

Minnesota Trunk Highway TH 55 No. S.P. 2608-31

Class of Work Grading, Bituminous Paving and Bridge 26X03

STATE OF MINNESOTA

COUNTY OF GRANT

PROPOSAL FOR HIGHWAY CONSTRUCTION

Proposal of (Name) _____

(Address) _____

To furnish and deliver all materials and to do and perform and work, in accordance with the Contract, the Plans, and the approved Minnesota Department of Transportation "Standard Specifications for Construction", 2020 Edition" (Using English Units), and the "Supplemental Specifications" dated September 2022, on file in the office of the County Auditor, shall govern, except as modified or altered in the "Special Provisions" contained herein, for the improvement of a certain section of (Minnesota Trunk Highway) No(s). 55, Grant County, State of Minnesota, Job No. S.P. 2608-31, on which proposals will be received until 1:00 o'clock P. M., on the 24th day of September, 2024; this work being located on TH 55 over the Mustinka River 1.02 miles east of Junction CSAH 11 being approximately 1970 feet in length, as indicated in the Plans, approved July 18, 2024.

FOR SPECIAL PROVISIONS, SEE ATTACHED SHEETS

To Grant County Board of Commissioners:

According to the advertisement of Grant 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 Grant 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 and a Performance Bond each equal to the Contract Amount as required by MN Statute § 574.26, 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 Grant 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 Grant 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.

(I) (We) further propose to begin work and to prosecute said work so as to complete the same on or before September 12, 2025.

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PROJECT NO. S.P. 2608-31

GRANT COUNTY

Attached: Notice to Bidders (Advertisement for Bids)
Notice to Bidders Suspensions/Debarments
Notice to Bidders (Bid Rigging)
State Funded Only Construction Contracts Special Provisions Division A-Labor (14 pages)
Notice to Bidders (Prompt Payments to Sub-Contractors)
Wage Rates (State) (9 pages)
Notice of Certification of Truck Rental Rates (3 pages)

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Attached: Geotechnical Evaluation Report (28 pages)
MN DNR Permit and Authorization (7 pages)
MPCA NPDES Construction Stormwater Permit (20 pages)
MPCA NPDES Permit Transfer (2 pages)
Bois de Sioux Watershed District Permit (2 pages)
Plant Certification Application Form
Schedule of Materials Control 2023 Version (76 pages)
Equal Employment Opportunity (EEO) Special Provisions (22 pages)
Notice to Bidders – Abbreviations of Schedule of Prices
Non-Collusion Affidavit
Certificate of Compliance with MN Statute 363
Attachment A – Prime Contractor Response (5 pages)
Schedule of Prices
21126D – Back Cover

NOTICE TO BIDDERS: In submitting a bid, you must submit a complete proposal. You must electronically sign the Schedule of Prices and required documents in the Proposal and acknowledge addenda.

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

Date: 8/27/2024

License Number: 57950

Matthew P. Yavarow Grant County Engineer

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

Notice to Bidders

Project No. S.P. 2608-31

Sealed bids will be received until 1:00 PM on Tuesday, September 24, 2024, by the County Auditor of Grant County for TH 55 Improvements, Project No. SP 2608-31; Grading, Bituminous Paving and Bridge 26X03. Electronic bids should be submitted through Grant County's online bidding system (bidVault). Mailed or hand delivered bids will not be accepted.

Project No. SP 2608-31; TH 55 from 5,374 feet to 7,270 feet east of CSAH 11; 0.373 miles
The major items of work are approximately:

Remove Concrete Culverts	108 Lin Ft
Remove Bituminous Pavement	6,471 Sq Yd
Salvage Random Riprap	781 Cu Yd
Excavation-Common	1,540 Cu Yd
Excavation-Subgrade	2,870 Cu Yd
Select Granular Embankment Mod 7%	11,875 Cu Yd
Aggregate Base Class 5	5,943 Cu Yd
Type 12.5 Wearing Course Mix (3,C)	2,182 Ton
12x8 Precast Concrete Box Culvert	152 Lin Ft
Rolled Erosion Prevention Cat 20	12,634 Sq Yd

Minimum Wage rates to be paid by the Contractors have been predetermined and are subject to the Work Hours Act of 1962, P.L. 87-581 and implementing regulations.

Bids will be opened and read publicly by the Grant County Board of Commissioners or their designated representative, immediately after the hour set for receiving bids in the Highway Department Conference Room at the Grant County Highway Department, 224 3rd Street S.E., Elbow Lake, MN.

Physical copies of the proposal including plans may be examined and/or secured at the Office of the Grant County Engineer, 224 3rd Street S.E., Elbow Lake, MN 56531. Cost of physical copies of proposal including plans is \$50.00 (Non-refundable)

Digital copies of the documents may be downloaded for no cost at <https://mn-co-grant.app.rtvision.com/oneoffice/bidding>. To proceed you must click on "Bidding" and select "SP 2608-31 (TH55)". A link to the website can also be found on the Highway Department webpage along with instructions.

To submit a bid online you must be a registered plan holder, you can create an account at <https://connex.mn.uccs.com>.

Bids must be accompanied by a bidder's bond, cashier's check, or certified check made payable to the County Treasurer, Grant County, for at least five percent (5%) of the amount of the Proposal.

The County Board reserves the right to accept or reject any or all bids, portions, thereof, and to waive informalities.

Grant County is an Equal Opportunity Employer.

**MINNESOTA DEPARTMENT OF TRANSPORTATION
NOTICE TO BIDDERS:
SUSPENSIONS/DEBARMENTS
THIS NOTICE APPLIES TO STATE-FUNDED AND FEDERALY-FUNDED PROJECTS**

Do not use suspended or debarred parties as subcontractors or material suppliers on this project!

Both the federal government and the State of Minnesota suspend and debar vendors. Review the list of suspended and debarred vendors before submitting a bid or a request to sublet. If your bid is based on using a suspended or debarred vendor, you will not be entitled to additional compensation for replacing the suspended or debarred vendor with a qualified vendor.

State Suspensions and Debarments

The State of Minnesota's list of suspended and debarred vendors is maintained by the Minnesota Department of Administration, Office of State Procurement, and can be found at this link: <https://mn.gov/admin/osp/government/suspended-debarred/index2.jsp> . This list includes parties suspended and debarred by the Minnesota Department of Transportation and the Minnesota Department of Administration.

Federal Suspensions and Debarments

The federal government maintains a searchable database of suspensions and debarments, called the System for Award Management (SAM), which is found at this link: <https://www.sam.gov/SAM/> . You can use the "Search Records" function without registering for an account.

September 29, 2023

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.

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 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), and the MnDLI Truck Rental Rate Schedule.
- 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,⁵ 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.⁶
- B. **Bona Fide.** Made or carried out in good faith; authentic.⁷
- C. **Certified Payroll Report (CPR).** A report comprised of two components; (1) a payroll report, and (2) a statement of compliance report.⁸
- 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.⁹
- E. **Employer.** An individual, partnership, association, corporation, business trust, or other business entity that hires a Worker.¹⁰
- F. **Fringe Benefit.** An employment benefit given in addition to a Worker's wages or salary.¹¹
- 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.¹²

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 MnDOT Standard Specifications for Construction, Section 1103

⁶ Minn. Stat. 178.011, Subdivision 2

⁷ The American Heritage College Dictionary, Third Edition, 2000

⁸ Minn. R. 5200.1106, Subpart 10

⁹ Minn. R. 5200.1106, Subpart 2(D)

¹⁰ Minn. Stat. 177.42, Subdivision 7

¹¹ The American Heritage College Dictionary, Third Edition, 2000

¹² 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.¹³
- I. **Prime Contractor.** An individual or business entity that enters into a Contract with the Department.¹⁴
- J. **Subcontract.** A Contract that assigns some obligations of a prior Contract to another party.¹⁵
- 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.¹⁶
- 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 of such services, contracting to obtain such services from providers of trucking services, dispatching the providers of the services to do Work as required by the users of the services, receiving payment from the users in consideration of the trucking services provided, and making payment to the providers for the services.¹⁷
- 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.¹⁸
- 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.¹⁹
- 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.²⁰
- 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.²¹
- 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.²²

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.²³

¹³ Minn. Stat. 178.011, Subdivision 9

¹⁴ Minn. R. 5200.1106, Subpart 2(C)

¹⁵ The American Heritage College Dictionary, Third Edition, 2000

¹⁶ Minn. R. 5200.1106, Subpart 5(C)

¹⁷ Minn. R. 5200.1106, Subpart 7(C)

¹⁸ Minn. R. 5200.1106, Subpart 7(B)

¹⁹ Minn. R. 5200.1105

²⁰ Minn. R. 5200.1020 to 5200.1060

²¹ Minn. R. 5200.1106, Subpart 2(A)

²² Minn. R. 5200.1106, Subpart 5(A)

²³ Minn. Stat. 177.44, Subdivision 1

- 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.²⁴
- 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.²⁵
- 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.²⁶
- 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 form²⁷ to the MnDOT LCU²⁸, 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.²⁹ 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.³⁰
- B. **Labor Classification Clarification & Disputes.** A Contractor needing assistance in determining a labor classification must submit a Classification Clarification Request³¹ 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.³²

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,

²⁴ Minn. Stat. 177.44, Subdivision 3

²⁵ MnDOT Standard Specifications for Construction, Section 1801

²⁶ MnDOT Standard Specifications for Construction, Section 1701

²⁷ www.dot.state.mn.us/const/labor/documents/forms/contractorform2016.pdf for www.dot.state.mn.us/const/labor/documents/forms/truckvendorform2016.pdf

²⁸ lcusupport.dot@state.mn.us

²⁹ Minn. Stat. 177.44, Subdivision 1

³⁰ Minn. R. 5200.1101 and 1102 and USDOL Dictionary of Occupational Titles

³¹ <http://www.dot.state.mn.us/const/labor/documents/forms/classification-clarification-request.pdf>

³² Minn. Stat. 177.44, Subdivision 1

power plant, dam or utility³³ 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.³⁴ 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 greatest³⁵ 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).³⁶
- 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.³⁷
1. **Wage Rate Request.** A Contractor must complete a Request for Rate Assignment form³⁸ and submit it to the MnDOT LCU³⁹ 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.⁴⁰ A salaried Worker must be included on a CPR.
- 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.⁴¹

³³ Minn. R. 5200.1010, Subdivision 3

³⁴ United States Department of Labor All Agency Memorandum #130

³⁵ Minn. Stat. 177.44, Subdivision 4

³⁶ Minn. Stat. 177.44, Subdivision 1

³⁷ Minn. R. 5200.1030, Subpart 2a(C)

³⁸ <http://www.dot.state.mn.us/const/labor/documents/forms/request-for-rate-assignment.doc>

³⁹ lcusupport.dot@state.mn.us

⁴⁰ Refer to Appendix A

⁴¹ Minn. Stat. 181.03, Subdivision 1(2)

- 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.
- I. **Prohibited Deductions.** No deductions, direct or indirect, may be made for the items listed below which when subtracted from wages would reduce the wages below Minnesota's minimum wage rate as established in section 177.24⁴²
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, which is not generally appropriate for use except in that employment.
 2. **Equipment.** Purchased or rented equipment used in employment, except tools of a trade, a motor vehicle, or any other equipment which may be used outside the 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 deduction.
 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.

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 Contract⁴³, unless the Worker is exempt under state law.⁴⁴
- 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.

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:⁴⁵
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:⁴⁶
1. reasonably anticipated to provide a benefit;
 2. a commitment that can be legally enforced;

⁴² Minn. Stat. 177.24, Subdivision 4(1-4)

⁴³ Minn. Stat. 177.44, Subdivision 1

⁴⁴ Minn. Stat. 177.44, Subdivision 2 or Minn. R. 5200.1106, Subpart 4

⁴⁵ Minn. Stat. 177.42, Subdivision 6

⁴⁶ Minn. Stat. 177.42, Subdivision 6

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 quarterly⁴⁷, for all hours worked,⁴⁸ 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).
- D. **Hourly Fringe Benefit Credit.** An hourly Fringe Benefit credit toward the Total Prevailing Wage Rate must be determined separately for each Worker 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 cost 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.⁴⁹ 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.
- 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). 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.
- 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.
- 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.⁵⁰

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.⁵¹ The prevailing hours of labor is defined as not more than 8 hours per day and more than 40 hours per week.⁵²

⁴⁷ 29 CRF, Part 5.5(a)(1)(i)

⁴⁸ Government and non-government Work

⁴⁹ Refer to Appendix B

⁵⁰ Minn. Stat. 177.42, Subdivision 6

⁵¹ Minn. Stat. 177.44, Subdivision 1 and Refer to Appendix D

⁵² 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.⁵³
 - 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.⁵⁴
 - 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 period⁵⁵ to the Department. A Contractor must pay its employees at least once every 14 calendar days.⁵⁶
- C. **Payroll Report Data.** Each payroll report must include all Workers that performed Work and provide at a minimum the following information:⁵⁷
 - 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.⁵⁸
 - 9. Labor classification(s) title(s) and optional three-digit code for each Worker.

⁵³ www.dot.state.mn.us/const/labor/certifiedpayroll.html

⁵⁴ Minn. R. 5200.1106, Subpart 10

⁵⁵ Minn. Stat. 177.43, Subdivision 3

⁵⁶ Minn. Stat. 177.30 (a)(4)

⁵⁷ Minn. Stat. 177.30 (a)(1-4) and Minn. R. 5200.1106, Subpart 10

⁵⁸ 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".⁵⁹ 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.⁶⁰
- 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.⁶¹
- 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 checks⁶² for at least three (3) years after the final payment is issued.⁶³ 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.⁶⁴
- 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.⁶⁵

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.⁶⁶
 2. Performing Work of the trade, as described in the apprenticeship agreement.
 3. Compensated according to the rate specified in the program for the level of progress.⁶⁷
 4. Supervised by a Journeyworker from the same company, in accordance with the program ratio requirements.⁶⁸
- 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.⁶⁹

⁵⁹ MnDOT Standard Specifications for Construction, Section 1701

⁶⁰ MnDOT Standard Specifications for Construction, Section 1801

⁶¹ Minn. Stat. 177.30 (a)(5)

⁶² Minn. R. 5200.1106, Subpart 10

⁶³ Minn. Stat. 177.30 (a)(5)

⁶⁴ Minn. Stat. 181.032

⁶⁵ Minn. Stat. 177.44, Subdivision 7; Minn. Stat. 177.33(a)(5)

⁶⁶ Minn. R. 5200.1070, Subpart 1

⁶⁷ Minn. R. 5200.1070, Subpart 1 and Refer to Appendix C

⁶⁸ Minn. Stat. 178.036, Subdivision 5

⁶⁹ 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.⁷⁰
- 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"⁷¹ 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.⁷² 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.⁷³
- 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.⁷⁴

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 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.⁷⁵
 2. The delivery of materials from a non-commercial establishment to the project and the return haul to the starting location either empty or loaded.⁷⁶
 3. 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.⁷⁷
 4. 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.⁷⁸
 5. The delivery of materials or products by trucks hired by a Contractor, subcontractor, or agent thereof, from a commercial establishment.⁷⁹
 6. The delivery of sand, gravel, or rock, by or for a commercial establishment, which is deposited "substantially in place," either directly or through spreaders from the transporting vehicles is work under the contract. In addition, the return haul to the off-site facility empty or loaded is also considered work under the contract.⁸⁰

⁷⁰ Minn. R. 5200.1070, Subpart 3

⁷¹ Minn. Stat. 177.44, Subdivision 1

⁷² Minn. Stat. 177.44, Subdivision 1

⁷³ Minn. Stat. 177.30(a)(5); Minn. Stat. 181.723

⁷⁴ Minn. Stat. 177.44, Subdivision 1

⁷⁵ Minn. R. 5200.1106, Subpart 3B(1)

⁷⁶ Minn. R. 5200.1106, Subpart 3B(2)

⁷⁷ Minn. R. 5200.1106, Subpart 3B(3)

⁷⁸ Minn. R. 5200.1106, Subpart 3B(4)

⁷⁹ Minn. R. 5200.1106, Subpart 3B(5)

⁸⁰ Minn. R. 5200.1106, Subpart 3B(6)

- 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 may be considered hours worked and subject to standard compensation pursuant to the Minnesota Fair Labor Standards Act.
1. The delivery of processed or manufactured goods to a public works project by the employees of a commercial establishment including truck owner-operators hired by and paid by the commercial establishment, unless it is the delivery of mineral aggregate that is incorporated into the work under the contract by depositing the material substantially in place.⁸¹
 2. The delivery of oil offsite, as an example, to a Prime Contractor's permanent (commercial) asphalt mixing facility that is not to, from, or on the project Work site.⁸²
- C. **Repair, Maintenance & Waiting to Load Time.** An ITO and MTO must be paid the truck rental rate for time spent repairing or maintaining the truck owner-operator's 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.⁸³
- 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.⁸⁴ The forms are available on the MnDOT LCU website.⁸⁵
- E. **Broker Fee.** A truck broker contracting to provide trucking services directly to a prime contractor or subcontractor is allowed to assess a broker fee.

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.⁸⁶
 2. The processing or manufacturing of material at an off-site facility that is not considered a commercial establishment.⁸⁷
- 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.⁸⁸
 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.⁸⁹

XV. SUBCONTRACTING PART OF THE CONTRACT

⁸¹ Minn. R. 5200.1106, Subpart 4(C)

⁸² J.D. Donovan, Inc. vs. Minnesota Department of Transportation, 878 N.W.2d 1 (2016)

⁸³ Minn. R. 5200.1106, Subpart 8(A)(1)

⁸⁴ Minn. R. 5200.1106, Subpart 10

⁸⁵ <http://www.dot.state.mn.us/const/labor/forms.html>

⁸⁶ ALJ Findings of Fact, Conclusions of Law, and Recommendation, Conclusions (7), Case #12-3000-11993-2

⁸⁷ Minn. R. 5200.1106, Subpart 3(A)

⁸⁸ Minn. R. 5200.1106, Subpart 4(A)

⁸⁹ Minn. R. 5200.1106, Subpart 4(B)

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.⁹⁰ 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.⁹¹ 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.⁹²
- C. **Employee Interviews.** The Contractor must permit representatives from the Department or other governmental entities⁹³ to interview Workers at any time during working hours on the project.⁹⁴

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.⁹⁵
- 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.⁹⁶
- 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.⁹⁷

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.⁹⁸
- 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.⁹⁹
- 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:

⁹⁰ MnDOT Standard Specifications for Construction, Section 1801

⁹¹ Minn. Stat. 177.44, Subdivision 5

⁹² www.dot.state.mn.us/const/labor/posterboards

⁹³ MnDOT, U.S. DOL., U.S. Department of Transportation, Federal Highways Administration

⁹⁴ MnDOT Standard Specifications for Construction, Section 1511

⁹⁵ Minn. R. 5200.0910, Subpart F; 29 CFR Part 570.2(a)(ii)

⁹⁶ Minn. R. 5200.0930, Subpart 4

⁹⁷ Minn. Stat. 181A.06, Subdivision 4; MnDOT Standard Specifications for Construction, Section 1701

⁹⁸ See International Union of Operating Engineers, Local 49 v. MnDOT, No. C6-97-1582, 1998 WL 74281, at *2 (Minn. App. Feb. 24, 1998)

⁹⁹ MnDOT Standard Specifications for Construction, Section 1801

1. **Withholding Payment.** The Department may withhold from the Prime Contractor payments relating to prevailing wage underpayments.¹⁰⁰
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.¹⁰¹
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.¹⁰²
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.¹⁰³
5. **County Attorney.** The Department may refer suspected criminal violations by Contractor to the appropriate local county attorney for prosecution.¹⁰⁴
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.¹⁰⁵ A Contractor may be fined up to \$1,000 for each failure to maintain records.¹⁰⁶
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 prosecution¹⁰⁷ and may be grounds for debarment proceedings.¹⁰⁸
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.¹⁰⁹
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.¹¹⁰ If the Employer is found to have committed a violation, liquidated damages and other costs may be assessed against the Employer.¹¹¹
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.¹¹²

¹⁰⁰ MnDOT Standard Specifications for Construction, Section 1906

¹⁰¹ Minn. Stat. 16C.285

¹⁰² MnDOT Standard Specifications for Construction, Section 1808

¹⁰³ Minn. R. 1230.1150, Subpart 2(A)(4)

¹⁰⁴ Minn. Stat. 177.44, Subdivision 7

¹⁰⁵ Minn. Stat. 177.44, Subdivision 6

¹⁰⁶ Minn. Stat. 177.30(b)

¹⁰⁷ Minn. Stat. 15C.02; , Minn. Stat. 161.315; Minn. Stat. 177.32; Minn. Stat. 177.43, Subdivision 5, Minn. Stat. 609.63

¹⁰⁸ Minn. Stat. 161.315 and Minn. Stat. 609.63

¹⁰⁹ Minn. Stat. 177.43, Subdivision 6a

¹¹⁰ Minn. Stat. 177.27, Subdivision 8

¹¹¹ Minn. Stat. 177.27, Subdivision 10

¹¹² Minn. Stat. 181.74, Subdivision 1

**THE FOLLOWING APPENDICES ARE FOR
EXPLANATORY PURPOSES ONLY.
FOR SPECIFIC QUESTIONS, PLEASE CONTACT LCU.¹¹³**

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.¹¹⁴

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

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

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

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)¹¹⁵ (see annual example below). Quarterly and monthly examples are also provided.

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

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

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

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.

$$\text{Journeyworker Wage Established in Program} = \$25.00$$

$$\underline{\text{Apprentice Level of Progress} = 60\%}$$

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

¹¹³ lcusupport.dot@state.mn.us or (651) 366-4238

¹¹⁴ United States Department of Labor Field Operation Handbook, Section 15f08

¹¹⁵ 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.¹¹⁶

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

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.

¹¹⁶ United States Department of Labor Field Operation Handbook, Section 15k

NOTICE TO BIDDERS

Minnesota Statutes require prompt payment to subcontractors:

Minn. Stat. § 471.425 PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings here given them.

. . . (d) "Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision or agency of local government. "Municipality" means the Metropolitan Council or any board or agency created under chapter 473.

. . . Subd. 4a. **Prompt payment to subcontractors.** Each contract of a municipality must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the municipality for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

Minn. Stat. § 15.72 PROGRESS PAYMENTS ON PUBLIC CONTRACTS; RETAINAGE.

. . . Subd. 2. **Retainage.** . . . (c) A contractor on a public contract for a public improvement must pay all remaining retainage to its subcontractors no later than ten days after receiving payment of retainage from the public contracting agency, unless there is a dispute about the work under a subcontract. If there is a dispute about the work under a subcontract, the contractor must pay out retainage to any subcontractor whose work is not involved in the dispute, and must provide a written statement detailing the amount and reason for the withholding to the affected subcontractor.

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: 04

Counties within region:

- BECKER-03
- BIG STONE-06
- CLAY-14
- DOUGLAS-21
- GRANT-26
- MAHNOMEN-43
- OTTERTAIL-56
- POPE-61
- STEVENS-75
- SWIFT-76
- TRAVERSE-78
- WILKIN-84

Effective: 2023-11-20

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. *Note: Overtime pay after eight (8) hours on the project must be paid even if the worker does not exceed forty (40) hours in the work week.*

Violations on MnDOT highways and road projects should be reported to:

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

All other prevailing wage violations and questions should be sent 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

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
LABORERS (101 - 112) (SPECIAL CRAFTS 701 - 730)					
101	LABORER, COMMON (GENERAL LABOR WORK)	2023-11-20	29.45	21.79	51.24
		2024-05-01	32.23	22.49	54.72

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
102	LABORER, SKILLED (ASSISTING SKILLED CRAFT JOURNEYMAN)	2023-11-20	29.45	21.79	51.24
		2024-05-01	32.23	22.49	54.72
103	LABORER, LANDSCAPING (GARDENER, SOD LAYER AND NURSERY OPERATOR)	2023-11-20	22.00	0.00	22.00
104	FLAG PERSON	2023-11-20	24.04	18.05	42.09
105	WATCH PERSON	FOR RATE CALL 651-284-5091 OR EMAIL DLLPREVWAGE@STATE.MN.US			
106	BLASTER	FOR RATE CALL 651-284-5091 OR EMAIL DLLPREVWAGE@STATE.MN.US			
107	PIPELAYER (WATER, SEWER AND GAS)	2023-11-20	32.95	21.79	54.74
		2024-05-01	35.73	22.49	58.22
108	TUNNEL MINER	FOR RATE CALL 651-284-5091 OR EMAIL DLLPREVWAGE@STATE.MN.US			
109	UNDERGROUND AND OPEN DITCH LABORER (EIGHT FEET BELOW STARTING GRADE LEVEL)	2023-11-20	30.95	21.79	52.74
		2024-05-01	33.73	22.49	56.22
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.	2023-11-20	21.39	14.90	36.29
111	TRAFFIC CONTROL PERSON (TEMPORARY SIGNAGE)	2023-11-20	23.04	17.10	40.14

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
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.	2023-11-20	19.95	8.84	28.79
SPECIAL EQUIPMENT (201 - 204)					
201	ARTICULATED HAULER	2023-11-20	28.00	0.00	28.00
202	BOOM TRUCK	2023-11-20	30.21	22.55	52.76
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	2023-11-20	26.00	0.00	26.00
204	OFF-ROAD TRUCK	2023-11-20	51.13	3.48	54.61
205	PAVEMENT MARKING OR MARKING REMOVAL EQUIPMENT (ONE OR TWO PERSON OPERATORS); SELF-PROPELLED TRUCK OR TRAILER MOUNTED UNITS.	2023-11-20	24.16	22.85	47.01
HIGHWAY/HEAVY POWER EQUIPMENT OPERATOR					
GROUP 2		2023-11-20	33.23	25.00	58.23
		2024-04-29	34.94	26.40	61.34
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					

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
306				
307				
308				
GROUP 3	2023-11-20	31.47	23.45	54.92
309				
310				
311				
312				
313				
314				
315				
316				
317				
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319				
320				
321				
322				
GROUP 4	2023-11-20	31.16	23.45	54.61
323				
324				
325				
326				
327				
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330				
331				
332				
333				
334				
335				

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
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	2023-11-20	27.70	21.40	49.10
369	AIR COMPRESSOR, 600 CFM OR OVER (HIGHWAY AND HEAVY ONLY)			
370	BITUMINOUS ROLLER (UNDER EIGHT TONS)			

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
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)			
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	2023-11-20	29.53	25.00	54.53
	2024-04-29	31.06	26.40	57.46
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	2023-11-20	24.70	13.60	38.30
601	MECHANIC . WELDER			
602	TRACTOR TRAILER DRIVER			
603	TRUCK DRIVER (HAULING MACHINERY INCLUDING OPERATION OF HAND AND POWER OPERATED WINCHES)			
GROUP 2	2023-11-20	33.43	20.30	53.73

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE	
604	FOUR OR MORE AXLE UNIT, STRAIGHT BODY TRUCK				
GROUP 3	2023-11-20	29.27	22.70	51.97	
	2024-05-01	30.87	23.70	54.57	
605	BITUMINOUS DISTRIBUTOR DRIVER				
606	BITUMINOUS DISTRIBUTOR (ONE PERSON OPERATION)				
607	THREE AXLE UNITS				
GROUP 4	2023-11-20	29.27	22.70	51.97	
	2024-05-01	30.87	23.70	54.57	
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	2023-11-20	17.50	0.00	17.50
702	BOILERMAKERS	2023-11-20	44.37	30.55	74.92
		2024-01-01	46.00	31.93	77.93
703	BRICKLAYERS	2023-11-20	35.88	23.20	59.08
704	CARPENTERS	2023-11-20	34.86	24.96	59.82
705	CARPET LAYERS (LINOLEUM)	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVVAGE@STATE.MN.US			
706	CEMENT MASONS	2023-11-20	40.35	21.63	61.98
707	ELECTRICIANS	2023-11-20	43.67	27.49	71.16
711	GROUND PERSON	2023-11-20	40.14	0.00	40.14
712	IRONWORKERS	2023-11-20	43.00	34.11	77.11

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
		2024-04-28	46.00	34.11	80.11
713	LINEMAN	2023-11-20	36.26	6.93	43.19
714	MILLWRIGHT	2023-11-20	41.77	27.55	69.32
715	PAINTERS (INCLUDING HAND BRUSHED, HAND SPRAYED, AND THE TAPING OF PAVEMENT MARKINGS)	2023-11-20	50.00	0.00	50.00
716	PILEDRIIVER (INCLUDING VIBRATORY DRIVER OR EXTRACTOR FOR PILING AND SHEETING OPERATIONS)	2023-11-20	43.53	27.91	71.44
		2024-05-01	47.03	27.91	74.94
717	PIPEFITTERS . STEAMFITTERS	2023-11-20	44.71	20.04	64.75
		2024-05-06	47.91	20.04	67.95
719	PLUMBERS	2023-11-20	44.78	23.04	67.82
721	SHEET METAL WORKERS	2023-11-20	27.00	3.33	30.33
723	TERRAZZO WORKERS	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			
724	TILE SETTERS	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			
725	TILE FINISHERS	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			
727	WIRING SYSTEM TECHNICIAN	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			
728	WIRING SYSTEMS INSTALLER	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			
729	ASBESTOS ABATEMENT WORKER	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			
730	SIGN ERECTOR	FOR RATE CALL 651-284-5091 OR EMAIL DL.PREVIEW@STATE.MN.US			

LABOR CODE AND CLASS

EFFECT DATE

BASIC RATE

FRINGE RATE

TOTAL RATE

Dec. 18, 2023

Notice of truck rental rate certification and effective date

The Department of Labor and Industry (DLI) commissioner has certified the minimum truck rental rates for state-funded highway projects effective Dec. 18, 2023. This certification follows the publication of the Notice of Truck Rental Rate Determination in the State Register on Nov. 27, 2023, and the informal conference held pursuant to Minnesota Rules, part 5200.1105 on Dec. 11, 2023.

