



Addendum 1
Solicitation 26-99324
West Superior Street Reconstruction

This addendum serves to notify all bidders of the changes to the solicitation documents as identified in the attachment.

The following portions of the US. Department of Transportation Exhibits to FHWA Grant Agreements Under the Fiscal Year 2022 Raise Grant Program, dated November 4, 2025 are hereby included in the solicitation:

1. Term B.2, Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions. This term requires certifications from prime contractors and flows down to all levels of subcontractors.
2. Term B.3, Requirements Regarding Delinquent Tax Liability or a Felony Conviction Under Any Federal Law. This term requires certifications from prime contractors and flows down to all levels of subcontractors. Bidders are required to upload a statement certifying whether or not the entity has a Felony Conviction and a separate statement certifying whether or not the entity has a Delinquent Tax Liability within Bid Express. If one statement certifies to both the Felony Conviction and Delinquent Tax Liability, the same document should be uploaded in both required certification upload places.
3. Term B.4, Recipient Policy to Ban Text Messaging While Driving. This term must be inserted in all contracts and subcontracts of more than \$15,000, other than contracts and subcontracts for the acquisition of commercially available off-the-shelf items.

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

Posted: March 11, 2026

ADDENDUM #1, Tuesday March 10, 2026

W Superior Street Reconstruction
City Project # 2104
BID No. 23-99427

NOTICE

This Addendum is issued to modify, explain, or correct the original drawings, specifications and/or previous addenda and is hereby made a part of the Contract Documents. Please attach this Addendum to the specification and note receipt of this Addendum on the Request for Bid.

GENERAL

1. The City of Duluth Community Benefits policy is removed from the bid requirements.
2. Specific language and appendices required by FHWA are added to the solicitation for bids.
3. Bidder questions are answered.
4. Special provisions are modified.
5. The Project Bid Form is revised.
6. Descriptions of changes to drawings are for reference only and provide only a general overview of changes made. It is the Contractor's responsibility to fully assess and provide the specific requirements of the Work on all Plan sheets regardless of the description of sheet change(s) provided herein.

INVITATION TO BID

1. The Project Labor Agreement (PLA) requirements are hereby removed from the contract.
2. The Community Benefits Provisions requirements are hereby removed from the contract.
3. The following statement is added to the INVITATION TO BID:

The Recipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

4. Additional certifications regarding debarment, suspension, ineligibility and voluntary exclusion as well as tax delinquency and felony convictions have been added to Bid Express. These are in addition to the existing Responsible Contractor Form.
5. Appendix A and Appendix E that are attached to this addendum are inserted into the proposal package.

DRAWINGS

1. Drawing changes to the STATEMENT OF ESTIMATED QUANTITIES are as follows:
 - a. Sheet 7; Delete Sheet 7 in its entirety and replace with revised Sheet 7. Revisions to Sheet 7 are as follows:
 - i. Revised item number for REPAIR BUILDING FOUNDATION
 - ii. Added VAULT INFILL WALL item.
 - b. Sheet 9; Delete Sheet 9 in its entirety and replace with revised Sheet 9. Revisions to Sheet 9 are as follows:
 - i. Replaced item KIOSK with PARKING KIOSK.
 - c. Sheet 10; Revise Sheet 10 as follows:
 - i. Add a note to item 286 MOWING which states that turf shall be mowed when the height reaches 8 inches and shall be mowed down to 4 inches. Frequency will likely be every 7-14 days depending on seasonality. Payment will be compensation in full for all mowing required for one year following substantial completion, regardless of how many times the turf is required to be mowed.
2. Drawing changes to the CONSTRUCTION CHARTS are as follows:
 - a. Sheet 27; Delete Sheet 27 in its entirety and replace with revised Sheet 27. Revisions to Sheet 27 are as follows:
 - i. Added item VAULT INFILL WALL to chart D.
 - b. Sheet 64; Revise chart A2 – KIOSK as follows:
 - i. All references to KIOSK shall be read as PARKING KIOSK.

