

**October 27, 2009****Commissioners Meeting**

The Board of County Commissioners met in regular session Tuesday October 27, 2009 at 9:00 a.m. Members present: Wilson, Kephart, Sommervold and Powell (arrived at 9:07); Passick absent.

Vice Chairman Sommervold called the meeting to order and chaired the following proceedings: Kephart moved, seconded by Wilson and carried to approve the agenda as presented.

Minutes of the October 13th meeting were approved with a motion by Wilson, seconded by Kephart and carried.

Rod Polley /Highway Superintendent met with the Board to discuss highway matters.

Wilson moved, seconded by Kephart and carried to authorize the Vice Chairman to sign Applications for Occupancy on ROW submitted by Ron Orr for water line occupancy of Bluff Road in Sec. 6, Spirit Mound Twp.

Kephart moved, seconded by Wilson and carried to authorize the Vice Chairman to sign Applications (2) for Occupancy on ROW submitted by Clay Union Electric for cable occupancy of University Road in Sec. 36, Prairie Center Twp.

At 9:07 a.m. Chairman Powell arrives and assumes his position as Chairman.

Sommervold moved, seconded by Kephart and carried to authorize the Chairman to sign Letting Authorization for Project Number P-BRO 8014 (17).

In personnel matters, it was the consensus of the Board that the Hwy Dept. may retain the same number of employees they currently have.

Ray Hofman/Zoning Admin met with the Board. County Welfare Case #09-23 was deferred to the November 3rd meeting in order to get more information on the case, with a motion by Sommervold, seconded by Wilson and carried.

Kephart moved, seconded by Sommervold and carried to pass and adopt the following resolution approving Survey Plat of Lot B of Gov't Lot 1 in the SW1/4 of Section 31, T29N, R51W of the 5th P. M. Clay County, SD, Kathy J. Merrigan, owner.

**RESOLUTION OF COUNTY COMMISSIONERS**

WHEREAS it appears that the owners thereof have come forward to be made of the following described real property:

Plat of Lot B of Gov't Lot 1 in the SW1/4 of Section 31, T29N, R51W of the 5th P. M. Clay County, SD, Kathy J. Merrigan, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth in the forms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line physically accessible, and that all provisions of the subdivision regulations of said County that have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision hereof, are paid in full and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

**Leo F. Powell, Chairman Board of County Commissioners**

I, Ruth A. Bremer, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 27, 2009.

**Leo F. Powell, Chairman Board of County Commissioners**

I, Ruth A. Bremer, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 27, 2009.

**County Auditor, South Dakota**

Sommervold moved, seconded by Wilson and carried to set November 24, 2009 at 10:00 a.m. for the Public Hearing on Applications for Sale of Alcoholic Beverage License outside Municipalities.

Sommervold moved, seconded by Kephart and carried to pass and adopt Resolution #09-27 Infectious Disease Policy & Resolution #09-28 Policy Relating to Refusal of Government Services Based Infectious Disease.

**CLAY COUNTY #09-27 INFECTIOUS DISEASE POLICY**

**1. Purpose**  
The purpose of this policy is to outline the responsibilities of employees and staff of Clay County in the management of infectious disease in order to minimize the spread of infectious disease among the workplace.

**2. Definitions**  
2.1 Infectious disease refers to persistent conditions which are communicable in nature and able to produce serious illness in another person. Such diseases include but are not limited to: influenza and H1N1 virus. This policy is only intended to apply to short-term infectious diseases not chronic conditions such as HIV/AIDS.

**3. Policy**  
3.1 It is the responsibility of Clay County to provide a safe environment for our employees and our clients. Employees with infectious disease present a health risk to other employees. Clay County bases its procedure for how to handle infectious disease on the current recommendations of the Center for Disease Control ("CDC"). If these recommendations change, depending on the severity of an outbreak of an infectious disease, these updated recommendations will be communicated to employees.

3.2 Employees with infectious disease are subject to the same working conditions and performance standards as any other employee. All decisions regarding employment will be made on job related criteria, and no qualified employee who is able to perform the essential functions of the job will be discriminated against in employment decisions based upon the diagnosis of an infectious disease. If the condition affects an employee's ability to perform the essential functions of his or her job, the employee will be treated in accordance with the Americans with Disability Act.

