

Contract 2025-2

LYON COUNTY HIGHWAY DEPARTMENT  
504 FAIRGROUNDS ROAD  
MARSHALL, MN 56258

\*\*\*\*\*PROPOSAL\*\*\*\*\*

FOR HIGHWAY CONSTRUCTION  
AND MAINTENANCE PROJECTS WITH

**BIDS RECEIVED UNTIL 2:00 O'CLOCK P.M. ON MONDAY MAY 19th, 2025**

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

PROPOSAL OF

\_\_\_\_\_  
(NAME OF FIRM)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(AREA CODE) TELEPHONE NUMBER

TO FURNISH AND DELIVER ALL MATERIALS AND TO PERFORM ALL WORK IN ACCORDANCE WITH THE CONTRACT, THE PLANS AND THE APPROVED DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2020 EDITION" (USING English UNITS), ON FILE IN THE OFFICE OF THE COMMISSIONER OF TRANSPORTATION EXCEPT AS STATED OTHERWISE IN THE SPECIAL PROVISIONS, WHICH ARE PART OF THIS PROPOSAL, FOR:

STATE AID PROJECT NO. : **S.A.P. 042-608-033, S.A.P. 042-610-044, S.A.P. 042-624-019**

LYON COUNTY PROJECT NO. :

LOCATION: **Various roads in Lyon County, MN**

TYPE OF WORK: **Bituminous Surfacing, Milling, Aggregate Shouldering**

LENGTH: **Varies**

**STARTING DATE: May 26<sup>th</sup>, 2025**

**COMPLETION DATE: November 1st, 2025**

NOTICE TO BIDDERS: Submit bids in accordance with MnDOT 1206 through 1210 except as stated otherwise in the Special Provisions

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

  
\_\_\_\_\_  
Aaron VanMoer, P.E.

License Number: 50428

Date: 4-23-25

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

### **Commonly Overlooked Items**

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

- **Bids must be received by the Lyon County Auditor/Treasurer by 2:00 p.m. on Monday May 19th, 2025. Bid will be opened in the Lyon County conference room in the Lyon County Court House at 607 West Main Street, Marshall, MN 56258.**
- **S18. A timber bridge with weight restrictions is located on S.A.P. 042-608-033.**
- **S-20. A railroad crossing is located on project S.A.P. 042-610-044.**
- **S-23. All work shall be completed on or before November 1st 2025.**
- **S-25. Loader scales allowed as directed by the engineer.**
- **S-26. #200 sieve is modified for Shoulder Base Aggregate**
- **S-30. Pavement Surface Smoothness to be analyzed by an independent contractor.**

**To Lyon County Board of Commissioners**

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

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

(I)(We) understand that the quantities of work shown herein are approximate only and are subject to increase or decrease; that all quantities of work, whether increased or decreased within the limits specified in MnDOT 1903 and 1402, 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 MnDOT 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 MnDOT 1904.

(I)(We) further propose to execute the form of Contract within 7 days after receiving written notice of award, as provided in MnDOT 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 MnDOT 1305.

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

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

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

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

**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/> . 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.

April 14, 2025

## **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.

## 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.

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NOTICE TO BIDDERS

TRAFFIC CONTROL PREVAILING WAGE COVERAGE

The following defines the United States Department of Labor's interpretation of contract labor provision coverage for employees who work for traffic control companies and /or perform traffic control duties.

Non-covered Supplier Designated Duties:

Employees of bona fide "Material Persons/Suppliers" are not covered. A Material Person/Supplier is limited to supply, delivery, and routine maintenance (once a week) of barricades, cones, flashers, etc. to the job site.

The following functions, except as qualified in "6." below, do not come under the prevailing wage requirements of the contracts:

1. Supply and delivery of traffic control devices such as barricades, cones, barrels, flashers and signboards.
2. Routine and periodic maintenance service (usually once a week).
3. Removal of equipment from job site.
4. In connection with delivery, they may drop the equipment at a central stockpile location or at various locations along the project. Employees of company may set-up the equipment as long as such set-up is by dropping barrels and cones from the back of a moving truck.
5. Maintenance would consist of inspecting and cleaning the equipment, replacing broken or lost equipment, replacing barricades knocked down or out of line, and changing light bulbs and barricades.
6. If an employee spends more than 20% of their workweek performing the above duties on a Davis-Bacon (Federal-Aid) project or other Davis-Bacon (Federal-Aid) projects, prevailing wage rates would apply for the time so spent



**DIVISION A**

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V	WAGE RATES .....
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S-29	(2360) PLANT MIXED ASPHALT PAVEMENT .....
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## 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.<sup>1</sup>
- B. **State Regulations Govern.** This Contract is subject to the Minnesota Prevailing Wage Act<sup>2</sup>, Minnesota Fair Labor Standards Act<sup>3</sup>, Minnesota Rules<sup>4</sup>, 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](http://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,<sup>5</sup> 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.<sup>6</sup>
- B. **Bona Fide.** Made or carried out in good faith; authentic.<sup>7</sup>
- C. **Certified Payroll Report (CPR).** A report comprised of two components; (1) a payroll report, and (2) a statement of compliance report.<sup>8</sup>
- 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.<sup>9</sup>
- E. **Employer.** An individual, partnership, association, corporation, business trust, or other business entity that hires a Worker.<sup>10</sup>
- F. **Fringe Benefit.** An employment benefit given in addition to a Worker's wages or salary.<sup>11</sup>
- 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.<sup>12</sup>

<sup>1</sup> Minn. Stat. 177.41

<sup>2</sup> Minn. Stat. 177.41 to 177.44

<sup>3</sup> Minn. Stat. 177.21 to 177.35

<sup>4</sup> Minn. R. 5200.1000 to 5200.1120

<sup>5</sup> MnDOT Standard Specifications for Construction, Section 1103

<sup>6</sup> Minn. Stat. 178.011, Subdivision 2

<sup>7</sup> The American Heritage College Dictionary, Third Edition, 2000

<sup>8</sup> Minn. R. 5200.1106, Subpart 10

<sup>9</sup> Minn. R. 5200.1106, Subpart 2(D)

<sup>10</sup> Minn. Stat. 177.42, Subdivision 7

<sup>11</sup> The American Heritage College Dictionary, Third Edition, 2000

<sup>12</sup> 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.<sup>13</sup>
- I. **Prime Contractor.** An individual or business entity that enters into a Contract with the Department.<sup>14</sup>
- J. **Subcontract.** A Contract that assigns some obligations of a prior Contract to another party.<sup>15</sup>
- 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.<sup>16</sup>
- 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.<sup>17</sup>
- 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.<sup>18</sup>
- 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.<sup>19</sup>
- 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.<sup>20</sup>
- 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.<sup>21</sup>
- 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.<sup>22</sup>

### 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.<sup>23</sup>

<sup>13</sup> Minn. Stat. 178.011, Subdivision 9

<sup>14</sup> Minn. R. 5200.1106, Subpart 2(C)

<sup>15</sup> The American Heritage College Dictionary, Third Edition, 2000

<sup>16</sup> Minn. R. 5200.1106, Subpart 5(C)

<sup>17</sup> Minn. R. 5200.1106, Subpart 7(C)

<sup>18</sup> Minn. R. 5200.1106, Subpart 7(B)

<sup>19</sup> Minn. R. 5200.1105

<sup>20</sup> Minn. R. 5200.1020 to 5200.1060

<sup>21</sup> Minn. R. 5200.1106, Subpart 2(A)

<sup>22</sup> Minn. R. 5200.1106, Subpart 5(A)

<sup>23</sup> 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.<sup>24</sup>
- 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.<sup>25</sup>
- 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.<sup>26</sup>
- 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/VerifySubCertForm.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 form<sup>27</sup> to the MnDOT LCU<sup>28</sup>, 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.<sup>29</sup> 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.<sup>30</sup>
- B. **Labor Classification Clarification & Disputes.** A Contractor needing assistance in determining a labor classification must submit a Classification Clarification Request<sup>31</sup> 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.<sup>32</sup>

#### 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,

<sup>24</sup> Minn. Stat. 177.44, Subdivision 3

<sup>25</sup> MnDOT Standard Specifications for Construction, Section 1801

<sup>26</sup> MnDOT Standard Specifications for Construction, Section 1701

<sup>27</sup> [www.dot.state.mn.us/const/labor/documents/forms/contractorform2016.pdf](http://www.dot.state.mn.us/const/labor/documents/forms/contractorform2016.pdf) or [www.dot.state.mn.us/const/labor/documents/forms/truckvendorform2016.pdf](http://www.dot.state.mn.us/const/labor/documents/forms/truckvendorform2016.pdf)

<sup>28</sup> [lcusupport.dot@state.mn.us](mailto:lcusupport.dot@state.mn.us)

<sup>29</sup> Minn. Stat. 177.44, Subdivision 1

<sup>30</sup> Minn. R. 5200.1101 and 1102 and USDOL Dictionary of Occupational Titles

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

<sup>32</sup> Minn. Stat. 177.44, Subdivision 1

power plant, dam or utility<sup>33</sup> 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.<sup>34</sup> 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 greatest<sup>35</sup> 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).<sup>36</sup>
- 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.<sup>37</sup>
1. **Wage Rate Request.** A Contractor must complete a Request for Rate Assignment form<sup>38</sup> and submit it to the MnDOT LCU<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup>

<sup>33</sup> Minn. R. 5200.1010, Subdivision 3

<sup>34</sup> United States Department of Labor All Agency Memorandum #130

<sup>35</sup> Minn. Stat. 177.44, Subdivision 4

<sup>36</sup> Minn. Stat. 177.44, Subdivision 1

<sup>37</sup> Minn. R. 5200.1030, Subpart 2a(C)

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

<sup>39</sup> [lcusupport.dot@state.mn.us](mailto:lcusupport.dot@state.mn.us)

<sup>40</sup> Refer to Appendix A

<sup>41</sup> 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 177.24<sup>42</sup>
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 Contract<sup>43</sup>, unless the Worker is exempt under state law.<sup>44</sup>
- 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:<sup>45</sup>
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:<sup>46</sup>
1. reasonably anticipated to provide a benefit;
  2. a commitment that can be legally enforced;

<sup>42</sup> Minn. Stat. 177.24, Subdivision 4(1-4)

<sup>43</sup> Minn. Stat. 177.44, Subdivision 1

<sup>44</sup> Minn. Stat. 177.44, Subdivision 2 or Minn. R. 5200.1106, Subpart 4

<sup>45</sup> Minn. Stat. 177.42, Subdivision 6

<sup>46</sup> 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 quarterly<sup>47</sup>, for all hours worked,<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup>

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

<sup>47</sup> 29 CRF, Part 5.5(a)(1)(i)

<sup>48</sup> Government and non-government Work

<sup>49</sup> Refer to Appendix B

<sup>50</sup> Minn. Stat. 177.42, Subdivision 6

<sup>51</sup> Minn. Stat. 177.44, Subdivision 1 and Refer to Appendix D

<sup>52</sup> 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.<sup>53</sup>
  - 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.<sup>54</sup>
  - 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 period<sup>55</sup> to the Department. A Contractor must pay its employees at least once every 14 calendar days.<sup>56</sup>
- C. **Payroll Report Data.** Each payroll report must include all Workers that performed Work and provide at a minimum the following information:<sup>57</sup>
  - 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.<sup>58</sup>
  - 9. Labor classification(s) title(s) and optional three-digit code for each Worker.

<sup>53</sup> [www.dot.state.mn.us/const/labor/certifiedpayroll.html](http://www.dot.state.mn.us/const/labor/certifiedpayroll.html)

<sup>54</sup> Minn. R. 5200.1106, Subpart 10

<sup>55</sup> Minn. Stat. 177.43, Subdivision 3

<sup>56</sup> Minn. Stat. 177.30 (a)(4)

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

<sup>58</sup> 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".<sup>59</sup> 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.<sup>60</sup>
- 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.<sup>61</sup>
- 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 checks<sup>62</sup> for at least three (3) years after the final payment is issued.<sup>63</sup> 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.<sup>64</sup>
- 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.<sup>65</sup>

## 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.<sup>66</sup>
  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.<sup>67</sup>
  4. Supervised by a Journeyworker from the same company, in accordance with the program ratio requirements.<sup>68</sup>
- 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.<sup>69</sup>

<sup>59</sup> MnDOT Standard Specifications for Construction, Section 1701

<sup>60</sup> MnDOT Standard Specifications for Construction, Section 1801

<sup>61</sup> Minn. Stat. 177.30 (a)(5)

<sup>62</sup> Minn. R. 5200.1106, Subpart 10

<sup>63</sup> Minn. Stat. 177.30(a)(5)

<sup>64</sup> Minn. Stat. 181.032

<sup>65</sup> Minn. Stat. 177.44, Subdivision 7; Minn. Stat. 177.33(a)(5)

<sup>66</sup> Minn. R. 5200.1070, Subpart 1

<sup>67</sup> Minn. R. 5200.1070, Subpart 1 and Refer to Appendix C

<sup>68</sup> Minn. Stat. 178.036, Subdivision 5

<sup>69</sup> 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.<sup>70</sup>
- 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"<sup>71</sup> 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.<sup>72</sup> 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.<sup>73</sup>
- 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.<sup>74</sup>

## 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.<sup>75</sup>
  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.<sup>76</sup>
  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.<sup>77</sup>
  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.<sup>78</sup>
  5. The delivery of materials or products by trucks hired by a Contractor, subcontractor, or agent thereof, from a commercial establishment.<sup>79</sup>
  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.<sup>80</sup>

<sup>70</sup> Minn. R. 5200.1070, Subpart 3

<sup>71</sup> Minn. Stat. 177.44, Subdivision 1

<sup>72</sup> Minn. Stat. 177.44, Subdivision 1

<sup>73</sup> Minn. Stat. 177.30(a)(5); Minn. Stat. 181.723

<sup>74</sup> Minn. Stat. 177.44, Subdivision 1

<sup>75</sup> Minn. R. 5200.1106, Subpart 3B(1)

<sup>76</sup> Minn. R. 5200.1106, Subpart 3B(2)

<sup>77</sup> Minn. R. 5200.1106, Subpart 3B(3)

<sup>78</sup> Minn. R. 5200.1106, Subpart 3B(4)

<sup>79</sup> Minn. R. 5200.1106, Subpart 3B(5)

<sup>80</sup> 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.<sup>81</sup>
  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.<sup>82</sup>
- 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.<sup>83</sup>
- 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.<sup>84</sup> The forms are available on the MnDOT LCU website.<sup>85</sup>
- 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.<sup>86</sup>
  2. The processing or manufacturing of material at an off-site facility that is not considered a commercial establishment.<sup>87</sup>
- 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.<sup>88</sup>
  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.<sup>89</sup>

#### XV. SUBCONTRACTING PART OF THE CONTRACT

<sup>81</sup> Minn. R. 5200.1106, Subpart 4(C)

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

<sup>83</sup> Minn. R. 5200.1106, Subpart 8(A)(1)

<sup>84</sup> Minn. R. 5200.1106, Subpart 10

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

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

<sup>87</sup> Minn. R. 5200.1106, Subpart 3(A)

<sup>88</sup> Minn. R. 5200.1106, Subpart 4(A)

<sup>89</sup> 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.<sup>90</sup> 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.<sup>91</sup> 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.<sup>92</sup>
- C. **Employee Interviews.** The Contractor must permit representatives from the Department or other governmental entities<sup>93</sup> to interview Workers at any time during working hours on the project.<sup>94</sup>

## 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.<sup>95</sup>
- 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.<sup>96</sup>
- 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.<sup>97</sup>

## 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.<sup>98</sup>
- 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.<sup>99</sup>
- 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:

<sup>90</sup> MnDOT Standard Specifications for Construction, Section 1801

<sup>91</sup> Minn. Stat. 177.44, Subdivision 5

<sup>92</sup> [www.dot.state.mn.us/const/labor/posterboards](http://www.dot.state.mn.us/const/labor/posterboards)

<sup>93</sup> MnDLI, U.S. DOL., U.S. Department of Transportation, Federal Highways Administration

<sup>94</sup> MnDOT Standard Specifications for Construction, Section 1511

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

<sup>96</sup> Minn. R. 5200.0930, Subpart 4

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

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

<sup>99</sup> MnDOT Standard Specifications for Construction, Section 1801

1. **Withholding Payment.** The Department may withhold from the Prime Contractor payments relating to prevailing wage underpayments.<sup>100</sup>
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.<sup>101</sup>
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.<sup>102</sup>
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.<sup>103</sup>
5. **County Attorney.** The Department may refer suspected criminal violations by Contractor to the appropriate local county attorney for prosecution.<sup>104</sup>
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.<sup>105</sup> A Contractor may be fined up to \$1,000 for each failure to maintain records.<sup>106</sup>
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 prosecution<sup>107</sup> and may be grounds for debarment proceedings.<sup>108</sup>
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.<sup>109</sup>
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.<sup>110</sup> If the Employer is found to have committed a violation, liquidated damages and other costs may be assessed against the Employer.<sup>111</sup>
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.<sup>112</sup>

<sup>100</sup> MnDOT Standard Specifications for Construction, Section 1906

<sup>101</sup> Minn. Stat. 16C.285

<sup>102</sup> MnDOT Standard Specifications for Construction, Section 1808

<sup>103</sup> Minn. R. 1230.1150, Subpart 2(A)(4)

<sup>104</sup> Minn. Stat. 177.44, Subdivision 7

<sup>105</sup> Minn. Stat. 177.44, Subdivision 6

<sup>106</sup> Minn. Stat. 177.30(b)

<sup>107</sup> Minn. Stat. 15C.02; , Minn. Stat. 161.315; Minn. Stat. 177.32; Minn. Stat. 177.43, Subdivision 5, Minn. Stat. 609.63

<sup>108</sup> Minn. Stat. 161.315 and Minn. Stat. 609.63

<sup>109</sup> Minn. Stat. 177.43, Subdivision 6a

<sup>110</sup> Minn. Stat. 177.27, Subdivision 8

<sup>111</sup> Minn. Stat. 177.27, Subdivision 10

<sup>112</sup> Minn. Stat. 181.74, Subdivision 1

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

**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.<sup>114</sup>

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

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

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

**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)<sup>115</sup> (see annual example below). Quarterly and monthly examples are also provided.