According to Minnesota Rules, part 5200.1105, the purpose of the informal conference was for DLI to obtain further input regarding the determined rates prior to the certification. No written input regarding the determination was received by DLI prior to the informal conference.

The truck rental rate is determined for each equipment type by adding the average hourly cost of operating the vehicle to the certified prevailing-wage rate for the driver. The average hourly operating costs are determined by voluntary survey of truck owner operators, trucking contractors and trucking firms. Cost data used in DLI's analysis must be representative of five trucking firms of various size and five independent truck owner operators for each type of truck.

The determination of the minimum truck rental rates by region are as follows.

Three-axle units

Region	Effective date	607 driver rate	Operating cost	Truck rental rate
Region 1	Certification date	\$58.61	\$37.35	\$95.96
	Increase May 1, 2024	\$61.54	\$37.35	\$98.89
Region 2	Certification date	\$51.97	\$37.35	\$89.32
	Increase May 1, 2024	\$54.57	\$37.35	\$91.92
Region 3	Certification date	\$45.02	\$37.35	\$82.37
Region 4	Certification date	\$51.97	\$37.35	\$89.32

Region	Effective date	607 driver rate	Operating cost	Truck rental rate
	Increase May 1, 2024	\$54.57	\$37.35	\$91.92
Region 5	Certification date	\$39.50	\$37.35	\$76.85
Region 6	Certification date	\$54.16	\$37.35	\$91.51
Region 7	Certification date	\$46.65	\$37.35	\$84.00
Region 8	Certification date	\$32.16	\$37.35	\$69.51
Region 9	Certification date	\$56.36	\$37.35	\$93.71
Region 10	Certification date	\$55.96	\$37.35	\$93.31

Four or more axle units

Region	Effective date	604 driver rate	Operating cost	Truck rental rate
Region 1	Certification date	\$58.71	\$51.50	\$110.21
	Increase May 1, 2024	\$61.65	\$51.50	\$113.15
Region 2	Certification date	\$52.11	\$51.50	\$103.61
	Increase May 1, 2024	54.72	\$51.50	\$106.22
Region 3	Certification date	\$38.51	\$51.50	\$90.01
Region 4	Certification date	\$53.73	\$51.50	\$105.23
Region 5	Certification date	\$44.00	\$51.50	\$95.50
Region 6	Certification date	\$54.26	\$51.50	\$105.76

Region 7	Certification date	\$46.20	\$51.50	\$97.70
Region 8	Certification date	\$43.75	\$51.50	\$95.25
Region 9	Certification date	\$56.46	\$51.50	\$107.96
Region 10	Certification date	\$56.06	\$51.50	\$107.56

Tractor

Region	Effective date	602 driver rate	Operating cost	Tractor-only truck rental rate	Plus trailer operating cost	Tractor trailer rental rate
Region 1	Certification date	\$59.29	\$54.96	\$114.25	\$11.46	\$125.71
	Increase May 1, 2024	\$62.25	\$54.96	\$117.21	\$11.46	\$128.67
Region 2	Certification date	\$52.66	\$54.96	\$107.62	\$11.46	\$119.08
	Increase May 1, 2024	\$55.29	\$54.96	\$110.25	\$11.46	\$121.71
Region 3	Certification date	\$48.35	\$54.96	\$103.31	\$11.46	\$114.77
Region 4	Certification date	\$38.30	\$54.96	\$93.26	\$11.46	\$104.72
Region 5	Certification date	\$42.00	\$54.96	\$96.96	\$11.46	\$108.42
Region 6	Certification date	\$39.50	\$54.96	\$94.46	\$11.46	\$105.92
Region 7	Certification date	\$45.40	\$54.96	\$100.36	\$11.46	\$111.82
Region 8	Certification date	\$48.45	\$54.96	\$103.41	\$11.46	\$114.87
Region 9	Certification date	\$48.75	\$54.96	\$103.71	\$11.46	\$115.17

Region 10	Certification date	\$48.45	\$54.96	\$103.41	\$11.46	\$114.87
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The current operating costs and truck rental rates may be reviewed by accessing DLI's website at <https://dli.mn.gov/business/employment-practices/prevaling-wage-minimum-truck-rental-rates>. Questions about the truck rental rates or the informal conference notice below can be answered by calling 651-284-5192.

The minimum truck rental rate for these four types of trucks in the State's 10 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*.

Sincerely,

Nicole Blissenbach

DLI commissioner

DIVISION S

SPECIAL PROVISIONS

S.P. 2608-31 (TH 55)

DIVISION S

SPECIAL PROVISIONS

PROJECT NO. S.P. 2608-31 (TH 55)

Grading, Bituminous Paving and Bridge 26X03

S-1 GOVERNING SPECIFICATIONS

The Minnesota Department of Transportation Standard Specifications for Construction, 2020 Edition, shall apply on this Contract except as modified or altered in the following special provisions and the attached Supplemental Special Provisions. The MnDOT Schedule of Materials Control - 2023 shall apply on this contract.

S-2 WORKFORCE CERTIFICATE

The local agency cannot execute a contract for goods or services in excess of \$250,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has a workforce certificate from the commissioner of human rights or has certified in writing that it is exempt. Bidders may find more information on the Workforce Certificate Requirement at Minnesota Statutes Section 363A.36 or at this website:

<https://mn.gov/mdhr/certificates/workforce-certificate/>

S-3 PROTECTION OF FISH AND WILDLIFE RESOURCES REVISED 09/29/23

Compliance with Environmental Documentation

The Project is located in an area with protected fish & wildlife resources and/or threatened & endangered species. The Contractor must protect these resources in accordance with State and Federal regulations and must implement all applicable avoidance and minimization measures (AMMs).

A BALD EAGLE PROTECTION

Bald Eagles are protected by the Bald and Golden Eagle Protection Act. No Bald Eagle nests are known within the project limits. However, if a Bald Eagle nest is discovered during Project activities, Contractor must immediately report Bald Eagle nests to the Department's wildlife ecologist, <https://www.dot.state.mn.us/environment/wildlife.html>.

B MIGRATORY BIRD PROTECTION

Contractor must cover soil stockpiles when any surface of a stockpile is not in use for 48 hours or longer, Contractor must prevent bird nesting by either covering that surface with fabric or tarps or by grading that surface to a slope no steeper than 65 degrees.

Contractor must inspect Bridges, Culverts, and other Structures (buildings, sheds, garages, etc.), to determine if nesting birds are present before beginning Work.

If a nest or nests are encountered that have eggs and/or live young, photograph the nest, avoid Work in that location and immediately contact the Department's wildlife ecologist, <https://www.dot.state.mn.us/environment/wildlife.html>.

S-4 RESPONSIBLE CONTRACTOR

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 submitting a Proposal for this Project must verify that it meets the minimum criteria specified in that statute by submitting the "Responsible Contractor Verification and Certification of Compliance" form.

A company owner or officer must sign the “Responsible Contractor Verification and Certification of Compliance” form under oath verifying compliance with each of the minimum criteria. THE COMPLETED FORMS MUST BE SUMITTED WITH THE BID PROPOSAL.

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-5 (1801) SUBLETTING OF CONTRACT

The provisions of MnDOT 1801 are modified as follows:

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-6 (1203) ACCESS TO PROPOSAL PACKAGE

Mn/DOT 1203 is hereby deleted from the Mn/DOT Standard Specifications.

S-7 (1206) PREPARATION OF PROPOSAL

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

Mn/DOT 1206.1 is hereby deleted from the Mn/DOT Standard Specifications.

Mn/DOT 1206.2 is hereby deleted from the Mn/DOT Standard Specifications and replaced with the following:

1206.2 ALLOWABLE SUBSTITUTIONS

For all Proposals the Bidder shall use the following method:

ELECTRONIC METHOD:

The Contractor shall provide bids electronically by going to the Grant County Highway Department bid website: <https://bidvault.mn.uccs.com>. The Contractor will then be required to follow the bidding instructions listed on the Department webpage. Grant County is not responsible for any errors or omissions in the submittal of electronic bids.

S-8 (1208) PROPOSAL GUARANTY

The provisions of MnDOT 1208 are supplemented and/or modified with the following:

The Bidder shall include with its Proposal a Proposal Guaranty that meets the following requirements:

- (1) Equal to 5 percent of the total amount of the Proposal
- (2) Made payable to the Department
- (3) In the form of a certified check, a cashier's check, or a bond

If providing a Proposal Guaranty in the form of a bond, the bond must meet the following requirements:

- (1) Issued by a corporation authorized by the Minnesota Department of Commerce to contract as a Surety in the State of Minnesota
- (2) Conditioned on execution of the Contract in accordance with 1306, "Execution and Approval of Contract"

S-9 (1209) DELIVERY OF PROPOSALS

The provisions of Mn/DOT 1209 are modified with the following:

When submitting a Proposal in accordance with 1206.2, "Allowable Substitutions," of these Special Provisions, the Bidder shall submit the Proposal and the Proposal Guaranty online.

The Bidder shall electronically sign and submit the following with the Proposal:

- (1) The complete "Schedule of Prices."
- (2) Form 21126D, "Proposal Signature Page" attached to the back of the Proposal, with signatures and all Addenda acknowledged.
- (3) Non-collusion affidavit; and
- (4) Any other forms included in the Proposal Package.

Proposals must be complete, digitally signed and submitted by the date and time for opening Proposals. Late submission is not allowed.

YOU MUST SUBMIT A COMPLETE PROPOSAL.

S-10 (1212) OPENING OF PROPOSALS

The provisions of Mn/DOT 1212 are modified with the following:

Mn/DOT 1212 is hereby deleted from the Mn/DOT 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.

Bid results can be viewed at: [Grant County - OneOffice \(rtvision.com\)](http://GrantCounty-OneOffice.rtvision.com)

S-11 (1302) AWARD OF CONTRACT

The provisions of 1302 are hereby modified and supplemented by the following:

The Award period is extended to 60 calendar days.

As a condition precedent to the award of contract, the bidder shall furnish proof that he/she is in compliance with Minnesota Statutes Section 363, as amended by Laws of 1969, implementing the rules and regulations of the Minnesota Department of Human Rights.

S-12 (1404) MAINTENANCE OF TRAFFIC, (1707) PUBLIC CONVENIENCE AND SAFETY & (2563) TRAFFIC CONTROL

The provisions of 1404 are supplemented as follows:

The Contractor shall furnish, install, maintain, and remove all traffic control devices required to provide safe movement of vehicular and/or pedestrian traffic passing through the work zone less the bridge crossing during the life of the Contract from the start of Contract operations to the final completion thereof. The Engineer will have the right to modify the requirements for traffic control as deemed necessary due to existing field conditions.

Traffic control devices include, but are not limited to, barricades, warning signs, trailers, flashers, cones, drums, pavement markings and flaggers as required and sufficient barricade weights to maintain barricade stability.

The Contractor shall furnish names, addresses, and phone numbers of at least three (3) individuals responsible for the placement and maintenance of traffic control devices. At least one of these individuals shall be "on call" 24 hours per day, seven days per week during the times any traffic control devices, furnished and installed by the Contractor, are in place. The required information shall be submitted to the Engineer at the Pre-construction Conference. The Contractor shall also furnish the names, addresses, and phone numbers of those individuals to the following:

- | | |
|--------------------------------------|----------------|
| 1. Grant County Highway Department | (218) 685-8300 |
| 2. Grant County Sheriff's Department | (218) 685-8280 |
| 3. Stony Brook Township Clerk | (218) 458-2227 |

The Contractor shall, at the pre-construction conference, designate a Work Zone Safety Coordinator who shall be responsible for safety and traffic control management in the Project Work Zone. The Work Zone Safety Coordinator shall be either an employee of the Contractor such as a superintendent or a foreman, or an employee of a firm which has a subcontract for overall work zone safety and traffic control management for the Project. The responsibilities of the Work Zone Safety Coordinator shall include, but not be limited to:

- Coordinating all work zone traffic control operations of the Project, including those of the Contractor, subcontractors and suppliers.
- Establishing contact with local school district, government, law enforcement, and emergency response agencies affected by construction before work begins.
- Maintaining a record of all known crashes within a work zone. This record should include all available information, such as: time of day, probable cause, location, pictures, sketches, weather conditions, interferences to traffic, etc. These records shall be made available to the Engineer upon request.

The Contractor shall inspect, on a daily basis, all traffic control devices, which the Contractor has furnished and installed, and verify that the devices are placed in accordance with the Traffic Control Layouts, these Special Provisions, and/or the MN MUTCD. Any discrepancy between the placement and the required placement shall be immediately corrected. The person performing the inspection shall be required to make a daily log. This log shall also include the date and time any changes in the stages, phases, or portions thereof go into effect. The log shall identify the location and verify that the devices are placed as directed or corrected in accordance with the Plan. All entries in the log shall include the date and time of the entry and be signed by the person making the inspection. The Engineer reserves the right to request copies of the logs as he deems necessary.

Measurement and Payment:

No measurement will be made of the various Items that constitute Traffic Control, but all such work will be construed to be included in the single Lump Sum payment under Item 2563.601 (Traffic Control).

The project will be closed to through traffic during construction, a detour route has been designated for the work to be completed.

No work will be performed after dark. All personnel and equipment will be off the highway prior to dark when open to traffic. Dark will be as determined by the Engineer or his designated representative.

S-13 (1508) CONSTRUCTION STAKES, LINES AND GRADES

The Contractor will provide 48 hours notice, excluding non-working days, for all construction staking needs.

S-14 (1515) CONTROL OF HAUL ROADS

Control of haul roads shall be in accordance with the provisions of 1515, except as modified below:

The Engineer can require the Contractor to furnish any material or equipment the Engineer determines is needed for the safe use of haul roads, both on or off the project, including the use of water for dust control. All materials, equipment, and water for dust control deemed necessary for haul road maintenance and safety shall be considered incidental and no direct compensation will be made therefore.

Haul road release form(s) from each road authority will be required before final payment is made on the contract.

S-15 (1701) LAWS TO BE OBSERVED

1701.6 EQUAL PAY

The local agency cannot execute a contract for goods or services or an agreement for goods or services in excess of \$1,000,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has an equal pay certificate or it has certified in writing that it is exempt. Bidders may find more information on the Equal Pay Certificate Requirement at Minnesota Statutes Section 363A.44 or at this website:

<https://mn.gov/mdhr/certificates/equalpay/>

S-16 (1701) LAWS TO BE OBSERVED

1701.7 COMPLIANCE WITH TAX LAW REQUIREMENTS

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 and section 270C.66 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 a 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 of Revenue](#) website (www.revenue.state.mn.us).

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. The 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.

Contractor Affidavit requirements and Form IC134 can be found on the [Department of Revenue](#) website (www.revenue.state.mn.us).

S-17 (1702) PERMITS, LICENSES AND TAXES

The provisions of 1702 are hereby supplemented by the following:

The Contractor must comply with the requirements of the Minnesota Department of Natural Resources Permit No. 2014-1778, Authorization Number 2022-3515, see attached.

The Contractor must comply with the requirements of the Bois de Sioux Watershed Permit #23-109, see attached.

S-18 (1706) EMPLOYEE HEALTH AND WELFARE

The provisions of Mn/DOT 1706 are modified with the with the addition of the following:

A. The Contractor must not use motor vehicle Equipment that has an obstructed rear view unless either of the following is ensured:

- (1) The vehicle has a reverse alarm that is audible above the surrounding noise level
- (2) An observer signals to the operator that it is safe to reverse

B. The Department may assess a Monetary Deduction of \$500 per incident for a violation of safety standards that could result in death or serious injury.

C. The areas of special concern include excavation stability protection, fall protection, protection from overhead hazards, vehicle backup protection, confined space safety, blasting operations, and personal safety devices.

D. The Contractor cannot avoid complying with safety standards by paying the deduction

S-19 (1707) PUBLIC CONVENIENCE AND SAFETY

The provisions of Mn/DOT 1707 are modified with the with the addition of the following:

The Contractor shall ensure that employees and Subcontractors do not display items such as, but not limited to, flags, banners, and symbols on the Project Site, that may disrupt the proper prosecution of the Work, impede public safety, or create a distraction for the traveling public.

S-20 (1714) RESPONSIBILITY FOR DAMAGE CLAIMS; INSURANCE

The provisions 1714 are supplemented as follows:

The Contractor must have the State of Minnesota named as an additional insured on any insurance coverage the contractor is required to provide.

The Contractor shall deposit with the County Engineer the original, or a certified duplicate copy thereof as applicable to this project, of the Commercial General Liability Insurance and Extended Coverage Policies, required hereunder.

The Contractor shall furnish the County with a certificate of insurance from the insurance company issuing the policies for Worker's Compensation Insurance and such other insurance as is herein required. All policies and certificates shall provide that the policies shall remain in force and effect on thirty days written notice to the County Engineer before cancellation. The above insurance policies and certifications shall be submitted at the same time as the Contract and Bond as provided in 1306.

The cost of all insurance required herein will be considered to be an incidental expense and no direct compensation will be made therefore.

S-21 (1716) CONTRACTOR'S RESPONSIBILITY FOR WORK

The provisions of 1716 are supplemented as follows:

All warranties provided by contractor, for the work performed on the trunk highway, will flow to, and be enforceable by, the State as owner of such improvements.

Any unforeseen causes beyond the control of the Contractor shall be determined by Grant County.

S-22 (1717) MPCA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION STORM WATER (CSW) PERMIT

The Contractor must prevent, control, and abate the pollution of natural resources of air, land and water caused by the Contractor's operations under this Contract in accordance with the rules, regulations, and standards adopted and established by the Minnesota Pollution Control Agency (MPCA), and in accordance with this Contract, the provisions of MnDOT 1717, 2573, 2575, and these Special Provisions including the following:

Grant County has applied for and received coverage under the above mentioned permit by listing itself as both the Owner and Contractor in the permit application. Upon award of the Contract, Grant County and the Contractor shall execute the CSW Transfer Form (attached to these Special Provisions) to transfer the contractor responsibilities to the Contractor. The Contractor shall submit the completed form to the MPCA which will amend it to the original permit, thereby making both Grant County and the Contractor co-permittees for the requirements of the Construction Stormwater General Permit (MN R100001). The Contractor is responsible for those portions of the permit referencing the "operator". This Permit establishes conditions for discharging storm water to waters of the State from construction activities that disturb 1 acre or more of total land area. A copy of the permit is available at <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html> or by calling 651-296-6300.

There is no fee for the transfer of the permit. The Contractor is not authorized to perform any Project work which disturbs soil or which involves work in waters of the state until the permit transfer forms are signed, dated, and sent to the MPCA. The Contractor must comply with all the requirements of the General Permit that apply to the Contractor's operations during the construction phase of the project. The Contractor shall post the Permit and MPCA's letter of coverage on-site.

The Contractor must provide an Erosion Control Supervisor as per MnDOT 2573.3. The Contractor is solely responsible for all inspections, maintenance, and records required in the General Permit, Section 11. Contractor must use standard forms for logging all required inspection and maintenance activities. Contractor must submit all inspection and maintenance forms used on this Project to the Engineer weekly for retention in accordance with the permit. The Contractor must also have the forms available for on-site review.

The Contractor must immediately notify the Engineer of any site visits by Local Permitting Authorities performed in accordance with Section 24.10 of the permit. The Contractor must obtain the

Engineer's approval before starting any work required by regulatory authorities which (1) the Contractor believes will result in additional compensation from Grant County; or (2) will impact the design or requirements of the Contract documents or impact traffic.

The Contractor must use Emergency Best Management Practices to help minimize turbidity of surface waters and relieve runoff from extreme weather events. The Contractor must report a stormwater sediment release from the project site to the Minnesota Duty Officer and the Resident Engineer at the time the Contractor or Department discovers the release. The Contractor must also immediately contact the State Duty Officer (at 1-800-422-0798 or 1-651-649-5451) during any emergency situation involving an uncontrolled stormwater release.

The Contractor must review and abide by the instructions contained in the permit package. The Contractor will indemnify and hold Grant County harmless for any fines or sanctions imposed by a regulatory authority and arising from the Contractor's acts or omissions in complying, or failing to comply, with the permit or erosion control provisions of this Contract.

The NPDES Permit refers to a Storm Water Pollution Prevention Plan (SWPPP). This Project's SWPPP requirement is addressed throughout the Contract, as well as this Project's Plan. The following table identifies NPDES permit requirements and cross-references where this Contract addresses each requirement. This table is for ease of reference only and may be incomplete.

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)
Certified Personnel in Erosion / Sediment Control Site installation	MnDOT Specifications 2573
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 of Tracked Sediment Removal of Devices	The Plans; MnDOT 1717.2 and 2573.3K, 2573.3.R.; Special Provisions: 1514 (Maintenance During Construction), and 1717 (National Pollutant Discharge Elimination System (NPDES) Permit)
Dewatering	MnDOT 2573.3.A.6, 3875; May also require DNR Permit
Temporary work not shown in the Plans Grading areas (unfinished acres exposed to erosion)	MnDOT 1717, 2573, 2574 and 2575; Special Provisions: 1717 (National Pollutant Discharge Elimination System (NPDES) Permit), 2574.3.A.1
Permanent Erosion / Sediment Control and Turf Establishment	The Plans; MnDOT 1717, 2573, 2574, and 2575; Special Provisions:

NPDES Permit Requirements	Cross-Reference within this Contract
	1717 (National Pollutant Discharge Elimination System (NPDES) Permit)

S-23 (1718) FURNISHING RIGHT-OF-WAY

The provisions of 1718 are supplemented as follows:

The State of Minnesota, acting through its Commissioner of Transportation is an intended third party beneficiary of the contract with respect to the portion of the work performed on the State's right-of-way.

S-24 PRE-CONSTRUCTION CONFERENCE

All Superintendents and Foreman that will be present on the project on a daily basis and Superintendents and Foreman responsible for making any decisions concerning this project must attend the pre-construction conference.

At the pre-construction conference, the Contractor shall submit:

- a. His/her proposed progress schedule in the form of a bar chart for accomplishment of major items of work including erosion control, traffic control, box culvert removal and construction, aggregate base, bituminous surfacing, shouldering, and seeding.
- b. His/her proposed method and schedule of erosion control on haul roads and at borrow pits and his/her plans for disposal of waste material. No work shall be started until the applicable erosion control schedules and methods of operations have been accepted by the Engineer.
- c. A map highlighting the proposed pits and a sketch showing the aggregate stockpile locations and class of aggregate in each stockpile. The Contractor shall also supply the Engineer with copies of gradations of all aggregate produced to date. This will also include the Contractor's source of temporary aggregate surfacing for special maintenance.
- d. A Map highlighting the proposed haul roads.
- e. A list of authorized representatives for signatures and their home and mobile phone numbers.
- f. A list of all subcontractors/suppliers and the services/materials they will provide, along with phone numbers of their contacts and/or key personnel.
- g. The name and phone number of the Work Zone Safety Coordinator who shall be responsible for safety and traffic control management in the Project work zone.
- h. A list of names, addresses and phone numbers of at least three (3) individuals responsible for the placement and maintenance of traffic control devices.
- i. The Contractor shall provide a priority list of survey work to be performed as stated in these provisions. If a change in priority of work is requested by the Contractor, there shall be at least 48 hours prior notice given to the survey crew, excluding non-working days.

S-25 (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME

The Contract time will be determined in accordance with the provisions of 1806 and the following: All references to working day charges are hereby deleted.

All work under this Contract shall be completed on or before September 12, 2025.

No work allowed on holidays (Memorial Day, Juneteenth, Independence Day & Labor Day)

Work on the Memorial Day and Labor Day Holiday weekends shall be complete by 3:00 P.M. Friday and no work on Saturday.

No work shall be done after 3:00 P.M. on Saturdays.

S-26 (1807) FAILURE TO COMPLETE THE WORK ON TIME

The Department will deduct liquidated damages from money due the Contractor for each calendar day that the Work remains incomplete after expiration of the Contract Time. The Engineer will deduct liquidated damages based on the original Contract Amount and Table 1807-1.

S-27 (1902) SCOPE OF PAYMENT

Delete and replace 1902 with the following:

The Contractor will receive compensation provided for in the Contract as full payment for providing Materials and performing Work in accordance with the Contract requirements. This includes compensation for all risk, loss, damage, and expense incurred by the Contractor for performing the Work required by the Contract. Payment is subject to 1720, "No Waiver of Legal Rights." The Department prohibits the Contractor from accepting payment from any other party for performing the Work required by the Contract, including any incentive or bonus payment. The Department does not prohibit the following payments from third parties:

- (1) Payments from sureties
- (2) Quantity-based rebates or credits from suppliers
- (3) Payments under another contract for excess material removed under this Contract

S-28 (1906) PARTIAL PAYMENTS

Partial payments in excess of 95 percent of the value of the completed work will not be made under this Contract until all physical work is completed.

S-29 (1908) FINAL ESTIMATE AND PAYMENT

The following shall be added to the provisions of 1908:

Before final payment is made for the work on this project, the Contractor must make a satisfactory showing that he/she has made a settlement with the owner or owners of the gravel, sand, binder soil, borrow soil, sod or rock deposits for which the Contractor selects the sources of the material. An affidavit signed by the owner or owners to the effect that the Contractor has paid in full for all materials removed, which were used on this project, and that the material source location has been left in a satisfactory condition to the property owner or owners, shall be provided to the County Engineer.

Before final payment is made, the County shall receive from the Minnesota Department of Revenue the completed IC-134 form, Affidavit for obtaining Final Settlement of Contract with the State of Minnesota and any Political or Governmental Subdivisions thereof. This Form shall be submitted to the Department of Revenue by the Contractor and his/her subcontractor(s) to verify proper withholding of income tax on wages that have been paid.

Before final payment is made, the Contractor shall obtain haul road release form(s) from each road authority.

S-30 (2105) SOIL BORINGS

A Geotechnical Evaluation Report is attached to this proposal.

S-31 (2108) GEOSYNTHETIC CONSTRUCTION MATERIALS

Delete and replace 2108.3b with the following:

B. Geotextile If multiple pieces of geotextile are required, overlap geotextiles a minimum of 36-inches. In lieu of overlapping, the Contractor may sew the geotextile provided there is a passing Departmental Quality Assurance sewing test prior to installation.

Use a "double spool" machine capable of sewing a Federal Type 401 locking stitch per ASTM D6193-16, Standard Practice for Stitches and Seams. Sew a flat, "J," or butterfly seam per ASTM D6193-16, Standard Practice for Stitches and Seams, using thread with a minimum strength of 25 pounds, with 1-2 rows of stitching and 5-7 stitches per inch. Meet the required seam strength for the specified geotextile type. Install the geotextile, using the same geotextile, seamstress, thread, and sewing machine as used for the test.

The Contractor may use adhesives listed on the "Geosynthetic products/Adhesive seams" APL in lieu of overlapping or sewing for Types 3, 4, and 5 geotextiles. Apply adhesive per the Adhesive Seams Guidelines found on the "Geosynthetic products/Adhesive seams" APL.

Delete and replace 2108.5, "Basis of Payments" with the following:

The Contract Unit Price for Geosynthetic Construction Materials is compensation in full for Equipment, Materials, and labor required to complete the Work and includes the cost of providing, placing, overlapping, or sewing or gluing, testing, anchoring, and any needed repairs. The Department will pay for Geosynthetic Construction Material based on the following schedule:

<u>Item No.</u>	<u>Item</u>	<u>Unit</u>
2108.504	Geotextile Fabric Type 5	square yard

S-32 (2211) AGGREGATE BASE

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

Compaction shall be achieved by the "Quality Compaction Method" described in Mn/DOT 2211.3D2.

The Contractor shall give the Engineer a minimum of 48 hours notice prior to requiring bluetops.

The Contractor shall notify the Engineer prior to beginning Aggregate Base crushing operations.

S-33 (2360) PLANT MIXED ASPHALT PAVEMENT (LOCAL GOVERNMENT UNIT) 6/30/2022
S-1.1 Add the following to MnDOT 2360.1B:

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

Type SP 12.5 Wearing Course	SPWEB340C
-----------------------------	-----------

Evaluate pavement smoothness requirements using equation HMA-B as specified in MnDOT 2399.3D.

A County representative shall be present at the pits for the sampling of aggregate material to be used for the development of the Mixture Design.

No Bituminous mixture shall be placed until the Engineer has reviewed and approved the trial mix recommendations.

The Contractor shall complete each lift of bituminous prior to starting the next lift.

No paving will be allowed when the air temperature is 32 degrees Fahrenheit or below.

B. Geotextile If multiple pieces of geotextile are required, overlap geotextiles a minimum of 36-inches. In lieu of overlapping, the Contractor may sew the geotextile provided there is a passing Departmental Quality Assurance sewing test prior to installation.

Use a "double spool" machine capable of sewing a Federal Type 401 locking stitch per ASTM D6193-16, Standard Practice for Stitches and Seams. Sew a flat, "J," or butterfly seam per ASTM D6193-16, Standard Practice for Stitches and Seams, using thread with a minimum strength of 25 pounds, with 1-2 rows of stitching and 5-7 stitches per inch. Meet the required seam strength for the specified geotextile type. Install the geotextile, using the same geotextile, seamstress, thread, and sewing machine as used for the test.

The Contractor may use adhesives listed on the "Geosynthetic products/Adhesive seams" APL in lieu of overlapping or sewing for Types 3, 4, and 5 geotextiles. Apply adhesive per the Adhesive Seams Guidelines found on the "Geosynthetic products/Adhesive seams" APL.

Delete and replace 2108.5, "Basis of Payments" with the following:

The Contract Unit Price for Geosynthetic Construction Materials is compensation in full for Equipment, Materials, and labor required to complete the Work and includes the cost of providing, placing, overlapping, or sewing or gluing, testing, anchoring, and any needed repairs. The Department will pay for Geosynthetic Construction Material based on the following schedule:

<u>Item No.</u>	<u>Item</u>	<u>Unit</u>
2108.504	Geotextile Fabric Type 5	square yard

S-32 (2211) AGGREGATE BASE

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

Compaction shall be achieved by the "Quality Compaction Method" described in Mn/DOT 2211.3D2.

