certification date	\$27.55	\$49.17	\$76.72	\$11.46	\$88.18
Region 8	Certification date	\$37.57	\$49.17	\$86.74	\$11.46	\$98.20
	May 1, 2016	\$39.02	\$49.17	\$88.19	\$11.46	\$99.65
Region 9	Certification date	\$44.30	\$49.17	\$93.47	\$11.46	\$104.93
	May 1, 2016	\$45.75	\$49.17	\$94.92	\$11.46	\$106.38
Region 10	Certification date	\$24.50	\$49.17	\$73.67	\$11.46	\$85.13

The minimum truck rental rate for these four types of trucks in the state's ten highway and heavy construction areas will be effective for all highway and heavy construction projects financed in whole or part with state funds advertised for bid on or after the day the notice of certification is published in the *State Register*.

Ken B. Peterson,

COMMISSIONER

SALT Schedule of Materials Control - Local Government Agency

This Schedule of Materials Control (SMC) outlines the minimum testing requirements for State Aid Funded and/or Federal Aid Projects off the National Highway and Trunk Highway System. Optional to this SMC is the MnDOT Materials Control Schedule. Usage of either schedule must be defined in the project proposal.

1603.2 SAMPLING AND TESTING - INSERT INTO SPECIAL PROVISIONS

The first paragraph is hereby deleted and replaced with the following:

Sampling and testing of materials for this project will be in accordance with the State Aid for Local Transportation (SALT) "Schedule of Materials Control – Local Government Agency" (SMC-LGA). The SMC-LGA establishes the size of samples and the minimum rate of testing. The SMC-LGA references the 2016 MnDOT Standard Specifications for Construction and does not set contract requirements for the material.

The SMC - LGA serves as a guide for material testing with allowable acceptance "as directed by the Engineer" detailed in Specification 1501.1(1) - Authority of the Engineer. These testing rates are a minimum and additional tests may be taken at the Engineer's discretion. A minimal testing rate does not always ensure a quality product; field observations and attention to detail is crucial. Materials not listed on an approved products list may be sampled and tested as directed by the Engineer. Materials listed on a Qualified Products list may be accepted or tested at the discretion of the Engineer.

Federal Aid projects require Independent Assurance Inspection. Contact the MnDOT District IA Inspector when the job starts to provide the proper servicing of your project.

Definitions

SALT Construction Website

MnDOT Office of State Aid for Local Transportation. The SMC - LGA is located at the construction page under "Information & Resources - Manuals".

MnDOT Schedule of Materials Control

Schedule of Materials Control (SMC) are inserted into project proposals to direct how materials are to be sampled. The SMC is updated yearly. Each SMC is project specific. Therefore, one needs to refer to their specific proposal.

Approved Products List

Products are "approved" when they have been found to routinely meet all applicable standards and specifications. The product is placed on the list based upon established successful manufacturer's quality control and warranties, but the listing may expire or require periodic renewal to verify the product has not changed over time. The approval process for the individual product should specify any expiration requirement.

Qualified Products List

Products are predicted to meet all applicable standards and specifications, but random sample testing is required to verify specific product lots meet specifications prior to usage. These products are generally considered to be "qualified" but not approved until tested for compliance. Successfully tested products lots are considered to be "approved". The approval process for the individual product should specify any further testing requirements for the product.

Certified Sources

Certified Sources must comply with each individual product's defined "certification procedure". Acceptance of products from certified sources follows the same sampling and testing as "qualified" products.

Quality assurance (QA) is a process-centered approach to ensuring that the best possible products or services are provided. Related to quality control, quality assurance focuses on enhancing and improving the process that is used to create the end result, rather than focusing on the result itself. Among the parts of the process that are considered in QA are planning, design, development, production and service.

Quality control (QC) is a process that is used to ensure a certain level of quality in a product or service. It includes actions deemed necessary to provide for the control and verification of certain characteristics of a product or service. It involves thoroughly examining and testing the quality of products or the results of services. The basic goal of quality control is to ensure that the products or services that are provided meet specific requirements and characteristics.

SALT Schedule of Materials Control - Local Government Agency

BITUMINOUS QUALITY MANAGEMENT

The Contractor shall provide and maintain a quality control program as detailed in Specification 2360.2.G.
The Engineer shall review the quality control program for compliance.

	Type of Test	Spec Section *	Contractor - QC Testing Rates	Agency - Testing Rates
Start-Up Testing Rates for the 1st 2000 tons **	Bulk Specific Gravity	2360.2.G.7.b	1 test per 500 tons 55 lb. sample 3 full cylinder molds	1 Verification Mixture Sample test per day, all Verification samples are from a split (QC/QA) sample.
	Maximum Specific Gravity	2360.2.G.7.c		
	Air Voids (calculated)	2360.2.G.7.d		
	Asphalt Content	2360.2.G.7.a		
	Adj. Asphalt Film Thickness (AFT)	2360.2.E.7.e		
	Gradation	2360.2.G.7.f		
	Fines to Effective Asphalt Ratio calc'd	2360.2.G.7.a/f		
	Coarse Aggregate Angularity (CAA)	2360.2.G.7.g	1 test per 1000 tons	
	Fine Aggregate Angularity (FAA)	2360.2.G.7.h		
Added AC/Total AC Ratio (calc'd)	2360.2.G.7.a			
Production Testing Rates	Bulk Specific Gravity	2360.2.G.7.b	1 test per 1000 tons 55 lb. sample 3 full cylinder molds	1 Verification Mixture Sample test per day/ mix type, submit companion to the QC - CAA & FAA test results.
	Maximum Specific Gravity	2360.2.G.7.c		
	Air Voids (calculated)	2360.2.G.7.d		
	Asphalt Content	2360.2.G.7.a		
	Adj. Asphalt Film Thickness (AFT)	2360.2.E.7.e		
	Gradation (minimum of 1 per day)	2360.2.G.7.f		
	Added AC/Total AC Ratio (calculated)	2360.2.G.7.a		
	Coarse Aggregate Angularity (CAA)	2360.2.G.7.g	NOTE 1	
	Fine Aggregate Angularity (FAA)	2360.2.G.7.h	NOTE 2	
	TSR	2360.2.G.7.i	When directed by the Materials Engineer	
	Aggregate Specific Gravity	2360.2.G.7.j		
	Mixture Moisture Content	2360.2.G.7.k	As directed by the Engineer	
	<u>Asphalt Binder Certified Supplier</u>	2360.2.G.7.l	NOTE 3 (1qt. Steel container for asphalt binder. 1/2 gal. plastic container with wide screw top for emulsion)	
	<u>Asphalt Emulsion Certified Supplier</u>	2357		
Compaction / Density Requirements	2360.3.D	Review special provisions		
Small Quantity Requirements	See 2360.2G.5 & 2360.3G			

Testing rates are minimums, additional testing is encouraged to ensure a quality product.

Contact the MnDOT District IA Inspector to provide servicing of your Federal Aid Project.

* Review Special Provisions & 2360.2.G Mixture Quality Management.

** The testing rates apply only to mixtures that have not been tested on previous projects.

Mixtures from previous years should use the start- up testing rates.

NOTE 1: **At start-up or new Mix Design:** 2 tests per day for a minimum of 2 days, then 1 per day if CAA is met. If CAA > 8% of requirement, 1 sample per day but test 1 per week. No testing required for Class A and or B Aggregates.

NOTE 2: **At start-up or new Mix Design:** 2 tests per day for a minimum of 2 days, then 1 per day if FAA is met. If FAA > 5% of requirement, 1 sample per day but test 1 per week.

NOTE 3: Shall be a Certified Supplier - No Samples Required unless otherwise directed by the Engineer. Agencies using MnDOT Metro Inspection Services will be sampled at the current MnDOT Schedule of Materials Control rates and will be billed accordingly.

SALT Schedule of Materials Control - Local Government Agency

BITUMINOUS SPECIALTY ITEMS

Type of Test	Spec	Contractor - QC Testing Rates	Agency - Testing Rates
Gradation	2363	1 per 1,000 Ton with a minimum 1 per day.	1 per day. 35 lbs.
PASSRC & PASB	3139.3		
Micro-Surfacing	2354 3139.5	Stockpile: 1/1,500 Tons (min 1/day) Machine Hopper: 1/500 Ton (min 1/day)	Stockpile & Machine Hopper: 1/day 30 lbs.
Seal Coat & Otto Seal	2356 3137.2 B	Stockpile: 1/1,500 Tons (min 1/day) Chip Spreader Hopper: 1/day	1/day from Hopper. 30 lbs.
% Crushing - CAA	2363	1 per 1,000 Ton with a minimum 1 per day.	1 per day from gradation test. 35 lbs.
PASSRC & PASB	3139.3		
Moisture / Aggregate	2354	Machine Hopper: 1/500 Tons (min 3/day)	1/day 2lbs
Micro-Surfacing	3139.5		
Sand Equivalence	2354	Stockpile or Machine Hopper: 1/500 Tons (min 1/day)	1/day, test at Engineer discretion, 25 lbs.
Micro-Surfacing			
Flakiness Index	2356	Sample taken from first load on first day, submit to Agency: 30 lbs.	Agency will test at their discretion, see Lab Manual 1223
Bituminous Seal Coat			
Bituminous Mixture	2356	1/300 Tons, min 1/day. %AC, Gradation, Max SpG, Adj.AFT	1/day, 20 lbs. 1 cylinder from truck box.
UTBWC	3151.2G		
PASSRC & PASB	3151 2350	Asphalt spot check: min 1/day	-
Stone Matrix Asphalt - SMA Lab Manual 1203, 1204, 1205, 1211, 1214, 1806, 1807, 1808, 1813, 1853, 1854, 1855, AI SP-2 AASHTO T305	2365	Tests, %AC, gradation, Gmm, Gmb, Voids, VMA, CAA, Draindown, VCA, fines/effective asphalt. Rate, (1/1000 tons, min. 1/day) Agg SpG, mix moisture, TSR to be tested as directed by Engineer. Submit companion 1 per day to agency: 3 full 6" by 12" cylinders	Tests: %AC, Gradation, Gmm, Gmb, Voids, VMA, CAA, VCA, fines/effective asphalt. Agency is not required to do draindown. Copy MDR to Project Engineer and Grading & Base Engineer.
Asphalt Binder Tests		<u>Asphalt Emulsion List</u>	<u>Asphalt Binder List</u>
UTBWC	2353 3151	Shall be a Certified Supplier - No Samples Required unless otherwise directed by the Engineer : Asphalt Binder: First load, then 1/250,000 gallons. Sample size of 1 quart metal container. Emulsified Asphalt: First load, then 1/50,000 gallons. Sample size of 1/2 gallon wide screw top plastic container.	
Micro-Surfacing	2354		
Seal Coat & Otto Seal	2356		
Tack Coat	2357		
PASSRC & PASB	3151		
Asphalt Binder Rate	2354	Verify Application Rate 3/day	Verify Application Rate 1/day
Micro-Surfacing			
Fog Seal	2355	Verify Application Rate 1/day	Verify Application Rate 1/day
Seal Coat & Otto Seal	2356		
Bit Tack Coat	2357		

Contact the MnDOT District IA Inspector to provide servicing of your Federal Aid Project.

SALT Schedule of Materials Control - Local Government Agency
Cold Inplace Recycling (CIR) & Stabilized Full Depth Reclamation (SFDR)

Specification 2215

Test Type	Producer Testing Rates	Engineer Testing Rates	Grading & Base Manual/Form
Gradation SFDR (Simple) Pre-ground un-stabilized material	1 per mile - report sieves 2" & 3"	Run gradation at the discretion of the Engineer	.215 / 101 report sieve 2" & 3"
Gradation (Entire) (Material to be stabilized)	One per day, give split sample to the Engineer	Run gradation at the discretion of the Engineer	.215 / 101 report sieve 2", 1.5", 1.25", 1", 3/4", 3/8", #4, #10, #30.
Gradation (Simple) (Material to be stabilized)	1 per mile for SFDR & CIR w/o top size screening. 4 / mile for CIR with top size screens.	Run gradation at the discretion of the Engineer	.215 & .293 / 101 report sieve 2" & 1.5" for SFDR, 1.5" and 1.25" for CIR
Depth Check - Unstabilized and Stabilized	1 per 1,000' /machine width for each vertical machine face for initial pulverization and stabilization.	1 per day	.284 / 401
SFDR: Moisture during compaction of unstabilized portion	1/6,000 sq. yd.	none	.245 Speedy tester not allowed.
Penetration Index (DCP) - SFDR only Unstabilized.	1 per 1/2 mile lane mile	1 per lane mile	.255 / 205
Calibrate: mineral stabilizing agent application rate.	Once using design rate per vane feeder.	Observe contractor calibration	.286 or .287
Moisture: before injecting liquid bituminous material	1 per 5,000 feet of lane of daily anticipated SFDR & one after the addition of water by the Contractor or mechanical drying out (disking, etc).	none	.281 / 105
Yield: Mineral Stabilizing Agent and/or Liquid Bituminous Material	1 per transport load each type	1 per day each type	.286 & .287 / 402 & 403
Compaction: Nuclear density for SFDR stabilized and CIR	1 per 500 feet of lane width, (see note below).	Observe the Contractor.	0.282
Control Strip: SFDR Stabilized and CIR	Minimum of once per project	Observe the Contractor.	
Bituminous Material Samples	none	Shall be a Certified Supplier - No Samples Required unless otherwise directed by the Engineer.	1 quart each sample
Mineral Stabilizing Agent Samples	none	1 sample	none
Foaming asphalt checks expansion ratio & half life	1 per load	Observe the Contractor once per day.	0.285
Moisture (stabilized) - before placement of next layer during curing.	none	3 daily after compaction.	Grading & Base Manual

Note: The Engineer may require a Contractor to perform additional nuclear density tests in areas that the Engineer believes are failing density requirements.