3.3 Employees with an infectious disease are also subject to the same sick and leave standards and requirements as other employees. Be sure that you are familiar with sick leave policies and ask questions if you are not.

**4. Policy Requirements**

Unless otherwise directed:

4.1 Sick employees must stay home.

• Employees must be alert to any signs of fever and any other signs of influenza-like illness or other infectious disease before reporting to work each day. Employees must not come to work if ill, and should stay home to recuperate. Employees must contact their supervisor consistent with the sick leave policies if staying home because they are ill. Employees should not travel while they are ill.

• The employee must not return to work until completely recovered from any influenza-like illness. Clay County follows the recommendations of the CDC, and employees with influenza-like illness must not return to work and should stay home until at least 24 hours after they are free of fever (100° F [37.8° C] or greater), or signs of fever, without the use of fever-reducing medications.

• If an employee has influenza or H1N1, Clay County expects that the employee will be absent from employment for 3 to 5 days in most cases, even if antiviral medications are used. Clay County understands, however, that each case is unique, and employees must not return to work until they are fully recuperated from any influenza-like illness.

• Employees who are well but who have an ill family member at home with an influenza-like illness can go to work as usual. However, these employees should monitor their health every day, and they must notify their supervisor and stay home if they become ill.

4.2 Sick employees at work will be sent home.

• Any employee who appears ill with an influenza-like illness will be promptly separated from other employees and sent home from work by Clay County. The Department Head shall decide whether an employee will be asked to home because of illness, and if requested to do so, the employee must go home. The Department Head has reasonable discretion in deciding whether to send an employee home for illness, and the Department Head may consider the appearance of the employee, any outward signs of illness, the employee's general demeanor, and any statements by the employee in exercising this discretion.

• An employee who comes forward with an influenza-like illness must not return to work and should stay home until at least 24 hours after he or she is free of fever (100° F [37.8° C] or greater), or signs of fever, without the use of fever-reducing medications.

• If an employee becomes ill at work, Clay County shall inform fellow employees of their possible exposure in the workplace to an influenza-like illness, and the person who specifically was the cause of the exposure.

• If the Department Head has reasonable cause to believe that an employee is unable to perform his or her essential functions, and safety of others because of infectious disease, the Department Head may request a medical exam or fitness for duty exam to clarify the employee's status. The result shall be confidential and available only to the Department Head.

4.3 General health standards—Cover coughs and sneezes

• Influenza viruses are thought to spread mainly from one person to another in respiratory droplets of coughs and sneezes. Employees should cover coughs and sneezes with a tissue or, in the absence of a tissue, one's sleeve.

4.4 General health standards—Improve hand hygiene

• Influenza may be spread via contaminated hands.

• Employees should wash their hands often with soap and water or use alcohol-based hand sanitizer, especially after coughing or sneezing.

4.5 General health standards—Bodily fluids

• All blood and body fluids should be considered infectious and persons coming in contact with these fluids should take recommended precautions.

**5. Failure to Comply with Policy**

1.1 Clay County reserves the right to impose disciplinary action upon employees who violates this Infectious Disease Policy.

Dated this 27 day of October, 2009.

**Leo F. Powell, Chairman Board of County Commissioners**

**Ruth A. Bremer, Auditor Clay County, South Dakota**  
**CLAY COUNTY RESOLUTION #09-28 POLICY RELATING TO REFUSAL OF GOVERNMENT SERVICES BASED INFECTIOUS DISEASE**

**1. Purpose**

The purpose of this policy is to outline the duties and responsibilities of employees, of a government agency, to minimize the spread of infectious disease by limiting or denying services to those suffering from influenza-like illnesses.

**2. Definitions**  
2.1 For purposes of this policy, infectious disease refers to persistent conditions which are communicable in nature and able to produce serious illness in another person. Such diseases include but are not limited to: influenza and H1N1 virus. This policy is only intended to apply to short-term infectious diseases not chronic conditions such as HIV/AIDS.

