SPECIAL PROVISIONS
Job Number: 1061
Plum Street Overlay, from 9th Ave. E. to Skywood Lane
August 14, 2013

CITY of DULUTH
PROJECT SPECIFICATIONS

Plum Street Overlay
From 9th Avenue East to Skywood Lane

City of Duluth, MN
411 West 1st St.
Duluth, MN 55802

City Project #: 1061

Re-Bid # 13-0245

Opening Date: August 29, 2013

Time: 2 PM

Place: Room 106A, City Hall
CITY OF DULUTH

INVITATION TO BID (ENG)

PROJECT NAME/DESCRIPTION: Plum Street Overlay, from 9th Avenue West to Skywood Lane

PROJECT NUMBER: 1061

RE-BID NUMBER: 13-0245

Sealed bids will be received by the City Purchasing Agent in and for the Corporation of the City of Duluth, Minnesota, at his office, Room 100 City Hall, Duluth, Minnesota, 55802, (218) 730-5340 until 2 P.M. local time on August 29, 2013 for the above named project. Immediately thereafter, bids will be taken to room 106A City Hall, where they will be publicly opened and read aloud.

NOTICE TO BIDDERS:

1. A Project Labor Agreement (PLA) will be required for any bid that is over or could virtually go over $150,000.

2. Unless a Certificate of Exemption is provided, any out-of-state bidder receiving a bid award will have 8% retained from invoice payments on any contracts over $50,000. Submit a signed copy from the State of Minnesota when submitting Payment and Performance Bonds. This form may be found at the following web address: http://taxes.state.mn.us/Forms_and_Instructions/sde.pdf

The scope of work consists of placing new bituminous pavement from 9th Avenue East to Skywood Lane, approximate 125 tons.

Questions pertaining to this project should be directed to Greg Stoewer, City Project Engineer, 218-730-5109.

Each bidder must review the 2013 edition of the City of Duluth Public Works/Utilities Department – Engineering Division Standard Construction Specifications on the city website (www.duluthmn.gov) as these Specifications are incorporated by reference and deemed to be a part hereof this project as if fully incorporated and set forth herein.

Plans and specifications may be secured from the City Engineering office, Room 211 City Hall, 411 West 1st St., Duluth, MN 55802, or may be downloaded from the City of Duluth website free of charge.

Plans and specifications are on file for inspection at the City Engineering office, Duluth Builders Exchange, F.W. Dodge Plan Room, Minneapolis Builders Exchange and St. Paul Builders Exchange.

A certified check or bank draft, payable to the order of the City of Duluth, negotiable U.S. Government Bonds (at par value), or a satisfactory bid bond executed by the bidder and acceptable surety, in an amount equal to five per cent (5%) of the total bid, shall be submitted with each bid.

Attention is called to the fact that not less than the minimum salaries and prevailing wages as set forth in the contract documents must be paid on this project. The contractor must take affirmative action to ensure that the employees and applicants for employment are not discriminated against because of their race, color, creed, sex or national origin, and must meet the affirmative action goals. Contractors are encouraged to subcontract with Disadvantaged Business Enterprises when possible.

Contractor will comply with all applicable Equal Employment Opportunity laws and regulations.

The City of Duluth is an Equal Opportunity employer.

CITY OF DULUTH

Date posted to web: August 15, 2013

Dennis Sears
Purchasing Agent
SPECIAL PROVISIONS
Job Number: 1061
Plum Street Overlay, from 9th Ave. E. to Skywood Lane
August 14, 2013

SPECIFICATIONS SIGNATURE PAGE

I HEREBY CERTIFY THAT THIS PLAN, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

signature

August 15, 2013

Date

Greg Stoewer
Typed or Printed Name

21774
License No.
### Table of Contents

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| SP-7  | (2360) Plant Mixed Bituminous Asphalt                                          | 6 |
| SP-8  | (2540) Install Monument Box                                                    | 6 |

Certified Payroll Checklist City Funding Only rev 4/5/11
Data for Labor Cost Bidding
Instructions to Bidders - Engineering 6/02/10
Prevailing Wage Rate – US DOL Highway MN130001 01/04/2013
Project Insurance Requirements 2/18/11
Request for Bids form
The following forms and regulations/rules/statutes and interpretations, which are incorporated by reference in this contract, are available on the World Wide Web at the sites listed below. The City of Duluth will use its best efforts to ensure that the most recent, applicable forms and regulations/rules/statutes and interpretations are included on the web sites provided; however, if you are the successful bidder, prior to signing the contract, you are responsible for comparing the versions of the forms and regulations/rules/statutes and interpretations attached to the contract which you are signing with the versions on the web to ensure conformity.

THE VERSIONS OF THE FORMS AND REGULATIONS/RULES/STATUTES and INTERPRETATION ATTACHED TO THE CONTRACT WILL BE CONTROLLING. HARD COPIES OF ALL FORMS ARE AVAILABLE AT THE ENGINEERING DIVISION, EXCEPT THE NON-COLLUSION AND AFFIRMATIVE ACTION POLICY STATEMENT, WHICH ARE AVAILABLE AT THE CITY OF DULUTH PURCHASING DEPARTMENT.