The Contractor shall give the Engineer a minimum of 48 hours notice prior to requiring bluetops.

The Contractor shall notify the Engineer prior to beginning Aggregate Base crushing operations.

S-33 (2360) PLANT MIXED ASPHALT PAVEMENT (LOCAL GOVERNMENT UNIT) 6/30/2022
S-1.1 Add the following to MnDOT 2360.1B:

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

Type SP 12.5 Wearing Course	SPWEB340B
-----------------------------	-----------

Evaluate pavement smoothness requirements using equation HMA-B as specified in MnDOT 2399.3D.

A County representative shall be present at the pits for the sampling of aggregate material to be used for the development of the Mixture Design.

No Bituminous mixture shall be placed until the Engineer has reviewed and approved the trial mix recommendations.

The Contractor shall complete each lift of bituminous prior to starting the next lift.

No paving will be allowed when the air temperature is 32 degrees Fahrenheit or below.

All existing gravel driveways, county highway, state highway, township roads and city streets connections will be paved in two lifts, except existing paved driveways are to be paved in one lift after a joint is milled. No cold joints will be allowed on the final lift at the above mentioned highways, roads and streets connections and at any turn lane, bypass lane or shoulder paving area.

The compaction method for bituminous mixtures on this Project are as follows:

Type SP 9.5 & 12.5 Wearing Course shall be compacted by the Maximum Density Method

Delete and replace the first paragraph of MnDOT 2360.3D.1 with the following:

Compact the pavement to at least the minimum required Maximum Density values in accordance with Table 2360.3-1.

Delete and replace Table 2360.3-2 of MnDOT 2360.3D.1 with BLANK.

Delete and replace MnDOT 2360.3D.1.j with the following:
D.1.j Companion Core Testing

The Department will select at least one of the two companion cores per lot to test for verification.

Delete and replace MnDOT 2360.3D.1.n with BLANK.

Delete and replace MnDOT 2360.3D.1.p with BLANK.

Delete and replace Table 2360.5-6 of MnDOT 2360.5B.13 with BLANK.

Delete and replace Table 2360.5-7 of MnDOT 2360.5B.13 with BLANK.

The Contractor must furnish a copy of all test results to the Engineer by noon of the day following production by email to Matthew Yavarow (matthew.yavarow@co.grant.mn.us).

S-34 (2462) PRECAST CONCRETE REVISED 06/30/23

Delete and replace the first and fourth paragraphs of MnDOT 2462.3G.4 with the following:

Take samples randomly in accordance with *ASTM D3665, Standard Practice for Random Sampling of Construction*, Section 5, at a rate defined in accordance with the Schedule of Materials Control.

Perform random sampling and testing in accordance with ASTM C172, Standard Practice for Sampling Freshly Mixed Concrete; ASTM C1064, Standard Test Method for Temperature of Freshly Mixed Hydraulic-Cement Concrete; ASTM C231, Standard Test Method for Air Content of Freshly Mixed Concrete by the Pressure Method; ASTM C143, Standard Test Method for Slump of Hydraulic-Cement Concrete; ASTM C1611, Standard Test Method for Slump Flow of Self-Consolidating Concrete; and the Schedule of Materials Control.

Furnish 4-inch by 8-inch cylinder molds, unless the maximum Aggregate size is greater than 1 1/4 inches, then furnish 6-inch by 12-inch cylinder molds.

S-35 (2511) RIPRAP

Delete and replace 2511.3F, "Quality Control (QC)," with the following:

F. Quality Control (QC)

Refer to the requirements in the Schedule of Materials Control for Project specific requirements.

F.1 Gradation and Certification Requirements

For riprap meeting 3601.2A, “Random Riprap,” test one gradation per year for each product using either:

- (1) FHWA Hydraulic Toolbox, Test method 5-692.212 in the Grading and Base Manual. Record and submit results using form G&B-108a, “Riprap Gradation D85 and FHWA Hydraulic Toolbox,” found on the MnDOT Grading and Base website
- (2) WipFrag or an alternative image analysis software, approved by the Engineer. Record and submit results using and submit form G&B-108a, “Riprap Gradation D85 and FHWA Hydraulic Toolbox,” found on the MnDOT Grading and Base website
- (3) Wolman Count Method. Test method 5-692.211 in the Grading and Base Manual. Record and submit results using form G&B-108b, “Riprap Gradation Wolman Method,” found on the MnDOT Grading and Base website

For riprap meeting 3601.2B, “Hand placed Riprap,” provide certification that the stone meets Contract-required thickness of riprap, following guidance in 2511.3C.2, “Hand-Placed Riprap”, and individual stones have a weight of at least 50 pounds.

F.2 Carbonate Quarried Riprap

For riprap meeting 3601.2A, “Random Riprap,” or 3601.2B, “Hand-placed Riprap,” the supplier is required to have an approved QC Plan, prior to delivery of stone, when either of the following apply:

- (1) Quantities are greater than 100 cubic yards
- (2) Riprap is used for Bridge protection, as shown in the Plan

The Carbonate riprap QC Plan requirements are found on the MnDOT Geology Web page. Contact the MnDOT Geology Unit a minimum of 60-Calendar Days prior to supplying riprap.

Provide certification, for each product, using form G&B-104b, “Riprap Quality Control Plan,” and attach required test(s).

F.3 Riprap meeting 3601.2C, “Gabions and Revet Mattresses,” 3601.2D, “Granular Filter under Class I Random Riprap,” and 3601.2E, “Granular Filter Under Riprap, Gabion, and Revet Mattress”.

Provide certification using form G&B-104, “Certification of Aggregates and Granular Materials,” found on the MnDOT Grading and Base website.

Delete and replace 2511.3G.1, “Riprap meeting 3601.2A, “Random Riprap,” 3601.2B, “Hand-placed Riprap,” or 3601.2C, “Gabions and Revet Mattresses,” with the following:

G.1 Riprap meeting 3601.2A, “Random Riprap,” or 3601.2B, “Hand-placed Riprap”.

For gradation compliance of riprap meeting 3601.2A, “Random Riprap,” the Engineer will visually inspect the riprap and perform the D85 test, test method 5-692.210, listed in the Grading and Base Manual and complete form G&B-108a, “Riprap Gradation D85 and FHWA Hydraulic Toolbox,” found on the MnDOT Grading and Base website.

If the material fails to meet requirements based on the visual check or the D85 results, the Engineer will test the gradation using one of the following methods:

- (1) FHWA Hydraulic Toolbox, 5-692.212 test method, listed in the Grading and Base Manual and form G&B-108a, “Riprap Gradation D85 and FHWA Hydraulic Toolbox”

- (2) WipFrag or a similar image analysis software, as approved by the Engineer, and form G&B-108a, "Riprap Gradation D85 and FHWA Hydraulic Toolbox"
- (3) The Wolman Count, 5-692.211 test method, listed in the Grading and Base Manual and form G&B-108b, "Riprap Gradation Wolman Method"

For riprap meeting 3601.2B, "Hand-placed Riprap," the Engineer will visually inspect the riprap to ensure it meets the requirements of 2511.3C.2, "Hand-Placed Riprap."

S-36 (2575) ESTABLISHING VEGETATION AND CONTROLLING EROSION

Add the following to 2575.5, "Establishing Vegetation and Controlling Erosion, Basis of Payment":

L. Unit Prices In addition to the erosion control Pay Items included in the Plans, the Engineer may require the items listed below as site conditions warrant (provided the items listed below are not already included in the Plans).

The Department will pay for additional items as ordered by the Engineer will be made in accordance with the following schedule:

Disc anchoring	\$82.00/acre
Seed Mixtures (for temporary use)	
21-111 or 21-112	\$1.75/pound
21-113	\$2.25/pound
22-111	\$2.70/pound
32-241 (native construction)	\$5.00/pound
34-171 (wetland rehab.)	\$7.50/pound
Erosion Control Blanket	
Category 25	\$2.00/square yard
Category 30	\$2.25/square yard
Category 72	\$11/square yard
Rapid Stabilization	
Method 1	\$500/acre
Method 2	\$1000/acre
Method 3	\$726.00/M gallon
Method 4	\$2.50/square yard
Hydraulic Stabilized Fiber Matrix	\$1.90/pound
Hydraulic Reinforced Fiber Matrix	\$2.00/pound
Temporary Poly (Fiber Reinforced) Covering	\$1.10/square yard
Temporary Geotextile Covering	\$7.50/square yard
Water	\$42.00/M gallon
Mowing (Hand Whip)	\$75/hour
Mowing (Machine)	\$260.00/acre
Weed Spraying	\$60.00/acre

S-37 (2563) TRAFFIC CONTROL

The Contractor shall be responsible for traffic control on the Project, and shall furnish, erect, and maintain all necessary traffic control devices required to provide safe movement of vehicular traffic through the Project, in accordance with the Traffic Control Plan and the following:

- a. Prior to the start of any construction operations that necessitate traffic control signing that is the Contractor's or Sub-contractor's responsibility, the Contractor shall make available for inspection

(24 hours prior to installation) all traffic control devices to be furnished and used by the Contractor in order to ensure conformance with the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways which includes the "Field Manual for Temporary Traffic Control Zone Layouts". The Contractor shall modify his/her proposed traffic control devices as deemed necessary by the Engineer.

- b. Traffic control devices include, but are not limited to, barricades, warning signs, lane marking, trailers, flashers, cones, and drums, as required, and enough barricade weights to maintain barricade stability.
- c. The Contractor shall install and maintain flashing lamps on all advance warning signs.
- d. The Contractor shall provide surveillance at least once every 24 hours of the traffic control devices to ensure that they are properly placed and in good condition. The Contractor shall immediately repair or replace any traffic control device that is damaged, moved, stolen, or destroyed. Traffic control devices shall be maintained in such a manner that the cleanliness, reflectorization, and position is acceptable to the Engineer.
- e. The Contractor shall submit to the Engineer a checklist certifying that the daily inspection of the traffic control devices has been taken. The checklist shall be in a form approved by the Engineer.
- f. The names, addresses, and telephone number (not long distance) of at least two local individuals, who will be available during non-working hours to maintain or replace traffic control devices, shall be furnished to the Engineer. These individuals shall have some knowledge of the maintenance and the proper placement of traffic control signs and devices.
- g. No hand lettered signs will be approved for installation.

No measurement will be made of the various items that constitute Traffic Control, but all such work will be construed to be included in the single lump sum for which payment is made.

Payment for furnishing, installing, maintaining, relocating and subsequently removing traffic control devices (including flaggers and/or pilot car operations) as required will be made as a lump sum under Item No. 2563.601 (Traffic Control) and according to the following schedule:

- a. When 5 percent of the contract amount is earned, 50 percent of the amount bid for traffic control will be paid.
- b. When 10 percent, or more, of the contract amount is earned, an additional 25 percent of the amount bid for traffic control will be paid.
- c. When 50 percent, or more, of the contract amount is earned, an additional 20 percent of the amount bid for traffic control will be paid.
- d. The remaining 5 percent bid for traffic control will be paid when all work has been completed and accepted.
- e. In all items above, the original contract amount shall be the total value of all contract items including the traffic control item, but the total percentage earned in each case shall be exclusive of the Traffic Control item.

If at any time the Contractor fails to adequately maintain any of the traffic control devices, the Department may proceed to perform the maintenance and deduct the cost thereof from any monies due or coming due the Contractor.

The Contractor shall provide Mn/DOT Certified Flaggers and/or pilot car operations when, in the opinion of the Engineer, his/her operations may constitute a hazard to traffic. The use of Mn/DOT Certified Flaggers and/or pilot car operations shall be as directed by the Engineer and will be considered to be incidental to Traffic Control and no direct compensation will be made therefore. The contractor must submit proof of Flagger Certification prior to the work being performed.

As a minimum Two Mn/DOT Certified Flaggers will be used for the following:

Paving operation, one Mn/DOT Certified Flagger no more than one mile either side of the equipment.

Shouldering operation, one Mn/DOT Certified Flagger approximately 500 feet either side of the equipment.

The Contractor's attention is directed to the Special Provisions S-12 Traffic Control and Protection and the Traffic Control Plan (See Plan Sheets) for additional traffic control requirements.

The detour will be removed after completion of paving and turf establishment. The Contractor will be responsible for traffic control to maintain traffic through project completion. All construction signing warning the public that they are entering the project area, shall remain in place until after project completion and project acceptance by Grant County.

S-38 (2582) PAVEMENT MARKINGS

Add the following to 2582.2, "Pavement Markings, Materials":

For pavement marking installations between the dates of October 15 and April 1, provide and use pavement marking Materials listed on the "Late Season Pavement Marking Materials" APL.

S-39 (3138) AGGREGATE FOR SURFACE AND BASE COURSES

Add the following to 3138.2C, "Recycled Materials":

(3) When mixing recycled Aggregate with virgin Aggregate, the minimum Los Angeles Rattler of Carbonate virgin Aggregate is 40%. Meet all other virgin Aggregate requirements in 3138.2B, "Virgin Materials".

Add the following note under Table 3138.2-3 of 3138.2E, "Gradation Requirements":

For 100% crushed quarried class 5 aggregate, the required passing the number 4 sieve is 30 – 80, the required passing the number 10 sieve is 15 – 65, the required passing the number 40 sieve is 7 – 35, and the required passing the Number 200 sieve is 3.0 – 12.0. The 1-1/2 inch, 3/4 inch, and 3/8 inch requirements for crushed quarried class 5 aggregate are the same as in Table 3138.2-3.

S-40 (3238) PRECAST CONCRETE BOX CULVERTS

Add the following to 3238.2B, "Materials":

B.3	Welded Wire Reinforcement	3303
-----	---------------------------	------

Delete and replace 3238.2I, "Tolerances" with the following:

I. Certified Plant Requirement

Provide precast concrete box culverts, end sections, and appurtenances constructed in a precast concrete fabrication plant certified by the American Concrete Pipe Association, the National Precast Concrete Association, or another organization approved by the Materials Engineer. If requested, provide quality control and plant certification records to the Materials Engineer.

Add the following to 3238.2, “Requirements”:

J. Tolerances

Dimensional tolerances will be based on AASHTO M 259, “Standard Specification for Precast Reinforced Concrete Box Sections for Culverts, Storm Drains, and Sewers”.

S-41 (3601) RIPRAP MATERIAL

Add the following to 3601.2, “Riprap Material, Requirements”:

F. Geotextile Filter Material

Provide geotextile filter material, meeting the requirements of 3733 and the following:

- (1) Type 3 for use under Class I and Class II random riprap
- (2) Type 4 for use under Class III and Class IV random riprap and hand-placed riprap on slopes no steeper than 3:1, horizontal to vertical
- (3) Type 7 for use under Class III and Class IV random riprap on slopes steeper than 3:1, horizontal to vertical, and under Class V random riprap

Add the following to 3601.3, “Riprap Material, Sampling and Testing”:

An approved Quality Control Program is required for riprap derived from Carbonate quarries if used for Bridge protection or quantities greater than 100 cubic yards. The Quality Control program is administered by the MnDOT Geology Unit.

S-42 (3733) GEOSYNTHETIC MATERIALS

Delete and replace 3733.2B, “Geotextiles” with the following:

Provide geotextiles made from woven, nonwoven, or knit fabric of polymeric filaments or yarns, such as polypropylene, polyethylene, polyester, or polyamide. Except for Type 1b (knit sock), provide geotextiles in compliance with the National Transportation Product Evaluation Program (NTPEP).

For Types 1, 3-13 meet the applicable requirements in Table 3733.2-1 through Table 3733.2-4.

Table 3733.2-1 Geotextile Properties for Types 1, 3, 4, 5, 6, 7

Geotextile Property	ASTM Test Method Units	Type *						
		1		3	4	5	6	7 †
		Fabric	Knit sock					
B1 Grab Tensile Strength minimum, each principal direction	D4632 Pounds	100	—	100	200	200	‡	300
B2 Elongation minimum, each principal direction	D4632 Percent	—	—	50	50	—	‡	50
B3 Seam Breaking Strength minimum #	D4632 Pounds	90	—	90	180	180	‡	270
B4 Apparent Opening Size (AOS) §	D4751 U.S. Sieve	40	40 as applied	50	50	30	20	50
B5 Permittivity minimum**	D4491 sec ⁻¹	0.7	2.75 relaxed	0.5	0.5	0.05	0.05	0.5
B6 Puncture strength minimum	D6241 Pounds	—	180	—	—	—	—	—
B7 Wide Width Strip Tensile Strength minimum each principal direction	D4595 pounds/feet	—	—	—	—	—	‡	—
<p>* Minimum Average Roll Values (MARV) based on an average of at least three tests per swatch.</p> <p> Provide socks made of knit polymeric Materials and meeting the requirements of <i>ASTM D6707-06, Standard Specification for Circular-Knit Geotextile for Use in Subsurface Drainage Applications</i>, for Type H as given for properties B4, B5, and B6 fabric. Ensure the sock exhibits minimum snag or run potential, is factory-applied to maintain uniform installed mass, and conforms to the outside diameter of the tubing with a snug fit.</p> <p>† Needle-punched nonwoven. Do not use thermally bonded (heat-set) fabric.</p> <p>‡ Requirements are site-specific and will be as specified in the Contract. The property values for B1 and B3 may not be less than shown for Type 5. If the Contract does not specify either B1 or B7, use a default value of 300 pounds for B1. If the Contract does not specify seam strength, use a default value of 270 pounds for B3.</p> <p># Adhere to this requirement if the Contract requires or allows seams. Strength Specifications apply to factory and field seams. Use thread for sewing that has the strength of at least 25 pounds. Sew seams with a Federal Type 401 stitch (<i>ASTM D6193-16, Standard Practices for Stitches and Seams</i>) using a two-spool sewing machine and install seams facing upward. For seaming with adhesives, see the <i>Approved/Qualified Products List</i> available on the Department's website.</p> <p>§ For U.S. Sieve sizes, the AOS Number must be equal to or greater than the Sieve size specified.</p> <p>** Permittivity: $P = K/L$, where K = fabric permeability and L = fabric thickness.</p>								

Table 3733.2-2 Type 8 Geotextile Properties

Property	Requirements	Test Procedure
Geotextile type	Nonwoven, needle-punched geotextile, no thermal treatment (calendaring or IR)	Manufacturer Certificate of Compliance
Color	Uniform/Nominally same-color fibers	Visual Inspection
Mass per unit area	≥ 14.7 ounce/square yard	<i>ASTM D5261</i> *
Thickness under load (pressure)	At 0.29 psi: ≥ 0.12 inches At 2.9 psi: ≥ 0.10 inches At 29 psi: ≥ 0.04 inches	<i>ASTM D5199</i>
Wide-width tensile strength	≥ 685 pounds/feet	<i>ASTM D4595</i> †
Wide-width maximum elongation	≤ 130 percent	<i>ASTM D4595</i> †
Water permeability in normal direction under load (pressure)	At 2.9 psi: $\geq 3.3 \times 10^{-4}$ feet/second	<i>ASTM D5493</i> MnDOT Modified‡ or <i>ASTM D4491</i> #
In-plane water permeability (transmissivity) under load (pressure)	At 2.9 psi: $\geq 1.6 \times 10^{-3}$ feet/second At 29 psi: $\geq 6.6 \times 10^{-4}$ feet/second	<i>ASTM D6574</i> MnDOT Modified§ or <i>ASTM D4716</i> **
Weather resistance	Retained strength ≥ 60 percent	<i>ASTM D4355</i> at 500 hours exposure
Alkali resistance	≥ 96 percent polypropylene/polyethylene	Manufacturer certification of polymer

Table 3733.2-3 Types 9, 10, 11, and 12 Geotextile Properties

Properties	Test Method	Unit	Type 9		Type 11		Type 12	
			Minimum Average Roll Value					
			MD	CD	MD	CD	MD	CD
Tensile Strength at Ultimate	ASTM D4595	pounds/foot	3,500	3,200				
Tensile Strength @ 2% Strain	ASTM D4595	pounds/foot			600	1,000	480	1,800
Tensile Strength @ 5% Strain	ASTM D4595	pounds/foot			1,800	2,200	1,400	4,300
Cyclic Tensile Modulus @ 2% Strain	ASTM D7556 “Method C”	pounds/foot			50,000	70,000	50,000	120,000
Interaction Coefficient: Ci*	ASTM D6706				0.89		0.90	
Properties	Test Method	Unit	Maximum Roll Value					
Apparent Opening Size (AOS)	ASTM D4751	U.S. Sieve	30		40		40	
Properties	Test Method	Unit	Typical Roll Value Maximum					
Typical Dynamic Filtration Pore Size O95/O85/O60/O50	ASTM D6767	Microns			395/330/245/195		395/330/250/210	
Properties	Test Method	Unit	Design / Calibration Value					
Base Course Improvement Factor: MR	AASHTO R50- 09	--			1.3		1.4	

			Type 9	Type 11	Type 12
Properties	Test Method	Unit	Minimum Average Roll Value		
Permittivity	<i>ASTM D4491</i>	sec ⁻¹	0.8	0.90	1.0
Flow Rate	<i>ASTM D4491</i>	gal/min/ft ²	60	75	75
Properties	Test Method	Unit	Minimum Roll Value		
UV Resistance (at 500 hours exposure)	<i>ASTM D4355</i>	% Strength Retained	70	90	90
Seam Breaking Strength	<i>ASTM D4884</i>	Pounds/ inch	200†		
For Type 10, meet the requirements of <i>AASHTO M288 Class 4A – Geotextile</i> .					
<p>* Perform test with a normal pressure of 1.0 psi. Use material in the mold consisting of GW or SP with a maximum internal angle of friction of 34 degrees.</p> <p> Determine value in accordance with NCHRP Report 512 “Accelerated Pavement Testing: Data Guidelines” and <i>AASHTO R50-09 Geosynthetic Reinforcement of the Aggregate Base Course of Flexible Pavement Structures</i>.” Multiplier for Unbound Granular Material; for Subgrade Grade Resilient Modulus between 4.5 and 6.9 ksi (31 and 47 MPa).</p> <p>† If required, use thread with a minimum strength of 25 pounds. Sew seams with an <i>ASTM D6193, Standard Practice for Stitches and Seams</i>, Federal Type 401 stitch using a two-spool sewing machine and install seams facing upward. For seaming with adhesives, see the <i>Approved/Qualified Products List</i> available on the Department’s website.</p>					

Table 3733.2-4 Type 13 Geotextile Properties

Properties	Test Method	Unit	Minimum Average Roll Value
			MD and CD
Wide Width Max Elongation	<i>ASTM D4595</i>	%	20
Permittivity	<i>ASTM D4491</i>	Sec ⁻¹	0.4
Minimum wet front movement in vertical direction	<i>ASTM 1559</i> (modified for geotextiles)	Inches	4
Minimum wet front movement in horizontal direction:	<i>ASTM 1559</i> (modified for geotextiles)	Inches	70
General	Meet the requirements of <i>AASHTO M288 Class 4A – Geotextile</i> .		

S-43 (3885) ROLLED EROSION PREVENTION PRODUCTS

Delete and replace Tables 3885.2-1 and 3885.2-2 of 3885.2A, “Temporary Erosion Prevention Blanket” with the following:

Table 3885.2-1 Temporary Straw-based Products

Criteria	Category 10	Category 20	Category 30
Net Number (upper/lower)	1	2	2
Fiber Fill Material	100 percent Straw	100 percent Straw	70 percent Straw, 30 percent Coconut/hemp
Mass, minimum*‡ (pound per square yard)	0.43	0.43	0.42
Reported Fiber Length, 80 percent greater than (inch)	3	3	3
Reported Functional Longevity, 75 percent remaining (month)	3	4.5	9
Reported Target Service Life (month)	4	9	12
missible shear, unvegetated# (pound per square foot)	1.50	1.75	2.00
Flow, probable maximum# (feet per second)	4.5	6	8
Machine Direction (MD) Tensile Strength, minimum§ (pounds per foot)	70	160	160
TD Tensile Strength, minimum§ (pounds per foot)	50	110	150
Permissible Anchor Type	Wood or biodegradable plant-based plastic barbed, glue, U, or round head metal, 11-13 gage	U or round head metal, 11-13 gage, Washer/60D (6 inches) Nail†	Helical twist pin, Washer/60D (6 inches) Nail†
Minimum anchor embedment length	4 inches	6 inches	8 inches

* Dry mass at the time of manufacture following ASTM protocols.

|| Biodegradable means the product will decompose under ambient soil conditions into carbon dioxide, water, and other naturally occurring materials within one year of installation.

† Winter Utilization.

‡ *ASTM D6475, Mass per Unit Area of Erosion Control Blankets.*

ASTM D6460, Performance in Protecting Earthen Channels from Stormwater-Induced Erosion.

§ *ASTM D6818, Ultimate Tensile Properties of Rolled Erosion Control Products.*

Table 3885.2-2 Temporary, Wood Fiber Based Products

Criteria	Category 15	Category 25	Category 35	Category 45
Net Number (upper/lower)	Netless	2	2	2
Fiber Fill Material	100 percent Cellulose, Agricultural products, hemp, wood	100 percent Wood* Fiber	100 percent Wood* Fiber	100 percent Wood* Fiber
Mass, minimum l# (pound per square yard)	0.40	0.57	0.76	1.25
Reported Fiber Length, 80 percent greater than (inch)	Varies, 0.5 to 6	6	6	6
Reported Functional Longevity, 75 percent remaining (month)	1.5	6	12	24
Reported Target Service Life (month)	3	12	24	36
Permissible shear, unvegetated§ (pound per square foot)	1.00	2.10	2.50	3.25
Flow, probable maximum§ (feet per second)	2	7	8	11
MD Tensile Strength, minimum** (pounds per foot)	4	160	160	160
TD Tensile Strength, minimum** (pounds per foot)	4	110	110	110

Criteria	Category 15	Category 25	Category 35	Category 45
Permissible Anchor Type	Wood or biodegradable† plant- based plastic barbed, glue U or round head metal 11-13 gage	U or round head metal, 11-13 gage, Washer/60D (6 inches) Nail‡	Helical twist pin, Washer/60D (6 inches) Nail‡	Helical twist pin, Washer/60D (6 inches) Nail‡
Minimum anchor embedment length	4 inches	6 inches	8 inches	10 inches
<p>* Derived from hardwood (Aspen spp.) or softwoods (pine).</p> <p>‖ Dry mass at the time of manufacture following ASTM protocols.</p> <p>† Biodegradable means the product will decompose under ambient soil conditions into carbon dioxide, water, and other naturally occurring materials within one year of installation.</p> <p>‡ Winter Utilization.</p> <p># <i>ASTM D6475, Mass per Unit Area of Erosion Control Blankets.</i></p> <p>§ <i>ASTM D6460, Performance in Protecting Earthen Channels from Stormwater-Induced Erosion.</i></p> <p>** <i>ASTM D6818, Ultimate Tensile Properties of Rolled Erosion Control Products.</i></p>				

Attachments:

Geotechnical Evaluation Report (28 pages)

MN DNR Permit and Authorization (7 pages)

MPCA NPDES Construction Stormwater Permit (20 pages)

MPCA NPDES Permit Transfer (2 pages)

Bois de Sioux Watershed District Permit (2 pages)

Plant Certification Application Form

Schedule of Materials Control 2023 Version (76 pages)

Equal Employment Opportunity (EEO) Special Provisions (22 pages)

Notice to Bidders – Abbreviations of Schedule of Prices

Non-Collusion Affidavit

Certificate of Compliance with MN Statute 363

Attachment A – Prime Contractor Response (5 pages)

Schedule of Prices



CONSULTANTS

- ENVIRONMENTAL
- GEOTECHNICAL
- MATERIALS
- FORENSICS

REPORT OF GEOTECHNICAL EXPLORATION AND REVIEW

Highway 55 Box Culvert
Grant County, Minnesota

Report No. 32-20447

Date:

May 1, 2020

Prepared for:

Grant County
224 3rd Street SE
PO Box 1005
Elbow Lake, Minnesota 56531





- CONSULTANTS
- ENVIRONMENTAL
- GEOTECHNICAL
- MATERIALS
- FORENSICS

May 1, 2020

Grant County
224 3rd Street SE
PO Box 1005
Elbow Lake, Minnesota 56531

Attn: Mr. Tracey VonBargen

RE: Geotechnical Exploration and Review
Highway 55 Box Culvert
Grant County, Minnesota
Report No. 32-20447

Dear Mr. VonBargen:

American Engineering Testing, Inc. (AET) is pleased to present the results of our subsurface exploration and geotechnical engineering review for a new triple box culvert project in Grant County, Minnesota. These services were performed in response to our proposal to you dated February 7, 2020. We are submitting one electronic copy of this report to you.

Please contact me if you have any questions about the report. I can also be contacted for arranging construction observation and testing services.

Sincerely,
American Engineering Testing, Inc.

A handwritten signature in blue ink, appearing to read 'Scott J Kelly', is written over a light blue horizontal line.

Scott J Kelly, PE
Branch Manager
Phone: (605) 332-5371
skelly@amengtest.com

Page i

601 E. 48th St. N. | Sioux Falls, SD 57104

Phone (605) 332-5371 | (800) 972-6364 | Fax (605) 332-8488 | www.amengtest.com | AA/EEO
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Report of Geotechnical Exploration

Highway 55 Box Culvert

Date April 29, 2020

Report No. 32-20447

AMERICAN
ENGINEERING
TESTING, INC.

