



March 23, 2026

ADDENDUM 1 – JOB 24565

TO: All prospective bidders on Project ITS-9-999(544), Job No. 24565 scheduled for the April 10, 2026 bid opening.

This addendum has been issued for the above referenced Job, Please see the attached summary from Matt Gangness, P.E. dated March 20, 2026 for an explanation of changes.

This addendum is to be incorporated into the bidder's proposal for this project. If there are bid item changes the AASHTOWare Project Bids files should be updated by downloading the addendum file from the Bid Express on-line bidding exchange at <http://www.bidx.com/> and load it into the AASHTOWare Project Bids program.

A handwritten signature in blue ink, appearing to read "Phillip Murdoff", is located below the main text.

PHILLIP MURDOFF, P.E. – CONSTRUCTION SERVICES ENGINEER

80: jwj

Enclosure

PLAN ADDENDUM SUMMARY AND APPROVAL


PROJECT INFORMATION		
Project: ITS-9-999(544)	PCN: 24565	
Location: Barnes, Billings, Burleigh, Dunn, Grand Forks, McKenzie, Mclean, Morton, Mountrail, Nelson, Ramsey, Stark, Ward & Williams County		
Date: 3/20/2026	Lead Designer: Darell Arne	
Bid Opening Date: 4/10/2026	JOB#: 24565	Addendum#: 1

SP Revision		
SP Number	SP Name	Description
119(25)	TERO	Remove the place holder and replace with signed TERO Agreement

APPROVAL

Should the revisions described above be processed as a plan addendum?

Yes No



 Matt Gangness, P.E. – ETS Engineer

3-20-26

 Date

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION

TRIBAL EMPLOYMENT RIGHTS ORDINANCE (TERO) REQUIREMENTS

Project 9-999(544) – PCN 24565

This Special Provision defines the core crew, TERO fees, and the Indian preference requirements for the Project listed above.

The core crew and workforce requirements identified in this Special Provision apply to all portions of the highway construction project.

The Contractor and Subcontractors must comply with Tribal laws as long as the Tribal laws are in compliance with state and federal requirements.

CORE CREW

The Contractor and Subcontractor shall choose a core crew and utilize it on the Project listed above. The core crew will consist of the following operators and key personnel:

Traffic Control Operations:

- 1 Foreman
- 1 Watch Person

ESS, DMS, Intersection Warning:

- 1 Superintendent
- 1 Electrician
- 1 Journeyman

The successful Bidder will be allowed to fill these key positions with personnel of their choosing.

WORK FORCE

The Contractor and all Subcontractors performing work on this Project shall extend preferential employment to Indians. The Contractor and all Subcontractors shall hire at least 75% of all positions (over and above the Core Crew) and 100% of their Group 1-4 Laborers through the Fort Berthold Reservation TERO office.

Each Contractor and Subcontractor shall prepare a list of workers needed to complete the labor force as defined above. This list shall be submitted to the TERO office at least 72 hours (not including Saturday and Sunday) prior to commencement of construction activities. The TERO office shall then see that the qualified employees are available for work at the time and date indicated by the Contractor. The term qualified employees cannot be used to eliminate or discriminate against any potential Indian employees.

If any of the employees have not reported for work within 24 hours of start-up time, the Contractor shall be free to hire by his/her own methods. The Contractor must abide by the Indian preference requirements when hiring additional and replacement workers.

After construction activities have commenced, requests for additional and replacement workers shall be made to the TERO office. The TERO office shall have 24 hours to furnish such employees. If the employees are not provided within this time, the Contractor will be at liberty to do their own hiring. The Contractor must abide by the Indian preference requirements when hiring additional and replacement workers. After the Contractor has hired an additional or replacement employee or subcontractor, the Contractor will be permitted to retain this employee or subcontractor through completion of the Project. The Contractor will not be required to displace workers or subcontractors on the Project.