Item listing from web:

<table>
<thead>
<tr>
<th>FORM</th>
<th>WEB SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affidavit of Non-Collusion (required by awarded contractor only)</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>Bidder's Label for submitting project bids</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>Certified Payroll Form WH347 (front side only)</td>
<td><a href="http://www.dol.gov/whd/forms/WH347.pdf">www.dol.gov/whd/forms/WH347.pdf</a></td>
</tr>
<tr>
<td>Contractor's Haul Route</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>Debarment/Suspension Notice 10-10-2012</td>
<td><a href="http://www.dot.state.mn.us/pre-letting/prov/order/suspension.pdf">www.dot.state.mn.us/pre-letting/prov/order/suspension.pdf</a></td>
</tr>
<tr>
<td>IC-134 form</td>
<td><a href="http://www.taxes.state.mn.us/Forms_and_Instructions/ic134.pdf">www.taxes.state.mn.us/Forms_and_Instructions/ic134.pdf</a></td>
</tr>
<tr>
<td>IC-134 on-line submittal (click: Submit Contractor Affidavit; r-side of screen)</td>
<td><a href="http://www.mndot.state.mn.us/">www.mndot.state.mn.us/</a></td>
</tr>
<tr>
<td>MN Statutes 177.41 to 177.44</td>
<td><a href="http://www.revisor.mn.gov/statutes/?id=177">www.revisor.mn.gov/statutes/?id=177</a></td>
</tr>
<tr>
<td>Notice to Bidders Prompt Payment to Subs</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>One-Call Instructions</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>Purchasing Division General Specifications</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>Request to Sublet TP-21834 (6-12-09)</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
<tr>
<td>Statement of Compliance Form (12-19)</td>
<td><a href="http://www.dul.state.mn.us/counsl/labur/forms.html">www.dul.state.mn.us/counsl/labur/forms.html</a></td>
</tr>
<tr>
<td>Supplemental General Conditions Part II 4/15/11</td>
<td><a href="http://www.duluthmn.gov/engineering/construction_documents.cfm">www.duluthmn.gov/engineering/construction_documents.cfm</a></td>
</tr>
</tbody>
</table>
SPECIAL PROVISIONS
Job Number: 1061
Plum Street Overlay, from 9th Ave. E. to Skywood Lane
August 14, 2013

NOTICE TO ALL BIDDERS:


SP-1 SCOPE OF WORK
Place bituminous pavement overlay on Plum Street, between 9th Avenue East and Skywood Lane, including; match existing grades, prepare existing granular material for placement of bituminous pavement, preserve 2 survey pins and place 2 monument boxes.

SP-2 (1404) MAINTENANCE OF TRAFFIC AND (2563) TRAFFIC CONTROL

All traffic control devices shall conform and be installed in accordance to the “Minnesota Manual on Uniform Traffic Control Devices” (MN MUTCD) and Part 6, “Field Manual for Temporary Traffic Control Zone Layouts”, the Minnesota Flagging Handbook, the provisions of MnDOT 1404 and 1710, the Minnesota Standard Signs Manual, the Traffic Engineering Manual, and these Special Provisions.

The Contractor shall furnish, install, maintain, and remove all traffic control devices required to provide safe movement of vehicular traffic through the Project during the life of the Contract from the start of Contract operations to the final completion thereof. The Engineer will have the right to modify the requirements for traffic control as deemed necessary due to existing field conditions. The highways shall be kept open to traffic at all times, except as modified below.

Traffic control devices include, but are not limited to, barricades, warning signs, flashers, cones, and drums, as required and sufficient barricade weights to maintain barricade stability.

SP-2.1 RECOMMENDED TRAFFIC CONTROL PLAN

(A) Contractor is to choose between 24-hour signage or daytime signage. 24-hour signage requires flashing lights. Daytime signage will require advance signs to be tipped down (on the boulevard) and barricades pulled back when Contractor is not on site.

(B) When barricades are up, a gap must be open for home owners to get to their driveways. City will send newsletter to home owners; informing them of the Contractor’s schedule, that they will have to wait for grading equipment to pass and they will have to stay off hot bituminous pavement.

(C) Advance warning signs shall consist of 2 each Road Closed Ahead, W20-3 (both on north side of Martha Street at entrance to 9th Avenue East and entrance to Skywood Lane) and 2 each Road Work Ahead, W20-1 (one on Plum Street, 250’ west of 8th Avenue East, and one on 8th Avenue East, 250’ south of Plum Street).

(D) Barricades are required at Plum Street at east edge of 8th Avenue, at 9th Avenue at south edge of Plum Street, and at east end of Plum Street where it meets Skywood Lane. Each set of barricades will be across the roadway, consisting of Type II or Type II barricades or Drums. Each set of barricades will have a Road Closed To Thru Traffic sign, R11-4, or Road Closed sign, R11-2.

SP-2.2 TRAFFIC CONTROL

(A) The Contractor shall be responsible for the immediate repair or replacement of all traffic control devices that become damaged, moved or destroyed, of all lights that cease to function properly, and of all barricade weights that are damaged, destroyed, or otherwise fail to stabilize the barricades. The Contractor shall further provide sufficient surveillance of all traffic control devices at least once every 24 hours.

(B) If the Contractor modifies the layout or sequence from the Plan, the Contractor shall submit the proposed traffic control layout to the Engineer, for approval, at least fourteen (14) days prior to the start of construction. At least 24 hours prior to placement, all traffic control devices shall be available on the Project for inspection by the Engineer. The Contractor shall modify his/her proposed traffic control layout and/or devices as deemed necessary by the Engineer.

(C) The Contractor shall inspect, on a daily basis, all traffic control devices, which the Contractor has furnished and installed, and verify that the devices are placed in accordance with the Traffic Control Layouts, these Special Provisions, and/or the MN MUTCD. Any discrepancy between the placement and the required placement shall be immediately corrected.