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

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

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

**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 to his/her level of progress, which is expressed as a percentage of the Journeyworker wage that is established in the program.

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

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

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

<sup>113</sup> lcu-support.dot@state.mn.us or (651) 366-4238

<sup>114</sup> United States Department of Labor Field Operation Handbook, Section 15f08

<sup>115</sup> 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.<sup>116</sup>

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

**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	Payment To Employee  $(PW * .5) + (HW) + (RF)$	Fringe Payment  $+ (F)$	Total Payment  $= OT$
\$ 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.

<sup>116</sup> United States Department of Labor Field Operation Handbook, Section 15k



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



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

Construction Type: Highway and Heavy

Region Number: 08

Counties within region:

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

Effective: 2024-11-18    Revised: 2025-03-24

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](mailto: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)	2024-11-18	36.64	24.68	61.32
		2025-05-01	39.01	26.01	65.02

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
102	LABORER, SKILLED (ASSISTING SKILLED CRAFT JOURNEYMAN)	2024-11-18	36.64	24.68	61.32
		2025-05-01	39.01	26.01	65.02
103	LABORER, LANDSCAPING (GARDENER, SOD LAYER AND NURSERY OPERATOR)	2024-11-18	30.04	21.53	51.57
		2025-05-01	31.66	22.78	54.44
104	FLAG PERSON	2024-11-18	36.64	24.68	61.32
		2025-05-01	39.01	26.01	65.02
105	WATCH PERSON	2024-11-18	16.25	12.94	29.19
106	BLASTER	2024-11-18	39.64	24.24	63.88
107	PIPELAYER (WATER, SEWER AND GAS)	2024-11-18	40.14	24.68	64.82
		2025-05-01	42.51	26.01	68.52
108	TUNNEL MINER	2024-11-18	38.14	24.24	62.38
109	UNDERGROUND AND OPEN DITCH LABORER (EIGHT FEET BELOW STARTING GRADE LEVEL)	2024-11-18	38.14	24.68	62.82
		2025-05-01	40.51	26.01	66.52
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.	2024-11-18	35.00	11.50	46.50
111	TRAFFIC CONTROL PERSON (TEMPORARY SIGNAGE)	2024-11-18	21.49	14.80	36.29

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.	2024-11-18	16.04	0.00	16.04
<b>SPECIAL EQUIPMENT (201 - 204)</b>					
201	ARTICULATED HAULER	2024-11-18	42.49	25.00	67.49
202	BOOM TRUCK	2024-11-18	31.16	23.45	54.61
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	2024-11-18	30.04	21.53	51.57
		2025-05-01	31.66	22.78	54.44
204	OFF-ROAD TRUCK	2024-11-18	41.29	23.45	64.74
205	PAVEMENT MARKING OR MARKING REMOVAL EQUIPMENT (ONE OR TWO PERSON OPERATORS); SELF-PROPELLED TRUCK OR TRAILER MOUNTED UNITS.	2024-11-18	33.91	23.49	57.40
<b>HIGHWAY/HEAVY POWER EQUIPMENT OPERATOR</b>					
<b>GROUP 2</b>		2024-11-18	45.61	26.90	72.51
		2025-05-05	47.24	29.40	76.64
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)				

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
305				
				DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR OTHER SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS THREE CUBIC YARDS AND OVER MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS. (HIGHWAY AND HEAVY ONLY)
306				GRADER OR MOTOR PATROL
307				PILE DRIVING (HIGHWAY AND HEAVY ONLY)
308				TUGBOAT 100 H.P. AND OVER WHEN LICENSE REQUIRED (HIGHWAY AND HEAVY ONLY)
<b>GROUP 3</b>	2024-11-18	45.01	26.90	71.91
	2025-05-05	46.61	29.40	76.01
309				ASPHALT BITUMINOUS STABILIZER PLANT
310				CABLEWAY
311				CONCRETE MIXER, STATIONARY PLANT (HIGHWAY AND HEAVY ONLY)
312				DERRICK (GUY OR STIFFLEG)(POWER)(SKIDS OR STATIONARY) (HIGHWAY AND HEAVY ONLY)
313				DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS, UP TO THREE CUBIC YARDS MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS (HIGHWAY AND HEAVY ONLY)
314				DREDGE OR ENGINEERS, DREDGE (POWER) AND ENGINEER
315				FRONT END LOADER, FIVE CUBIC YARDS AND OVER INCLUDING ATTACHMENTS. (HIGHWAY AND HEAVY ONLY)
316				LOCOMOTIVE CRANE OPERATOR
317				MIXER (PAVING) CONCRETE PAVING, ROAD MOLE, INCLUDING MUCKING OPERATIONS, CONWAY OR SIMILAR TYPE
318				MECHANIC . WELDER ON POWER EQUIPMENT (HIGHWAY AND HEAVY ONLY)
319				TRACTOR . BOOM TYPE (HIGHWAY AND HEAVY ONLY)
320				TANDEM SCRAPER
321				TRUCK CRANE . CRAWLER CRANE (HIGHWAY AND HEAVY ONLY)
322				TUGBOAT 100 H.P AND OVER (HIGHWAY AND HEAVY ONLY)
<b>GROUP 4</b>	2024-11-18	44.67	26.90	71.57
	2025-05-05	46.25	29.40	75.65
323				AIR TRACK ROCK DRILL
324				AUTOMATIC ROAD MACHINE (CMI OR SIMILAR) (HIGHWAY AND HEAVY ONLY)
325				BACKFILLER OPERATOR
326				CONCRETE BATCH PLANT OPERATOR (HIGHWAY AND HEAVY ONLY)
327				BITUMINOUS ROLLERS, RUBBER TIED OR STEEL DRUMMED (EIGHT TONS AND OVER)
328				BITUMINOUS SPREADER AND FINISHING MACHINES (POWER), INCLUDING PAVERS, MACRO SURFACING AND MICRO SURFACING, OR SIMILAR TYPES (OPERATOR AND SCREED PERSON)
329				BROKK OR R.T.C. REMOTE CONTROL OR SIMILAR TYPE WITH ALL ATTACHMENTS
330				CAT CHALLENGER TRACTORS OR SIMILAR TYPES PULLING ROCK WAGONS, BULLDOZERS AND SCRAPERS
331				CHIP HARVESTER AND TREE CUTTER
332				CONCRETE DISTRIBUTOR AND SPREADER FINISHING MACHINE, LONGITUDINAL FLOAT, JOINT MACHINE, AND SPRAY MACHINE

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
333	CONCRETE MIXER ON JOBSITE (HIGHWAY AND HEAVY ONLY)			
334	CONCRETE MOBIL (HIGHWAY AND HEAVY ONLY)			
335	CRUSHING PLANT (GRAVEL AND STONE) OR GRAVEL WASHING, CRUSHING AND SCREENING PLANT			
336	CURB MACHINE			
337	DIRECTIONAL BORING MACHINE			
338	DOPE MACHINE (PIPELINE)			
339	DRILL RIGS, HEAVY ROTARY OR CHURN OR CABLE DRILL (HIGHWAY AND HEAVY ONLY)			
340	DUAL TRACTOR			
341	ELEVATING GRADER			
342	FORK LIFT OR STRADDLE CARRIER (HIGHWAY AND HEAVY ONLY)			
343	FORK LIFT OR LUMBER STACKER (HIGHWAY AND HEAVY ONLY)			
344	FRONT END, SKID STEER OVER 1 TO 5 C YD			
345	GPS REMOTE OPERATING OF EQUIPMENT			
346	HOIST ENGINEER (POWER) (HIGHWAY AND HEAVY ONLY)			
347	HYDRAULIC TREE PLANTER			
348	LAUNCHER PERSON (TANKER PERSON OR PILOT LICENSE)			
349	LOCOMOTIVE (HIGHWAY AND HEAVY ONLY)			
350	MILLING, GRINDING, PLANNING, FINE GRADE, OR TRIMMER MACHINE			
351	MULTIPLE MACHINES, SUCH AS AIR COMPRESSORS, WELDING MACHINES, GENERATORS, PUMPS (HIGHWAY AND HEAVY ONLY)			
352	PAVEMENT BREAKER OR TAMPING MACHINE (POWER DRIVEN) MIGHTY MITE OR SIMILAR TYPE			
353	PICKUP SWEEPER, ONE CUBIC YARD AND OVER HOPPER CAPACITY (HIGHWAY AND HEAVY ONLY)			
354	PIPELINE WRAPPING, CLEANING OR BENDING MACHINE			
355	POWER PLANT ENGINEER, 100 KWH AND OVER (HIGHWAY AND HEAVY ONLY)			
356	POWER ACTUATED HORIZONTAL BORING MACHINE, OVER SIX INCHES			
357	PUGMILL			
358	PUMPCRETE (HIGHWAY AND HEAVY ONLY)			
359	RUBBER-TIRED FARM TRACTOR WITH BACKHOE INCLUDING ATTACHMENTS (HIGHWAY AND HEAVY ONLY)			
360	SCRAPER			
361	SELF-PROPELLED SOIL STABILIZER			
362	SLIP FORM (POWER DRIVEN) (PAVING)			
363	TIE TAMPER AND BALLAST MACHINE			
364	TRACTOR, BULLDOZER (HIGHWAY AND HEAVY ONLY)			
365	TRACTOR, WHEEL TYPE, OVER 50 H.P. WITH PTO UNRELATED TO LANDSCAPING (HIGHWAY AND HEAVY ONLY)			
366	TRENCHING MACHINE (SEWER, WATER, GAS) EXCLUDES WALK BEHIND TRENCHER (HIGHWAY AND HEAVY ONLY)			
367	TUB GRINDER, MORBARK, OR SIMILAR TYPE			
368	WELL POINT DISMANTLING OR INSTALLATION (HIGHWAY AND HEAVY ONLY)			
GROUP 5	2024-11-18	41.36	26.90	68.26

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
		2025-05-05	42.77	29.40	72.17
369	AIR COMPRESSOR, 600 CFM OR OVER (HIGHWAY AND HEAVY ONLY)				
370	BITUMINOUS ROLLER (UNDER EIGHT TONS)				
371	CONCRETE SAW (MULTIPLE BLADE) (POWER OPERATED)				
372	FORM TRENCH DIGGER (POWER)				
373	FRONT END, SKID STEER UP TO 1C YD				
374	GUNITE GUNALL (HIGHWAY AND HEAVY ONLY)				
375	HYDRAULIC LOG SPLITTER				
376	LOADER (BARBER GREENE OR SIMILAR TYPE)				
377	POST HOLE DRIVING MACHINE/POST HOLE AUGER				
378	POWER ACTUATED AUGER AND BORING MACHINE				
379	POWER ACTUATED JACK				
380	PUMP (HIGHWAY AND HEAVY ONLY)				
381	SELF-PROPELLED CHIP SPREADER (FLAHERTY OR SIMILAR)				
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)				
<b>GROUP 6</b>		2024-11-18	38.06	25.00	63.06
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				
<b>TRUCK DRIVERS</b>					
<b>GROUP 1</b>		2024-11-18	36.00	11.50	47.50
601	MECHANIC . WELDER				
602	TRACTOR TRAILER DRIVER				
603	TRUCK DRIVER (HAULING MACHINERY INCLUDING OPERATION OF HAND AND POWER OPERATED WINCHES)				

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
GROUP 2		2024-11-18	33.00	11.50	44.50
604	FOUR OR MORE AXLE UNIT, STRAIGHT BODY TRUCK				
GROUP 3		2024-11-18	31.00	11.50	42.50
605	BITUMINOUS DISTRIBUTOR DRIVER				
606	BITUMINOUS DISTRIBUTOR (ONE PERSON OPERATION)				
607	THREE AXLE UNITS				
GROUP 4		2024-11-18	23.70	6.91	30.61
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	2024-11-18	17.50	2.79	20.29
702	BOILERMAKERS	2024-11-18	46.00	31.93	77.93
		2025-01-01	48.35	31.93	80.28
703	BRICKLAYERS	FOR RATE CALL 651-284-5091 OR EMAIL <u><a href="mailto:DLI.PREVIEW@STATE.MN.US">DLI.PREVIEW@STATE.MN.US</a></u>			
704	CARPENTERS	2024-11-18	37.65	27.08	64.73
		2025-01-01	37.65	27.08	64.73
		2025-05-01	42.85	27.08	69.93
705	CARPET LAYERS (LINOLEUM)	FOR RATE CALL 651-284-5091 OR EMAIL <u><a href="mailto:DLI.PREVIEW@STATE.MN.US">DLI.PREVIEW@STATE.MN.US</a></u>			
706	CEMENT MASONS	2024-11-18	43.00	23.72	66.72
707	ELECTRICIANS	2024-11-18	41.00	23.10	64.10

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
711 GROUND PERSON	2024-11-18	16.63	6.38	23.01
712 IRONWORKERS	2024-11-18	46.00	34.11	80.11
713 LINEMAN	2024-11-18	50.86	23.06	73.92
714 MILLWRIGHT	2024-11-18	38.23	29.18	67.41
715 PAINTERS (INCLUDING HAND BRUSHED, HAND SPRAYED, AND THE TAPING OF PAVEMENT MARKINGS)	2024-11-18	33.91	23.49	57.40
716 PILEDRIVER (INCLUDING VIBRATORY DRIVER OR EXTRACTOR FOR PILING AND SHEETING OPERATIONS)	2024-11-18	45.71	29.73	75.44
	2025-01-01	45.71	29.73	75.44
	2025-05-01	49.46	30.23	79.69
717 PIPEFITTERS . STEAMFITTERS	2024-11-18	41.97	25.92	67.89
719 PLUMBERS	2024-11-18	51.04	30.58	81.62
	2025-05-01	54.79	30.58	85.37
721 SHEET METAL WORKERS	2024-11-18	40.88	25.10	65.98
723 TERRAZZO WORKERS	FOR RATE CALL 651-284-5091 OR EMAIL <a href="mailto:DLI.PREVIEW@STATE.MN.US">DLI.PREVIEW@STATE.MN.US</a>			
724 TILE SETTERS	FOR RATE CALL 651-284-5091 OR EMAIL <a href="mailto:DLI.PREVIEW@STATE.MN.US">DLI.PREVIEW@STATE.MN.US</a>			
725 TILE FINISHERS	FOR RATE CALL 651-284-5091 OR EMAIL <a href="mailto:DLI.PREVIEW@STATE.MN.US">DLI.PREVIEW@STATE.MN.US</a>			
727 WIRING SYSTEM TECHNICIAN	2024-11-18	41.42	18.16	59.58
728 WIRING SYSTEMS INSTALLER	2024-11-18	29.02	16.46	45.48
729 ASBESTOS ABATEMENT WORKER	2024-11-18	39.86	24.61	64.47
	2025-01-01	41.23	25.49	66.72
	2025-05-01	41.23	25.99	67.22



**LABOR CODE AND CLASS**

**EFFECT DATE    BASIC RATE    FRINGE RATE    TOTAL RATE**

730

SIGN ERECTOR

FOR RATE CALL 651-284-5091 OR EMAIL  
[DLIPREWAGE@STATE.MN.US](mailto:DLIPREWAGE@STATE.MN.US)

Jan. 6, 2025

## 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 Jan. 6, 2025. This certification follows the publication of the Notice of Truck Rental Rate Determination in the State Register on Dec. 16, 2024, and the informal conference held pursuant to Minnesota Rules, part 5200.1105 on Dec. 27, 2024.