SPECIFICATIONS

1. SP-7, COMMUNITY BENEFITS POLICY is hereby deleted.
2. SP-35, (2031) FIELD OFFICE is hereby revised as follows:
 - a. The first paragraph of SP-35.1 Basic Requirements is replaced with the following
The Contractor shall provide a field office for the duration of the project. The project field office shall consist of an office space located within a permanent building on Superior Street and located within one block of the Phase 2 or 3 project limits (limits as shown on Sheet 2 of the Plans).
3. SP-43, (2401) REPAIR BUILDING FOUNDATION; Delete SP-43 in its entirety and replace with revised SP-43. Revisions to SP-43 are generally as follows:
 - a. SP-43.3 removals and footings were added to be included in the basis of payment.
 - b. Pay item number was revised to 2401.604 from 2104.604.
4. Division SP-101, (2401) VAULT INFILL WALL is hereby added to the project Special Provisions.

BIDDER QUESTIONS AND ANSWERS

1. Item 4 – Field Office – Spec requires the office to be on Superior St. Any chance the area could be broadened a bit (ex: a block off Superior St either way, but still within Phase 2 & 3)? Would give a little more flexibility in finding suitable office space as the Superior St requirement does restrict our options to some degree.

ADDENDUM #1, March 10, 2026
W Superior Street Reconstruction
City Project # 2104

See update to Specifications for revised limits for SP-35 (2031) FIELD OFFICE. The intention of the change is to allow for the field office to be on W 1st Street, W Superior Street, or W Michigan Street between Carlton Street and 18th Avenue W

2. Item 193 – Landscape Boulders – Spec says transporting and placing as indicated in drawings. Assume furnishment of boulders is required here too? Also says boulders will come from a variety of pits listed. Is the intent to really source boulders from multiple pits on this list?

The City is working with a consultant to choose and acquire the boulders from some or all of the listed sites in SZ-2 (2511) LANDSCAPE BOULDERS. The contractor for this project will be responsible for transporting the boulders from the selected sites and placing them as directed by the Engineer. The same sites will supply the boulders for SZ-3 (2511) BOULDER WALL under the same conditions. The contractor will be required to coordinate hauling with the site owner and will likely need to haul and stockpile all selected boulders from an individual site in a continuous operation even if there is not a permanent location available for all of the boulders. No additional compensation will be provided for stockpiling or any additional movement of the boulders.

3. Item 226 – Kiosks – I didn't see a detail for what these are. Looked through the new city spec and didn't see any reference either.

See updates to the drawings. Kiosk references Parking Kiosk.

4. Item 227 – Historical Marker – Did not find this detail. What is the Highway Dedication Stone? (pg 224 of plans)

The Historical Marker is salvaged from this corner on sheet 174. It is a relatively small paver set in the existing sidewalk that will be placed in the green space in approximately the same location that it is salvaged from as directed by the Engineer. Salvaging the historic marker will be paid for under Item 34 SALVAGE HISTORIC MARKER and the placement will be paid for under Item 227 INSTALL HISTORIC MARKER.

5. Item 286 – What is the requirement on Mowing? Is it frequency or length of grass?

See update to Drawings requiring mowing when turf reaches 8 inches in length. This will likely require mowing every 7-14 days depending on seasonality.

6. Page 531 in Landscaping plans shows "Bus Shelter (NIC) and Transit Sign & Base (NIC)". I'm assuming it was missed to remove the NIC as the bus shelter has numerous bid items for construction. What is the Transit Sign & Base? Is this the pylon detail from Duo-Gard that is shown on page 460 of the spec?

Both of these are the correct interpretation, the bus shelter is included in the project and the transit sign is the pylon detail from Duo-Gard. The NIC for the Bus Shelter and Transit Sign and Base should be disregarded.

7. Line item #88 – Concrete 3G52 for the concrete retaining wall. Are there any special finishes, colors, form liners, etc on this wall?

