

October 8, 2013

Last Revision by CO Special Provisions: 03/05/14

S.P. Number of Your Job goes here

▲ DO NOT DELETE THIS REVISION DATE. This is how we tell which version of the SP2014 book you used when preparing your specs for your job.

DIVISION S

S-1 **CONTACT INFORMATION**

Use on all jobs.

SP2014-1

Questions regarding this Project, including any questions prior to bidding, are to be directed to [REDACTED]. *(District needs to supply Resident Engineer's name and phone number)*

S-2 **PRE-LETTING CONFERENCE**

The pre-letting conference should be held 2 weeks prior to the letting. Addendums go out 10 days prior to the letting and the pre-letting conference has to be held prior to the addendums going out so that any concerns brought up in the pre-letting conference can be addressed via addendum.

SP2014-2

A Pre-Letting Conference is scheduled at MnDOT District Headquarters, located at [REDACTED], Minnesota at [REDACTED] on [REDACTED] to discuss any questions regarding this Contract. All interested parties are encouraged to attend.

S-3 **SPECIAL PROVISIONS ENCOURAGING INDIAN EMPLOYMENT**

REVISED 02/14/14 ◀DO NOT REMOVE THIS. IT NEEDS TO STAY IN FOR THE CONTRACTORS.

SP2014-3

MnDOT promotes and encourages Indian employment on transportation projects on or near reservations, consistent with 23 USC §140 (d).

S-3.1 This Project is on or near a reservation. The Contractor is to work with the tribal government to utilize Indian labor in performing Contract work. The Contractor should contact the Tribal Contact Person, (Name), from the (Tribe or Band), at (phone number and e-mail address) for Indian employment opportunities under this Contract.

Use S-.2 if the Project has OJT requirements.

S-3.2 On-the-job training (OJT) requirements are included in this Project. MnDOT advises the Contractor to consider Indians for designated OJT positions. These OJT positions can be in highway heavy trades classifications (such as heavy equipment operators, truck drivers, carpenters, laborers, cement masons, iron workers, electricians, painters, pipefitters and plumbers) and other areas of employment.

Specific OJT requirements for this Project are located in the ON-THE-JOB TRAINING PROGRAM section of these Special Provisions.

Use S-.3 if the Project does NOT have OJT requirements.

S-3.3 This Project does not contain any specific OJT requirements. The lack of a specific OJT goal does not relieve the Contractor of any other responsibilities.

Use S-.4 ONLY if the Project is fully or partially located on a reservation.

S-3.4 The tribal government of the reservation may have a Tribal Employment Rights Ordinance (TERO) or similar policy. The Contractor will be required to comply with those portions of such ordinance or policy that require payment of a TERO fee or use of an Indian preference in employment. The Contractor should contact the Tribal Contact Person to determine specific TERO fee and Indian employment preference requirements prior to submitting a bid on the Project.

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NOTE to designer: Include the sentence below only if the fee percentage is known 6 weeks before the bid opening. The percentage is based upon the designer's estimated cost of the work on the reservation as compared to the estimated total Project cost. Contact MnDOT Contract Management if the Project is on the Red Lake reservation as these Special Provisions may need to be modified.

The TERO fee for this Project will apply to ___ percent of the total bid amount.

S-3.5 If the Contractor or subcontractor is not in compliance with these Special Provisions, the Department will address the noncompliance with the Contractor and/or subcontractor and the Tribal Contact Person. If requested by the tribe, the Contractor will meet with the Tribal Contact Person to discuss Indian employment issues.

The Contractor is required to submit the attached "MnDOT Indian Employment Tracking Form" to the MnDOT Office of Civil Rights no later than **30 days after work is substantially complete. The Engineer may withhold payment for failure to submit this form.** This form must list all individuals who were hired for the Project after being referred by one of the Federally recognized tribal TERO offices in Minnesota, whether hired by the Contractor or any subcontractor.

S-3.6 If the Contractor is considering suspending or terminating an employee referred by the Tribal Contact Person, the Contractor shall notify the Tribal Contact Person for assistance in resolving the problem. Nothing in these Special Provisions is intended to interfere with the Contractor's ability to dismiss any employee for cause including, but not limited to, lack of adequate skills or training, inability to perform by virtue of state or federal law, or breach of the Contractor's safety standards or other standards of conduct.

S-3.7 This Special Provision supplement related to Indian employment does not replace the existing equal employment opportunity requirements contained elsewhere in this Contract.

S-3.8 Questions that do not pertain to Indian employment should be directed as indicated in the CONTACT INFORMATION section of these Special Provisions.

S-4 EMERALD ASH BORER COMPLIANCE

For use in Ramsey, Hennepin, Houston, and Winona counties. Also use on jobs that are in counties that border these 4 counties just in case (Anoka, Carver, Dakota, Fillmore, Olmsted, Scott, Sherburne, Wabasha, Washington, and Wright).

SP2014-4

This Project is located, all or in part, in a county that the Minnesota Department of Agriculture has placed under an Emerald Ash Borer Quarantine. Any work for this Contract is subject to the following:

S-4.1 **Do not marketed to wood using industries or individuals any part of an Ash (Fraxinus spp) tree from a quarantined area can be without an Emerald Ash Borer compliance agreement with Minnesota Department of Agriculture.**

The Contractor shall not make ash or any non-coniferous (hardwood) species with bark attached available to the public for use as firewood from the quarantined area. The Contractor shall not transport entire ash trees, limbs, branches, logs, chips, ash lumber with bark, stumps and roots outside of a quarantined county without fulfilling the requirements of an Emerald Ash Borer Compliance Agreement with the Minnesota Department of Agriculture. Contact the Minnesota Department of Agriculture at 1-888-545-6684 or visit the Emerald Ash Borer website at <http://www.mda.state.mn.us/plants/pestmanagement/eab.aspx> to find out which counties are quarantined.

S-4.2 If the ash material is going to be shipped out of Minnesota, the Contractor shall contact John.o.haanstad@aphis.usda.gov for United States Department of Agriculture joint Emerald Ash Borer Compliance Agreement approval with the Minnesota Department of Agriculture.