SP-2.3 MEASUREMENT AND PAYMENT
SPECIAL PROVISIONS
Job Number: 1061
Plum Street Overlay, from 9th Ave. E. to Skywood Lane
August 14, 2013

SP-2.3 MEASUREMENT AND PAYMENT

No measurement will be made of the various items that constitute Traffic Control but all such work will be construed to be included in the single Lump Sum payment under Item 2563.601 (Traffic Control).

The lump sum payment(s) shall be compensation in full for furnishing, installing, maintaining, relocating, and removing the individual traffic control devices as specified in these Special Provisions.

If the Contractor requests changes in traffic control as shown on the Traffic Control Layout(s), and these changes are implemented, there will be no increase or decrease in the lump sum payment(s) for the stage(s) of traffic control.

SP-3 (1508) CONSTRUCTION STAKES, LINES AND GRADES

The following is added to Mn/DOT 1508:

The Contractor shall inform the Engineer a minimum of 48 hours in advance of staking that is needed.

The Engineer (City survey crew) shall set offset stakes to the centerline of the proposed typical section of Plum Street, from Station 3+89 to 5+76.5. Stakes will be set at PVC, PVT and minimum 50’ intervals.

The City’s survey crew will charge $150 per hour for 2-person crew, truck and equipment to replace stakes or to replace damaged property pins.

SP-4 (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME

The Contract Time will be determined in accordance with the provisions of Mn/DOT 1806 and the following:

SP-4.1 Construction operations may be started within ten (10) calendar days after the date of award by City Council resolution, but it must be started no later than September 23, 2013. The approval of Performance and Payment bonds and Certificate of Insurance will be the official authorization to commence construction operations.

SP-4.2 All work required under this Contract shall be completed within 1 week (5 work days) after start of work.

SP-5 (1807) FAILURE TO COMPLETE THE WORK ON TIME

The liquidated damage per Mn/DOT Table 1807-1 is $300 per day for this project.

SP-7 (2200) BASE CONSTRUCTION

Preparation of the road bed for bituminous pavement will include labor and equipment to prepare a compacted base, as shown in plan construction. Excavation for the new pavement to match existing driveways and alleys is incidental to Base Construction. Base Construction includes shaving off high points of existing granular roadbed, and includes placement of granular leveling course in preparation for the bituminous pavement. Granular material for leveling course is paid for in (2211) Aggregate Base Class 5, compaction of said material is incidental to Base Construction. Said labor and equipment is paid as Base Construction, 2200.601, Lump sum.

SP-8 (2360) PLANT MIXED ASPHALT PAVEMENT

The provisions of MnDOT 2506 and the City of Duluth Standard Specifications 2013 edition are hereby revised as follows:

SP-8.1 Mix designation numbers for the bituminous mixtures on this project are as follows:
Type SP 9.5 Wearing Course Mixture (3,B) SPWEA340B
Type SP 9.5 Wearing Course Mixture for Patching (3,B) SPWEA340B

SP-9 (2540) INSTALL MONUMENT BOX

The city will provide monument box castings similar to the Detail in the 2013 City of Duluth Standard Specifications, see http://www.duluthmn.gov/engineering/spec_book/PDFs/Survey%20Details.pdf
Preserve the existing property markers (steel pins) at Station 4+09 left and Station 5+39 left. If pins are destroyed during construction, city survey crew will replace at hourly rate, charged to Contractor. Set the castings before the wear course bituminous pavement is placed, do not place castings after wear course is placed. Set the monument box casting similar to said Detail. PVC pipe and concrete is not required for this installation. Preservation of pins, excavation and labor for installing monument box castings is incidental to 2540.602 Install Monument Box, Each.
PLUM STREET OVERLAY

BID OPENING DATE AT 2 P.M. ON THURSDAY, AUGUST 29, 2013

Note: all bids must be written, signed and transmitted in a sealed envelope, plainly marked with the bid number, subject matter, and opening date. The City of Duluth reserves the right to split award where there is a substantial savings to the City, waive informalities and to reject any and all bids. Bidder should state in proposal if bid price is based on acceptance of total order. Sales tax is not to be included in the unit price. Bidder to state freight chargers if the proposal F.O.B. is shipping point, freight not allowed. Low bid will not be the only consideration for award of bid. All pages shall be signed or initialed by authorized bidder's representative as indicated at the bottom of the page(s) of the request for bid form.

RETURN BID IN DUPLICATE WITH DUPLICATE DESCRIPTIVE LITERATURE
FOR BID RESULTS, ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE WITH BID

BID DEPOSIT REQUIREMENTS: 5% OF BID AMOUNT
Deposit shall mean cash, cashier's check or corporate surety bond payable to or in favor of the City of Duluth.

A PERFORMANCE BOND AND A PAYMENT BOND shall be required of the successful bidder, BOTH in the full amount of the bid.