SALT Schedule of Materials Control - Local Government Agency

GRADING AND BASE CONSTRUCTION ITEMS 1 of 3

		Material Type	Spec.*	Minimum Required Agency Acceptance Testing - QA	QC Testing Rates	Lab Sample
Gradation Testing (See Notes 2 & 3)		Aggregate Surfacing	2118 2211.5	Total quantity less than 4000 tons (2200 cy-cv) = 1 gradation/1,000 tons (550 cy.cv) or less, determine compliance to individual results (table 2211-5). Total quantity greater than 4,000 tons (2200 cy-cv), divide the total quantity by 10,000, roundup to the next whole number to determine the number of lots. Each lot is divide into 4 equal sublots, randomly sample each subplot. Determine individual results and subplot averages for compliance (Table 2211-4 & 2211-5)	1 / 1,000 tons stockpile gradation only required for materials on hand. Spec 1906.2	1/source 30 lb.
		Aggregate Base	2211 2211.5			
		Shoulder Base Aggregate	2221 2211.5			
		Drainable Aggregate Base (OGAB & DSB)	2212 3136			
		Granular and Select Granular Material (borrow/embankment)	3149.2B	1/40,000 Cubic Yards - Compacted Volume - CV	1/10,000 CY - req'd for mat'l on hand, Spec 1906.2	1/source 30 lb.
		Stabilizing Aggregate	3149.2C			
		Reclamation FDR & SFDR	3135.2B 2215.2C	1/day	1/6,000 yd2 & depth check See Note 4	None
		Granular Filter	3601.2B	1/ source	1/source - before delivery on the project.	1/source 30 lb.
		Backfill Materials	3149.2D			
		Granular Bedding	3149.2F			
		Aggregate Bedding	3149.2G			
		Coarse Filter Agg.	3149.2H			
		Filter Aggregate	3149.2J			
	Sand Cover	3149.2K				
Proctor	Sand Cone * Specified Density	Non-Granular Material per 2105.3F	2105 2106 3149	1 per major soil, subgrade preparation specified density requires 100% of proctor density.	None	1 sample 25 lb.
		Non-Granular Material per 2105.3F		AGENCY TESTING: Roadway Embankment: One test per 4,000 yd3 (CV) <u>or</u> if test rolled, One test per 8,000 yd3 (CV), Transverse culverts & Abutments: 1 test per every 2 feet of fill per 250' of trench length. Structures Trenches: One test/500 feet of each structure length at various depths. Subgrade Preparation: One per 25 road stations.		
Penetration Index Method (DCP) *		Aggregate Base	3138 2211.3C	1 DCP tests per 500 yd ³ (CV) or 1 per 900 Tons. If test rolled, 1 test / 1,000 yd3 (CV) or 1,800 Tons.	None	None
		Shoulder Base Aggregate				
		Reclamation FDR & SFDR	3135.2B 2215.2C	1 DCP test per 3,000 yd ²		
		Granular Materials Subgrade Preparation (for materials meeting 3149.2B1)	3149.2B	AGENCY TESTING: Roadway Embankment: One test per 2,000 yd3 (CV) <u>or</u> if test rolled, One test per 4,000 yd3 (CV), Transverse culverts & Abutments: 1 test per every 5 feet of fill per 250' of trench length. Structures Trenches: One test/500 feet of each structure length at various depths. Subgrade Preparation: One per 25 road stations.		

The Grading and Base Manual allows the nuclear density gauge, see pages 60 and 65.

GRADING AND BASE CONSTRUCTION ITEMS 2 of 3

	Material Type	Spec.*	Minimum Required Agency Acceptance Testing - QA	QC Testing Rates	Lab Sample
Moisture Content Test During All Compaction Methods	*Aggregate Base, Shoulder & Surfacing	3138	1 per project unless directed by the Engineer, obtain split companion sample for the Contractor. * May replace tests with time stamped photos showing water being applied.	1 / 1,000 yd ³	None
	Drainable Aggregate Base (OGAB & DSB)				
	Reclamation FDR & SFDR	3135.2B 2215.2C		1/6000 yd ²	
	All Embankment Materials	3149 2105		1/10,000 yd ³	
	Subgrade Preparation			1 per 25 road stations	
Percent Crushing	Particle Count (note 1)	1/ source unless directed by Engineer, (required for 3138.2B & C, 3149.2C & G1, 3136.2B Drainable Bases).		1 required for mat'l on hand, Spec 1906.2	1/source 30lb
Quality	Aggregate Quality Tests	3138 3149 3601	1/ source unless directed by Engineer	2 required for mat'l on hand, Spec 1906.2	1/source 30lb
Depth Check	Reclamation FDR & SFDR	3135.2B 2215.2C	1 per day unless directed by Engineer	1/1,000 feet of machine width.	
Test Rolling	Test Rolling (as directed in the special provisions)	2111	As directed by the Engineer the contractor will perform test rolling at the top of all subgrade, base layers (2211), non stabilized FDR (2215) and granular layers not meeting the requirements of 3149.2B2 (2105 & 2106). Minimum 12' width and 300' length. Agency to observe test rolling. See G & B Manual 5-692.270.		
<p><u>Laboratory Samples are companion split samples to the QA sample:</u></p> <ol style="list-style-type: none"> 1. Companion gradation, proctor, QA crushing, aggregate quality samples not required 1,000 tons or less. 2. Include the laboratory companion with the first field sample. 3. Include the field sample results with the laboratory sample. 4. Laboratories with AMRL Accreditation are not required to submit laboratory companion samples. 5. Carbonate aggregate materials require 50 lb. samples for the laboratory testing. 					
<p>NOTE 1: Percent crushing test is not required when the material is crushed from a quarry or contains 25% or greater recycled materials.</p> <p>NOTE 2: Submit a laboratory companion to the first Acceptance Gradation sample for a bituminous extraction, see 3138.2C. Full Depth Reclamation samples are not required.</p> <p>NOTE 3: The Certification of Aggregates and Granular Materials procedure and documentation of testing locations is at the discretion of the Engineer.</p> <p>NOTE 4: Provide gradation test results to the Engineer within the first 500 feet of production and within 500 feet after a failing gradation.</p>					

* Review the Special Provisions. For granular materials, aggregate compaction will be by the "Penetration Index Method" unless otherwise designated in the Special Provisions. Other compaction methods include the "Specified Density Method" (sand cone), "Quality Compaction Method" or "Light Weight Deflectometer Method. See 2211.3.D.2 Compaction. The Grading and Base Manual allows the nuclear density gauge, see pages 60 and 65.

Conversions: 1 ton = 0.55 yd³ (CV), 1 ton = 0.7 yd³ (LV), 1 yd³ (CV) = 1.8 tons.

Contact the MnDOT District IA Inspector to provide servicing of your Federal Aid Project.

Samples are not required for less than 500 tons (275 yd³).

GRADING AND BASE CONSTRUCTION ITEMS 3 of 3

Guidelines for Required Crushing & Aggregate Quality Tests

	3149 Granular Materials	3138 Aggregate for Surface and Base	3136 Drainable Bases
Crushing	<p>Yes, for Stabilizing Aggregate, Fine Aggregate Bedding and Medium Filter Aggregate.</p> <p>Test waived if material contains recycled at twice the minimum crushing requirement.</p> <p>Not required for quarried sources.</p>	<p>Yes, for Class 5, 5Q & 6. Test waived if material contains recycled at twice the minimum crushing requirement.</p> <p>Not required for quarried sources. Class 2 must contain 100% crushed quarry rock.</p>	<p>Yes. Not required for quarried sources.</p>
Bitumen Content	Yes , if it contains Bitumen	Yes , if it contains Bitumen	Not applicable
LAR	Not applicable	Yes , if source is carbonate quarry and does not contain bitumen.	Yes
Insoluble Residue	Yes , if source is carbonate quarry and does not contain bitumen.	Yes , if source is carbonate quarry and does not contain bitumen.	Yes , if source is carbonate quarry.
Litho Exam & Shale Float Test	Yes , for Medium Filter Aggregate	Yes , for Class 3, 4, 5, 5Q & 6, when not from quarried rock, and does not contain bitumen.	Yes , when not from a quarried source.

[Click here for testing procedures in the Grading & Base Manual.](#)

[Forms and worksheets at the Grading & Base Website.](#)

[Gradation worksheets at the SALT Construction Website](#)

EQUAL EMPLOYMENT OPPORTUNITY (EEO) SPECIAL PROVISIONS

This section of Special Provisions contains the Equal Employment Opportunity (EEO) rules and regulations for highway construction projects in Minnesota which are federally and/or State funded.

The source of funding determines which EEO regulations and goals (Federal and/or State goals) apply to a specific project. When a project contains funding from both Federal and State sources, both sets of regulations apply, and the Minnesota Department of Transportation (MnDOT) monitors and reviews projects at both levels.

If the project contains any Federal funding, and has a total dollar value exceeding \$10,000, Federal EEO regulations and goals apply (pages 2, 6, 7-8, 9-14, 15, 16-17, 22-26, 27-38). The MnDOT Office of Civil Rights monitors and reviews these projects on behalf of the Federal Highway Administration (FHWA), under Federal statutes (23 USC 140) and rules (23 CFR 230).

If the project contains any State funding, and has a total dollar value exceeding \$100,000, State EEO regulations and goals apply (pages 2, 3, 4, 5, 6, 9-14, 16-22). MnDOT's Office of Civil Rights monitors and reviews these projects in conjunction with the Minnesota Department of Human Rights under Minnesota Statutes §363A.36 and its accompanying rules.

MnDOT has established a single review and monitoring process which meets both Federal and State requirements.

Please note that Pages 23-38 of these Special Provisions may be omitted from projects with no Federal funding.

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**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY
(23 USC 140, 23 CFR 230 and Minnesota Statute §363A.36)**

1. The offerer's or bidder's attention is called to the "Minnesota Affirmative Action Requirements" (EEO Page 4), the "Specific Federal Equal Employment opportunity Responsibilities" (EEO Pages 7-8), the "Standard Federal and State Equal Employment Opportunity Construction Contract Specifications" (EEO Pages 9-14), the "Equal Opportunity Clause" (EEO Page 15) and "Required Contract Provisions - Federal-Aid Construction Contracts" (EEO Pages 27-38).
2. The goals and timetables for minority and women participation, expressed in percentage terms of hours of labor for the Contractor's aggregate work force in each trade on all construction work in the covered area, are as shown on EEO Pages 16-17.

These goals are applicable to all the Contractor's construction work (whether or not it is State or State assisted, Federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the regulations in 41 CFR Part 60-4, and/or Minnesota Statutes §363A.36 and its accompanying rules shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a) for Federal or federally assisted projects, and Minnesota Statutes §363A.36, and its accompanying rules for State or State assisted projects, and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and women employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority and women employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4 for Federal or federally-assisted projects and/or Minnesota Statutes §363A.36 and its accompanying rules for state or state-assisted projects. Compliance with the goals will be measured against the total work hours performed.

3. If the contract is federally funded, the Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs (OFCCP) within ten working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. If the contract is state funded, the Contractor shall provide written notification to the Compliance Division, Minnesota Department of Human Rights, Freeman Building, 625 Robert Street North, Saint Paul, Minnesota 55155 within ten working days of award of any construction subcontract in excess of \$100,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the Subcontractor; employer identification number of the Subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is the county or counties of the State of Minnesota where the work is to be performed.

**NOTICE TO ALL PRIME AND SUBCONTRACTORS
PRE-AWARD REPORTING REQUIREMENTS**

In order to ensure compliance with Federal and State laws and regulations (23 USC 140, and 23 CFR 230, and Minnesota Statutes §363A.36) and to ensure Mn/DOT's ability to monitor and enforce compliance efforts, the following requirements apply if the apparent low bid exceeds \$ 5,000,000.00:

- 1) The Apparent Low Bidder ("ALB") must provide to Mn/DOT the "EEO-8 Form" (also entitled "EEO Compliance Review Report"), which must provide detail on the contractor's total company workforce in the State of Minnesota during the twelve month period preceding July 30th of the previous year (Office and/or clerical personnel need not to be included).
- 2) The ALB must provide to Mn/DOT a work plan for meeting the minority and women employment goals established by the Minnesota Department of Human Rights, for the project in question. The work plan must include, at a minimum (1) how the ALB will incorporate its current minority and women employees in the ALB's efforts to meet the established goals; and (2) a contingency plan if the ALB has determined that its current workforce is not sufficient in order to achieve the established employment goals. If the ALB relies in whole or in part upon unions as a source of employees, then the ALB must (1) include a list of established organizations that are likely to yield qualified minority and women candidates if those union(s) are unable to provide a reasonable flow of minority and women candidates in their work plan; and (2) document the method by which these organizations will refer candidates to the ALB for employment opportunities. All bidders are hereby notified that the U.S. Department of Labor has determined that a contractor will not be excused from complying with the Federal and State laws and regulations cited above based solely on the fact that a contractor has a collective bargaining agreement with a union providing for the union to be the exclusive source of referral and that the union failed to refer minority employees. A contractor may obtain a list of organizations likely to yield qualified minority and women candidates from the Mn/DOT Office of Civil Rights.
- 3) The ALB must provide to Mn/DOT the ALB's total workforce and labor projections for the project (represented in hours), the ALB's projected total number of minority hours for the project, and the ALB's projected total number of women hours for the project. The details must include the trade(s) that will be utilized in order to complete the project.

The ALB must submit documents as required to comply with this section no later than five business days after the date that bids for the contract are opened. The five day period starts the business day following the date that bids were opened. The required documents must be received prior to Contract Award, and must be sent to the Mn/DOT Office of Civil Rights – 395 John Ireland Blvd., Mail Stop 170 St. Paul, MN 55155-1899. Submittal of the documents described in (1), (2) and (3) is required for contract award to the ALB. The submitted documents will be used as a tool to assist contractors in meeting employment goals; the content itself will not be evaluated for the purpose of determining contract award.

