70:01:02:39. Jackson County. The following are the maximum speeds on certain highways in Jackson County:

(1) ~~Interstate~~ South Dakota Highway ~~90 Business Loop~~ 248 beginning ~~at the west city limits of Kadoka~~ 1.3 miles west of its intersection with 13th Avenue in Kadoka, then east 0.1 mile, forty-five miles per hour; then east 1.2 miles to its intersection with 13th Avenue, thirty miles per hour; then east 0.2 mile ~~and ending at the east city limits~~, ~~45~~ forty-five miles per hour;

(2) State Trunk Highway 73 beginning 0.5 mile north of its junction with State Trunk Highway 248, then south 0.8 mile, ~~30~~ thirty miles per hour; then south 0.2 mile, ~~45~~ forty-five miles per hour;

(3) State Trunk Highway 63 beginning at its intersection with Railway Street in Belvidere, then south 0.35 mile, ~~30~~ thirty miles per hour;

(4) State Trunk Highway 44 beginning at its junction with State Trunk Highway 73, then southwesterly 7.7 miles, ~~55~~ fifty-five miles per hour; then south 0.6 mile, ~~30~~ thirty miles per hour; then west to the junction of State Trunk Highway 44 and State Trunk Highway 377, ~~55~~ fifty-five miles per hour; then westerly ~~0.43~~ 0.4 mile, ~~40~~ forty miles per hour; then westerly 0.2 mile, ~~55~~ fifty-five miles per hour;

(5) State Trunk Highway 73 beginning ~~500~~ five hundred feet south of the southeast corner of section 6, township 40 north, range 35 west of the sixth principal meridian and ending ~~800~~ eight hundred feet north of the southeast corner of section 6, township 40 north, range 35 west of the sixth principal meridian, ~~45~~ forty-five miles per hour;

(6) State Trunk Highway 377 beginning at the south Badlands National Park boundary, then south for 0.2 mile, ~~45~~ forty-five miles per hour; then southwesterly ~~1.03 miles~~ one mile, ~~55~~ fifty-

five miles per hour; then southwesterly to its junction with State Trunk Highway 44, ~~40~~ forty miles per hour;

(7) State Trunk Highway 240 beginning at the north Badlands National Park boundary, then north for 0.2 mile, ~~45~~ forty-five miles per hour; then north to its junction with Interstate Highway 90, ~~55~~ fifty-five miles per hour;

(8) State Trunk Highway 248 beginning at its junction with State Trunk Highway 240, then east ~~18.61 miles~~ to the west city limits of Kadoka, ~~55~~ fifty-five miles per hour;

(9) State Trunk Highway 248 beginning at the east city limits of Kadoka, then east to the Jackson-Jones county line, ~~55~~ fifty-five miles per hour; and

(10) State Trunk Highway 63 beginning at the Jackson-Mellette county line, then north to 0.35 mile south of its intersection with Railway Street in Belvidere, ~~55~~ fifty-five miles per hour~~;~~

~~(11) Repealed~~.

Source: SL 1975, ch 16, § 1; 3 SDR 62, effective March 15, 1977; subdivisions (6) and (7) transferred from § 70:01:02:66, 12 SDR 138, effective February 23, 1986; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 19 SDR 154, effective April 11, 1993; 21 SDR 111, effective December 18, 1994; 22 SDR 165, effective June 2, 1996; 23 SDR 132, effective February 27, 1997; 25 SDR 48, effective October 4, 1998; 40 SDR 102, effective December 3, 2013; 42 SDR 31, effective September 8, 2015.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:01:02:59. Sully County. The following are the maximum speeds on certain highways in Sully County:

(1) ~~Federal Aid Secondary Highway 651 beginning at the intersection with U.S. Highway 83 west of Agar, then east for 0.3 mile, 50 miles per hour; then east for 0.3 mile, 25 miles per hour; then east for 0.2 mile, 50 miles per hour;~~

~~(2) Okobojo Point Lake Access Area Road beginning at the U.S. Army Corps of Engineers take line and extending west and southwesterly throughout the entire Okobojo Point Lake Access Area within the limits of the take line, 35 miles per hour or 25 miles per hour, as posted;~~

~~(3) Little Bend Recreation Area Roads beginning at the U.S. Army Corps of Engineers take line or boundary and extending northwesterly and southwesterly throughout the entire recreation area, 45 miles per hour or 20 miles per hour, as posted;~~

~~(4) Cow Spring Creek Recreation Area Roads beginning at the U.S. Army Corps of Engineers take line or boundary and extending throughout the entire recreation area, 35 miles per hour or 20 miles per hour, as posted;~~