INSURANCE CERTIFICATE required per attached requirements.
Designated F.O.B. Point:
Engineering Division
Jobsite(s)

Federal Excise Tax Exemption
Account No. 41-74-0056 K

Vendor Email Address: ________________________________ FREIGHT CHARGE $ __________

NAME: ____________________________________________ TOTAL BID PRICE # __________
ADDR1: ____________________________________________ TO INCLUDE ANY ADDITIONAL PAGES.
ADDR2: ____________________________________________
ADDR3: ____________________________________________

BY: ___________________________________________________ PAYMENT TERMS $ __________
(Print) (Title)
(Signature) (Tele. #)

F.O.B. POINT $ __________
DELIVERY DATE $ __________

The City of Duluth is an Equal Opportunity Employer.
# Schedule of Prices

**Plum Street Overlay**

**City Project 1061**

**13-0245**

---

**Make all extensions and total the bid.**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Spec. #</th>
<th>Qty</th>
<th>U/OM</th>
<th>Item Description</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td></td>
<td>1</td>
<td>Each</td>
<td>Exhibit A (Must Be Returned With The Bid)</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

**TOTAL** $ 

---

**Addendum Receipt Acknowledgements:**

**Addendum No. , Dated**

**Addendum No. , Dated**

**Addendum No. , Dated**

**Total Bid in Words:**

---

**Contractor Name:**

---

The contractor agrees to all of the provisions contained in the contract documents. Enclosed herewith find a certified check or bid bond in the amount of at least 5% of the amount of proposal made payable to the City of Duluth as a proposal guarantee which it (see additional page(s))

(Initial)
IS AGREED BY THE UNDERSIGNED WILL BE FORFEITED IN THE EVENT THE FORM OF CONTRACT AND BOND IS NOT EXECUTED, IF AWARDED TO THE UNDERSIGNED.

The bidder hereby certifies that he/she has received or viewed on-line the City of Duluth Public Works/Utilities Department - Engineering Division Standard Construction Specifications 2013 and has incorporated the terms hereof in its bid.

SIGNED: ____________________________ FOR

A PARTNERSHIP (OR)

A CORPORATION INCORPORATED UNDER THE LAWS OF THE STATE OF:

____________________________________
PRESIDENT

____________________________________
VICE-PRES.

____________________________________
SECRETARY

____________________________________
TREASURER

____________________________________
ADDRESS(ES)

BEING DULY SWORN, DEPOSES AND SAYS THAT THERE ARE NO OTHER PERSONS COMPRISING ABOVE COMPANY OR FIRM THAN THE ABOVE NAMES, AND THAT THERE ARE NO PERSONS OR CORPORATIONS INTERESTED IN THE FORGOING PROPOSALS, EITHER AS PRINCIPAL OR SUBCONTRACTOR, OTHER THAN THE ABOVE NAMES; ALSO THAT THE PROPOSALS ARE MADE WITHOUT ANY CONNECTION WITH ANY PERSON OR PERSONS MAKING ANY PROPOSAL FOR THE ABOVE WORK; THAT THEY ARE IN ALL RESPECTS FAIR AND WITHOUT COLLUSION OR FRAUD; AND THAT NO PERSON ACTING IN ANY OFFICIAL CAPACITY FOR THE CITY OF DULUTH IS DIRECTLY OR INDIRECTLY INTERESTED THEREIN, OR IN ANY PORTION OF THE PROFIT THEREOF.

(see additional page(s))
CITY OF DULUTH

DATE: 8/29/2013
RE-BID #: 13-0245

________________________________________________________________________

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF A.D.

________________________________________________________________________

NOTARY PUBLIC

IMPORTANT NOTE BIDDERS:
PLEASE DISGREGARD THE NOTE ON PAGE 1
REGARDING SALES TAX FOR THIS BID. ALL
APPLICABLE SALES AND/OR USE TAXES ARE
TO BE INCLUDED IN BID PRICING. ALSO,
ALL BIDS ARE TO BE F.O.B. JOBSITE.
THE BLANK ON PAGE ONE FOR FREIGHT IS TO
TO BE LEFT BLANK.

Delivery Contact: Greg Stoewer
Engineering
218-730-5109

(Initial)
## RE-BID # 13-0245  PROJECT # 1061  
Plum Street Overlay, 9th Avenue East to Skywood Lane

### EXHIBIT A

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Spec. No.</th>
<th>Description</th>
<th>Unit</th>
<th>Est. Qty</th>
<th>Unit Price</th>
<th>Total Price</th>
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<tr>
<td>1</td>
<td>2021.501</td>
<td>MOBILIZATION</td>
<td>LUMP SUM</td>
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<td>2</td>
<td>2101.505</td>
<td>REMOVE BITUMINOUS PAVEMENT</td>
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<td>38</td>
<td></td>
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<td>3</td>
<td>2104.513</td>
<td>SAWING BITUMINOUS PAVEMENT</td>
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<td>LUMP SUM</td>
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<td>2211.501</td>
<td>AGGREGATE BASE, CLASS 5</td>
<td>TON</td>
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<tr>
<td>6</td>
<td>2221.501</td>
<td>AGGREGATE SHOULDERING, CLASS 5</td>
<td>TON</td>
<td>12</td>
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<tr>
<td>7</td>
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<td>TYPE SP12.5 WEARING COURSE MIXTURE (3,B)</td>
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<td>110</td>
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<td>2360.505</td>
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<td></td>
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<tr>
<td>9</td>
<td>2540.602</td>
<td>INSTALL MONUMENT BOX</td>
<td>EACH</td>
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<td>10</td>
<td>2563.601</td>
<td>TRAFFIC CONTROL</td>
<td>LUMP SUM</td>
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<td>11</td>
<td>2573.530</td>
<td>STORM DRAIN INLET PROTECTION</td>
<td>EACH</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Grand Total:** 

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**Initial:**
City of Duluth
CERTIFIED PAYROLL CHECKLIST
[City funded projects rev 4/5/11]
www.duluthmn.gov/engineering/construction_documents.cfm

For ease of communication, the e-mail address of the person responsible for certified payroll reports (CPRs) is necessary from the prime contractor and all subcontractors. Please reply to the e-mail address in item #18.

1) Contractor's name and address must appear on the top line of each certified payroll report (CPR).