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	\$61.54	\$37.35	\$98.89
	Increase April 28, 2025	\$64.83	\$37.35	\$102.18
Region 2	Certification date	\$54.57	\$37.35	\$91.92
	Increase April 28, 2025	\$57.49	\$37.35	\$94.84
Region 3	Certification date	\$54.57	\$37.35	\$91.92
	Increase April 28, 2025	\$57.49	\$37.35	\$94.84

Region	Effective date	607 driver rate	Operating cost	Truck rental rate
Region 4	Certification date	\$56.93	\$37.35	\$94.28
Region 5	Certification date	\$39.50	\$37.35	\$76.85
Region 6	Certification date	\$45.00	\$37.35	\$82.35
Region 7	Certification date	\$46.65	\$37.35	\$84.00
Region 8	Certification date	\$42.50	\$37.35	\$79.85
Region 9	Certification date	\$56.36	\$37.35	\$93.71
Region 10	Certification date	\$42.50	\$37.35	\$79.85

## Four or more axle units

Region	Effective date	604 driver rate	Operating cost	Truck rental rate
Region 1	Certification date	\$61.65	\$51.50	\$113.15
	Increase April 28, 2025	\$64.95	\$51.50	\$116.45
Region 2	Certification date	\$54.72	\$51.50	\$106.22
	Increase April 28, 2025	\$57.65	\$51.50	\$109.15
Region 3	Certification date	\$ 39.60	\$51.50	\$91.10
Region 4	Certification date	\$53.73	\$51.50	\$105.23
Region 5	Certification date	\$26.00	\$51.50	\$77.50
Region 6	Certification date	\$54.25	\$51.50	\$105.75

Region 7	Certification date	\$46.15	\$51.50	\$97.65
Region 8	Certification date	\$44.50	\$51.50	\$96.00
Region 9	Certification date	\$56.45	\$51.50	\$107.95
Region 10	Certification date	\$53.70	\$51.50	\$105.20

## 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	\$62.25	\$54.96	\$117.21	\$11.46	\$128.67
	Increase April 28, 2025	\$65.58	\$54.96	\$120.54	\$11.46	\$132.00
Region 2	Certification date	\$55.29	\$54.96	\$110.25	\$11.46	\$121.71
	Increase April 28, 2025	\$58.25	\$54.96	\$113.21	\$11.46	\$124.67
Region 3	Certification date	\$55.29	\$54.96	\$110.25	\$11.46	\$121.71
	Increase April 28, 2025	\$58.25	\$54.96	\$113.21	\$11.46	\$124.67
Region 4	Certification date	\$50.27	\$54.96	\$105.23	\$11.46	\$116.69
Region 5	Certification date	\$28.84	\$54.96	\$83.80	\$11.46	\$95.26
Region 6	Certification date	\$47.40	\$54.96	\$102.36	\$11.46	\$113.82
Region 7	Certification date	\$46.15	\$54.96	\$101.11	\$11.46	\$112.57
Region 8	Certification date	\$47.50	\$54.96	\$102.46	\$11.46	\$113.92

Region 9	Certification date	\$62.70	\$54.96	\$117.66	\$11.46	\$129.12
	Increase April 28, 2025	\$66.05	\$54.96	\$121.01	\$11.46	\$132.47
Region 10	Certification date	\$47.50	\$54.96	\$102.46	\$11.46	\$113.92

The current operating costs and truck rental rates may be reviewed by accessing DLI's website at <https://dli.mn.gov/business/employment-practices/prevailing-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

# 2024

## SALT Schedule of Materials Control



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## Introduction

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

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

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

**\*\*\*Agencies using MnDOT Metro Inspection Services will be sampled at the current MnDOT Schedule of Materials Control rates and will be billed accordingly.**

**\*\*\*Contact the MnDOT District IA Inspector to provide servicing for your federal aid project.**

### Definitions

#### Schedule of Materials Control

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

#### Approved/ Qualified Products List

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

#### Certified Sources

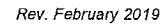
Certified Sources must comply with each individual product’s defined “certification procedure”. Acceptance of products from certified sources follows the same sampling and testing as “approved/ qualified” products.

**Quality control (QC):** The activities performed by the **Contractor/Producer** that have to do with making sure the quality of a product or process meets the relevant contract requirements. All testing shall be performed by a certified tester.

**Quality assurance (QA):** The activities performed by the **Department/Agency** that have to do with making sure the quality of a product or process meets the relevant contract requirements. All testing shall be performed by a certified tester.

**Verification Testing:** Sampling and testing performed as called out herein to validate the quality of the product(s). **Part of QA.**



[illegible]

Approved by Project Engineer: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_

## Material Acceptance Summary



# STATE AID FOR LOCAL TRANSPORTATION MATERIAL ACCEPTANCE SUMMARY

Rev. February 2019

SP/SAP(s)

[illegible]

\* This item is hereby accepted by the Engineer as materially compliant for use on this project per the terms of specification 1501.1, subset (1).

Approved by Project Engineer: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Phone: \_\_\_\_\_

For an electronic Word version of this form, please visit the State Aid Construction webpage at:  
[https://edocs-public.dot.state.mn.us/edocs\\_public/DMResultSet/download?docId=19623193](https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=19623193)

## Bituminous Quality Management

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

	Type of Test	Spec Section (1)	Contractor / Producer – QC Testing Rates	Agency – QA Testing Rates
Start-Up Testing Rates for the 1 <sup>st</sup> 2000 tons (2)	Bulk Specific Gravity	2360.2.G.7.b	1 test per 500 tons 55 lb. sample 3 full cylinder molds (7)	(3) (10) 1 Verification Mixture Sample test per day, all Verification samples are from a split (QC/QA) sample.
	Maximum Specific Gravity	2360.2.G.7.c		
	Air Voids (calculated)	2360.2.G.7.d		
	Asphalt Content	2360.2.G.7.a		
	Adj. Asphalt Film Thickness (AFT)	2360.2.E.7.e		
	Gradation	2360.2.G.7.f		
	Fines to Effective Asphalt Ratio (calculated)	2360.2.G.7.a/f	1 test per 1000 tons (4) (5) (6) (7)	
	Coarse Aggregate Angularity (CAA)	2360.2.G.7.g		
Fine Aggregate Angularity (FAA)	2360.2.G.7.h			
Production Testing Rates	Added AC/Total AC Ratio (calculated)	2360.2.G.7.a	(4) (5) (6) (7)	(3) (10) Verification Mixture Sample test per day/ mix type, submit companion to the QC – CAA & FAA test results.
	Bulk Specific Gravity	2360.2.G.7.b	1 test per 1000 tons 55 lb. sample 3 full cylinder molds (7)	
	Maximum Specific Gravity	2360.2.G.7.c		
	Air Voids (calculated)	2360.2.G.7.d		
	Asphalt Content	2360.2.G.7.a		
	Adj. Asphalt Film Thickness (AFT)	2360.2.E.7.e		
	Gradation (minimum of 1 per day)	2360.2.G.7.f		
	Added AC/Total AC Ratio (calculated)	2360.2.G.7.a		
	Coarse Aggregate Angularity (CAA)	2360.2.G.7.g	(4) (5) (7)	
	Fine Aggregate Angularity (FAA)	2360.2.G.7.h	(4) (6) (7)	
	TSR	2360.2.G.7.i	When directed by the Engineer	
	Aggregate Specific Gravity	2360.2.G.7.j		
	Mixture Moisture Content	2360.2.G.7.k	As directed by the Engineer	
	Asphalt Binder (QA ONLY)	2360	(8) 1 qt. steel container for asphalt binder	
Asphalt Emulsion (QA ONLY)	2357	(9) ½ gal plastic container for asphalt emulsion. (Tack)		
	Compaction / Density Requirements	2360.3.D	Review special provisions	
	Small Quantity Requirements	< 500 tons per project may be accepted by the Engineer without testing.		

**NOTES:** Testing rates are minimum rates; additional testing is encouraged to ensure a quality product.

(1) Review Special Provisions & 2360.2G Mixture Quality Management.

(2) The testing rates apply only to mixtures that have not been tested on previous projects in the current year.

(3) The Agency shall witness a minimum of 1 (one) complete QC mixture sampling, splitting and test per day.

The Agency shall take possession of all split QA samples immediately. The Agency shall randomly submit one QA split sample to the District Lab for Verification testing and inform with contractor the following day of test number. Additional verification samples can be taken at any time or location. When additional verification samples are taken, the contractor must test the Verification Companion split of this sample and include the results in the QC program.

(4) The Contractor will retain the extracted gradation samples in containers with field identification numbers for a period of 10 calendar days. The Engineer will identify which extracted gradation sample is the Verification Companion Sample and whether it is to be tested for coarse and fine aggregate angularity.

- (5) **At start-up or new Mix Design:** 2 tests/ day for a minimum of 2 days, then 1/day if CAA is met. If CAA > 8% of requirement, 1 sample/ day but test 1/ week. No testing required for Class A and B Aggregates.
- (6) **At start-up or new Mix Design:** 2 tests per day for a minimum of 2 days, then 1/day if FAA is met. If FAA > 5% of requirement, 1 sample/ day but test 1/week.
- (7) Random number generation and determination of random sample location shall be consistent with Section 5 of ASTM D3665. The Engineer may approve alternate methods of random number generation.
- (8) **During Asphalt Mixture Production (Field Verification):** Shall be from a certified supplier. Obtain asphalt binder samples from a sampling valve located between the pump and the drum. Contractor personnel shall obtain samples, under the observation of a department representative, by random selection from shipments of material at the project site. The samples shall be taken from the first load and subsequently 1 per 1000 tons of liquid asphalt binder for each supplier and grade of asphalt binder per contract. For contracts with less than approximately 25 tons (one truck transport) of asphalt binder, sampling may be waived. A minimum of 1 gallon of binder must be drawn and wasted from the sampling valve before the actual sample is drawn. Sample shall be sent in for verification testing.
- (9) **During Mixture Production (Field Verification):** Shall be from a certified supplier. The Contractor shall sample first shipment, then submit 1 per 50,000 gallons. Sample emulsified asphalt in clean ½ gallon plastic container with wide screw top and send to MnDOT Chemical Lab within 7 days of sampling. Sample all emulsified asphalt from the distributor. Sample shall be sent in for verification testing. No Samples required unless directed by the Engineer.
- (10) Conduct random belt samples and test for aggregate quality as directed by the Engineer.

## Bituminous Specialty Items

Type of Test	Spec	Contractor/Producer – QC Testing Rates	Agency- QA Testing Rates
Gradation	2363	1 per 1,000 Ton with a minimum 1 per day.	1 per day. 35 lbs.
PASSRC & PASB	3139.3		
Micro-Surfacing	2354 3139.5	Stockpile: 1/1,500 Tons (min 1/day) Machine Hopper: 1/500 Ton (min 1/day)	Machine Hopper: 1/day, 30 lbs.
Seal Coat, Underseal & Otta Seal	2356 3137.2B	Stockpile: 1/1,500 Tons (min 1/day) Chip Spreader Hopper: 1/day	1/day from Hopper. 30 lbs.
% Crushing – CAA	2363	1 per 1,000 Ton with a minimum 1 per day.	1 per day from gradation test. 35 lbs.
PASSRC & PASB	3139.3		
Moisture / Aggregate	2354	Machine Hopper: 1/500 Tons (min 3/day)	1/day 2lbs
Micro-Surfacing	3139.5		
Sand Equivalence	2354	1/day	Test at Engineer discretion, 25 lbs.
Micro-Surfacing			
Flakiness Index	2356	Sample taken from first load on first day, submit to Agency: 30 lbs.	Agency will test at their discretion, see Lab Manual 1223
Bituminous Seal Coat & Bituminous Underseal			
Bituminous Mixture	2353	1/500 Tons, min 1/day. %AC, Gradation, Max SpG, Adj.AFT	1/day, 20 lbs. 1 cylinder from truck box.
UTBWC	3151.2G		
PASSRC & PASB	3151 2363	Asphalt spot check: min 1/day	-
Stone Matrix Asphalt – SMA  Lab Manual 1203, 1204, 1205, 1211, 1214, 1806, 1807, 1808, 1813, 1853, 1854, 1855, AI SP-2 AASHTO T305	2365	Tests, %AC, gradation, Gmm, Gmb, Voids, VMA, CAA, Draindown, VCA, fines/effective asphalt.  Rate, (1/1000 tons, min.1/day) Agg SpG, mix moisture, TSR to be tested as directed by Engineer.  Submit companion 1 per day to agency: 3 full 6" by 12" cylinders	Tests: %AC, Gradation, Gmm, Gmb, Voids, VMA, CAA, VCA, fines/effective asphalt. Agency is not required to do drain down. Copy MDR to Project Engineer and Grading & Base Engineer.
Asphalt Binder Tests		Asphalt Emulsion List	Asphalt Binder List
UTBWC	2353 3151	<b>Asphalt Binder:</b> Sample first load, then 1/250,000 gallons. Sample size of 1 quart metal container. <b>Emulsified Asphalt:</b> Sample first load, then 1/50,000 gallons. Sample size of ½ gallon wide screw top plastic container.	
Micro-Surfacing	2354		
Seal Coat, Underseal & Otta Seal	2356		
Tack Coat	2357		
PASSRC & PASB	3151		
Asphalt Binder Rate	2354	Verify Application Rate 3/day	Verify Application Rate 1/day
Micro-Surfacing			
Fog Seal	2355	Verify Application Rate 1/day	Verify Application Rate 1/day
Seal Coat, Underseal & Otta Seal	2356		
Bit Tack Coat	2357		

## Grading and Base Construction Items (1 of 4)

		Material Type	Spec.	Contractor / Producer QC Testing Rates	Minimum Required Agency QA Testing Rates	Verification Testing Sample
Gradation Testing (2) (3)		Aggregate Surfacing	3138	1 / 1,000 CY (CV) stockpile gradation only required for material on hand.	> 250 yd <sup>3</sup> (CV) or 500 Tons and < 2000 yd <sup>3</sup> (CV) or 4000 tons. Material is a minimum of one lot (5). Test two random samples from each lot and average. > 2000 yd <sup>3</sup> (CV) or 4000 Tons. Divide into lots with lot size (5) no greater than 2000 yd <sup>3</sup> (CV) or 4000 Tons. Test two random samples from each lot and average.	1/source 30 lb.
		Aggregate Base	3138			
		Shoulder Base Aggregate	3138			
		Drainable Aggregate Base (OGAB & DSB)	3136			
		Granular and Select Granular Material (borrow/embankment)	3149.2B	1/10,000 CY (CV) only required for material on hand.	1/40,000 yd <sup>3</sup> (CV)	1/source 30 lb.
		Stabilizing Aggregate	3149.2C			
		Reclamation FDR	3135.2B	None	Test at Engineer's discretion. Inspect for oversize chunks (+3"), after the motor grader has overturned the material	None
		Granular Filter	3601.2B	1/source – before delivery on the project. Only required for materials on hand. Spec 1906.2	1/ source	1/source 30 lb.
		Backfill Materials	3149.2D			
		Granular Bedding	3149.2F			
		Aggregate Bedding	3149.2G			
		Coarse Filter Agg.	3149.2H			
		Filter Aggregate	3149.2J			
		Sand Cover	3149.2K			
Proctor		Non-Granular Material Used to determine optimum moisture & maximum density.	2106 3149	None	1 per major soil, subgrade prep specified density requires 100% of proctor density.	1 sample 25 lb.
Sand Cone, Nuclear Density or LWD	Specified Density *	Non-Granular Material For non-granular material, i.e., material that does not meet 3149.2B.1		<p><b>AGENCY TESTING: Roadway Embankment:</b> One test per 4,000 yd<sup>3</sup> (CV) <u>or if test rolled, One test per 10,000 yd<sup>3</sup> (CV)</u></p> <p><b>Transverse culverts &amp; abutments:</b> 1 test per every 2 feet of fill.</p> <p><b>Structures and Longitudinal Trenches:</b> One test per 300 feet of each structure per 2 feet per fill.</p> <p><b>Sidewalks and Trails:</b> 1 per 500 feet.</p> <p><b>Subgrade Preparation:</b> One per 25 road stations.</p>		

## Grading and Base Construction Items (2 of 4)

Material Type		Spec.	Contractor / Producer QC Testing Rates	Minimum Required Agency QA Testing Rates	Verification Testing Sample
Penetration Index Method (DCP) or LWD *	Aggregate Base	3138 2211.3C	None	1 DCP tests per 500 yd <sup>3</sup> (CV) or 1 per 1000 Tons. If test rolled, 1 test / 1,500 yd <sup>3</sup> (CV) or 3000 Tons.	None
	Shoulder Base Aggregate				
	Reclamation FDR	3135.2B 2215.2C		1 DCP test per 3,000 yd <sup>2</sup> . If test rolled, 1 test / 10,000 yd <sup>2</sup>	
	Walks & Trails	2521		1 per 500 feet of Sidewalk or Trail	
	Granular Materials Subgrade Preparation (for materials meeting 3149.2B1)	3149.2B	AGENCY TESTING: <b>Roadway Embankment:</b> One test per 2,000 yd3 (CV) <u>or if test rolled, One test per 6,000 yd3 (CV)</u>  <b>Transverse culverts &amp; abutments:</b> 1 test per every 2 feet of fill. <b>Structures and Longitudinal Trenches:</b> One test per 300 feet of each structure per 2 feet per fill.  <b>Sidewalks and Trails:</b> 1 per 500 feet.  <b>Subgrade Preparation:</b> One per 25 road stations.		
Moisture Content Test During All Compaction Methods (4)	Aggregate Base, Shoulder, Surfacing & Walks	3138	None	<b>For 2118, 2211,2221, and 2521:</b> 1 / 1,000 yd3 up to 10 Maximum  <b>For 2451:</b> 1 per structure, for multiple adjacent structures, may test once, use judgement  <b>For Quality Compaction:</b> Test as directed by Engineer.	None
	Drainable Aggregate Base (OGAB & DSB)				
	Reclamation FDR	3135.2B	None	1 / 20,000 yd <sup>2</sup>	
	All Embankment Materials	2106 3149	None	1/10,000 yd3 up to 10 Maximum <b>For Quality Compaction:</b> Test as directed by Engineer.	
	Subgrade Preparation	2106 3149		1 per 25 road stations <b>For Quality Compaction:</b> Test as directed by Engineer.	
Percent Crushing	Particle Count (1)	1906.2	1 required for Material on hand	1/source unless directed by Engineer, (required for 3138.2B & C, 3149.2C & G1, 3136.2B).	1 / source
Quality	Aggregate Quality Tests	3138 3149 3601	1 required for material on hand, Spec 1906.2	1/ source unless directed by Engineer	1 / source 30lb
Depth Check	Reclamation FDR	3135.2B	1/Mile.	1 per day unless directed by Engineer	

Material Type		Spec.	Contractor / Producer QC Testing Rates	Minimum Required Agency QA Testing Rates	Verification Testing Sample
Test Rolling	Test Rolling (6)	2111	The contractor shall perform test rolling at the top of all: <ul style="list-style-type: none"> <li>• Non-granular subgrade (2106)</li> <li>• Granular subgrade that does not meet 3149.2.B.2 (2106)</li> <li>• Base (2211) and shoulder base (2221)</li> <li>• Non-Stabilized Full Depth Reclamation (FDR) (2215)</li> <li>• Minimum 12' width and 300' length. Agency to observe test rolling.</li> </ul>		

**Verification Testing Samples are companion split samples to the QA sample:**

- Companion gradation, proctor, QA crushing, aggregate quality samples not required 1,000 tons or less.
- Include the laboratory companion with the first field sample.
- Include the field sample results with the laboratory sample.
- Laboratories with AMRL Accreditation are not required to submit laboratory companion samples.
- Carbonate aggregate materials require 50 lb. samples for the laboratory testing.