MINNESOTA AFFIRMATIVE ACTION REQUIREMENTS

1. It is hereby agreed between the parties to this contract that Minnesota Statutes, Section §363A.36, and its accompanying rules are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of Minnesota Statutes, Section §363A.36, and its accompanying rules is available upon request from the contracting agency. The Contractor hereby agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
2. It is hereby agreed between the parties to this contract that this agency requires that the Contractor meet affirmative action criteria as provided for by Minnesota Statutes §363A.36 and its accompanying rules. It is the intent of the Minnesota Department of Transportation to fully carry out its responsibility for requiring affirmative action, and to implement sanctions for failure to meet these requirements. Failure by a contractor to implement an affirmative action plan, meet project employment goals for minority and women employment or make a good faith effort to do so may result in revocation of his/her Certificate of Compliance or suspension or revocation of the contract (Minnesota Statutes §363A.36).
3. Under the affirmative action obligation imposed by the Human Rights Act, Minnesota Statutes, Section §363A.36, contractors shall take affirmative action to employ and advance in employment minority, female, and qualified disabled individuals at all levels of employment. Affirmative action must apply to all employment practices, including but not limited to hiring, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall recruit, hire, train and promote persons in all job titles, without regard to race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, physical or mental disability, sexual orientation or age except where such status is a bona fide occupational qualification. These affirmative action requirements of the Minnesota Human Rights Act are consistent with but broader than the Federal requirements as covered in this contract.
4. Affirmative Action for disabled workers. The Contractor shall not discriminate against any employee or applicant for employment because of a physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled individuals without discrimination based upon their physical or mental disability in all employment practices such as employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training (including apprenticeship). In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minnesota Statutes, section §363A.36 and the rules and relevant orders of the Minnesota Department of Human Rights pursuant to the Minnesota Human Rights Act.
5. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Minnesota Department of Human Rights. Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment minority, women and qualified disabled employees and applicants for employment, and the rights of applicants and employees. **A poster entitled "Contractor Non-discrimination is the Law" may be obtained from: Compliance Unit, Minnesota Department of Human Rights, Freeman Building, 625 Robert Street North, Saint Paul, Minnesota 55155. (651) 539-1100, TTY 296-1283, Toll Free 1-800-657-3704.**
6. The Contractor shall notify each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minnesota Statutes, section §363A.36 of the Minnesota Human Rights Act, and is committed to take affirmative action to employ and advance in employment minority, women and qualified physically and mentally disabled individuals.

APPROPRIATE WORK PLACE BEHAVIOR ON Mn/DOT CONSTRUCTION PROJECTS UTILIZING STATE FUNDS

It is the Minnesota Department of Transportation's (MnDOT's) policy to provide a workplace free from violence, threats of violence, harassment and discrimination. MnDOT has established a policy of zero tolerance for violence in the workplace. Contractors who perform work on MnDOT construction projects, or local government entities or public agencies utilizing state funds on highway construction projects, shall maintain a workplace free from violence, harassment and discrimination (See definitions, below).

Definitions:

1. Violence is the threatened or actual use of force which results in or has a high likelihood of causing fear, injury, suffering or death. Employees are prohibited from taking reprisal against anyone who reports a violent act or threat.

2. Harassment is the conduct of one employee (toward another employee) which has the purpose or effect of 1) unreasonably interfering with the employee's work performance, and/or 2) creating an intimidating, hostile or offensive work environment. Harassment is not legitimate job-related efforts of supervisor to direct/evaluate an employee or to have an employee improve work performance.

A. Unlawful discriminatory harassment is harassment which is based on these characteristics: race, color, creed, religion, national origin, sex, disability, age, marital status, status with regard to public assistance or sexual orientation. Managers, supervisors and employees shall not take disciplinary or retaliatory action against employees who make complaints of sexual harassment.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, or sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when submission to that conduct or communication is 1) made a term or condition, either explicitly or implicitly, of obtaining employment; or 2) is used as a factor in decisions affecting an individual's employment; or 3) when that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive work environment, and the employer knows or should have known of the existence of the harassment and fails to take timely and appropriate action. Examples include but are not limited to insulting or degrading sexual remarks or conduct; threats, demands or suggestions that status is contingent upon toleration or acquiescence to sexual advances; displaying in the workplace sexually suggestive objects, publications or pictures, or retaliation against employees for complaining about the behavior cited above or similar behaviors.

B. General harassment is harassment which is not based on the above characteristics. Examples may include, but are not limited to: physically intimidating behavior and/or threats of violence; use of profanity (swearing), vulgarity; ridiculing, taunting, belittling or humiliating another person; inappropriate assignments of work or benefits; derogatory name calling.

3. Discrimination includes actions which cause a person, solely because of race, color, creed, religion, national origin, sex, disability, age, marital status, status with regard to public assistance or sexual orientation to be subject to unequal treatment.

Prime Contractors who work on MnDOT projects shall ensure that their managers, supervisors, foremen/women and employees are familiar with MnDOT's policy on appropriate work place behavior; and shall ensure that their subcontractors are familiar with this policy. Managers, supervisors and foremen/women will respond to, document, and take appropriate action in response to all reports of violence, threats of violence, harassment or discrimination. Failure to comply with this policy may result in cancellation, termination or suspension of contracts or subcontracts currently held and debarment from further such contracts or subcontracts as provided by statute. If you need additional information or training regarding this policy, please contact the Office of Civil Rights at (651) 366-3073.

NOTICE TO ALL PRIME AND SUBCONTRACTORS REPORTING REQUIREMENTS

1. In order to monitor compliance with Federal Statutes 23 USC 140 and 23 CFR 230, and Minnesota Statutes §363A.36, all prime contractors and subcontractors are required to complete a Mn/DOT Monthly Employment Compliance Report each month for each project (Form EEO-13, sample copy at EEO Pages 20-21.) Prime contractors are also required to complete a Contractor Employment Data Report (Form EEO-12, sample copy at EEO Pages 18-19) once prior to work commencing on the project, unless one has been completed already within the calendar year.

The prime contractor of each project collects Monthly Employment Compliance Reports from each subcontractor who performed work during the month, and completes a Monthly Employment Compliance Report on its own work force. **For the month of July only, an EEO-13 is required for each payroll period within the month of July.** The prime contractor submits the EEO-13 forms to the Mn/DOT Project Engineer by the 15th day of the subsequent month.

Failure to submit the required reports in the allowable time frame will be cause for the imposition of contract sanctions.

It is the intent of Mn/DOT to implement monitoring measures on each project to ensure that each prime contractor and subcontractor is promoting the full realization of equal employment opportunities. Any project may be scheduled for an in depth on-site contract compliance review. During the scheduled on-site review, the Contractor will be required to provide to Mn/DOT documentation of its "good faith efforts" as shown in EEO Pages 10-13, at 7 a-p of this contract.

2. If a Federally funded project requires On-the-Job-Training (OJT) participation, information is provided in the contract and can be located by referring to the Table of Contents for Division S. (OJT is also listed as a bid line item under Trainees.) When a contract requires OJT participation, the Prime Contractor shall submit a training plan as indicated in the Proposal. The training plan shall include the job classification titles of trainees, planned training activities and the approximate start date of trainees.
3. When a Contractor selects a trainee applicant for OJT, the Contractor completes an On the Job Training Program-Trainee Assignment form (sample copy at EEO Page 23) and submits it to the Contract Compliance Specialist (CCS) assigned to the project for approval. The CCS notifies the Contractor and Project Engineer when the applicant is approved.
4. Hours of work performed by OJT employees shall be documented on a monthly basis on the Certification of On-The-Job Training Hours form, (Mn/DOT Form No. 21860, sample copy at EEO Page 24). The Contractor shall submit the original and one copy to the Project Engineer, and one copy to the CCS assigned to the project.

Do not remove forms from this contract. Please duplicate forms from the copies in this contract, or the Mn/DOT Office of Civil Rights will provide these forms upon request. Please call the Office of Civil Rights, (651) 366-3073.

**STANDARD FEDERAL AND STATE EQUAL EMPLOYMENT OPPORTUNITY
CONSTRUCTION CONTRACT SPECIFICATIONS
(41 CFR 60-4.3 and Minnesota Statute §363A.36)**

Unless noted, the following apply to both Federal/federally assisted projects and State/state assisted projects. Item 3 applies to Federal/federally assisted projects only

1. As used in these specifications:
 - a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
 - b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
 - c. "Employer Identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
 - d. "Minority" includes:
 - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 (\$100,000 for State projects) the provisions of these specifications and the Notice which contains the applicable goals for minority and women participation and which is set forth in the solicitations from which this contract resulted.
3. If the Contractor is participating (pursuant to 41 CFR 60-4, 5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work on the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered contractor's or subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.
4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7(a) to (p) of these specifications (itemized as 4 [a] to [o], Minnesota Rules

**STANDARD FEDERAL AND STATE EEO CONSTRUCTION
CONTRACT SPECIFICATIONS (cont.)**

5000.3535). The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minorities and utilization the Contractor should (shall, for State or state assisted projects) reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor shall make substantially uniform progress toward its goals in each craft during the period specified. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Federal goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any office of Federal Contract Compliance programs or from Federal procurement contracting officers. State goals are published periodically in the State Register in notice form, and may be obtained from the Minnesota Department of Human Rights or the Minnesota Department of Transportation Office of Civil Rights. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement nor the failure by a union, with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications and Executive Order 11246 and its associated rules and regulations for Federal or federally assisted projects, and Minnesota Statutes, Section §363A.36 of the Minnesota Human Rights Act, or the rules adopted under the Act for State or state assisted projects.
6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees shall be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees shall be trained according to training programs approved by the Minnesota Department of Human Rights, the Minnesota Department of Labor and Industry, or the United States Department of Labor.
7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications must be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following (referred to in Minnesota Rules 5000.3535 as items 4(a) to (o):
 - (a) Ensure and maintain, or for State or state assisted projects make a good faith effort to maintain, a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the Contractor's employees are assigned to work. For

**STANDARD FEDERAL AND STATE EEO CONSTRUCTION
CONTRACT SPECIFICATIONS (cont.)**

Federal or federally assisted projects, the Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or women individuals working at such sites or in such facilities.

- (b) Establish and maintain a current list of minority and women recruitment sources, provide written notification to minority and women recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
- (c) Maintain a current file of the names, addresses, and telephone numbers of each minority and woman off-the-street applicant and minority or woman referral from a union, a recruitment source, or community organization and of what action was taken with respect to each individual. If the individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore along with whatever additional actions the Contractor may have taken.
- (d) Provide immediate written notification to the commissioner of the Minnesota Department of Human Rights for State or state assisted projects, or the director of the Office of Federal Contract Compliance for Federal or federally assisted projects, when the union, or unions with which the Contractor has a collective bargaining agreement, has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
- (e) Develop on-the-job training opportunities and/or participate in training programs for the areas which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the State of Minnesota for State or state assisted projects or the Department of Labor, for Federal or federally assisted projects. The Contractor shall provide notice of these programs to the sources compiled under (b).
- (f) Disseminate the Contractor's equal employment opportunity policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its equal employment opportunity obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and women employees at least once a year; and by posting the company equal employment opportunity policy on bulletin boards accessible to all employees at each location where construction work is performed.

**STANDARD FEDERAL AND STATE EEO CONSTRUCTION
CONTRACT SPECIFICATIONS (cont.)**

- (g) Review, at least annually, the company's equal employment opportunity policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions; including specific review of these items with onsite supervisory personnel such as superintendents, general foremen, etc., prior to the first day of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- (h) Disseminate the Contractor's equal employment opportunity policy externally by including it in any advertising in the news media, specifically including minority and women news media, and providing written notification to and discussing the Contractor's equal employment opportunity policy with other contractors and subcontractors with whom the Contractor does or anticipates doing business.
- (i) Direct its recruitment efforts, both oral and written, to minority, women, and community organizations; to schools with minority and women students; and to minority and women recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations, such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
- (j) Encourage present minority and women employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and women youth, both on the site and in other areas of a Contractor's work force.
- (k) Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3. (This requirement applies only to Federal and federally assisted projects.)
- (l) Conduct, at least annually, an inventory and evaluation at least of all minority and women personnel for promotional opportunities; and encourage these employees to seek or to prepare for, through appropriate training, such opportunities. (This is Item 4(k) in Minnesota Rules.)
- (m) Ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the equal employment opportunity policy and the Contractor's obligations under these specifications are being carried out. (This is item 4(l) in Minnesota Rules.)

**STANDARD FEDERAL AND STATE EEO CONSTRUCTION
CONTRACT SPECIFICATIONS (cont.)**

- (n) Ensure that all facilities and company activities are non segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes. (This is item 4(m) in Minnesota Rules.)
 - (o) Document and maintain a record of all solicitations or offers for subcontracts from minority and women construction contractors and suppliers, including circulation of solicitations to minority and women contractor associations and other business associations. (This is item 4(n) in Minnesota Rules.)
 - (p) Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's equal employment opportunity policies and affirmative action obligations. (This is item 4(o) in Minnesota Rules.)
8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7(a) to (p) for Federal or federally assisted projects, and 4(a)-(o) for State or state assisted projects). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7(a) to (p) or 4(a) to (o) of these specifications provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and women work force participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be defense for the Contractor's noncompliance.
9. A single goal for minorities and a separate single goal for women have been established. The Contractor however, is required to provide equal employment opportunity and to take affirmative action for all minority groups both male and female, and all women both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order for Federal or federally assisted projects, or Minnesota Rules for State or state assisted projects, if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order or Minnesota Rules part 5000.3520 if a specific minority group is under-utilized).
10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, creed, religion, sex, or national origin. Minnesota Statutes §363A.36, part 5000.3535 (Subp. 7) also prohibits discrimination with regard to marital status, status with regard to public assistance, disability, age, or sexual orientation.