2) **City project number, name, and location must appear on each weekly CPR AND the Statement of Compliance.**

3) CPRs must be numbered sequentially. For example, #1, #2, #3, etc.  
   - **Should the prime contractor or any subcontractor NOT perform work on a project for one or several weeks, DO NOT submit any CPRs at all.** When work resumes, mark the CPR with the next sequential number.  
   - **Should a project continue into another year, continue with the same number sequence.**

4) Each **employee's complete address** and the **last four digits of the social security number** must be on the first CPR his/her name appears; subsequent CPRs need only show the name.  
   - **Hours of work must clearly correspond with the appropriate dates; overtime hours listed separately.**

5) **CLASSIFICATION and CODE NUMBERS**  
   Each employee's classification title, group number, and code number **must be indicated on each CPR** using the State of Minnesota Master Job Classification listing.  
   - **NOTE** that the U S DOL prevailing wage decisions DO NOT match the State of Minnesota's for every classification—use caution when applying these code and group numbers.  
   - A listing of simply "operator" or "laborer" or "driver," etc. will not be accepted.  
   - **CPRs will be returned for correction and monthly projects payments could be delayed.**  
   - Employees who work in more than one classification must have the hours spent in each classification clearly indicated on separate lines with the appropriate wage.  
   - **Web site:** [https://www.revisor.mn.gov/rules/?id=5200.1100](https://www.revisor.mn.gov/rules/?id=5200.1100)

6) The U S DOL form WH-347 may be used for preparing the actual certified payroll report.  
   - **Web site:** [http://www.dol.gov/whd/wh347.pdf](http://www.dol.gov/whd/wh347.pdf)  
   Any other form or software may be used as long as it mirrors the format of the report above.

7) **Total Pay Package**  
   - The total pay package—base rate plus fringe benefits—must be equal to or greater than that established in the project prevailing wage schedules or the project labor agreement (PLA), if the project is subject to one.  
   - An employer may pay a lower hourly rate and higher fringe benefit rate than stated in the project's wage decision for regular time **PROVIDING** the total is equal to or greater than that of the wage decision—overtime must be applied to the higher prevailing wage rate in the project's wage decision.  
   - **The overtime rate must be paid at NO LESS than the rate of pay as established in the project's wage decision multiplied by one and one-half OR the base rate the employee is being paid if it is higher than the wage decision base rate.**

   - The **MnDOT Prime Contractor-Subcontractor's Statement of Compliance (12/2010)** MUST BE USED on all city projects. The second page must be completed in full regarding the fringe benefits.  
     - **Web site:** [http://dot.state.mn.us/const/labor/forms.html](http://dot.state.mn.us/const/labor/forms.html)

   - The fringe benefit package is an integral portion of the prevailing wage. Should the prime contractor or any subcontractor (regardless of tier) become delinquent with any fringe benefit plan administrator's
requirements for monthly payment, an estimated amount due that plan plus penalties may be withheld from the monthly estimate(s) OR the entire monthly estimate(s) may be withheld. See item #10.

8) Other Deductions
   • "Other Deductions" must be identified; for example: garnishment, alimony, child support, other court ordered deductions, specific fringe benefits, etc. Copies of these documents must be submitted with the first certified payroll report the deduction appears OR an involuntary deduction form must be included with the first certified payroll report the deduction appears.
   • Voluntary deductions must be clearly marked as to the type: medical, life insurance, 401K, loan payment, etc. A copy of the employee's signed authorization for the voluntary deduction(s) must be included with the first certified payroll the deduction appears.
   • Union dues, union vacation pay, etc. do not need an authorization form; however, those deductions must be clearly marked on the CPR and the Statement of Compliance which accompanies each CPR.
      web site: www.duluthmn.gov/engineering/construction_documents.cfm

9) Apprentices
   • Apprentices must be clearly identified on each certified payroll.
   • A copy of the official state-approved apprenticeship agreement ALONG WITH the ratio language for that particular trade must be included with the first certified payroll report the apprentice appears.
   • Failure to complete the complete apprenticeship papers may result in a delay of project payments.

10) Fringe Benefits
    • Only plans approved by the U.S. Department of Labor will be allowed.
    • Payments made to bonafide plans must be timely per the stipulations of the plan administrator.
    • Delinquent payments may result in a delay of monthly estimates or an estimated dollar amount due deducted from the monthly estimate. MnDOT 1906 Partial Payments will be implemented.

11) Trucking Operations
    • CPRs are required from ALL multiple truck operations (MTOs), partnerships, and corporations which have workers on a city of Duluth construction project.
    • CPRs are required from MTOs, partnerships, and corporations who have a contract with a broker and use their own employees or themselves (in a partnership or corporation) on a city of Duluth construction project.
      » Each partner performing work on a project must submit a copy of his/her commercial driver's license (CDL), cab card, and insurance certificate for the truck being operated with that weekly CPR. It is not necessary to repeat such supporting documentation until a different truck is used and/or certificates have expired.
    • Independent truck operators (ITOs) must submit copies of their CDL, cab card, and insurance certificate for each truck being operated before commencing work on the construction project. These documents must be sent to the prime contractor who will, then, forward the material to Labor Compliance Specialist (see last page). No CPRs are required.

11) Owners/Salaried Persons
    City Ordinance 8940, 6/18/85 defines a laborer, mechanic: all persons utilized, employed, or working on a project who are doing work usually done by mechanics and laborers, including proprietors, partners, and members of cooperatives.
    • This means that all persons working on a City of Duluth project including owners, partners, salaried person, working foremen, etc. performing laborer and/or mechanic work shall be reported on the certified payroll reports including all data required of any laborer or mechanic.