ADDENDUM #1, March 10, 2026
W Superior Street Reconstruction
City Project # 2104

The retaining wall is smooth concrete with no special finish.

8. Item 64 "Repair Building Foundation" details a new concrete footing / foundation wall at four different locations. This new wall is paid for by the SY. SP-43 does not reference the new footing shown and how that will be paid or if it's incidental to the item.

See update to specifications for SP-43, (2104) REPAIR BUILDING FOUNDATION. The footing is meant to be incidental to the pay item.

9. Item 95 "Control Density Hydraulic Fill". SP-56 note 2 says the opening between vault and adjoining building shall be infilled per SP-43. The CD Fill locations do not match the addresses shown for the work in Item 64. Does the 135 SY for Item 64 quantity include the infills needed to fill the vaults?

The fill needed for the vaults is included under the CONTROL DENSITY HYDRAULIC FILL quantity.

10. The "Repair Building Foundation" pay item does not require or include any CONTROL DENSITY HYDRAULIC FILL. Address's for Item 64 are correct and only for Building Foundation Repairs.

See update to Drawings and Bid Form for added Pay Item 2401.604 VAULT INFILL WALL with a quantity of 479 SQUARE YARDS of repair. See new Special Provision as well.

11. The repair building foundation detail shows a poured concrete wall while the vault infill detail shows a CMU wall. Can you clarify if the intention is only to use the poured walls at the 4 addresses shown on page 7 note 5 of the plans, while all other vault work can be CMU constructed and paid under Item 64 quantity? Or is a CMU wall an option at all locations?

The Vault Infill uses a CMU wall and the Repair Building Foundation uses Cast in Place concrete. CMU will not be allowed for the Repair Building Foundation.

12. Item 259 "Construction Sign Special" 800 SF. Didn't see a detail for what it is nor did I see anything in the project or signing SP's.

This pay item is intended to cover temporary special message signs that are not specifically shown on the layout sheets but may be needed during construction as determined by the Engineer.

This would typically be used for custom legend signs needed to address field conditions as they come up. Examples could include business access signs, directional signs, construction information signs, or other temporary signs needed to support staging, access, or public communication.

The intent would be that these signs are furnished, installed, maintained, relocated if needed, and removed under this item, with payment based on the sign face area in square feet.