FEES AND LICENSES

The rate of the TERO fee will be based on the percentage of the Contract that lies within the boundary of the Fort Berthold Reservation as determined below. The TERO fee percentage applies to the entire contract.

The established TERO fee assessed to the Contract on the Fort Berthold Reservation is three percent (3.0%) (2.0% for TERO office and 1.0% for training). For project 9-999(544), six percent (6.0%) of this project lies within the Fort Berthold Reservation. However, it is NDDOT policy to pay a minimum TERO fee of ten percent (10.0%) Therefore, the Contractor shall pay a TERO fee in the amount of 0.3.% of the Total Contract Amount.

The fee shall be paid at a rate of 0.3% of each progressive estimate. Payment shall be made within two weeks of receipt of progress payment.

The Contractor shall obtain a construction TERO License at a cost of \$5,000 per year.
The Subcontractor shall obtain a construction TERO License at a cost of \$1,000 per year.

The TERO fee, training fee, and license costs shall be bid as incidental to the Contract as a whole.

The Contractor shall make payment to:

TERO Office
Three Affiliated Tribes
P.O. Box 488
New Town ND 58763

MHA NATION DEPARTMENT OF TRANSPORTATION (MHA DOT)

MHA DOT will not require the Contractors or Subcontractors to obtain any permits for work performed on project 9-999(544).

If the Contractors or Subcontractors perform work not associated with the contract for project 9-999(544), the Contractors or Subcontractors will need to contact the MHA DOT at:

MHA DOT
Three Affiliated Tribes
PO Box 1693
New Town, ND 58763

TERO COMPLIANCE

Obtain a signed TERO Compliance Plan before beginning work on the Fort Berthold Reservation.

Contract compliance is the responsibility of the North Dakota Department of Transportation, and the Department has the exclusive right to suspend construction operation on this Project for any instances of noncompliance, including TERO issues. If there is reason to believe that the Contractor or Subcontractors are violating the requirements of the Special Provision, the TERO office will notify the Department. The Department, working with the TERO Office, will resolve those issues with the Contractor or Subcontractor.

Contractor will be required to provide proof of payment to the Engineer before final acceptance of the project.

MEMORANDUM OF UNDERSTANDING

Project 9-999(544) – PCN 24565

Be it understood that the Three Affiliated Tribes and the North Dakota Department of Transportation (NDDOT) mutually agree in the award of the above-mentioned project contract to the contractor determined by the NDDOT to be the successful bidder. This memorandum is consistent with and does not supersede or eliminate any requirements specified in SP 119(25), which is part of the contract for this project.

This project consists of contracted maintenance of Environmental Sensor Stations (ESS), Intersection Warning Systems, and Dynamic Message Signs (DMS), some of which are within the exterior boundaries of the Fort Berthold Reservation.

Conditions are as follows:

1. Employment by the prime contractor of residents and subcontractors of the Three Affiliated Tribes will be as outlined in SP 119(25).
2. Core crew of the contractor will be as outlined in SP 119(25).
3. The only fees on the contract will be a TERO fee, training fee and license fees as outlined in SP 119(25).
4. No contractor or subcontractor shall be required to pay any tribal tax or license fee, other than those set forth above.
5. Employees of the NDDOT or its agents, hired to perform professional engineering services for the NDDOT, (e.g. consulting engineers, testing firms, etc.) will not be subject to reservation taxes, fees, permits, or TERO provisions.

NDDOT will provide copies of the payment estimates to the Tribe.

TAT
Mark Fox

Three Affiliated Tribes
Chairperson

3/13/26

Date

for *Matt Jinneman*

Ronald J. Henke, PE
Director North Dakota Department of Transportation

03/18/26 *JH*

Date

Matt Gangness

Approved as to Substance by:
Matt Gangness, PE
NDDOT, Environmental & Transportation Services

10-17-25

Date

APPROVED as to execution this
16th day of *March* 20*26*
ATTORNEY GENERAL
By *[Signature]*
SPECIAL ASST. ATTORNEY GENERAL