**STANDARD FEDERAL AND STATE EEO CONSTRUCTION
CONTRACT SPECIFICATIONS (cont.)**

11. The Contractor shall not enter into any subcontract with any person or firm debarred from government contracts under the federal Executive Order 11246 or a local human rights ordinance, or whose certificate of compliance has been suspended or revoked pursuant to Minnesota Statutes, Section §363A.36.
12. The Contractor shall carry out such sanctions for violation of these specifications and of the equal opportunity clause, including suspension, termination, and cancellation of existing contracts as may be imposed or ordered pursuant to Minnesota Statutes, Section §363A.36, and its implementing rules for State or state assisted projects, or Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs for Federal or federally assisted projects. Any contractor who fails to carry out such sanctions shall be in violation of these specifications and Minnesota Statutes, Section §363A.36, or Executive Order 11246 as amended.
13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications (paragraph 4 in Minnesota Rules 5000.3535), so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of these Specifications or Minnesota Statutes, Section §363A.36 and its implementing rules, or Executive Order 11246 and its regulations, the commissioner or the director shall proceed in accordance with Minnesota Rules part 5000.3570 for State or state assisted projects, or 41 CFR 60-4.8 for Federal or federally assisted projects.
14. The Contractor shall designate a responsible official to monitor all employment-related activity to ensure that the company equal employment opportunity policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Minnesota Department of Human Rights or the Government, and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (for example, mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.
15. Nothing provided in this part shall be construed as a limitation upon the application of other state or federal laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents.

Minority and Women Employment Goals

County	Federal Goals		State Goals	
	Minority Goal	Women Goal	Minority Goal	Women Goal
Aitkin	2.2%	6.9%	5%	6%
Anoka	2.9%	6.9%	22%	6%
Becker	0.7%	6.9%	6%	6%
Beltrami	2.0%	6.9%	6%	6%
Benton	0.5%	6.9%	3%	6%
Big Stone	2.2%	6.9%	4%	6%
Blue Earth	2.2%	6.9%	4%	6%
Brown	2.2%	6.9%	4%	6%
Carlton	1.2%	6.9%	5%	6%
Carver	2.9%	6.9%	22%	6%
Cass	2.2%	6.9%	6%	6%
Chippewa	2.2%	6.9%	4%	6%
Chisago	2.9%	6.9%	3%	6%
Clay	0.7%	6.9%	6%	6%
Clearwater	2.0%	6.9%	6%	6%
Cook	1.2%	6.9%	5%	6%
Cottonwood	0.8%	6.9%	4%	6%
Crow Wing	2.2%	6.9%	6%	6%
Dakota	2.9%	6.9%	22%	6%
Dodge	0.9%	6.9%	4%	6%
Douglas	2.2%	6.9%	6%	6%
Faribault	2.2%	6.9%	4%	6%
Fillmore	0.9%	6.9%	4%	6%
Freeborn	0.9%	6.9%	4%	6%
Goodhue	2.2%	6.9%	4%	6%
Grant	2.2%	6.9%	6%	6%
Hennepin	2.9%	6.9%	32%	6%
Houston	0.6%	6.9%	4%	6%
Hubbard	2.0%	6.9%	6%	6%
Isanti	2.2%	6.9%	3%	6%
Itasca	1.2%	6.9%	5%	6%
Jackson	0.8%	6.9%	4%	6%
Kanabec	2.2%	6.9%	3%	6%
Kandiyohi	2.2%	6.9%	3%	6%
Kittson	2.0%	6.9%	6%	6%
Koochiching	1.2%	6.9%	5%	6%
Lac Qui Parle	2.2%	6.9%	4%	6%
Lake	1.2%	6.9%	5%	6%
Lake of the Woods	2.0%	6.9%	6%	6%
Le Sueur	2.2%	6.9%	4%	6%
Lincoln	0.8%	6.9%	4%	6%
Lyon	0.8%	6.9%	4%	6%

Minnesota Department of Transportation EEO Special Provisions
Office of Civil Rights

Revised 07/12

County	Federal Goals		State Goals	
	Minority Goal	Women Goal	Minority Goal	Women Goal
Mahnomen	2.0%	6.9%	6%	6%
Marshall	2.0%	6.9%	6%	6%
Martin	2.2%	6.9%	4%	6%
McLeod	2.2%	6.9%	3%	6%
Mecker	2.2%	6.9%	3%	6%
Mille Lacs	2.2%	6.9%	3%	6%
Morrison	2.2%	6.9%	6%	6%
Mower	0.9%	6.9%	4%	6%
Murray	0.8%	6.9%	4%	6%
Nicollet	2.2%	6.9%	4%	6%
Nobles	0.8%	6.9%	4%	6%
Norman	2.0%	6.9%	6%	6%
Olmsted	1.4%	6.9%	4%	6%
Otter Tail	2.2%	6.9%	6%	6%
Pennington	2.0%	6.9%	6%	6%
Pine	2.2%	6.9%	3%	6%
Pipestone	0.8%	6.9%	4%	6%
Polk	1.2%	6.9%	6%	6%
Pope	2.2%	6.9%	6%	6%
Ramsey	2.9%	6.9%	32%	6%
Red Lake	2.0%	6.9%	6%	6%
Redwood	0.8%	6.9%	4%	6%
Renville	2.2%	6.9%	3%	6%
Rice	2.2%	6.9%	4%	6%
Rock	0.8%	6.9%	4%	6%
Roseau	2.0%	6.9%	6%	6%
Scott	2.9%	6.9%	22%	6%
Sherburne	0.5%	6.9%	3%	6%
Sibley	2.2%	6.9%	4%	6%
St. Louis	1.0%	6.9%	5%	6%
Stearns	0.5%	6.9%	3%	6%
Steele	0.9%	6.9%	4%	6%
Stevens	2.2%	6.9%	6%	6%
Swift	2.2%	6.9%	4%	6%
Todd	2.2%	6.9%	6%	6%
Traverse	2.2%	6.9%	6%	6%
Wabasha	0.9%	6.9%	4%	6%
Wadena	2.2%	6.9%	6%	6%
Waseca	2.2%	6.9%	4%	6%
Washington	2.9%	6.9%	22%	6%
Watonwan	2.2%	6.9%	4%	6%
Wilkin	0.7%	6.9%	6%	6%
Winona	0.6%	6.9%	4%	6%
Wright	2.9%	6.9%	3%	6%
Yellow Medicine	2.2%	6.9%	4%	6%

Minnesota Department of Transportation Office of Civil Rights Contractor Employment Data		1. Contractor Name and Address: Phone: _____					
2. Employment Data a) Name: Last Name, First Name, MI		b) Social Security #	c) New Hire (Y or N)	d) Ethnicity	e) Gender (M or F)	f) Trade/Foreman, Supervisors, Managers	g) Level (A, J, or T)
1.							
2.							
3.							
4.							
5.							
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26.							
27.							

INSTRUCTIONS FOR EEO-12 CONTRACTOR EMPLOYMENT DATA

This form should be submitted at the Pre-Con to the Project Engineer prior to the start of your first MnDOT construction project for the calendar year (Prime and Subs)

1. Contractor Name and Address self-explanatory.
2. Employment Data information will coincide with your employment records.
 - 2a. Name should be listed First Name, Middle Initial, and Last Name. This will enable MnDOT EEO staff to readily identify individuals on all projects.
 - 2b. Social Security Number self-explanatory.
 - 2c. New Hire is to be indicated with a "Y" for Yes or an "N" for No. "New Hire" is an employee who has not worked for you in any capacity or on any other project within the current calendar year.
 - 2d. Ethnicity can be indicated by Black (B), Hispanic (H), American Indian/Alaskan Native (AI), Asian/Pacific Islander (AP), or White (W).
 - 2e. Gender is to be indicated with an "M" for Males or an "F" for Females.
 - 2f. Trade/Foreman, Supervisors, Managers self-explanatory. List trade that applies unless the employee fits one of the other three categories.
 - 2g. Level "A" is for an Apprentice, "J" is for a Journey Worker, and "T" is for a MnDOT approved Trainee.

If you have questions about filling out this form, contact the Office of Civil Rights at (651) 366-3073.
(Please make copies as you need them.)

This information can be submitted electronically via the web, through MnDOT's Work force Information Tracking Initiative (WITI) Program. To open a free account to gain access to WITI or to find out more about this possibility please contact MnDOT's Office of Civil Rights at (651) 366-3015.

Minnesota Department of Transportation EEO Special Provisions
Office of Civil Rights

Revised 07/12

Minnesota Department of Transportation Office of Civil Rights Monthly Employment Compliance Report EEO-13		1. SP <input type="checkbox"/> SAP <input type="checkbox"/> (Check one) SP#		3. Contractor Name: Federal Tax ID:		4. Prime <input type="checkbox"/> Subcontractor <input type="checkbox"/> (check one)	
County or City		Street Address:		5. Dollar Amount of Contract:		6. Percent of Completion:	
2. Reporting Period to _____		City, State Zip					
7. Employment Data		b) Social Security #	c) New Hire (Y or N)	d) Ethnicity	e) Gender M or F	g) Level (A, J or T)	h) Hours Worked This Period
a) Name: Last, First Middle Initial							
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							

8. Contract Goals		9. Prepared by: (Signature)		10. Reviewed by: (Signature)	
MINNESOTA GOALS	% OBTAINED				
_____ % Minority	_____ %	Print Name:		Print Name:	
_____ % Women	_____ %	Title:		Title:	
		Date:		Date:	
		Phone:		Phone:	
		Fax:		Fax:	

INSTRUCTIONS FOR EEO-13
MONTHLY EMPLOYMENT COMPLIANCE REPORT

- 1.-5. Self-explanatory – State Project #, county project is located in, are you a prime or sub, and contract value.
 6. Percent of Completion is the estimated percentage of work completed including this reporting period.
 7. Employment Data information will coincide with your employment records. All professional, supervisory and managerial hours actually worked on the project site must be included, whether or not they appear on the certified payroll.
 - 7a. Name should be listed Last Name, First Name, and Middle Initial. This will enable MnDOT EEO staff to readily identify individuals on all projects.
 - 7b. Social Security Number self-explanatory.
 - 7c. New Hire is to be indicated with a “Y” for Yes or an “N” for No. “New Hire” is an employee who has not worked for you in any capacity or on any other project within the current calendar year.
 - 7d. Ethnicity can be indicated by Black (B), Hispanic (H), American Indian/Alaskan Native (AI), Asian/Pacific Islander (AP), or White (W).
 - 7e. Gender is to be indicated with an “M” for Males or an “F” for Females.
 - 7f. Trade/Foreman, Supervisors, Managers list the trade that applies unless the employee fits one of the other three categories.
 - 7g. Level “A” is for an Apprentice, “J” is for a Journey Worker, and “T” is for a MnDOT approved Trainee.
 - 7h. Hours Worked for This Period will be all hours worked by the individual, for each trade, during the specified reporting period.
 8. Contract Goals are the percent of total project hours to be worked by minority and women employees. The goals are determined by the geographic location and source of funding for the project. Projects in excess of \$100,000 with any State funding must meet the State Employment Goals. Projects in excess of \$10,000 with any Federal funding must meet the Federal Employment Goals. (See chart on EEO Pages 16-17.) Minority and women employee hours shall be distributed evenly throughout the length of the project and in every trade and craft that performs work on the project.
 - % Obtained is the percent of the total project hours worked by minority and women employees, up to and including this reporting period.
 9. Prepared by Contractor Designee is the signature of the prime or subcontractor’s EEO officer/designee.
 10. Reviewed by Project Engineer is the signature of the MnDOT staff monitoring the project.
- The Prime Contractor will submit EEO-13 forms for its workforce and all subcontractors to the MnDOT Project Engineer by the 15th day of the month following the month when work was performed. If you have questions about filling out this form, contact the Office of Civil Rights at (651) 366-3073. (Please make copies as you need them.)

This information can be submitted electronically via the web, through MnDOT’s Workforce Information Tracking Initiative (WITI) Program. To open a free account to gain access to WITI or to find out more about this possibility please contact MnDOT’s Office of Civil Rights at (651) 366-3321.

EEO COMPLIANCE REVIEW REPORT

Total Company Workforce
(For 12 Month Period Preceding July 30th of the previous year)

Name and Address of Contractor

Name and Title of Corporate Officer

Name of EEO Officer

Job Categories	Total Employees		Total Minorities		Blacks		Asian/ Pacific Is.		American Indian		Hispanic		On-the-Job Trainees	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials (Managers)														
Supervisors														
Foremen/Women														
Clerical														
Equipment Operators														
Mechanics														
Truck Drivers														
Iron Workers														
Carpenters														
Cement Masons														
Electricians														
Pipefitters & Plumbers														
Painters														
Laborers														
Misc. Trades														
Total														
On-the-Job Trainees														

**ATTACHMENT A
PRIME CONTRACTOR RESPONSE**

RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE

STATE PROJECT NUMBER: _____

This form includes changes by statutory references from the Laws of Minnesota 2015, chapter 64, sections 1-9. This form must be submitted with the response to this solicitation. A response received without this form, will be rejected.

Minn. Stat. § 16C.285, Subd. 7. **IMPLEMENTATION.** ... any prime contractor or subcontractor or motor carrier that does not meet the minimum criteria in subdivision 3 or fails to verify that it meets those criteria is not a responsible contractor and is not eligible to be awarded a construction contract for the project or to perform work on the project...