**NOTES:**

**(1)** Percent crushing test is not required when the material is crushed from a quarry or contains 25% or greater recycled materials.

**(2)** Submit a laboratory companion to the first Acceptance Gradation sample for a bituminous extraction, see 3138.2C. Full Depth Reclamation samples are not required.

**(3)** The Certification of Aggregates and Granular Materials procedure and documentation of testing locations is at the discretion of the Engineer.

**(4)** For quality compaction per spec 2106.3G.2, test at Engineer's discretion.

**(5)** Lot sizes may be adjusted by the Engineer. This may be good practice if parts of the project are taking place in separate areas or at separate times, such as many turn lane or excavation areas or separate project stages.

**(6)** The Engineer may elect, with the concurrence of the Contractor, to have the Contractor test roll per 2111, "Test Rolling", material meeting the requirements of 3149.2.B, "Select Granular Material", in lieu of spot compaction testing. If this method is adapted, the Contractor would be required to first place 3" of base on top of the Select Granular prior to test rolling. For areas failing test rolling the Contractor is required to remove the base and recompact the material, then place the base back, and retest roll. There is no additional compensation to the Contractor if this method is adapted. Additionally, the Select Granular is not accepted until passing test rolling has occurred.

\* Review the Special Provisions. The Grading and Base Manual allows the nuclear density gauge, see pages 60 and 65.

**NOTES:**

Conversions: 1 ton = 0.55 yd<sup>3</sup> (CV), 1 ton = 0.7 yd<sup>3</sup> (LV), 1 yd<sup>3</sup> (CV) = 1.8 tons.

**Less than 500 tons (250 CY) may be accepted by the Engineer without testing.**



## Grading and Base Construction Items (4 of 4)

### Guidelines for Required Crushing & Aggregate Quality Tests

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

Testing procedures in the Grading & Base Manual.

Forms and worksheets at the Grading & Base website.

Gradation worksheets at the SALT Construction website.

**\*\*MAKE SURE TO FILL OUT THE REQUIRED PRELIMINARY AND FINAL GRADING AND BASE REPORTS AND SUBMIT TO PROJECT ENGINEER.\*\***

**[http://www.dot.state.mn.us/materials/gradingandbasedocs/Forms/form001\\_08\\_043019.xlsx](http://www.dot.state.mn.us/materials/gradingandbasedocs/Forms/form001_08_043019.xlsx)**

## Landscaping and Erosion Control Items

Kind of Material	Spec. #	Minimum Required Agency QA Acceptance Testing (Field Testing Rate)
Manufactured Topsoil Borrow, Salvaged Topsoil (stockpiled)	3877.2	As directed by the Engineer
<u>Plant Stock &amp; Landscape Materials</u>	3861 and 2571.2A1	Materials must be in accordance with the Inspection and Contract Administration Guidelines for MnDOT Landscape Projects of which determines the minimum and maximum criteria thresholds. Certificate of Compliance, Nursery stock certificate registered with MN Dept. of Agriculture. Out of state products subject to pest quarantines must accompanied by documentation certifying all products are free of regulated pests.
<u>Erosion Control Blanket</u>	3885	Visual Inspection and Check approved products or approved vendors list - As directed by the Engineer.
<u>Erosion Control Netting</u>	3885	
<u>Silt Fence</u>	3886	
<u>Erosion Stabilization Mat</u>	3885	
Flotation Silt Curtain	3887	Accepted, based on manufacturers certification of compliance. Check weight of fabric.
Filter Logs	3897	Visual Inspection
Flocculants	3898	Obtain copy of Certificate of Compliance and MSDS
Fertilizer	3881	Obtain copy of invoice of blended material stating analysis.
Agricultural Lime	3879	Contractor must supply amount of ENP (Equivalent Neutralizing Power) for each shipment.
<u>Mulch - Type 3</u>	3882	Certified Weed Free (Certified sources only) Check for Certified Vendor tag from Minnesota Crop Improvement Association (MCIA).
Mulch - Type 6 - Woodchips		All wood chips supplied by a supplier outside the Emerald Ash Borer quarantine area or have an Emerald Ash Borer Compliance Agreement with the MDA
Seeds	3876	(Certified Vendors Only) (Mixes 100-299) Check for Certified Vendor tag from Minnesota Crop Improvement Association (MCIA).
Native Seed		(Mixes 300-399) certified seed only. Check for Certified Vendor tag from Minnesota Crop Improvement Association (MCIA).
<u>Sod</u>	3878	Visual Inspection - Check approved products list - As directed by the Engineer. Check for Certified Vendor tag from Minnesota Crop Improvement Association (MCIA) for salt tolerant sod.
<u>Compost (from Certified Source)</u>	3890	
Compost (from Non- Certified Source)		
<u>Hydraulic Soil Stabilizer</u>	3884	Check Approved/Qualified Products List - As directed by the Engineer.

## Chemical Items

Kind of Material	Spec. No.	Minimum Required Agency QA Acceptance Testing (Field Testing Rate)
Asphalt Plank	3204	Visual Inspection - As directed by the Engineer.
Calcium Chloride	3911	Review the percentage required as per specification. Check for listing on Qualified Products website.
Magnesium Chloride	3912	
Hot-Pour Crack Sealant (for Crack Sealing/Filling)	3719 3723 3725	Retain Certification of Compliance. Check for listing on Qualified Products website.
Pavement Joint Adhesive	Special Provisions	Retain Certification of Compliance
<b>Waterproofing Materials</b>		
<u>Membrane Waterproofing System</u>	3757	Visual Inspection - Check qualified products list.
<b>Waterproofing Materials - Three Ply System</b>		
Asphalt Primer	3165	Verify supplied material meets ASTM D 41
Waterproofing Asphalt	3166	Verify supplied material meets ASTM D 449
Fabric	3201	Verify supplied material meets ASTM D 41
<b>Paints</b>		
<u>Waterborne Latex - Traffic Paint</u>	3591	Visual Inspection - Check qualified products list - retain Certificate of Compliance.
<u>Epoxy Traffic Paint</u>	3590	
<u>Traffic Marking Paint</u>	Special Provisions	
<u>Non-Traffic Striping Paints</u>	3500 Series	Retain Certification of Compliance
<u>Bridge Structural Steel Paint</u>	3520	Visual Inspection - Check approved products list - retain Certificate of Compliance.
<u>Exterior Masonry Paint</u>	3584	
<u>Noise Wall Stain</u>	Special Provisions	
<u>Drop-on Glass Beads</u>	3592	Visual Inspection - Check qualified products list. Retain Certificate of Compliance.
<u>Pavement Marking Tape</u>	3354	Visual Inspection - Check qualified products list. Retain Certificate of Compliance.
	3355	
	Special Provisions	
<u>Signs and Markers</u>	3352	Visual Inspection - Check qualified products list.

## Miscellaneous Materials

Kind of Material	Spec. No.	Minimum Required Agency QA Acceptance Testing (Field Testing Rate)
Timber, Lumber Piling & Posts	3412 to 3471 & 3491	Visual Inspection - Acceptance as directed by the Engineer. Untreated materials shall be inspected in the field. Treated materials shall be Certified on the Invoice or Shipping Ticket. Material is inspected and stamped by an Independent Agency as per Specification 3491. Contact Laboratory for additional information.
Miscellaneous pieces and Hardware (Galvanized)	3392 3394	Visual Inspection - Acceptance as directed by the Engineer.
Insulation Board	3760	
Elastomeric Bearing Pads - Plain or Laminated	3741 and Special Provisions	Check dimensions. Check repair of tested pad. Obtain copy of Certificate of Compliance. DO NOT USE ANY PADS THAT ARE NOT CERTIFIED.
Cotton Duck Bearing Pads		

## Approved/Qualified Products & Resources

### Approved/Qualified Products

- [Asphalt Products](#)
- [Bridge Products](#)
- [Concrete Products](#)
- [Crack and Joint Material Products](#)
- [Drainage](#)
- [Erosion Control and Landscaping Products](#)
- [Geosynthetic](#)
- [Maintenance Shop Supplies](#)
- [Paint/Stain/Coating Systems \(Non-Pavement\)](#)
- [Pavement Markings](#)
- [Precast Concrete](#)
- [Roadside Barriers](#)
- [Roadway Lighting Products](#)
- [Signals Products](#)
- [Signing Products](#)
- [Snow and Ice Chemical Products](#)
- [Temporary Traffic Control Devices](#)
- [Traffic Management Systems/ITS](#)
- [Truncated Domes](#)
- [Vehicle Safety Lighting](#)
- [Walls \(Retaining/Noise\)](#)

### Additional Resources

- [SALT Construction webpage](#)
- [Bituminous Engineering](#)
  - [Asphalt Binder Certified Supplier](#)
  - [Asphalt Emulsion Certified Supplier](#)
- [Concrete Engineering](#)
  - [MnDOT Concrete Manual](#)
  - [QC & QA RM Plant Workbooks](#)
  - [MnDOT Certified Ready-Mix Program](#)
- [Grading & Base Engineering](#)
  - Testing procedures in the [Grading & Base Manual](#)
  - Forms and worksheets at the [Grading & Base website](#)
  - Gradation worksheets on the [SALT Construction website](#)

## Contacts

### MnDOT Construction and Materials State Aid Contacts

#### Districts 1, 2, 3, 4

Ross Hendrickson, State Aid Construction Specialist

[ross.hendrickson@state.mn.us](mailto:ross.hendrickson@state.mn.us)

218-766-3745

#### Districts 6, 7, 8

Rollin Larson, State Aid Construction Specialist

[rollin.larson@state.mn.us](mailto:rollin.larson@state.mn.us)

507-205-6403

#### Metro

Michael Pretel, State Aid Construction Engineer

[michael.pretel@state.mn.us](mailto:michael.pretel@state.mn.us)

651-755-3346

### MnDOT Specialty Offices Contacts

#### Grading & Base

Terry Beaudry <a href="mailto:terry.beaudry@state.mn.us">terry.beaudry@state.mn.us</a>	Grading & Base Engineer	651-366-5456
John Bormann <a href="mailto:john.bormann@state.mn.us">john.bormann@state.mn.us</a>	Grading & Base Specialist	651-366-5596

#### Bituminous\*

John Garrity <a href="mailto:john.garrity@state.mn.us">john.garrity@state.mn.us</a>	Bituminous Engineer	651-366-5577
Greg Johnson <a href="mailto:Greg.johnson@state.mn.us">Greg.johnson@state.mn.us</a>	Asst. Bituminous Engineer	651-366-5464
Chelsea Bennett <a href="mailto:chelsea.bennett@state.mn.us">chelsea.bennett@state.mn.us</a>	Asst. Bituminous Engineer	651-366-5482
Joel Ullring <a href="mailto:joel.ullring@state.mn.us">joel.ullring@state.mn.us</a>	Pavement Preservation	651-366-5432
Mike Skurdalsvold	Bituminous Mix Design Specialist	612-499-2998
Ray Betts <a href="mailto:ray.betts@state.mn.us">ray.betts@state.mn.us</a>	Bituminous Trial Mix Lab Tech	651-366-5469
Rich Kane <a href="mailto:richard.kane@state.mn.us">richard.kane@state.mn.us</a>	Bituminous Plant & Lab Testing	612-437-3005

\*See website for the contact list by topic

#### Concrete\*

Maria Masten <a href="mailto:maria.masten@state.mn.us">maria.masten@state.mn.us</a>	Concrete Engineer	651-334-4015
Jacob Gave <a href="mailto:jacob.gave@state.mn.us">jacob.gave@state.mn.us</a>	Asst. Concrete Engineer	612-554-9289
Rob Golish <a href="mailto:robert.golish@sate.mn.us">robert.golish@sate.mn.us</a>	Asst. Concrete Engineer	651-216-0516
Matt Herbst	Concrete Engineering Specialist	651-283-7127

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<a href="mailto:Matt.herbst@state.mn.us">Matt.herbst@state.mn.us</a>		
Brad Swenson <a href="mailto:brad.swenson@state.mn.us">brad.swenson@state.mn.us</a>	Concrete Engineering Specialist	218-232-1012
Gordy Bruhn <a href="mailto:gordon.bruhn@state.mn.us">gordon.bruhn@state.mn.us</a>	Concrete Field Engineering Specialist	651-398-9597
Mike Daniels <a href="mailto:michael.daniels@state.mn.us">michael.daniels@state.mn.us</a>	Concrete Engineering Specialist	320-293-9421

\*See website for the contact list by topic

Contacts for other materials can be found on the [Materials and Road Research Contacts webpage](#).

Contacts for Approved Products can be found at the [Approved/Qualified Products Contact webpage](#).

Materials Lab. Contacts	Independent Assurance
<b>District 1, Duluth</b>  Leila DeLuca  Phone: 218-725-2738 <a href="mailto:D1.duluth.lab.dot@state.mn.us">D1.duluth.lab.dot@state.mn.us</a>	Kris Westerbur Phone: 218-725-2737 Cell: 218-348-6297 <a href="mailto:kristopher.westerbur@state.mn.us">kristopher.westerbur@state.mn.us</a>
<b>District 2, Bemidji</b> Jason Kissel Phone: 218-755-6542 <a href="mailto:jason.kissel@state.mn.us">jason.kissel@state.mn.us</a>  Mike Murphy (Concrete & Aggregates) Phone: 218-755-6593 <a href="mailto:mike.murphy@state.mn.us">mike.murphy@state.mn.us</a>  Dustin Reese (Bituminous) Phone: 218-755-6593 <a href="mailto:dustin.reese@state.mn.us">dustin.reese@state.mn.us</a>	Ray Wesley Cell: 218-766-6949 <a href="mailto:raymond.wesley@state.mn.us">raymond.wesley@state.mn.us</a>
<b>District 3A, Baxter</b>  Tom Boser Phone: 218-828-5755 <a href="mailto:tom.boser@state.mn.us">tom.boser@state.mn.us</a>	Matt Miles   Cell: 218-232-6748 <a href="mailto:matt.miles@state.mn.us">matt.miles@state.mn.us</a>
<b>District 3B, Saint Cloud</b> Nick Fisher Phone: 320-2236500 <a href="mailto:nicholas.fisher@state.mn.us">nicholas.fisher@state.mn.us</a>  Andy Kostreba Phone: 320-223-6554 <a href="mailto:andy.kostreba@state.mn.us">andy.kostreba@state.mn.us</a>	Travis Erickson   Cell: 320-291-3582 <a href="mailto:travis.erickson@state.mn.us">travis.erickson@state.mn.us</a>
<b>District 4, Detroit Lakes</b>  Bruce Bryngelson Phone: 218-846-3614 <a href="mailto:bruce.bryngelson@state.mn.us">bruce.bryngelson@state.mn.us</a>  Wayne Koons	Casey Clarke   Cell: 218-849-7393

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Phone: 218-846-3617 <a href="mailto:wayne.koons@state.mn.us">wayne.koons@state.mn.us</a>	<a href="mailto:casey.clarke@state.mn.us">casey.clarke@state.mn.us</a>
<b>Metro District, Maplewood Lab</b>  Brent Sculley Phone 651-366-5409 <a href="mailto:brent.scolley@state.mn.us">brent.scolley@state.mn.us</a>	<b>Waters Edge</b> Phone: 651-234-7356 Zachary Lyrek-Hanks Phone: 651-775-1018 <a href="mailto:zachary.Lyrek-Hanks@state.mn.us">zachary.Lyrek-Hanks@state.mn.us</a> West Karl Sinclair Phone: 651-775-0998 <a href="mailto:karl.sinclair@state.mn.us">karl.sinclair@state.mn.us</a> East Kris Westerbur Phone: 651-755-1151 <a href="mailto:kristopher.westerbur@state.mn.us">kristopher.westerbur@state.mn.us</a> Kaleb Kollmann Phone: 651-478-0339 <a href="mailto:kaleb.kollmann@state.mn.us">kaleb.kollmann@state.mn.us</a>
<b>District 6, Rochester</b> Scott Swanson Phone: 507-286-7580 <a href="mailto:scott.a.swanson@state.mn.us">scott.a.swanson@state.mn.us</a> Jeff Bale (Aggregates) Phone: 507-286-7586 <a href="mailto:jeff.bale@state.mn.us">jeff.bale@state.mn.us</a> Joe Drees (Bituminous) Phone: 507-286-7582 <a href="mailto:joe.drees@state.mn.us">joe.drees@state.mn.us</a> Gary Vinge Phone: 507-286-7585 <a href="mailto:gary.vinge@sate.mn.us">gary.vinge@sate.mn.us</a>	Dennis Hayes  Cell: 507-251-0138 <a href="mailto:dennis.hayes@state.mn.us">dennis.hayes@state.mn.us</a>
<b>District 7, Mankato</b> Lee McLaughlin Phone: 507-304-6189 <a href="mailto:lee.mclaughlin@state.mn.us">lee.mclaughlin@state.mn.us</a>	Mitch Jordahl Cell: 507-380-9619 <a href="mailto:mitch.jordahl@state.mn.us">mitch.jordahl@state.mn.us</a>
<b>District 8, Willmar and Marshall</b> Jon Vlaininck Phone: 320-214-6348 Cell: 320-894-7409 <a href="mailto:jon.vlaininck@state.mn.us">jon.vlaininck@state.mn.us</a> <b>District 8B, Marshall</b> Matt Steinbronn Phone: 507-537-2068 <a href="mailto:matthew.steinbronn@state.mn.us">matthew.steinbronn@state.mn.us</a>	Paul Janke  Cell: 320-212-5739 <a href="mailto:paul.janke@state.mn.us">paul.janke@state.mn.us</a>



## Sample Sizes

Lbs.