END OF ADDENDUM

STATEMENT OF ESTIMATED QUANTITIES

NO.	NOTE	TAB	SHEET NO.	ITEM NO.	ITEM DESCRIPTION	UNIT	S.P. 118-109-021					NON-PARTICIPATING (CITY)	COMBINED PROJECT TOTAL
							PARTICIPATING (ROADWAY)	PARTICIPATING (STORM)	PARTICIPATING (GREEN INFRASTRUCTURE)	PARTICIPATING (LANDSCAPING)	PARTICIPATING (CITY)		
							ESTIMATED QUANTITIES	ESTIMATED QUANTITIES	ESTIMATED QUANTITIES	ESTIMATED QUANTITIES	ESTIMATED QUANTITIES		
59	8		177	2104.601	REMOVE CONCRETE STRUCTURE	LUMP SUM	1					1	
60	14		167	2104.601	SALVAGE MISCELLANEOUS STRUCTURES	LUMP SUM	1					1	
61	6			2104.601	HAUL SALVAGED MATERIAL	LUMP SUM					1	1	
62		L	40	2104.602	REMOVE WATER VAULT	EACH				9		9	
63		A	14,15	2104.602	REMOVE PARKING METER POST	EACH	37					37	
64		D	27	2104.618	REMOVE VAULT ROOF	SQ FT	5340					5340	
65		D	27	2104.618	REMOVE VAULT ACCESS HATCH	SQ FT	128					128	
66		LA1	600	2105.607	STRUCTURAL SOIL BORROW (CV)	CU YD			636			636	
67			13	2106.507	COMMON EMBANKMENT (CV)	CU YD	94					94	
68			13	2106.507	EXCAVATION - COMMON	(P) CU YD	27805					27805	
69			13	2106.507	EXCAVATION - ROCK	CU YD	100					100	
70		C	25,26	2106.507	SELECT GRANULAR EMBANKMENT MOD 7% (CV)	(P) CU YD	23858					23858	
71				2106.601	DEWATERING	LUMP SUM	1					1	
72	9			2106.602	EXPLORATORY PIT	EACH	36					36	
73			13	2106.607	EXCAVATION SPECIAL	CU YD	14972					14972	
74				2106.609	HAUL AND DISPOSE OF CONTAMINATED MATERIAL	TON	14170					14170	
75		C	25,26	2108.504	GEOTEXTILE FABRIC TYPE 7	SQ YD	50177					50177	
76		C	25,26	2112.519	SUBGRADE PREPARATION	ROAD STA	113					113	
77		C, E, F	25,26,28-30	2211.507	AGGREGATE BASE (CV) CLASS 5	(P) CU YD	18716					18716	
78		B	16-24	2232.504	MILL BITUMINOUS SURFACE (2.0")	SQ YD	180					180	
79		G	31,32,33	2301.503	INTEGRANT CURB DESIGN B6	LIN FT	230					230	
80		G	31,32,33	2301.503	INTEGRANT CURB DESIGN S5	LIN FT	24					24	
81		E	28,29	2301.504	CONCRETE PAVEMENT 8.0"	SQ YD	436					436	
82			89	2301.508	SUPPLEMENTAL REINF BARS (EPOXY COATED)	POUND	6870					6870	
83	1	C	25,26	2357.506	BITUMINOUS MATERIAL FOR TACK COAT	GAL	4591					4591	
84	2	C	25,26	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	TON	7148					7148	
85	2	C	25,26	2360.509	TYPE SP 12.5 NON WEARING COURSE MIXTURE (3,B)	TON	4937					4937	
86		RW	453	2401.507	STRUCTURAL CONCRETE (1G52)	CU YD	20					20	
87		RW	453	2401.507	STRUCTURAL CONCRETE (3G52)	CU YD	56					56	
88		RW	453	2401.508	REINFORCEMENT BARS	POUND	1270					1270	
89		RW	453	2401.508	REINFORCEMENT BARS (EPOXY COATED)	POUND	5610					5610	
90	5	B1	100	2401.604	REPAIR BUILDING FOUNDATION	SQ YD	135					135	
91		D	27	2401.604	VAULT INFILL WALL	SQ YD	479					479	
92			216	2411.502	CONCRETE STAIRWAY	EACH	1					1	
93	3		88	2411.601	REPAIR BRICK ARCH PIPE	LUMP SUM	1					1	
94				2411.602	BUS SHELTER FOUNDATION	EACH	4					4	
95			216	2411.603	CONCRETE RETAINING WALL	LIN FT	64					64	
96		D	27	2411.607	CONTROL DENSITY HYDRAULIC FILL	CU YD	1779					1779	
97		R,S	47-50	2451.602	ANTI-SEEP COLLAR	EACH				18		18	
98		RW	453	2475.503	ORNAMENTAL METAL RAILING	LIN FT	51					51	
99		D	27	2481.618	WATERPROOF LINER SPECIAL 1	SQ FT	5139					5139	
100	7		78	2481.618	WATERPROOF LINER SPECIAL 2	SQ FT			1456			1456	
101		V	52-56	2502.503	4" PERF PVC PIPE DRAIN	LIN FT	19810					19810	
102		U	51	2502.503	6" PERF TP PIPE DRAIN	LIN FT			1315			1315	
103		RW	453	2502.601	DRAINAGE SYSTEM	LUMP SUM	1					1	
104	10	W	57-61	2503.503	12" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT			5322			5322	
105	10	W	57-61	2503.503	15" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT			1923			1923	
106	10	W	57-61	2503.503	18" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT			1206			1206	
107	10	W	57-61	2503.503	21" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT			721			721	
108	10	W	57-61	2503.503	24" RC PIPE SEWER DESIGN 3006 CLASS IV	LIN FT			579			579	
109	10	W	57-61	2503.503	27" RC PIPE SEWER DESIGN 3006 CLASS IV	LIN FT			137			137	
110	10	W	57-61	2503.503	30" RC PIPE SEWER DESIGN 3006 CLASS IV	LIN FT			504			504	
111	10	W	57-61	2503.503	36" RC PIPE SEWER DESIGN 3006 CLASS IV	LIN FT			861			861	
112	10	W	57-61	2503.503	48" RC PIPE SEWER DESIGN 3006 CLASS IV	LIN FT			271			271	
113	10	W	57-61	2503.503	28" SPAN RC PIPE-ARCH SEWER CLASS IIA	LIN FT			241			241	
114	10	W	57-61	2503.503	44" SPAN RC PIPE-ARCH SEWER CLASS IIA	LIN FT			14			14	
115	11	V	52-56	2503.602	CONNECT TO EXISTING STORM SEWER	EACH			35			35	
116	4,11	X	62	2503.602	CONNECT TO EXISTING ROOF DRAIN LEADER	EACH	40					40	
117	11,12	Z	63	2503.602	CONNECT SEWER SERVICE	EACH				10		10	
118	13	Z	63	2503.602	SANITARY TRACER BOX	EACH				10		10	
119		Z	63	2503.602	8"X6" PVC WYE	EACH				1		1	