Minn. Stat. § 16C.285, Subd. 3. **RESPONSIBLE CONTRACTOR, MINIMUM CRITERIA.** "Responsible contractor" means a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the work on the project and verifies that it meets the following minimum criteria:

- | | |
|-----|---|
| (1) | <p>The Contractor:</p> <ul style="list-style-type: none"> (i) is in compliance with workers' compensation and unemployment insurance requirements; (ii) is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees; (iii) has a valid federal tax identification number or a valid Social Security number if an individual; and (iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative. |
| (2) | <p>The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:</p> <ul style="list-style-type: none"> (i) repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of \$25,000 or more within the three-year period, provided that a failure to pay is "repeated" only if it involves two or more separate and distinct occurrences of underpayment during the three-year period; (ii) has been issued an order to comply by the commissioner of Labor and Industry that has become final; (iii) has been issued at least two determination letters within the three-year period by the Department of Transportation finding an underpayment by the contractor or related entity to its own employees; (iv) has been found by the commissioner of Labor and Industry to have repeatedly or willfully violated any of the sections referenced in this clause pursuant to section 177.27; (v) has been issued a ruling or findings of underpayment by the administrator of the Wage and Hour Division of the United States Department of Labor that have become final or have been upheld by an administrative law judge or the Administrative Review Board; or (vi) has been found liable for underpayment of wages or penalties or misrepresenting a construction worker as an independent contractor in an action brought in a court having jurisdiction. Provided that, if the contractor or related entity contests a determination of underpayment by the Department of Transportation in a contested case proceeding, a violation does not occur until the contested case proceeding has concluded with a determination that the contractor or related entity underpaid wages or penalties;* |

(3)	The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 181.723 or chapter 326B. For purposes of this clause, a violation occurs when a contractor or related entity has been issued a final administrative or licensing order;*
(4)	The contractor or related entity has not, more than twice during the three-year period before submitting the verification, had a certificate of compliance under section 363A.36 revoked or suspended based on the provisions of section 363A.36, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office;*
(5)	The contractor or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals, due to a lack of good faith effort, more than once during the three-year period before submitting the verification;*
	* Any violations, suspensions, revocations, or sanctions, as defined in clauses (2) to (5), occurring prior to July 1, 2014, shall not be considered in determining whether a contractor or related entity meets the minimum criteria.
(6)	The contractor or related entity is not currently suspended or debarred by the federal government or the state of Minnesota or any of its departments, commissions, agencies, or political subdivisions that have authority to debar a contractor; and
(7)	All subcontractors and motor carriers that the contractor intends to use to perform project work have verified to the contractor through a signed statement under oath by an owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

Minn. Stat. § 16C.285, Subd. 5. **SUBCONTRACTOR VERIFICATION.**

A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project. Prior to execution of a construction contract, and as a condition precedent to the execution of a construction contract, the apparent successful prime contractor shall submit to the contracting authority a supplemental verification under oath confirming compliance with subdivision 3, clause (7). Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor.

If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors.

A prime contractor shall submit to the contracting authority upon request copies of the signed verifications of compliance from all subcontractors of any tier pursuant to subdivision 3, clause (7). A prime contractor and subcontractors shall not be responsible for the false statements of any subcontractor with which they do not have a direct contractual relationship. A prime contractor and subcontractors shall be responsible for false statements by their first-tier subcontractors with which they have a direct contractual relationship only if they accept the verification of compliance with actual knowledge that it contains a false statement.

Subd. 5a. Motor carrier verification. A prime contractor or subcontractor shall obtain annually from all motor carriers with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each motor carrier. A prime contractor or subcontractor shall require each such motor carrier to provide it with immediate written notification in the event that the motor carrier no longer meets one or more of the minimum criteria in subdivision 3 after submitting its annual verification. A motor carrier shall be ineligible to perform work on a project covered by this section if it does not meet all the minimum criteria in subdivision 3. Upon request, a prime contractor or subcontractor shall submit to the contracting authority the signed verifications of compliance from all motor carriers providing for-hire transportation of materials, equipment, or supplies for a project.

Minn. Stat. § 16C.285, Subd. 4. **VERIFICATION OF COMPLIANCE.**

A contractor responding to a solicitation document of a contracting authority shall submit to the contracting authority a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in subdivision 3, with the exception of clause (7), at the time that it responds to the solicitation document.

A contracting authority may accept a signed statement under oath as sufficient to demonstrate that a contractor is a responsible contractor and shall not be held liable for awarding a contract in reasonable reliance on that statement. A prime contractor, subcontractor, or motor carrier that fails to verify compliance with any one of the required minimum criteria or makes a false statement under oath in a verification of compliance shall be ineligible to be awarded a construction contract on the project for which the verification was submitted.

A false statement under oath verifying compliance with any of the minimum criteria may result in termination of a construction contract that has already been awarded to a prime contractor or subcontractor or motor carrier that submits a false statement. A contracting authority shall not be liable for declining to award a contract or terminating a contract based on a reasonable determination that the contractor failed to verify compliance with the minimum criteria or falsely stated that it meets the minimum criteria. A verification of compliance need not be notarized. An electronic verification of compliance made and submitted as part of an electronic bid shall be an acceptable verification of compliance under this section provided that it contains an electronic signature as defined in section 325L.02, paragraph (h).

CERTIFICATION

By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

- 1) My company meets each of the Minimum Criteria to be a responsible contractor as defined herein and is in compliance with Minn. Stat. § 16C.285, and**
- 2) if my company is awarded a contract, I will submit Attachment A-1 prior to contract execution, and**
- 3) if my company is awarded a contract, I will also submit Attachment A-2 as required.**

Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

NOTE: Minn. Stat. § 16C.285, Subd. 2, (c) If only one prime contractor responds to a solicitation document, a contracting authority may award a construction contract to the responding prime contractor even if the minimum criteria in subdivision 3 are not met.

ATTACHMENT A-1

FIRST-TIER SUBCONTRACTORS LIST

SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT

STATE PROJECT NUMBER: _____

Minn. Stat. § 16C.285, Subd. 5. A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project. Prior to execution of a construction contract, and as a condition precedent to the execution of a construction contract, the apparent successful prime contractor shall submit to the contracting authority a supplemental verification under oath confirming compliance with subdivision 3, clause (7). Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor.

FIRST TIER SUBCONTRACTOR NAMES* (Legal name of company as registered with the Secretary of State)	Name of city where company home office is located

*Attach additional sheets as needed for submission of all first-tier subcontractors.

SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1	
<p>By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:</p> <p>All first-tier subcontractors listed on attachment A-1 have verified through a signed statement under oath by an owner or officer that they meet the minimum criteria to be a responsible contractor as defined in Minn. Stat. § 16C.285.</p>	
Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

ATTACHMENT A-2

ADDITIONAL SUBCONTRACTORS LIST

PRIME CONTRACTOR TO SUBMIT AS SUBCONTRACTORS ARE ADDED TO THE PROJECT

STATE PROJECT NUMBER: _____

This form must be submitted to the Project Manager or individual as identified in the solicitation document.

Minn. Stat. § 16C.285, Subd. 5. ... If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors. ...

ADDITIONAL SUBCONTRACTOR NAMES* (Legal name of company as registered with the Secretary of State)	Name of city where company home office is located

*Attach additional sheets as needed for submission of all additional subcontractors.

SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-2	
By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:	
All additional subcontractors listed on Attachment A-2 have verified through a signed statement under oath by an owner or officer that they meet the minimum criteria to be a responsible contractor as defined in Minn. Stat. § 16C.285.	
Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

SCHEDULE OF PRICES

NOTICE TO BIDDERS

Particular note should be made in regard to the clarity of numerals (figures) and to the procedure for alterations and the required certificate as directed by Section 1301.

The following abbreviations may be used in item description and unit of measure in the Schedule of Prices.

A	Arch	JA	Jacked
A-S	Antiseepage	LIN FT	Linear Feet
AB	Asbestos Bonded	LG	Long
ACT	Actuated	MAINT	Maintenance
AGG	Aggregate	MATL	Material
ALUM	Aluminum	MGM	1000 Board Feet
ASB	Asbestos	MET	Metal
ASPH	Asphaltic	MOD	Modification
ASSY	Assemblies	MPA	Metal Pipe Arch
B+B	Balled & Burlapped	MTD	Mounted
BC	Bituminous Coated	NON MET	Non Metallic
BIT	Bituminous	NON PERF	Non-Perforated
BLDG	Building	NON REINF	Non-Reinforced
BR	Bridge	OH	Overhead
CAL	Caliper	P-A	Pipe-Arch
CB	Catch Basin	PAVT	Pavement
CEM	Cement	PERF	Perforated
C and G	Curb and Gutter	PL	Plate
CI	Cast Iron	PNEUM	Pneumatic
C-I-P	Cast-in-Place	PREC	Precast
CL	Class	PREST	Prestressed
COMM	Commercial	PVC	Poly Vinyl Chloride
CONC	Concrete	RCPA	Reinforced Concrete Pipe Arch
COND	Conductor	REINF	Reinforced
CONN	Connection	RELO	Relocation
CONST	Construct	RESTOR	Restoration
CONT	Continuously	RMC	Rigid Metallic Conduit
CP	Cattle Pass	RNMC	Rigid Non Metallic Conduit
CTD	Coated	RDWY	Roadway
CU FT	Cubic Feet	S-G	Sand & Gravel
CU YD	Cubic Yard	SIG	Signal
CULV	Culvert	SPE	Special
CWT	Hundred Weight	SQ FT	Square Feet
DES	Design	SQ YD	Square Yard
DBL	Double	STA	Station
DI	Drop Inlet	STD	Standard
DIAM	Diameter	STL	Steel
DRWY	Driveway	STKPL	Stockpile
EXC	Excavation	STR	Strength
EXP	Expansion	STRUCT	Structural
FAB	Fabric	SPPA	Structural Plate Pipe Arch
FE	Fence	SYS	System
FERT	Fertilizer	T	Traffic
F+I	Furnish & Install	TBR	Timber
FOUND	Foundation	TEMP	Temporary
FT LG	Feet Long	THERMO	Thermoplastic
FURN	Furnish	TRTD	Treated
GA	Gauge	UNDERGRD	Underground
GRAN	Granular	UNTRTD	Untreated
HI	High	VAR	Variable
INP	In Place	VM	Vehicular Measure
INST	Install	WEAR	Wearing

Division S

S-1 **CONTACT INFORMATION**

SP2016-1

Direct questions about these Projects, including pre-bid questions, to Chad Magnussen.

Chad Magnussen
Lyon County Public Works
504 Fairgrounds Road
Marshall, MN 56258
507-532-8204 (office)
chadmagnussen@co.lyon.mn.us

S-2 **MISCELLANEOUS**

The contractor shall submit a complete proposal for all projects.

Base bid projects shall be as follows:

S.A.P. 042-606-011
S.A.P. 042-608-031
S.A.P. 042-609-034
S.A.P. 042-610-041
S.A.P. 042-610-043
S.A.P. 042-624-017
C.P. 17:01

Alternate A project shall be as follows:

S.A.P. 042-611-033

Lyon County reserves the right to exclude items or alternates based on project costs.

S-3 **GOVERNING SPECIFICATIONS**

The Minnesota Department of Transportation "Standard Specifications for Construction", 2016 Edition shall apply on this contract except as modified or altered in the following Special Provisions.

S-4 **COMPLIANCE WITH ZONING ORDINANCE**

All bidders shall familiarize themselves and shall comply with the County's zoning and ordinance for conditional use of land pertaining to gravel and borrow pits.

S-5 **AFFIRMATIVE ACTION RESPONSIBILITIES**

All bidders shall meet with the County's Affirmative Action requirements. If a bidder does not meet the requirements, the County reserves the right not to consider the bid.

S-6 **RESPONSIBLE CONTRACTOR**

SP2016-5

The Department cannot award a construction contract in excess of \$50,000 unless the bidder is a "responsible contractor" as defined in Minnesota Statutes §16C.285, subdivision 3.

A bidder must verify it meets the minimum criteria detailed in the law. A bidder must submit its verification electronically by completing the "Responsible Contractor" section in the "Officers and Acknowledgements" Folder within the Electronic Bid File. A company officer must certify statements in that section. Bidders only need to complete the electronic verification; DO NOT email, fax, or send paper forms to the Department. The Department will not accept emailed, faxed or other paper submissions and will only accept electronic verifications.

A bidder must obtain a verification from each subcontractor it will have a direct contractual relationship with. At the Department's request, a bidder must submit signed subcontractor verifications. A contractor or subcontractor must obtain an annual verification from each motor carrier it has a direct contractual relationship with. A motor carrier must give immediate written notice if it no longer meets the minimum responsible contractor criteria. The requirement for subcontractor verifications does not apply to:

- Design professionals licensed under Minnesota Statutes §326.06; and
- A business or person that supplies materials, equipment, or supplies to a subcontractor on the Project, including performing delivering and unloading services in connection with the supply of materials, equipment, and supplies. But, a business or person must submit a verification if it delivers mineral aggregate such as sand, gravel, or stone that will be incorporated into the Work by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

A bidder or subcontractor who does not meet the minimum criteria specified in the statute, or who fails to verify compliance with the criteria, is not a "responsible contractor" and is ineligible to be awarded the Contract for this Project or to work on this Project. Submitting a false verification makes the bidder or subcontractor ineligible to be awarded a construction contract for this Project. Additionally, submitting a false statement may lead to contract termination. If only one bidder submits a bid, the Department may, but is not required to, award a contract even if that bidder does not meet the minimum criteria.

S-7 COMPLIANCE WITH TAX LAW REQUIREMENTS

SP2016-6

The Department cannot make final payment to the Contractor until the Contractor demonstrates that it and all its subcontractors have complied with the Income Tax withholding requirements of Minnesota Statutes, section 290.92 for wages paid for work performed under the contract. To establish compliance, the Contractor must submit a "Contractor Affidavit" either online or in paper form (IC134) to the Minnesota Department of Revenue. The contractor will receive written certification of compliance when the Department of Revenue determines that all withholding tax returns have been filed and all withholding taxes attributable to the work performed on the contract have been paid. The Contractor must then provide this written certification to the Department to receive final payment.

