



CITY OF DULUTH
PURCHASING DIVISION
Room 120 City Hall
411 West First Street
Duluth, Minnesota 55802-1199
218/730-5340
purchasing@duluthmn.gov

Addendum #1
Bid #19-0476
Main Library Restroom Remodel

This addendum serves to notify all bidders of the following changes to the solicitation documents:

1. The pre-bid meeting sign-in sheet has been uploaded to the Bid Express solicitation.
2. The responsible contractor form has been updated to include the new requirements regarding wage theft. Added language is underlined below.
 - a. Paragraph (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, 181.03, 181.101, 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:
 - (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;
 - (ii) has been issued an order to comply by the commissioner of Labor and Industry that has become final;
 - (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;
 - (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;

(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

(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;*

(vii) has been convicted of a violation of section 609.52, subd 2 (19).

3. Paragraph 111a. of the general conditions has been updated to reflect the new state requirements pertaining to retainage. Deleted language is struck through and new language is underlined.

a. Partial Payments

- i. At least once per month at regular intervals, the Contractor shall prepare a request for payment and submit it to the Project Manager for approval. Certified payrolls shall accompany all requests for payment. The amount of the payment due the Contractor shall be determined by adding to the total value of Work completed to date, the value of materials properly stored on the site and deducting (1) five percent (5%) of the total amount, this sum to be retained until ~~final payment~~ substantial completion and (2) the amount of all previous payments. The total value of the Work completed to date shall be based on the estimated quantities of Work completed and on the unit prices contained in the agreement. The value of materials properly stored on site shall be based upon the estimated quantities of such materials and the invoice prices. Copies of all invoices shall be available for inspection.
- ii. Monthly or partial payments made by the City to the Contractor are advanced for the purpose of assisting the Contractor to expedite the Work of construction. The Contractor shall be responsible for the care and protection of all materials and Work upon which payments have been made until final acceptance of such Work and materials by the City. Such payments shall not constitute a waiver of the right of the City to require the fulfillment of all terms of the Contract and the delivery of all improvements embraced in this Contract complete and satisfactory to the City in all details.
- iii. Per MN Statute 2018, Section 15.72, Subd 2, after substantial completion, the City may withhold as retainage no more than (1) 250% of the cost to correct or complete work known at the time of

substantial completion; and (2) one percent (1 %) of the value of the contract or \$500, whichever is greater, pending completion and submission of all final paperwork by the contractor or subcontractor, including, but not limited to, operation manuals, payroll documents for prevailing wage requirements, and the withholding exemption certificate required by section 270C.66.

Please acknowledge receipt of this Addendum by checking the acknowledgment box within the www.bidexpress.com solicitation.

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