

**REQUEST FOR BID****DATE** 1/20/2016**BID #** 2016-0137

RETURN BY BID OPENING TIME TO:

PURCHASING DIVISION  
100 CITY HALL  
Duluth, MN 55802  
Amanda Ashbach  
PHONE: 218-730-5340  
FAX: 218-730-5921

**Lowell to Lakewalk Trail  
Trail Construction**

**BID OPENING DATE AT 2:00 PM ON Wednesday, February 10, 2016**

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

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**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.

INSUREANCE CERTIFICATE required per attached requirements.

Designated F.O.B. Point:

Engineering Division

Tax:

Federal Excise Tax Exemption

Jobsite(s)

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)

F.O.B. POINT \$ \_\_\_\_\_

(Signature)

(Tele. #)

DELIVERY DATE \$ \_\_\_\_\_

The City of Duluth is an Equal Opportunity Employer.

## C I T Y     O F     D U L U T H

DATE: 1/20/2016  
 BID #: 2016-0137

## \*\*\*\*\*SCHEDULE OF PRICES\*\*\*\*\*

Lowell to Lakewalk Trail

City Project 1327  
 Bid No. 2016-0137

Make all extensions and total the bid.

Item No.	Spec. #	Qty	U/OM	Item Description	Unit Price	Total Price
001		1	Each	<b>Exhibit A (Must Be Returned With The Bid)</b>	\$ _____	\$ _____
						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)

C I T Y O F D U L U T H

DATE: 1/20/2016  
BID #: 2016-0137

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, 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))

\_\_\_\_\_  
(Initial)

C I T Y      O F      D U L U T H

DATE: 1/20/2016  
BID #: 2016-0137

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\_\_\_\_\_  
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: Patrick Loomis  
Engineering  
218-730-5094

\_\_\_\_\_  
(Initial)

**EXHIBIT A**

Item No.	Spec. No.	Description		Unit	Est. Qty	Unit Price	Total Price
1	2021.501	MOBILIZATION		LUMP SUM	1.00		
2	2101.511	CLEARING AND GRUBBING		LUMP SUM	1		
3	2104.501	REMOVE PIPE SEWERS		LIN FT	131		
4	2104.501	REMOVE CURB AND GUTTER		LIN FT	319		
5	2104.501	REMOVE MANHOLE OR CATCH BASIN		EACH	10		
6	2104.503	REMOVE CONCRETE WALK		SQ FT	3 983		
7	2104.505	REMOVE DRIVEWAY PAVEMENT		SQ YD	118		
8	2104.505	REMOVE PAVEMENT	(P)	SQ YD	5 274		
9	2104.509	REMOVE SIGN		EACH	20		
10	2104.509	REMOVE HYDRANT	(P)	EACH	1		
11	2104.511	SAWING CONCRETE PAVEMENT (FULL DEPTH)		LIN FT	3 651		
12	2104.513	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)		LIN FT	176		
13	2105.501	COMMON EXCAVATION	(P)	CU YD	477		
14	2105.522	SELECT GRANULAR BORROW MOD 7% (CV)	(P)	CU YD	1 746		
15	2211.503	AGGREGATE BASE (CV) CLASS 5	(P)	CU YD	990		
16	2232.501	MILL BITUMINOUS SURFACE (3.0")	(P)	SQ YD	3 747		
17	2301.511	STRUCTURAL CONCRETE		CU YD	155		
18	2301.538	DOWEL BAR (EPOXY COATED)		EACH	30		
19	2301.602	REINFORCEMENT BAR (EPOXY COATED)		EACH	1 493		
20	2301.602	DRILL & GROUT REINF BAR (EPOXY COATED)		EACH	1 463		
21	2301.604	PLACE CONCRETE PAVEMENT		SQ YD	701		
22	2360.501	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)		TON	379		
23	2360.501	TYPE SP 12.5 WEARING COURSE MIXTURE (3,C)		TON	1 519		
24	2360.503	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C) 3.0" THICK		SY	130		
25	2360.601	BITUMINOUS MIXTURE FOR PATCHING		TON	34		
26	2501.515	12" CAS PIPE APRON		EACH	1		
27	2503.541	12" RC PIPE SEWER DESIGN 3006 CLASS III		LIN FT	174		
28	2503.602	CONNECT TO EXISTING STORM SEWER		EACH	8		
29	2504.602	ADJUST VALVE BOX		EACH	3		
30	2504.602	HYDRANT		EACH	1		
31	2506.501	CONST DRAINAGE STRUCTURE DESIGN F		LIN FT	6.6		