NOTES:

- APPLIED AT A RATE OF 0.06 GALLONS PER SQ. YD.
- CALCULATED AT A RATE OF 120 LBS/(SY*IN).
- SHALL INCLUDE THE FORMING AND CONCRETE MASONRY, AS NECESSARY, FOR INSTALLATION.
- INCLUDES AN ADDITIONAL SIX ROOF DRAIN CONNECTIONS FOR UNKNOWN LOCATIONS.
- FOR BUILDINGS AT 1920, 1908, 1906, AND 1904 W SUPERIOR ST.
- INCLUDES SALVAGED SIGNAL EQUIPMENT.
- TO BE USED UNDER STORMWATER TREATMENT AREAS.
- CANTILEVERED WALKWAY BETWEEN 1604 AND 1610 W. SUPERIOR STREET. INCLUDES REMOVAL OF J-BARRIER, FOUNDATION WALL, AND CONCRETE SUPPORT COLUMNS.
- FOR VERIFICATION OF EXCAVATION SPECIAL LOCATIONS. LOCATIONS TO BE COORDINATED WITH ENGINEER.
- TRACER WIRE INCIDENTAL. BLUE FOR WATER, GREEN FOR SANITARY AND STORM.
- INCLUDES ALL NECESSARY PIPE AND FITTINGS TO MAKE CONNECTION. CONTRACTOR SHALL VERIFY SIZE AND MATERIAL PRIOR TO CONNECTION.
- RUBBER COUPLING ADAPTOR WITH STAINLESS STEEL BANDS FOR WATER TIGHT CONNECTION.
- LITE DUTY BOX IN GRASSY AREAS, ROADWAY BOX IN ROADWAY AREAS, CONCRETE/DRIVEWAY BOX IN BITUMINOUS AND CONCRETE DRIVEWAY AREAS. BLUE TOP FOR WATER, GREEN TOP FOR SANITARY AND STORM. FIRE HYDRANT TRACER WIRE KIT.
- INCLUDES 2 CONCRETE LIGHT PROTECTOR STRUCTURES.