12) Base Workweek
    On this city of Duluth funded project, the contractor may choose to work five 8-hour days OR four 10-hour days. Daily overtime must be paid on hours exceeding the base hours per day.
13) **Overtime:** On this project, time and one-half the regular hourly rate is paid for hours exceeding eight per day OR hours exceeding ten per day dependent upon the base workweek selection / all hours after 40 per week.

The overtime rate must be paid at NO LESS than the rate of pay as established in the project’s wage decision multiplied by one and one-half OR the base rate the employee is being paid if it is higher than the wage decision base rate.

- An employer may not withhold overtime payment exclusively until 40 hours per week are satisfied. **Daily overtime must be paid as it is earned.**
- See pages four and five of the Supplementary General Conditions, Part II, revised 6/11/10 in the project contract for further explanations of the overtime payment application.

14) **Originals**

**ORIGINAL certified payroll reports must be submitted WEEKLY.** The prime contractor is responsible for all subcontractors’ certified payroll reports.

**FAXED certified payroll reports WILL NOT be accepted.**

**QUICKEN BOOK users will need to provide data in a format as the WH-347 payroll form.**

(See web site in item #6)

15) **Statement of Compliance**

The **MnDOT Prime Contractor-Subcontractor’s Statement of Compliance (12/2010)** must also be completed in full and attached to each weekly certified payroll report.

- **web site:** [www.dot.state.mn.us/const/labor/forms.html](http://www.dot.state.mn.us/const/labor/forms.html)
- Check box A or box B for fringe benefit allocation (on the front side)
- The back side of this form requires the amount paid by classification and category plus the name, address, etc. of each fringe benefit plan.
- Any employee who has an exception to the fringe benefits must be explained in section “C.”
- For fringe benefits paid in cash:
  - again, indicate this in section “C”
  - the fringe amount will be added to the employee’s regular hourly rate; this total amount will appear on the certified payroll report and is subject to all payroll taxes
  - **overtime is calculated at one and one-half times the regular hourly rate half OR the base rate the employee is being paid if it is higher than the project’s wage decision base rate [see #6 above] plus the fringe benefit amount.**
- A handwritten—original—signature must appear on the back side.

16) **EEO Reports are required on this project.**

- Use the MnDOT EEO-13 form. **Web site:** [http://www.dot.state.mn.us/civilrights/forms.html](http://www.dot.state.mn.us/civilrights/forms.html)
- See the project's specifications/contract for specifics.
- Submit the monthly reports to the Labor Compliance Specialist in item #18.

17) **IC-134**

Form IC-134, Withholding Affidavit for Contractors must be submitted before the full retainage can be released.

- **on-line:** [www.mndot.state.mn.us](http://www.mndot.state.mn.us) lower right side of screen, click: Submit Contractor Affidavit
- **hard copies:** [www.taxes.state.mn.us/Forms_and_Instructions/ic134.pdf](http://www.taxes.state.mn.us/Forms_and_Instructions/ic134.pdf)

18) **Send weekly original certified payroll reports and monthly EEO reports to:**

- **direct:** 218/730-5200 Labor Compliance Technician
  - City of Duluth
  - 211 City Hall
  - 411 W. 1st St
  - Duluth, MN 55802
- **fax:** 218/730-5907

**Note to subcontractors:** the original certified payroll reports must be submitted to the prime contractor. The prime contractor will make a copy for its records and send the originals to the address in item #18.
DATA FOR LABOR COST BIDDING

NOTE:
Wage Decisions are subject to change due to lock-in rules and revisions near the bid opening.

Project No.: 1061
Name: Plum Street Overlay

This project is funded by:
City of Duluth

The base workweek may be:

Five 8-hour days
OR
Four 10-hour days
with OT on daily hours exceeding either

/ OT on all Hours after 40 per week

The project DOES NOT contain a project labor agreement (PLA).
Should a project contain a project labor agreement:
1) Union scale may not be reflected in the prevailing wage schedule(s)
2) Note Article II Section 10 for trucking labor costs

City of Duluth funding only:
Each certified payroll must indicate the base workweek on the accompanying MnDOT Statement of Compliance form and beside each employee’s name when his/her hours differ from the normal base workweek, if applicable.

OVERTIME REQUIREMENTS:
For projects funded by the City of Duluth: overtime must be paid on daily hours worked in excess of the base daily hours. Contractors (including sub-contractors) are not allowed to pay overtime solely on hours in excess of forty per week.

The overtime rate must be paid at NO LESS than the rate of pay as established in the project’s wage decision multiplied by one and one-half OR the base rate the employee is being paid if it is higher than the wage decision base rate.

Project Prevailing Wage Decision: US DOL MN130001 01/04/2013
General Decision Number: MN130001 01/04/2013 MN1
Superseded General Decision Number: MN20120001
State: Minnesota
Construction Type: Highway
Counties: Carlton, Cook, Itasca, Koochiching, Lake, Pine and St Louis Counties in Minnesota.