Bituminous	35	Aggregate for Gradation QC/QA
	80	for each plus #4 Aggregate Type for Quality Testing
	35	for each minus #4 Aggregate Type for Quality Testing
	80	for each RAP material for Quality Testing
	10	RAS (shingles) for Processed Gradation and Quality Testing
	65	for Mix Properties (QC/QA) 3 full 6" by 12"-cylinder molds for QA
	90	for TSR (QC/QA) 4 full 6" by 12"-cylinder molds for QA
	90	for Aggregate Specific Gravity QC/QA
	-	1 quart of Asphalt Binder QA
	-	1/2 gallon for Asphalt Emulsion QA
Grading & Base	30	Aggregate for Gradation (Companion sample from 60 lb. split).
	25	Moisture Density Test – Proctor (Companion from 50 lb. split).
	30	Aggregate Quality/Percent Crushing Test - 1 per source
Ready-Mix Concrete	25	Gradation 3/4" plus
	10	Gradation 3/4" minus
	6	Gradation CA 70 & #7
	1	Gradation - Sand (500 g), CA 80, #89.
	4.4	Moisture Test Coarse Aggregate (2000 g)
	1.1	Moisture Test Fine Aggregate (500 g)
	50	Quality 3/4" plus - lab sample
	30	Quality 3/4" minus - lab sample
	30	Fine Aggregate - lab sample
	10	3/4" Plus for the -200 Coarse Aggregate Test (5000 grams)
	6	3/4" Minus for the -200 Coarse Aggregate Test (2500 grams)
	5	Cement, Blended Cement, Fly Ash
	-	1/2-pint plastic container for admixtures.

**S-1 CONTACT INFORMATION**

SP2016-1

Direct questions about these Projects, including pre-bid question to Aaron VanMoer or Chad Magnussen.

Aaron VanMoer  
Lyon County Engineer  
504 Fairgrounds Road  
Marshall, MN 56258  
507-532-8205 (office)  
[aaronvanmoer@co.lyon.mn.us](mailto:aaronvanmoer@co.lyon.mn.us)

Chad Magnussen  
Assistant to Lyon County Engineer  
504 Fairgrounds Road  
Marshall, MN 56258  
507-532-8205 (office)  
[chadmagnussen@co.lyon.mn.us](mailto:chadmagnussen@co.lyon.mn.us)

**S-2 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.

**S-3 COMPLIANCE WITH ZONING ORDINANCE**

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

**S-4 AFFIRMATIVE ACTION RESPONSIBILITIES**

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

**S-5 RESPONSIBLE CONTRACTOR**

**REVISED 06/04/15**

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 SUMMITTED 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-6 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 for wages paid for work performed under the contract. To establish compliance, the Contractor must submit a "Contractor Affidavit" either online or in paper form (IC134) to the Minnesota Department of Revenue. The contractor will receive written certification of compliance when the Department of Revenue determines that all withholding tax returns have been filed and all withholding taxes attributable to the work performed on the contract have been paid. The Contractor must then provide this written certification to the Department to receive final payment.

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

The Department of Revenue, in association with the Department of Employment and Economic Development, offers a free seminar to help contractors understand tax law requirements. The Department strongly urges the Contractor and all subcontractors to attend the "Employment Taxes & Employer Responsibilities Seminar" or similarly offered classes. You can find a schedule and more information on the Department's website at: <https://www.revenue.state.mn.us/sites/default/files/2019-05/Employment%20Taxes%20Seminar%20Flyer.pdf>.

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

Contractor Affidavit requirements and Form IC134 can be found here: <https://www.revenue.state.mn.us/contractor-affidavit-requirements>.

## **S-7 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-8 PROTECTION OF FISH AND WILDLIFE RESOURCES**  
**REVISED 03/28/25**

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).

The Environmental Document for this Project is available. See S-X (1712) PROTECTION AND RESTORATION OF PROPERTY.

**BLANDING'S TURTLE PROTECTION**

Blanding's turtles may be present at the Project Site. The Contractor must keep a copy of the Minnesota Department of Natural Resources (DNR) Blanding's Turtle flyer prominently displayed on the job site at all times and train all staff, including any Subcontractors, in proper procedures if any Blanding's Turtles are encountered. The Contractor must provide a copy of the MN DNR's flyer to all Subcontractors performing Work.

The DNR's flyer is available at the DNR's website  
[http://files.dnr.state.mn.us/natural\\_resources/animals/reptiles\\_amphibians/turtles/blandings\\_turtle/flyer.pdf](http://files.dnr.state.mn.us/natural_resources/animals/reptiles_amphibians/turtles/blandings_turtle/flyer.pdf)

Contractor must immediately (within 24 hours) report all turtle sightings to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

Contractor, subcontractors must move turtles which are in imminent danger, by hand, out of harm's way. Turtles outside project Construction limits, which are not in imminent danger, should be left undisturbed.

Contractor must install silt fencing or similar turtle-proof barriers around all soil stockpiles, gravel pads, and other areas of exposed soil to prevent turtle access from May 15 to July 15. Silt fencing or similar turtle-proof barriers must be removed prior to project closeout. Filter logs do not count as a turtle-proof barrier.

Contractor must inspect trenches, holes, or similar depressions prior to beginning work each day to ensure turtles have not entered these areas. Turtles that have entered these areas are in imminent danger and must be removed, by hand.

The DNR's Blanding's Turtle Flyer with an illustration of an adult Blanding's Turtle must be conspicuously posted adjacent to the Engineer's field office.

**WOOD TURTLE PROTECTION**

Wood turtles may be present at the Project Site. The Contractor must keep a copy of the Minnesota Department of Natural Resources (DNR) Wood Turtle flyer prominently displayed on the job site at all times and train all staff, including any Subcontractors, in proper procedures if any Blanding's Turtles are encountered. The Contractor must provide a copy of the MN DNR's flyer to all Subcontractors performing Work.

The DNR's flyer is available at the DNR's website

[https://edocs-public.dot.state.mn.us/edocs\\_public/DMResultSet/download?docId=23580249](https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=23580249)

Contractor must immediately (within 24 hours) report all turtle sightings to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

Contractor, subcontractors must move turtles which are in imminent danger, by hand, out of harm's way. Turtles outside project Construction limits, which are not in imminent danger, should be left undisturbed.

Contractor must install silt fencing or similar turtle-proof barriers around all soil stockpiles, gravel pads, and other areas of exposed soil to prevent turtle access from May 15 to July 15. Silt fencing or similar turtle-proof barriers must be removed prior to project closeout. Filter logs do not count as a turtle-proof barrier.

Contractor must inspect trenches, holes, or similar depressions prior to beginning work each day to ensure turtles have not entered these areas. Turtles that have entered these areas are in imminent danger and must be removed, by hand.

The DNR's Wood Turtle Flyer with a picture of an adult Wood Turtle must be conspicuously posted adjacent to the Engineer's field office.

#### C POLLINATOR PROTECTION

Contractor must not apply insecticides or fungicides.

Contractor must minimize the use of herbicides. If herbicides are to be used, Contractor must apply herbicides via spot treatments. Contractor must not apply herbicides through broadcast applications, including but not limited to, aerial applications or vehicle mounted sprayers.

Contractor must contact the Department's wildlife ecologist ([protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us)) if exceptions are requested.

#### BUMBLE BEE PROTECTION

The Project is located very near to a U.S. Fish and Wildlife Service (USFWS) identified High Potential Zone for the endangered rusty-patched bumble bee. USFWS updates these High Potential Zones annually, typically in March.

Contractor must consult the U.S. Fish and Wildlife Service High Potential Zone mapping each spring, following the update, to ensure the project remains outside of an identified High Potential Zone. Contact the Department's wildlife ecologist ([protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us)) immediately if the project is now within the boundaries identified by USFWS. High Potential Zone mapping: <https://www.fws.gov/species/rusty-patched-bumble-bee-bombus-affinis/map>

#### BAT PROTECTION

~~The Project is located in an area inhabited by one or more protected bat species. The Contractor must ensure all operators, employees, and Contractors working in areas of known or presumed bat habitat are aware of environmental commitments and avoidance and minimization measures (AMMs) to protect both bats and their habitat. The Contractor must notify Project Subcontractors during the preconstruction meeting.~~

~~Contractor must direct temporary lighting, if used, away from wooded areas during the bat active season (April 15 to October 31, inclusive).~~

~~Contractor must immediately report (within 24 hours) all bat sightings, live or dead, to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).~~

This Project is located within karst areas, Contractor and other on-site personnel must use best management practices, secondary containment measures, or other standard spill prevention and countermeasures to avoid impacts to possible hibernacula. Where practicable, a 300-foot buffer must be employed to separate fueling areas and other major containment risk activities from caves, sinkholes, losing streams, and springs in karst topography.

#### Tree Clearing Requirements

Restrict all activities to avoid tree clearing. Tree removals must not occur on this project without additional coordination. Contact [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

#### Lighting Requirements

New or replacement permanent lighting must have an "uplight" rating of 0 and a "backlight" and "glare" rating as low as practicable. Replacement lighting must not exceed the intensity of the in-place lighting.

#### Bridge and Culvert Requirements

Contractor must inspect Bridges and Culverts, including expansion joints to determine if bats or bat signs are present before beginning Work during the bat active season (April 15 to October 31, inclusive).

Contractor must immediately report (within 24 hours) all bat sightings, live or dead, to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

The following locations are known or presumed to have bats

Presence of bats is assumed or Bridge assessments suggest the presence of a colony of bats, and Work is conducted during the bat active season (April 15 to October 31, inclusive), Contractor must avoid bats and must ensure construction activities do not disturb roosting bats.

Presence of bats is assumed or Bridge assessments suggest the presence of a colony of bats. Contractor must restrict all activities to avoid Work June 1 to August 15, inclusive. Contractor must avoid bats and must ensure construction activities do not disturb roosting bats.

#### Structures Requirements

Contractor must inspect structures (buildings, sheds, garages, etc.), including attics, basements or crawl spaces, to determine if bats or bat signs are present before beginning Work.

Contractor must contact the Department's wildlife ecologist before proceeding with Work if bat activity or signs of bat activity are observed.

Contractor must direct concerns about human health/safety/property, to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

Contractor must immediately report all bat sightings, live or dead, to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

Conduct Structure demolition, maintenance, repair and/or alteration in a manner that will not disturb bats occupying the Structure during the winter hibernation period (November 1 to April 14, inclusive).

Conduct Structure demolition, maintenance, repair and/or alteration in a manner that will not disturb roosting bats during the bat active season (April 15 to October 31, inclusive).

#### 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 stop Work and immediately report Bald Eagle nests to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us). Contractor must not Work within 300 feet of a Bald Eagle nest at any time. This includes foot traffic, vehicle parking, and/or equipment or material staging.

Contractor must not work within 300 ft of a Bald Eagle nest at any time. This includes foot traffic, vehicle parking, and/or equipment or material staging.

Contractor must immediately report all Bald Eagle nests to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).

~~Contractor must not work within 300 ft of a Bald Eagle nest between January 1 and July 31, inclusive.~~

~~Contractor must immediately report all Bald Eagle nests to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us).~~

~~Contractor must follow all Bald Eagle Disturbance Permit conditions. The Project-specific Permit is available at insert public EDOCS link to USFWS Bald Eagle Permit <https://edocs-public.dot.state.mn.us/edocs-public/DMResultSet/download?docId=xxxxxxx>.~~

#### MIGRATORY BIRD PROTECTION

##### Soil Stockpiles

The Contractor must protect soil stockpiles when any surface remains unused for 72 hours or more. To prevent birds from nesting, the Contractor must either cover the surface with fabric or tarps or grade the surface to a slope no steeper than 65 degrees.

##### Bridges, Culverts, and other Structures

The 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 containing eggs or live young is found, stop Work in that location, photograph the nest, and immediately contact the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us) for further guidance.

The following locations are known to have migratory birds:

##### Nesting Birds

- ~~1) No Work on structures, bridges, or culverts is permitted during the bird nesting season, May 1 to August 1, inclusive.~~
- ~~2) The Contractor must remove inactive nests from the previous nesting season and remove nests in the process of being built before they are active (i.e., before they contain eggs or young).~~
- ~~3) The Contractor must prevent birds from establishing active nests (containing eggs or live young) until construction activities are completed or no longer pose a threat the nests.~~
- ~~4) Frequent inspections and nest removals are needed to prevent nests from being built and becoming active. Inspections and removals must occur at~~

least every three calendar days, with daily inspections and removals in areas with frequent bird use. Nest removal must begin before May 1.

- 5) The Contractor must cover the underside and nesting surfaces of the bridge, culvert, or other structures with fabric, tarps, or netting to prevent birds from accessing and nesting on the structure. These coverings must be installed between February 1 and April 30. The Contractor must maintain the coverings while preventing unintended wildlife entanglement. Once construction activities are complete or no longer pose a threat to nests, the Contractor must remove and properly dispose of coverings.

The Contractor must immediately report fish or wildlife entangled in netting or similar coverings to the Department's wildlife ecologist at [protectedspecies.dot@state.mn.us](mailto:protectedspecies.dot@state.mn.us)

## **S-9 (1103) DEFINITIONS**

NEW WRITEUP 03/01/16

SP2016-14.1

The provisions of MnDOT 1103 are supplemented as follows:

- S-9.1 The following definition is added to MnDOT 1103:

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

## **S-10 (1203) ACCESS TO PROPOSAL PACKAGE**

MnDOT 1203 is hereby deleted from the MnDOT Standard Specifications.

## **S-11 (1206) PREPARATION OF PROPOSAL**

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

- S-11.1 MnDOT 1206.1 is hereby deleted from the MnDOT Standard Specifications.

- S-11.2 MnDOT 1206.2 is hereby deleted from the MnDOT Standard Specifications and replaced with the following:

### **1206.2 ALLOWABLE SUBSTITUTIONS**

For all Proposals the Bidder shall use the following method:

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

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

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



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

An authorized representative of the Bidder must sign the Proposal.

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

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

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

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

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

## **S-12 (1208) PROPOSAL GUARANTY**

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

S-12.1 MnDOT 1208 is hereby deleted from the MnDOT Supplemental Specifications and replaced with the following:

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

- (4) Equal to 5 percent of the total amount of the Proposal
- (5) Made payable to the Department
- (6) 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:

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

**S-13 (1210) REVISION OF PROPOSAL PACKAGE OR WITHDRAWAL OF PROPOSALS**

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

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

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

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

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

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

**S-14 (1212) OPENING OF PROPOSALS**

The provisions of MnDOT 1212 are modified with the following:

S-14.1 MnDOT 1212 is hereby deleted from the MnDOT Standard Specifications and replaced with the following:

**1212 OPENING OF PROPOSALS**

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

**S-15 (1404) MAINTENANCE OF TRAFFIC, (1707) PUBLIC SAFETY, AND (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 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. | Lyon County Highway/Public Works Department | (507) 532-8205 |
| 2. | Lyon County Sheriff's/Police Department     | (507) 537-7666 |
| 3. | Fire Department                             | (507) 537-7666 |

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).

### **S-16 (1505) COOPERATION BY CONTRACTORS**

The provisions of MnDOT 1505 are supplemented as follows:

S-16.1 The Contractor shall coordinate work and cooperate with the holders of those current and future separate contracts, as required by MnDOT 1505.

### **S-17 (1507) UTILITY PROPERTY AND SERVICE**

S-17.1 All utilities related to this Project are classified as "Level D," unless the Plans specifically state otherwise. This utility quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data."

S-17.2 No compensation will be made for additional costs incurred by the Contractor for any Special work or Special construction method necessary to prosecute work over, below or adjacent to utility property whose existence was indicated in the plans or Special Provisions.

S-17.3 The Contractor will be required to work around all utility poles, whether or not they have been moved or lowered. Where poles have been moved or lowered, prior to grading operations, a mound of earth shall be left around each pole of sufficient size to ensure its stability. Where such poles are moved or lowered before all grading on the project is otherwise completed, the Contractor shall remove any mounds of earth which may have been left. No compensation in addition to the contract price for Common Excavation will be made for this work.

S-17.4 It will be the Contractor's responsibility to contact the owners of all utilities in any area prior to the construction in the area so that the Contractor can be informed of the exact locations of all the utilities in the area including any that are not shown in the plans. It will also be the Contractor's responsibility to: (1) report any existing damage or faulty condition (i.e. sand in manholes, damaged valve boxes, etc.) to the owners prior to construction, as once excavation has commenced it will be assumed that all damage to underground installations has been caused by the Contractor's operations and it will be his responsibility to make the necessary repairs; and (2) upon completion of the project, contact all utility owners and make arrangements for a field inspection trip by his representative and representatives of the utility owners to confirm that all damages caused by the Contractor's operations have been repaired to the satisfaction of the owners.

## **S-18 (1513) RESTRICTIONS ON MOVEMENT AND STORAGE OF HEAVY LOADS AND EQUIPMENT**

The Contractor shall haul Materials and move and store Equipment in accordance with the *Minnesota Highway Traffic Regulation Act*, MN Statutes, Chapter 169 and applicable provisions of Minnesota Rules when using public Roads or completed Structures, base courses, and pavements within the Project that are open to traffic and becoming a part of the permanent improvement.

The Contractor shall comply with legal load restrictions and with special restrictions required by the Contract when hauling or storing Materials and moving or storing Equipment on Structures, completed Subgrades, base courses, and pavements within the Project, under construction or completed but not yet open to traffic.

The Contractor shall complete and place a cab card in each vehicle used for hauling bituminous mixture, Aggregate, batch concrete, or grading Material (including borrow and excess), before starting Work. This cab card shall identify the truck or tractor and trailer by Minnesota or prorated license number and shall contain the tare, maximum allowable legal gross mass, supporting information, and the signature of the owner. The Contractor shall make the card available to the Engineer upon request. The Contract Unit Prices include Contractor-related costs in providing, verifying, and spot checking the cab card information, including weighing empty, and loaded trucks on certified commercial Scales.

