Project Specific Agreement

between the

Confederated Salish and Kootenai Tribes

and the

Montana Department of Transportation

Project Name:	Hell Roaring North
Project Type:	Guardrail
Project Route:	MT 35 MP 4.6 to 10.7
Letting Date:	Spring/Summer 2010

This Project Specific Agreement (PSA) is entered into as specified in the Memorandum of Understanding (MOU) signed May 4th 2010 by the Confederated Salish and Kootenai Tribes (Tribes), between the Tribes and the Montana Department of Transportation (MDT).

The purpose of this PSA is to describe the specific cooperative efforts the parties will perform and have agreed to in conjunction with this project. Nothing contained in this PSA shall be inconsistent or in conflict with the MOU. If anything is inconsistent, the MOU shall control. In the event the above-specified project is not awarded, this PSA is null and void and a new PSA will be drafted.

Specific Issues:

A. A pre-bid meeting will not be held on this project.

B. A pre-construction meeting for this project will be held prior to the start of the project. The Tribes will be invited to attend the pre-construction meeting.

C. The TERO fee of three percent (3.0%) will be assessed against the total contract cost. MDT shall administer the TERO fee and submit the fee to the Tribes immediately after having made its final payment to the contractor.

D. The contractor will assist and cooperate with the Tribes and MDT in fulfilling and enforcing the Montana State Weed Law (MCA 7-22). The objectives are to prevent, control and restrict the spread of noxious weeds during construction of this project.

1. Seed rights-of-way or portions thereof devoid of competing vegetation as soon as Practical, pursuant to the seeding provisions of Project design specifications. All seed used for this purpose must be certified noxious weed seed free, and records of sources, lots, or batches and evidence of certifications must be provided to the Weed Board on demand.
2. All fill, borrow or gravel sources must be noxious weed free.
3. Obtain organic materials used for surface mulch, erosion control, water barriers, or frost and weather protection of green concrete from noxious weed seed free sources.
4. Clean equipment and trucks before moving from noxious weed infested areas to areas free of noxious weeds.

E. Indian Hiring Requirements

1. Before beginning work, MDT will require its prime contractor and all subcontractors to negotiate an Indian Preference Employment Compliance Plan with the Tribal Indian Preference Coordinator in accordance with the MOU, and will direct its prime contractor and subcontractors to abide by the Indian preference laws required by the MOU.

2. There will be no Disadvantaged Business Enterprise (DBE) goals or trainees required for this project.

F. The prime contractor and all of its subcontractors will procure all permits required by Tribal regulations before commencing work on the project.

5-4-10

E.T. (Bud) Moran, Chairman Date
Confederated Salish & Kootenai Tribes

Jim Lynch, Director Date
Montana Department of Transportation

Approved for Legal Content

Legal Services, MDT