~~(5) Federal Aid Secondary Highway 31 beginning at the southwest corner of section 1, township 114 north, range 76 west of the fifth principal meridian, then north 13 miles to the northwest corner of section 1, township 116 north, range 76 west of the fifth principal meridian on the Potter and Sully county line, 40 miles per hour;~~

~~(6) State Trunk Highway 26 in Onida beginning at its junction with U.S. Highway 83, then east for 0.4 mile, 45 miles per hour; then east for 0.6 mile, 30 miles per hour;~~

~~(7)~~ U.S. Highway 83 beginning ~~0.3 mile south of its junction with Federal Aid Secondary Highway 6026 (Court Avenue) west~~ at its intersection with 186th Street south of Onida, then north 0.6 mile, ~~45~~ fifty-five miles per hour; then north 0.6 mile, forty-five miles per hour; and

~~(8) Repealed;~~

~~(9)~~(2) U.S. Highway 83 beginning 0.2 mile south of the northwest corner of section 26, township 116 north, range 77 west, then north 0.4 mile, ~~55~~ fifty-five miles per hour.

Source: SL 1975, ch 16, § 1; 2 SDR 29, effective October 16, 1975; 5 SDR 91, effective April 29, 1979; 7 SDR 25, effective September 22, 1980; 9 SDR 132, effective April 24, 1983; 10 SDR 7, effective July 31, 1983; 10 SDR 30, effective October 4, 1983; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 15 SDR 6, effective July 27, 1988; 16 SDR 137, effective February 28, 1990: 22 SDR 165, effective June 2, 1996; 34 SDR 279, effective May 8, 2008.

General Authority: SDCL 32-25-7.

Law Implemented: SDCL 32-25-7.

70:07:01:01. Definitions. Terms used in chapters 70:07:01 to 70:07:04 mean:

(1) ~~"Awarding authority" a public or private authority that awards construction contracts;~~

~~(2)~~ "Business," a ~~natural~~ person or sole proprietorship that performs work as a contractor or subcontractor or a partnership, association, corporation, or other entity formed for the purpose of performing work as a contractor or subcontractor;

~~(3)~~(2) "Commission," the South Dakota Transportation Commission;

~~(4)~~(3) "Committee," the classification and rating committee established by § 70:07:02:01;

~~(5)~~(4) "Construction contract," the written agreement between the department and the contractor setting forth the obligations of the parties for the performance of the prescribed work~~, including the invitation for bids, proposal, contract form, contract bond, standard specifications, supplemental specifications, special provisions, general and detailed plans, and notice to proceed and any addendum, change order and agreement that is required to complete construction of the work, including any authorized extension of the contract, all of which constitute one instrument, for the improvement of the highway system~~;

~~(6)~~(5) "Contract crime," ~~a violation of a state law, a federal law, or a rule, regulation, or order of a federal or state department or agency pertaining to the construction, maintenance, repair, or supervision of highways or to fraud, theft, embezzlement, bribery, forgery, misrepresentation, making false statements, falsification or destruction of records, or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract~~ any of the following if committed in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract:

(a) Fraud;

(b) Theft;

(c) Embezzlement;

(d) Bribery;

(e) Forgery;

(f) Misrepresentation;

(g) Making false statements;

(h) Falsification or destruction of records;

(i) Any other criminal offense; or

(j) Violation of a federal, state, or local law, rule, regulation, or order;

~~(7)~~(6) "Contractor," a business to whom the commission has awarded a department construction contract;

~~(8)~~(7) "Conviction," any of the following accepted and recorded by a court:

(a) A plea of guilty;

(b) A verdict of guilty by a jury or a finding of guilt by a court; or

(c) A civil ~~verdict or civil judgment against a~~ penalty imposed on the person or business ~~in which a civil penalty is imposed on the person~~ as a result of a contract crime;

~~(9)~~(8) "Current bidding capacity," the maximum dollar amount of work for which a prospective bidder may receive contract awards at any given bid letting;

~~(10)~~(9) "Debar," to disqualify from entering into or being awarded a department construction contract or from serving as a contractor or subcontractor under a department construction contract;

~~(11)~~(10) "Department," the South Dakota Department of Transportation;

~~(12)~~(11) "Maximum bidding capacity rating," the maximum dollar amount of work a contractor may have under contract at any one time, either as principal or subcontractor, regardless of whom the work is for or where it is located, as authorized by the committee;

~~(13)~~(12) "Person," a natural person;

~~(14)~~(13) "Prequalified," possessing the requisite classification and bidding capacity rating to bid on a department construction contract;

~~(15)~~(14) "Principal," an officer, director, or partner of a business or an employee or shareholder engaged in management of the business;

~~(16)~~(15) "Prospective bidder," a ~~person~~ business proposing to bid or bidding on a department construction contract;

~~(17)~~(16) "Secretary," the secretary of the South Dakota Department of Transportation;

~~(18)~~(17) "Suspend," to temporarily disqualify from entering into or being awarded a department construction contract or from serving as a contractor or subcontractor under a department construction contract; and

~~(19)~~(18) "Working capital," the difference between a contractor's current assets and current liabilities as classified on the contractor's audited financial statement plus ~~80~~ eighty percent of the book value of the construction equipment listed in the contractor's prequalification statement and financial statement, plus committee-approved lines of credit.