Every subcontractor working on the Project must submit an approved "Contractor Affidavit" from the Minnesota Department of Revenue to the Contractor before the Contractor can file its own Contractor Affidavit. **The Contractor is advised to obtain the certification from each subcontractor as soon as the subcontractor completes work on the Project. Experience has shown that waiting until the project is complete to obtain the forms from all subcontractors is likely to result in significant additional work for the Contractor as it will be difficult or impossible to collect all forms.**

The Department of Revenue, in association with the Department of Employment and Economic Development, offers a free seminar to help contractors understand tax law requirements. The Department strongly urges the Contractor and all subcontractors to attend the "Employment Taxes & Employer Responsibilities Seminar" or similarly offered classes. You can find a schedule and more information on the Department's website at: www.revenue.state.mn.us/businesses/withholding/Pages/EducationandOutreach.aspx.

Complying with this requirement is considered part of the Work under this contract. The Department will enforce this requirement equally with all other Contract requirements. Contractor delay in complying with this requirement will cause the Department to delay final payment and Contract Acceptance. The Department may also report non-compliance to the Department of Revenue, which may result in enforcement action by the Department of Revenue.

S-8 **(1103) DEFINITIONS**

NEW WRITEUP 03/01/16

SP2016-14.1

The provisions of MnDOT 1103 are supplemented as follows:

S-8.1 The following definition is added to MnDOT 1103:

Unit Day. 12:00 AM to 11:59 PM (0000-2359) or any portion thereof.

S-9 **(1203) ACCESS TO PROPOSAL PACKAGE**

MnDOT 1203 is hereby deleted from the MnDOT Standard Specifications.

S-10 **(1206) PREPARATION OF PROPOSAL**

The provisions of MnDOT 1206 are supplemented and/or modified with the following:

S-10.1 MnDOT 1206.1 is hereby deleted from the MnDOT Standard Specifications.

S-10.2 MnDOT 1206.2 is hereby deleted from the MnDOT Standard Specifications and replaced with the following:

1206.2 ALLOWABLE SUBSTITUTIONS

For all Proposals the Bidder shall use the following method:

- (1) Submit a Proposal on the Bid Schedule forms provided by the Department. The Bidder shall:
- (1.1) Submit a Unit Price in numeric figures for each Pay Item for which a quantity is shown. Assume a numeric quantity of "1" for each "Lump Sum" Pay Item, except as not required in the case of alternate Pay Items,
- (1.2) Show the extensions resulting from Unit Prices multiplied by the shown quantities in the specified column, and
- (1.3) Add the extended Pay Item amounts to show the total amount of the Proposal.

The Bidder shall write the figures in ink or provide typed or computer printed figures. In the case of a discrepancy between a Unit Price and extension in a Proposal, the Unit Price will govern.

If a Bidder fails to provide a Unit Price for any Pay Item on the Bid Schedule, except for "Lump Sum" Pay Items, the Department will reject the Proposal.

If a Pay Item in the Proposal requires the Bidder to choose an alternate Pay Item, the Bidder shall indicate its choice in accordance with the Specifications for that Pay Item.

An authorized representative of the Bidder must sign the Proposal.

S-11 **(1209) DELIVERY OF PROPOSALS**

The provisions of MnDOT 1209 are modified with the following:

When submitting a Proposal in accordance with 1206.2, "Allowable Substitutions," of these Special Provisions, the Bidder shall deliver the Proposal and the Proposal Guaranty in a sealed envelope. The Bidder shall mark the sealed envelope with the name of the Bidder, the Project number, and the letting date. The Bidder shall deliver the sealed envelope to the Department as specified in the Advertisement for Bids as follows:

- (1) To the address specified,
- (2) In care of the official receiving the Proposals, and
- (3) By the date and time for opening Proposals.

The Bidder shall return paper copies of the following with the submitted Proposal:

- (1) Proposal title sheet;
- (2) The complete "Schedule of Prices," with all changes made in ink and initialed;
- (3) Form 21126D, "Proposal Signature Page" attached to the back of the Proposal, with signatures and all Addenda acknowledged;
- (4) Form CM 32-34, "EEO Clause;"
- (5) Non-collusion affidavit; and
- (6) Any other forms included in the Proposal Package.

If the Department receives a Proposal after the date and time for opening Proposals, the Department will return the Proposal to the Bidder unopened.

S-12 **(1210) REVISION OF PROPOSAL PACKAGE OR WITHDRAWAL OF PROPOSALS**

The provisions of MnDOT 1210 are deleted and replaced with the following:

When submitting a Proposal in accordance with 1206.2, "Allowable Substitutions," of these Special Provisions, the Bidder may revise or withdraw its Proposal after delivery to the Department if the Department receives the Bidder's written request for withdrawal or revision before the date and time for opening Proposals.

The Department reserves the right to revise the Proposal Package at any time before the date and time for opening Proposals. The Department will issue a numbered and dated Addendum for any revision of the Proposal Package. The Department will post each Addendum as announced in an e-mail or other method of notification to each Bidder on the Department's list of Bidders.

The Department will include each Addendum with all Proposal Forms issued to the Bidder after the date of the Addendum.

If revisions made by an Addendum require change to Proposals or reconsideration by the Bidder, the Department may postpone opening Proposals. If the Department postpones opening Proposals, the Department will specify the new date and time for opening Proposals in the Addendum.

The Bidder shall acknowledge receipt of each Addendum in the proposal.

S-13 **(1212) OPENING OF PROPOSALS**

The provisions of MnDOT 1212 are modified with the following:

S-13.1 MnDOT 1212 is hereby deleted from the MnDOT Standard Specifications and replaced with the following:

1212 OPENING OF PROPOSALS

The Department will open Proposals at the time, date, and place defined in the Proposal Package and the Advertisement for Bids.

S-14 **(1505) COOPERATION BY CONTRACTORS**

SP2016-19

The provisions of MnDOT 1505 are supplemented as follows:

S-14.1 A separate contract for S.A.P. 042-610-038 is currently in progress near this Project.

S-14.2 The Contractor shall coordinate work and cooperate with the holders of those current and future separate contracts, as required by MnDOT 1505.

S-15 **(1507) UTILITY PROPERTY AND SERVICE**

SP2016-21

S-15.1 All utilities related to this Project are classified as "Level D," unless the Plans specifically state otherwise. This utility quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data."

S-15.2 No compensation will be made for additional costs incurred by the Contractor for any Special work or Special construction method necessary to prosecute work over, below or adjacent to utility property whose existence was indicated in the plans or Special Provisions.

S-15.3 The Contractor will be required to work around all utility poles, whether or not they have been moved or lowered. Where poles have been moved or lowered, prior to grading operations, a mound of earth shall be left around each pole of sufficient size to ensure its stability. Where such poles are moved or lowered before all grading on the project is otherwise completed, the Contractor shall remove any mounds of earth which may have been left. No compensation in addition to the contract price for Common Excavation will be made for this work.

S-15.4 It will be the Contractor's responsibility to contact the owners of all utilities in any area prior to the construction in the area so that the Contractor can be informed of the exact locations of all the utilities in the area including any that are not shown in the plans. It will also be the Contractor's responsibility to: (1) report any existing damage or faulty condition (i.e. sand in manholes, damaged valve boxes, etc.) to the owners prior to construction, as once excavation has commenced it will be assumed that all damage to underground installations has been caused by the Contractor's operations and it will be his responsibility to make the necessary repairs; and (2) upon completion of the project, contact all utility owners and make arrangements for a field inspection trip by his representative and representatives of the utility owners to confirm that all damages caused by the Contractor's operations have been repaired to the satisfaction of the owners.

S-16 **(1601)SOURCE OF SUPPLY & QUALITY**

The provisions of MnDOT 1601 are supplemented as follows:

In conformance with the provisions of Minnesota Laws 2014, Chapter 294, Article 2, Section 22, the Contractor will furnish and use only steel and iron materials to the maximum extent practicable that have been melted and manufactured in the United States. Foreign source materials are any domestic products taken out of the United States for any process (e.g. change of chemical content, permanent shape or size, or final finish of product).

All bids must be based, to the maximum extent practicable, on furnishing domestic iron and steel, which includes the application of the coating. The state may approve the use of foreign iron and steel materials for particular Contract items, provided the bidder submits a stipulation identifying the foreign source iron and/or steel product(s) and the estimated invoice cost of the product(s) for one or more of the Contract bid items. The Contractor shall submit a "Stipulation for Foreign Iron or Steel Materials" form for each stipulation with the Contractor's proposal. **If the Contractor chooses to use ANY non-domestic iron or steel, the Contractor must submit a stipulation with the proposal.**

Prior to performing work, the Contractor shall submit to the Engineer a certification stating that all iron and steel items supplied are of domestic origin, except for non-domestic iron and steel specifically stipulated and permitted in accordance with the paragraph above.

Source of Supply and Quality: MnDOT 1604 is supplemented as follows: All costs of shop inspection at plants outside the United States shall be borne by the Contractor. Monies due or to become due the Contractor will be reduced according to these costs.

Partial Payment: All provisions for partial payments shall apply to domestic materials only. The Contractor will not receive payment for materials manufactured outside of the United States until such materials are delivered to the job site.

S-17 **(1701) LAWS TO BE OBSERVED (WET LANDS)**

SP2016-31

The provisions of MnDOT 1701 are modified and/or supplemented with the following:

S-17.1 If the Contractor operations involve the excavation and/or disposal of material off MnDOT Right of Way, the Contractor is advised of the following:

MN Statutes Sections 103G.2212 and 103G.241 stipulate that an agent or employee of another may not:

- 1) drain, excavate, or fill a wetland, wholly or partially; or
- 2) construct, reconstruct, remove, or make any change in any reservoir, dam, or the course, current, or cross-section of any public water

unless a signed statement from the property owner is obtained stating that any permit or wetland replacement plan required for the work is in place, or that a permit or replacement plan is not required; **AND** this statement is mailed to the appropriate office with jurisdiction over the wetland or public water prior to initiating the work.

The "Landowner Statement and Contractor Responsibility For Work in Wetlands or Public Waters" can be found at http://www.bwsr.state.mn.us/wetlands/forms/Contractor_Responsibility.doc . The Contractor shall provide the Engineer with a copy of the completed "Landowner Statement and Contractor Responsibility for Work in Wetlands or Public Waters" for the excavation and/or disposal site prior to initiating the work.

S-18 (1712) PROTECTION AND RESTORATION OF PROPERTY

The provisions of MnDOT 1712 is hereby supplemented by the following:

S-18.1 The county shall not be held responsible for damages done by the contractor to property located below the ground within the Right of Way or Construction Easements, even though the existence of such property is not shown on the plans, indicated in the Special Provisions or otherwise brought to his attention before damage is done.

S-19 (1714) RESPONSIBILITY FOR DAMAGE CLAIMS; INSURANCE

The provisions of MnDOT 1714 are modified as follows:

S-19.1 MnDOT 1714.3A is deleted and replaced with the following

A Minimum Limits of Liability

The contractor shall provide the following minimum limits of liability:

- (1) \$2,000,000 – Per occurrence,
- (2) \$3,000,000 – Annual aggregate,
- (3) \$3,000,000 – Annual aggregate applying to Products and Complete Operations,
- (4) \$50,000 – Fire damages, and
- (5) \$5,000 – Medical expense (and one person per occurrence).

The liability limits specified above are the minimum limits required, and any and all additional limits provided to the Contractor will be available on an excess, umbrella or other basis to the Additional Insured for any and all covered claims.

S-20 (1717) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

Pollution of natural resources of air, land and water by operations under this Contract shall be prevented, controlled, and abated in accordance with the rules, regulations, and standards adopted and established by the Minnesota Pollution Control Agency (M.P.C.A.), and in accordance with the provisions of Mn/DOT 1717, these Special Provisions, and the following:

S-20.1 By signing the Proposal and completing the NPDES permit application, the Contractor is a co-permitee with the County/City to ensure compliance with the terms and conditions of the General Storm Water Permit (MN R100001) and is responsible for those portions of the permit where the operator is referenced. This Permit establishes conditions for discharging storm water to waters of the State from construction activities that disturb 0.4

hectares [1 acre] or more of total land area. A copy of the "General Permit Authorization to Discharge Storm Water Associated with a Construction Activity Under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System Permit Program" is available at:

<http://www.pca.state.mn.us/index.php/view-document.html?gid=18984>

The Contractor shall apply and pay for the NPDES Permit on this Project. Payment for the application shall be incidental to the Contract and no direct compensation will be made. Lyon County will provide the Contractor with the application form with Sections 1 thru 3 and 5 thru 14 completed, as part of the Contract document package. The Contractor shall fill out the Contractor's portion (Section 4 and section 15), complete the application process, and post the Permit and MPCA's letter of coverage onsite.

A NPDES Permit declaration form will be sent to the Contractor with the Contract award packet. A copy of the signed permit application and a signed Permit Declaration form must be returned with the Contract and bond. Submittal of the copy of the signed permit application and Permit Declaration is mandatory for Contract approval. No work which disturbs soil and/or work in waters of the state will be allowed on this Project until the NPDES Permit is in effect and the department has received the required documentation.

S-20.2 The Contractor shall be solely responsible for complying with the requirements listed in Part II.B and Part IV of the General Permit.

The Contractor shall be responsible for providing all inspections, documentation, record keeping, maintenance, remedial actions, and repairs required by the permit. All inspections, maintenance, and records required in the General Permit Paragraph IV.E, shall be the sole responsibility of the Contractor. The word "Permittee" in these referenced paragraphs shall mean "Contractor". Standard forms for logging all required inspection and maintenance activities shall be used by the Contractor. All inspection and maintenance forms used on this Project shall be turned over to the Engineer every two weeks for retention in accordance with the permit.

