REQUEST FOR BID

DATE [07/07/2015]

BID # [15-0480]

RETURN BY BID OPENING TIME TO:

PURCHASING DIVISION
100 CITY HALL
Duluth, MN 55802

PHONE: 218-730-5340
FAX: 218-730-5921

FAIRMONT ST. WATER MAIN
1333

BID OPENING DATE AT [2:00 P.M.] ON [29, JULY, 2015]

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)

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

Vendor Email Address:

NAME: 
ADD1: 
ADD2: 
ADD3: 

BY: 
(Print) (Title)
(Signature) (Tele. #)

FREIGHT CHARGE $ 
TOTAL BID PRICE $ TO INCLUDE ANY ADDITIONAL PAGES.

PAYMENT TERMS $ 
F.O.B. POINT $ 
DELIVERY DATE $ 

**NOTE: Please self-identify as an MBE ____ or WBE ____ by checking if applicable.

The City of Duluth is an Equal Opportunity Employer.

[APWU\ENGINEER\PROJECTS\2014\1333_Fairmont_St_Water_Main\BIDDING\1333_Request for Bids_rev 04-17-2015]
## Schedule of Prices

**Fairmont St. Watermain**

City Project No. [1333]
Bid No. [15-0480]

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 2015 edition of the City of Duluth Public Works Utilities Department Engineering Division Construction Standards including supplements 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, DEPLORES 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))

[Initial]
SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF

A.D.,

NOTARY PUBLIC

IMPORTANT NOTE BIDDERS:
PLEASE DISREGARD 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: [Tim Sanders]
Engineering
218-730-[5066]
<table>
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<tr>
<th>Line No.</th>
<th>Spec. No.</th>
<th>Description</th>
<th>Unit</th>
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TOTAL:  

Initial
AFFIDAVIT AND INFORMATION REQUIRED OF BIDDERS

Affidavit of Non-Collusion:

I hereby swear (or affirm) under penalty of perjury:

1) That I am the bidder (if the bidder is an individual), a partner in the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation);

2) That the attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor or materials, supplied, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;

3) That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids and will not be communicated to any such person prior to the official opening of the bid or bids; and

4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed: ____________________________

Firm Name: __________________________

Subscribed and sworn to me before this ___ day of ________________, ________

NOTARY PUBLIC ____________________________

My commission expires: ____________________________

Bidder’s E.I. Number ____________________________ 
(Number used on employer’s quarterly Federal Tax return)
EQUAL EMPLOYMENT OPPORTUNITY (EEO) AFFIRMATIVE ACTION
POLICY STATEMENT & COMPLIANCE CERTIFICATE

TO:  City of Duluth, Minnesota

2015 8” Water Main Replacement at Tischer Creek and Fairmont St.
(City Project # 1333)

FROM: ________________________________________________________________

(FIRM's name, address, telephone number)

A) Employment: It is the policy of the above named FIRM to afford equal opportunity for employment to
all individuals regardless of race, color, creed, religion, national origin, ancestry, age, sex, marital
status, status with respect to public assistance and/or disability. The FIRM will take affirmative action to
ensure that we will: (1) recruit, hire, and promote all job classifications without regard to race, color,
creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public
assistance, and/or disability, except where sex is a bona fide occupational qualification; (2) base
decisions on employment so as to further the principle of equal employment opportunity; (3) ensure that
promotion decisions are in accord with the principles of equal employment opportunity by imposing only
valid requirements for promotional opportunities; (4) ensure that all personnel actions such as
compensation, benefits, transfers, layoffs, return from layoff, FIRM sponsored training, education tuition
assistance, social and recreational programs will be administered without regard to race, color, creed,
religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance,
and/or disability. The FIRM also intends full compliance with Veteran affirmative action requirements.
Additionally, minority and female employees shall be encouraged to participate in all FIRM activities
and refer applicants.

I have designated (name) ________________________________________________ to direct the
establishment of and to monitor the implementation of personnel procedures to guide the FIRM's
affirmative action program. Where PROJECTS exceed $500,000, this official shall also serve as the
liaison officer that administers the FIRM's "Minority Business Enterprise Program." This official is
charged with designing and implementing audit and reporting systems that will keep management
informed on a monthly basis of the status of the equal opportunity area.

Supervisors have been made to understand that their work performance is being evaluated on the
basis of their equal opportunity efforts and results, as well as other criteria. It shall be the responsibility
of the FIRM and its supervisors to take actions to prevent harassment of employees placed through
affirmative action efforts.

