



Local Hiring Preference Pilot Program

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Introduction

In 2016, the Minnesota Department of Transportation (MnDOT) in partnership with Hennepin County initiated a pilot project intended to increase local impacts by incorporating an optional Local Hiring Preference (LHP) incentive and related contract provision in three federal-aid projects located in Hennepin County. The Notice: Contracting Initiative announced in the March 6, 2015 Federal Register provides Federal-aid recipients with an opportunity to evaluate such requirements on federally assisted construction projects on a pilot basis. The selected projects were:

1. State Project Number (SP) 027-681-034: County State Aid Highway (CSAH) 81 reconstruct Bottineau Boulevard from 63rd to CSAH 8
2. SP 027-653-021: CSAH 53 reconstruct 66th street from west of Washburn Avenue to 16th Avenue South Xerxes to Cedar
3. SP 2772-113: Highway 169 between Highway 55 and just north of Highway 62

Bids for the projects listed above opened in the spring and summer of 2016. Hennepin County and MnDOT awarded Ames Construction SP 027-653-021 and SP 2772-113, and C.S. McCrossan SP 027-681-034. For further project information, please see pages 2-3 of the Special Experiment Project No. 14 proposal attached as **Exhibit A**.

The pilot program intended to promote hiring opportunities for residents of Hennepin County that meet one or all of the following criteria: 1) residents of areas with an unemployment rate greater than 8% (Economic Preference), 2) residents of areas that have a high concentration of poverty (Economic Preference), and 3) veterans that reside in the county (Local Preference). See **Exhibit B** for a Local Hiring Preference Map identifying corresponding Hennepin County zip codes meeting one or more of those criteria. Eligibility for each participant was verified by contractors via the employee's driver's license, utility bill, or other verifiable documentation.

After MnDOT verified eligibility, MnDOT sent a confirmation letter to the contractor noting the effective date of eligibility and the verified eligibility criteria. See **Exhibit C** for a sample confirmation letter.

The report herein will provide (1) a funding summary (2) a summary of questions and comments received from prime contractors after bid award that are relevant to the effectiveness and efficiency of using LHP, (3) the results of the program for each project, including number of participants, a breakdown of the eligibility criteria, demographic figures, and total funds expended, (4) a summary of contractor feedback after the conclusion of the pilot program, and (5) an overall analysis of the effectiveness and efficiency of the LHP requirement and the administration of the pilot project.

Funding Summary

MnDOT provided a monetary incentive of \$5 per hour to construction contractors for hours worked by Hennepin County residents meeting one of the above criteria. MnDOT applied funding from STBGP and NHPP for the monetary incentive as permitted under 23 USC 504(e). MnDOT capped the total monetary incentive at \$150,866.65, and the individual limits for each project were as follows:

1. SP 027-681-034: \$15,149.65
2. SP 027-653-021: \$45,392.20
3. SP 2772-113: \$90,324.80

Post-Award Questions and Comments

MnDOT held separate meetings with the prime contractors in August 2016. MnDOT invited the Minnesota Department of Employment and Economic Development Veteran Representative to the meeting to understand the program and assist the contractors with recruitment. MnDOT presented the contractor with an overview of the LHP program, including the map (**Exhibit B**), the Local Hire Residency Veteran Certification Form (**Exhibit D**), and a Contractor's Local Hiring Preference Log utilized by MnDOT to maintain a list of approved LHP participants and track their hours on each project (**Exhibit E**).

Contractor requested that MnDOT remove the following language from the certification form (Exhibit D):

"I understand I am not legally required to provide this data, however failure to do so may impact the contractor's decision to hire me or for the contractor to receive an incentive based on my employment. Completing this form does not establish an employment relationship."

Contractor felt this language may create liability for the company as an employer discriminating against persons who may not be eligible for the LHP program. MnDOT explained that the language was needed to comply with the Minnesota Data Practices Act. The language remained in the certification form.

Contractor also asked whether non-craft employees could be eligible for participation in the program. MnDOT responded that only on-site personnel were eligible, which may include non-prevailing wage employees like supervisory forepersons, safety managers, and project managers. Ames submitted one participant for approval who was a safety manager, and the employee was approved.

Contractor requested that the company not be responsible for reviewing the eligibility of program applicants submitted by subcontractors because it would create an extra step for subcontractors and potentially create a disincentive for subcontractors due to a burdensome administrative process. MnDOT recommended directing subcontractors to submit applications directly to MnDOT and copy prime contractor on the communication so that the contractor would be on notice when new applicants were submitted by its subcontractors. MnDOT would review all applications and make eligibility determinations.

Contractor requested that ethnicity and gender be removed from the certification form because those criteria were not necessary to make an eligibility determination. MnDOT removed the demographic items from the form only for that particular contractor's forms. MnDOT was able to capture the data by looking up employee profiles in its workforce data tracking system.

Contractor stated that it would be difficult to get timely signatures on the certification forms from employees because they do not come into the office every day. MnDOT suggested keeping a set of forms with on-site supervisors or sending completed forms with supervisors who do come into the office more often to deliver on-site for employee signatures.

Contractor noted that they were having a difficult time getting subcontractors to use the updated EEO-13 Local Hiring Preference form (**Exhibit F**). The updated EEO-13 form includes an extra column to denote whether the employee is participating in the LHP program and under which LHP eligibility criteria. MnDOT responded that it understood the difficulty caused by introducing the new form; however, the updated form was a critical element for tracking local hours worked on the project. MnDOT was hopeful that subcontractors would get used to the new form after a few initial months of transition.

Project Results

Project	Total Participants	One Economic Criteria	Two Economic Criteria	Veteran	People of Color	Women
027-653-021	28	18	10	0	13 (46.4%)	3 (10.7%)
027-681-034	20	15	5	0	5 (20.0%)	1 (5.0%)
2772-113	29	19	8	1 ¹	12 (41.38%)	0 (0.0%)

Project	Total Hours	Funds Expended	Hours Remaining	Funds Remaining
027-653-021	8,883.00	\$44,415.00	195.44	\$977.20
027-681-034	3,378.50	\$15,149.65	0.00	\$0.00
2772-113	7,325.80	\$36,628.75	10,739.21	\$53,696.05

¹ The veteran is counted twice by also qualifying as residing in a zip code meeting one economic criteria.

Project Analysis

C.S. McCrossan expended the allotted funds for SP 027-681-034. Ames Construction nearly expended all of SP 027-653-021 funds, leaving \$977.20 unutilized. Ames Construction left \$53,696.05 unutilized SP 2772-113 funds. Overall, \$54,673.25 funds were unutilized across all three projects.

Thirty-seven zip codes were eligible for the pilot project based on meeting one or two of the economic criteria. Twelve of the zip codes met two economic criteria, and the remaining twenty-five zip codes met one economic criteria. Across all three projects, there were seventy-seven participants, including those counted more than once. Of those seventy-seven participants, fifty-two resided in zip codes meeting one economic criteria, and twenty-three resided in zip codes meeting both economic criteria. Notably, only one veteran participated in the program, and the employee also resided in a zip code meeting one economic criteria. The underrepresentation of veterans indicates that there may be more opportunity for contractors to utilize the qualifying criteria than was achieved on these projects.