The Contractor shall not operate Equipment mounted on crawler tracks or steel-tired wheels on or across new concrete or bituminous surfaces.

When construction operations require crossing an existing pavement, Bridges, or completed portions of the Pavement Structure with otherwise prohibited Equipment or loads, the Contractor shall submit methods of load distribution or bridging in writing and obtain the Engineer's written approval. This approval does not relieve the Contractor of responsibility for any damages to the Work.

The Contractor will not be relieved of liability for damages resulting from the operation and movement of construction Equipment because of the issuance of a special permit, or by adherence to any other restrictions imposed.

The Contractor may temporarily operate, store, or park construction Materials and Equipment on a Bridge deck during Bridge construction. Storage of Materials and Equipment shall be limited as follows:

Acceptable loads to be determined by the local bridge consultant prior to advertising the project, see below. Item (1), local bridge consultant to evaluate Minnesota legal loads on bridge. Item (2) the combination of a milling machine and hauling vehicle assumes the milling machine is moving directly behind the hauling vehicle, no other moving or stationary traffic on the bridge.

***The contractor may operate equipment on the bridge, with the following limitations.***

- (1) No single vehicle or Equipment exceeding legal load limits.

- (2) ~~No combination exceeding a single unit \_\_\_\_\_ lb or semi-truck \_\_\_\_\_ lb with a crawler track vehicle (milling machine) \_\_\_\_\_ lb, with no other materials, or other Equipment on the bridge.~~
- (3) ~~No stockpiles weighing greater than 0 lb. per 1,000 ft<sup>2</sup>~~
- (4) ~~No individual stockpiles of Materials (including pallets of products, reinforcing bar bundles, and Aggregate piles) weighing greater than 0 lb. per 100 ft<sup>2</sup>~~

If any proposed construction loading exceeds the above defined limits, the Contractor shall submit the proposed loads and structural analysis of the deck, beams and substructure components certified by a Minnesota Professional Engineer to the Project Engineer for review within a minimum of 7 calendar days before loads can be applied to the bridge.

**Bridge 42503 (located on S.A.P. 042-608-033)**

**Design Load: H20**

**Operating Rating: HS 26.70**

**Inventory Rating: HS 18.50**

**Posting: 32-40-40**

**S-19 (1701) LAWS TO BE OBSERVED (WET LANDS)**

SP2016-31

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

S-19.1 If the Contractor operations involve the excavation and/or disposal of material off Right of Way, the Contractor is advised of the following:

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

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

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

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

**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/>

**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](http://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](http://www.revenue.state.mn.us)).

#### **1701.8 Use of Equipment from Certain Telecommunications Supplier Prohibited**

By signing this Contract, Contractor certifies that consistent with section 889 of the John McCain National Defense Authorization Act for fiscal year 2019, Public Law 115-233 (Aug. 13, 2018) the Contractor may not use funding covered by this Contract to procure or obtain, or extend, renew, or enter into any Contract to procure or obtain, any Equipment, system, or service that uses "covered telecommunications Equipment or services" (as that term is defined in section 889 of the Act) as a substantial or essential component of any system, or as critical technology as part of any system. The contractor must include this certification as a flow-down clause in any subcontract related to this Contract.

### **S-20 (1708) RAILROAD HIGHWAY PROVISIONS**

The provisions of MnDOT 1708.4 (FLAGGING, PROTECTIVE SERVICES, AND DEVICES) are modified as follows:

S-20.1 The last paragraph of MnDOT 1708.4 is deleted and replaced with the following:

**The contractor will reimburse the railroad company for the costs of necessary flagging, engineering, other protective services, devices, and inspections or other requirements to protect the railroad company's facilities, personnel, equipment, and traffic.**

**S-21 (1714) RESPONSIBILITY FOR DAMAGE CLAIMS; INSURANCE**

The provisions of MnDOT 1714 are modified as follows:

S-21.1 MnDOT 1714.3A is deleted and replaced with the following:

**A Minimum Limits of Liability**

The contractor shall provide the following minimum limits of liability:

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

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

**S-22 (1717) AIR, LAND, AND WATER POLLUTION**

06/28/24

Add the following to MnDOT 1717.2:

The Contractor shall not use recycled concrete aggregate (RCA) in temporary work such as causeways, staging areas, or stockpiles that will be in contact with surface water or groundwater. The Contractor shall:

- 1) Manage stormwater runoff from temporary work such as laydown areas, staging areas, and stockpiles that contain RCA. Prevent any discharge outside of construction limits or into surface water of water that is turbid or has a pH of greater than 8.5 or less than 6.0.
- 2) Monitor runoff from temporary work containing RCA during every stormwater inspection. Check for pH and turbidity. Monitor more frequently if needed to maintain acceptable clarity and pH.
- 3) Provide a Site Management Plan showing how they will manage stormwater runoff, monitor the pH and clarity of runoff, and isolate crushed concrete from surface water and groundwater as described above.

**S-23 (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME**

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

S-23.1 Contractor must complete all work to meet the requirements of 1516.2 (Project Acceptance) under this Contract before November 1st, 2025.

**S-24 (1807) FAILURE TO COMPLETE THE WORK ON TIME**

S-24.1 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, according to the completion requirements of 1516.2 (Project Acceptance). The Engineer will deduct liquidated damages based on the original Contract Amount and Table 1807-1-1.

**S-25 (1901) MEASUREMENT OF QUANTITIES**

The provisions of MnDOT 1901 is hereby supplemented by the following:

The contractor may utilize loader scales for measuring mass weight of materials delivered to the project site as directed by the Engineer. If the contractor elects to use a loader scale the loads will be subject to a minimum of 2 passing random scale checks per day utilized. For scale checks, the engineer will randomly select loads each day. Each check load will require both a vehicle tare weight and a gross mass weight on a certified commercial scale of the contractor's choice. Check loads shall check within 1% as detailed in 1901. All expenses for scale checks shall be the responsibility of the contractor. If the contractor cannot consistently pass random scale checks, the use of loader scales shall be eliminated by the engineer.

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

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

S-26.1            **Payment for materials on hand will not be made under this contract. MnDOT 1906.2 shall be deleted.**

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

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

## **S-27 (2016) QUALITY MANAGEMENT -INTELLIGENT CONSTRUCTION TECHNOLOGY METHODS (IDIQ)**

***REVISED 09/27/24***

### **SP2020-70**

#### **S-25.0            DESCRIPTION**

This Work consists of using Intelligent Construction Technology (ICT) to monitor compaction and placement operations in accordance with MnDOT 2215 Stabilized Full Depth Reclamation (SFDR), 2390 Cold-In-Place Recycled (CIR) Bituminous and Cold Central Plant Recycling (CCPR) Bituminous, 2353 Ultrathin Bonded Wearing Course (UTBWC), 2360 Plant Mixed Asphalt Pavement and 2365 Stone Matrix Asphalt (SMA).

ICT consists of Paver Mounted Thermal Profile (PMTF) and Intelligent Compaction (IC) Methods.

PMTF Method continually monitors the surface temperature of the mat immediately behind the trailing edge of the paver screed during placement operations.

IC Method continually monitors compaction efforts during grading and/or asphalt paving operations.

#### **A            Definitions**

For the purpose of the Work specified in this Special Provision, (2016) Quality Management – Intelligent Construction Technology Methods, the Department defines:

##### **A.1            All ICT Methods**

##### **Driving Lane**

See Traffic Lane.

##### **Intelligent Construction Technology**

Equipment that geo-references measurements using a Global Navigation Satellite System (GNSS) (e.g., IC, PMTF, automated machine guided milling, etc.).



**Layer**

Total thickness of each material type. It may be comprised of single or multiple Lifts.

**Multi-Dimensional File**

A digital file that consists of two or more dimensions (e.g., 2, 3, 4, or 5 dimensional [D]).

**Site Calibration**

Process of comparing GNSS measurements on known coordinates and creating a "best fit" (least squares adjustment) for the coordinate grid by scaling and rotating grid to fit the measurements. This allows more accurate GNSS Work as a result of the site being adjusted to a "local" coordinate system.

**Thru Lane**

See Traffic Lane.

**2D Horizontal Alignment**

A Multi-Dimensional File that consists of a digital file that is two dimensional (2D). The horizontal alignment of a roadway is defined geometrically as a series of horizontal, straight-line tangents, circular curves, and spiral transitions. The curves allow for a smooth transition between tangent sections.

**Veta**

Standardized intelligent construction data management (ICDM) software that stores, maps and analyzes geospatial data resulting from ICT. This software can perform standardized data processing, analysis and reporting to provide Project summary results from various ICT manufacturers. In particular, the software can provide statistics, histograms, correlations for these measurements, document coverage area and evaluates the uniformity of the ICT measurements as part of the Project Quality Control operations. Veta can be downloaded from the AMT Website.

A.2 PMTP Method

**Paver Mounted Thermal Profile (PMTP) Method**

This method continually monitors paving speeds and Surface Temperature Measurements of the mat immediately behind the paver screed during placement operations.

**Standard Deviation (StDev)**

The sample standard deviation of the Surface Temperature Measurements. This value reflects the variability of Surface Temperature Measurements within a data subplot.

**Surface Temperature Measurements**

The temperatures of the mat immediately behind the trailing edge of the screed plate during placement operations.

**Thermal Profiles**

Surface Temperature Measurements and associated GNSS coordinates and time stamps measured by the PMTP system.

**Thermal Segregation Index (TSI)**

A composite index of the variability of Surface Temperature Measurements (StDev) and the transverse variability of Surface Temperature Measurements (presence of longitudinal thermal streaking [TSV Index]) within a data subplot.

**Transverse Semivariogram (TSV) Index**

This index reflects the transverse variability in Surface Temperature Measurements (i.e., presence of longitudinal thermal streaking).

A.3 IC Method

**Cumulative Measurement Pass Count**

The Gridded Final Coverage Data for pass count (the number of passes). The pass count reflects the number of roller passes in one area (e.g., 1 foot by 1 foot area), not the total number of passes across the width of the production area for a given roller.

**Gridded Final Coverage Data**

Data that summarizes the final (last) Measurement Pass recorded for a given grid (e.g., total pass count, last stiffness, last temperature). Grid sizes are typically at a mesh size of 1 foot in the X and Y direction for post-processed data.

**Gridded All Passes Data**

Includes all Measurement Passes recorded for a given grid.

**Instrumented Roller**

A self-propelled roller integrated with a GNSS and an onboard documentation system that can display real-time color-coded maps of roller location, number of passes, roller speeds, and amplitude and vibration frequencies of the roller drum. Some systems are also equipped with drum vibration instrumentation, temperature sensors, and/or automatic feedback control. The onboard documentation system on these rollers would also display real-time color-coded maps of stiffness response or pavement surface temperatures, or both.

**Intelligent Compaction**

Compaction using an Instrumented Roller.

**Measurement Pass**

A roller pass performed by an Instrumented Roller where all required information, per this provision, is recorded in a data file.

**Minimum Required Pass Count**

The minimum number of passes required to achieve the Minimum Required Roller Coverage. The Minimum Required Pass Count is equal to 1 (Measurement Pass) times the number of Instrumented Rollers used for the given data lot. Instrumented Rollers working in tandem are counted as one Instrumented Roller.

**Minimum Required Roller Coverage (RC)**

The percent of required compaction area where the Minimum Required Pass Count is achieved.

S-25.0 MATERIALS – BLANK

S-25.0 CONSTRUCTION REQUIREMENTS

A General

The guides, forms and Veta software are available on the MnDOT Advanced Materials and Technology (AMT) Website.

A.1 Required Measurement Locations

ICT methods are required when the contract net length is greater than or equal to 2 miles for materials requiring the ICT.

Collect ICT measurements on 100 percent of Traffic Lanes, E-ZPass lanes (including buffer), continuous left turn lanes, and passing lanes.

ICT measurements are not required on the following: roundabouts (exclude the Traffic Lane between the roundabout and mainline transition prior to and after the radius point of the roundabout), Frontage Roads (or Streets), Traffic and Auxiliary Lane tapers, Ramps, Shoulders, cross-overs, right turn lanes, J-turns, non-continuous left Turn Lanes, Loops, bypass lanes, and acceleration/deceleration lanes.

ICT measurements are not required on areas of excavation (that are below the Layer requiring the ICT method) that are less than or equal to 750 linear feet.

A.2 2D Horizontal Alignment

The Engineer will provide the 2D Horizontal Alignment (in a LandXML format).

Convert the 2D Horizontal Alignment, as needed, for use with the Intelligent Construction Technology. The Department does not guarantee the accuracy and compatibility of electronic data after any electronic conversions are executed by the Contractor.

The Engineer is allowed five Working Days to review proposed modifications and/or to update files with the Engineer accepted changes requested by the Contractor.

Use the latest accepted version of the 2D Horizontal Alignment file(s). Load 2D Horizontal Alignment file onto the onboard data acquisition system of each Instrumented Roller and onto the onboard acquisition system of PMTP systems that allow for import of these files.

A.3 Equipment

Use a survey grade GNSS Rover Receiver during Site Calibration and coordinate checks. Data collector will use the MN County Coordinate system, zone and geoid model. Collect the XYZ coordinates in the MN County Coordinate system, zone and vertical datum used in the design and alignment file(s).

All ICT system(s) collect coordinates, unless otherwise specified, in MN County Coordinate System and zone used in design and alignment file(s) using NAD83 (adjustment as specified by the Department) and NAVD88 vertical datum.

All ICT systems require a modem, or Wi-Fi, an onboard data acquisition system, GNSS, and ability to connect to a local ground base station and VRS network. Use modem or Wi-Fi to transfer data to cloud storage and to connect to VRS network.

All ICT system data acquisition systems will: store data internally until data transfer, automatically transfer data to cloud storage, and allow operator to define data lot where ICT measurements are currently being collected per Tables SP2016-1 and SP2016-2.

A.4 Control Points

Engineer will set temporary control points (within the paving and/or compaction limits requiring the ICT), prior to the Project start date for use in the Site Calibration. Permanent control points can be used; however, the Engineer will verify coordinates for these points to confirm no disturbances.

Set control points as follows:

- (1) 2D control points at an accuracy of 0.1 feet or less in the X and Y directions.
- (2) 3D control points at an accuracy of 0.1 feet or less in the X, Y and Z directions.
- (3) Clear line of site to satellites to allow for Site Calibration.

- (4) Alternating, maximum distance of one every 3 miles within 150 feet of the centerline.
- (5) A minimum of 5 control points.

A minimum of 3 of the 5 control points are equally spaced 3D, while the remaining control points are 2D or 3D.

Set 2 control points at both the starting and ending limits (totaling 4 control points). Set a minimum of 1 of the 2 control points at the starting limits and 1 of the 2 control points at the ending limits, as 3D.

Engineer will provide a Project map (indicating locations of control points) and control point coordinate information (in a \*.txt or \*.csv format), for both permanent and temporary control points. Engineer will include the following information in the coordinate file(s):

- (1) Point Name
- (2) X coordinate (Easting)
- (3) Y coordinate (Northing)
- (4) Z coordinate (Elevation)
- (5) Point Code / Description

Engineer will include available Department geodetic data sheets that are relevant to Project limits.

#### A.5 Site Setup and Calibration

Complete site setup and calibration prior to efforts requiring an ICT method.

Use the MN county coordinate system and zone for Site Calibration by connecting to a RTK-GPS using either a local, ground-based station(s) or the Departments VRS network.

#### A.6 Field Stationing

Field station markers, when used, will match the centerline stationing in design and alignment files.

#### A.7 Data Lot Establishment for ICT Measurement Data

Establish data lots for ICT measurement data per Table SP2016-1.

Table SP2016-1  
Data Lot Establishment Criterion

Specification	Description	Day	Material Type	Lift	Centerline Offsets	Direction of Travel
2353, 2360*, 2365*	Undivided Highway	X	X	X	X	(Blank)
2353, 2360*, 2365*	Divided Highway	X	X	X	X	X
2215 (SFDR), 2390 (CIR and CCPR)	Undivided Highway	X	X	X	X	(Blank)
2215 (SFDR), 2390 (CIR and CCPR)	Divided Highway	X	X	X	X	X

Specification	Description	Day	Material Type	Lift	Centerline Offsets	Direction of Travel
* Centerline offsets (used in Veta) will reflect the offsets for the required traffic or auxiliary lane paved by each paver when paving in echelon.						

Name data lots using standardized format per Tables SP2016-2 and SP2016-3. Store data lot designations digitally with associated ICT measurement data.