* SUMN2010-001 10/29/2012

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<tr>
<td>Skilled... $26.14</td>
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<td>Underground &amp; Open Ditch (8 ft below grade)... $26.84</td>
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<td>GROUP 5... $28.08</td>
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GROUP 6.................. $ 26.87 16.70
Speciality Equipment
Articulated Hauler........ $ 31.12 16.70
Boom Truck.................. $ 31.12 16.70
Off-Road Truck.............. $ 31.12 16.70

OPERATING ENGINEER CLASSIFICATIONS

GROUP 2: Helicopter Pilot; Concrete Pump; Cranes over 135 ft boom excluding jib; Dragline, Crawler, Hydraulic Backhoe and other similar equipment with shovel-type controls including attachments 3 cu yd & over; Grader or Motor Patrol; Pile Driving

GROUP 3: Asphalt Bituminous Stabilizer Plant; Cableway;
Concrete Mixer, Stationary Plant; Derrick (guy or stiff leg)(power) (skids or stationary); Dragline, Crawler, Hydraulic Backhoe and other similar equipment with shovel-type controls including attachments up to 3 cu yd; Dredge or Engineers Dredge (power); Front end loader 5 cu yd & over including attachments; Locomotive Crane Operator; Mixer (paving) concrete paving, Road Mole including Mucking operations, Conway or similar type; Mechanic, Welder; Tractor, Boom type. Tandem Scraper; Truck Crane, Crawler Crane; Tugcat 100 H.P. & over.

GROUP 4: Air Track Rock Drill; Automatic Road Machine CMI or similar; Backfiller; Concrete Batch Plant; Bituminous Roller Rubber Tire or Steel Drum 8 tons & over; Bituminous Spreader & Finishing Machine (power), including pavers, Macro Surfacing & Micro Surfacing or similar types (Operator & Screed person); Brokk or RTC remote control or similar type with attachments; Cat Challenger Tractor or similar types pulling Rock Wagons; Bulldozer & Scraper; Chip Harvester & Tree Cutter; Concrete Distributor & Spreader Finishing Machine, Longitudinal Float, Joint Machine, Spray Machine; Concrete Mixer on jobsite; Concrete Mixer; Crusing Plant (gravel, stone) or Gravel Washing, Crushing & Screening Plant; Curb Machine; Directional Boring Machine; Drill Rigs, Heavy Rotary or Churn or Cable Drill; Dual Tractor; Elevating Grader; Fork Lift; Front End, Skid Steer 1 to 5 cu yd; GPS Remote Operating of equipment; Hoist Engineer (power); Hydraulic Tree Planter; Locomotive; Milling, Grinding, Planing, Fine Grade, or Trimmer Machine; Multiple Machines such as Air Compressors, Welding Machines, Generators, Pumps; Pavement Breaker or Tamping Machine, Mighty Mite or similar type; Pickup Sweeper 1 cu yd & over hopper capacity; Horizontal Boring Machine power actuated over 6 inches; Pugmill; Pumpcrete; Rubber Tired Farm Tractor with Backhoe attachment; Scraper; Self-Propelled Soil Stabilizer; Slip Form (power driven) paving; Tractor, Bulldozer; Wheel type Tractor over 50 hp with PTO; Trenching Machine excludes walk behind Trencher; Tub Grinder, Morbark or similar type; Well Point installation or Dismantling.

GROUP 5: Air Compressor 600 cfm or over; Bituminous Roller under 8 tons; Concrete Saw multiple blade; Form Trench Digger (power); Front End Skid Steer up to 1 cu yd; Gunite, Gunall; Hydraulic Log Splitter; Loader, Barber Greene or similar; Post
Hole Driving Machine/Post Hole Auger; Power Actuated Auger & Boring Machine; Power Actuated Jack; Pump; Self-Propelled Chip Spreader (Flaherty or similar); Sheep Foot Compactor with blade 200 hp & over; Shouldering Machine (Power) APSCO or similar type including self-propelled Sand and Chip Spreader; Stump Chipper and Tree Chipper; Tree Farmer (Machine).

GROUP 6: Cat, Challenger or similar tractor when pulling Disk or Roller; Conveyor; Dredge Deck Hand; Fire Person or Tank Car Heater; Gravel Screening Plant (portable, not crushing or washing); Greaser (tractor); Lavor Person; Oiler (Power Shovel, Truck Crane, Dragline, Crusher and Milling Machine; Power Sweeper; Sheep Foot Roller & Rollers on Gravel Compaction including vibrating rollers; Wheel type Tractor over 50 hp.

TRUCK DRIVER

GROUP 1: $ 27.10 13.65
GROUP 2: $ 26.55 13.65
GROUP 3: $ 26.45 13.65
GROUP 4: $ 26.20 13.65

TRUCK DRIVER CLASSIFICATIONS:

GROUP 1: Mechanic, Welder; Tractor Trailer; Truck hauling machinery including operation of hand and power operated winches.

GROUP 2: Four or more axle unit straight body truck.

GROUP 3: Bituminous Distributor driver; Bituminous Distributor (one person operation); Three Axle units.

GROUP 4: Bituminous Distributor Spray operator (rear and oiler); Dump Person; Greaser; Pilot Car; Rubber Tire self-propelled Packer under 8 tons; Two Axle unit; Slurry Operator; Tank Truck Tender (gas, road oil, water); Tractor under 50 hp.

Tunnel Miner $ 26.84 15.33

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the
cited type(s) of construction in the area covered by the wage
determination. The classifications are listed in alphabetical
order of "identifiers" that indicate whether the particular
rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with
characters other than "SU" denotes that the union
classification and rate have found to be prevailing for that
classification. Example: PLUM0198-005 07/01/2011. The first
four letters, PLUM, indicate the international union and the
four-digit number, 0198, that follows indicates the local union
number or district council number where applicable, i.e.,
Plumbers Local 0198. The next number, 005 in the example, is
an internal number used in processing the wage determination.
The date, 07/01/2011, following these characters is the
effective date of the most current negotiated rate/collective
bargaining agreement which would be July 1, 2011 in the above
example.