SIGNATURE PAGE

Prepared for:


Grant County
224 3rd Street SE
Elbow Lake, MN 56531

Attn: Mr. Tracey VonBargen

Prepared by:

American Engineering Testing, Inc.
601 E 48th Street North
Sioux Falls, South Dakota 57104
(605) 332-5371/www.amengtest.com

Authored by:



Scott J Kelly, PE
Branch Manager

Reviewed by:



Bruce W Card, PE
Senior Engineer

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under Minnesota Statute Section 326.02 to 326.15

Date: May 1, 2020 License #16783

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Report of Geotechnical Exploration

Highway 55 Box Culvert

Date April 29, 2020

Report No. 32-20447

AMERICAN
ENGINEERING
TESTING, INC.

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APPENDIX B – Geotechnical Report Limitations and Guidelines for Use

1.0 INTRODUCTION

It is proposed to replace the existing culverts and raise the roadway elevation at the Highway 55 crossing of the Mustinka River. To assist planning and design, you have authorized American Engineering Testing, Inc. (AET) to conduct a subsurface exploration program at the site, conduct soil laboratory testing, and perform a geotechnical engineering review for the project. This report presents the results of the above services and provides our engineering recommendations based on this data.

2.0 SCOPE OF SERVICES

AET's services were performed according to our proposal to you dated February 7, 2020, which you authorized on February 25, 2020. The authorized scope consists of the following.

- Contacting Gopher State One Call for locating utilities at the site.
- Three (3) standard penetration test borings to a depth of 26 feet
- Soil laboratory testing.
- Geotechnical engineering review based on the data and preparation of this report.

These services are intended for geotechnical purposes only. The scope is not intended to explore for the presence or extent of environmental contamination in the soil or groundwater.

3.0 PROJECT INFORMATION

Highway 55 crosses the Mustinka River approximately one mile east of the town of Wendell, Minnesota. The river passes beneath the roadway through two reinforced concrete pipe culverts. These will be replaced with three concrete box culverts. The flowline of the new culverts is anticipated to be approximately 1,101 feet. In addition, the lowest point of pavement elevation is to be increased to 1,110.9 feet.

The above stated information represents our understanding of the proposed construction. This information is an integral part of our engineering review. It is important that you contact us if there are changes from that described so that we can evaluate whether modifications to our recommendations are appropriate.

4.0 SUBSURFACE EXPLORATION AND TESTING

4.1 Field Exploration Program

The subsurface exploration program conducted for the project consisted of three (3) standard penetration test (SPT) borings. The logs of the borings and details of the methods used appear in Appendix A. The logs contain information concerning soil layering, soil classification, geologic descriptions and moisture condition. Relative density or consistency is also noted for the natural soils on the SPT borings, which is based on the standard penetration resistance (N-value).

The project and boring locations are shown on Figures 1 and 2 in Appendix A. The boring locations were selected based on the proposed new culvert locations. Surface elevations were estimated from the road profile plan, provided by Grant County.

4.2 Laboratory Testing

The laboratory test program included moisture content, dry density, unconfined compression and plasticity index testing. The test results appear in Appendix A on the individual boring logs adjacent to the samples upon which they were performed, or on the data sheets following the logs.

5.0 SITE CONDITIONS

5.1 Surface Observations

Highway 55 crosses the Mustinka River, over the existing culverts, at this site. The river width extends to approximately 1,100 feet, at the crossing. The roadway surface elevation dips to a low elevation of 1,108.4 feet at this location. Cultivated agricultural land borders the river on both sides.

5.2 Subsurface Soils/Geology

The three borings were performed within the roadway embankment. Beneath the pavement, the borings encountered fill material to depths ranging from 4 ½ to 9 ½ feet. The fill was described as lean clay with sand and clayey sand, with varying amounts of gravel. It was further described as brown and black in color and moist. Underlying the fill, fine alluvium was encountered to a depth of 12 feet. This alluvium was described as fat clay or lean clay with sand. The material was brown and gray in color, moist, and firm in consistency. The fat clay from 9 ½ to 12 feet in boring 3, was soft in consistency.

Lacustrine deposits consisting of organic fat clay were encountered from 12 to 19 ½ feet. From 17 to 19 ½ feet in boring 3, the organic content was absent. The lacustrine deposits included varying sand and shells, was black in color, moist, and soft in consistency.

Coarse alluvium was encountered beneath the lacustrine deposits. It consisted of a variable blend of water bearing sand and silt. Its consistency was characterized as very loose to medium dense. All borings were terminated within the coarse alluvium.

5.3 Groundwater

Groundwater was encountered in each of the three borings at depths ranging from 17.6 to 24 feet, during drilling. The depths of subsurface water noted at the boring locations should not be taken as an accurate representation of the actual subsurface water levels. A long period of time is generally required for groundwater levels to stabilize in low permeability soils, as encountered in much of the boring depths.

Groundwater levels should be expected to fluctuate seasonally and annually due to varying seasonal and annual rainfall and snow melt amounts, along with river elevation and other factors. The time of year in which the borings were drilled, and the history of precipitation prior to drilling, should be known when using the water level information on the soil boring logs to extrapolate water levels at other points in time.

Given the soil properties, and the proximity to the river channel, it is our opinion that the subsurface water levels at the site could be very near the ground surface during periods of significant precipitation, particularly during the spring.

5.4 Review of Soil Properties

5.4.1 Pavement

The pavement consists of 6 to 7.25 inches of bituminous pavement underlain by 4 to 5 inches of a varying blend of clayey sand and gravel.

5.4.2 Embankment Fill

The embankment fill includes clayey sand to lean clay with sand. Some gravel was observed

within the material. It was described as brown and black in color. The material appears to be dense, with some zones of soft consistency.

5.4.3 Fine Alluvium

The fine alluvium consists of lean to fat clay with sand and gravel. It was described as brown and gray in color, moist, and soft to firm in consistency.

5.4.4 Lacustrine Deposits

Lacustrine soils are defined as those deposited beneath lakes. The material encountered is classified as an organic, fat clay. It contains shell fragments, is black in color, and soft to firm in consistency. The visual characteristics indicate it may be swamp deposits. At a depth of 17 feet, the organic content is no longer noted in boring 3.

5.4.5 Coarse Alluvium

All three borings were terminated in a layer of coarse alluvium. The material includes medium to fine grained sand, with varying silt content. It is a water bearing layer, with a consistency ranging from very loose to medium dense.

6.0 RECOMMENDATIONS

6.1 Approach Discussion

The existing soils at the boring locations are judged to be competent for support of the proposed box culverts, if they are not disturbed. If loose fill or soft or disturbed soils are found to be present away from the test locations, they should be subcut and replaced. In addition, the site soils are frost susceptible. Excavation and replacement of these soils should also be performed, pending your desires to control frost heave movements. Our specific recommendations are presented in the following sections.

6.2 Frost Discussion

The soils present around the culvert zone are considered to be frost susceptible. In this case, Granular Treatments for backfill materials are usually recommended for culverts which have less than 8 feet of soil cover (the cover soils are also impacted by the cold temperatures within the box). These treatments are a requirement for MnDOT projects, although the maximum average depth of frost penetration considered for design of these treatments is usually 5½ feet (i.e. granular tapers are placed within the upper 5½ feet, but not below this depth). Where the expected cover is less than 8 feet, the use of a Granular Treatment is our primary recommendation. For budgetary reasons, an alternate where the frost tapers are limited to a shallower depth could be considered. However, the county would need to recognize that greater frost effects may potentially be noticed with a reduced Granular Treatment approach.

6.3 Culvert Bedding/Foundation Support

Based on the borings, the existing soils at the base of the proposed culvert excavation (assumed to be elevation 1,100 feet) are lean clay with sand or clayey sand (fill or fine alluvium). We recommend an additional subcut of 2 feet into these soils. The culvert should then be supported on a Coarse Filter Aggregate (MnDOT 3149.2.H) layer of at least 2 feet. If mineral fill is used, it should be compacted to a minimum of 98% of the standard Proctor density (ASTM: D698/AASHTO T99); although it would likely be difficult to compact fill over sensitive clays if clean sands or gravels are not used.

The excavation bottom and aggregate layer should be oversized laterally beyond the planned outside edges of the box structures to properly support the lateral loads exerted. This excavation/aggregate fill lateral extension should at least be equal to the vertical depth of fill needed to attain bottom of box grade at that location (i.e. 1:1 lateral oversize).

The subcut and aggregate placement could be at an elevation which is below or at the river water level. To properly construct the new foundation layer, ditch redirection/cutoff and local dewatering should be performed as needed to allow construction in a non-standing water condition.

Coarse Filter Aggregate should be separated from the surrounding finer grained soils with a geotextile separation fabric. Geotextile fabric used for this purpose should meet the requirement of MnDOT Specification 3373, Type V Geotextile.

6.4 Culvert Backfilling

Backfill material placed against the new culvert should be Structural Backfill (MnDOT Specification 3149.2.D.2). The backfill material should be placed within a minimum of 3 feet (horizontally) to sides of the culvert structure. This backfill material should be backsloped away from the culvert per OSHA requirements until it intersects the frost zone where Granular Treatment tapers should be constructed for roadway frost purposes.

If the standard MnDOT approach is to be used, the depth of frost penetration for Granular Treatment design purposes should be considered 5½ feet. Where the backfill material is placed over more silty/clayey soils within 5½ feet of the finished grade (top of pavement), the backfill material should have backslope tapers no steeper than 1:20 (V:H). The taper should be constructed so that the backfill material overlays the existing soils. Tapers are not required deeper than 5½ feet below the finished grade.

If the county wishes to reduce the Granular Treatment design for budgetary purposes, we still recommend placing the backfill material to the sides of the culvert (within 3 feet horizontally) and, with the shallow soil cover planned, above the culvert. Design reductions could then be the depth to which the frost taper begins (which should be no shallower than the top of box) and/or the taper angle.

We recommend that new fill soils placed within the upper 3-foot roadway subgrade zone be compacted to a minimum of 100% of the standard maximum dry unit weight defined in ASTM: D698 (Standard Proctor test)/AASHTO T-99. A reduced minimum compaction level of 95% of the standard maximum dry unit weight can be used below the upper 3-foot subgrade zone.

6.5 Embankment Construction

As part of the process of increasing the road elevation, the existing embankment will need to be increased in width at the base. This will require fill placement within the established inundated area, adjacent to the existing roadway embankment. It is recommended that the surface water in the area immediately adjacent to the existing roadway embankment be removed. This can be accomplished by lowering the water elevation in the channel, coffer dams and pumps, or a combination of systems. If the surface water cannot be removed from the work area, the initial layers of fill will need to be placed onto the channel bed, under the water.

The new fill will be constructed over the lacustrine deposits, discussed earlier. These deposits are generally highly compressible and will contribute to considerable settlement. Settlement is estimated to be on the order of 15 inches, beneath the new fill areas. We anticipate most of the settlement will take place during the construction period, but some settlement will likely continue to occur for several months. It is imperative that the fill placement take place as early in the project schedule as possible. Final pavement construction should be scheduled to allow the maximum interval between fill placement and pavement construction, to permit as much settlement as possible. Due to the depth of the lacustrine deposits, it does not appear feasible to remove and replace the material, prior to fill placement.

The initial fill placement should consist of a free-draining, granular material, similar to Coarse Filter Aggregate. Coarse Filter Aggregate should be separated from the surrounding finer grained soils with a geotextile separation fabric. Geotextile fabric used for this purpose should meet the requirement of MnDOT Specification 3373, Type V Geotextile. The free-draining granular fill should extend to above the normal water elevation. The material may be compacted by vibration, until no additional vertical displacement is observed.

Above normal water elevation, the embankment can be constructed with fill soils, such as a lean sandy clay. All exposed slope surfaces should be protected from erosion, especially due to any potential wave action.

Prior to any fill placement, the topsoil and organic matter should be removed from the existing embankment slopes, wherever new fill will be placed. As the fill placement progresses, it should be “benched” into the existing embankment. This applies to any existing slope steeper than 4 horizontal to 1 vertical (4H:1V) slope. We recommend each bench width be at least 4 feet, with a new bench constructed every one foot in elevation change.

6.5 Pavement Recommendation

The backfill material placed on top of the culvert should have sufficient depth and strength to support construction equipment and to serve as a foundation for the pavement structure. If sufficient thickness is not provided, the applied loads could cause damage to the culvert. We recommend a minimum of 2 feet of backfill material to be placed above the culvert and minimum California Bearing Ratio (CBR) of 20 is achieved before starting the construction of the pavement system. If Select Granular Material (MnDOT 3149.2.B2) or Structural Backfill is used as backfill

material above the culvert, R-value of 60 can be used for pavement design. It is assumed that the culvert will be designed to sustain the traffic loading and the weight of the material on top of it.

The total thickness of the pavement structure to be placed on top of the Select Granular Material or Structural Backfill, as well as the individual thickness of the pavement layers, is summarized in Table 6.5-1.

Table 6.5-1. Summary of Pavement Structure

Layer	Type	Subtype	Thickness (inches)
1a	HMA Wear Course (Pb = 5.0%)*	PG58-34 (2360F 1/2")	2.0
1b	HMA Base Course (Pb = 5.0%)*	PG58-34 (2360F 1/2")	5.0
2	Aggregate Base	MnDOT Class 5	6.0
3	Subgrade*	-	-

* Pb = Assumed binder content for the analysis

** Assumed Select Granular Material or Structural Backfill

7.0 CONSTRUCTION CONSIDERATIONS

7.1 Potential Difficulties

7.1.1 Groundwater and Surface Water in Excavation

The required subcut and Coarse Aggregate Bedding placement will be at an elevation which could be below or at the regular water level. To properly construct the new foundation layer, some form of bypass and local dewatering will be necessary to allow construction in a non-standing water condition.

7.1.2 Disturbance of Soils

The on-site soils can become disturbed under construction traffic, especially if the soils are wet. If soils become disturbed, they should be excavated to the underlying undisturbed soils. The excavated soils can then be dried and recompacted back into place, or they should be removed and replaced with drier imported fill.

7.2 Excavation Backsloping

If excavation faces are not retained, the excavations should maintain maximum allowable slopes in accordance with *OSHA Regulations (Standards 29 CFR), Part 1926, Subpart P, "Excavations"* (can be found on www.osha.gov). Even with the required OSHA sloping, water seepage or surface runoff can potentially induce sideslope erosion or sloughing which could require slope maintenance.

7.3 Observation and Testing

The recommendations in this report are based on the subsurface conditions found at our test boring locations. Since the soil conditions can be expected to vary away from the soil boring locations, we recommend on-site observation by a geotechnical engineer/technician during construction to evaluate these potential changes. Soil density testing should also be performed on new fill placed in order to document that project specifications for compaction have been satisfied.

8.0 LIMITATIONS

Within the limitations of scope, budget, and schedule, we have endeavored to provide our services according to generally accepted geotechnical engineering practices at this time and location. Other than this, no warranty, express or implied, is intended.

Important information regarding risk management and proper use of this report is given in Appendix B entitled "Geotechnical Report Limitations and Guidelines for Use."

Appendix A

Definitions Relating to Pavement Construction
Geotechnical Field Exploration and Testing
Boring Log Notes
Unified Soil Classification System
Figure 1 – Project Location
Figure 2 - Boring Locations
Subsurface Boring Logs

DEFINITIONS RELATING TO PAVEMENT CONSTRUCTION

Top of subgrade: Grade which contacts the bottom of the aggregate base layer.

Sand subbase: Uniform thickness sand layer placed as the top of subgrade which is intended to improve the frost and drainage characteristics of the pavement system by increasing drainage of excess water in the aggregate base and subbase, by reducing and “bridging” frost heaving, and by reducing spring thaw weakening effects.

Critical subgrade zone: The subgrade portion beneath and within three vertical feet of the top of subgrade. A sand subbase, if placed, would be considered the upper portion of the critical subgrade zone.

Suitable Grading Material: Mineral soil materials, typically from the project site, excluding the following: 1) soils which have an organic content exceeding 3%, 2) cohesive soils having a Liquid Limit exceeding 50%, 3) soils which include debris, cobbles, and/or boulders, and 4) soils which are considered acceptable from an environmental standpoint. The soil must also be capable of attaining the specified compaction level at its current water content or at a water content that can be reasonably scarified, blended, and moisture conditioned to a uniform water content in order to uniformly meet compaction requirements.

Granular Material: Soils meeting the Gravel Cushion Specification per SD/DOT Section 882.2. This refers to granular soils which, of the portion passing the 3/4" sieve, contain less than 12% by weight passing the #200 sieve.

Modified Granular Material: Clean, medium grained sands which, of the portion passing the 3/4" sieve, contain less than 5% by weight passing the #200 sieve and less than 40% by weight passing the #40 sieve.

Compaction Subcut: Construction of a uniform thickness subcut below a designated grade to provide uniformity and compaction within the subcut zone. Replacement fill can be the materials subcut, although the reused soils should be blended to a uniform soil condition and re-compacted per the Specified Density Method (SD/DOT Section 120.3).

Test Roll: A means of evaluating the near-surface stability of subgrade soils (usually non-granular). Suitability is determined by the depth of rutting or deflection caused by passage of heavy rubber-tired construction equipment, such as a loaded dump truck, over the test area. Yielding of less than 1" is normally considered acceptable, although engineering judgment may be applied depending on the equipment used, soil conditions present, and/or depth below final grade.

Unstable Soils: Subgrade soils which do not pass a test roll. Unstable soils typically have water content exceeding the *standard optimum water content* defined in ASTM:D698 (Standard Proctor test).

Organic Soils: Soils which have sufficient organic content such that the soils engineering properties are negatively affected (typically more than 3% organic content). These soils are usually black to dark brown in color.

Appendix A
Geotechnical Field Exploration and Testing
Report No. 32-20447

A.1 FIELD EXPLORATION

The subsurface conditions at the site were explored by drilling and sampling thirteen (13) standard penetration test borings. The locations of the borings appear on Figure 1, preceding the Subsurface Boring Logs in this appendix.

A.2 SAMPLING METHODS

A.2.1 Split-Spoon Samples (SS) - Calibrated to N_{60} Values

Standard penetration (split-spoon) samples were collected in general accordance with ASTM: D1586 with one primary modification. The ASTM test method consists of driving a 2-inch O.D. split-barrel sampler into the in-situ soil with a 140-pound hammer dropped from a height of 30 inches. The sampler is driven a total of 18 inches into the soil. After an initial set of 6 inches, the number of hammer blows to drive the sampler the final 12 inches is known as the standard penetration resistance or N-value. Our method uses a modified hammer weight, which is determined by measuring the system energy using a Pile Driving Analyzer (PDA) and an instrumented rod.

In the past, standard penetration N-value tests were performed using a rope and cathead for the lift and drop system. The energy transferred to the split-spoon sampler was typically limited to about 60% of its potential energy due to the friction inherent in this system. This converted energy then provides what is known as an N_{60} blow count.

The most recent drill rigs incorporate an automatic hammer lift and drop system, which has higher energy efficiency and subsequently results in lower N-values than the traditional N_{60} values. By using the PDA energy measurement equipment, we are able to determine actual energy generated by the drop hammer. With the various hammer systems available, we have found highly variable energies ranging from 55% to over 100%. Therefore, the intent of AET's hammer calibrations is to vary the hammer weight such that hammer energies lie within about 60% to 65% of the theoretical energy of a 140-pound weight falling 30 inches. The current ASTM procedure acknowledges the wide variation in N-values, stating that N-values of 100% or more have been observed. Although we have not yet determined the statistical measurement uncertainty of our calibrated method to date, we can state that the accuracy deviation of the N-values using this method is significantly better than the standard ASTM Method.

A.2.2 Disturbed Samples (DS)/Spin-up Samples (SU)

Sample types described as "DS" or "SU" on the boring logs are disturbed samples, which are taken from the flights of the auger. Because the auger disturbs the samples, possible soil layering and contact depths should be considered approximate.

A.2.3 Sampling Limitations

Unless actually observed in a sample, contacts between soil layers are estimated based on the spacing of samples and the action of drilling tools. Cobbles, boulders, and other large objects generally cannot be recovered from test borings, and they may be present in the ground even if they are not noted on the boring logs.

Determining the thickness of "topsoil" layers is usually limited, due to variations in topsoil definition, sample recovery, and other factors. Visual-manual description often relies on color for determination, and transitioning changes can account for significant variation in thickness judgment. Accordingly, the topsoil thickness presented on the logs should not be the sole basis for calculating topsoil stripping depths and volumes. If more accurate information is needed relating to thickness and topsoil quality definition, alternate methods of sample retrieval and testing should be employed.

A.3 CLASSIFICATION METHODS

Soil descriptions shown on the boring logs are based on the Unified Soil Classification (USC) system. The USC system is described in ASTM: D2487 and D2488. Where laboratory classification tests (sieve analysis or Atterberg Limits) have been performed, accurate classifications per ASTM: D2487 are possible. Otherwise, soil descriptions shown on the boring logs are visual-manual judgments. Charts are attached which provide information on the USC system, the descriptive terminology, and the symbols used on the boring logs.

Visual-manual judgment of the AASHTO Soil Group is also noted as a part of the soil description. A chart presenting details of the AASHTO Soil Classification System is also attached.

Appendix A
Geotechnical Field Exploration and Testing
Report No. 32-20447

The boring logs include descriptions of apparent geology. The geologic depositional origin of each soil layer is interpreted primarily by observation of the soil samples, which can be limited. Observations of the surrounding topography, vegetation, and development can sometimes aid this judgment.

A.4 WATER LEVEL MEASUREMENTS

The ground water level measurements are shown at the bottom of the boring logs. The following information appears under “Water Level Measurements” on the logs:

- ♦ Date and Time of measurement
- ♦ Sampled Depth: lowest depth of soil sampling at the time of measurement
- ♦ Casing Depth: depth to bottom of casing or hollow-stem auger at time of measurement
- ♦ Cave-in Depth: depth at which measuring tape stops in the borehole
- ♦ Water Level: depth in the borehole where free water is encountered
- ♦ Drilling Fluid Level: same as Water Level, except that the liquid in the borehole is drilling fluid

The true location of the water table at the boring locations may be different than the water levels measured in the boreholes. This is possible because there are several factors that can affect the water level measurements in the borehole. Some of these factors include: permeability of each soil layer in profile, presence of perched water, amount of time between water level readings, presence of drilling fluid, weather conditions, and use of borehole casing.

A.5 LABORATORY TEST METHODS

A.5.1 Water Content Tests

Conducted per AET Procedure 01-LAB-010, which is performed in general accordance with ASTM: D2216 and AASHTO: T265.

A.5.2 Atterberg Limits Tests

Conducted per AET Procedure 01-LAB-030, which is performed in general accordance with ASTM: D4318 and AASHTO: T89, T90.

A.5.3 Sieve Analysis of Soils (thru #200 Sieve)

Conducted per AET Procedure 01-LAB-040, which is performed in general conformance with ASTM: D6913, Method A.

A.5.4 Particle Size Analysis of Soils (with hydrometer)

Conducted per AET Procedure 01-LAB-050, which is performed in general accordance with ASTM: D422 and AASHTO: T88.

A.5.5 Unconfined Compressive Strength of Cohesive Soil

Conducted per AET Procedure 01-LAB-080, which is performed in general accordance with ASTM: D2166 and AASHTO: T208.

A.5.6 Laboratory Soil Resistivity using the Wenner Four-Electrode Method

Conducted per AET Procedure 01-LAB-090, which is performed using Soil Box apparatus in the laboratory in general accordance with ASTM: G57

A.6 TEST STANDARD LIMITATIONS

Field and laboratory testing is done in general conformance with the described procedures. Compliance with any other standards referenced within the specified standard is neither inferred nor implied.

A.7 SAMPLE STORAGE

Unless notified to do otherwise, we routinely retain representative samples of the soils recovered from the borings for a period of 30 days.

BORING LOG NOTES

DRILLING AND SAMPLING SYMBOLS

Symbol	Definition
B,H,N:	Size of flush-joint casing
CA:	Crew Assistant (initials)
CAS:	Pipe casing, number indicates nominal diameter in inches
CC:	Crew Chief
COT:	Clean-out tube
DC:	Drive casing; number indicates diameter in inches
DM:	Drilling mud or bentonite slurry
DR:	Driller (initials)
DS:	Disturbed sample from auger flights
FA:	Flight Auger; number indicates outside diameter in inches
HSA:	Hollow stem auger; number indicates inside diameter in inches
LG:	Field logger (initials)
MC:	Column used to describe moisture condition of samples and for the ground water level symbols
N (BPF):	Standard penetration resistance (N-value) in blows per foot (see notes)
NQ:	NQ wireline core barrel
PQ:	PQ wireline core barrel
RD:	Rotary drilling with fluid and roller or drag bit
REC:	In California-spoon, split-spoon (see notes) and thin-walled tube sample, the recovered length (in inches) of sample. In rock coring, the length of core recovered (expressed as percent of the total core run.) Zero indicates no sample recovered.
REV:	Revert drilling fluid
2L:	California-spoon sampler (steel; 2" inside diameter with 4" long brass liners; 3" outside diameter)
SS:	Standard split-spoon sample (steel; 1½" inside diameter; 2" outside diameter); unless indicated otherwise
SU:	Spin-up sample from hollow stem auger
TW:	Thin-walled tube; number indicates inside diameter in inches
WASH:	Sample of material obtained by screening returning rotary drilling fluid or by which has collected inside the borehole after "falling" through drilling fluid
WH:	Sampler advanced by static weight of drill rod and 140-pound hammer
WR:	Sampler advanced by static weight of drill rod
94mm:	94 millimeter wireline core barrel
▼:	Water level directly measured in boring
▽:	Estimated water level based solely on sample appearance

TEST SYMBOLS

Symbol	Definition
CONS:	One-dimensional consolidation test
DEN:	Dry density; pcf
DST:	Direct shear test
E:	Pressuremeter Modulus, tsf
HYD:	Hydrometer analysis
LL:	Liquid Limit, %
LP:	Pressuremeter Limit Pressure, tsf
OC:	Organic Content, %
PERM:	Coefficient of permeability (K) test; F- Field; L - Laboratory
PL:	Plastic Limit, %
q _p :	Pocket Penetrometer strength, tsf (approximate)
q _c :	Static cone bearing pressure, tsf
q _u :	Unconfined compressive strength, psf
R:	Electrical Resistivity, ohm-cms
RQD:	Rock Quality Designation of Rock Core, in percent (aggregate length of core pieces 4" or more in length as a percent of total core run)
SA:	Sieve Analysis
TRX:	Triaxial compression test
VSU:	Vane shear strength, remoulded (field), psf
VSU:	Vane shear strength, undisturbed (field) psf
WC:	Water content, as percent of dry weight
%-200:	Percent of material finer than #200 sieve

STANDARD PENETRATION TEST NOTES

The standard penetration test consists of driving the sampler with a 140 pound hammer and counting the number of blows applied in each of three 6" increments of penetration. If the sampler is driven less than 18" (usually in highly resistant material), permitted in ASTM:D1586, the blows for each complete 6" increment and for each partial increment is on the boring log. For partial increments, the number of blows is shown to the nearest 0.1' below the slash.

The length of the sample recovered, as shown on the "REC" column, may be greater than the distance indicated in the N column. The disparity is because the N-value is recorded below the initial 6" set (unless partial penetration defined in ASTM:D1586 is encountered) whereas the length of sample recovered is for the entire sampler driver (which may even extend more than 18").