There was significant participant overlap across the projects. Although there were seventy-seven total participants, there were fifty-nine unique employees who participated in the program. Ames Construction had six employees participate in the pilot program on both its projects. One subcontractor, Warning Lites, had seven employees on at least two projects, and two of those employees worked on all three projects. Another subcontractor, Hanson Custom Crushing, had one employee on all three projects. The overlap may indicate that contractors made an intentional effort to recruit employees eligible for the program and ensure they worked on these projects.

All three projects were able to achieve significant representation from people of color. Given the projects and LHP criteria were located in Hennepin County, the numbers bear out MnDOT's expectation that utilizing local metro workforce will result in healthy representation from people of color. However, women representation was not significant. It is unclear why contractors were not able to locate more women located in the zip codes meeting LHP criteria. However, the women representation on these projects is generally reflective of the difficulty contractors have had in the metro area to increase women participation in the highway construction industry.

Contractor Feedback after Project Completion

After the completion of all projects, contractors completed a Local Hiring Preference Questionnaire (**Exhibit G**). MnDOT received feedback from both prime contractors and three of the six subcontractors. One of the non-responsive subcontractors is no longer in business.

Neither the prime contractors nor subcontractors stated that the monetary incentive affected their recruitment strategy. A contractor noted that they made an effort to shift eligible employees to their LHP projects, but did not note any changes to recruitment. The company noted that taking advantage of the monetary incentive required rearranging crews. Another contractor stated the company focuses on finding individuals who want careers rather than a job on a particular project, and the monetary incentive did not affect that hiring strategy. However, the company also noted that after it received notice about the pilot program they "tried to hire from local zip codes for any future staffing needs." The statement indicates that, even given the company's general hiring standard of looking for career-oriented candidates, there was some attention paid to taking advantage of the monetary incentive to meet project staffing needs.

Both prime contractors felt the program improved job opportunities for local residents. One of the prime contractors noted that they notified unions that they were seeking individuals from LHP-eligible zip codes to fill staffing requests. Further, the general incentive the LHP program provided the contractor the opportunity to staff projects with local residents.

MnDOT primarily worked with the prime contractors and relied on prime contractors to bring subcontractors into the program. MnDOT attended pre-construction meetings and informed subcontractors about the LHP program. Further, MnDOT created LHP program materials for prime contractors to send to their subcontractors. Prime contractors made subcontractors aware of the monetary incentive, and prime contractors assisted subcontractors with paperwork and program administration. An employee also presented to all subcontractors to inform them of the incentive.

Prime Contractor stated that the program was effective and efficiently administered, including timely reimbursement payments. Another Prime Contractor felt that communication from MnDOT was lacking at the outset of the project, which created some confusion for the company and its subcontractors as they learned the program processes, forms, and requirements. Two subcontractors also thought communication to contractors could be improved, including earlier notice of the program to improve project staffing plans.

Contractor also stated this type of local hiring program can incentivize hiring for a single job and promote short-term work opportunities rather than a career. This may be especially true if the contractor does not primarily work in the metro and local hires are unable or unwilling travel out-state for other projects. However, Contractor works primarily in the metro, so it is generally able to hire locally and use those employees on multiple projects each year. One small subcontractor that works statewide also noted that this program does not create an incentive for them because they do not do much hiring and need new hires to be willing to work all over Minnesota as needed. The incentive this program provided did not outweigh their business need to hire a certain type of individual able and willing to carry out a transient, seasonal job.

MnDOT and Contractor Program Administration

Tracking documentation for the pilot project required resources from MnDOT and contractors. Since non-LHP projects generally do not include requirements or data tracking related to the employee residence, new processes, forms, and tracking systems had to be developed. If local hiring preference became standardized, there would need to be technology upgrades to current payroll and/or workforce tracking systems to reduce the administrative burden on MnDOT and contractors. Upgrades would include, automatic residence verification, automated workforce reports including only hours worked by local residents, and reporting related to payment of reimbursements for any associated monetary incentive.

Two of the projects were advertised by the City of Minneapolis. MnDOT does not have an integrated workforce tracking system for city and county-owned projects, so those projects are tracked on paper via EEO-13 forms (see Exhibit F). Those forms require significant staff time to review, input, and save into a secure electronic document system. MnDOT does not recommend utilizing EEO-13s or similar forms for future local hiring preference projects. In addition, reviewing payrolls to confirm hours worked by LHP participants substantially increases the administrative costs to manage the program.

Overall, contractors were open to the program and community stakeholders continue to ask for it. For it to be successful, sufficient time to prepare for the program, communication, marketing, education, and training is critical.

Exhibit A

Special Experiment Project No. 14 proposal

SPECIAL EXPERIMENTAL PROJECT NO. 14: LOCAL HIRING PILOT PROGRAM

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2. Section 192 Certification

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3. Exhibit A: Workforce Availability Data
4. Exhibit B: Notice to Bidders
5. Exhibit C: Analysis of Bidder Pool With and Without Hennepin County WEP Program



Special Experimental Project No. 14 (SEP-14) Workplan To Evaluate the Use of Local Labor Hiring Preferences

Minnesota Department of Transportation (MnDOT)

Location: Series of three projects in Hennepin County

1. CSAH 81 Reconstruct Bottineau Blvd. from 63rd to CSAH 8 SP 027-681-034
2. CSAH 53 Reconstruct 66th St. from W of Washburn Ave to 16th Ave S Xerxes to Cedar SP 027-653-021
3. Hwy 169 between Hwy 55 and just north of Hwy 62, SP 2772-113

Federal-aid Project Numbers:

1. CSAH 81 (Bottineau Boulevard) – STPM 2716(145)
2. CSAH 53 (66th Street) – STPM 2716(123)
3. Hwy 169- NHPP 0169(340)

Local Project Numbers:

1. CSAH 81 (Bottineau Boulevard) – CP 0203
2. CSAH 53 (66th Street) – CP 1011
3. Hwy 169- not applicable

A. Introduction

The Minnesota Department of Transportation in partnership with Hennepin County submits this work plan for FHWA review and approval as a pipeline of projects intended to increase local impacts by incorporating an optional Local Hiring Preference (LHP) incentive and related contract provisions. This workplan is provided under the Notice: [Contracting Initiative](#) announced in the March 6, 2015 Federal Register.

Historically, FHWA prohibited its recipients from using LHP provisions that do not directly relate to the bidder's performance of work. Hennepin County has successfully used LHP contract provisions on its county-funded contracts; MnDOT is requesting FHWA's approval for the use of these provisions on a Federal-aid project for a series of projects located in Hennepin County under the experimental authorities under [23 U.S.C. 502](#) and SEP-14.