**3. Policy**  
3.1 It is the responsibility of every agency providing government services to provide both a safe working environment for its employees and to provide a safe environment for the members of the public using the government services. Persons with infectious disease present a health risk to employees and the members of the public using the government services. The agency bases its procedure for how to handle infectious disease on the current recommendations of the Center for Disease Control. If these recommendations change, depending on the severity of an outbreak of an infectious disease, these updated recommendations will be communicated to employees.

3.2 Each government agency reserves the right to refuse services to any individual exhibiting symptoms of an influenza-like illness, provided that the agency may

only refuse services if the use of those services requires the individual to have contact with or potentially expose the agency's employees or other members of the public to an infectious disease. Nothing in this policy shall allow a government agency to deny necessary emergency services to any individual or preclude it from providing services required under the law.

3.3 If any employee of a government agency sees any individual who is exhibiting symptoms of an influenza-like illness, then that person shall contact their Department Head. The Department Head shall be the person to decide whether the government agency is going to deny the services to any individual exhibiting symptoms of an influenza-like illness. The Department Head has reasonable discretion in deciding whether to refuse services, and the Department Head should consider the appearance of the individual, any outward signs of illness, the individual's general demeanor, and any statements by the employee in exercising this discretion. The Department Head has the discretion to rely on the report of the agency's employee rather than personally observing the individual.

3.4 If the Department Head exercises discretion to deny the government agency's services, then a government agency employee shall approach the individual and respectfully request that the individual leave the premises and return when no longer ill. The government agency employee should recommend that the individual not return to the government agency until at least 24 hours after they are free of fever (100° F [37.8° C] or greater), or signs of fever, without the use of fever-reducing medications as recommended by the CDC. All communication with the individual shall be conducted in a respectful manner, and the government agency shall make a reasonable effort to protect the privacy of the individual.

3.5 Each government agency shall conspicuously post a sign indicating that it reserves the right to refuse services to any individual exhibiting symptoms of an influenza-like illness.

3.6 Nothing in this policy allows any government agency employee to discriminate against any individual based upon race, color, ethnicity, gender, age, sexual orientation, or other improper basis. The government agency has an anti-discrimination policy in effect, and the actions of government employees shall be consistent to that anti-discrimination policy.

Dated this 27th day of October 2009.

**Leo F. Powell, Chairman Board of County Commissioners****Ruth A. Bremer, Auditor Clay County, South Dakota**

Attest: I, Ruth A. Bremer, acting as Board of Resolution acted upon the following drainage permit applications:

09-14 Troy Sweeney -46969 299th St. Beresford, S.D. 57004.

09-15 Dale R. Olson (tile) in the N 1/4 of the NE1/4 of Section 29, Township 94 North, (Garfield Twp) Range 51 West, of the 5th p.m. to drain into Baptist Creek.

Those Attending: Troy Sweeney, Applicant; Kendall Sweeney, father of applicant.

A letter was received on behalf of Richard Lind, opposing the drainage permit. No one attending the hearing was in opposition. Somervold moved, seconded by Kephart and carried to approve the permit, stating in most instances tiling is better than existing ditches to original depth.

#09-13 Joyce Lundquist 46812 Komandor Dr. Beresford, S.D. 57004. For Proposed drainage (tile) in the SW1/4 of the SW1/4 of Section 16, Township 94 North, (Garfield Twp) Range 51 West, of the 5th p.m. to drain into Baptist Creek.

Attending: Joyce Lundquist, applicant. No written comments were received and no one attending was in opposition to the permit.

After discussion of the area in question, it was agreed by the applicant as to what exactly was going to be done. Joyce Lundquist withdrew her drainage application at this time.

Teddi Gertsma/States Attorney met with the Board to discuss the Adoption of County Bridge #14-090-042 located on 461 Ave. in Riverside Twp over the Vermillion River. Also present was Roger Hansen/Riverside Twp resident. Items discussed: ownership of bridge (county/township) and Riverside Twp owning land on which the South bridge abutment sits (have quit claim deed on land).

Wilson moved, seconded by Kephart and carried to carry a decision until the November 3rd meeting regarding the Bridge Agreement.

Wilson moved, seconded by Sommervold and carried to accept the Bridge Agreement. The Board then moved, seconded by Roger Hansen for vacating a portion of 461 Ave. and to add the petition to the November 3rd agenda for the setting of a hearing date and to add the Bridge Agreement to the November 3rd agenda.