The Contractor shall have all logs, documentation, inspection reports on site for the Engineer's review and shall post the permit and MPCA's letter of coverage on site. The meetings with the MPCA, Watershed District, WMO, or any local authority shall be attended by both the Engineer and the contractor or their representatives. No work required by said entities, and for which the Contractor would request additional compensation from Lyon County, shall be started without approval from the Engineer. No work required by said entities and for which the changes will impact the design or requirements of the Contract documents or impact traffic shall be started without approval from the Engineer.

The Contractor shall immediately notify the Engineer of any site visits by Local Permitting Authorities performed in accordance with Part V.H.

S-20.3 Emergency Best Management Practices must be enacted to help minimize turbidity of surface waters and relieve runoff from extreme weather events. It is required to notify the MPCA Regional contact person within 2 days of an uncontrolled storm water release. The names and phone numbers of the MPCA Regional Contact personnel can be found at: <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. The Contractor is reminded that during emergency situations involving uncontrolled storm water releases that the State Duty Office must be contacted immediately at 1-800-422-0798 or 1-651-649-5451.

S-20.4 The Contractor shall review and abide by the instructions contained in the permit package. The contractor shall hold Lyon County harmless for any fines or sanctions caused by the contractor's actions or inactions regarding compliance with the permit or erosion control provisions of the Contract Documents.

The Contractor is advised that Section 1 of the NPDES application form makes reference to a Storm Water Pollution Prevention Plan (SWPPP). This Project's SWPPP is addressed throughout Mn/DOT's Standard Specifications for Construction, as well as this Project's Plan and these Special Provisions. The following table identifies NPDES permit requirements and cross-references where this Contract addresses each requirement.

NPDES Permit Requirements Cross-Reference within this Contract

NPDES Permit Requirements	Cross-Reference within this Contract
Obtain NPDES Permit; Permit Compliance; Submit Notice of Termination	MnDOT 1701, 1702; and 1717 Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit)
Certified Personnel in Erosion / Sediment Control Site Management Develop a Chain of Command	MnDOT 1506, 1717, and 2573; Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit)
Project / Weekly Schedule (for Erosion / Sediment Control) Completing Inspection / Maintenance Log / Records	MnDOT 1717 and 2573; Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit); and
Project Specific Construction Staging	The Plans; MnDOT 1717; Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit); and 1806 (Determination and Extension of Contract Time)
Temporary Erosion / Sediment Control	The Plans; MnDOT 2573, 2574 and 2575
Maintenance of Devices / Sediment removal Removal or Tracked Sediment Removal of Devices	The Plans; MnDOT 1717 and 2573; Special Provisions: 1514 (Maintenance During Construction), and 1717 (National Pollutant Discharge Elimination System (NPDES) Permit)
Dewatering	MnDOT 2105.3C and 2451.3C; May also require DNR Permit
Temporary work not shown in the Plans Grading areas (unfinished acres exposed to erosion)	MnDOT 1717, 2573, and 2575; Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit)
Permanent Erosion / Sediment Control and Turf Establishment	The Plans; MnDOT 1717, 2573, 2574, and 2575; Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit)

S-21 (1801) SUBLETTING OF CONTRACT

SP2016-44

The provisions of MnDOT 1801 are modified as follows:

S-21.1 For Projects in excess of \$50,000, the Contractor may sublet work only to subcontractors that meet the definition of “responsible contractor” in Minnesota Statutes §16C.285, subdivision 3. The Contractor shall obtain verifications of compliance with §16C.285 from subcontractors using a form provided by the Department. The Contractor must provide such verifications to the Department upon the Department’s request.

S-21.2 The third paragraph of MnDOT 1801 is modified to read:

On Contracts with Disadvantaged Business Enterprise (DBE), Targeted Group Business (TGB) or Veteran-Owned Small Business (VET) established goals, or any combination thereof, the Contractor's organization shall perform Work amounting to not less than 30 percent of the total original Contract Amount. The Department will deduct specialty items from the total original Contract Amount before calculating the amount of Work that the Contractor shall perform.

S-22 **(1806) DETERMINATION AND EXTENSION OF CONTRACT TIME**

REVISED 09/25/15

SP2016-50

The Department will determine Contract Time in accordance with the provisions of MnDOT 1806 and the following:

S-22.1 Contractor must complete all work required under this Contract, except maintenance work and Final Clean Up, on or before **September, 16th 2017**.

S-23 **(1901) MEASUREMENT OF QUANTITIES**

The provisions of Mn/DOT 1901 are supplemented by the following:

S-23.1 **All quantities paid by the “ton” shall be weighed using a certified platform scale.** Automated Weighing Device shall be integrated with a ticket printer. The ticket shall contain the date, project number, pay item number, truck or tractor and trailer identification, truck tare and net mass (weight). The contractor shall provide the truck driver with a copy of the weigh ticket. The truck driver shall provide the ticket to the inspector on the project.

S-24 **(1903) COMPENSATION FOR ALTERED QUANTITIES**

The provisions of Mn/DOT 1903 is deleted and replaced with the following:

S-24.1 Lyon County reserves the right to increase or decrease the quantities of any item without adjustment in the contract unit prices and the provisions of 1903 shall not apply.

S-25 **(1905) COMPENSATION FOR ELIMINATED ITEMS**

The provisions of Mn/DOT 1905 is deleted and replaced with the following:

S-25.1 Lyon County reserves the right to delete any item without adjustment in the contract unit prices and the provisions of 1905 shall not apply.

S-26 **(1906) PARTIAL PAYMENTS**

Partial payments will be made in accordance with the provisions of Mn/DOT 1906, except as modified below:

S-26.1 **Payment for materials on hand will not be made under this contract.**

S-26.2 From the amounts ascertained as payable on each partial estimate, five (5) percent will be retained to protect the Department’s interests.

S-26.3 Partial payments will be made out the first week of the month for work completed in the previous month.

S-27 **(2051) MAINTENANCE AND RESTORATION OF HAUL ROADS**

REVISED 11/20/15

SP2016-65

The provisions of MnDOT 2051 are supplemented by the following:

S-27.1 In addition to the amount the Contractor bids for Item 2051.501 (Maintenance and Restoration of Haul Roads), the State agrees to reimburse the Contractor at the predetermined unit prices set forth below for materials ordered by the Engineer. All materials ordered by the Engineer for the Maintenance and Restoration of haul roads will be measured as set forth in the applicable section of the Standard Specifications.

Each of the following materials measured as provided above, will be paid for at the following predetermined unit prices:

2118.501	Aggregate Surfacing Class 1	\$7.00/ton [\$7.72/t]
2130.501	Water	\$10.00/1000 gal. [\$2.50/m ³]
2131.502	Calcium Chloride Solution	\$0.50/gal. [\$0.14/liter]
2211.501	Aggregate Base Class 5	\$7.00/ton [\$7.72/t]
2360.501	Type SP 12.5 Wearing Course Mixture (4, B)	\$27.95/ton [\$30.81/t]
2231.501	Bituminous Patching Mixture	\$47.00/ton [\$51.70/t]

Crushing will not be required in the production of Class 1 material.

The above prices will be considered to be compensation in full for furnishing and providing the materials complete in place, including, but not limited to, royalty, waste, equipment rental, labor, overhead, profit, and incidentals. When materials other than those listed above are ordered by the Engineer, they will be paid for as extra work in accordance with MnDOT 1402.5, with **the Contractor and the Department sharing equally in the costs**. Separate payment will not be made for costs of blading and reshaping necessary for the maintenance and restoration of haul roads. The cost of such work shall be incidental.

The above shall be performed to restore visible damage.

S-28 **(2211) AGGREGATE BASE CLASS 5 MOD**

Aggregate base courses shall be constructed in accordance with the provisions of MnDOT 2211 except as modified below:

S-28.1 Compaction shall be achieved by the “Quality Compaction Method” described in MnDot 2211.3D2.

S-28.2 **Aggregate Base Class 5 MOD (2211.501) is modified so 6%-12% shall pass the #200 sieve.**

S-29 **(2221) SHOULDER BASE CLASS 5 MOD**

Aggregate base courses shall be constructed in accordance with the provisions of MnDOT 2221 except as modified below:

S-29.1 Compaction shall be achieved by the “Quality Compaction Method” described in MnDot 2211.3D2.

S-29.2 **Shoulder Base Aggregate Class 5 MOD (2221.501) is modified so 6%-12% shall pass the #200 sieve.**

S-30 **(2232) MILL BITUMINOUS SURFACE (2.0”)**

The provisions of MnDOT 2232 are supplemented as follows:

S-30.1 **The contractor is required to submit a load rating for the milling machine and truck combination prior to milling bridge 42520 (S.A.P. 042-611-033) and bridge 42522 (S.A.P. 042-609-034). Light weight milling machines may be used if approved by the engineer.**

- Bridge 42520: 32 tons –Single Unit Truck (Type M3 and SHV’s)**
 40 tons – Truck & Trailer Combination (Type M3S2 & M3-3)
- Bridge 42522: 40 tons –Single Unit Truck (Type M3 and SHV’s)**
 40 tons – Truck & Trailer Combination (Type M3S2 & M3-

S-31 (2357) BITUMINOUS TACK COAT

REVISED 04/08/16

SP2016-134

MnDOT 2357 is hereby modified as follows:

S-31.1 Delete MnDOT 2357.3H Acceptance of Tack Material and replace with:

H Acceptance of Tack Material

The Engineer will address failures related to 3151, “Bituminous Material,” or deficiencies related to workmanship or application, in accordance with 1512, “Unacceptable and Unauthorized Work.” The basis of measurement for tack failures or deficiencies is the full width of the lane by station. The Engineer may deduct up to 5% of the mixture Unit Price for failures related to 3151.

S-31.2 Delete MnDOT 2357.5 Basis of Payment and replace with:

2357.5 BASIS OF PAYMENT

All costs of furnishing and applying bituminous tack coat material will be incidental.

S-32 (2360) PLANT MIXED ASPHALT PAVEMENT (MSCR)

REVISED 08/04/16

SP2016-137.1

MnDOT 2360 is modified and/or supplemented with the following:

S-32.1 Delete MnDOT Table 2360-2 and replace with:

Table 2360-2 PG Asphalt Grades MSCR	
Letter	PG Grade MSCR
A	PG 52S – 34
B	PG 58S – 28
C	PG 58H – 34
E	PG 58H – 28
F	PG 58V – 34
H	PG 58V – 28
I	PG 58E – 34
L	PG 64S – 22
M	PG 49S – 34

S-32.2 Delete MnDOT 2360.2.E.7 and replace with:

E.7 Minimum Ratio of Added Asphalt Binder to Total Asphalt Binder

Control recycled materials used in mixture by evaluating the ratio of new added asphalt binder to total asphalt binder as show in Table 2360-8.

Table 2360-8			
Requirements for Ratio of Added New Asphalt Binder to Total Asphalt Binder¹			
min%:			
Specified Asphalt Grade ²	Recycled Material		
	RAS Only	RAS + RAP	RAP Only
PG 58X ³ -28, PG 52S-34, PG 49-34, PG 64S-22	70	70	70
Wear	70	70	65
Non-Wear			
PG 58X ³ -34			
Wear & Non-Wear	80	80	80

¹ The ratio of added new asphalt binder to total asphalt binder is calculated as (added binder/total binder) x 100
² The Contractor can elect to use a blending chart to verify compliance with the specified binder grade. The Department may take production samples to ensure the asphalt binder material meets the requirements. The blending chart is on the Bituminous Office Website.
³ X=S,H,V,E

S-32.3 Mix Designation Numbers for the bituminous mixtures on this Project are as follows:

Type SP12.5 Wearing Course	SPWEB340C (0% RAP)
Type SP12.5 Non-Wearing Course	SPNWB330C (0% RAP)
Type SP12.5 Wearing Course	SPWEB340B
Type SP4.75 Wearing Course	SPWED340B
Type SP9.5 Wearing Course	SPWEA340B

S-32.4 Asphalt binder meeting AASHTO M332 (MSCR) is required. See Section S-3151 (BITUMINOUS MATERIAL (MSCR)) of these Special Provisions.

S-32.5 Evaluate pavement smoothness requirements using equation HMA-A (3 of more lifts), HMA-B (2 lifts), or HMA-C (1 lift) based on the number of pavement lifts placed as specified in MnDOT 2399.3D.

The provisions of MnDOT 2360 is modified with the following:

S-32.6 Mix designations SPWEB340C, SPNWB330C, and any other mix designations with Standard Binder Grade “C” (PG 58-34) shall contain 0% Recycled Material (RAP).

S-33 (2360) THINLAY ASPHALT MIXTURE

REVISED 08/10/16

Modify MnDOT 2360, “Plant Mixed Asphalt Pavement” as follows.

Provisions to be used on mix designations Type SP4.75 Wearing Course Mixture

S-33.1 Replace MnDOT 2360.1, “DESCRIPTION” with:

2360.1 DESCRIPTION

This work consists of constructing a fine-graded thin lift mixture placed on a prepared surface in accordance with these specifications.

Construct the Thinlay mixture to the lines, grades, thicknesses, and typical cross-sections shown on the plans or established by the Engineer.

S-33.2 Mix Designation Numbers for the bituminous mixtures on this Project are as follows:
 Type SP __ Wearing Course SPWE __ 40 __

S-33.3 Replace MnDOT Table 2360-7 “Mixture Requirements” with:

Table 2360-7 Thinlay Mixture Requirements		
Traffic Level	2	3
20 year design ESALs	<1 million	1-3 million
Gyratory Mixture Requirements:		
Gyrations for Ndesign	50	50
Air voids at Ndesign	4.0	4.0
Adjusted Asphalt Film Thickness, minimum μ	8.5	8.5
TSR*, minimum %	75	75
Fines/effective asphalt	0.6-1.2	0.6-1.2
* Use 6 in [150 mm] specimens in accordance with 2360.2.I, “Field Tensile Strength Ratio (TSR).”		
† MnDOT minimum = 70		

S-33.4 Add the following paragraph to MnDOT 2360.3.A.4, “Weather Limitations and Paving Date”:

The pavement surface temperature and ambient air temperature shall be at least 60 °F. A damp pavement is acceptable, if it is free of standing water and favorable weather conditions are expected.