Table SP2016-2  
Standardized Naming Convention for Data Lots

Standardized Format *	Definition
ROUTE-MATL-L-LEFT-RIGHT	Undivided Highways
ROUTE-MATL-L-LEFT-RIGHT-DT †	Divided Highways
* Add an additional designation behind ROUTE for instances where more than one Site Calibration is needed within Project limits. For example, a Site Calibration was completed for the northern and southern limits of the Project – a “N” and “S” would be added immediately behind ROUTE [TH68N-HMA-L1-12L-CL, TH68S-HMA-L1-12L-CL]).    Example of standardized format: TH68-HMA-L1-12L-CL † Example of standardized format: TH68-HMA-L1-12L-CL-NB	

Table SP2016-3  
Standardized Abbreviations for Data Lots

Standardized Naming Convention Abbreviation	Replacement Acronym	Full Name or Meaning of Replacement Acronym
ROUTE*	CR	County Road
ROUTE*	CSAH	County State Aid Highway
ROUTE*	MS	Municipal Street
ROUTE*	MSAS	Municipal State Aid Street
ROUTE*	TH	Trunk Highway
MATL	SFDR-P	(2215) Stabilized Full Depth Reclamation – Initial Pulverization and Compaction per 2215.3.B
MATL	SFDR-I	(2215) Stabilized Full Depth Reclamation – Final Pulverization, Mixing (Injection) and Compaction per 2215.3.C
MATL	CIR	(2390) Cold Inplace Recycled Bituminous
MATL	CCPR	(2390) Cold Central Plant Recycling
MATL	UTBWC	(2353) Ultrathin Bonded Wearing Course
MATL	HMA	(2360) Hot Mix Asphalt
MATL	WMA	(2360) Warm Mix Asphalt
MATL	SMA	(2365) Stone Matrix Asphalt
MATL	LVL	(2360) Leveling Courses
L †	L1, L2, L3, Ln	Lift 1, Lift 2, Lift 3, Lift n
LEFT †, #	24L, 12L, CL, 12R, 24R, etc.	The example acronyms are for 24 left, 12 left, centerline, 12 right, 24 right, etc.
RIGHT †, \$	24L, 12L, CL, 12R, 24R, etc.	The example acronyms are for 24 left, 12 left, centerline, 12 right, 24 right, etc.
DT **	NB	North Bound
DT **	SB	South Bound
DT **	EB	East Bound

Standardized Naming Convention Abbreviation	Replacement Acronym	Full Name or Meaning of Replacement Acronym
DT **	WB	West Bound
<p>* Replace "ROUTE" with route system, as designated by acronym, immediately followed by route number (e.g., TH12).</p> <p>   Replace "MATL" with material type, as designated by acronym (e.g., HMA).</p> <p>† Replace "L" with Lift number, as designated by acronym (e.g., L1).</p> <p>‡ Replace "LEFT" with offset for left edge of production, or compaction area requiring ICT method (e.g., 12L).</p> <p># The offset is the distance (rounded to the whole number) from the centerline to left or right edge of production area with respect to the centerline, facing in the direction of increasing stationing. Stationing typically increases from West to East and South to North.</p> <p>§ Replace "RIGHT" with offset for right edge of production, or compaction area requiring ICT method (e.g., 12R).</p> <p>** Replace "DT" with direction of travel, as designated by acronym (e.g., NB).</p>		

#### A.8 ICT Measurement Data and Collection

Provide Engineer with access to cloud storage and cloud computing prior to start of using the ICT method. Cloud storage data is accessible until ninety Calendar days after final acceptance of all Work per 1516.2.

ICT measurements will meet requirements of AASHTO MP39 "File Format of Intelligent Construction Data" or be compatible with Veta software.

Date and time stamp of ICT measurements will reflect the local time zone for both mapped and exported data.

Use MN County Coordinate System and zone during ICT measurement collection using local ground base station(s) or VRS network.

Use local ground base station(s) when VRS network connection is intermittent, or not available.

Setup and use local ground base station within 2 hours of onset of MnDOT VRS Network problems and continue to use local ground base station until MnDOT resolves issue and Network becomes available for use again.

Export raw or gridded data as dbase ASCII or Text Format, directly into Veta (if a proprietary file format compatible with Veta is available), or through a direct transfer of data from cloud storage to Veta.

#### A.9 ICT Data Analyses and Mapping

##### A.9.a Required Training for Veta Software Operator

Provide a software operator that is knowledgeable in use of Veta and has taken class provided by Department. A list of Veta Software Operators that have completed the required training, along with expiration dates, is available on the AMT website.

##### A.9.b Veta Software

Use Veta software to map and analyze ICT measurement data. Produce

\*.VETAPROJ filenames in the "SPXXXX-XXX ROUTE MATL Version Date Final" standardized format per Table SP2016-4.

Use the version of Veta at the time of letting, or the latest version at the Contractor's option, should a subsequent version become available that provides a more efficient Contractor operation. Download Veta software from the AMT Website.

Create a Veta Project per County (e.g., SP1234-56 TH78 HMA V6.0.40 07.10.19 FINAL Carlton; SP1234-56 TH78 HMA V6.0.40 07.10.19 FINAL Pine).

Table SP2016-4  
Standardized Naming Convention for VETAPROJ Files \* ||

Abbreviation	Definition
SPXXXX-XXX	State Project Number
ROUTE	Route Designation, see Table 2016-3 for listing of replacement acronyms.
MATL	Material/Surface Type, see Table 2016-3 for listing of replacement acronyms.
VERSION	Version of the Veta software used to create the Veta Project.
DATE	Date of Veta file (differentiates between each version of submittals). Use the format MM.DD.YY
FINAL	Add word "FINAL" to indicate final submittal for review by Engineer.
* Example of filename: SP1234-56 TH78 HMA V6.0.40 07.10.19 FINAL.	
Add County name at end of Veta Project file name for instances where design and alignment files were created for multiple counties.	

A.9.c Creation of Filter Groups and Operation Filter Names in Veta  
Create filter groups and operation filter names using the "LOT MMDDYY LOTNAME" standardized format per Table SP2016-5.

Table SP2016-5  
Standardized Naming Convention for Veta Filter Group and Operation Filter Names\*

Abbreviation	Definition
LOT	Data Lot Number. Data lot number is a two-digit number increasing sequentially (01, 02, 03, ..., n). Create filter groups and operation filters in sequential order with respect to data lot dates.
MM	Month
DD	Day of Month
YY	Two-digit year
LOTNAME	Data Lot Name per Tables SP2016-2 and SP2016-3
* Example Filter Group and Operation Filter Names: 01 070915 TH12-HMA-L1-CL-12R, 02 071015 TH12-HMA-L1-CL-12R	

#### A.10 Submittals

##### A.10.a ICT Data Submittal

Store ICT measurement data internally on data acquisition system until automated transfer of data to cloud storage. Automatically transfers data directly from ICT system to cloud storage within 15-minute intervals, or a minimum of once per day when limited data cellular coverage.

##### A.10.b Data Lot Stationing

Engineer will provide data lot stationing daily using form AMT-106. Engineer will complete a separate AMT-106 form for each material type requiring an ICT.

##### A.10.c Veta Projects and Forms

Submit the first Veta Project(s) and the forms specified in Table SP2016-6 to Engineer no later than 3 Calendar Days after starting ICT method. Submit updated Veta

Project(s) and forms to Engineer at least 2 non-consecutive days per calendar week. Submit the final version of the Veta Project(s) and required form(s) no later than 14 Calendar Days of completion of ICT method per material type.

Table SP2016-6  
Required Submittal Forms

ICT Method	Forms*
IC	AMT-103 (Roller Coverage), AMT-107-108 (Veta project review)
PMTP	AMT-101 (thermal coverage), AMT-102 (Thermal Segregation Index), AMT-107-108 (Veta project review)
* Use version of forms associated with version of Veta being used.	
Complete AMT-107-108 form using final submittal files.	

**B PMTP Method**

Use PMTP method on 2360 (Plant Mixed Asphalt Pavement) and 2365 (Stone Matrix Asphalt) for lifts 1 inch or greater in thickness.

**B.1 Equipment Requirements**

**B.1.a PMTP System Requirements**

Provide a PMTP system that functions independently from paving crew during normal paving operations and is calibrated according to Manufacturer's recommendations. Operator is not required for continuous data collection.

The following components are required:

- (1) Temperature sensor to continuously monitor surface temperature of mat.
  - (a) Longitudinal and lateral Surface Temperature Measurements are collected at 1-foot or less intervals at all paving speeds with an X-Y accuracy of plus or minus 1 inch.
  - (b) Surface Temperature Measurements are collected for entire width of required Traffic and Auxiliary Lanes paved in 1 pass.
  - (c) Surface temperature sensor(s) has a temperature range of at least 140°F to 480°F. Sensor accuracy is plus or minus 3.6°F, or plus or minus 2.0 percent of sensor reading, whichever is greater.
- (2) GNSS to capture coordinates of the Surface Temperature Measurements. GNSS accuracy is plus or minus 2 inches or less in X and Y Directions. Include the GNSS accuracy level in the PMTP Veta imports, or do not include PMTP data in the Veta import for those locations where the GNSS accuracy exceeds plus or minus 2 inches in the X and Y directions.
- (3) Onboard data acquisition with a minimum of the following capabilities:
  - (a) Displays (in real-time) map of the Surface Temperature Measurements.
  - (b) Displays total distance, paver speed and location.



- (c) Reports Surface Temperature Measurements and GNSS status.
- (d) Provides real-time statistical summaries of Surface Temperature Measurements.

B.1.b PMTP System Setup on Paver(s)

Instrument pavers that are paving required Traffic and Auxiliary Lanes with PMTP System. Engineer has the right to waive use of PMTP system on secondary pavers temporarily used in echelon paving.

Collect measurements at a distance no less than 3 feet and no greater than 12 feet of trailing edge of screed plate.

Ride brackets and plates used for pavement Smoothness will not impede lateral Surface Temperature Measurements for more than 2, 10-inch-wide lateral regions of Surface Temperature Measurements. Other objects will not obstruct Surface Temperature Measurements and GNSS accuracy.

B.2 Measurement Lifts

Collect PMTP measurements on 100 percent of each Lift for required Traffic and Auxiliary Lanes.

B.3 Data Sublot Establishment Using Veta

Divide data lot into 150-linear feet data sublots and last data sublots that are partial data sublots as follows:

- (1) Data lot is 150 linear feet or greater
  - (a) Combine a partial last data sublot that is less than 75 linear feet with the previous data sublot.
  - (b) Treat a partial last data sublot that is 75 linear feet or greater as one data sublot.
- (2) Data lot is less than 150 linear feet. PMTP measurements from data lot are treated as one data sublot.

B.4 Veta Data / Operation Filters

Create data / operation filters for each data lot as follows, unless waived by Engineer:

- (1) Imported File Name: Select all files.
- (2) Sensor Location: Select all sensor locations.
- (3) Machine ID: Select corresponding PMTP system for data lot.
- (4) Data Lot Name: Select the appropriate data lot name(s).
- (5) Time Filter: Select the Specific Date or use the Range to capture the start and end date and time for instances of nighttime production.
- (6) Cold Edge and Ride Bracket Filter: Select Remove Ride Brackets.
- (7) Location Filter: Use offset location filter to trim PMTP data to required centerline offsets for data lot.

- (8) Exclusions: Use exclusion filter to remove exceptions and/or temporary exceptions per form AMT-106.
- (9) GNSS Accuracy: Exclude PMTP measurements where the GNSS accuracy exceeds plus or minus 2 inches in the X and Y directions, or where surface temperature measurements do not have associated GNSS coordinates.
- (10) Exclude PMTP measurements where the Surface Temperature Measurements are less than 180°F.
- (11) Exclude PMTP measurements within 2 feet prior to and 8 feet after paver stops that are greater than 1 minute in duration.

## B.5 Calculations

### B.5.a Thermal Segregation

#### B.5.a(1) Thermal Segregation Index (TSI)

Calculate the TSI for each data subplot using equations 2016-1 and 2016-2 after filtering of PMTP measurements per S-OS-25.0.B.4. Record data subplot TSI values (reported to the nearest tenth) into the "TS Sublot" worksheet for forms AMT-102.

$$\text{Equation 2016-1: } TSI_0 = 0.77 \left[ C \times \left( \frac{StDev}{StDev_{Severe\ Start}} \right) + (100 - C) \times \left( \frac{TSV}{TSV_{Severe\ Start}} \right) \right]$$

$$\text{Equation 2016-2: } TSI = \begin{cases} TSI_0 & \text{when } TSI_0 \text{ is less than 100} \\ 100 & \text{when } TSI_0 \text{ is 100 or greater} \end{cases}$$

Where:

$TSI_0$ =	Thermal Segregation Index value prior to capping at upper limit of 100 (rounded to nearest tenth)
$TSI$ =	Thermal Segregation Index – see S-OS-25.0.A.2
$C$ =	percent contribution of Standard Deviation to the Transverse Semivariogram Index (value ranges from 0 to 100)
$StDev$ =	Standard Deviation – see S-OS-25.0.A.2 (rounded to nearest hundredth degree)
$StDev_{Severe\ Start}$ =	Standard Deviation at lower limits of severe thermal segregation category
$TSV$ =	Transverse Semivariogram Index as calculated in Veta (rounded to nearest hundredth; see S-OS-25.0.A.2.
$TSV_{Severe\ Start}$ =	Transverse Semivariogram Index at lower limits of severe thermal segregation category

Use the following semivariogram index specification settings when running the analysis within Veta:

- (1) TSI Moderate Start = 30
- (2) TSI Severe Start = 70

- (3) Standard Deviation Contribution = 50 percent
- (4) Standard Deviation Moderate Start = 4.5°F
- (5) Standard Deviation Severe Start = 9.0°F
- (6) TSV Index Contribution = 50 percent
- (7) TSV Index Moderate Start = 10
- (8) TSV Index Severe Start = 25

B.5.a(2) Thermal Segregation Category  
Categorize TSI values for each data subplot per Table SP2016-7.

Table SP2016-7  
Data Sublot Thermal Segregation Index

TSI Values	Thermal Segregation Category
TSI of less than 30.0	Low
TSI of 30.0 or greater and less than 50.0	Moderate-Low
TSI of 50.0 or greater and less than 70.0	Moderate-Severe
TSI of 70.0 or greater	Severe

B.5.b Thermal Coverage

Calculate thermal coverage per data subplot using Equation 2016-3 after filtering of PMTP measurements per S-XX.3.B.4. Record data subplot thermal coverage values in the "TC Sublot" worksheet for form AMT-101.

**Equation 2016-3:** Thermal Coverage =  $\left( \frac{\text{Actual Data Sublot Length (ft)}}{\text{Required Data Sublot Length (ft)}} \right) \times 100$

Where:

Thermal Coverage = ratio of linear length of PMTP measurements per data subplot, percent (reported to nearest whole number)

Actual Data Sublot Length = total length of PMTP measurements after data/operation filtering per S-OS-25.0.B.4, feet (reported to nearest whole number)

Required Data Sublot Length = total length requiring PMTP measurements for the data subplot, feet (reported to nearest whole number)

C IC Method

Use IC method on the following:

- (1) 2215 (Reclamation) SFDR initial pulverization and compaction
- (2) 2215 (Reclamation) SFDR final pulverization, mixing with additives, and compaction
- (3) 2390 (Cold-In-Place Recycled [CIR] Bituminous and Cold Central Plant Recycling [CCPR] Bituminous)
- (4) 2353 (Ultrathin Bonded Wearing Course [UTBWC])

(5) 2360 (Plant Mixed Asphalt Pavement)

(6) 2365 (Stone Matrix Asphalt [SMA])

C.1 Equipment Requirements

Instrument all rollers used in locations requiring the IC method with the technology.

Provide Instrumented Rollers calibrated according to Manufacturer's recommendations and meeting the requirements of Table SP2016-8 and the following:

- (1) System uses a data mesh size of 18 inches or less in the X and Y directions for post-processed data.
- (2) Coordinates indicate the left and right edge of the roller drum or can be used to determine the left and right roller drum edge.
- (3) Use systems from the same Manufacturer on rollers working in tandem.
- (4) Mount accelerometer in or about the drum, per the manufacturer's recommendations, to measure the interactions between rollers and compacted Materials.
- (5) Self-propelled, vibratory, smooth, single-drum and double-drum steel rollers and self-propelled vibratory, pad (sheep's) foot rollers require an accelerometer.
- (6) Self-propelled, vibratory, smooth double-drum steel and self-propelled pneumatic rollers require temperature sensors for MnDOT 2353, 2360 and 2365. Instrument rollers with one non-contact, temperature sensor, mounted on or near, the front of the roller for measuring pavement surface temperatures. A second temperature sensor may be mounted on, or near, the rear.
- (7) Use an onboard data acquisition system with a minimum of the following capabilities:
  - (a) Displays real-time, color-coded maps of: line work (design file), roller drum location, number of roller passes, Intelligent Compaction Measurement Value (ICMV) for systems with an accelerometer, and pavement surface temperature for systems with temperature sensors.
  - (b) Displays and stores current value for: roller speed, vibration frequency, vibration amplitude, GNSS coordinates and pass count.

Table SP2016-8  
Required Instrumented Roller Equipment Accuracy

Operating Parameter	Accuracy
GNSS	plus or minus 2 inches in the X and Y Direction
Rolling Speed	plus or minus 0.3 miles per hour
Frequency	plus or minus 2 Hertz
Amplitude	plus or minus 0.008 inches
Temperature	plus or minus 2.7 degrees Fahrenheit

C.2 Measurement Passes

Use the IC method during the duration of compaction efforts in areas requiring this method. Complete Measurement Passes on 100 percent of the required Traffic and Auxiliary Lanes per the requirements of Table SP2016-9.

Table SP2016-9  
Required Measurement Pass Locations

Specification	Measurement Pass Location
2215 (SFDR), 2390 (CIR & CCPR)	All roller passes on each Lift.
2353, 2360, 2365	

Complete Measurement Passes on control strips. Provide Engineer with the date, location and time frame that the control strip compaction was completed.

Turn data collection and recording off when not performing Measurement Passes.

Provide Engineer with immediate viewing of Measurement Pass data on the Instrumented Roller's onboard data acquisition system upon request.

C.3 Data Sublot Establishment Using Veta

Divide data lot into 600-linear foot data sublots and last data sublots that are partial data sublots as follows:

- (1) Data Lot is 600 linear feet or greater
  - (a) Combine a last partial data subplot that is less than 300 linear feet with the previous data subplot.
  - (b) Treat a partial last data subplot that is 300 linear feet or greater as one data subplot.
- (2) Data Lot is less than 600 linear feet. Measurement Pass data from data lot are treated as one data subplot.

C.4 Veta Operation Filters

Create operation filters for each data lot as follows, unless waived by Engineer:

- (1) Imported File Name: Select all files.
- (2) Machine ID: Select all rollers.
- (3) Data Lot Name: Select the appropriate data lot name(s).
- (4) Time Filter: Select the Specific Date, or use the Range to capture the start and end date and time for instances of nighttime production.
- (5) Location Filter: Use offset location filter to trim the Measurement Pass data to the required centerline offsets for the data lot.
- (6) Exclusions: Use exclusion filter to remove exceptions and/or temporary exceptions per form AMT-106.