Union prevailing wage rates will be updated to reflect any
changes in the collective bargaining agreements governing the
rates.

0000/9999: weighted union wage rates will be published annually
each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived
from survey data by computing average rates and are not union
rates; however, the data used in computing these rates may
include both union and non-union data. Example: SULA2004-007
5/13/2010. SU indicates the rates are not union majority rates,
LA indicates the State of Louisiana; 2004 is the year of the
survey; and 007 is an internal number used in producing the
wage determination. A 1993 or later date, 5/13/2010, indicates
the classifications and rates under that identifier were issued
as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change
until a new survey is conducted.

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WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can
be:

* an existing published wage determination
* a survey underlying a wage determination
* a Wage and Hour Division letter setting forth a position on a wage determination matter
* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION
City of Duluth
Indemnification & Insurance Requirements
(Updated February 16, 2011)

(Please Be Sure These Requirements Can Be Met before Submitting Your Response)

INDEMNIFICATION CLAUSE

The Contractor will defend, indemnify and save the City harmless from all costs, charges, damages, and loss of any kind that may grow out of the matter covered by this contract. Said obligation does not include indemnification of the City for claims of liability arising out of the sole negligent or intentional acts or omissions of City but shall include but not be limited to the obligation to defend, indemnify and same harmless the City in all cases where claims of liability against the City arise out of acts or omissions of City which are derivative of the negligence or intentional acts or omissions of Contractor such as, and including but not limited to, the failure to supervise, the failure to warn, the failure to prevent such act or omission by Contractor and any other such source of liability. In addition, Contractor will comply with all local, state and federal laws, rules and regulations applicable to this contract and to the work to be done and things to be supplied hereunder.

INSURANCE

a. Contractor shall provide the following minimum amounts of insurance from insurance companies authorized to do business in the state of Minnesota, which insurance shall indemnify Contractor and City from all liability described in the paragraph above, subject to provisions of subparagraph below.

1. Worker's compensation in accordance with the laws of the state of Minnesota.

2. Public Liability and Automobile Liability Insurance with limits not less than $1,500,00 Single Limit, and twice the limits provided when a claim arises out of the release or threatened release of a hazardous substance; shall be in a company approved by the city of Duluth; and shall provide for the following: Liability for Premises, Operations, Completed Operations, Independent Contractors, and Contractual Liability.

3. City of Duluth shall be named as Additional Insured under the Public Liability, Excess/Umbrella Liability* and Automobile Liability, or as an alternate, Contractor may provide Owners-Contractors Protective policy, naming itself and the City of Duluth. Contractor shall also provide evidence of Statutory Minnesota Worker's Compensation Insurance. Contractor to provide Certificate of Insurance evidencing such coverage with 30-days notice of cancellation, non-renewal or material change provisions included. The City of Duluth does not represent or guarantee that these types or limits of coverage are adequate to protect the Contractor's interests and liabilities.
*An umbrella policy with a “following form” provision is acceptable if written verification is provided that the underlying policy names the City of Duluth as an additional insured.

(4) If a certificate of insurance is provided, the form of the certificate shall contain an unconditional requirement that the insurer notify the City without fail not less than 30 days prior to any cancellation, non-renewal or modification of the policy or coverages evidenced by said certificate and shall further provide that failure to give such notice to City will render any such change or changes in said policy or coverages ineffective as against the City.

(5) The use of an “Acord” form as a certificate of insurance shall be accompanied by two forms – 1) ISO Additional Insured Endorsement (CG-2010 pre-2004) and 2) Notice of Cancellation Endorsement (IL 7002) or equivalent, as approved by the Duluth City Attorney’s Office.

b. The insurance required herein shall be maintained in full force and effect during the life of this Agreement and shall protect Contractor, its employees, agents and representatives from claims and damages including but not limited to personal injury and death and any act or failure to act by Contractor, its employees, agents and representatives in the negligent performance of work covered by this Agreement.

c. Certificates showing that Contractor is carrying the above described insurance in the specified amounts shall be furnished to the City prior to the execution of this Contract and a certificate showing continued maintenance of such insurance shall be on file with the City during the term of this Contract.

d. The City shall be named as an additional insured on each liability policy other than the workers’ compensation policies of the Contractor.

e. The certificates shall provide that the policies shall not be changed or canceled during the life of this Contract without at least 30 days advanced notice being given to the City.

f. Contractor shall be required to provide insurance meeting the requirements of this Paragraph unless Contractor successfully demonstrates to the satisfaction of the City Attorney, in the exercise of his or her discretion, that such insurance is not reasonably available in the market. If Contractor demonstrates to the satisfaction of the City Attorney that such insurance is not reasonably available, the City attorney may approve an alternative form of insurance which is reasonably available in the market which he or she deems to provide the highest level of insurance protection to the City which is reasonably available.

Procedure verified by:

[Signature]

Don Douglas, Claims Adjuster
Duluth City Attorney’s Office

Date 9/20/12
A. Section II - Who Is an Insured is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

NOTICE OF CANCELLATIONS ENDORSEMENT IL-7002 (10-90)
All Coverage Parts included in this policy are subject to the following condition: If we cancel this policy for any reason other than non-payment of premium, we will mail advance notice to the person(s) or organization(s) as shown in the Schedule.

Schedule
Person or Organization (Name and Address)    Advance Notice (Days)
City of Duluth
Purchasing Division
Room 100 City Hall
411 West First Street
Duluth, MN 55802
30