The three proposed projects are located in Hennepin County. This proposal intends to promote hiring opportunities for residents of Hennepin County that meet one or all of the following criteria: 1) residents of areas with an unemployment rate greater than 8% (Economic Preference), 2) residents of areas that have a high concentration of poverty (Economic Preference), and 3) veterans that reside in the County (Local Preference). Please refer to Exhibit A of this proposal which identifies the boundaries of Hennepin County which establishes the local preference for veterans, and the areas within Hennepin County which meet the criteria for the economic preference.

B. Purpose

Many local governments recognize the importance of encouraging local hiring through their capital program construction contracts. While FHWA has viewed such requirements as a constraint on competition, the Contracting Initiative announced in March 2015 provides Federal-aid recipients with an opportunity to evaluate such requirements on federally assisted construction projects on a pilot basis. These requirements have a variety of worthwhile local objectives, such as ensuring that the communities in which the projects are located benefit from the jobs that result from the investment of their funds, particularly for workers in low income areas.

This proposal is intended to have lasting effects on the hiring practices that impact the area in which the project is located. The series of three projects will study the effects of hiring practices and the retention of workers throughout all three projects. However, this proposal may be divided by project to examine the effects of local hiring preferences on any of the three proposed projects.

This pilot project will enable MnDOT to evaluate the effectiveness and efficiency of the use of Federal-aid and local funds in achieving the desired objectives.

C. Scope

MnDOT is proposing a LHP that is comprised of the following component:

- Monetary Incentive - The contractor will receive an incentive of \$5 per hour for hours worked by 1) residents of areas with an unemployment rate greater than 8%, 2) residents of areas that have a high concentration of poverty, and 3) veterans that reside in the County, not to exceed **\$150,866.65** (CSAH 81: \$15,149.65, CSAH 53: \$45,392.20 and Hwy 169: \$90,324.80) total for all three categories. MnDOT will apply funding from STBGP and NHPP for the monetary incentive as permitted under 23 USC 504(e).

MnDOT is proposing to use LHP on the following three projects:

1. The reconstruction of County State Aid Highway (CSAH) 81 Bottineau Boulevard from 63rd to CSAH 8. This is State Project 027-681-034, TPCE: \$13,350,000 [\$7,840,000 in STBGP, \$5,510,000 Local]. Construction begins the second quarter of 2016. This project is typical of other County projects and will provide a suitable project for comparison purposes.
2. The reconstruction of CSAH 53 from 66th St. west of Washburn Avenue to 16th Avenue South, Xerxes Avenue to Cedar Avenue. This is State Project 027-653-021, TPCE: \$40,000,000 [\$7,840,000 in STBGP, \$32,160,000 Local]. Construction begins the third quarter of 2016. This project is typical of other local projects and will provide a suitable project for comparison purposes.

3. Hwy 169 between Hwy 55 and just north of Hwy 62. This is State Project 2772-113, TPCE: \$79,595,000 [\$25,559,000 in NHPP, \$54,036,000 State]. Construction begins the fourth quarter of 2016. This project is typical of other bridge replacement projects and will provide a suitable project for comparison purposes.

D. Schedule:

An estimated schedule for the project follows:

CSAH 81 (Bottineau Boulevard) - SP 027-681-034

Advertisement: April 9, 2016

Bid Opening: April 30, 2016

Award: June 6, 2016

Project completion: June 4, 2018

CSAH 53 (66th Street) - SP 027-653-021

Advertisement: May 2016

Bid Opening: July 12, 2016

Award: September 19, 2016

Project completion: November 15, 2019

HWY 169 - SP 2772-113

Requests for Letters of Interest: September 21, 2015

Request For Qualifications (RFQ): January 22, 2016

Request For Proposals (RFP): April 2016

Bid Opening: July 27, 2016

Award: appx. August 27, 2016

Project completion: Fall 2017

E. Evaluation Measures:

MnDOT will evaluate the following criteria (as referenced in [USDOT Q&A # 21](#)), to determine the effectiveness and efficiency of this pilot project:

- 1) Describe the project(s), including the amount of FHWA funding involved in the as well as the estimated total project cost.**

See the “Scope” section above.

- 2) Describe the proposed contracting requirement that may otherwise be found to be inconsistent with the general requirement for full and open competition.**

Hennepin County has been utilizing a LHP program called the Workforce Entry Program (WEP) on its County projects. MnDOT understood that the uses of such provisions were limited by the competitive bidding requirements of Title 23 U.S.C.; however, MnDOT is interested in evaluating this requirement on a Federal-aid project on a pilot project basis under SEP-14. The project will incentivize contractors with \$5 per local labor hour performed by qualifying workers. This is an optional program for contractors. Labor hours performed by non-qualifying workers will not be restricted.

3) Describe how the applicant will evaluate the effects of relevant contracting requirements on competitive bidding. In doing so, the applicant should, at a minimum, provide comparisons of bids received for the projects utilizing the relevant contract requirements to other projects of similar size and scope and in the same geographic area not utilizing such requirements. If a reduction in the pool of bidders is evident, explain the potential offsetting benefits resulting from the use of the requirement.

As this project is similar in size and scope to other County and MnDOT reconstruction projects, a comparison with similar size and scope projects (projects using the preference and projects not using the preference) will be provided based on the following evaluation criteria:

- The number of bidders- An explanation will be provided for the apparent increase or decrease in the average number of bidders. Specific competitive reasons (e.g. other bidding opportunities, apparent risk, etc.) will be provided for the increase / decrease in competition. The evaluation will discuss the impact on the number of bids received by local and non-local firms.
- A comparison of the impact of the LHP requirement on the workforce will be made by comparing the percentage of total local labor hours on the pilot program with the percentage typically achieved on a similar Federal-aid project that did not use the LHP provision. An explanation of any significant differences will be provided.

MnDOT and Hennepin County have identified the following similar projects for comparison:

CSAH 81

- SP 027-681-034, CSAH 81 from 2000' north of 63rd Ave N to 1200' north of West Broadway Ave (CSAH 8) – 1.03 miles
- Previous segments have been completed along the same corridor:
 - SAP 027-681-023, CSAH 81 from Lowry Ave (CSAH 153) to TH 100 – 1.79 miles
 - SP 027-681-027, CSAH 81 from TH 100 to 59th Ave N – 1.61 miles
 - SP 027-681-029, CSAH 81 from 1250' north of Bass Lake Road (CSAH 10) to 2000' north of 63rd Ave N – 1.26 miles

CSAH 53

- SP 027-653-021, CSAH 53 (66th Street) from Xerxes Ave S to 16th Ave S – 3.43 miles
- Project similar in size and scope at time of bidding:
 - SAP 027-701-017, 027-701-029, CSAH 101 from Minnetonka Blvd to Wayzata Blvd – 2.27 miles

HWY 169

- SP 2772-113, Hwy 169 between Hwy 55 and just north of Hwy 62
- Project similar in size and scope at time of bidding:
 - SP 6283-175, EB I94 from E 7th St exit to pedestrian bridge 62868 in St Paul- add auxiliary lane, noise wall, drainage, pond, tms, signing, lighting, guardrail

4) Describe and quantify how the proposed contracting requirement would lead to increases in the effectiveness and efficiency of Federal funding for the project(s).