(P) = PLANNED QUANTITY

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SEH Project DULUT 171078
 Drawn By JTB
 Designed By REK
 Checked By DRH

Rev.# 1
 Description ADDENDUM #1.
 Date 03/09/26

Rev.#
 Description
 Date



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 Rose Kopecky
 LICENSE NO. 56628
 DATE 01-16-2026

**WEST SUPERIOR STREET
 RECONSTRUCTION**
 DULUTH, MINNESOTA S.P. 118-109-021/CITY PROJECT NO. 2104

STATEMENT OF ESTIMATED QUANTITIES

7
of 692

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NO.	NOTE	TAB	SHEET NO.	ITEM NO.	ITEM DESCRIPTION	UNIT	S.P. 118-109-021					NON-PARTICIPATING (CITY)	COMBINED PROJECT TOTAL
							PARTICIPATING (ROADWAY)	PARTICIPATING (STORM)	PARTICIPATING (GREEN INFRASTRUCTURE)	PARTICIPATING (LANDSCAPING)	PARTICIPATING (CITY)		
							ESTIMATED QUANTITIES	ESTIMATED QUANTITIES	ESTIMATED QUANTITIES	ESTIMATED QUANTITIES	ESTIMATED QUANTITIES		
180	12		239,245	2505.603	HP GAS TRENCH EXCAVATION	LIN FT						561	561
181		U, V	51-56	2506.502	CASTING ASSEMBLY	EACH		239	8				247
182		Y	63	2506.502	ADJUST FRAME AND RING CASTING	EACH		10					10
183	6,13	U	51	2506.502	CONSTRUCT DRAINAGE STRUCTURE DESIGN H	EACH			6				6
184		U, V	51-56	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	LIN FT		884.3	27.1				911.4
185		U, V	51-56	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 60-4020	LIN FT		306.3	5.6				311.9
186		U, V	51-56	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 72-4020	LIN FT		97.1	4.8				101.9
187		V	52-56	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 84-4020	LIN FT		80.8					80.8
188		V	52-56	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 96-4020	LIN FT		4.0					4.0
189		V	52-56	2506.503	CONSTRUCT DRAINAGE STRUCTURE DESIGN 108-4020	LIN FT		17.0					17.0
190	1,5	U	51	2506.602	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	EACH			18				18
191	11	W	57-61	2506.602	CONNECT TO EXISTING STRUCTURE	EACH		8					8
192		V, Y	52-56,63	2506.602	CONCRETE ENCASED CASTING COLLAR	EACH		65					65
193		V	52-56	2506.603	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	LIN FT		7.4					7.4
194		LA1	600	2511.602	LANDSCAPE BOULDERS	EACH				50			50
195		LA1	600	2511.603	BOULDER WALL	LIN FT				45			45
196		RW	453	2519.607	LIGHTWEIGHT CELLULAR CONCRETE FILL	CU YD	410						410
197	2,10	E, F	28-30	2521.518	6" CONCRETE WALK (FINISH 1)	SQ FT	151183						151183
198	3,10	E, F	28-30	2521.518	6" CONCRETE WALK (FINISH 2) - TRAIL	SQ FT	57425						57425
199	4,10	E	28,29	2521.518	6" CONCRETE WALK (FINISH 3) - BANDS	SQ FT	11899						11899
200	2,10	E, F	28-30	2521.518	8" CONCRETE WALK (FINISH 1)	SQ FT	1522						1522
201	3,10	E, F	28-30	2521.518	8" CONCRETE WALK (FINISH 2) - TRAIL	SQ FT	708						708
