



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

**Addendum 1**  
**Solicitation # 19-5503**  
**CHUM Vestibule**

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

1. A revised invitation to bid is attached. Deletions in the text are indicated by strikethrough, and additions are underlined. Changes are summarized here:
  - a. The City of Duluth does not need to be listed as additional insured for the insurance.
  - b. Byrd Anti-Lobbying Certification is required. The certification form to be submitted with your bid is included with this addendum.
  - c. CHUM will not be requiring payment and performance bonds.
  - d. Community Benefits Provisions will apply if the successful bid is \$150,000 or more.
  - e. Eight percent retainage for taxes does not apply to a contract with CHUM.
2. A revised Declaration of Non-collusion, referencing both the City of Duluth *and* CHUM is attached.

Please acknowledge receipt of this Addendum by initialing and dating Addendum 1 below the bid form on the invitation for bids.

Posted: **November 18, 2019**

Attachments:

Invitation to Bid  
Byrd Anti-Lobbying Certification  
Declaration of Non-Collusion



**Purchasing Division**  
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## INVITATION TO BID CHUM VESTIBULE

**BID NUMBER: 19-5503**

**BID OPENING: TUESDAY, DECEMBER 3, 2019 AT 2:00 PM**

**PROJECT DESCRIPTION:** The City of Duluth, on behalf of CHUM, seeks bids for the construction of a vestibule attached to the back entrance of the CHUM Shelter located at 102 W 2nd St, Duluth, MN. Work includes, but is not limited to excavating the site, constructing a foundation and footings for the vestibule, and building the vestibule. Please see the attached proposal package and plans for more information.

**NOTE – THIS PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL COMMUNITY BLOCK GRANT FUNDS. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL CONTRACT PROVISIONS.**

**PRE-BID/WALK-THROUGH:** A prebid meeting will not be held for this project. Please submit any questions via e-mail to [purchasing@duluthmn.gov](mailto:purchasing@duluthmn.gov). Responses will be provided to all interested bidders as an addendum to this solicitation.

The selected contractor will contract directly with CHUM.

Proposal forms, contract documents, plans and specifications are on file at the following offices: Duluth Builder's Exchange, Minnesota Builder's Exchange and BXWI-Fox Valley Plan Room.

## INSTRUCTIONS TO BIDDERS

By submitting a bid, Bidders are acknowledging that they have read the City of Duluth General Bid Specifications, which are included in this bid package.

Sealed bids must be received in Purchasing before 2:00 PM local time on the bid opening date specified above. The City Purchasing Agent or her designee will conduct a public bid opening in Room 120 immediately following receipt of the bids.

No alternatives to the specification will be considered unless specifically requested.

The City of Duluth reserves the right to split the award where there is a substantial savings to the City, to waive informalities and to reject any and all bids.

### **The following documents must be submitted with your bid:**

1. **Bid Bond** - 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. Bids may be withdrawn without forfeiture of surety if the request is submitted by the Bidder and received at the Purchasing Office in writing or by e-mail prior to the scheduled bid opening.
2. **Acknowledgment of Addendum** – any changes to this solicitation will be announced via Addendum. Bidders must indicate that they have reviewed any addendum(s) by initialing and dating on the bid form where indicated. Failure to acknowledge addendum(s) may result in your bid being deemed non-responsive.

3. **Responsible Contractor** - No construction contract in excess of \$50,000 will be awarded unless the Bidder is a "responsible contractor" as defined in Minnesota Statute §16C.285, subdivision 3. All Bidders submitting a proposal for this project must verify that they meet the minimum criteria specified in the statute by submitting a Responsible Contractor Verification and Certification of Compliance form (attached) with their bid. The owner or officer of the company must sign the form under oath verifying compliance with each of the minimum criteria. Making a false statement under oath will render the Bidder or subcontractor that makes the false statement ineligible to be awarded a construction project and may result in termination of a contract awarded to a Bidder or subcontractor that submits a false statement. Bidders must obtain verification of compliance from all subcontractors. Bidders must submit signed copies of verifications and certifications of compliance from subcontractors at the City's request.

**Please note that the following requirements also apply to this project, and any additional required documents must be submitted prior to award/contract execution. Submitting these documents with your bid will assist in expediting the process.**

1. **Insurance** – Contractor must provide proof of Public Liability and Automobile Liability Insurance with limits not less than \$1,500,000 Single Limit prior to the commencement of work. ~~The City of Duluth must be named as an additional insured. Please refer to the draft Contract, Section 7.~~

2. **Affidavit of Non-Collusion** – The successful bidder shall be required to execute the attached affidavit stating that he/she has not entered into a collusive agreement with any other person, firm, or corporation in regard to any bid submitted.

3. **Byrd Anti-Lobbying Certification** - Contractors must certify that that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352.

~~4. **Performance & Payment Bonds** – The awarded contractor will be required to submit performance and payments bonds in the full amount of the project cost prior to award.~~

5. **Project Labor Agreement (PLA)** - A PLA will be required to be executed with CHUM for any bid that is over or could virtually go over \$150,000. A copy of the City standard PLA is included in this package.

6. **Community Benefits Provisions** - A Community Benefits Best Efforts Plan will be required for any project that includes a PLA. The required form is included in the bid package, as well as a link to additional community benefits information, including the program specifications and a process flowchart.

~~7. **Out of State Contractor** – Unless a State of Minnesota 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 of the signed exemption form when submitting Payment and Performance Bonds. This form may be found at: [http://www.revenue.state.mn.us/Forms\\_and\\_Instructions/sde.pdf](http://www.revenue.state.mn.us/Forms_and_Instructions/sde.pdf)~~

8. **Prevailing Wage** - Not less than the minimum salaries and prevailing wages as set forth in the contract documents must be paid on this project.

The City of Duluth is an Equal Opportunity Employer. Contractor shall comply with all applicable Equal Employment Opportunity laws and regulations.

CITY OF DULUTH

Amanda Ashbach  
Purchasing Agent

BYRD ANTI-LOBBYING AMENDMENT CERTIFICATION  
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned, [Company] \_\_\_\_\_ certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, [Company] \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

\_\_\_\_\_  
Signature of Contractor's Authorized Official

\_\_\_\_\_  
Name and Title of Contractor's Authorized Official

\_\_\_\_\_  
Date

## **DECLARATION 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 of materials, supplies, 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;
- 4) That a family relationship between a City of Duluth employee or CHUM employee/volunteer and bidder/proposer are in non-collusion; and
- 5) That I have fully informed myself regarding the accuracy of the statements made in this declaration.

Signed: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Bidder's Federal Identification Number \_\_\_\_\_