B) Reports: Unless exempted by law and regulation, the FIRM shall make available and file those reports
related to equal opportunity as may be required by the City of Duluth and State and Federal compliance
agencies. Requirements and Reports are defined in 41CFR60 “Compliance Responsibility for Equal
Opportunity” published by the U. S. Department of Labor which is incorporated herein by reference.
Additional requirements are defined in various State and Federal Civil Rights Legislation and Rules
promulgated thereunder.

C) Nonsegregated Facilities: The FIRM certifies that it does not maintain or provide for its employees
any segregated facilities at any of its establishments and that it does not permit its employees to
perform their services at any location, under its control, where segregated facilities are maintained.
The FIRM certifies that it will not maintain or provide for its employees any segregated facilities at any
of its establishments and that it will not permit its employees to perform their services at any location,
under its control, where segregated facilities are maintained. The FIRM agrees that a breach of this

Page 1 of 2
1472 EEO Policy CoD
certification is a violation of the Equal Opportunity Clause in this certificate. As used in this Certification, the term “segregated facilities” means any waiting rooms, work area, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation for entertainment area, transportation, and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise.

D) **Affirmative Action Compliance Program:** Unless exempted by regulation and law, the FIRM--if the FIRM has 50 or more employees and if the value of current contracts with the City of Duluth exceeds $50,000--shall prepare and maintain a written affirmative action compliance program that meets the requirement as set forth in 41CFR60.

E) **Non-Compliance:** The FIRM certifies that it is not currently in receipt of any outstanding letters of deficiencies, show cause, probable cause, or other such notification of non-compliance with EEO Laws and Regulations.

F) **Employment Goals - “Construction” Projects:** It shall be the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the on-site workforce will be minority employees and that no less than 7% of the on-site workforce will be female employees. Further, it is the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the work hours generated shall be worked by minority employees and that no less than 7% of the work hours generated shall be worked by female employees.

G) **Subcontractors:** The FIRM will for all its PROJECT subcontractors regardless of tier (unless exempted by law and regulation) that received in excess of $2,500 require that: (1) the subcontractor shall execute an “EEO Statement and Certification” similar in nature to this “Statement and Certification”, (2) said documentation to be maintained on file with the FIRM or subcontractor as may be appropriate.

Executed this _______ day of ________________, 20__ by:


Printed name and title

____________________________________
Signature

**NOTE:** In addition to the various remedies prescribed for violation of Equal Opportunity Laws, the penalty for false statements is prescribed in 18 U.S.C. 1001.
ATTACHMENT A

RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE

PROJECT TITLE: ________________________________

---

**Minn. Stat § 16C.285, Subd. 7. IMPLEMENTATION.** ... any prime contractor or subcontractor that does not meet the minimum criteria in subdivision 3 or fails to verify that it meets those criteria is not a responsible contractor and is not eligible to be awarded a construction contract for the project or to perform work on the project...

---

**Minn. Stat § 16C.285, Subd. 3. RESPONSIBLE CONTRACTOR, MINIMUM CRITERIA.** "Responsible contractor" means a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the work on the project and verifies that it meets the following minimum criteria:

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<table>
<thead>
<tr>
<th>(1) The Contractor:</th>
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<tbody>
<tr>
<td>(i) is in compliance with workers' compensation and unemployment insurance requirements;</td>
</tr>
<tr>
<td>(ii) is currently registered with the Department of Revenue and the Department of Employment and Economic Development if it has employees;</td>
</tr>
<tr>
<td>(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and</td>
</tr>
<tr>
<td>(iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>(2) The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:</th>
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<tr>
<td>(i) repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of $25,000 or more within the three-year period;</td>
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<tr>
<td>(ii) has been issued an order to comply by the commissioner of Labor and Industry that has become final;</td>
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<tr>
<td>(iii) has been issued at least two determination letters within the three-year period by the Department of Transportation finding an underpayment by the contractor or related entity to its own employees;</td>
</tr>
<tr>
<td>(iv) has been found by the commissioner of Labor and Industry to have repeatedly or willfully violated any of the sections referenced in this clause pursuant to section 177.27;</td>
</tr>
<tr>
<td>(v) has been issued a ruling or findings of underpayment by the administrator of the Wage and Hour Division of the United States Department of Labor that have become final or have been upheld by an administrative law judge or the Administrative Review Board; or</td>
</tr>
<tr>
<td>(vi) has been found liable for underpayment of wages or penalties or misrepresenting a construction worker as an independent contractor in an action brought in a court having jurisdiction. Provided that, if the contractor or related entity contests a determination of underpayment by the Department of Transportation in a contested case proceeding, a violation does not occur until the contested case proceeding has concluded with a determination that the contractor or related entity underpaid wages or penalties;</td>
</tr>
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</table>

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(3) The contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 181.723 or chapter 326B. For purposes of this clause, a violation occurs when a contractor or related entity has been issued a final administrative or licensing order;*

(4) The contractor or related entity has not, more than twice during the three-year period before submitting the verification, had a certificate of compliance under section 363A.36 revoked or suspended based on the provisions of section 363A.36, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office;*

(5) The contractor or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals, due to a lack of good faith effort, more than once during the three-year period before submitting the verification;*

* Any violations, suspensions, revocations, or sanctions, as defined in clauses (2) to (5), occurring prior to July 1, 2014, shall not be considered in determining whether a contractor or related entity meets the minimum criteria.