202	4,10	E	28,29	2521.518	8" CONCRETE WALK (FINISH 3) - BANDS	SQ FT	39						39
203		G	31-33	2531.503	CONCRETE CURB AND GUTTER DESIGN B612	LIN FT	242						242
204		G	31-33	2531.503	CONCRETE CURB AND GUTTER DESIGN B624	LIN FT	14410						14410
205		G	31-33	2531.503	CONCRETE CURB AND GUTTER DESIGN B824	LIN FT	635						635
206		G	31-33	2531.503	CONCRETE CURB AND GUTTER DESIGN S524	LIN FT	2535						2535
207		G	31-33	2531.503	CONCRETE CURB AND GUTTER DESIGN R424	LIN FT	84						84
208		G	31-33	2531.503	CONCRETE CURB DESIGN V6	LIN FT	102						102
209		G	31-33	2531.603	SILL CURB TYPE B624 (SPECIAL)	LIN FT	3452						3452
210		G	31-33	2531.603	SILL CURB TYPE B824 (SPECIAL)	LIN FT	874						874
211		G	31-33	2531.603	SILL CURB TYPE B1024 (SPECIAL)	LIN FT	46						46
212		E	28,29	2531.504	8" CONCRETE DRIVEWAY PAVEMENT (FINISH 1)	SQ YD	4189						4189
213		E	28,29	2531.504	8" CONCRETE DRIVEWAY PAVEMENT (FINISH 2) - TRAIL	SQ YD	1065						1065
214		F	30	2531.618	TRUNCATED DOMES	SQ FT	2800						2800
215	14	TC	611	2533.503	PORTABLE PRECAST CONC BARRIER DES 8337	LIN FT	1000						1000
216	14	TC	611	2533.503	RELOCATE PORT PRECAST CONC BAR DES 8337	LIN FT	11000						11000
217	15		217	2533.601	INSTALL MISCELLANEOUS STRUCTURES	LUMP SUM	1						1
218				2540.601	BUS SHELTERS	LUMP SUM	1						1
219		A1	64	2540.602	CONSTRUCT SURVEY MONUMENT	EACH	15						15
220		SN-E	395	2540.602	INFORMATION SIGN SPECIAL	EACH	7						7
221		SN-C	394	2540.602	INFORMATION SIGN SPECIAL 1	EACH	4						4
222		SN-D	394	2540.602	INFORMATION SIGN SPECIAL 2	EACH	5						5
223		SN-F	395	2540.602	INFORMATION SIGN SPECIAL 3	EACH	2						2
224			396	2540.602	INFORMATION SIGN SPECIAL 4	EACH	1						1
225			396	2540.602	INFORMATION SIGN SPECIAL 5	EACH					1		1
226		SN-G	395	2540.602	INFORMATION SIGN SPECIAL 6	EACH	4						4
227		A2	64	2540.602	PARKING KIOSK	EACH					23		23
228			224	2540.602	INSTALL HISTORIC MARKER	EACH	1						1
229		LA1	600	2540.602	BIKE LOOP	EACH				65			65
230		LA1	600	2540.602	WASTE RECEPTACLE	EACH				26			26
231	7	LA1	600	2540.602	BENCH TYPE SPECIAL	EACH				41			41
232	8	LA1	600	2540.602	BENCH TYPE SPECIAL 1	EACH				6			6
233		LA1	600	2540.603	LANDSCAPE EDGER	LIN FT				161			161
234	9	LA1	600	2540.618	STONE SPECIAL	SQ FT				141			141
235		E1	481	2545.502	SERVICE CABINET	EACH	4						4
236		E1	481	2545.502	EQUIPMENT PAD	EACH	3						3
237		E1	481	2545.502	LIGHT FOUNDATION DESIGN E MODIFIED	EACH	193						193
238		E1	481	2545.502	HANDHOLE	EACH	30						30
239		E1	481	2545.502	LIGHTING UNIT TYPE SPECIAL 1	EACH	61						61
240		E1	481	2545.502	LIGHTING UNIT TYPE SPECIAL 2	EACH	104						104
241		E1	481	2545.502	LIGHTING UNIT TYPE SPECIAL 3	EACH	4						4