An analysis of the effectiveness and efficiency of the LHP requirement will be made through the following information:

- MnDOT will document questions and comments received from prime contractors prior to bid award that are relevant to the effectiveness and efficiency of using LHP.
- MnDOT will interview the prime contractor at the conclusion of the contract to obtain its opinion of the effectiveness and efficiency of the LHP provision on its construction operations and to discuss any potential concerns or recommendations for the program. This will provide one measure of the relative efficiency of the contractor in meeting the contract requirements.
- A comparison of unit bid prices - An evaluation of the unit prices for five bid items with the highest total value on the pilot project will be compared to unit prices for projects with a similar size and scope.
- MnDOT and Hennepin County will provide an evaluation of the net economic benefit of employing local residents by analyzing the potential monetary benefits that might be related to the receipt of funds from other federally assisted programs (e.g. reductions in the County's unemployment rolls, payments for uninsured health insurance costs, etc.). The economic analysis will address the extent to which other Federal funds may be impacted by reducing unemployment in the local workforce.
- MnDOT will utilize summary unemployment data to track the pool of skilled labor available to contractors. MnDOT will provide an evaluation of the effect on the pool of skilled labor available to all contractors with or without the use of LHP.

5) Describe and quantify how the proposed experimental contracting technique would protect the integrity of the competitive bidding process either in connection with the particular contract or when considered over the long term for that agency's program.

MnDOT and Hennepin County are committed to maintaining the integrity of the competitive bidding process. To that end, MnDOT has approved the County's project administration procedures with oversight from the MnDOT Office of State Aid, thus allowing the County to administer its own state and federally-funded projects.

Hennepin County has used the Local Hiring Preference on a number of its State and locally funded projects, and has not encountered issues in maintaining the integrity of its competitive bidding process. Should there be issues with this project, MnDOT is confident that the project administration process will provide satisfactory safeguards and ensure the competitive nature of the bidding process.

6) Describe whether or not the proposed contracting requirement has been the subject of litigation or whether litigation surrounding the use of the requirement has been threatened.

MnDOT is not aware of any litigation surrounding local hiring preferences or Hennepin

County's Workforce Entry Program. MnDOT is aware of the Associated General Contractors comment submitted in response to the U.S. D.O.T.'s proposal that generally opposes the use of local hiring preferences. However, the Minnesota AGC has indicated its general support of the incentive program.

F. Reporting

MnDOT will prepare and submit initial and final evaluation reports for the project. The initial report will be prepared shortly after the award of contract. The initial report will include a description of any concerns raised by stakeholders following approval of the proposal and any identifiable effects on the bids received.

A final report will be submitted upon completion of the series of projects. The final report will contain an overall evaluation of the local hiring preference incentive along with any suggestions and recommendations for improving the process.

Attachments

Exhibit A: Workforce Availability Data

Exhibit B: Notice to Bidders

Exhibit C: Analysis of Bidder Pool With and Without Hennepin County WEP Program

Section 192 Certification

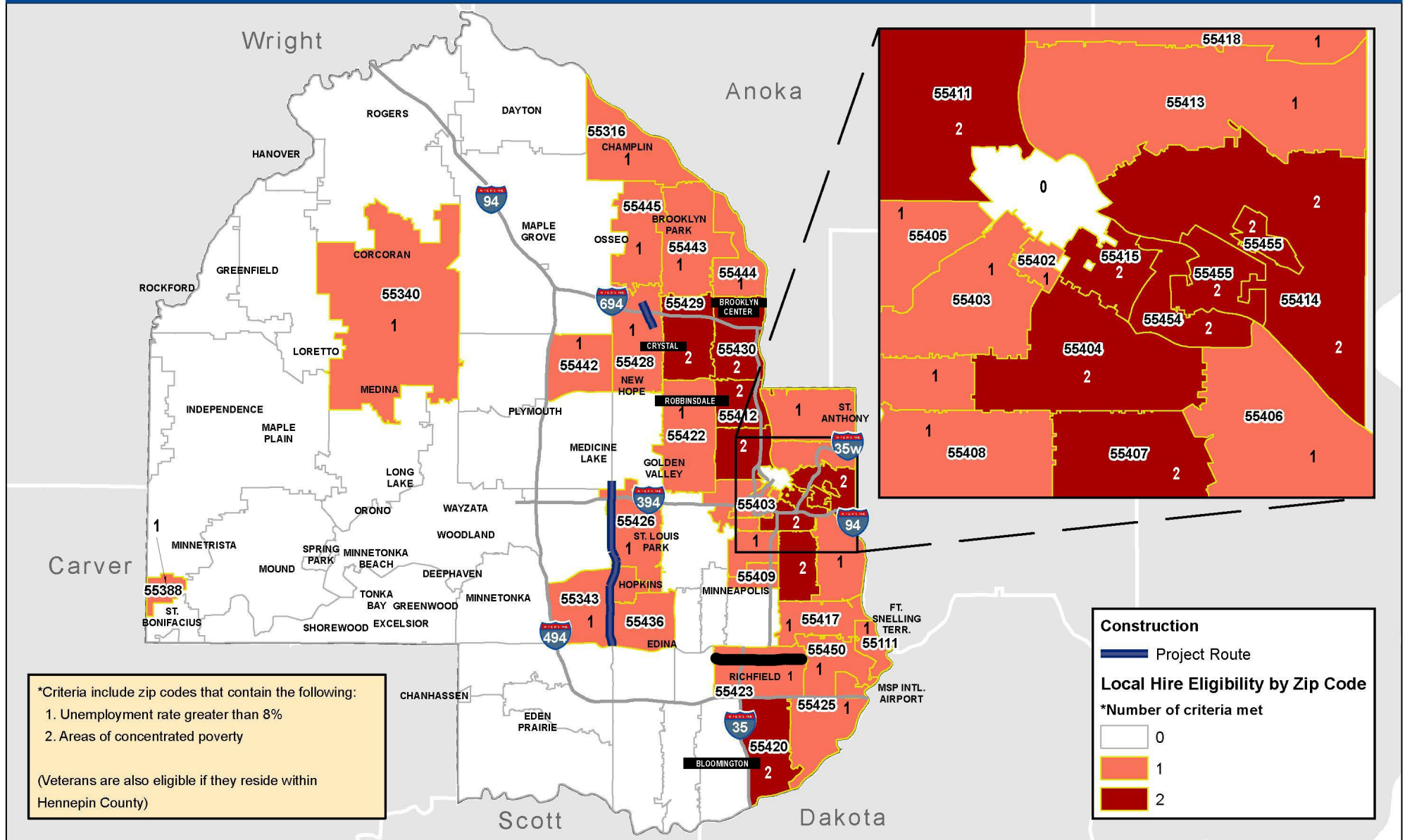
In conformance with the Section 192 of the FY Appropriations Act, MnDOT certifies that the following three conditions have been satisfied for the three pilot construction projects:

SEC. 192. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, except for such preferences authorized in this Act, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