UNIFIED SOIL CLASSIFICATION SYSTEM

ASTM Designations: D 2487, D2488

**AMERICAN
ENGINEERING TESTING,
INC.**

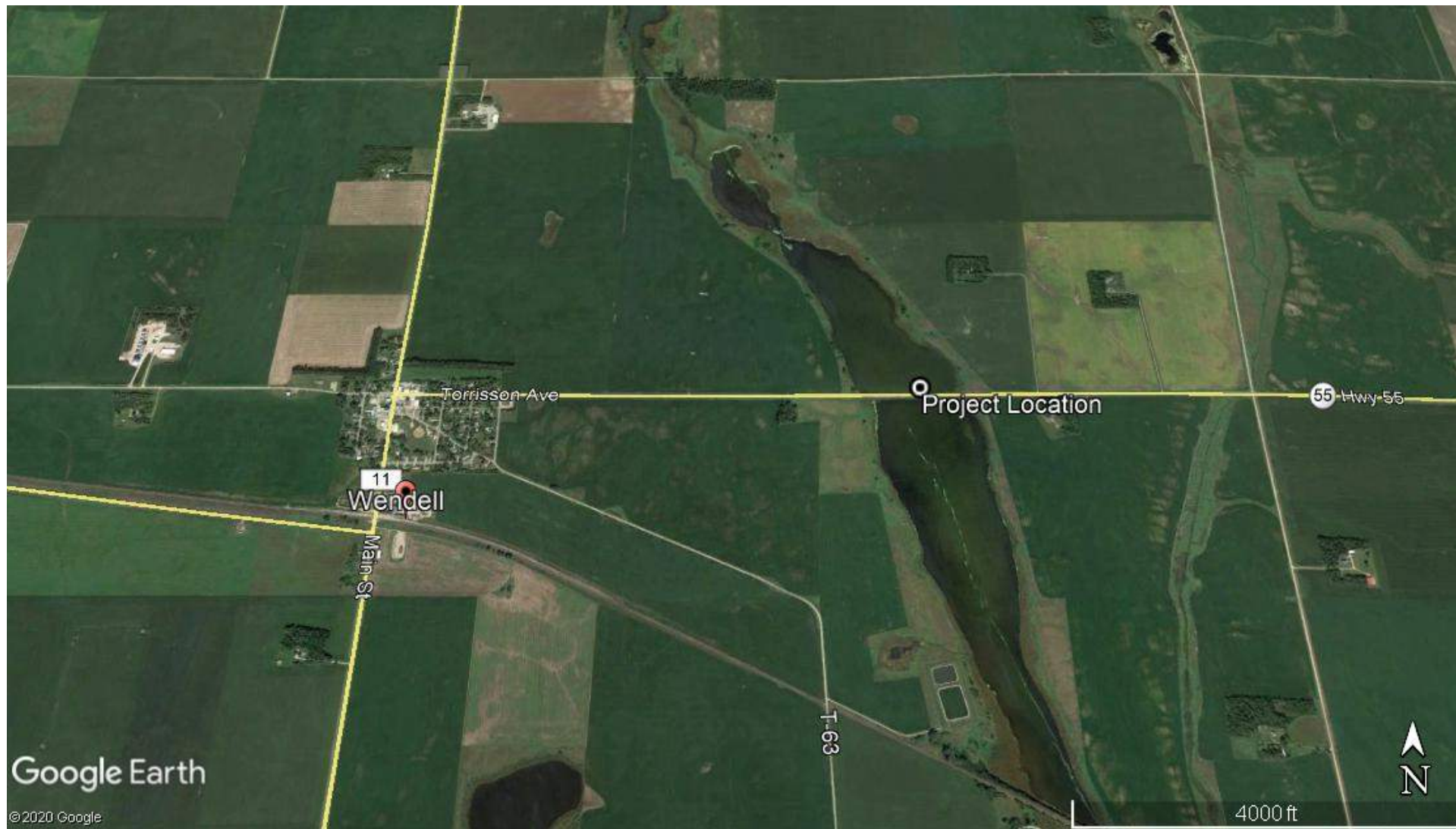
Criteria for Assigning Group Symbols and Group Names Using Laboratory Tests ^A				Soil Classification		Notes
				Group Symbol	Group Name ^B	
Coarse-Grained Soils More than 50% retained on No. 200 sieve	Gravels More than 50% coarse fraction retained on No. 4 sieve	Clean Gravels Less than 5% fines ^C	$Cu \geq 4$ and $1 < Cc \leq 3^E$	GW	Well graded gravel ^F	^A Based on the material passing the 3-in (75-mm) sieve.
			$Cu < 4$ and/or $1 > Cc > 3^E$	GP	Poorly graded gravel ^F	^B If field sample contained cobbles or boulders, or both, add "with cobbles or boulders, or both" to group name.
		Gravels with Fines more than 12% fines ^C	Fines classify as ML or MH	GM	Silty gravel ^{F,G,H}	^C Gravels with 5 to 12% fines require dual symbols:
			Fines classify as CL or CH	GC	Clayey gravel ^{F,G,H}	GW-GM well-graded gravel with silt GW-GC well-graded gravel with clay GP-GM poorly graded gravel with silt GP-GC poorly graded gravel with clay
	Sands 50% or more of coarse fraction passes No. 4 sieve	Clean Sands Less than 5% fines ^D	$Cu \geq 6$ and $1 < Cc \leq 3^E$	SW	Well-graded sand ^I	^D Sands with 5 to 12% fines require dual symbols:
			$Cu < 6$ and $1 > Cc > 3^E$	SP	Poorly-graded sand ^I	SW-SM well-graded sand with silt SW-SC well-graded sand with clay SP-SM poorly graded sand with silt SP-SC poorly graded sand with clay
		Sands with Fines more than 12% fines ^D	Fines classify as ML or MH	SM	Silty sand ^{G,H,I}	
			Fines classify as CL or CH	SC	Clayey sand ^{G,H,I}	
Fine-Grained Soils 50% or more passes the No. 200 sieve (see Plasticity Chart below)	Sils and Clays Liquid limit less than 50	inorganic	$PI > 7$ and plots on or above "A" line ^J	CL	Lean clay ^{K,L,M}	^E $Cu = D_{60}/D_{10}$, $Cc = (D_{30})^2/D_{10} \times D_{60}$
			$PI < 4$ or plots below "A" line ^J	ML	Silt ^{K,L,M}	^F If soil contains $\geq 15\%$ sand, add "with sand" to group name.
		organic	<u>Liquid limit—oven dried</u> < 0.75	OL	Organic clay ^{K,L,M,N}	^G If fines classify as CL-ML, use dual symbol GC-GM, or SC-SM.
			Liquid limit – not dried		Organic silt ^{K,L,M,O}	^H If fines are organic, add "with organic fines" to group name.
	Sils and Clays Liquid limit 50 or more	inorganic	PI plots on or above "A" line	CH	Fat clay ^{K,L,M}	^I If soil contains $\geq 15\%$ gravel, add "with gravel" to group name.
			PI plots below "A" line	MH	Elastic silt ^{K,L,M}	^J If Atterberg limits plot is hatched area, soils is a CL-ML silty clay.
		organic	<u>Liquid limit—oven dried</u> < 0.75	OH	Organic clay ^{K,L,M,P}	^K If soil contains 15 to 29% plus No. 200 add "with sand" or "with gravel", whichever is predominant.
			Liquid limit – not dried		Organic silt ^{K,L,M,Q}	^L If soil contains $\geq 30\%$ plus No. 200, predominantly sand, add "sandy" to group name.
Highly organic soil			PT	Peat ^R	^M If soil contains $\geq 30\%$ plus No. 200, predominantly gravel, add "gravelly" to group name.	

SIEVE ANALYSIS

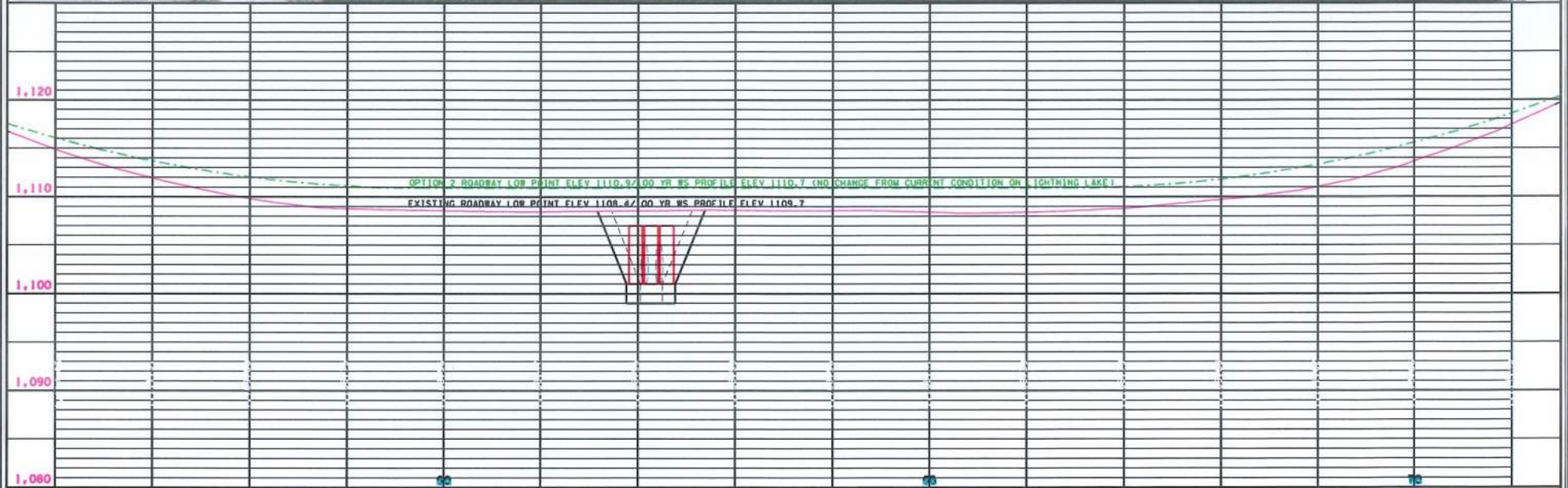
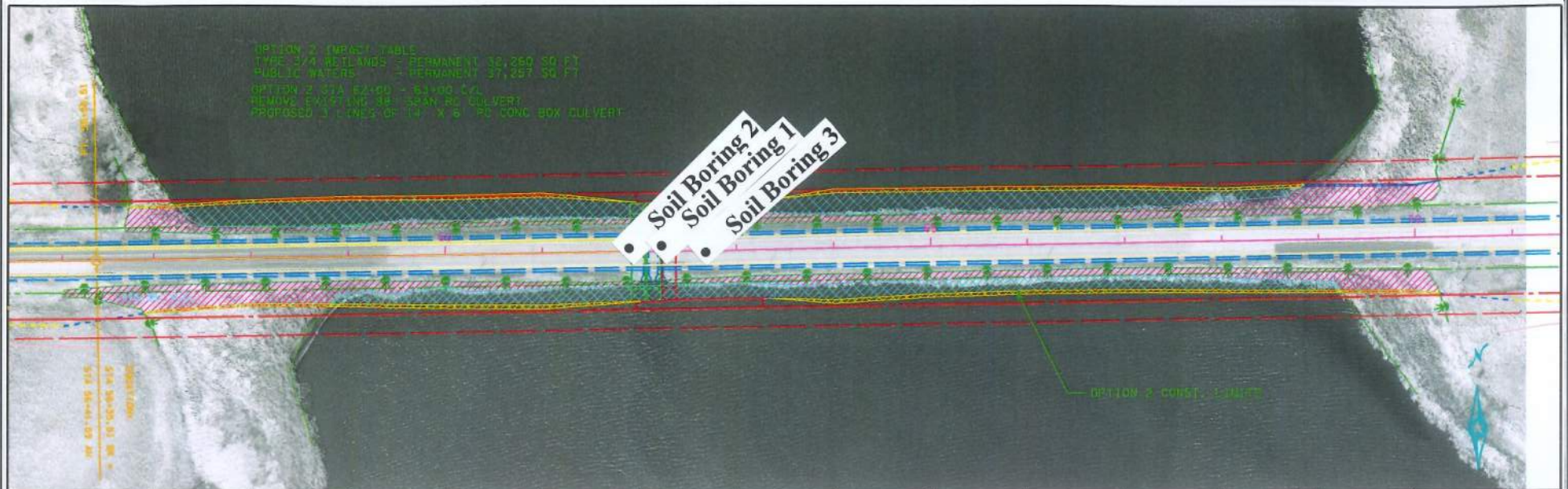
Plasticity Chart

ADDITIONAL TERMINOLOGY NOTES USED BY AET FOR SOIL IDENTIFICATION AND DESCRIPTION

Grain Size		Gravel Percentages		Consistency of Plastic Soils		Relative Density of Non-Plastic Soils	
Term	Particle Size	Term	Percent	Term	N-Value, BPF	Term	N-Value, BPF
Boulders	Over 12"	A Little Gravel	3% - 14%	Very Soft	less than 2	Very Loose	0 - 4
Cobbles	3" to 12"	With Gravel	15% - 29%	Soft	2 - 4	Loose	5 - 10
Gravel	#4 sieve to 3"	Gravelly	30% - 50%	Firm	5 - 8	Medium Dense	11 - 30
Sand	#200 to #4 sieve			Stiff	9 - 15	Dense	31 - 50
Fines (silt & clay)	Pass #200 sieve			Very Stiff	16 - 30	Very Dense	Greater than 50
				Hard	Greater than 30		
Moisture/Frost Condition		Layering Notes		Fiber Content of Peat		Organic/Roots Description (if no lab tests)	
(MC Column)		Laminations: Layers less than 1/2" thick of differing material or color.		Fiber Content (Visual Estimate)		Soils are described as <i>organic</i> , if soil is not peat and is judged to have sufficient organic fines content to influence the soil properties. <i>Slightly organic</i> used for borderline cases.	
D (Dry):	Absence of moisture, dusty, dry to touch.			Term			
M (Moist):	Damp, although free water not visible. Soil may still have a high water content (over "optimum").			Fibric Peat:	Greater than 67%		
W (Wet/ Waterbearing):	Free water visible intended to describe non-plastic soils. Waterbearing usually relates to sands and sand with silt.	Lenses: Pockets or layers greater than 1/2" thick of differing material or color.		Hemic Peat:	33 - 67%	With roots: Judged to have sufficient quantity of roots to influence the soil properties.	
F (Frozen):	Soil frozen			Sapric Peat:	Less than 33%	Trace roots: Small roots present, but not judged to be in sufficient quantity to significantly affect soil properties.	



Project	Highway 55 Box Culvert Grant County, MN	Subject:	Project Location	AET Job No:	32-20447	Date:	April 9, 2020
Scale:	As shown above	Drawn By:	AS	Checked By:	TJ	Figure 1	



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
 TRACEY VON BARDEN, LICENSE NUMBER 26109 DATE

GRANT COUNTY
 HIGHWAY DEPARTMENT

TH 55 OPTIONS 2
 STATE AID PROJ. NO. (CSAH) SHEET NO. OF SHEETS



Project Highway 55 Box Culvert
 Grant County, MN

Scale: NTS

Subject: Boring Locations

Drawn By: Grant County
 Highway Department

AET Job No: 32-20447

Checked By: TJ

Date: April 9, 2020

Figure 2



SUBSURFACE BORING LOG

AET No: **32-20447**

Log of Boring No. **1 (p. 1 of 1)**

Project: **Highway 55 Box Culvert; Grant County, Minnesota**

DEPTH IN FEET	Surface Elevation 1108.4 MATERIAL DESCRIPTION	GEOLOGY	N	MC	SAMPLE TYPE	REC IN.	FIELD & LABORATORY TESTS				
							WC	DEN	LL	PL	%-#200
1	7 1/4" bituminous material	BITUMINOUS FILL									
2	5" FILL, clayey sand, black			M	BULK						
3	FILL, lean clay with sand, black and brown		26	F	SS	12	24				
4											
5											
6			9	M	SS	12	35				
7											
8	LEAN CLAY with SAND, brown, firm (CL)	FINE ALLUVIUM	8	M	SS	12	23				
9											
10											
11					TW						
12											
13	ORGANIC FAT CLAY with SAND with shells, black, firm, possible swamp deposits (OH)	LACUSTRINE DEPOSITS	8	M	SS	8	59				
14											
15											
16			5	M	SS	8	80				
17											
18											
19											
20	SAND with SILT, medium to fine grained, gray, loose to medium dense, water bearing (SP-SM)	COARSE ALLUVIUM	9	W	SS	8					
21											
22											
23											
24											
25											
26	END OF BORING		14	W	SS	8					

DEPTH: DRILLING METHOD		WATER LEVEL MEASUREMENTS							NOTE: REFER TO THE ATTACHED SHEETS FOR AN EXPLANATION OF TERMINOLOGY ON THIS LOG
		DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	DRILLING FLUID LEVEL	WATER LEVEL	
0-26'	3.25" HSA	4/6/20		26.0'	24.5'	24.5'	-	21.9'	
		4/6/20		26.0'	24.5'	19.1'	-	17.6'	
BORING COMPLETED: 4/6/20									
DR: BK LG: ST Rig: 4									



SUBSURFACE BORING LOG

AET No: **32-20447**

Log of Boring No. **2 (p. 1 of 1)**

Project: **Highway 55 Box Culvert; Grant County, Minnesota**

DEPTH IN FEET	Surface Elevation 1108.4 MATERIAL DESCRIPTION	GEOLOGY	N	MC	SAMPLE TYPE	REC IN.	FIELD & LABORATORY TESTS				
							WC	DEN	LL	PL	qu
1	6" bituminous material	BITUMINOUS FILL									
2	4" FILL, clayey sand with gravel, black			M	BULK						
3	FILL, clayey sand, a little gravel, brown		10	M	SS	8	19				
4											
5											
6			26	M	SS	8	18				
7											
8			25	M	SS	8					
9											
10	FAT CLAY, a little gravel, gray, firm (CH)	FINE ALLUVIUM	6	M	SS	10	39				
11											
12											
13	ORGANIC FAT CLAY with SAND and shells, black, firm to soft, possible swamp deposits (OH)	LACUSTRINE DEPOSITS	6	M	SS	8	78				
14											
15											
16			4	M	SS	4	39				
17											
18											
19											
20	SILTY SAND, gray, medium dense, waterbearing (SM)	COARSE ALLUVIUM	10	▼	SS	8					
21											
22											
23				▽							
24											
25			14	W	SS	12					
26	END OF BORING										

DEPTH: DRILLING METHOD		WATER LEVEL MEASUREMENTS							NOTE: REFER TO THE ATTACHED SHEETS FOR AN EXPLANATION OF TERMINOLOGY ON THIS LOG
		DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	DRILLING FLUID LEVEL	WATER LEVEL	
0-26'	3.25" HSA	4/6/20		26.0'	24.5'	24.5'	-	23.9'	
		4/6/20		26.0'	24.5'	22.1'	-	20.8'	
BORING COMPLETED: 4/6/20									
DR: BK LG: ST Rig: 4									

AET CORP 32-20447.GPJ AET+CPT+WELL.GDT 4/10/20



SUBSURFACE BORING LOG

AET No: **32-20447**

Log of Boring No. **3 (p. 1 of 1)**

Project: **Highway 55 Box Culvert; Grant County, Minnesota**

DEPTH IN FEET	Surface Elevation 1108.4 MATERIAL DESCRIPTION	GEOLOGY	N	MC	SAMPLE TYPE	REC IN.	FIELD & LABORATORY TESTS				
							WC	DEN	LL	PL	%-#200
1	7" bituminous material	BITUMINOUS FILL									
2	4" FILL, silty sand with gravel, brown			M	BULK						
3	FILL, clayey sand with a little gravel, brown and black		20	M	SS	12					
4											
5	LEAN CLAY with SAND, black and brown (CL)	FILL	5	M	SS	8	26				
6											
7											
8			10	M	SS	2					
9											
10	FAT CLAY with SAND, gray, soft (CH)	FINE ALLUVIUM	3	M	SS	8	42				
11											
12	ORGANIC FAT CLAY with SAND and shells, black, soft, possible swamp deposits (OH)	LACUSTRINE DEPOSITS	3	M	SS	4	74				
13											
14											
15			3	M	SS	12					
16											
17	FAT CLAY with SAND, gray, soft (CH)										
18							73				
19											
20	SAND with SILT, medium to fine grained, gray, very loose to loose, waterbearing (SP-SM)	COARSE ALLUVIUM	2	W	SS	12					
21											
22											
23											
24											
25											
26	END OF BORING		7	W	SS	10					

DEPTH: DRILLING METHOD		WATER LEVEL MEASUREMENTS							NOTE: REFER TO THE ATTACHED SHEETS FOR AN EXPLANATION OF TERMINOLOGY ON THIS LOG
		DATE	TIME	SAMPLED DEPTH	CASING DEPTH	CAVE-IN DEPTH	DRILLING FLUID LEVEL	WATER LEVEL	
0-26'	3.25" HSA	4/6/20		26.0'	24.5'	24.5'	-	23.0'	
		4/6/20		26.0'	24.5'	19.9'	-	18.5'	
BORING COMPLETED: 4/6/20									
DR: BK LG: ST Rig: 4									

Report of Geotechnical Exploration
Garfield Dairy, Bryant, South Dakota
Date June 7, 2019
Report No. 32-20216

AMERICAN
ENGINEERING
TESTING, INC.

Appendix B

Geotechnical Report Limitations and Guidelines for Use

Appendix B

Geotechnical Report Limitations and Guidelines for Use

Report No. 32-20447

B.1 REFERENCE

This appendix provides information to help you manage your risks relating to subsurface problems which are caused by construction delays, cost overruns, claims, and disputes. This information was developed and provided by GBA¹, of which, we are a member firm.

B.2 RISK MANAGEMENT INFORMATION

B.2.1 Geotechnical Services are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared solely for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. And no one, not even you, should apply the report for any purpose or project except the one originally contemplated.

B.2.2 Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

B.2.3 A Geotechnical Engineering Report is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typically factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- ♦ not prepared for you,
- ♦ not prepared for your project,
- ♦ not prepared for the specific site explored, or
- ♦ completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- ♦ the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,
- ♦ elevation, configuration, location, orientation, or weight of the proposed structure,
- ♦ composition of the design team, or
- ♦ project ownership.

As a general rule, always inform your geotechnical engineer of project changes, even minor ones, and request an assessment of their impact. Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.

B.2.4 Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. Do not rely on a geotechnical engineering report whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. Always contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

¹ Geoprofessional Business Association, 1300 Piccard Drive, LL14, Rockville, MD 20850
Telephone: 301/565-2733: www.geoprofessional.org

Appendix B

Geotechnical Report Limitations and Guidelines for Use

Report No. 32-20447

B.2.5 Most Geotechnical Findings Are Professional Opinions

Site exploration identified subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ, sometimes significantly, from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

B.2.6 A Report's Recommendations Are Not Final

Do not over rely on the construction recommendations included in your report. Those recommendations are not final, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual subsurface conditions revealed during construction. The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.

B.2.7 A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

B.2.8 Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should never be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, but recognizes that separating logs from the report can elevate risk.

B.2.9 Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, but preface it with a clearly written letter of transmittal. In the letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. Be sure contractors have sufficient time to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

B.2.10 Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their report. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. Read these provisions closely. Ask questions. Your geotechnical engineer should respond fully and frankly.

B.2.11 Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a geoenvironmental study differ significantly from those used to perform a geotechnical study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. Unanticipated environmental problems have led to numerous project failures. If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. Do not rely on an environmental report prepared for someone else.

Authorization Number
2022-3515

General Permit Number
2014-1778

Public Waters Work General Permit Authorization

Expiration Date: 12/31/2025

On the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. Applicant must comply with all conditions listed in the above referenced General Permit.

Project Name: Trunk Highway 55 Improvements	County: Grant	Watershed: Mustinka River	Resource: Lake: Unnamed (26029000); Stream/River: Mustinka River (H-026-092)
Purpose of Permit: Culvert Construction/Modification/Replacement		Authorized Action: Replace 2-88" diameter culverts with 2-12'x 8' reinforced concrete box culverts with end sections. The upstream and downstream culvert inverts shall be at 1099.67 (NAVD 88). Roadway fill will be mitigated through the Local Government Road Wetland Replacement Program. The toe of the roadway will be stabilized using rock riprap. All work shall be done in accordance with the construction plans signed by Tracey Von Barga on 7/28/2023 and the conditions of this permit.	
Permittee: GRANT COUNTY HIGHWAY DEPT CONTACT: BEYER, AARON, (218) 770-8853 224 3RD ST SE PO BOX 1005 ELBOW LAKE, MN 56531 (218) 685-8300		Authorized Agent: WIDSETH SMITH NOLTING CONTACT: GOEDEN, JOEY, (320) 335-5017 610 FILLMORE STREET PO BOX 1028 ALEXANDRIA, MN 56308-1028 (320) 762-8149	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 261992m east, 5102632m north (centroid), NWNW of Section 34, T130N, R43W, NENW of Section 34, T130N, R43W, SESW of Section 27, T130N, R43W, SWSW of Section 27, T130N, R43W, UTM zone 15N, 261961m east, 5102634m north, NWNW of Section 34, T130N, R43W			
Issued Date: 08/30/2023	Effective Date: 08/30/2023	Expiration Date: 12/31/2025	
Authorized Issuer: Emily Siira	Title: Area Hydrologist	Email Address: emily.siira@state.mn.us	Phone Number: 320-634-7345

This permit is granted **subject to** the following **CONDITIONS**:

Applicant must comply with all conditions listed in General Permit 2014-1778.

CONSTRUCTION DEWATERING - WATERCOURSE CROSSING: All construction dewatering in excess of 10,000 gallons per day or one million gallons per year must be authorized by a separate water appropriation permit. When flows of stream are diverted for construction purposes, the diverted water must be kept separate from worksite dewatering. All

CONDITIONS *(Continued from previous page)*

worksite discharge water must be treated for sediment reduction prior to return to the surface water. Stream diversion water shall be immediately returned to the original channel downstream. Water from designated infested waters shall not be diverted to other waters, transported on a public road, or transported or appropriated off property riparian to infested waters without a DNR permit specifically for this use. All equipment in contact with infested waters must be decontaminated upon leaving the site.

ROADFILL - MITIGATION: This permit is issued with the understanding that the Board of Water and Soil Resources (BWSR) will replace the wetland impacts in accordance with Minnesota Rules, part 8420.0544. If the BWSR fails to replace the subject wetland impacts for any reason, the permittee must replace the affected wetland (public water) area at a ratio determined by the appropriate DNR Regional Environmental Assessment Team.

WATER LEVEL MAINTENANCE: During construction, water levels shall be maintained at normal elevations relative to the time of year. Additionally, flow through the dam structure shall remain run of the river.

EROSION AND SEDIMENT CONTROL: In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between March 15 and June 30, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at:

http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

MAINTENANCE: Maintenance of this project to originally authorized conditions may be authorized by amendment to this permit.

BEST PRACTICES - MNDOT: Please refer to the manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" for guidance to meeting these and other conditions of this General Permit. A PDF version is available at: http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

cc: Erik Anthonisen, EWR District Manager
Von Borgen, Tracey, Contact; Grant County Highway Dept
Ryan Brown, Conservation Officers, Elbow Lake
Steve Hofstad, BWSR Wetland Specialists, Grant
Nicholas Snavelly, DNR Wildlife, Fergus Falls
Alexander Letvin, DNR Fisheries, Glenwood Area
Greg Lillemon, County, Grant
Jamie Beyer, Watershed District, BOIS DE SIOUX WD
Corps of Engineers, Corps of Engineers, Grant
Jared House, SWCD, Grant SWCD

Amended

Public Waters Work General Permit

Expiration Date: 01/30/2024

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: Region 1 Bridge & Culvert General Permit	County: Becker, Beltrami, Cass, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Traverse, Wadena, Wilkin	Watershed: All watersheds intersecting the 23-county DNR Northwest Region	Resource: All public waters in the 23-county DNR Northwest Region
Purpose of Permit: Bridge, culvert, and stormwater outfall repair and replacement		Authorized Action: Upon notice to and approval by authorized DNR personnel, replacement or repair of bridges (open-bottom structures), culverts (four-sided box, arch, or rounded pipe or barrel) and stormwater outfalls is authorized. The work will be done according to plans and specifications submitted with the application and subject to all terms and conditions of this permit. All work authorized by this permit must be designed by a licensed professional engineer.	
Permittee: Governmental Agencies, Governmental Subdivisions and General Public		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): Various. The permittee must own, control, or have permission to access and use all lands on which the crossing or outfall is located			
Authorized Issuer: Tom Hovey	Title: Water Regulations Unit Supervisor	Issued Date: 02/08/2019	Effective Date: 02/08/2019
		Expiration Date: 01/30/2024	

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

GP AUTHORIZATION - APPLY USING MPARS: The permittee shall apply for prior authorization for all projects to be constructed under this General Permit using the MNDNR Permitting and Reporting System (MPARS) at www.mndnr.gov/mpars/signin. Users will need to create an account the first time they access the system. Once created, click on the link for 'Apply for a New Permit/Authorization' under the Actions box and complete the application questions.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/invasives/laws.html#prohibited.

APPLICABLE PROJECTS: This permit applies only to the replacement, reconstruction and repair (including associated minor channel or shoreline work) of existing bridges, culverts and outfalls, including that necessary to restore channel dimensions to the original or as-constructed cross-section near the project site. To qualify under this general permit, unless specifically waived by authorized DNR personnel, all projects affecting Public Waters must be designed under the supervision of a registered professional engineer. Any project not meeting applicable conditions of this permit or a project the DNR identifies as having the potential for significant resource impacts, is not authorized herein. Rather, such projects will require an individual permit application.

PRELIMINARY ENGINEERING : This permit authorizes preliminary engineering studies associated with bridge planning (e.g. core sampling). All core holes must be sealed in accordance with Department of Health well sealing requirements. On infested waters, all equipment in contact with the water must be decontaminated as required by condition per the

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

Invasive Species condition.

DNR NOTIFICATION: The permittee shall notify the Area Hydrologist at least five days in advance of the commencement of the work. An email notification of the pre-construction meeting will suffice for this notification.

RIGHT TO REVIEW: The DNR reserves the right to review this permit as additional hydrologic and other data become available and order changes to the authorization as may become necessary to protect public interest. Additional modeling may also be required for temporary fill or temporary structures required during demolition or construction

HYDROLOGIC/HYDRAULIC DATA REPORTING: Unless waived by the DNR Area Hydrologist, hydrologic modeling to show the impacts of the structure(s) on the 100-year flood elevation and calculated velocities through the structures for both 2-year and 10-year peak flows are required.

FLOOD STAGE/DAMAGES NOT INCREASED : For replacements of existing crossings, if the existing crossing has a swellhead of one-half of one foot or less for the regional flood, then replacement crossing shall comply with the provisions for new crossings in (A) below. If the existing crossing has a swellhead of more than one-half of one foot for the regional flood, stage increased up to the existing swellhead may be allowed if field investigation and other available data indicate that no significant flood damage potential exists upstream from the crossing based on analysis of data submitted by the applicant. The swellhead for the replacement crossing may exceed the existing swellhead if it complies with the provisions found in (A) below. A. No approach fill for a crossing shall encroach upon an approved community designated floodway. When a floodway has not been designated or when a floodplain management ordinance has not been adopted and approved, increases in flood stage in the regional flood of up to one-half of one foot shall be approved if they will not materially increase flood damage potential. Additional increase may be permitted if: a field investigation and other available data indicate that no significant increase in flood damage potential would occur upstream or downstream, and any increases in flood stage are reflected in the floodplain boundaries and flood protection elevation adopted in the local floodplain management ordinance;

ENVIRONMENTAL REVIEW: If the bridge, culvert, or stormwater outfall work is part of a road project that requires mandatory environmental review pursuant to MN Environmental Quality Board rules, then this permit is not valid until environmental review is completed. The outcome of the environmental review may affect work authorized by this permit

STATE AND FEDERAL LISTED SPECIES PROHIBITION: If federal or state listed species are identified within a one mile radius of the proposed project area by trained DNR staff, the Area Hydrologist will contact the Regional Ecologist or Regional Environmental Assessment Ecologist, who will work with the Endangered Species Review Coordinator to complete a full NHIS review, if necessary. If the review identifies potential impacts to federal or state listed species, and if satisfactory agreements cannot be reached to avoid the impact, this general permit is not applicable. Such projects will require an endangered or threatened species taking permit application.