S-33.5 Delete MnDOT 2360.3.D.1, “Maximum Density” use MnDOT 2360.3.D.2, “Ordinary Compaction”.

S-33.6 Replace MnDOT Table 2360-26*, “Minimum Temperature Control” with the following:

Thinlay Minimum Temperature Control	
Air Temperature °F	Minimum Laydown Temperature °F
60 – 70	265
71 – 80	255
>= 81	250

S-33.7 Replace MnDOT Table 2360-27, “Surface Requirements” with:

Table 2360-27 Surface Requirements		
Course/Location	Description	Tolerance
Wear	Tolerance of final lift from the edge of a 10 foot [3 m] straightedge laid parallel to or at right angles to the centerline.	¼ in [6 mm]
Transverse joints/construction joints	Tolerance from the edge of a 10 foot [3 m] straightedge centered longitudinally across the transverse joint. Correction by diamond grinding required when directed by the Engineer.	¼ in [6 mm]
Transverse Slope	Tolerance for surface of each lift exclusive of final shoulder wear.	Not to vary by more than 0.4 % from plans.
Distance from edge of each lift and established centerline.	No less than the plan distance or more than 3 inches [75 mm] greater than the plan distance. The edge alignment of the wearing lift on tangent sections and on curve sections of 3 degrees or less can't deviate from the established alignment by more than 1 inch [25 mm] in any 25 foot [7.5 m] section.	See Description

Final wear adjacent to concrete pavements.	After compaction the final lift wear adjacent to concrete pavements must be slightly higher but not to exceed 1/4" [6mm] than the concrete surface.	See Description
Final wear adjacent to fixed structures.	After compaction the final lift wear adjacent to gutters, manholes, pavement headers, or other fixed structures must be slightly higher but not to exceed 1/4" [6mm] than the surface of the structure.	See Description
Finished surface	Must be free of segregated and open and torn sections and deleterious material. *Excluding tight blade and scratch courses. No Flushing or "fat" spots	See Description

S-33.8 Delete the 3rd paragraph in MnDOT 2360.3.E.

S-33.9 Replace MnDOT 2360.3.E.1, "Lift Thickness" with the following:

E.1 Lift Thickness

After compaction, the thickness of each lift shall be within a tolerance of 1/4 in of the thickness shown on the plans.

S-33.10 Replace MnDOT 2360.4, "Method of Measurement" with:

2360.4 METHOD OF MEASUREMENT

When paying for material by weight, the Engineer will measure separately asphalt mixture of each type by weight based on the total quantity of material hauled from the mixing plant. The Engineer will not make deductions for the asphalt materials.

S-1.11 Replace MnDOT 2360.5, "Basis of Payment" with:

2360.5 BASIS OF PAYMENT

The contract unit price for asphalt mixture used in each course includes the cost of constructing the asphalt surfacing and providing and incorporating asphalt binder, mineral filler, hydrated lime. Anti-stripping additives may be permitted or required as indicated in 2360.2.C.

The Department will pay for additives required by the contract at the relevant contract unit price for the mixture. The Department will pay for additives incorporated as directed by the Engineer as extra work in accordance with 1403, "Extra Work."

If the plans do not show a contract pay item for shoulder surfacing and other special construction, the Department will include payment for the quantities of material used for these purposes in the payment for the wearing course materials.

Complete yield checks and monitor thickness determinations to construct the work as shown on the plans. Use the Wear tolerances for lift thickness (1/4 in) in accordance with 2360.3.E, "Surface Requirements" for occasional variations and not for continuous over-running or under-running, unless otherwise required by the Engineer.

The contract unit price for asphalt mixture production includes the cost of the material and loading onto Department-provided trucks at the mixing plant.

The Department will pay for plant mixed asphalt pavement on the basis of the following schedule:

Item No.:	Item:	Unit:
2360.501	Type SP* Wearing Course Mixture (Special)†‡	ton [metric ton]

* Aggregate size Designation, 4.75 or 9.5 as appropriate.

† Traffic level in accordance with Table 2360-1, "Traffic Levels."

‡ AC binder grade designation (Table 2360-2).

S-34 **(3139) GRADED AGGREGATE FOR THINLAY ASPHALT MIXTURE**

NEW WRITE-UP 08/10/16

The provisions of MnDOT 3139 are modified with the following:

Provisions to be used on mix designations Type SP4.75 Wearing Course Mixture

S-34.1 Replace Table 3139-2, “Aggregate Gradation Broad Bands (percent passing of total washed gradation)” with the following:

Sieve Size, inch (mm)	A modified % Passing	D % Passing
1" (25.0)	-	-
¾" (19.0)	-	-
½" (12.5)	100*	-
3/8" (9.5)	95 – 100	100*
#4 (4.75)	70 – 95	65-95
#8 (2.36)	45 – 80	45-80
#200 (0.075)	2.0 – 7.0	3.0-8.0

*The Contractor may reduce the gradation broadband for the maximum aggregate size to 97 percent passing for mixtures containing RAP, if the oversize material originates from the RAP source. Ensure the virgin material meets the requirement of 100 percent passing the maximum aggregate sieve size. Oversize material shall be no larger than the lift thickness to prevent aggregate dragging behind the screed.

S-34.2 Replace MnDOT Table 3139-3, “Mixture Aggregate Requirements” with the following:

Aggregate Property	Traffic Level 2	Traffic Level 3
Min. Coarse Aggregate Angularity (ASTM D5821) (one face), %-	55	55
Min. Fine Aggregate Angularity (FAA) (AASHTO T304, Method A) %-	42	44
Max. Total Spall in fraction retained on the #4 [4.75mm] sieve --	1.0	1.0
Maximum Spall Content in Total Sample	1.0	1.0
Maximum Percent Lumps in fraction retained on the #4 [4.75mm] sieve	0.5	0.5
Class B Carbonate Restrictions	100% Allowed	100% Allowed
RAP must be processed to -1/2" or -3/8" for aggregate gradation A or D, respectively, except as noted above*.		

S-35 **(3151) BITUMINOUS MATERIAL (MSCR)**

NEW WRITEUP 01/15/16

SP2016-253.1

MnDOT 3151 is modified as follows:

S-35.1 Replace MnDOT 3151.2.A with the following:

A Asphalt Binder

Only use Performance Graded (PG) Asphalt Binder meeting the requirements of AASHTO M 332, Table 3151-1A, and the Combined State Binder Group Method of Acceptance for Asphalt Binder, available on the Asphalt Products page of the Approved/Qualified Products List.

Table 3151-1A Multi Stress Creep Recovery (MSCR) Test Requirements				
Grade*	Binder Code for 2360 Mix Design	Jnr@3.2kPa, maximum	%R @ 3.2kPa, min.**	Jnr Difference, max***
PG 58S-28	B	4.5	N/A	75 %
PG 58H-28	E	2.0	30 %	75 %
PG 58V-28	H	1.0	55 %	75 %
PG58E-28		0.5	75 %	N/A
PG58S-34		4.5	N/A	75 %
PG58H-34	C	2.0	30 %	75 %
PG58V-34	F	1.0	55 %	75 %
PG58E-34	I	0.5	75 %	N/A
PG49S-34	M	4.5	N/A	75 %
PG52S-34	A	4.5	N/A	75 %
PG64S-22	L	4.5	N/A	75 %

* LTPP Bind temperature for Minnesota is 58°C for the high PG Binder Grade temperature. The bottom three grades are special use binders and are to be tested at the high temperature indicated by the grade (example: PG 49S-34 is tested @ 49C).

** Use in place of Appendix X1 in AASHTO - M332.

*** Jnr Difference is waived for "E" grade binders.

Use asphalt binder supplier recommendations for mixing and compaction temperatures.

S-36 **FOB**

FOB shall be furnished at the plant site and loaded onto Lyon County trucks. The County reserves the right to obtain FOB mix as long as the plant is producing bituminous material. The County shall receive the FOB mix regardless of whether or not the plant is producing material for Lyon County contracts or other contracts.

S-37 **PAVER LAID PATCHING**

Paver laid patching shall be placed at locations determined by the engineer. All materials and labor, including bituminous tack coat shall be included in the total bid price.

Paver laid patching to be placed at the Lyon County Fairgrounds at 504 Fairgrounds Road, Marshall MN

56258

AFFIRMATIVE ACTION STATEMENT

I, we, fully intend to comply with the standards of equal employment and anti-discrimination as cited in the Civil Rights Act of 1964, as amended in 1972 by the Equal Employment Opportunity Report.

Signed: _____

Title: _____

I DO HEREBY CERTIFY THAT I AM IN COMPLIANCE
MINNESOTA STATUTES SECTION 363, AS AMENDED BY
LAWS OF 1969.

DATE _____

SIGNED _____

REPRESENTING _____

TELEPHONE NO. _____

**LYON COUNTY
DEPARTMENT OF HIGHWAYS**

"I hereby certify that I am in compliance with Minnesota Statutes Section 363 as amended by Laws of 1969, and (check one of the four below, as applicable):

- () I have a Certificate of Compliance issued by the Department of Human Rights and will provide a copy to the County.
- () I have applied for a Certificate of Compliance to the Commissioner of Human Rights, which is pending.
- () I am exempt from the EEO requirements because the value of this Contract does not exceed \$50,000.
- () I am exempt from the EEO requirements because, though the Contract value exceeds \$50,000, I have not employed more than 20 full time employees on a single working day in the twelve months previous to the letting date of this project. Attached herewith is a notarized letter on my company letterhead certifying the above to be true and specifically referencing the project numbers within this Contract.

Signature of Bidder

Position

Name of Firm

Date

This form shall **NOT** be considered sole proof of necessary compliance with Minnesota Statutes, Section 363, implementing the Rules and Regulations of the Minnesota Department of Human Rights. A Certificate of Compliance or Certified Letter must be provided to the County before any work may begin. All questions should be referred to the Minnesota Department of Human Rights, Room 60, State Office Building, St. Paul, Minnesota. Telephone 612-296-5682.

NON-COLLUSION AFFIDAVIT

The following Non-Collusion Affidavit shall be executed by the bidder:

State Project No. _____

Federal Project No. _____

State of Minnesota _____)

) ss

County of _____)

I, _____, do state under penalty of
(name of person signing this affidavit)

perjury under 28 U.S.C. 1746 of the laws of the United States:

(1) that I am the authorized representative of _____

(name of person, partnership or corporation submitting this proposal)

and that I have the authority to make this affidavit for and on behalf of said bidder;

(2) that, in connection with this proposal, the said bidder has not either directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding;

(3) that, to the best of my knowledge and belief, the contents of this proposal have not been communicated by the bidder or by any of his/her employees or agents to any person who is not an employee or agent of the bidder or of the surety on any bond furnished with the proposal and will not be communicated to any person who is not an employee or agent of the bidder or of said surety prior to the official opening of the proposal, and

(4) that I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed: _____

(bidder or his authorized representative)

THE SCHEDULE OF PRICES SHEETS HAVE INTENTIONALLY BEEN LEFT OUT OF THE PDF PRINT OUT OF THIS PROPOSAL. TO REQUEST THE SCHEDULE OF PRICES SHEETS, PLEASE VISIT OUR WEBSITE, WWW.LYONCO.ORG, FOR INSTRUCTIONS OR CONTACT THE LYON COUNTY HIGHWAY DEPARTMENT AT 507-532-8205. THE SCHEDULE OF PRICES SHEETS WILL BE EMAILED TO YOU FOR INSERTION INTO THE PROPOSAL TO MAKE IT COMPLETE.

Form 21126D (FF Rev. 1-09)

State Project No. S.A.P .042-606-011, 042-608-031, 042-609-034, 042-610-041, 042-610-043, 042-611-033, 04, 042-624-017, C.P. 17:01, FOB, & Paver Laid Patching

GRAND TOTAL \$ _____

The undersigned hereby acknowledges that all requirements included in the hard copy proposal, addenda, amendments, plans, standard specifications, and supplemental specifications are a part of this bid and contract.

Signed: _____

PROPOSAL GUARANTY required by 1208 of the Specifications: "A (certified check) (bond), prepared as required by 1208 of the Specifications and payable to the Lyon County Treasurer, in an amount equal to at least 5% of the total amount of the bid is submitted herewith as a proposal guaranty.

DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION: Our firm will meet a minimum goal of ____% of this contract to Disadvantaged Business Enterprises. A bidder who fails to indicate a specific goal above must fulfill the total goals indicated in the proposal.

NON-COLLUSION AFFIDAVIT: A Non-Collusion Affidavit is found in this proposal which must be signed by each bidder.

RECEIPT OF ADDENDA as required by 1210 of the Specifications:

The undersigned hereby acknowledges receipt of and has considered:

Addendum No. ____ Dated _____ Addendum No. ____ Dated _____

Addendum No. ____ Dated _____ Addendum No. ____ Dated _____

Signed: _____

EXECUTION OF PROPOSAL as required by 1206 of the Specifications:

This proposal dated the ____ day of _____, 20

Signed: _____, P.O. Address _____ as an individual.

Signed: _____, P.O. Address _____ as an individual.

doing business under the name and style of

Signed: _____, for _____ a partnership.

NAME BUSINESS ADDRESS

Signed: _____, for _____ a corporation,

incorporated under the laws of the State of Minnesota

Name of President _____ Business Address _____

Name of Vice-President _____ Business Address _____

Name of Secretary _____ Business Address _____

Name of Treasurer _____ Business Address _____

(NOTE: Signatures shall comply with 1206 of the Specifications.)