- (1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;***
- (2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and***
- (3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.***

Exhibit A: Workforce Availability Data

Hennepin County Eligible Residents for US DOT Local Labor Hiring Pilot Program



0 7.5 15 Miles

Hennepin County Public Works



Exhibit B: Notice to Bidders

NOTICE TO BIDDERS

1. The contractor will receive an incentive of \$5 for each hour worked on this contract by 1) residents of areas with an unemployment rate greater than 8%, 2) residents of areas in Hennepin County identified as having a high concentration of poverty, and 3) veterans residing in Hennepin County. The total amount of incentive received under this provision will not exceed \$15,149.65. The incentive will be paid monthly. The contractor shall not displace any of its existing employees in order to satisfy such hiring preference.
2. At the start of construction, the contractor must submit a plan to meet the item 1 requirement. The contractor must also provide certified payrolls via CRL for each week Project Work is performed. The certified payroll reports must include all of the contractor employees and subcontractor employees working on the project, their current residency, and whether they meet any of the four incentive eligibility criteria in item 1 above.
3. The contractor must verify each laborer's eligibility for local hiring preference by requiring the laborer to provide a Minnesota driver's license with a local address or a comparable form of identification for address verification purposes and capturing this information on the provided form. Eligibility must be verified before requesting payment of the incentive.
4. The contractor must identify the labor for which they are seeking the incentive and submit to MnDOT a summary that includes the name of each eligible laborer, the hours each eligible laborer worked on the project and the total incentive amount sought.
5. See Exhibit A included with this Special Provision for depiction of areas within Hennepin County:
 - 1) With an unemployment rate greater than 8%, and
 - 2) Identified as having a high concentration of poverty

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5. See Exhibit A included with this Special Provision for depiction of areas within Hennepin County:
 - 1) With an unemployment rate greater than 8%, and
 - 2) Identified as having a high concentration of poverty

Local Hire Residency and Veteran Certification Form

I, _____, certify the following is true and correct:

Current Employer Name:

Trade Classification:

Employment Period:

Residency Certification within Hennepin County

I reside at: (street address)

City:

State:

ZIP:

United States Military Veteran Status Certification

Are you a Veteran? Yes ☐ No ☐

Employee Certification

I understand that this certification is subject to verification by the Minnesota Department of Transportation or Hennepin County. All of the statements made above are true and correct under penalty of perjury in the State of Minnesota.

I understand that I am being asked to provide Not Public data about myself. I understand I am not legally required to provide this data, however failure to do so may impact the contractor's decision to hire me or for the contractor to receive an incentive based on my employment. Completing this form does not establish an employment relationship.

Neither the Minnesota Department of Transportation nor Hennepin County have any control or knowledge over what private parties may do with the data you provide, however if the data you provide is shared with either Hennepin County or the Minnesota Department of Transportation the data will be used by employees whose work reasonably requires access to the data. Your data may also be shared with anyone you specifically authorize, pursuant to court order, and by any other person or entity authorized by state or federal law (e.g. Attorney General's Office, Legislative Auditor's Office, and law enforcement agencies).

Employee Signature:

Date:

Contractor Certification

The applicant is eligible for the following local hire preference incentive based on the following: *(select at least one)*

- ☐ Resident of project ZIP
- ☐ Resident in area with high concentration of poverty
- ☐ Veteran residing in Hennepin County
- ☐ Trainee in qualifying program

The applicant provided the following:

☐ Driver's License ☐ Utility bill ☐ Other (Explain)

I understand that this certification is subject to verification by the Minnesota Department of Transportation or Hennepin County. All of the statements made above are true and correct under penalty of perjury in the State of Minnesota.

Contractor signature:

Date:

Exhibit C: Analysis of Bidder Pool With and Without Hennepin County WEP Program

PROJECTS WITH WEP GOAL

			NUMBER OF	CONTRACT	TOTAL EST	WEP%	WEP	GOAL WEP	PRJ
NO.	CONTRACTOR	PROJECT NAME	BIDDERS	AMOUNT	PRJ HRS	GOAL	GOAL HRS	APPRN.	DATES
1	Veit & Co	Paved Multi-Use Trail CSAH 19	4	\$ 1,721,590.0	7,792	6%	468	2	07/01/09-12/31/09
2	Geislinger & Sons Inc	Improvements to CSAH 9	2	\$ 10,158,200.3	23560	5%	2250	2	07/01/14 - 07/31/16
3	Hardrives Inc. (Rev 10/22/15)	Bituminous Mill & Overlay Various Cty Roads	5	\$ 4,552,093.4	5750	5.0%	1350	1	07/15/14-10/31/14
4	Shafer Contracting Co.	Road Reconstruction CSAH 101-Bushaway Rd	2	\$ 41,489,967.7	97641	5.0%	7372	7	9/15/14-12/31/16
5	C S Mc Crossan	CSAH 101 between CSAH 62 & Hutchins Dr. in Mntk	6	\$ 15,599,076.8	44996	5.0%	4450	4	04/01/15-11/1/2016
6	Max Steininger	CSAH 48 Minnehaha Ave	6	\$ 15,479,836.9	39280	5.0%	4600	4	05/31/15-12/31/2016
7	Valley Paving Inc	CP1453 bituminous Mill & Overlay	5	\$ 4,391,055.6	7393	5.0%	1005	1	07/07/15-10/31/15
8	Thomas & Sons Construction	CSAH 22 (Lyndale Ave South in Mpls)	2	\$ 2,751,039.9	10100	10%	1000	2	04/1/12 -12/31/12
9	Hardrives Inc.	Mills & Overlay Bituminous Pavement	4	\$ 844,210.2	4,800	15%	720	0	08/29/10-10/30/10
10	PCI Roads	Concrete Pavement Rehab -Ply & New Hope	1	\$ 308,000.0	2,200	20%	440	2	06/05/10-08/28/10
11	Knife River Construction Inc.	Mills & Overlay Bituminous Pavement	5	\$ 1,968,030.0	7,250	20%	1,200	3	07/26/10-12/31/10
12	Sheehy Construction	Victory Memorial Drive Flag Pole	8	\$ 881,983.5	5,000	20%	1,000	2	07/27/10-04/30/11
13	Valley Paving Inc.	Improvements to CSAH 14 in Champlin	8	\$ 4,449,256.9	36,000	20%	6,720	4	09/15/10-12/31/11
14	Bituminous Roadways	Mills & Overlay Bituminous Pavement	5	\$ 482,945.7	1,600	20%	320	1	09/19/10-11/30/10

