

DEPARTMENT OF AGRICULTURE  
STATE OF SOUTH DAKOTA  
SERVICE CONTRACT



THIS AGREEMENT IS HEREBY made and entered into by and between the South Dakota Department of Agriculture, an agency of the State of South Dakota, 523 East Capitol Ave., Pierre, SD 57501-3182, (hereinafter "State") and **Hills Materials Co. of PO Box 2320, Rapid City, SD 57709, (hereinafter "Contractor")**.

The State hereby enters into this Agreement for services with Contractor in consideration of and pursuant to the terms and conditions set forth below.

1. The Contractor will perform those services described in the Work Plan, attached hereto as **Exhibit A** and by this reference incorporated herein.
2. The Contractor's services under this Agreement shall commence on the **1<sup>st</sup> Day of August, 2008 and end on the 31st Day of March, 2011**, unless sooner terminated pursuant to the terms hereof.
3. The Contractor will not use State equipment, supplies or facilities.
4. The State will make payment for services upon satisfactory completion of the services. **The TOTAL CONTRACT AMOUNT is an amount not to exceed \$ 100,000 per calendar year.** The State will not pay Contractor's expenses as a separate item. Payment will be made pursuant to itemized invoices submitted with a signed state voucher.
5. The Contractor agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder. This section does not require the Contractor to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.
6. The Contractor, at all times during the term of this Agreement, shall obtain and maintain in force insurance coverage of the types and with the limits as follows:

*A. Commercial General Liability Insurance:*

The Contractor shall maintain occurrence based commercial general liability insurance or equivalent form with a limit of not less than one million dollars for each occurrence. If such insurance contains a general aggregate limit it shall apply separately to this Agreement or be no less than two times the occurrence limit. Such insurance shall include South Dakota state employees as additional insureds if any work is to be performed jointly by the parties pursuant to this agreement.

*B. Business Automobile Liability Insurance:*

Standard Service Contract Form

Revised July 2008

obligation by the State of South Dakota under the agreement. A copy of a resolution of the governing body or minutes of a regular meeting showing approval of the agreement or an ordinance approving the agreement and authorizing a named person to sign the agreement shall be adequate proof of authority.

In Witness Whereof, the parties signify their agreement by signing below.

STATE

CONTRACTOR  
HILLS MATERIALS COMPANY

BY: Bill Even  
Bill Even, Secretary,  
South Dakota Department of Agriculture

BY: Lynn Kading  
NAME Lynn Kading  
TITLE President

Dated this 2 Day of Sept, 2008.

Dated this 21 Day of August, 2008.

Standard form pre-approved by: (deviations require initials)

Reviewed by:

DOA Staff Attorney \_\_\_\_\_ (on \_\_\_ date)

Attorney General's Office \_\_\_\_\_ (on \_\_\_ date)

Risk Management \_\_\_\_\_ (on \_\_\_ date)

- State Agency Coding (MSA Center) 0311301/0311302
- State Agency MSA Company for which contract will be paid 3059
- Object/subobject MSA account to which voucher will be coded 52049600/52044600
- Name and phone number of contact person in State Agency who can provide additional information regarding this contract Brenda Even 605-393-8115.

Approved as to Form by:  
OB 9/2/08

# Resource Work Plan

Resource = Hills Material Co - Rapid City

Wednesday, November 05, 2008

**Resource** Hills Material Co - Rapid City      **Address** PO Box 2320      **Phone** 605-394-3300      **Agreement Date** 08/01/2008 to 03/31/2011  
**Contact** Rob Hengen      **Rapid City SD 57709-2320**      **Fax**      **Agreement #** 6-H004  
**Position** Pennington County      **Type** Private

Equipment Kind - Type	Unit #	Make	Cost	Guarantee	Unit	Misc Info
Tender, Water S-2 - 2			\$98.00	\$0.00	Hour	3000 Gal, W/power Spray, w/operator, \$78.50/hr Standby. 5 Available
Patrol -		Caterpillar	\$135.50	\$0.00	Hour	5-available, 140G, Motor Graders, W/operators, \$108.40/hr Standby
Backhoe -			\$110.00	\$0.00	Hour	3 Available, rubber Tired Backhoes, W/operators, \$68/hr Standby
Dump Truck -			\$104.00	\$0.00	Hour	25 Available, W/operators, Tandem Dump Trucks, \$63/hr Standby Support Services: Dump Trucks
Water Tank -			\$145.00	\$0.00	Hour	3 Available, w/opr, Truck Transport, W/tanker(4,000-6,000 Gal) \$116/hr Standby Support Services: Water Tank
Transport -			\$145.00	\$0.00	Hour	Transport With Lowboy, 2 Available, \$116/hr Standby Support Services: Transport
Dozer - 1	14.803	Caterpillar	\$208.92	\$0.00	Hour	D-8 Cat, W/operator, 1 Available, \$167/hr Standby
Loader -	325	Cat 325	\$198.58	\$0.00	Hour	Cat 325 Trackhoe, 2 Available, W/operators, \$152.5/hr Standby
Excavator -	330	Caterpillar 330	\$256.67	\$0.00	Hour	Cat, 330 Trackhoe, 2 Available, W/operator, \$205/hr Standby
Loader -	936	Caterpillar 936	\$106.00	\$0.00	Hour	Cat 936, 12-available, W/dozer, W/operator, \$85/hr Standby
Loader -	950	Caterpillar 950	\$116.00	\$0.00	Hour	Cat 950, 9-available, W/operators, \$93/hr Standby
Loader -	966	Caterpillar 966	\$153.00	\$0.00	Hour	Cat 966, 3 Available, W/operators, \$122/hr Standby
Loader -	980	Caterpillar 980	\$198.00	\$0.00	Hour	Cat 980, W/operators, 3 Available, \$159/hr Standby
Loader -	988	Caterpillar 988	\$288.40	\$0.00	Hour	Cat 988, W/operators, 3 Available, \$230.72 /hr Standby

Wednesday, November 05, 2008

# Resource Work Plan

Resource = Hills Material Co - Hot Springs

**Resource** Hills Material Co - Hot Springs      **Address** PO Box 809      **Phone** 605-745-5206      **Agreement Date** 08/01/2008 to 03/31/2011  
**Contact** Tom Cummings      **Hot Springs SD 57747**      **Fax** 605-745-5207      **Agreement #** 5-H004  
**Position** Superintendent      **Fall River County**      **Type** Private

## Equipment

Kind - Type	Unit #	Make	Cost	Guarantee	Unit	Misc Info
Transportation - Tractor/Tra			\$145.00	\$0.00	Hour	\$116/hr Standby Support Services: Transport W Lowboy
Dozer - 1	14.803	Caterpillar	\$208.92	\$0.00	Hour	D-8n Cat, W/ Transport, W/ Operator - \$167/hr Standby
Patrol -	30.805	Caterpillar	\$135.50	\$0.00	Hour	140g Caterpillar, \$108.40/hr Standby
Tender, Water S-2 -	53.802	Ford	\$98.00	\$0.00	Hour	Power Spray, 2900 Gal. Standby 78.50/hour
Tender, Water S-2 -	53.813	Freightliner	\$98.00	\$0.00	Hour	\$78.50/hr Standby