Source: SL 1975, ch 16, § 1; 8 SDR 45, effective October 28, 1981; 13 SDR 129, 13 SDR 134, effective July 1, 1987; transferred from § 70:01:05:01, 19 SDR 154, effective April 11,1993; 25 SDR 145, effective May 30, 1999; 40 SDR 121, effective January 6, 2014; 47 SDR 38, effective October 6, 2020; 49 SDR 47, effective November 21, 2022.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10~~, 31-5-10.1, 31-5-10.2,~~ to 31-5-10.3, inclusive.

CHAPTER 70:07:04

SUSPENSION AND DEBARMENT

Section

70:07:04:01 Suspension for subcontracting violation.

70:07:04:02 Suspension of bidder.

70:07:04:03 Suspension -- Notice and content -- Effective date.

70:07:04:04 Repealed.

70:07:04:05 Grounds for debarment -- Contract crime.

70:07:04:06 Grounds for debarment -- Violation of antitrust laws.

70:07:04:07 Conviction of person imputed to business.

70:07:04:08 Debarment based on affiliation.

70:07:04:09 Reasons for debarment by affiliation.

70:07:04:10 Right to hearing on suspension and debarment.

70:07:04:10.01 Notice of suspension or debarment.

70:07:04:10.02 Hearing request.

70:07:04:10.03 Failure to respond.

70:07:04:11 Debarment period when conviction imputed or based on affiliation.

70:07:04:12 Duration of debarment.

70:07:04:13 Effective date of debarment.

70:07:04:14 Time limit for initiating debarment or suspension.

70:07:04:15 Term of debarment

70:07:04:16 Termination of debarment or award during debarment.

70:07:04:17 Continuation of contracts.

70:07:04:18 Award of department contracts to debarred or suspended business prohibited -- Exception.

70:07:04:19 Subcontracts with debarred or suspended business prohibited -- Exception.

70:07:04:20 Suspension of prequalification.

70:07:04:21 Period of suspension.

70:07:04:22 Prequalification requirements following completion of suspension or debarment.

70:07:04:09. Reasons for debarment by affiliation. The commission may debar a business for the following reasons:

(1) The business employs a debarred or suspended person or a former principal of a debarred or suspended business ~~or person~~ as an officer, director, or manager or in another significant decision-making capacity while the ~~former principal~~ person or business is debarred or suspended;

(2) The business is owned by or associated in a joint venture with a debarred or suspended person or business, or is controlled by a debarred or suspended person or business or a principal or former principal of a debarred or suspended business; or

(3) A ~~former principal of a debarred or suspended business has a~~ significant financial interest in the business is held by a debarred or suspended person or business or a former principal of a debarred or suspended business and the person, business, or principal has the authority to ~~or will~~ control, direct, manage, or influence activities of the business concerned with the department contract in question.

Source: 19 SDR 154, effective April 11, 1993; 47 SDR 38, effective October 6, 2020.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10.

70:07:04:10.02. Hearing request. To request a hearing, the ~~person~~ business shall submit a written request to the secretary. A mailed hearing request must be postmarked or an electronic hearing request must be received within twenty days following the date of the notice to suspend or debar. Upon receipt of a request for hearing, the secretary shall issue a notice of hearing pursuant to SDCL chapter 1-26.

Source: 47 SDR 38, effective October 6, 2020.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10.

70:07:04:15. Term of debarment. The commission shall establish the term of debarment of a business~~,~~ based on the following:

(1) The seriousness of the ~~offense~~ reason or ground for debarment;

(2) Whether restitution has been made for the reason or ground for debarment, if applicable;

(3) Whether the debarred ~~person~~ business cooperated in civil or criminal lawsuits regarding the reason or ground for debarment;

(4) The state's need to preserve the competitive bidding process; and

(5) Whether the business is debarred or has been debarred in another jurisdiction or in this state.

Source: 19 SDR 154, effective April 11, 1993; 40 SDR 121, effective January 6, 2014.

General Authority: SDCL 31-5-10.

Law Implemented: SDCL 31-5-10.