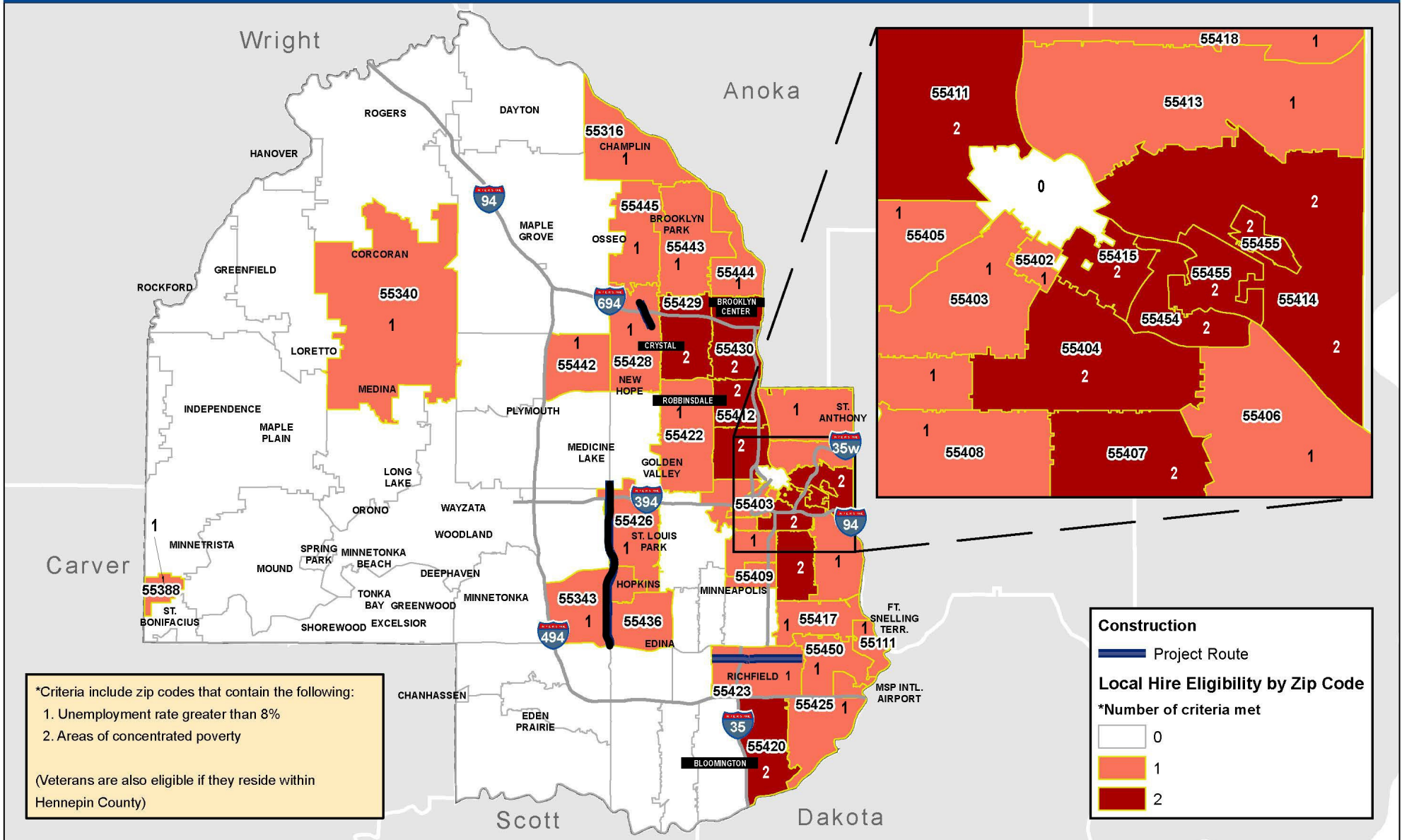
PROJECTS WITHOUT WEP GOAL

[illegible]

Exhibit B

Local Hiring Preference Map

Hennepin County Eligible Residents for US DOT Local Labor Hiring Pilot Program



0 7.5 15 Miles

Hennepin County Public Works



Exhibit C

Confirmation Letter



Office of Civil Rights
395 John Ireland Blvd., M.S. 170
St. Paul, MN 55155

[DATE]

sent via email only

Contractor Name

RE: LHP Program, S.P. XXXX-XX or XXX-XXX-XXX

Dear Contractor Name:

The MnDOT Office of Civil Rights (OCR) has approved Contractor Name local hiring preference (LHP) worker submittal identified below:

LHP Worker Name	Resident in area with 8% or greater unemployment?	Resident in area with high concentration of poverty?	U.S. Military Veteran residing in Hennepin County?	Effective Dates
	Yes/No	Yes/No	Yes/No	xx/xx/2016 – xx/xx/2016

Please note that the contractor is eligible to receive incentive amount of **\$5/hour** for hours worked by the above approved worker in the LHP program up to the maximum amount stated in the contract.

The contractor must inform the designated county representative and the OCR for each approved worker that voluntary or involuntary leaves the company.

Please contact me if you have any questions or concerns.

Thank you,

Contract Compliance Specialist
651-366-xxxx
xxx.xxxx@state.mn.us

Exhibit D

Local Hire Residency Veteran Certification Form

Local Hire Residency and Veteran Certification Form

Employee Certification

The "Employee Certification" section is to be completed by the employee seeking certification. The "Contractor Certification" section is to be completed by the employee's employer. The application and eligibility documents must then be submitted to the prime contractor for review, signature, and submittal to MnDOT Office of Civil Rights.

Employment Information

Name (first and last):

Ethnicity: Gender:

Current Employer Name:

Trade Classification:

Employment Period (ex: 1/1/2016 - 6/30/2016):

Economic Preference Information

I reside at:

Street Address

City

State

Zip

United States Military Veteran Status Information

Are you a veteran? ☐ Yes ☐ No

I understand that this certification is subject to verification by the Minnesota Department of Transportation or Hennepin County. All of the statements made above are true and correct under penalty of perjury in the State of Minnesota.

I understand that I am being asked to provide Not Public data about myself. I understand I am not legally required to provide this data, however failure to do so may impact the contractor's decision to hire me or for the contractor to receive an incentive based on my employment. Completing this form does not establish an employment relationship.

Neither the Minnesota Department of Transportation nor Hennepin County have any control or knowledge over what private parties may do with the data you provide, however if the data you provide is shared with either Hennepin County or the Minnesota Department of Transportation the data will be used by employees whose work reasonably requires access to the data. Your data may also be shared with anyone you specifically authorize, pursuant to court order, and by any other person or entity authorized by state or federal law (e.g. Attorney General's Office, Legislative Auditor's Office, and law enforcement agencies).

By typing my name in the space below, I am electronically signing this application.

Employee E-Signature:

Date:

Contractor Certification

The applicant is eligible for the following local hire preference incentive based on the following: (select at least one)

- ☐ Resident in area with an unemployment rate greater than 8%
- ☐ Resident in area with high concentration of poverty
- ☐ Veteran residing in Hennepin County

The applicant provided the following:

- ☐ Driver's License
- ☐ Utility bill
- ☐ Other (Explain):

Prime Contractor Verification and Signature

I understand that this certification is subject to verification by the Minnesota Department of Transportation or Hennepin County. By typing my name below, I certify that I have reviewed and verified the information and documents provided by the applicant, and that all of the statements made above are true and correct under penalty of perjury in the State of Minnesota.