32	2506.502	CONSTRUCT DRAINAGE STRUCTURE DESIGN G		EACH	12		
33	2506.516	CASTING ASSEMBLY		EACH	2		
34	2506.602	ADJUST FRAME & RING CASTING		EACH	11		
35	2506.602	CONCRETE ENCASED CASTING COLLAR		EACH	11		
36	2506.602	REPAIR STRUCTURE		EACH	3		
37	2521.501	4" CONCRETE WALK		SQ FT	2 998		
38	2521.501	6" CONCRETE WALK		SQ FT	2 134		
39	2531.501	CONCRETE CURB & GUTTER DESIGN B624		LIN FT	537		
40	2531.501	CONCRETE CURB & GUTTER DESIGN B624 (MODIFIED)		LIN FT	2 916		
41	2531.507	7" CONCRETE DRIVEWAY PAVEMENT		SQ YD	188		
42	2531.618	TRUNCATED DOMES		SQ FT	338		
43	2563.601	TRAFFIC CONTROL		LUMP SUM	1		
44	2564.515	SIGN SUPPORT		EACH	21		
45	2564.531	SIGN PANELS TYPE C		SQ FT	20		
46	2564.602	RELOCATE SIGN		EACH	15		
47	2573.502	SILT FENCE, TYPE HEAVY DUTY		LIN FT	813		
48	2573.530	STORM DRAIN INLET PROTECTION		EACH	22		
49	2573.602	CULVERT INLET PROTECTION		EACH	3		
50	2573.602	OUTLET APRON SEDIMENT TRAP		EACH	4		
51	2574.525	COMMON TOPSOIL BORROW		CU YD	327		
52	2575.501	SEEDING		ACRE	0.5		
53	2575.502	SEED MIXTURE 25-151		POUND	60		
54	2575.505	SODDING TYPE LAWN		SQ YD	1 787		
55	2575.523	EROSION CONTROL BLANKETS CATEGORY 3		SQ YD	673		
56	2575.532	FERTILIZER TYPE 3		POUND	151		
57	2582.501	PAVEMENT MESSAGE (LEFT ARROW) EPOXY		EACH	2		
58	2582.501	PAVEMENT MESSAGE (THRU & RIGHT ARROW) EPOXY		EACH	2		
59	2582.502	4" SOLID WHITE LINE EPOXY		LIN FT	1960		
60	2582.502	24" STOP LINE WHITE EPOXY		LIN FT	100		
61	2582.502	4" DOUBLE SOLID LINE YELLOW EPOXY		LIN FT	2705		
62	2582.503	CROSSWALK		SQ FT	1230		

**GRAND 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 **PROJECT NUMBER & DESCRIPTION** \_\_\_\_\_

\_\_\_\_\_  
**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



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  
PRIME CONTRACTOR RESPONSE**

**RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE**

**STATE PROJECT NUMBER:** \_\_\_\_\_

**This form includes changes by statutory references from the Laws of Minnesota 2015, chapter 64, sections 1-9. This form must be submitted with the response to this solicitation. A response received without this form, will be rejected.**