At 11:30 a.m. Sommervold moved, seconded by Wilson and carried to adjourn and convene as Ditch Board.

Sommervold moved, seconded by Wilson and carried to advertise to Broadcaster Press-\$35.52 for advertising in the Annual Joint Ditch Meeting held October 6th.

Bob Emmick met with the Board to discuss the Cleaning of Lot 2 in Section 16, Township 94 North, Range 51 West. The property was contacted and is the consensus of the area landowners that this section needs to be finished. (last mile of lateral to be cleaned) Emmick stated a mower could be used to mow and clean. The brush and weeds down improving the flow of water. There are small trees East of Meckling Road and 2-miles West of Meckling Road on 31st St. Estimated to cost \$1000 a mile to mow & clean. Sommervold moved, seconded by Kephart and carried to authorize Emmick (donate labor) to do the work stated on Lateral 2 and Lateral 3 for the cost of the fuel and tractor rental. It was the consensus of the Board that the County Weed Department be notified to add the Laterals on the spraying schedule for 2010.

At 11:55 a.m., Kephart moved, seconded by Sommervold and carried to adjourn as Ditch Board and

reconvene as Board of County Commissioners.

Andy Howe/Sheriff met with the Board to inform them of upcoming travel needed for the Sheriff Department staff. It was the consensus that this be added to the November 3rd agenda. It was the consensus they would agree to travel request.

The following General Fund Surplus Analysis as of September 30, 2009 was accepted and placed on file (SDCL 7-21-18):

27,209. Undesignated, 768,540.75

TOTAL LIABILITIES AND EQUITY, 3,411,301.04

Following Year General Fund Budget (use current year for March analysis), 4,381,452.00

The unreserved, undesignated fund balance, account 27209, divided by the following year General Fund budget resulting in a fund balance percentage, 17.54%

**Motion by Kephart, seconded by Wilson and carried to approve the following claims for payment: October Payroll:**

Commissioner's \$4,479.17, Auditor's Office-\$8,304.17, Treasurer's Office-\$9,409.09, States Attorney's Office-\$11,653.33, Courthouse-\$1,995.83, DOE's Office-\$8,666.66, ROD's Office-\$7,070.32, Veterans' Office-\$1,544.45, Sheriff's Office-\$27,515.02, County Jail-\$12,815.43, Corner-\$174.00, LEPC-\$631.25, Emerg. Mgmt. Office-\$1,893.50, Highway Department-\$31,990.70, County Welfare Office-\$1,425.41, CHN Office-\$2,779.84, WIC Office-\$795.16, Extension Office-\$2,410.50, Weed Department-\$1,744.91, and Zoning Office-\$987.64. (Payroll Withholding) AFLAC-\$197.10, Clay County Treasurer-\$30,627.41, Conseco Ins.-\$530.70, Nationwide Retirement Solutions-\$147.06, New York Life Ins.-\$259.92, SD Child Support Center-\$24.00, SD Retirement System-\$16,867.89, SD Supplement Retirement-\$710.90, TASC (Flex)-\$1,878.29, Unified Way Of Vermillion-\$35.00, Vermillion Federal Credit Union-\$2,427.40, Parkview Medical Center/Cross/Blue Shield-\$20,688.40