Prime Contractor E-Signature:

Date:

Prime Contractor to return completed form to the MnDOT Office of Civil Rights:

Email (preferred): ocrformsubmissions.dot@state.mn.us

US Mail: MnDOT Office of Civil Rights, MS 170, 395 John Ireland Blvd, St. Paul, MN 55155-1899

Clear Entire Form

Exhibit E

Contractor's Local Hiring Preference Log

Local Hiring Preference
Contractor's Qualified Individual Tracking Log

SP:	
Prime Contractor:	

Please add qualified individuals to this tracking log as they are hired for the project.
This must be a running list maintained by the prime contractor and available for submission if requested by MnDOT or Hennepin County.

	Last Name	First Name	M.I.	Employer Name	Qualifying Criteria	Craft	Level	Start Date	End Date	Gender	Ethnicity	Home Address: Street	Apt #	City	Zip Code
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
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16															
17															
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19															
20															
21															
22															
23															
24															
25															

Exhibit F

EEO-13 Local Hiring Preference

Instructions for Completing an Employment Compliance Report (EEO-13)
Local Hiring Preference Pilot Project

1. Indicate if the project is a State Project (SP) or State Aid Project (SAP) by selecting the appropriate box.
2. Type the SP or SAP number of the project.
3. Contractor Name: name of the company submitting the form.
4. Select prime contractor or subcontractor for the company submitting the form.
5. Address, City, State and Zip Code: address of the company submitting the form.
6. Federal Tax ID: the federal tax ID of the company submitting the form.
7. Contract Dollar Amount: contract dollar amount of the company submitting the form.
8. City or County: location of the project.
9. Reporting period: submitted monthly, except for the month of July when the form should be submitted weekly.
10. Percent Complete: the estimated percentage of work completed from the start of the project through this reporting period.
11. Employment Data: information will coincide with your employment records. All professional, supervisory and managerial hours actually worked on the project site must be included, whether or not they appear on the certified payroll.
 - Name: must be listed Last Name, First Name, and Middle Initial.
 - Social Security Number: include full social security number with no dashes. This information is required to input the employee into the database.
 - New Hire: from the dropdown select Yes or No. A "New Hire" is an employee who has not worked for the company in any capacity or on any other project within the current calendaryear.
 - Ethnicity: from the dropdown select Black, Hispanic, American Indian/Alaskan Native, Asian/Pacific Islander, or White.
 - Gender: from the dropdown select Male or Female.
 - Trade/Foreman, Supervisors, Managers: list the specific trade that applies to the employee.
 - Local Hiring Preference:
 - B-VET/UNEMPLY
 - C-VET/POV
 - POV
 - UNEMPLY
 - VET
 - Level:
 - Apprentice
 - Journey
 - MnDOT Trainee
 - Hours Worked for This Period: all hours worked by the individual, for each trade, during the reporting period.
12. Prepared by: the contractor's EEO officer or designated representative.
13. Reviewed by: the County Representative monitoring the project.

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

Minnesota Department of Transportation Office of Civil Rights
Monthly Employment Compliance Report (EEO-13)
Local Hiring Preference Pilot Project

Please complete all white sections below.									
<input type="checkbox"/> SP#:		Contractor Name:					<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor		
<input type="checkbox"/> SAP#:		Address:					Federal Tax ID:		
City:		State:		Zip:		Contract Dollar Amount:			
City or County:		Reporting Period:		to		Percent Complete:			
Employment Data									
No.	Employee Last, First Middle Initial	Full Social Security Number (no dashes)	New Hire	Ethnicity	Gender	Trade	Local Hiring Preference	Level	Hours Worked this Period
1			CHOOSE ONE	CHOOSE ONE	CHOOSE ONE	CHOOSE ONE	CHOOSE ONE	CHOOSE ONE	
2									
3									
4									
5									
6									
7									
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15									
16									
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18									
19									
20									
21									
22									
23									
24									
25									
Prepared by:			Reviewed by:						
Title:			Title:						
Email:			Email:						
Phone:			Phone:						
Date:			Date:						
Return completed document to: OCRFormSubmissions.DOT@state.mn.us									



Exhibit G

Local Hiring Preference Questionnaire

Date:

Company:

Local Hiring Preference Pilot Program: Contractor Feedback

1. Please describe any changes that were made to recruitment and/or project staffing because of the local hiring preference on your company's project(s).
2. Please describe challenges your company faced to take advantage of the incentives offered through this pilot program.
3. Please provided any recommendations your company believes would improve the program.
4. Local hiring preference programs are intended to provide communities in which the projects are located with the benefit of jobs that result from the investment of public funds. Do you believe the program was effective in improving job opportunities to local residents on your project(s)?
5. For Prime Contractors only: Please provide any feedback from your subcontractors about the program, even if they chose not to participate in the program.

6. For Prime Contractors only: Did you conduct any type of coordinated outreach to subcontractors to gain their participation in this program? If so, please describe your company's outreach efforts.
7. Overall, do you believe this program was effective and efficiently administered? Why or why not?

Supplement

April 24, 2021 email from Lee Zutz (MnDOT)

Comparison of Similar Projects by the Number of Bidders

Project Number	Project Description (Size)	Number of Bidders
SP 027-681-034 (CSAH 81)	CSAH 81 from 2000' north of 63rd Ave N to 1200' north of West Broadway Ave (CSAH 8) - 1.03 miles	5
SAP 027-681-023	CSAH 81 from Lowry Ave (CSAH 153) to TH 100 - 1.79 miles	1
SP 027-681-027	CSAH 81 from TH 100 to 59th Ave N - 1.61 miles	5
SP 027-681-029	CSAH 81 from 1250' north of Bass Lake Road (CSAH 10) to 2000' north of 63rd Ave N - 1.26 miles	7

SP Number	Top Five Items	Bidders/Quoter Info		Total Amount
		Company Name	Amount per Unit	
027-681-034 (CSAH 81)	Type SP 12.5 Wearing Course Mix (3.C)	C S McCrossan Construction, Inc.	\$58.00	\$886,820.00
		Landwehr Construction, Inc.	\$66.00	\$1,009,140.00
		Max Steining Inc.	\$65.23	\$997,366.70
		Park Construction Company	\$63.30	\$967,857.00
		S.M. Hentges & Sons, Inc.	\$61.30	\$937,277.00
	Type SP 19.0 Non Wear Course Mix (3.B)	C S McCrossan Construction, Inc.	\$57.00	\$814,530.00
		Landwehr Construction, Inc.	\$59.25	\$846,682.50
		Max Steining Inc.	\$58.38	\$834,250.20
		Park Construction Company	\$58.40	\$834,536.00
		S.M. Hentges & Sons, Inc.	\$54.85	\$783,806.50
	Select Granular Embankment (CV) (P)	C S McCrossan Construction, Inc.	\$5.60	\$169,528.80
		Landwehr Construction, Inc.	\$6.00	\$181,638.00
		Max Steining Inc.	\$8.45	\$255,806.85
		Park Construction Company	\$21.50	\$650,869.50
		S.M. Hentges & Sons, Inc.	\$22.60	\$684,169.80
	Excavation - Common (P)	C S McCrossan Construction, Inc.	\$4.70	\$411,174.80
		Landwehr Construction, Inc.	\$4.20	\$367,432.80
		Max Steining Inc.	\$9.79	\$856,468.36
		Park Construction Company	\$10.00	\$874,840.00
		S.M. Hentges & Sons, Inc.	\$8.85	\$774,233.40
	Aggregate Base (CV) Class 6 (P)	C S McCrossan Construction, Inc.	\$14.50	\$465,305.00
		Landwehr Construction, Inc.	\$22.00	\$705,980.00
		Max Steining Inc.	\$25.00	\$802,250.00
		Park Construction Company	\$21.60	\$693,144.00
		S.M. Hentges & Sons, Inc.	\$18.25	\$585,642.50
		Shafer Contracting Company., Inc.	\$63.95	\$398,408.50