(6) The contractor or related entity is not currently suspended or debarred by the federal government or the state of Minnesota or any of its departments, commissions, agencies, or political subdivisions; and

(7) All subcontractors that the contractor intends to use to perform project work have verified to the contractor through a signed statement under oath by an owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

Minn. Stat. § 16C.285, Subd. 5. SUBCONTRACTOR VERIFICATION.

A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project.

If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors.

A prime contractor shall submit to the contracting authority upon request copies of the signed verifications of compliance from all subcontractors of any tier pursuant to subdivision 3, clause (7). A prime contractor and subcontractors shall not be responsible for the false statements of any subcontractor with which they do not have a direct contractual relationship. A prime contractor and subcontractors shall be responsible for false statements by their first-tier subcontractors with which they have a direct contractual relationship only if they accept the verification of compliance with actual knowledge that it contains a false statement.
Minn. Stat. § 16C.285, Subd. 4. VERIFICATION OF COMPLIANCE.

A contractor responding to a solicitation document of a contracting authority shall submit to the contracting authority a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in subdivision 3 at the time that it responds to the solicitation document.

A contracting authority may accept a sworn statement as sufficient to demonstrate that a contractor is a responsible contractor and shall not be held liable for awarding a contract in reasonable reliance on that statement. Failure to verify compliance with any one of the minimum criteria or a false statement under oath in a verification of compliance shall render the prime contractor or subcontractor that makes the false statement ineligible to be awarded a construction contract on the project for which the verification was submitted.

A false statement under oath verifying compliance with any of the minimum criteria may result in termination of a construction contract that has already been awarded to a prime contractor or subcontractor that submits a false statement. A contracting authority shall not be liable for declining to award a contract or terminating a contract based on a reasonable determination that the contractor failed to verify compliance with the minimum criteria or falsely stated that it meets the minimum criteria.

CERTIFICATION

By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

1) My company meets each of the Minimum Criteria to be a responsible contractor as defined herein and is in compliance with Minn. Stat. § 16C.285,

2) I have included Attachment A-1 with my company’s solicitation response, and

3) if my company is awarded a contract, I will also submit Attachment A-2 as required.

Authorized Signature of Owner or Officer: __________________________  Printed Name: __________________________

Title: __________________________  Date: __________________________

Company Name: __________________________

NOTE: Minn. Stat. § 16C.285, Subd. 2, (c) If only one prime contractor responds to a solicitation document, a contracting authority may award a construction contract to the responding prime contractor even if the minimum criteria in subdivision 3 are not met.
Minn. Stat. § 16C.285, Subd. 5. A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project. ...

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<th>FIRST TIER SUBCONTRACTOR NAMES</th>
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ATTACHMENT A-2

ADDITIONAL SUBCONTRACTORS LIST

PRIME CONTRACTOR TO SUBMIT AS SUBCONTRACTORS ARE ADDED TO THE PROJECT

PROJECT TITLE: _____________________________________________

This form must be submitted to the Project Manager or individual as identified in the solicitation document.

Minn. Stat. § 16C.285, Subd. 5. ... If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors. ...

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Rev. 11-13-2014
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<td>(Legal name of company as registered with the Secretary of State)</td>
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**SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-2**

By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

All additional subcontractors listed on Attachment A-2 have verified through a signed statement under oath by an owner or officer that they meet the minimum criteria to be a responsible contractor as defined in Minn. Stat. § 16C.265.

<table>
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<tr>
<th>Authorized Signature of Owner or Officer:</th>
<th>Printed Name:</th>
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<table>
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<th>Date:</th>
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<table>
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<tr>
<th>Company Name:</th>
<th></th>
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</table>
IMPORTANT—NOTICE TO BIDDER

On the envelope submitting your bid, it is imperative
1. That your name and address appear in the UPPER left corner.
2. That the bottom portion of this label be filled in and pasted on the LOWER left corner.

BID NO.

DATE OF OPENING

TIME OF OPENING

A.M. P.M.

DESCRIPTION