October Bills: (Insurance Deductible Reimbursement) Karen Sanow-\$1,000.00; (Prof. Serv.) Amanda Anderson-\$400.00, David Anderson-\$1,054.40, Green's Accessories LLC-\$1,415.00, Jennifer Holman-\$640.00, Johnson Engineering-\$875.82, Lewis & Clark BHS-\$284.00, James McCulloch-\$582.20, Janice McGuire-\$240.00, Personal Services-\$1,250.00, Peterson & Stuart-\$3,608.30, Sanford Health Clinic-\$265.96, SD Dept. Of Health Lab-\$1,434.00; (E-911 Service Fund) City Of Vermillion-\$42,474.06; (Repairs/Repaint) Influenza Vaccine-\$1,660.00, Iowa Office Supply-\$72.14, Netsys Plus-\$240.00, Olson's Pest Technicians-\$42.00, Paul's Plumbing-\$114.31, Safe-N-Secure Sec. Equip.-\$632.50; (Data Processing) Wellmark Imaging Systems-\$180.00; (Materials/Supplies) Boyer Trucks SF-\$92.46, Butler Machinery-\$2.70, California Contractors Supply-\$119.80, Campbell Supply-\$118.80, Dale R. Olson Excavating-\$201.00, Diamond Mowers-\$2,588.30, Farm Plan Financial-\$853.76, Hgman Sand & Gravel-\$1,646.59, Huron Culvert & Tank-\$13,230.00, Hy-Vec-\$135.11, Jerry's Sprayers-\$15,467.87, McLeod's Printing-\$209.15, Perkins Office Solutions-\$48.93, Print Source-\$425.00, Rockmount-Nassau-\$586.25, Stan Houston-\$180.49, Sturdevant's Auto Parts-\$1,153.28, Laura Sundet-\$52.00, US Bank-\$1,107.21; (Inmate Transport) Jerry's Service-\$241.01; (Utilities) Bureau Of Administration-\$160.50, City Of Vermillion-\$808.84, Clay Rural Water System-\$48.40, Clay Union Electric-\$341.16, Midcontinent Communications-\$150.00, Verizon Wireless-\$87.96; (Machinery/Auto) Jerry's Service-\$1,763.36, Mobile Electronic Services-\$93.00; (Jan Meals) Hy-Vec-\$7,190.21; (Training/Special Equip.) Velvet Uniforms-\$604.05; (Catastrophic Legal Fund) SDACC Office-\$4,688.89; (Allocations) National Museum-\$500.00, WIC Center Museum-\$500.00; (POD Grant) Perkins Office Solutions-\$19.26.

At 12:00 p.m. Sommervold moved, seconded by Wilson and carried to set November 3, 2009 at 9:00 a.m.

**Leo F. Powell, Chairman Board of County Commissioners****Ruth A. Bremer, Auditor Clay County, South Dakota**

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Published: November 6, 2009

**NOTICE TO BIDDERS**

Notice is hereby given that the Government of the United States of Vermillion, South Dakota, will receive bids for providing the following equipment at City Hall, 25 Center Street, Vermillion, South Dakota 57069, on the 2nd day of December, 2009, at 10:00 p.m. Bids will be publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall on the 7th day of December, 2009 at 7:00 p.m. The equipment required is as follows:

There are six (6) separate bids consisting of the following:

Description Bid No. 1 - Furnish Insulator Assemblies

Bid No. 2 - Furnish Laminated Wood Structures

Bid No. 3 - Furnish Wood Tangent Structures

Bid No. 4 - Furnish Steel Transmission Structures

Bid No. 5 - Furnish Electrical Conductors

Bid No. 6 - Furnish Optical Ground Wire

Material suppliers desiring a copy of the bid forms and specifications for individual use may obtain them from the office of the Engineer, DeWild Grant Reckert and Associates Company, 1302 South Union, P.O. Box 511, Rock Rapids, Iowa 51246, telephone 712-472-2531, Fax 712-472-2710, e-mail: dgr@dgrnet.com, no deposit required.

Each bid must be accompanied by a certified check, cashier's check or draft made payable to the City of Vermillion, South Dakota, in an amount equal to five percent (5%) of the total amount of the bid, such check to be certified or issued by either a State or National Bank; or in lieu thereof a bid bond made payable to the City of Vermillion, South Dakota, in an amount equal to ten percent (10%) of the total amount of the bid, such bond to be issued by a surety authorized to do business in the State of South Dakota. This deposit is a guarantee that if the bid is accepted, a contract will be entered into and the successful bidder fails or refuses to enter into a contract within ten (10) days after the award of contract.

Payment for the equipment herein provided for will be made from City of Vermillion reserves the right to reject any or all bids and to waive any irregularities herein.

Dated this 2nd day of November, 2009.

**CITY OF VERMILLION, SOUTH DAKOTA**  
By /s/ Harold Holoch  
Utilities Engineer

Published twice at the approximate cost of \$49.45

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Published: November 6 & 13, 2009

**NOTICE OF INTENT TO APPLY FOR FUNDS**

The Clay Rural Water System, Inc. anticipates submitting an application to the United States Department of Agriculture Office of Rural Development for funding to install and Automatic Meter Reading System and Meter Changeout program.