<p>Minn. Stat. § 16C.285, Subd. 7. <b>IMPLEMENTATION.</b> ... any prime contractor or subcontractor or motor carrier 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...</p>	
<p>Minn. Stat. § 16C.285, Subd. 3. <b>RESPONSIBLE CONTRACTOR, MINIMUM CRITERIA.</b> "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:</p>	
(1)	<p>The Contractor:</p> <ul style="list-style-type: none"><li>(i) is in compliance with workers' compensation and unemployment insurance requirements;</li><li>(ii) is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees;</li><li>(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and</li><li>(iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative.</li></ul>
(2)	<p>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:</p> <ul style="list-style-type: none"><li>(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, provided that a failure to pay is "repeated" only if it involves two or more separate and distinct occurrences of underpayment during the three-year period;</li><li>(ii) has been issued an order to comply by the commissioner of Labor and Industry that has become final;</li><li>(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;</li><li>(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;</li><li>(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</li><li>(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;*</li></ul>

(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 that have authority to debar a contractor; and
(7)	All subcontractors and motor carriers 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. Prior to execution of a construction contract, and as a condition precedent to the execution of a construction contract, the apparent successful prime contractor shall submit to the contracting authority a supplemental verification under oath confirming compliance with subdivision 3, clause (7). Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor.

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.

**Subd. 5a. Motor carrier verification.** A prime contractor or subcontractor shall obtain annually from all motor carriers with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each motor carrier. A prime contractor or subcontractor shall require each such motor carrier to provide it with immediate written notification in the event that the motor carrier no longer meets one or more of the minimum criteria in subdivision 3 after submitting its annual verification. A motor carrier shall be ineligible to perform work on a project covered by this section if it does not meet all the minimum criteria in subdivision 3. Upon request, a prime contractor or subcontractor shall submit to the contracting authority the signed verifications of compliance from all motor carriers providing for-hire transportation of materials, equipment, or supplies for a project.

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, with the exception of clause (7), at the time that it responds to the solicitation document.

A contracting authority may accept a signed statement under oath 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. A prime contractor, subcontractor, or motor carrier that fails to verify compliance with any one of the required minimum criteria or makes a false statement under oath in a verification of compliance shall be 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 or motor carrier 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. A verification of compliance need not be notarized. An electronic verification of compliance made and submitted as part of an electronic bid shall be an acceptable verification of compliance under this section provided that it contains an electronic signature as defined in section 325L.02, paragraph (h).

**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, and**
- 2) if my company is awarded a contract, I will submit Attachment A-1 prior to contract execution, 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.

**ATTACHMENT A-1**

**FIRST-TIER SUBCONTRACTORS LIST**

**SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT**

**STATE PROJECT NUMBER:** \_\_\_\_\_

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. Prior to execution of a construction contract, and as a condition precedent to the execution of a construction contract, the apparent successful prime contractor shall submit to the contracting authority a supplemental verification under oath confirming compliance with subdivision 3, clause (7). Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor.

<b>FIRST TIER SUBCONTRACTOR NAMES*</b> <b>(Legal name of company as registered with the Secretary of State)</b>	<b>Name of city where company home office is located</b>

\*Attach additional sheets as needed for submission of all first-tier subcontractors.

<b>SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1</b>	
<b>By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:</b>  <b>All first-tier subcontractors listed on attachment A-1 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.285.</b>	
<b>Authorized Signature of Owner or Officer:</b>	<b>Printed Name:</b>
<b>Title:</b>	<b>Date:</b>
<b>Company Name:</b>	

**ATTACHMENT A-2**

**ADDITIONAL SUBCONTRACTORS LIST**

**PRIME CONTRACTOR TO SUBMIT AS SUBCONTRACTORS ARE ADDED TO THE PROJECT**

**STATE PROJECT NUMBER:** \_\_\_\_\_

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. ...

<b>ADDITIONAL SUBCONTRACTOR NAMES*</b> <b>(Legal name of company as registered with the Secretary of State)</b>	<b>Name of city where company home office is located</b>

\*Attach additional sheets as needed for submission of all additional subcontractors.

<b>SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-2</b>	
<b>By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:</b>  <b>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.285.</b>	
<b>Authorized Signature of Owner or Officer:</b>	<b>Printed Name:</b>
<b>Title:</b>	<b>Date:</b>
<b>Company Name:</b>	