



**Purchasing Division**  
*Finance Department*

Room 120  
411 West First Street  
Duluth, Minnesota 55802



218-730-5340



[purchasing@duluthmn.gov](mailto:purchasing@duluthmn.gov)

## **INVITATION TO BID**

### **MERRITT PARK SITE IMPROVEMENTS**

**BID NUMBER: 20-99294**

**BID OPENING: Wednesday, April 1, 2020 at 2:00 PM**

**PROJECT DESCRIPTION:** Site improvements at Merritt Park, including grading, sidewalks, drainage, fencing, court striping, restroom slab and other similar and related work.

**PRE-BID/WALK-THROUGH:** A pre-bid walk-through will be conducted on Tuesday, March 17, 2020 at 10:00 am Merritt Park, 4017 W. 7<sup>th</sup> St., Duluth, MN 55807. All interested bidders are encouraged to attend.

**QUESTIONS/APPROVED EQUALS:** Questions regarding this project or requests for approved equals must be submitted to [purchasing@duluthmn.gov](mailto:purchasing@duluthmn.gov) by **COB Friday, March 20, 2020**. Responses will be issued as an addendum to this solicitation by COB Tuesday, March 24, 2020.

The selected contractor will be issued a construction contract (draft included in the Standard City Contracting Forms in the BidExpress solicitation or at <https://www.duluthmn.gov/purchasing/forms/>). Notice to Proceed will be issued once the agreement is fully executed.

Specifications may be viewed and downloaded at no cost at [www.bidexpress.com](http://www.bidexpress.com). A free account for viewing purposes takes only a few minutes to set up. However, submitting a bid electronically requires the bidder to create an Info Tech Digital ID, which can take up to five (5) business days to process. Please allow ample time to obtain your digital ID prior to the bid deadline. Bid Express does charge a nominal fee for bid submission. More information can be found at [https://www.bidexpress.com/vendor\\_resources](https://www.bidexpress.com/vendor_resources).

Plans and specifications are on file at the following offices: Minnesota Builder's Exchange, Builder's Exchange of Wisconsin, and Blue Book Building and Construction Network.

### **INSTRUCTIONS TO BIDDERS**

Bids may be submitted electronically through Bid Express® at [www.bidexpress.com](http://www.bidexpress.com) or via paper. Electronic bids are preferred; suppliers wishing to submit a paper bid must contact the purchasing office. **E-MAIL BIDS OR BONDS WILL NOT BE ACCEPTED.**

**Whether submitting a bid electronically or via paper, bidders are responsible for reviewing all information in the BidExpress solicitation.**

Paper bids must be complete, signed, and transmitted in a sealed envelope plainly marked with the bid number, subject matter, and opening date.

Paper bids or bid bonds may be mailed to the Purchasing Office, City Hall, 411 West 1st Street, Room 120, Duluth, MN 55802 or dropped off in person at the same address.

Bids whether submitted via paper or electronically must be received in Purchasing or submitted via BidExpress before 2:00 PM local time on the bid opening date specified on the Invitation for Bids. The City Purchasing Agent or her designee will conduct a public bid opening in Room 120 immediately following receipt of the bids. Once all bids have been reviewed, bid results will be posted online at <https://www.duluthmn.gov/purchasing/bids-request->



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[for-proposals/](#).

No alternatives to the specification will be considered unless specifically requested. Erasures or other changes to the bid must be initialed and dated, however no special conditions shall be made or included in the bid form by the bidder.

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. Price may not be the only consideration for bid award. Bids must be firm for a minimum of 60 days.

**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. Standard forms are available in the Standard City Contracting Forms in the Bid Express solicitation, or at <https://www.duluthmn.gov/purchasing/forms/>.**

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. **Declaration 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. **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.
4. **Affirmative Action/EEO** - 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 (DBEs) when possible. A current list of certified DBEs is available on the Minnesota Unified Certification website at <http://mnucp.metc.state.mn.us> . Contractor will comply with all applicable Equal



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Employment Opportunity laws and regulations. Awarded contractor will submit the attached Equal Employment Opportunity (EEO) Affirmative Action Policy Statement & Compliance Certificate.

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

6. **Community Benefits Provisions** - A Community Benefits Best Efforts Plan will be required for any project that includes a PLA.

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