The estimated cost of the project is \$730,000. A public information meeting will be held at a later date.

**CLAY RURAL WATER SYSTEM, INC**  
By /s/ Robert Wood  
President

Published once at the approximate cost of \$6.95

Estimated publishing cost per circulated copy: \$0.04

Published: November 6, 2009

**NOTICE OF PUBLIC HEARING FOR LEASES**

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 16th day of November, 2009 at the hour of 7:00 p.m. at the Council Chambers in City Hall will meet in regular session to consider the following leases:

Farmland: Approximately 232 acres east of Vermillion (Mockler) Airport farmland

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval

or rejection of any such application.

Dated at Vermillion, South Dakota this 30th day of October, 2009.

**Michael D. Carlson, Finance Officer**

Published once at the approximate cost of \$8.61

Estimated publishing cost per circulated copy: \$0.05

Published: November 6, 2009

**Soliciting Bids**

Irene-Wakonda School District 13-3 is soliciting bid proposals for construction of the following bid packages to accommodate a new addition to the Wakonda, South Dakota Elementary School. Bid Package 2 - Masonry concrete block and brick. Package 3 - Acrylic stucco (EIFS). Package 4 - Roof framing, metal deck, steel beams/intels, and modifications to existing metal siding. Package 5 - Metal framing, carpentry, interior insulation, and drywall. Package 6 - Roofing system, existing roof patching, roof insulation, flashing, copings metal fascia, and installation of new gutter downspouts at gymnasium. Package 7 - Aluminum windows, window stools and sealant. Package 8 - Exterior and interior sealant work (not windows). Package 9 - Steel doors, frames, wood doors and builders hardware. Package 10 - Suspended ceiling panel system. Package 11 - Carpet, base, resilient flooring and tile. Package 12 - Painting. Package 13 - Casework, blackboards, toilet accessories, and toilet partitions. Package 15 - Heating, ventilation, and air conditioning. Package 16 - Electrical, including alarm system.

Plans and specifications are available from Crafts, Inc., PO Box 671, 2602 South 13th Street, Norfolk, NE 68702. Phone: 402-379-0777. Deadline for bid proposals is 12:00 p.m. CST, November 18, 2009 at Crafts, Inc. Office. The selection process will take place at a special meeting of the Irene-Wakonda School Board, commencing at 7:00 p.m. CST, November 23, 2009 in Wakonda, South Dakota. Irene-Wakonda School District School Board reserves the right to reject any or all bids, and is an Equal Opportunity Employer.

Published twice at the total approximate cost of \$31.57

Estimated publishing cost per circulated copy: \$0.12

Published: October 30 & November 6, 2009

**NOTICE TO BIDDERS**

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota will meet at the City Hall meeting room of said City on the 2nd day of December, 2009, at 1:30 p.m. at which time bids and proposals will be received, publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall on the 7th day of December, 2009, at 7:00 p.m. The equipment is described in general as follows:

One (1) New, 12/16/20/22.4 MVA ONAN/ONAF/ONAF, 55/65°C, power transformer, 115 delta to 13.8 YGRD/7.97 kV w/IC

The above equipment shall be in accordance with the specifications and proposed form of contract now on file in the City offices in said City of Vermillion, South Dakota, by this reference to that part hereof, as though fully set out and incorporated herein.

Material suppliers desiring a copy of the proposal forms and specifications for individual use may obtain them from the office of the Engineer, DeWild Grant Reckert and Associates Company, 1302 South Union, P.O. Box 511, Rock Rapids, Iowa 51246, telephone 712-472-2531, fax 712-472-2710, website: www.dgrnet.com, e-mail: dgr@dgrnet.com, no deposit required.

Each proposal shall be made out on proposal forms furnished by the Engineer and shall be accompanied by a certified check or check or draft or check certified and drawn on a solvent State or National bank, in an amount equal to five percent (5%) of the amount of the bid; or (2) a bid bond executed by a surety authorized to do contract as a surety in the State of South Dakota, in an amount not less than ten percent (