C.5 Calculations

C.5.a Minimum Required Roller Coverage

Calculate the Minimum Required Roller Coverage per data subplot using equation 2016-4 and record these values in the "IC Sublot" summary worksheet for form AMT-103.

The Minimum Required Roller Coverage is met when the Cumulative Measurement Pass Count is greater than or equal to the Minimum Required Pass Count.

Evaluate Minimum Required Roller Coverage for each manufacturer's intelligent compaction system independently.

**Equation 2016-4:** Minimum Required Roller Coverage =  $\left( \frac{\text{Data Sublot Area Covered}}{\text{Required Data Sublot Area}} \right) \times 100$

Where:

Minimum Required Roller Coverage = ratio of data subplot area where the Minimum Required Pass Count is achieved for the data subplot, percent (reported to nearest whole number)

Data Sublot Area Covered = Measurement Pass area calculated using the Gridded Final Coverage Data (after operation filtering per S-0S-25.0.C.4) for the associated Minimum Required Pass Count, square feet (reported to nearest whole number)

Required Data Sublot Area = total area requiring Measurement Passes for the data subplot, square feet (reported to nearest whole number)

S-25.0 METHOD OF MEASUREMENT

The Engineer will measure Quality Management as a lump sum in accordance with MnDOT 1901.12.

S-25.0 BASIS OF PAYMENT

Interruptions in availability of satellite signals used with the ICT system will not result in any reduction to the data lot coverage (data lot area covered and required data lot area) or adjustments to the "Basis of Payment" for any construction items or to Contract Time.

The Contract Unit Price for Quality Management – Thermal Profiling and Quality Management – Intelligent Compaction includes setup of cloud storage and computing, conversion of design files, Site Calibration, ICT system and software setup, Equipment setup for satellite corrections, data lot establishment, system monitoring, remote server storage, cloud-based software accessibility, data package plans, analysis and organization of ICT measurements in Veta and completion of ICT submittal forms.

A Monetary Adjustment

The Department must apply Incentives and Disincentives and may apply Monetary Deductions for (2016) Quality Management-Intelligent Construction Technology Methods. The amounts of these adjustments are deemed reasonable.

A.1 Veta Project and Forms Submittals

A Monetary Deduction of \$500 per Calendar Day will be assessed for submitting the final version of the Veta Project(s) and required forms later than 14-Calendar Days of completion of the ICT method.

A.2 PMTP Method – Thermal Coverage (TC)

Calculate Monetary Deductions for thermal coverage (TC) per data subplot using Equation 2016-5. Prorate Monetary Deductions for data subplot linear lengths, as established in S-0S-25.0.B.3, that are not equal to 150 linear feet.

Record the Monetary Deduction for thermal coverage in the "TC Sublot" worksheet for form AMT-101 and the final summary of total Monetary Deduction for thermal coverage in form AMT-101.

**Equation 2016-5:**  $PA_{TC} =$

$$\begin{cases} -\$30 & \text{when } TC \leq 50 \\ (0.8571 \times TC - 72.857) & \text{when } 50 < TC < 85 \\ \$0 & \text{when } TC \geq 85 \end{cases}$$

Where:

$PA_{RC} =$  Monetary Deduction for thermal coverage (rounded to nearest whole number) for each data subplot

$TC =$  See equation 2016-3

#### A.3 PMTP Method – Thermal Segregation

Calculate incentives and disincentives for thermal segregation ( $PA_{TSI}$ ) per Equation 2016-6. Prorate incentives and disincentives for data subplot linear lengths, as established in S-0S-25.0.B.3, that are not equal to 150 linear feet.

Record the Incentives and Disincentives for each data subplot in the "TS Sublot" worksheet for form AMT-102 and the final summary of total incentives and disincentives for thermal segregation in form AMT-102.

**Equation 2016-6:**  $PA_{TSI}$

$$\begin{cases} \$40 & \text{when } TSI \leq 10 \\ (50 - TSI) \times 0.025 \times \$40 & \text{when } 10 < TSI < 90 \\ -\$40 & \text{when } TSI \geq 90 \end{cases}$$

Where:

$PA_{TSI} =$  Incentives and Disincentives for thermal segregation (rounded to nearest whole number) for each data subplot

$TSI =$  See equations 2016-1 and 2016-2.

#### A.4 IC Method – Minimum Required Roller Coverage

Calculate Monetary Deductions for the Minimum Required Roller Coverage ( $PA_{RC}$ ) per data subplot using Equation 2016-7. Prorate Monetary Deductions for data subplot linear lengths, as established in S-0S-25.0.C.3, that are not equal to 600 linear feet.

Record the Monetary Deductions for each data subplot in the "IC Sublot" worksheet for form AMT-103 and the final summary of total Monetary Deduction for Minimum Required Roller Coverage in form AMT-103.

**Equation 2016-7:  $PA_{RC}$  =**

$$\begin{cases} -\$120 & \text{when } RC \leq 50 \\ (3.4286 \times RC - 291.43) & \text{when } 50 < RC < 85 \\ \$0 & \text{when } RC \geq 85 \end{cases}$$

Where:

$PA_{RC}$  = Monetary Deduction for the Minimum Required Roller Coverage (rounded to nearest whole number) for each data subplot

$RC$  = See Equation 2016-4

**B Schedule**

Partial payments for Lump Sum Items 2016.601 (Quality Management – Thermal Profiling) and 2016.601 (Quality Management – Intelligent Compaction) will be made per Table SP2016-10:

Table SP2016-10  
Partial Payments Schedule

When	Percent of Estimated Quantity Completed	Pay Percent of Lump Sum Item
First Pay Estimate	(Blank)	10
Subsequent Pay Estimate *	5	15
Subsequent Pay Estimate *	15	30
Subsequent Pay Estimate *	50	50
Subsequent Pay Estimate *	75	75
Final Acceptance of Submittals	100	100
* Percent of Estimated Quantity Completed is based on the pay quantity where the given ICT method is required: 2215.504 Stabilized Full Depth Reclamation 2390.504 CIR – CCPR Bituminous 2353.504 Ultrathin Bonded Wear Course 2360.509 Type SP Wearing Course Mixture 2360.509 Type SP Non-Wearing Course Mixture 2360.504 Type SP Wearing Course Mixture in [mm] Thick 2360.504 Type SP Non-Wearing Course Mixture in [mm] Thick 2365.509 Type SM Wearing Course Mixture		

The Department will pay for Quality Management on the basis of the following schedule:

Item No.	Item	Unit
2016.601	Quality Management – Thermal Profiling	lump sum
2016.601	Quality Management – Intelligent Compaction	lump sum

**S-28 (2221) SHOULDER BASE AGGREGATE CLASS 5 MOD**

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

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



S-28.2                      **Shoulder Base Aggregate Class 5 MOD (2211.609) is modified so 6%-12% shall pass the #200 sieve.**

**S-28      (2360) PLANT MIXED ASPHALT PAVEMENT**

SP2020-132

S-25.0                      Add the following to MnDOT 2360.3.

- Evaluate pavement Smoothness requirements using equation HMA-B as specified in MnDOT 2399.3D for projects S.A.P. 042-608-033, S.A.P. 042-610-044, S.A.P. 042-624-019.
- Mix Designation Numbers for the bituminous mixtures on this Project are as follows:

Type SP12.5 Wearing Course Mixture (3,B) - SPWEB340B

Type SP4.75 Wearing Course Mixture (3,D) – SPWED340B

**S-29      (2399) PAVEMENT SURFACE SMOOTHNESS**

MnDot 2399 is hereby modified and/or supplemented with the following:

**S-29.1    PAVEMENT SURFACE SMOOTHNESS SHALL BE ANALYZED BY AN INDEPENDENT CONTRACTOR APPROVED BY THE COUNTY ENGINEER.**

**ATTACHMENT A  
PRIME CONTRACTOR RESPONSE**

**RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE**

**STATE PROJECT NUMBER:** \_\_\_\_\_

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

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

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

(1)	<p>The Contractor:</p> <ul style="list-style-type: none"><li>(i) is in compliance with workers' compensation and unemployment insurance requirements;</li><li>(ii) is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees;</li><li>(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and</li><li>(iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative.</li></ul>
(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"><li>(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;</li><li>(ii) has been issued an order to comply by the commissioner of Labor and Industry that has become final;</li><li>(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;</li><li>(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;</li><li>(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</li><li>(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;*</li></ul>

(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.**

<b>Authorized Signature of Owner or Officer:</b>	<b>Printed Name:</b>
<b>Title:</b>	<b>Date:</b>
<b>Company Name:</b>	

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

**ATTACHMENT A-1**

**FIRST-TIER SUBCONTRACTORS LIST**

**SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT**

**STATE PROJECT NUMBER:** \_\_\_\_\_

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

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

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

<b>SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1</b>	
<b>By signing this document I certify that I am an owner or officer of the company, and I certify under oath that:</b> <b>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.</b>	
<b>Authorized Signature of Owner or Officer:</b>	<b>Printed Name:</b>
<b>Title:</b>	<b>Date:</b>
<b>Company Name:</b>	

**ATTACHMENT A-2**

**ADDITIONAL SUBCONTRACTORS LIST**

**PRIME CONTRACTOR TO SUBMIT AS SUBCONTRACTORS ARE ADDED TO THE PROJECT**

**STATE PROJECT NUMBER:** \_\_\_\_\_

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

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

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

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

<b>SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-2</b>	
<b>By signing this document I certify that I am an owner or officer of the company, and I certify under oath that:</b>  <b>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.</b>	
<b>Authorized Signature of Owner or Officer:</b>	<b>Printed Name:</b>
<b>Title:</b>	<b>Date:</b>
<b>Company Name:</b>	

LYON COUNTY, MINNESOTA

TO: BIDDERS ON THIS CONTRACT

To conform with:

1. Title VII of the Federal Civil Rights Acts of 1964 as amended by the Equal Employment Opportunity Act of 1972.
2. The Federal Age Discrimination in Employment Act of 1967.
3. The Minnesota Human Rights Act.

The County of Lyon, Minnesota, is hereby notifying all subgrantees, contractors, and vendors with which it does business that it has adopted a policy that it will not discriminate in employment practices on the basis of race, sex, color, religion, national origin, marital status, and status with regard to public assistance; that it has agreed to take affirmative action to recruit minorities and women into its employment; and that it will transact business only with firms who have adopted similar non-discriminatory and Affirmative Action Policies.

PLEASE INFORM US OF THE FOLLOWING:

1. The number of employees in your firm \_\_\_\_\_.  
(If your firm has 39 or less employees every day in the last 12 months, it is not necessary to complete items 2, 3 and 4.)
2. Has your business filed the most recent yearly Annual Compliance Report, which is due each year of your company's 4-year certification period on the anniversary date of your company's Certificate of Compliance?  
Yes \_\_\_\_\_ No \_\_\_\_\_
3. Has your business adopted a written Affirmative Action Program?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
  
If yes, has your plan been subject to federal equal opportunity review?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- 4a. Submit your Workforce Certificate of Compliance as issued by the Minnesota Department of Human Rights with your bid. More info can be found here:  
<https://mn.gov/mdhr/certificates/workforce-certificate/>
- 4b. Or, my company has applied for a Workforce Certificate of Compliance with the Department of Human Rights on \_\_\_\_\_ and is still pending. My business will submit the certificate to Redwood County prior to contract execution.

\_\_\_\_\_  
Signature of Firm Representative  
AN EQUAL OPPORTUNITY EMPLOYER

TO THE  
COUNTY OF LYON, MINNESOTA  
DEPARTMENT OF HIGHWAYS

*"I hereby certify that I am either in compliance with Minn. Stat Section 363A.44 or am not subject to it, because my company (check one of the three below, as applicable):*

☐

Had 39 or less full-time employees every day in the last 12 months and therefore is not subject to the above law.

☐

Has an Equal Pay Certificate issued by the Department of Human Rights. Your Equal Pay Certificate as **issued by the Commissioner of Human Rights must be submitted with your bid.** More info can be found here: <https://mn.gov/mdhr/certificates/equalpay/>

☐

Has applied for an Equal Pay Certificate with the Minnesota Department of Human Rights and the application is still pending. My business will submit the certificate to Lyon County prior to contract execution.

\_\_\_\_\_  
Signature of Bidder

POSITION \_\_\_\_\_

NAME OF COMPANY \_\_\_\_\_

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, Freeman Bldg., 625 Robert St. No., St. Paul, MN 55155, Telephone 651-539-1100 or 800-657-3704.



## **AFFIRMATIVE ACTION STATEMENT**

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

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

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

DATE \_\_\_\_\_

SIGNED \_\_\_\_\_

REPRESENTING \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

**LYON COUNTY  
DEPARTMENT OF HIGHWAYS**

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

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

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Date

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

## NON-COLLUSION AFFIDAVIT

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

**State-Aid and County Project No.: S.A.P. 042-608-033, S.A.P. 042-610-044,  
S.A.P. 042-624-019**

**State of Minnesota** \_\_\_\_\_)

) ss

**County of** LYON \_\_\_\_\_)

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)

**State Aid Project No. 042-608-033, 042-610-044, 042-624-019**

GRAND TOTAL \$ \_\_\_\_\_

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

**Signed:** \_\_\_\_\_

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

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.)

**Contract 2025-2 Countywide Bituminous Paving - Schedule of Prices**

Report Date: 4/16/2025

**S.A.P. 042-608-033 - Bituminous Overlay, Milling**

Line	Number	Description	Unit	Quantity	Bid Unit Price	Bid Total
1	2016.601	QUALITY MANAGEMENT - THERMAL PROFILING	LUMP SUM	1		
2	2016.601	QUALITY MANAGEMENT - INTELLIGENT COMPACTION	LUMP SUM	1		
3	2021.501	MOBILIZATION	LUMP SUM	1		
4	2051.501	MAINT & RESTORATION OF HAUL ROADS	LUMP SUM	1		
5	2221.509	SHOULDER BASE AGGREGATE CLASS S MOD	TON	1900		
6	2232.504	MILL BITUMINOUS SURFACE (1.5")	SQ YD	58004		
7	2232.504	MILL BITUMINOUS SURFACE (3.0")	SQ YD	360		
8	2360.509	TYPE SP 12.5 WEARING COURSE MIX (3,B)	TON	10140		
10	2563.601	TRAFFIC CONTROL	LUMP SUM	1		
10	2580.501	INTERIM PAVEMENT MARKING	LUMP SUM	1		
11	2582.503	4" SOLID LINE PAINT	LIN FT	9820		
12	2582.503	6" SOLID LINE PAINT	LIN FT	41970		
13	2582.503	24" SOLID LINE PAINT	LIN FT	48		
14	2582.503	4" BROKEN LINE PAINT	LIN FT	4210		
106 S.A.P. 042-608-033 TOTAL						

**S.A.P. 042-610-044 - Bituminous Overlay**

Line	Number	Description	Unit	Quantity	Bid Unit Price	Bid Total
1	2016.601	QUALITY MANAGEMENT - THERMAL PROFILING	LUMP SUM	1		
2	2016.601	QUALITY MANAGEMENT - INTELLIGENT COMPACTION	LUMP SUM	1		
3	2021.501	MOBILIZATION	LUMP SUM	1		
4	2051.501	MAINT & RESTORATION OF HAUL ROADS	LUMP SUM	1		
5	2221.509	SHOULDER BASE AGGREGATE CLASS S MOD	TON	3125		
6	2232.504	MILL BITUMINOUS SURFACE (1.5")	SQ YD	275		
7	2360.509	TYPE SP 4.75 WEARING COURSE MIX (3,B)	TON	1950		
8	2360.509	TYPE SP 12.5 WEARING COURSE MIX (3,B)	TON	4173		
10	2563.601	TRAFFIC CONTROL	LUMP SUM	1		

10	2580.501	INTERIM PAVEMENT MARKING	LUMP SUM	1		
11	2582.503	4" SOLID LINE PAINT	LIN FT	10632		
12	2582.503	6" SOLID LINE PAINT	LIN FT	32292		
13	2582.503	24" SOLID LINE PAINT	LIN FT	36		
14	2582.503	4" BROKEN LINE PAINT	LIN FT	3019		
S.A.P. 042-610-044 TOTAL						

**S.A.P. 042-624-019 - Bituminous Overlay**

Line	Number	Description	Unit	Quantity	Bid Unit Price	Bid Total
1	2016.601	QUALITY MANAGEMENT - THERMAL PROFILING	LUMP SUM	1		
2	2016.601	QUALITY MANAGEMENT - INTELLIGENT COMPACTION	LUMP SUM	1		
3	2021.501	MOBILIZATION	LUMP SUM	1		
4	2051.501	MAINT & RESTORATION OF HAUL ROADS	LUMP SUM	1		
5	2221.509	SHOULDER BASE AGGREGATE CLASS 5 MOD	TON	3235		
6	2232.504	MILL BITUMINOUS SURFACE (1.5")	SQ YD	1022		
7	2360.509	TYPE SP 4.75 WEARING COURSE MIX (3,B)	TON	4038		
8	2360.509	TYPE SP 12.5 WEARING COURSE MIX (3,B)	TON	8075		
10	2563.601	TRAFFIC CONTROL	LUMP SUM	1		
10	2580.501	INTERIM PAVEMENT MARKING	LUMP SUM	1		
11	2582.503	4" SOLID LINE PAINT	LIN FT	16400		
12	2582.503	6" SOLID LINE PAINT	LIN FT	57200		
13	2582.503	24" SOLID LINE PAINT	LIN FT	14		
14	2582.503	4" BROKEN LINE PAINT	LIN FT	4800		
S.A.P. 042-624-019 TOTAL						

**CONTRACT 2025-2 GRAND TOTAL**

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_