SP Number	Top Five Items	Bidders/Quoter Info		Total Amount
		Company Name	Amount per Unit	
027-681-027 (CSAH 81)	Type SP 12.5 Wearing Course Mix (3, F)	C S McCrossan Construction, Inc.	\$65.00	\$404,950.00
		Forest Lake Contracting	\$64.00	\$398,720.00
		Thomas & Sons Construction, INC.	\$64.00	\$398,720.00
		Ames Construction, Inc	\$64.00	\$398,720.00
		Palda and Sons Inc.	\$63.95	\$398,408.50
	Type SP 19.0 Non Wear Course Mix (3.B)	Shafer Contracting Company., Inc.	\$55.81	\$349,370.60
		C S McCrossan Construction, Inc.	\$58.50	\$366,210.00
		Forest Lake Contracting	\$55.81	\$349,370.60
		Thomas & Sons Construction, INC.	\$56.00	\$350,560.00
		Ames Construction, Inc	\$56.00	\$350,560.00
		Palda and Sons Inc.	\$55.81	\$349,370.60
	Select Granular Borrow Mod 10% (CV)	Shafer Contracting Company., Inc.	\$15.50	\$609,460.00
		C S McCrossan Construction, Inc.	\$10.00	\$393,200.00
		Forest Lake Contracting	\$21.00	\$825,720.00
		Thomas & Sons Construction, INC.	\$15.00	\$589,800.00
		Ames Construction, Inc	\$18.00	\$707,760.00
		Palda and Sons Inc.	\$17.15	\$674,338.00
	Common Excavation	Shafer Contracting Company., Inc.	\$5.60	\$598,444.00
		C S McCrossan Construction, Inc.	\$8.00	\$854,920.00
		Forest Lake Contracting	\$9.50	\$1,015,217.50
		Thomas & Sons Construction, INC.	\$6.85	\$732,025.25
		Ames Construction, Inc	\$9.00	\$961,785.00
		Palda and Sons Inc.	\$8.74	\$934,000.10
	Aggregate Base (CV) Class 6 (P)	Shafer Contracting Company., Inc.	\$16.00	\$602,880.00
		C S McCrossan Construction, Inc.	\$19.10	\$719,688.00
		Forest Lake Contracting	\$23.00	\$866,640.00
		Thomas & Sons Construction, INC.	\$20.50	\$772,440.00
		Ames Construction, Inc	\$15.00	\$565,200.00
		Palda and Sons Inc.	\$29.60	\$1,115,328.00
		Landwehr Construction, Inc.	\$77.85	\$1,554,664.50

SP Number	Top Five Items	Bidders/Quoter Info		Total Amount
		Company Name	Amount per Unit	
027-681-029 (CSAH 81)	Type SP 12.5 Wearing Course Mix (3, F)	S.M. Hentges & Sons, Inc.	\$72.70	\$1,451,819.00
		Eureka Construction, Inc.	\$69.25	\$1,382,922.50
		Palda and Sons Inc.	\$61.50	\$1,228,155.00
		C S McCrossan Construction, Inc.	\$62.50	\$1,248,125.00
		Thomas & Sons Construction, INC.	\$65.00	\$1,298,050.00
		Meyer Contracting Inc.	\$70.50	\$1,407,885.00
	Type SP 19.0 Non Wear Course Mix (3.B)	Landwehr Construction, Inc.	\$64.52	\$991,672.40
		S.M. Hentges & Sons, Inc.	\$60.35	\$927,579.50
		Eureka Construction, Inc.	\$57.50	\$883,775.00
		Palda and Sons Inc.	\$63.50	\$975,995.00
		C S McCrossan Construction, Inc.	\$65.00	\$999,050.00
		Thomas & Sons Construction, INC.	\$67.00	\$1,029,790.00
		Meyer Contracting Inc.	\$57.70	\$886,849.00
	Select Granular Borrow (CV)	Landwehr Construction, Inc.	\$12.84	\$229,810.32
		S.M. Hentges & Sons, Inc.	\$18.00	\$322,164.00
		Eureka Construction, Inc.	\$13.00	\$232,674.00
		Palda and Sons Inc.	\$15.83	\$283,325.34
		C S McCrossan Construction, Inc.	\$13.00	\$232,674.00
		Thomas & Sons Construction, INC.	\$0.10	\$1,789.80
		Meyer Contracting Inc.	\$21.25	\$380,332.50
	Common Excavation	Landwehr Construction, Inc.	\$7.65	\$486,738.90
		S.M. Hentges & Sons, Inc.	\$5.75	\$365,849.50
		Eureka Construction, Inc.	\$10.00	\$636,260.00
		Palda and Sons Inc.	\$7.23	\$460,015.98
		C S McCrossan Construction, Inc.	\$7.00	\$445,382.00
		Thomas & Sons Construction, INC.	\$8.50	\$540,821.00
		Meyer Contracting Inc.	\$8.80	\$559,908.80
	Aggregate Base Class 6	Landwehr Construction, Inc.	\$12.43	\$552,637.80
		S.M. Hentges & Sons, Inc.	\$12.66	\$562,863.60
		Eureka Construction, Inc.	\$13.00	\$577,980.00
		Palda and Sons Inc.	\$12.94	\$575,312.40
		C S McCrossan Construction, Inc.	\$8.00	\$355,680.00
		Thomas & Sons Construction, INC.	\$12.50	\$555,750.00
		Meyer Contracting Inc.	\$9.20	\$409,032.00
027-681-023 (CSAH 81)	Type SP 12.5 Wearing Course Mix (3.C)	Ames Const.	\$42.90	\$834,834.00

SP Number	Top Five Items	Bidders/Quoter Info		
		Company Name	Amount per Unit	Total Amount
	Type SP 19.0 Non Wear Course Mix (3.B)	Ames Const.	\$39.90	\$1,196,401.50
	Select Granular Embankment (CV) (P)	Ames Const.	\$12.00	\$643,572.00
	Excavation - Common (P)	Ames Const.	\$8.00	\$684,000.00
	Aggregate Base (CV) Class 6 (P)	Ames Const.	\$15.00	\$291,900.00