RARE NATIVE PLANT COMMUNITIES AND SITES OF HIGH AND OUTSTANDING BIODIVERSITY SIGNIFICANCE: If DNR Ecological and Water Resources staff determines that Rare Native Plant Communities or Sites of High or Outstanding Biodiversity Significance are present, precautions must be implemented to minimize disturbance and impacts to these areas. Actions to minimize disturbance in this area may include, but are not limited to the following: (1) As much as possible, operate within already-disturbed areas; (2) Minimize vehicular disturbance in the area (allow only vehicles necessary for installation); (3) Do not park equipment or stockpile supplies in the area; (4) If possible, do work in autumn or winter, to avoid damaging plants during the growing season; (5) Reduce runoff by completing the work as rapidly as possible and using erosion control measures such as straw bales or silt fencing; (6) Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible; (7) Use only invasive-free mulches, topsoils, and seed mixes.

FISH PASSAGE, SEDIMENT TRANSPORT AND GRADE CONTROL: Bridges, culverts and other crossings shall provide for fish movement unless the structure is intended to impede rough fish movement, aquatic invasive species movement, or the stream has negligible fisheries value as determined by the Area Hydrologist in consultation with the Area Fisheries Manager. The accepted practices for achieving these conditions include: A. Where possible a single culvert or bridge shall span the natural bankfull width adequate to allow for debris and sediment transport rates to closely resemble those of upstream and downstream conditions. A single culvert shall be recessed in order to pass bedload and sediment load. Additional culvert inverts should be set at a higher elevation. All culverts should match the alignment and slope of the natural stream channel, and extend through the toe of the road side slope. "Where possible" means that other conditions may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-yr (1% chance) flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. B. Rock Rapids or other structures may be used to retrofit crossings to mimic natural conditions.

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

Please contact your area hydrologist for the most recent design information and other resources on achieving fish passage, sediment transfer, and grade control.

TERRESTRIAL SPECIES MOVEMENT : Structures will not be detrimental to significant wildlife habitat. In some cases the DNR may require crossings be designed for species movement. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological and Water Resources staff, the crossing will be designed to minimize concerns. Generally, bridges are preferred over culverts if there is adequate clearance beneath road decks and adequate dry ground at normal flow conditions. Design information may be found at:

http://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf.

FLOWLINE/GRADIENT NOT CHANGED : Replacement of culverts or crossings are to follow (or be restored to) the natural alignment and profile of the stream. Changes from the existing flowline, gradient or alignment must be consistent with the Water Level Control and Fish Passage conditions and authorized by the DNR Area Hydrologist.

NAVIGATION MAINTAINED/IMPROVED : The structures final design will not obstruct reasonable public navigation as determined by the DNR. For bridges 3 feet above the calculated 50-year flood stage ordinarily satisfies navigational clearance requirements. For culverts 3 feet above the ordinary high water level (top of the bank for streams/rivers) typically satisfies navigation requirements.

WATER LEVEL CONTROL : Permittee is responsible for maintaining existing water level control elevations.

TEMPORARY IMPACTS DURING CONSTRUCTION: Construction methods not finalized at the time of project review shall be submitted for review and approval at a later date. Temporary work below the Ordinary High Water (OHW) elevation, such as channel diversions, placement of temporary fill, structures for work pads/dock walls, bypass roads, coffer dams, or staging areas to aid in the demolition or construction of any authorized structure shall be submitted for review and approval in writing by the DNR Area Hydrologist prior to beginning work. This is normal procedure for bridge or culvert projects as we recognize that final project designs are often posted for bid without final construction/demolition plans. The following conditions must be met:

A: AQUATIC INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at

http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited

B: WORK EXCLUSION DATES FOR FISH SPAWNING AND MOVEMENT: Work within Public Waters may be restricted due to fish spawning, migration concerns, or the protection of fish habitat. Dates of fish spawning and migration vary by species and location throughout the state. Specific dates for each DNR Region may be found on page 3 of Chapter 1 of the manual: Best Practices for Meeting DNR General Waters Work Permit GP2004-0001. http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html. Work in the water is not allowed within these dates. The DNR Area Hydrologist shall be contacted about waiving work exclusion dates where work is essential and/or where permittee demonstrates that a project will minimize impacts to fish habitat, spawning, and migration. All waivers require approval of the Area Fisheries Supervisor.

C: HYDROLOGIC MODELING: Hydrologic modeling of temporary fill or temporary structures may be required by DNR Area Hydrologist in order to evaluate impacts to the 100-yr (1% chance) flood elevation. Contingency plans may also be required to ensure all construction equipment and unsecured construction materials are moved out of the floodplain to prevent impacts to the 100-yr (1% chance) flood elevation or from being swept away by flood waters.

D: TEMPORARY FILL: If approved, temporary fill shall be free of organic material or any material that may cause siltation or pollute the waterbody. All such material shall be removed and the area restored to pre-existing profiles prior to project completion.

E : STORAGE/STOCKPILES: Project materials must be deposited or stored in an upland area, in a manner where the materials will not be deposited into the public water by reasonably expected high water or runoff.

F: NAVIGATION: All work on navigable waters shall be so conducted that free navigation of waterways will not be

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

interfered with.

G: EROSION PREVENTION AND SEDIMENT CONTROL: In all cases, erosion prevention and sediment control methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that are within 200 feet of the water's edge and drain to these waters, and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets, etc.). These methods include but are not limited to: mulches, erosion control blankets, temporary coverings, silt fence, floating silt curtains or barriers, preservation of vegetative buffers, redundant methods, and isolation of flow around the work area. Sediment perimeter controls shall be installed prior to beginning work. Erosion prevention methods shall be installed concurrently or within 24 hours (if concurrent installation is not practical) after the construction activity in that portion of the project site has temporarily or permanently ceased. Both sediment control and erosion prevention methods must be maintained for effectiveness for the duration of the project

H : PROTECTING, AND ESTABLISHING VEGETATION: MnDOT Standard Specifications for protecting and establishing vegetation (spec #2575) of MnDOT Standard Specifications for Construction, 2005 edition, or its successor must be followed to minimize disturbance to such areas, see <http://www.dot.state.mn.us/environment/erosion/specs.html>. This may include, but is not limited to, the following: (1) During the project, parking, placement of temporary structures or material shall not be allowed outside the existing road right-of-way; (2) Place temporary fence at the construction limits and at other locations adjacent to vegetation designated to be preserved; (3) Minimize vehicular disturbance in the area (no unnecessary construction activities); (4) Leave a buffer of undisturbed vegetation between the critical resource and construction limits; (5) Precautions should be taken to ensure that borrow and disposal areas are not located within native plant communities; and (6) Re-vegetate disturbed soil with native perennial species suitable to the local habitat.

I: MPCA WATER QUALITY REQUIREMENTS: MPCA administers the requirements of the National Pollutant Discharge Elimination System and the State Disposal System (NPDES/SDS) requirements. To ensure state water quality standards during construction are not violated, check with the MPCA Stormwater Program www.pca.state.mn.us/stormwater for permit application requirements, pollution prevention guidance documents, and additional measures required for work in Special or Impaired Waters. Staff contact information and territories can be found here: <http://www.pca.state.mn.us/wfhya5b>.

J: TEMPORARY DEWATERING: A separate water use permit is required for withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied of if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html

PHOTO AND AS-BUILTS: Upon completion of the authorized work, the permittee may be required to submit a copy of established benchmarks, representative photographs, and may be required to provide as-built surveys for Public Watercourse crossing changes.



**AUTHORIZATION TO DISCHARGE
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/
STATE DISPOSAL SYSTEM (SDS) PROGRAM
C00068792**

Permittee (Owner): Grant County
Permittee (Operator): Grant County
Project Name: SP 2608-31
City or Township: Wendell, **County:** Grant
Location description:
On TH 55 over the Mustinka River
Issuance date: February 13, 2024
Expiration date: July 31, 2028

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee(s) named above seeking coverage under this general permit to discharge stormwater associated with construction activity to waters of the state of Minnesota in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Ryan Anderson*

This document has been electronically signed.

Ryan Anderson
Manager
Stormwater Section
Municipal Division

for the Minnesota Pollution Control Agency

Permit application:
Submit via MPCA e-Services at
<https://rsp.pca.state.mn.us/>

Questions on this permit?
Contact e-Services at
651-757-2728 or 844-828-0942

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1.1	Permit Coverage. [Minn. R. 7090]
1.2	This permit is required for construction activity that results in land disturbance of equal to or greater than one (1) acre or if a project is part of a common plan of development or sale that ultimately will disturb greater than one (1) acre, and authorizes, subject to the terms and conditions of this permit, the discharge of stormwater associated with construction activity. [Minn. R. 7090]
1.3	Construction activity covered by this permit cannot commence until coverage under this permit is effective as described in item 3.3 through 3.4 or, if applicable, until the Minnesota Pollution Control Agency (MPCA) has issued an individual National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) construction stormwater permit for the project. [Minn. R. 7090]
1.4	This permit covers all areas of the State of Minnesota except land wholly within the boundaries of a federally recognized Indian Reservation owned by a tribe or a tribal member or land held in trust by the federal government for a tribe or tribal member. [Minn. R. 7090]
1.5	Coverage under this permit is not required when all stormwater from construction activity is routed directly to and treated by a "treatment works," as defined in Minn. Stat. Section 115.01, subd. 21, operated under an individual NPDES/SDS permit with a Total Suspended Solids (TSS) effluent limit. [Minn. R. 7090]
1.6	This permit covers ongoing projects covered under any previous construction stormwater permit that are not complete on the issuance date of this permit. Permittees must either remain in compliance with the previous permit and terminate coverage within 18 months of the issuance date of this permit or comply with this permit, including updating the Stormwater Pollution Prevention Plan (SWPPP), within the 18-month period. Permittees of previously permitted projects are not required to incorporate any additional requirements regarding the permanent stormwater treatment system included in this reissued permit. [Minn. R. 7090]
1.7	Coverage for projects that extend beyond the expiration date of this permit remains effective for a grace period of 18 months. If Permittees cannot complete projects during the grace period, the MPCA will extend coverage under the next permit and permittees must comply with the requirements of the new permit including updating the SWPPP. Permittees are not required to follow changes to the permanent stormwater treatment section of the next permit. [Minn. R. 7090]
2.1	Prohibitions and Limitations of Coverage. [Minn. R. 7090]
2.2	The owner must develop a complete and accurate SWPPP that complies with item 5.2 prior to submitting the application for coverage and starting construction activity. Failure to prepare a SWPPP prior to submitting the application may result in permit revocation. [Minn. R. 7090]
2.3	This permit prohibits discharges of any material other than stormwater treated in compliance with this permit and discharges from dewatering or basin draining activities in accordance with Section 10. Prohibited discharges include, but are not limited to, wastewater from washout of concrete, stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps or solvents used in vehicle and equipment washing and maintenance, and other hazardous substances or wastes. [Minn. R. 7090]
2.4	This permit does not authorize stormwater discharges related to the placement of fill into waters of the state requiring local, state or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits, Minnesota Department of Natural Resources (DNR) Public Waters Work permits or local governmental unit (LGU) Wetland Conservation Act replacement plans or determinations). [Minn. R. 7090]
2.5	This permit does not authorize stormwater discharges associated with industrial activity except for construction activity. Permittees must obtain coverage for discharges associated with industrial activity under a separate NPDES/SDS permit once day-to-day operational activities commence even if construction is ongoing. [Minn. R. 7090]
2.6	This permit does not authorize discharges from non-point source agricultural and silvicultural activities excluded from NPDES permit requirements under 40 CFR pt. 122.3(e). [Minn. R. 7090]
2.7	This permit does not authorize stormwater discharges to Prohibited, Restricted, Special or Impaired waters unless permittees follow the additional stormwater requirements in Section 23. [Minn. R. 7090]
2.8	This permit does not replace or satisfy any environmental review requirements including those under the Minnesota Environmental Policy Act or the National Environmental Policy Act. The owner must verify completion of any environmental review required by law, including any required Environmental Assessment Work Sheets or Environmental Impact Statements, Federal environmental review, or other required review prior to applying for coverage under this permit. If any part of your common plan of development or sale requires environmental review, coverage under this permit cannot be

	obtained until such environmental review is complete. [Minn. R. 7090]
2.9	This permit does not replace or satisfy any review requirements for discharges adversely impacting State or Federally designated endangered or threatened species or a designated critical habitat. The owner must comply with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer. [Minn. R. 7090]
2.10	This permit does not authorize discharges to wetlands unless the permittee complies with the requirements in Section 22. Coverage under this permit cannot be issued until the requirements for wetland permits, decisions, other determinations, or the mitigative sequence required in section 22 have been finalized and documented. [Minn. R. 7050.0186]
3.1	Application and Coverage Effective Date. [Minn. R. 7090]
3.2	The owner and operator must submit a complete and accurate on-line application with the appropriate fee to the MPCA for each project that disturbs one (1) or more acres of land or for a common plan of development or sale that will ultimately disturb one (1) or more acres. [Minn. R. 7090]
3.3	For projects or common plans of development or sale that disturb less than 50 acres or do not discharge stormwater within 1 mile (aerial radius measurement) of a special or impaired water, permittees do not need to submit the SWPPP with the application. Permit coverage for these projects is effective upon application and completing the payment process. [Minn. R. 7090]
3.4	For certain projects or common plans of development or sale disturbing 50 acres or more, the complete SWPPP must be included with the application and submitted at least 30 days before the start of construction activity. This applies if there is a discharge point on the project within one mile (aerial radius measurement) of, and flows to, a special water listed in item 23.3 through 23.6 or an impaired water as described in item 23.7. Permit coverage for these projects is effective upon submitting the application and complete SWPPP, completing the payment process and receiving a determination from the MPCA that the review of the SWPPP is complete. The determination may take longer than 30 days if the SWPPP is incomplete. If the MPCA fails to contact the permittees within 30 days of application receipt, coverage is effective 30 days after completing the payment process. [Minn. R. 7090]
3.5	The application requires listing all persons meeting the definition of owner and operator as permittees. The owner is responsible for compliance with all terms and conditions of this permit. The operator is responsible for compliance with Sections 3, 4, 6-22, 24 and applicable requirements for construction activity in Section 23. [Minn. R. 7090]
3.6	Permittees will receive coverage notification in a manner determined by the MPCA. [Minn. R. 7090]
3.7	For construction projects where the owner or operator changes (e.g., an original developer sells portions of the property to various homebuilders or sells the entire site to a new owner), the current owner and the new owner or operator must submit a complete permit modification form provided by the MPCA. The current owner and the new owner or operator must submit the form prior to the new owner or operator commencing construction activity or no later than 30 days after taking ownership of the property. [Minn. R. 7090]
3.8	For construction projects where the owner or operator changes, the current owner must provide a SWPPP to the new owner and operator that specifically addresses the remaining construction activity. The new owner or operator can implement the original SWPPP, modify the SWPPP, or develop a new SWPPP. Permittees must ensure their activities do not render another party's erosion prevention and sediment control BMPs ineffective. [Minn. R. 7090]
4.1	Termination of Coverage. [Minn. R. 7090]
4.2	Permittees must submit a NOT within 30 days after all termination conditions listed in Section 13 are complete. [Minn. R. 7090]
4.3	Permittees must submit a NOT within 30 days after selling or otherwise legally transferring the entire site, including permit responsibility for roads (e.g., street sweeping) and stormwater infrastructure final clean out, or transferring portions of a site to another party. The permittees' coverage under this permit terminates at midnight on the submission date of the NOT. [Minn. R. 7090]
4.4	Permittees may terminate permit coverage prior to completion of all construction activity if they meet all of the following conditions: <ul style="list-style-type: none"> a. construction activity has ceased for at least 90 days; and b. at least 90 percent (by area) of all originally proposed construction activity has been completed and permanent cover has been established on those areas; and c. on areas where construction activity is not complete, permanent cover has been established; and d. the site complies with item 13.3 through 13.7.

	After permit coverage is terminated under this item, any subsequent development on the remaining portions of the site will require permit coverage if the subsequent development itself or as part of the remaining common plan of development or sale will result in land disturbing activities of one (1) or more acres in size. [Minn. R. 7090]
4.5	Permittees may terminate coverage upon MPCA approval after submitting information documenting the owner cancelled the project. [Minn. R. 7090]
5.1	Stormwater Pollution Prevention Plan (SWPPP) Content. [Minn. R. 7090]
5.2	The owner must develop and implement a SWPPP. The SWPPP must include items 5.3 through 5.26. [Minn. R. 7090]
5.3	The SWPPP must incorporate specific Best Management Practices (BMP) used to comply with the requirements of this permit. [Minn. R. 7090]
5.4	The SWPPP must include a narrative describing the timing for installation of all erosion prevention and sediment control BMPs and a description of the permanent stormwater treatment systems. [Minn. R. 7090]
5.5	The SWPPP must include the location and type of all temporary and permanent erosion prevention and sediment control BMPs along with procedures used to establish additional temporary BMPs as necessary for the site conditions during construction. Standard details and/or specifications for BMPs must be included in the final plans and specifications for the project. [Minn. R. 7090]
5.6	The SWPPP must include the calculations and other information used for the design of temporary sediment basins and any of the permanent stormwater treatment systems required in Section 15. [Minn. R. 7090]
5.7	The SWPPP must include estimated quantities anticipated at the start of the project for the life of the project for all erosion prevention and sediment control BMPs (e.g., linear feet of silt fence or square feet of erosion control blanket). [Minn. R. 7090]
5.8	The SWPPP must include the number of acres of impervious surface for both pre- and post-construction. [Minn. R. 7090]
5.9	The SWPPP must include a site map with existing and final grades, including drainage area boundaries, directions of flow and all discharge points where stormwater is leaving the site or entering a surface water. The site map must indicate the areas of steep slopes. The site map must also include impervious surfaces, soil types and locations of potential pollutant-generating activities as identified in Section 12. [Minn. R. 7090]
5.10	The SWPPP must include a map of all surface waters, existing wetlands, and stormwater ponds or basins that can be identified on maps such as United States Geological Survey 7.5-minute quadrangle maps, the National Wetland Inventory map or equivalent maps and are within one mile (aerial radius measurement) from the project boundaries that will receive stormwater from the construction site, during or after construction. The SWPPP must identify if the surface waters are special or impaired waters. [Minn. R. 7090]
5.11	The SWPPP must include a site map showing construction activity areas that are adjacent to and drain to Public Waters for which the DNR has promulgated "work in water restrictions" during specified fish spawning time frames. [Minn. R. 7090]
5.12	Permittees must identify locations of 50' buffer zones as required in item 9.17 and 100' permanent buffer zones as required in item 23.11, on plan sheets in the SWPPP. [Minn. R. 7090]
5.13	If permittees determine compliance with the following requirements is infeasible, they must document the determination in the SWPPP: a. temporary sediment basins as described in Section 14; and b. for linear projects, if the permanent stormwater treatment system cannot be constructed within the right-of-way, a reasonable attempt must be made to obtain additional right-of-way (item 15.9); and c. buffer zones as described in item 9.17 and item 23.11. [Minn. R. 7090]
5.14	If permittees determine that a temporary sediment basin is infeasible as described in item 14.10, the SWPPP must describe the alternative BMPs used. [Minn. R. 7090]
5.15	Where systems cannot meet the full volume reduction requirement on-site, (e.g., the site has infiltration prohibitions, see item 16.14 through item 16.21) the permittee must document the reasons in the SWPPP. [Minn. R. 7090]
5.16	The SWPPP must include any stormwater mitigation measures proposed to be part of the final project in any environmental review document, endangered species review, archeological or other required local, state or federal review conducted for the project. For purposes of this permit, mitigation measures mean actions necessary to avoid, minimize, or mitigate for impacts related to erosion prevention, sediment control, the permanent stormwater treatment system, pollution prevention management measures and discharges associated with the project's construction activity. [Minn. R. 7090]

5.17	The SWPPP must describe the methods used for permanent cover of all exposed soil areas. [Minn. R. 7090]
5.18	Permittees must identify the locations of areas where construction will be phased to minimize the duration of exposed soil areas in the SWPPP. [Minn. R. 7090]
5.19	For projects with a discharge point on the project within one (1) mile (aerial radius measurement) of and which flows to an impaired water, permittees must identify the impaired water(s), and any United States Environmental Protection Agency (USEPA)-approved Total Maximum Daily Load (TMDL) for the pollutant(s) or stressor(s) described in item 23.7. Permittees' identification must include those TMDLs approved at any time prior to permit application submittal and are still in effect. [Minn. R. 7090]
5.20	<p>Permittees must document in the SWPPP, all trained individuals identified in item 21.2. Documentation must include:</p> <ul style="list-style-type: none"> a. names of personnel required to be trained; and b. dates of training and name of instructor(s) and entity providing training; and c. content of training course. <p>If permittees do not know the names of the individuals at the time of application, the permittees must ensure they document training before construction activity commences. [Minn. R. 7090]</p>
5.21	The SWPPP must identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs who will coordinate with all contractors, subcontractors, and operators on-site to oversee the implementation of the SWPPP. [Minn. R. 7090]
5.22	The SWPPP must describe any specific chemicals and chemical treatment systems used for enhancing the sedimentation process and how it achieves compliance with item 9.19. [Minn. R. 7090]
5.23	The SWPPP must identify the person(s), organizations, or entities responsible for long-term operation and maintenance of permanent stormwater treatment systems. [Minn. R. 7090]
5.24	The SWPPP must describe methods to minimize soil compaction and preserve topsoil. Minimizing soil compaction is not required where the function of a specific area dictates compaction. [Minn. R. 7090]
5.25	The SWPPP must include any site assessments for groundwater or soil contamination required in item 16.15. [Minn. R. 7090]
5.26	<p>The SWPPP must account for the following factors in designing temporary erosion prevention and sediment control BMPs:</p> <ul style="list-style-type: none"> a. the expected amount, frequency, intensity, and duration of precipitation; and b. the nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features; and c. the stormwater volume, velocity, and peak flowrates to minimize discharge of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and d. the range of soil particle sizes expected to be present. [Minn. R. 7090]
6.1	SWPPP Amendments. [Minn. R. 7090]
6.2	One of the individuals described in item 21.2.a or item 21.2.b or another qualified individual must complete all SWPPP changes. Changes involving the use of a less stringent BMP must include a justification describing how the replacement BMP is effective for the site characteristics. [Minn. R. 7090]
6.3	Permittees must amend the SWPPP within 7 days to include additional or modified BMPs whenever there is a change in design, construction, operation, maintenance, weather or seasonal conditions having a significant effect on the discharge of pollutants to surface waters or groundwater. [Minn. R. 7090]
6.4	Permittees must amend the SWPPP within 7 days to include additional or modified BMPs whenever inspections or investigations by the site owner or operator, USEPA or MPCA officials indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or groundwater or the discharges are causing water quality standard exceedances (e.g., nuisance conditions as defined in Minn. R. 7050.0210, subp. 2) or the SWPPP is not consistent with the objectives of a USEPA approved TMDL. [Minn. R. 7050.0210]
7.1	BMP Selection and Stormwater Management. [Minn. R. 7090]
7.2	Permittees must select, install, and maintain the BMPs identified in the SWPPP and in this permit in an appropriate and functional manner and in accordance with relevant manufacturer specifications and accepted engineering practices to minimize the discharge of pollutants in stormwater from construction activities. Examples of stormwater management practices for this section include but are not limited to wet sedimentation basins, temporary depressions to hold

	stormwater, stormwater routing, dikes, berms, pumping, and stormwater treatment BMPs. Permittees must phase and incorporate stormwater management principles as the construction progresses. Unless infeasible, temporary or permanent wet sedimentation basins (when required, see section 14 and 15) should be constructed as a first step in the process and stormwater routed to these. [Minn. R. 7090]
7.3	Permittees must not disturb more land (i.e., phasing) than can be effectively inspected and maintained in accordance with Section 11. [Minn. R. 7090]
7.4	If permittees will be using some type of erosion control netting on the site as part of the soil stabilization techniques, permittees are encouraged to use products that have been shown to minimize impacts on wildlife. The U.S. Fish & Wildlife Service recommends using types of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting. Products that are not wildlife friendly include square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. More information may be found at: https://www.fws.gov/initiative/protecting-wildlife/make-change-wildlife-friendly-erosion-control-products . There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products. See Minnesota Department of Transportation requirements at: https://www.mndot.org/environment/erosion/rolled-erosion-prevention-products.html . [Minn. R. 7050]
8.1	Erosion Prevention Practices. [Minn. R. 7090]
8.2	Before work begins, permittees must delineate the location of areas not to be disturbed. [Minn. R. 7090]
8.3	Permittees must minimize the need for disturbance of portions of the project with steep slopes. When steep slopes must be disturbed, permittees must use techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing). [Minn. R. 7090]
8.4	Permittees must stabilize all exposed soil areas, including stockpiles. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (7 days for sites discharging to special or impaired waters, see section 24). Stabilization must be completed no later than 14 calendar days after the construction activity has ceased. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile. [Minn. R. 7090]
8.5	For Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, permittees must complete stabilization of all exposed soil areas within 200 feet of the water's edge, and that drain to these waters, within 24 hours during the restriction period. [Minn. R. 7090]
8.6	Permittees must stabilize the normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site within 24 hours after connecting to a surface water or property edge. Permittees must complete stabilization of remaining portions of temporary or permanent ditches or swales within 14 calendar days (7 days for sites discharging to special or impaired waters, see section 24) after connecting to a surface water or property edge and construction in that portion of the ditch temporarily or permanently ceases. [Minn. R. 7090]
8.7	Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Permittees must stabilize these areas within 24 hours after their use as a sediment containment system ceases. [Minn. R. 7090]
8.8	Permittees must not use mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than 2 percent. Examples of acceptable erosion prevention practices include blankets, poly, riprap, etc. [Minn. R. 7090]
8.9	Permittees must provide temporary or permanent energy dissipation at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system. [Minn. R. 7090]
9.1	Sediment Control Practices. [Minn. R. 7090]
9.2	Permittees must establish sediment control BMPs on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems. Permittees must locate sediment control practices upgradient of any buffer zones. Permittees must install sediment control practices before any upgradient land-disturbing activities begin and must keep the sediment control practices in place until they establish permanent cover. [Minn. R. 7090]
9.3	If downgradient sediment controls are overloaded, based on frequent failure or excessive maintenance requirements,

	permittees must install additional upgradient sediment control practices or redundant BMPs to eliminate the overloading and amend the SWPPP to identify these additional practices as required in item 6.3. [Minn. R. 7090]
9.4	Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions. [Minn. R. 7090]
9.5	A floating silt curtain placed in the water is not a sediment control BMP to satisfy item 9.2 except when working on a shoreline or below the waterline. Immediately after the construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, permittees must install an upland perimeter control practice if exposed soils still drain to a surface water. [Minn. R. 7090]
9.6	Permittees must re-install all sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, immediately after the short-term activity is completed. Permittees must re-install sediment control practices before the next precipitation event even if the short-term activity is not complete. [Minn. R. 7090]
9.7	Permittees must protect all storm drain inlets using appropriate BMPs during construction until they establish permanent cover on all areas with potential for discharging to the inlet. [Minn. R. 7090]
9.8	Permittees may remove inlet protection for a particular inlet if a specific safety concern (e.g. street flooding/freezing) is identified by the permittees or the jurisdictional authority (e.g., city/county/township/Minnesota Department of Transportation engineer). Permittees must document the need for removal in the SWPPP. [Minn. R. 7090]
9.9	Permittees must provide silt fence or other effective sediment controls at the base of stockpiles on the downgradient perimeter prior to the initiation of stockpiling. Sediment controls must be managed in accordance with section 9.6. [Minn. R. 7090]
9.10	Permittees must locate stockpiles outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater. [Minn. R. 7090]
9.11	Permittees must install a vehicle tracking BMP to minimize the track out of sediment from the construction site or onto paved roads within the site. [Minn. R. 7090]
9.12	Permittees must use street sweeping in addition to vehicle tracking BMPs if vehicle tracking BMPs alone are not adequate to prevent sediment tracking onto the street. [Minn. R. 7090]
9.13	Permittees must install temporary sediment basins as required in Section 14. [Minn. R. 7090]
9.14	In any areas of the site where final vegetative stabilization will occur, permittees must restrict vehicle and equipment use to minimize soil compaction. [Minn. R. 7090]
9.15	Permittees must preserve topsoil on the site, unless infeasible. [Minn. R. 7090]
9.16	Permittees must direct discharges from BMPs to vegetated areas unless infeasible. [Minn. R. 7090]
9.17	Permittees must preserve a 50-foot natural buffer or, if a buffer is infeasible on the site, provide redundant (double) perimeter sediment controls when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water. Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins. If preserving the buffer is infeasible, permittees must document the reasons in the SWPPP. Sheet piling and other impermeable barriers installed in a manner that retains all stormwater are considered redundant perimeter control. [Minn. R. 7090]
9.18	Any sediment control made of soil must be temporarily or permanently stabilized within 24 hours. [Minn. R. 7090]
9.19	Permittees must use polymers, flocculants, or other sedimentation treatment chemicals in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier. The permittees must use conventional erosion and sediment controls prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge. [Minn. R. 7090]
10.1	Dewatering and Basin Draining. [Minn. R. 7090]
10.2	Permittees must not cause nuisance conditions (see Minn. R. 7050.0210, subp. 2) in surface waters from dewatering and basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) discharges. Permittees must discharge turbid or sediment-laden waters related to dewatering or basin draining to a sediment control (e.g. sediment trap or basin, filter bag) designed to prevent discharges with visual turbidity. To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge. Permittees are prohibited from using receiving waters as part of the treatment area. Permittees must visually check and photograph the discharge at the beginning and at least once every 24 hours of operation to ensure adequate treatment has been obtained and nuisance conditions will not

	result from the discharge. [Minn. R. 7050.0210]
10.3	If nuisance conditions result from the discharge, Permittees must cease dewatering immediately and corrective actions must occur before dewatering is resumed. Nuisance conditions includes, but is not limited to, a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast, or has a visible oil film, or has aquatic habitat degradation that can be identified by an observer. [Minn. R. 7050.0210]
10.4	If permittees must discharge water containing oil or grease, they must use an oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) prior to discharge. [Minn. R. 7090]
10.5	Permittees must discharge all water from dewatering or basin-draining activities in a manner that does not cause erosion or scour in the immediate vicinity of discharge points or inundation of wetlands in the immediate vicinity of discharge points that causes significant adverse impact to the wetland. [Minn. R. 7090]
10.6	If permittees use filters with backwash water, they must haul the backwash water away for disposal, return the backwash water to the beginning of the treatment process, or incorporate the backwash water into the site in a manner that does not cause erosion. [Minn. R. 7090]
11.1	Inspections and Maintenance. [Minn. R. 7090]
11.2	Permittees must ensure a trained person, as identified in item 21.2.b, will inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 1/2 inch in 24 hours. [Minn. R. 7090]
11.3	Permittees must inspect and maintain all permanent stormwater treatment BMPs. [Minn. R. 7090]
11.4	Permittees must inspect all erosion prevention and sediment control BMPs and Pollution Prevention Management Measures to ensure integrity and effectiveness. Permittees must repair, replace or supplement all nonfunctional BMPs with functional BMPs by the end of the next business day after discovery unless another time frame is specified in item 11.5 or 11.6. Permittees may take additional time if field conditions prevent access to the area. [Minn. R. 7090]
11.5	During each inspection, permittees must inspect areas adjacent to the project, surface waters, including drainage ditches and conveyance systems but not curb and gutter systems, for evidence of erosion and sediment deposition. Permittees must remove all deltas and sediment deposited in areas adjacent to the project, surface waters, including drainage ways, catch basins, and other drainage systems and restabilize the areas where sediment removal results in exposed soil. Permittees must complete removal and stabilization within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints. Permittees must use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within seven (7) days of obtaining access. Permittees are responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work in surface waters. [Minn. R. 7090]
11.6	Permittees must inspect construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project for sedimentation from erosion or tracked sediment from vehicles. Permittees must remove sediment from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets. [Minn. R. 7090]
11.7	Permittees must repair, replace or supplement all perimeter control devices when they become nonfunctional or the sediment reaches 1/2 of the height of the device. [Minn. R. 7090]
11.8	Permittees must drain temporary and permanent sedimentation basins and remove the sediment when the depth of sediment collected in the basin reaches 1/2 the storage volume within 72 hours of discovery. [Minn. R. 7090]
11.9	Permittee's must inspect and photograph dewatering discharges at the beginning and at least once every 24 hours during operation. Dewatering discharges that only last for minutes, as opposed to hours, and do not reach a surface water, do not require photographs or documentation. [Minn. R. 7090]
11.10	Permittees must ensure that at least one individual present on the site (or available to the project site in three (3) calendar days) is trained in the job duties described in item 21.2.b. [Minn. R. 7090]
11.11	Permittees may adjust the inspection schedule described in item 11.2 as follows: <ul style="list-style-type: none"> a. inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site; or b. where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. The MPCA may require inspections to resume if conditions warrant; or c. where construction activity has been suspended due to frozen ground conditions, inspections may be suspended.

	Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first. d. for projects where a pollinator habitat or native prairie type vegetated cover is being established, inspections may be reduced to once per month if the site has temporary vegetation with a density of 70% temporary uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements in section 13 have been met. [Minn. R. 7090]
11.12	<p>Permittees must record all inspections and maintenance activities within 24 hours of being conducted and these records must be retained with the SWPPP. These records must include:</p> <ul style="list-style-type: none"> a. date and time of inspections; and b. name of persons conducting inspections; and c. accurate findings of inspections, including the specific location where corrective actions are needed; and d. corrective actions taken (including dates, times, and party completing maintenance activities); and e. date of all rainfall events greater than 1/2 inches in 24 hours, and the amount of rainfall for each event. Permittees must obtain rainfall amounts by either a properly maintained rain gauge installed on-site, a weather station that is within one (1) mile of your location, or a weather reporting system that provides site specific rainfall data from radar summaries; and f. if permittees observe a discharge during the inspection, they must record and should photograph and describe the location of the discharge (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and g. any amendments to the SWPPP proposed as a result of the inspection must be documented as required in Section 6 within seven (7) calendar days; and h. all photographs of dewatering activities and documentation of nuisance conditions resulting from dewatering activities as described in section 10. [Minn. R. 7090]
12.1	Pollution Prevention Management Measures. [Minn. R. 7090]
12.2	Permittees must place construction materials and landscape materials under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. Permittees are not required to cover or protect products which are either not a source of contamination to stormwater or are designed to be exposed to stormwater. [Minn. R. 7090]
12.3	Permittees must place pesticides, fertilizers and treatment chemicals under cover (e.g., plastic sheeting or temporary roofs) or protect them by similarly effective means designed to minimize contact with stormwater. [Minn. R. 7090]
12.4	Permittees must store hazardous materials and toxic waste, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) in sealed containers to prevent spills, leaks or other discharge. Storage and disposal of hazardous waste materials must be in compliance with Minn. R. ch. 7045 including secondary containment as applicable. [Minn. R. 7090]
12.5	Permittees must properly store, collect and dispose solid waste in compliance with Minn. R. ch. 7035. [Minn. R. 7035]
12.6	Permittees must position portable toilets so they are secure and will not tip or be knocked over. Permittees must properly dispose sanitary waste in accordance with Minn. R. ch. 7041. [Minn. R. 7041]
12.7	Permittees must take reasonable steps to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. Permittees must ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. Permittees must report and clean up spills immediately as required by Minn. Stat. 115.061, using dry clean up measures where possible. [Minn. Stat. 115.061]
12.8	Permittees must limit vehicle exterior washing and equipment to a defined area of the site. Permittees must contain runoff from the washing area in a sediment basin or other similarly effective controls and must dispose waste from the washing activity properly. Permittees must properly use and store soaps, detergents, or solvents. [Minn. R. 7090]
12.9	Permittees must provide effective containment for all liquid and solid wastes generated by washout operations (e.g., concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity. Permittees must prevent liquid and solid washout wastes from contacting the ground and must design the containment so it does not result in runoff from the washout operations or areas. Permittees must properly dispose liquid and solid wastes in compliance with MPCA rules. Permittees must install a sign indicating the location of the washout facility. [Minn. R. 7035, Minn. R. 7090]
13.1	Permit Termination Conditions. [Minn. R. 7090]
13.2	Permittees must complete all construction activity and must install permanent cover over all areas prior to submitting the NOT. Vegetative cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final

	growth. Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter. [Minn. R. 7090]
13.3	Permittees must clean the permanent stormwater treatment system of any accumulated sediment and must ensure the system meets all applicable requirements in Section 15 through 19 and is operating as designed. [Minn. R. 7090]
13.4	Permittees must remove all sediment from conveyance systems prior to submitting the NOT. [Minn. R. 7090]
13.5	Permittees must remove all temporary synthetic erosion prevention and sediment control BMPs prior to submitting the NOT. Permittees may leave BMPs designed to decompose on-site in place. [Minn. R. 7090]
13.6	For residential construction only, permit coverage terminates on individual lots if the lot is sold to the homeowner, structures are finished, and permanent cover has been established. For lots that are sold to the homeowner where permanent cover has not been established, coverage terminates if temporary erosion prevention and downgradient perimeter control is properly installed and the permittee distributes the MPCA's "Homeowner Fact Sheet" to the homeowner. [Minn. R. 7090]
13.7	For construction projects on agricultural land (e.g., pipelines across cropland), permittees must return the disturbed land to its preconstruction agricultural use prior to submitting the NOT. [Minn. R. 7090]
13.8	When submitting the NOT, Permittees must include either ground or aerial photographs showing the requirements of 13.2 have been met. Permittees are not required to take photographs of every distinct part of the site, however the conditions portrayed must be substantially similar to those areas that are not photographed. Photographs must be clear and in focus and must include the date the photo was taken. [Minn. R. 7090]
14.1	Temporary Sediment Basins. [Minn. R. 7090]
14.2	Where ten (10) or more acres of disturbed soil (5 acres for sites discharging to special or impaired waters, see section 24) drain to a common location, permittees must provide a temporary sediment basin to provide treatment of the runoff before it leaves the construction site or enters surface waters. Permittees may convert a temporary sediment basin to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ten (10) acres draining to a common location. [Minn. R. 7090]
14.3	The temporary basin must provide live storage for a calculated volume of runoff from a two (2)-year, 24-hour storm from each acre drained to the basin or 1,800 cubic feet of live storage per acre drained, whichever is greater. [Minn. R. 7090]
14.4	Where permittees have not calculated the two (2)-year, 24-hour storm runoff amount, the temporary basin must provide 3,600 cubic feet of live storage per acre of the basins' drainage area. [Minn. R. 7090]
14.5	Permittees must design basin outlets to prevent short-circuiting and the discharge of floating debris. [Minn. R. 7090]
14.6	Permittees must design the outlet structure to withdraw water from the surface to minimize the discharge of pollutants. Permittees may temporarily suspend the use of a surface withdrawal mechanism during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity. [Minn. R. 7090]
14.7	Permittees must provide energy dissipation for the basin outlet within 24 hours after connection to a surface water. [Minn. R. 7090]
14.8	Permittees must locate temporary basins outside of surface waters and any buffer zone required in item 23.11. [Minn. R. 7090]
14.9	Permittees must construct the temporary basins prior to disturbing 10 or more acres of soil draining to a common location. [Minn. R. 7090]
14.10	Where a temporary sediment basin meeting the requirements of item 14.3 through 14.9 is infeasible, permittees must install effective sediment controls such as smaller sediment basins and/or sediment traps, silt fences, vegetative buffer strips or any appropriate combination of measures as dictated by individual site conditions. In determining whether installing a sediment basin is infeasible, permittees must consider public safety and may consider factors such as site soils, slope, and available area on-site. Permittees must document this determination of infeasibility in the SWPPP. [Minn. R. 7090]
15.1	Permanent Stormwater Treatment System. [Minn. R. 7090]
15.2	Permittees must design and implement the project so all stormwater discharged from the project during and after construction activities does not cause a violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant adverse impact to wetlands caused by inundation or decrease of flow. [Minn. R. 7090]
15.3	Permittees must design and construct a permanent stormwater treatment system to treat the water quality volume if the project's ultimate development replaces vegetation and/or other pervious surfaces creating a net increase of one (1) or

	more acres of cumulative impervious surface. [Minn. R. 7090]
15.4	Permittees must calculate the water quality volume as one (1) inch times the net increase of impervious surfaces created by the project. [Minn. R. 7090]
15.5	Permittees must first consider volume reduction practices on-site (e.g., infiltration or other) when designing the permanent stormwater treatment system. If this permit prohibits infiltration as described in item 16.14 through item 16.21, permittees may consider a wet sedimentation basin, filtration basin or regional pond. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. [Minn. R. 7090]
15.6	For projects where the full volume reduction requirement cannot be met on-site, (e.g., the site has infiltration prohibitions), permittees must document the reasons in the SWPPP. [Minn. R. 7090]
15.7	Permittees must discharge the water quality volume to a permanent stormwater treatment system prior to discharge to a surface water. For purposes of this item, surface waters do not include man-made drainage systems that convey stormwater to a permanent stormwater treatment system. [Minn. R. 7090]
15.8	Where the proximity to bedrock precludes the installation of any of the permanent stormwater treatment practices required by Sections 15 through 19, permittees must install other treatment such as grassed swales, smaller ponds, or grit chambers, prior to the discharge of stormwater to surface waters. [Minn. R. 7090]
15.9	For linear projects where permittees cannot treat the entire water quality volume within the existing right-of-way, permittees must make a reasonable attempt to obtain additional right-of-way, easement or other permission for stormwater treatment during the project planning process. Documentation of these attempts must be in the SWPPP. Permittees must still consider volume reduction practices first as described in item 15.5. If permittees cannot obtain additional right-of-way, easement or other permission, they must maximize the treatment of the water quality volume prior to discharge to surface waters. [Minn. R. 7090]
16.1	Infiltration Systems. [Minn. R. 7090]
16.2	Infiltration options include, but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams, and natural depressions. If permittees utilize an infiltration system to meet the requirements of this permit, they must incorporate the design parameters in item 16.3 through item 16.21. Permittees must follow the infiltration prohibition in item 16.14 anytime an infiltration system is designed, including those not required by this permit. [Minn. R. 7090]
16.3	Permittees must design infiltration systems such that pre-existing hydrologic conditions of wetlands in the vicinity are not impacted (e.g., inundation or breaching a perched water table supporting a wetland). [Minn. R. 7090]
16.4	Permittees must not excavate infiltration systems to final grade, or within three (3) feet of final grade, until the contributing drainage area has been constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area. [Minn. R. 7090]
16.5	When excavating an infiltration system to within three (3) feet of final grade, permittees must stake off and mark the area so heavy construction vehicles or equipment do not compact the soil in the infiltration area. [Minn. R. 7090]
16.6	Permittees must use a pretreatment device such as a vegetated filter strip, forebay, or water quality inlet (e.g., grit chamber) to remove solids, floating materials, and oil and grease from the runoff, to the maximum extent practicable, before the system routes stormwater to the infiltration system. [Minn. R. 7090]
16.7	Permittees must design infiltration systems to provide a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase of impervious surfaces created by the project. [Minn. R. 7090]
16.8	Permittees must design the infiltration system to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Permittees must route additional flows that cannot infiltrate within 48 hours to bypass the system through a stabilized discharge point. [Minn. R. 7090]
16.9	Permittees must provide a means to visually verify the infiltration system is discharging through the soil surface or filter media surface within 48 hours or less. [Minn. R. 7090]
16.10	Permittees must provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates. [Minn. R. 7090]
16.11	For design purposes, permittees must divide field measured infiltration rates by 2 as a safety factor or permittees can use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When soil borings indicate type A soils, permittees should perform field measurements to verify the rate is not above

	8.3 inches per hour. This permit prohibits infiltration if the field measured infiltration rate is above 8.3 inches per hour. [Minn. R. 7090]
16.12	Permittees must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system. [Minn. R. 7090]
16.13	Permittees must design a maintenance access, typically eight (8) feet wide, for the infiltration system. [Minn. R. 7090]
16.14	This permit prohibits permittees from constructing infiltration systems that receive runoff from vehicle fueling and maintenance areas including construction of infiltration systems not required by this permit. [Minn. R. 7090]
16.15	This permit prohibits permittees from constructing infiltration systems where infiltrating stormwater may mobilize high levels of contaminants in soil or groundwater. Permittees must either complete the MPCA's contamination screening checklist or conduct their own assessment to determine the suitability for infiltration. Permittees must retain the checklist or assessment with the SWPPP. For more information and to access the MPCA's "contamination screening checklist" see the Minnesota Stormwater Manual. [Minn. R. 7090]
16.16	This permit prohibits permittees from constructing infiltration systems in areas where soil infiltration rates are field measured at more than 8.3 inches per hour unless they amend soils to slow the infiltration rate below 8.3 inches per hour. [Minn. R. 7090]
16.17	This permit prohibits permittees from constructing infiltration systems in areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock. [Minn. R. 7090]
16.18	This permit prohibits permittees from constructing infiltration systems in areas of predominately Hydrologic Soil Group type D soils (clay). [Minn. R. 7090]
16.19	This permit prohibits permittees from constructing infiltration systems within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13, if the system will be located: <ul style="list-style-type: none"> a. in an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health; or b. in an ERA within a DWSMA classified as moderate vulnerability unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; or c. outside of an ERA within a DWSMA classified as having high or very high vulnerability, unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater. See "higher level of engineering review" in the Minnesota Stormwater Manual for more information. [Minn. R. 7090]
16.20	This permit prohibits permittees from constructing infiltration systems in areas within 1,000 feet upgradient or 100 feet downgradient of active karst features. [Minn. R. 7090]
16.21	This permit prohibits permittees from constructing infiltration systems in areas that receive runoff from the following industrial facilities not authorized to infiltrate stormwater under the NPDES stormwater permit for industrial activities: wood preserving facilities; automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities. [Minn. R. 7090]
17.1	Filtration Systems. [Minn. R. 7090]
17.2	Filtration options include but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters. If permittees utilize a filtration system to meet the permanent stormwater treatment requirements of this permit, they must comply with items 17.3 through 17.11. [Minn. R. 7090]
17.3	Permittees must not install filter media until they construct and fully stabilize the contributing drainage area unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area. [Minn. R. 7090]
17.4	Permittees must design filtration systems to remove at least 80 percent of TSS. [Minn. R. 7090]
17.5	Permittees must use a pretreatment device such as a vegetated filter strip, small sedimentation basin, water quality inlet, forebay or hydrodynamic separator to remove settleable solids, floating materials, and oils and grease from the runoff, to the maximum extent practicable, before runoff enters the filtration system. [Minn. R. 7090]

17.6	Permittees must design filtration systems to treat a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase of impervious surfaces created by the project. [Minn. R. 7090]
17.7	Permittees must design the filtration system to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow. [Minn. R. 7090]
17.8	Permittees must design the filtration system to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours. [Minn. R. 7090]
17.9	Permittees must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system. [Minn. R. 7090]
17.10	Permittees must ensure that filtration systems with less than three (3) feet of separation between seasonally saturated soils or from bedrock are constructed with an impermeable liner. [Minn. R. 7090]
17.11	The permittees must design a maintenance access, typically eight (8) feet wide, for the filtration system. [Minn. R. 7090]
18.1	Wet Sedimentation Basin. [Minn. R. 7090]
18.2	Permittees using a wet sedimentation basin to meet the permanent stormwater treatment requirements of this permit must incorporate the design parameters in item 18.3 through 18.10. [Minn. R. 7090]
18.3	Permittees must design the basin to have a permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than 10 feet. Permittees must configure the basin to minimize scour or resuspension of solids. [Minn. R. 7090]
18.4	Permittees must design the basin to provide live storage for a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase in impervious surfaces created by the project. [Minn. R. 7090]
18.5	Permittees must design basin outlets so the water quality volume discharges at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the basin. [Minn. R. 7090]
18.6	Permittees must design basin outlets to prevent short-circuiting and the discharge of floating debris. Basin outlets must have energy dissipation. [Minn. R. 7090]
18.7	Permittees must design the basin to include a stabilized emergency overflow to accommodate storm events in excess of the basin's hydraulic design. [Minn. R. 7090]
18.8	Permittees must design a maintenance access, typically eight (8) feet wide, for the basin. [Minn. R. 7090]
18.9	Permittees must locate basins outside of surface waters and any buffer zone required in item 23.11. Permittees must design basins to avoid draining water from wetlands unless the impact to the wetland complies with the requirements of Section 22. [Minn. R. 7090]
18.10	Permittees must design basins using an impermeable liner if located within active karst terrain. [Minn. R. 7090]
19.1	Regional Wet Sedimentation Basins. [Minn. R. 7090]
19.2	When the entire water quality volume cannot be treated by volume reduction practices on-site, permittees can use or create regional wet sedimentation basins provided they are constructed basins, not a natural wetland or water body, (wetlands used as regional basins must be mitigated for, see Section 22). The owner must ensure the regional basin conforms to all requirements for a wet sedimentation basin as described in items 18.3 through 18.10 and must be large enough to account for the entire area that drains to the regional basin. Permittees must verify that the regional basin will discharge at no more than 5.66 cfs per acre of surface area of the basin and must provide a live storage volume of one-inch times all the impervious area draining to the basin. Permittees cannot significantly degrade waterways between the project and the regional basin. The owner must obtain written authorization from the applicable LGU or private entity that owns and maintains the regional basin. [Minn. R. 7090]
20.1	SWPPP Availability. [Minn. R. 7090]
20.2	Permittees must keep the SWPPP on-site, or electronically available on-site, during normal working hours with personnel who have operational control over the applicable portion of the site, including all changes to the SWPPP, inspections, and maintenance records. [Minn. R. 7090]
21.1	Training Requirements. [Minn. R. 7090]

21.2	<p>Permittees must ensure all of the following individuals receive training and the content and extent of the training is commensurate with the individual's job duties and responsibilities with regard to activities covered under this permit:</p> <ul style="list-style-type: none"> a. Individuals preparing the SWPPP for the project. b. Individuals overseeing implementation of, revising and/or amending the SWPPP and individuals performing inspections for the project. One of these individuals must be available for an on-site inspection within 72 hours upon request by the MPCA. c. Individuals performing or supervising the installation, maintenance and repair of BMPs. [Minn. R. 7090]
21.3	<p>Permittees must ensure individuals identified in Section 21 receive training from local, state, federal agencies, professional organizations, or other entities with expertise in erosion prevention, sediment control, permanent stormwater treatment and the Minnesota NPDES/SDS Construction Stormwater permit. Permittees must ensure these individuals attend a refresher-training course every three (3) years. [Minn. R. 7090]</p>
22.1	<p>Requirements for Discharges to Wetlands. [Minn. R. 7050.0186]</p>
22.2	<p>If the project has any discharges with the potential for significant adverse impacts to a wetland, (e.g., conversion of a natural wetland to a stormwater pond) permittees must demonstrate that the wetland mitigative sequence has been followed in accordance with items 22.3 or 22.4. [Minn. R. 7050.0186]</p>
22.3	<p>If the potential adverse impacts to a wetland on a specific project site are addressed by permits or other approvals from an official statewide program (U.S. Army Corps of Engineers 404 program, Minnesota Department of Natural Resources, or the State of Minnesota Wetland Conservation Act) that are issued specifically for the project and project site, permittees may use the permit, decision or other determination issued by these agencies to show the potential adverse impacts are addressed. For purposes of this permit, de minimus actions are determinations by the permitting agency that address the project impacts, whereas a non-jurisdictional determination does not address project impacts. [Minn. R. 7090]</p>
22.4	<p>If there are impacts from the project not addressed in one of the permits, decisions or other determinations discussed in item 22.3 (e.g., permanent inundation or flooding of the wetland, significant degradation of water quality, excavation, filling, draining), permittees must minimize all adverse impacts to wetlands by utilizing appropriate measures. Permittees must use measures based on the nature of the wetland, its vegetative community types and the established hydrology. These measures include in order of preference:</p> <ul style="list-style-type: none"> a. avoid all significant adverse impacts to wetlands from the project and post-project discharge; b. minimize any unavoidable impacts from the project and post-project discharge; c. provide compensatory mitigation when the permittees determine(s) that there is no reasonable and practicable alternative to having a significant adverse impact on a wetland. For compensatory mitigation, wetland restoration or creation must be of the same type, size and whenever reasonable and practicable in the same watershed as the impacted wetland. [Minn. R. 7050.0186]
23.1	<p>Additional Requirements for Discharges to Special (Prohibited, Restricted, Other) and Impaired Waters. [Minn. R. 7090]</p>
23.2	<p>The BMPs identified for each special or impaired water are required for those areas of the project draining to a discharge point on the project that is within one mile (aerial radius measurement) of special or impaired water and flows to that special or impaired water. [Minn. R. 7090]</p>
23.3	<p>Discharges to the following special waters identified as Prohibited in Minn. R. 7050.0335 subp. 3 must incorporate the BMPs outlined in items 23.9, 23.10, 23.11, 23.13 and 23.14:</p> <ul style="list-style-type: none"> a. Boundary Waters Canoe Area Wilderness; Voyageurs National Park; Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River; Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia. b. Those portions of Lake Superior North of latitude 47 degrees, 57 minutes, 13 seconds, East of Hat Point, South of the Minnesota-Ontario boundary, and West of the Minnesota-Michigan boundary; c. Scientific and Natural Areas identified as in Minn. R. 7050.0335 Subp. 3: Boot Lake, Anoka County; Kettle River in sections 15, 22, 23, T 41 N, R 20, Pine County; Pennington Bog, Beltrami County; Purvis Lake-Ober Foundation, Saint Louis County; waters within the borders of Itasca Wilderness Sanctuary, Clearwater County; Iron Springs Bog, Clearwater County; Wolsfeld Woods, Hennepin County; Green Water Lake, Becker County; Blackdog Preserve, Dakota County; Prairie Bush Clover, Jackson County; Black Lake Bog, Pine County; Pembina Trail Preserve, Polk County; and Falls Creek, Washington County. [Minn. R. 7050.0335, subp. 3]
23.4	<p>Discharges to the following special waters identified as Restricted in Minn. R. 7050.0335 subp.1 must incorporate the BMPs</p>

	outlined in items 23.9, 23.10 and 23.11:
	<ul style="list-style-type: none"> a. Lake Superior, except those portions identified as prohibited in item 23.3.b; b. Mississippi River in those portions from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981; c. Scenic or Recreational River Segments: Saint Croix River, entire length; Cannon River from northern city limits of Faribault to its confluence with the Mississippi River; North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line; Kettle River from north Pine County line to the site of the former dam at Sandstone; Minnesota River from Lac que Parle dam to Redwood County State Aid Highway 11; Mississippi River from County State Aid Highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; and Rum River from State Highway 27 bridge in Onamia to Madison and Rice streets in Anoka; d. Lake Trout Lakes identified in Minn. R. 7050.0335 including lake trout lakes inside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park; e. Calcareous Fens listed in Minn. R. 7050.0335, subp. 1. [Minn. R. 7050.0335, subp. 1]
23.5	Discharges to the Trout Lakes (other special water) identified in Minn. R. 6264.0050, subp. 2 and Minn. R. 7050.0420 must incorporate the BMPs outlined in items 23.9, 23.10 and 23.11. [Minn. R. 6264.0050, subp. 2, Minn. R. 7050]
23.6	Discharges to the Trout Streams (other special water) listed in Minn. R. 6264.0050, subp. 4 and Minn. R. 7050.0420 must incorporate the BMPs outlined in items 23.9, 23.10, 23.11 and 23.12. [Minn. R. 6264.0050, subp. 4, Minn. R. 7050]
23.7	Discharges to impaired waters or a water with an USEPA approved TMDL for any of the impairments listed in this item must incorporate the BMPs outlined in items 23.9 and 23.10. Impaired waters are waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators, nutrients), turbidity, TSS, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment, benthic macroinvertebrate bioassessment). Terms used for the pollutants or stressors in this item are subject to change. [Minn. R. 7090]
23.8	Where the additional BMPs in this Section conflict with requirements elsewhere in this permit, items 23.9 through 23.14 take precedence. [Minn. R. 7090]
23.9	Permittees must immediately initiate stabilization of exposed soil areas, as described in item 8.5 & 8.8, and complete the stabilization within seven (7) calendar days after the construction activity in that portion of the site temporarily or permanently ceases. [Minn. R. 7090]
23.10	Permittees must provide a temporary sediment basin as described in Section 14 for common drainage locations that serve an area with five (5) or more acres disturbed at one time. [Minn. R. 7090]
23.11	Permittees must include an undisturbed buffer zone of not less than 100 linear feet from a special water (not including tributaries) and must maintain this buffer zone at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project. Permittees must fully document the circumstance and reasons the buffer encroachment is necessary in the SWPPP and include restoration activities. This permit allows replacement of existing impervious surface within the buffer. Permittees must minimize all potential water quality, scenic and other environmental impacts of these exceptions by the use of additional or redundant (double) BMPs and must document this in the SWPPP for the project. [Minn. R. 7090]
23.12	<p>Permittees must design the permanent stormwater treatment system so the discharge from the project minimizes any increase in the temperature of trout streams resulting from the one (1) and two (2) year 24-hour precipitation events. This includes all tributaries of designated trout streams located within the same Public Land Survey System (PLSS) Section. Permittees must incorporate one or more of the following measures, in order of preference:</p> <ul style="list-style-type: none"> a. Provide stormwater infiltration or other volume reduction practices as described in item 15.4 and 15.5, to reduce runoff. Infiltration systems must discharge all stormwater routed to the system within 24 hours. b. Provide stormwater filtration as described in Section 17. Filtration systems must discharge all stormwater routed to the system within 24 hours. c. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls. d. If ponding is used, the design must include an appropriate combination of measures such as shading, vegetated swale discharges or constructed wetland treatment cells that limit temperature increases. The pond must be designed as a dry pond and should draw down in 24 hours or less. e. Other methods that minimize any increase in the temperature of the trout stream. [Minn. R. 7090]

23.13	Permittees must conduct routine site inspections once every three (3) days as described in item 11.2 for projects that discharge to prohibited waters. [Minn. R. 7090]
23.14	If discharges to prohibited waters cannot provide volume reduction equal to one (1) inch times the net increase of impervious surfaces as required in item 15.4 and 15.5, permittees must develop a permanent stormwater treatment system design that will result in no net increase of TSS or phosphorus to the prohibited water. Permittees must keep the plan in the SWPPP for the project. [Minn. R. 7090]
24.1	General Provisions. [Minn. R. 7090]
24.2	If the MPCA determines that an individual permit would more appropriately regulate the construction activity, the MPCA may require an individual permit to continue the construction activity. Coverage under this general permit will remain in effect until the MPCA issues an individual permit. [Minn. R. 7001.0210, subp. 6]
24.3	If the permittee cannot meet the terms and conditions of this general permit, an owner may request an individual permit, in accordance with Minn. R. 7001.0210 subp. 6. [Minn. R. 7001.0210, subp. 6]
24.4	Any interested person may petition the MPCA to require an individual NPDES/SDS permit in accordance with 40 CFR 122.28(b)(3). [40 CFR 122.28(b)(3)]
24.5	In addition to the requirement found in section 20, permittees must make the SWPPP, including all inspection reports, maintenance records, training records and other information required by this permit, available to federal, state, and local officials within three (3) days upon request for the duration of the permit and for three (3) years following the NOT. [Minn. R. 7090]
24.6	Permittees may not assign or transfer this permit except when the transfer occurs in accordance with the applicable requirements of item 3.7 and 3.8. [Minn. R. 7090]
24.7	Nothing in this permit must be construed to relieve the permittees from civil or criminal penalties for noncompliance with the terms and conditions provided herein. Nothing in this permit must be construed to preclude the initiation of any legal action or relieve the permittees from any responsibilities, liabilities, or penalties to which the permittees is/are or may be subject to under Section 311 of the Clean Water Act and Minn. Stat. Section 115 and 116, as amended. Permittees are not liable for permit requirements for activities occurring on those portions of a site where the permit has been transferred to another party as required in item 3.7 or the permittees have submitted the NOT as required in Section 4. [Minn. R. 7090]
24.8	The provisions of this permit are severable. If any provision of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit must not be affected thereby. [Minn. R. 7090]
24.9	The permittees must comply with the provisions of Minn. R. 7001.0150, subp. 3 and Minn. R. 7001.1090, subp. 1(A), 1(B), 1(C), 1(H), 1(I), 1(J), 1(K), and 1(L). [Minn. R. 7001]
24.10	The permittees must allow access as provided in 40 CFR 122.41(i) and Minn. Stat. Section 115.04. The permittees must allow representatives of the MPCA or any member, employee or agent thereof, when authorized by it, upon presentation of credentials, to enter upon any property, public or private, for the purpose of obtaining information or examination of records or conducting surveys or investigations. [40 CFR 122.41(i)]
24.11	For the purposes of Minn. R. 7090 and other documents that reference specific sections of this permit, "Stormwater Discharge Design Requirements" corresponds to Sections 5, 6 and 14 through 21; "Construction Activity Requirements" corresponds to Sections 7 through 13; and "Appendix A" corresponds to Sections 22 and 23. [Minn. R. 7090]
25.1	Definitions. [Minn. R. 7090]
25.2	"Active karst" means a terrain having distinctive landforms and hydrology created primarily from the dissolution of soluble rocks within 50 feet of the land surface. [Minn. R. 7090]
25.3	"Aerial radius measurement" means the shortest straight line distance measurement between the point of stormwater discharge from a project construction site to the nearest edge of the water body receiving the stormwater. This measurement does not follow the meander flow path. [Minn. R. 7090]
25.4	"Best Management Practices (BMPs)" means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies. [Minn. R. 7090]
25.5	"Common Plan of Development or Sale" means one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed

	plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. [Minn. R. 7090]
25.6	"Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]
25.7	"Dewatering" means the removal of surface or ground water to dry and/or solidify a construction site to enable construction activity. Dewatering may require a Minnesota Department of Natural Resources water appropriation permit and, if dewatering water is contaminated, discharge of such water may require an individual MPCA NPDES/SDS permit. [Minn. R. 7090]
25.8	"Energy Dissipation" means methods employed at pipe outlets to prevent erosion caused by the rapid discharge of water scouring soils. [Minn. R. 7090]
25.9	"Erosion Prevention" means measures employed to prevent erosion such as soil stabilization practices, permanent cover or construction phasing. [Minn. R. 7090]
25.10	"General Contractor" means the party who signs the construction contract with the owner to construct the entire project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor is the party responsible for managing the entire project on behalf of the owner. In some cases, the owner is the general contractor. In these cases, the owner signs the permit application as the operator and becomes the sole permittee. [Minn. R. 7090]
25.11	"Groundwater" means the water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. [Minn. R. 7060]
25.12	"Homeowner Fact Sheet" means an MPCA fact sheet available on the MPCA Construction Stormwater website for permittees to give to homeowners at the time of sale. [Minn. R. 7090]
25.13	"Infeasible" means not technologically possible or not economically practicable and achievable in light of the best industry practices. [Minn. R. 7090]
25.14	<p>"Initiated immediately" means taking an action to commence soil stabilization as soon as practicable, but no later than the end of the workday, following the day when the land-disturbing activities temporarily or permanently cease, if the permittees know that construction work on that portion of the site will be temporarily ceased for 14 or more additional calendar days or 7 calendar days where item 23.9 applies. Permittees can initiate stabilization by:</p> <ul style="list-style-type: none"> a. prepping the soil for vegetative or non-vegetative stabilization; or b. applying mulch or other non-vegetative product to the exposed soil area; or c. seeding or planting the exposed area; or d. starting any of the activities in a - c on a portion of the area to be stabilized, but not on the entire area; or e. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization. [Minn. R. 7090]
25.15	"Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over surface waters are considered impervious surfaces. Recreational trails that are distinctly set apart from a roadway (i.e. not parallel) and intended for non-motorized recreational uses are not considered impervious surfaces. Sidewalks that are parallel to a roadway (or generally following alongside a roadway) must still be included as impervious surfaces. [Minn. R. 7090]
25.16	"National Pollutant Discharge Elimination System (NPDES)" means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act, as amended (33 U.S.C. 1251 et seq. Section 1342 and 40 CFR parts 122, 123, 124 and 450). [Minn. R. 7001.1020]
25.17	"Natural Buffer" means an area of undisturbed cover surrounding surface waters within which construction activities are

	restricted. Natural buffer includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities. [Minn. R. 7090]
25.18	"Normal Wetted Perimeter" means the area of a conveyance, such as a ditch or channel, that is in contact with water during flow events that are expected to occur from a two-year, 24-hour storm event. [Minn. R. 7090]
25.19	"Notice of Termination (NOT)" means the form (electronic or paper) required for terminating coverage under the Construction General permit. [Minn. R. 7090]
25.20	"Operator" means the person (usually the general contractor), firm, governmental agency, or other entity designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The permit application must list the operator as a permittee. Subcontractors hired by and under supervision of the general contractor are not operators. [Minn. R. 7090]
25.21	"Owner" means the person, firm, governmental agency, or other entity possessing the title of the land on which the construction activities will occur or, if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity. [Minn. R. 7090]
25.22	"Permanent Cover" means surface types that will prevent soil failure under erosive conditions. Examples include: gravel, concrete, perennial cover, or other landscaped material that will permanently arrest soil erosion. Permittees must establish a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) with a density of 70 percent of the vegetative cover native to local undisturbed areas on all areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include temporary BMPs such as wood fiber blanket, mulch, and rolled erosion control products. [Minn. R. 7090]
25.23	"Permittee(s)" means the person(s), firm, governmental agency, or other entity identified as the owner and operator on the application submitted to the MPCA and are responsible for compliance with the terms and conditions of this permit. [Minn. R. 7090]
25.24	"Project(s)" means all construction activity planned and/or conducted under a particular permit. The project occurs on the site or sites described in the permit application, the SWPPP and in the associated plans, specifications and contract documents. [Minn. R. 7090]
25.25	"Public Waters" means all water basins and watercourses described in Minn. Stat. Section 103G.005 subd. 15. [Minn. Stat. 103G.005, subd.15]
25.26	"Redoximorphic Features" means a color pattern in soil, formed by oxidation and reduction process of iron and/or manganese in seasonally saturated soil. [Minn. R. 7090]
25.27	"Section" includes all item numbers of the same whole number. For example, "Section 3" of the permit refers to items 3.1 through 3.8. [Minn. R. 7090]
25.28	"Seasonally Saturated Soil" means the highest seasonal elevation in the soil in a reduced chemical state because of soil voids filled with water causing anaerobic conditions. Seasonally saturated soil is evidenced by the presence of redoximorphic features or other information determined by scientifically established methods or empirical field measurements. [Minn. R. 7090]
25.29	"Sediment Control" means methods employed to prevent suspended sediment in stormwater from leaving the site (e.g. silt fences, compost logs and storm drain inlet protection). [Minn. R. 7090]
25.30	"Stabilize", "Stabilized", "Stabilization" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass seeding, agricultural crop seeding or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre). [Minn. R. 7090]
25.31	"Stormwater" means precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage. [Minn. R. 7090]
25.32	"Steep Slopes" means slopes that are 1:3 (V:H) (33.3 percent) or steeper in grade. [Minn. R. 7090]
25.33	"Storm Water Pollution Prevention Plan (SWPPP)" means a plan for stormwater discharge that includes all required content under in Section 5 that describes the erosion prevention, sediment control and waste control BMPs and permanent stormwater treatment systems. [Minn. R. 7090]
25.34	"Surface Water or Waters" means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include stormwater treatment systems constructed from upland. This permit does not consider stormwater

	treatment systems constructed in wetlands and mitigated in accordance with Section 22 as surface waters. [Minn. R. 7090]
25.35	"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. [Minn. Stat. 115.01, subd. 22]
25.36	"Water Quality Volume" means one (1) inch of runoff from the net increase in impervious surfaces created by the project (calculated as an instantaneous volume). [Minn. R. 7090]
25.37	<p>"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:</p> <ul style="list-style-type: none"> a. a predominance of hydric soils; and b. inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and c. under normal circumstances support a prevalence of such vegetation. [Minn. R. 7050.0186, subp. 1(a)B]

CSW transfer form
**NPDES Construction Stormwater (CSW)
Permit Program**
National Pollutant Discharge Elimination System (NPDES)

Doc Type: Subdivision Registration Form

Instructions: Use this form to transfer an existing permit to a new owner or contractor. Print a copy of the completed form for your records, or save the completed form to your computer in a location where you can easily find it.

Submittal: The person who certifies this form can email the completed form to csw.pca@state.mn.us using "Transfer Form" as the subject line. An auto-reply message will be sent upon the email being received. A manual confirmation email will be sent.

Questions: Email the program at csw.pca@state.mn.us or call the Stormwater Hotline at: 651-757-2119 or 800-657-3804 (non-metro only).

This form cannot be used to:

- Apply for general permit coverage
- Apply for a subdivision registration permit
- Make permit detail modifications

Project information (as listed on the original *Permit application form*)Project name: SP 2608-31Permit number: C000 6 8 7 9 2 **or** SUB00Project location description: on TH 55 over the Mustinka RiverCurrent Owner contact name: Matthew Yavarow Contact phone: 218-685-8301**Change in permittee information****A. Owner**Owner contact name: _____ Company/
Organization name: _____

Owner mailing address: _____

City: _____ State: _____ Zip code: _____

Email address: _____ Telephone: _____

B. Owner alternate

Owner contact name: _____

Email address: _____ Telephone: _____

C. ContractorContact name: _____ Company/
Organization name: _____

Contact mailing address: _____

City: _____ State: _____ Zip code: _____

Email address: _____ Telephone: _____

D. Contractor alternate

Contact name: _____

Email address: _____ Telephone: _____

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

By signing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Current Owner authorized signature (required)

Name: _____

Company name: _____

Signature: _____

Date (mm/dd/yyyy) _____

Current Contractor authorized representative

Name: _____

Company name: _____

Signature: _____

Date (mm/dd/yyyy): _____

New Owner authorized signature (required if permit is transferring to a new owner)

Name: _____

Company name: _____

Signature: _____

Date (mm/dd/yyyy) _____

New Contractor authorized representative (required if permit is transferring to a new contractor)

Name: _____

Company name: _____

Signature: _____

Date (mm/dd/yyyy): _____



Bois de Sioux
Watershed District

704 Highway 75 South | Wheaton, MN 56296

Phone | 320.563.4185

Fax | 320.563.4987

www.bdswd.com

bdswd@runestone.net

September 20, 2023

Dear Matthew,

RE: PA# 23-109

Please find enclosed the above-entitled permit as **APPROVED** by the Bois de Sioux Watershed District Board/Review Committee.

This permit is good for three years from the date of issuance. If you are unable to get the work done within three years, you are required to contact this office for an extension.

This permit is a Bois de Sioux Watershed District permit only and does not in any way, shape or form, relieve the applicant from obtaining permission from other local, state or federal agencies, for the project described in this application. It is the applicant's responsibility to investigate and determine whether or not additional permits are needed in order to complete the project described.

[Please notify our office upon completion of your project @ 320-563-4185.](tel:320-563-4185)

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Fridgen".

Troy Fridgen

BdSWD Engineer Technician

Enclosures

PERMIT CONDITIONS

- 1) This permit does not give the permittee authority to enter upon or work on lands not owned by the permittee without the permission from the landowner, nor to work in road ditches without permission from the road authority.
- 2) This permit is permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Law, Federal Law, or Local Ordinances, and shall be subject to all conditions and limitations now or hereafter imposed by law. The Bois de Sioux Watershed District makes no representations to the applicant in granting the permit that the proposed work complies with existing law. No liability shall be imposed on the district or any of its officers, agents, or employees, officially or personally, on account of the granting of this permit, or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees or contractors relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claim or right of action of the district against the permittee, its agents, employees, or contractors for violation of or failure to comply with the provisions of the permit or applicable provisions of law.
- 3) Work authorized under this permit shall be completed by September, 2026 unless extended by the district.
- 4) The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the district for inspection of the work authorized by this permit.
- 5) This permit can be revoked if it has been granted based on materially incorrect information, provided by the applicant.

Additional Conditions:

***ACTION OF THE BOARD OF MANAGERS OF THE BOIS DE SIOUX
WATERSHED DISTRICT***

PERMIT NO. **23-109**

The above application for permit is **APPROVED** this 20th day of September, 2023.

BOIS DE SIOUX WATERSHED DISTRICT

By 



PLANT CERTIFICATION APPLICATION

Name of Company: _____ Plant Name: _____
 Address: _____ Plant Location: _____
 Authorized Employee: _____ Plant Operator: _____
 Telephone No.: (____) _____ Telephone No.: (____) _____

Being a duly authorized agent of the above mentioned company, I hereby acknowledge that the following conditions have been met:

- Our Quality Assurance/Quality Control Program is in compliance with all Mn/DOT Specification requirements.
- All plant operations equipment and bituminous mixture testing equipment is in proper working order and has been calibrated in accordance with all Mn/DOT Specifications and requirements.
- All bituminous mixture testing personnel have met Mn/DOT's certification requirements for quality assurance projects.
- A site map is available showing the type of material, description, and locations of all materials to be used.

Authorized Signature: _____

I hereby request a Mn/DOT Plant Inspection to complete this application.

Application Request:

Plant Inspected by: _____

_____ Approved

_____ Denied

Reasons for denial: _____

Comments: _____

 Plant Inspector or Materials Engineer

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.

SPECIFIC FEDERAL EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES (23 CFR 230, Subpart A, Appendix A, FAPG June 6, 1996)

1. General.

a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in Required contract Provisions (Form PR-1273 or 1316, as appropriate) and these Special Provisions which are imposed pursuant to Section 140 of title 23, U.S.C., as established by Section 22 of the Federal-Aid Highway Act of 1968. The requirements set forth in these Special Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.

b. The contractor will work with the State highway agencies and the Federal Government in carrying out equal employment opportunity obligations and in their review of his/her activities under the contract.

c. The contractor and all his/her subcontractors holding subcontracts not including material suppliers, of \$10,000 or more, will comply with the following minimum specific requirement activities of equal employment Opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in volume 6, Chapter 4, Section 1, Subsection 1 of the Federal-Aid Highway program Manual, are applicable to material suppliers as well as contractors and subcontractors.) The contractor will include these requirements in every subcontract of \$10,000 or more with such modification of language as is necessary to make them binding on the subcontractor.

2. Equal Employment Opportunity Policy.

The contractor will accept as his operating policy the following statement which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote their full realization of equal employment through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. Such action shall include: employment, 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, pre apprenticeship, and/or on-the-job training.

3. Equal Employment Opportunity Officer. The contractor will designate and make known to State highway agency contracting officers

an equal employment opportunity officer (hereinafter referred to as the EEO Officer) who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

4. Dissemination of Policy.

a. All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action will be made fully cognizant of, and will implement, the contractor's equal employment opportunity policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

(1). Periodic meetings of supervisory and personnel office staff will be conducted before the start of work and then not less often than once every six months, at which time the contractor's equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

(2). All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official, covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.

(3). All personnel who are engaged in direct recruitment for the project will be instructed by the EEO officer or appropriate company official in the contractor's procedures for locating and hiring minority group employees.

b. In order to make the contractor's equal employment policy known to all employees, prospective employees and potential sources of employees, i.e., schools, employment agencies, labor unions (where appropriate), college placement officers, etc., the contractor will take the following actions:

(1). Notices and posters setting forth the contractor's equal employment opportunity policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

(2). The contractor's equal employment opportunity policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. Recruitment.

a. When advertising for employees, the contractor will include in all advertisements for employees the notation "An Equal Opportunity Employer." All such advertisements will be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

b. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, the contractor will, through his/her EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with equal employment opportunity contract provisions. (The U.S. Department of Labor has held that where the implementation of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

6. Personnel Actions. Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each

SPECIFIC FEDERAL EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES (cont.)

classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his/her obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all his avenues of appeal.

7. Training and Promotion.

a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e. apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event the Training Special Provision is provided under this contract, this subparagraph will be superseded as indicated in Attachment 2.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The Contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

8. Unions. If a contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as

agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group members and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the State highway department and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the State highway agency.

9. Subcontracting.

a. The contractor will use his best efforts to solicit bids from and to utilize minority group subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of minority-owned construction firms from State highway agency personnel.

b. The contractor will use his best efforts to ensure subcontractor compliance with their equal employment opportunity obligations.

10. Records and Reports:

a. The contractor shall keep such records as necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:

(1) The number of minority and non minority group members and women employed in each work classification on the project.

(2) The progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractor's who rely in whole or in part on unions as a source of their work force),

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees, and

(4) The progress and efforts being made in securing the services of minority group subcontractors with meaningful minority and female representation among their employees.

b. All such records must be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the State highway agency and the Federal Highway Administration.

c. The contractors will submit an annual report to the State highway agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form PR-1391. If on-the-job training is being required by a "Training Special Provision", the contractor will be required to furnish Form FHWA 1409.

**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.

EQUAL OPPORTUNITY CLAUSE

(41 CFR Part 60-1.4 b, 7-1-96 Edition)

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and, selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State Highway Agency (SHA) setting forth the provisions of this nondiscrimination clause.
2. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The Contractor will comply with all provisions of Executive Order 11246, Equal Employment Opportunity, dated September 24, 1965, and of the rules, regulations (41 CFR Part 60), and relevant orders of the Secretary of Labor.
5. The Contractor will furnish all information and reports required by Executive Order 11246 and by rules, regulations, and orders of the Secretary of Labor, pursuant thereto, and will permit access to its books, records, and accounts by the Federal Highway Administration (FHWA) and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract, or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7. The Contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraph (1) through (7) in every subcontract or purchase order so that such provisions will be binding upon each subcontractor or vendor, unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246. The Contractor will take such action with respect to any subcontract or purchase order as the Secretary of Labor, SHA, or the Federal Highway Administration (FHWA) may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event a contractor becomes a party to litigation by a subcontractor or vendor as a result of such direction, the contractor may request the SHA to enter into such litigation to protect the interest of the State. In addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided*, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

Minnesota Department of Transportation EEO Special Provisions
Office of Civil Rights

Minority and Women Employment Goals

County	Federal Goals		State Goals	
	Minority Goal	Female Goal	Minority Goal	Female Goal
Aitkin	2.2%	6.9%	12%	9%
Anoka	2.9%	6.9%	22%	15%
Becker	0.7%	6.9%	12%	9%
Beltrami	2.0%	6.9%	12%	9%
Benton	0.5%	6.9%	15%	12%
Big Stone	2.2%	6.9%	15%	9%
Blue Earth	2.2%	6.9%	15%	9%
Brown	2.2%	6.9%	15%	9%
Carlton	1.2%	6.9%	12%	9%
Carver	2.9%	6.9%	22%	15%
Cass	2.2%	6.9%	12%	9%
Chippewa	2.2%	6.9%	15%	9%
Chisago	2.9%	6.9%	15%	12%
Clay	0.7%	6.9%	12%	9%
Clearwater	2.0%	6.9%	12%	9%
Cook	1.2%	6.9%	12%	9%
Cottonwood	0.8%	6.9%	15%	9%
Crow Wing	2.2%	6.9%	12%	9%
Dakota	2.9%	6.9%	22%	15%
Dodge	0.9%	6.9%	15%	9%
Douglas	2.2%	6.9%	12%	9%
Faribault	2.2%	6.9%	15%	9%
Fillmore	0.9%	6.9%	15%	9%
Freeborn	0.9%	6.9%	15%	9%
Goodhue	2.2%	6.9%	15%	9%
Grant	2.2%	6.9%	12%	9%
Hennepin	2.9%	6.9%	32%	20%
Houston	0.6%	6.9%	15%	9%
Hubbard	2.0%	6.9%	12%	9%
Isanti	2.2%	6.9%	15%	12%
Itasca	1.2%	6.9%	12%	9%
Jackson	0.8%	6.9%	15%	9%
Kanabec	2.2%	6.9%	15%	12%
Kandiyohi	2.2%	6.9%	15%	12%
Kittson	2.0%	6.9%	12%	9%
Koochiching	1.2%	6.9%	12%	9%
Lac Qui Parle	2.2%	6.9%	15%	9%
Lake	1.2%	6.9%	12%	9%
Lake of the Woods	2.0%	6.9%	12%	9%
Le Sueur	2.2%	6.9%	15%	9%
Lincoln	0.8%	6.9%	15%	9%
Lyon	0.8%	6.9%	15%	9%
Mahnomen	2.0%	6.9%	12%	9%

Minnesota Department of Transportation EEO Special Provisions
Office of Civil Rights

Marshall	2.0%	6.9%	12%	9%
Martin	2.2%	6.9%	15%	9%
McLeod	2.2%	6.9%	15%	12%
Meeker	2.2%	6.9%	15%	12%
Mille Lacs	2.2%	6.9%	15%	12%
Morrison	2.2%	6.9%	12%	9%
Mower	0.9%	6.9%	15%	9%
Murray	0.8%	6.9%	15%	9%
Nicollet	2.2%	6.9%	15%	9%
Nobles	0.8%	6.9%	15%	9%
Norman	2.0%	6.9%	12%	9%
Olmsted	1.4%	6.9%	15%	9%
Otter Tail	2.2%	6.9%	12%	9%
Pennington	2.0%	6.9%	12%	9%
Pine	2.2%	6.9%	15%	12%
Pipestone	0.8%	6.9%	15%	9%
Polk	1.2%	6.9%	12%	9%
Pope	2.2%	6.9%	12%	9%
Ramsey	2.9%	6.9%	32%	20%
Red Lake	2.0%	6.9%	12%	9%
Redwood	0.8%	6.9%	15%	9%
Renville	2.2%	6.9%	15%	12%
Rice	2.2%	6.9%	15%	9%
Rock	0.8%	6.9%	15%	9%
Roseau	2.0%	6.9%	12%	9%
Scott	2.9%	6.9%	22%	15%
Sherburne	0.5%	6.9%	15%	12%
Sibley	2.2%	6.9%	15%	9%
St. Louis	1.0%	6.9%	12%	9%
Stearns	0.5%	6.9%	15%	12%
Steele	0.9%	6.9%	15%	9%
Stevens	2.2%	6.9%	12%	9%
Swift	2.2%	6.9%	15%	9%
Todd	2.2%	6.9%	12%	9%
Traverse	2.2%	6.9%	12%	9%
Wabasha	0.9%	6.9%	15%	9%
Wadena	2.2%	6.9%	12%	9%
Waseca	2.2%	6.9%	15%	9%
Washington	2.9%	6.9%	22%	15%
Watsonwan	2.2%	6.9%	15%	9%
Wilkin	0.7%	6.9%	12%	9%
Winona	0.6%	6.9%	15%	9%
Wright	2.9%	6.9%	15%	12%
Yellow Medicine	2.2%	6.9%	15%	9%

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.							
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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)		3. Contractor Name:		4. Prime <input type="checkbox"/> Subcontractor <input type="checkbox"/> (check one)	
		SP#		Federal Tax ID:			
		County or City		Street Address:		5. Dollar Amount of Contract:	
		2. Reporting Period to _____		City, State Zip		6. Percent of Completion:	

7. Employment Data a) Name: Last, First Middle Initial		b) Social Security #	c) New Hire (Y or N)	d) Ethnicity	e) Gender M or F)	Trade/Foreman, Supervisors, Managers	g) Level (A, J or T)	h) Hours Worked This Period
1.								
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8. Contract Goals <table style="width: 100%;"> <tr> <td style="width: 50%;">MINNESOTA GOALS</td> <td style="width: 50%;">%OBTAINED</td> </tr> <tr> <td>_____ % Minority</td> <td>_____ %</td> </tr> <tr> <td>_____ % Women</td> <td>_____ %</td> </tr> </table>	MINNESOTA GOALS	%OBTAINED	_____ % Minority	_____ %	_____ % Women	_____ %	9. Prepared by: (Signature) <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> Print Name: _____ Title: _____ Date: _____ Phone: _____ Fax: _____	10. Reviewed by: (Signature) <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> Print Name: _____ Title: _____ Date: _____ Phone: _____ Fax: _____
	MINNESOTA GOALS	%OBTAINED						
	_____ % Minority	_____ %						
	_____ % Women	_____ %						

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														

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

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)

TO
GRANT COUNTY
DEPARTMENT OF HIGHWAYS

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

- () Have a certificate of compliance issued by the Department of Human Rights.
- () Have applied for a certificate of compliance to the Commissioner of Human Rights, which is pending.
- () This is not applicable to companies that do not meet the following:
 - 1. more than 40 full-time employees on a single working day during the previous 12 months, or
 - 2. a contract for goods or services (including construction contracts) in excess of \$100,000.

Signature of Bidder

Position

Name of Firm

Date

This form may be used to furnish proof of necessary compliance with Minnesota Statutes, Section 363, implementing the rules and regulations of the Minnesota Department of Human Rights. All questions should be referred to the Minnesota Department of Human Rights, Bremer Building, St. Paul, Minnesota. Telephone (651)296-5663.

**ATTACHMENT A
PRIME CONTRACTOR RESPONSE**

RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE

STATE PROJECT NUMBER: 2608-31

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, 181.03, 181.101, 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 certify 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: : 2608-31

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	
By signing this document I certify that I am an owner or officer of the company, and I certify under oath that: 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.	
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: : 2608-31

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 certify 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:	

SP 2608-31 Schedule o (for information purposes - Bids to be submitted online)

TH 55 Culvert Replacement

Contract 24-07

Bid Date: 9/24/2024 1:00 p.m.

Line	Number	Description	Unit	Quantity	Bid Unit Price	Bid Total
1	2021.501	MOBILIZATION	LS	1		
2	2051.501	MAINT AND RESTORATION OF HAUL ROADS	LS	1		
3	2104.502	REMOVE PIPE APRON	EACH	4		
4	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	L F	60		
5	2104.503	REMOVE PIPE CULVERTS	L F	108		
6	2104.504	REMOVE BITUMINOUS PAVEMENT	S Y	6,471		
7	2104.607	SALVAGE RANDOM RIPRAP	C Y	781		
8	2106.507	EXCAVATION - COMMON (P)	C Y	1,540		
9	2106.507	EXCAVATION - SUBGRADE (P)	C Y	2,780		
10	2106.507	SELECT GRANULAR EMBANKMENT MOD 7% (CV) (P)	C Y	11,875		
11	2106.507	COMMON EMBANKMENT (CV) (P)	C Y	6,070		
12	2106.601	DEWATERING	LS	1		
13	2108.504	GEOTEXTILE FABRIC TYPE 7	S Y	10,495		
14	2108.504	GEOTEXTILE FABRIC TYPE 10	S Y	8,638		
15	2118.509	AGGREGATE SURFACING CLASS 1	TON	672		
16	2211.509	AGGREGATE BASE CLASS 5	TON	5,943		
17	2232.603	MILLED SINUSOIDAL RUMBLE STRIPS-INTERMITTENT	L F	3,952		
18	2360.509	TYPE SP 12.5 WEARING COURSE MIXTURE (3,C)	TON	2,182		
19	2412.502	12X8 PRECAST CONCRETE BOX CULVERT END SECTION	EACH	4		
20	2412.503	12X8 PRECAST CONCRETE BOX CULVERT	L F	152		
21	2451.507	STRUCTURE EXCAVATION CLASS U (P)	C Y	2,352		
22	2451.507	GRANULAR BACKFILL (CV) (P)	C Y	3,386		
23	2451.507	COARSE AGGREGATE BEDDING (CV)	C Y	280		
25	2511.507	RANDOM RIPRAP CLASS III	C Y	103		
26	2511.607	INSTALL RANDOM RIPRAP	C Y	781		
27	2563.601	TRAFFIC CONTROL	LS	1		
28	2564.502	OBJECT MARKER	EACH	4		
29	2573.501	STABILIZED CONSTRUCTION EXIT	LS	1		
30	2573.501	EROSION CONTROL SUPERVISOR	LS	1		
31	2573.503	SILT FENCE, TYPE MS	L F	989		
32	2573.503	FLOTATION SILT CURTAIN TYPE STILL WATER	L F	2,397		
33	2573.503	SEDIMENT CONTROL LOG TYPE WOOD CHIP	L F	2,598		
34	2574.505	SOIL BED PREPARATION	ACRE	2.6		
35	2574.508	FERTILIZER TYPE 4	LB	314		
36	2575.504	ROLLED EROSION PREVENTION CATEGORY 20	S Y	12,634		
37	2575.505	SEEDING	ACRE	2.6		
38	2575.508	SEED MIXTURE 25-141	LB	81		
39	2575.508	SEED MIXTURE 35-241	LB	47		
40	2575.523	RAPID STABILIZATION METHOD 3	MGAL	16		
41	2582.503	4" SOLID LINE MULTI-COMPONENT GROUND IN (WR)	L F	1,087		
42	2582.503	6" SOLID LINE MULTI-COMPONENT GROUND IN (WR)	L F	3,952		
43	2582.503	4" BROKEN LINE MULTI-COMPONENT GROUND IN (WR)	L F	396		
					Grant Total:	

Project No.: SP 2608-31

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 Otter Tail County Treasurer, in an amount equal to at least 5% of the total amount of the bid is submitted herewith as a proposal guaranty.

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.)