NOTES:

- CURB CUT, CONCRETE, AND PAVERS SHALL BE INCIDENTAL
- STANDARD COLORED CONCRETE.
- BLACK COLORED CONCRETE.
- TAN COLORED CONCRETE.
- BMP INLET.
- BMP OUTLET.
- 6-FOOT BACKLESS.
- 4-FOOT WITH BACK.
- FLAGSTONE STEPPER.
- REINFORCEMENT PER MNDOT STANDARD PLANS FOR PEDESTRIAN CURB RAMPS AND LANDINGS (INCIDENTAL).
- INCLUDES ALL NECESSARY PIPE AND FITTINGS TO MAKE CONNECTION. CONTRACTOR SHALL VERIFY SIZE AND MATERIAL PRIOR TO CONNECTION.
- TO BE COORDINATED WITH CITY OF DULUTH UTILITY DEPARTMENT. CITY TO INSTALL GAS MAIN AND MAKE CONNECTIONS. CONTRACTOR TO BACKFILL ALL EXCAVATIONS.
- INCLUDES CASTING ASSEMBLY.
- TO BE USED AS NECESSARY FOR PROTECTION OF PEDESTRIAN ROUTES. ALL LOCATIONS TO BE APPROVED BY ENGINEER.
- INCLUDES 2 CONCRETE LIGHT PROTECTOR STRUCTURES.

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SEH Project DULUT 171078
 Drawn By JTB
 Designed By REK
 Checked By DRH

Rev.# 1
 Description ADDENDUM #1.
 Date 03/09/26

Rev.#
 Description
 Date



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 ROSE KOPECKY, PE
 DATE 01-16-2026 LICENSE NO. 56628

**WEST SUPERIOR STREET
 RECONSTRUCTION**
 DULUTH, MINNESOTA S.P. 118-109-021/CITY PROJECT NO. 2104

STATEMENT OF ESTIMATED QUANTITIES

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(1)									D - VAULTS	
STATION TO STATION	LOCATION	TYPE	ADDRESS	SPEC. 2104 REMOVE VAULT ROOF SQ FT	SPEC. 2104 REMOVE VAULT ACCESS HATCH SQ FT	SPEC. 2401 VAULT INFILL WALL SQ YD	SPEC. 2411 CONTROL DENSITY HYDRAULIC FILL CU YD	SPEC. 2481 WATERPROOF LINER SPECIAL 1 SQ FT		
PHASE 1										
W SUPERIOR ST										
76+50	RT	CONFIRMED	8 S 18TH AVE W	1000	16	89	333	936		
PHASE 1 TOTALS				1000	16	89	333	936		
PHASE 2										
W SUPERIOR ST										
58+00	LT	POTENTIAL	2127 W SUPERIOR ST	700	16	44	233	486		
62+50	LT	POTENTIAL	2029 W SUPERIOR ST	1000	16	89	333	936		
67+00	RT	CONFIRMED	1928 W SUPERIOR ST	500	16	44	167	486		
67+75	RT	POTENTIAL	1924 W SUPERIOR ST	390	16	35	130	387		
73+00	LT	CONFIRMED	1819 W SUPERIOR ST	250	16	44	83	486		
74+75	LT	CONFIRMED	1801 W SUPERIOR ST	1000	16	89	333	936		
21ST AVE W										
212+00	RT	POTENTIAL	2101 W SUPERIOR ST	500	16	44	167	486		
PHASE 2 TOTALS				4340	112	390	1446	4203		
PROJECT ITEM TOTALS				5340	128	479	1779	5139		

(1) PARTICIPATING (ROADWAY)

SEH Project DULUT 171078
 Drawn By JTB
 Designed By REK
 Checked By DRH

Rev.#	Revision Issue Description	Date
1	ADDENDUM #1.	03/09/26

Rev.#	Revision Issue Description	Date
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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Rose Kopeccky
 ROSE KOPECKY, PE
 DATE 01-16-2026 LICENSE NO. 56628

**WEST SUPERIOR STREET
 RECONSTRUCTION**
 DULUTH, MINNESOTA S.P. 118-109-021/CITY PROJECT NO. 2104

TABULATIONS

SP-43 (2401) REPAIR BUILDING FOUNDATION

SP-43.1 DESCRIPTION

This work consists of improving building foundation walls with joints either perpendicular or parallel to the foundation wall as detailed in the Plan. Work shall be performed in accordance with MnDOT 2401 and in accordance with the following:

SP-43.2 CONSTRUCTION REQUIREMENTS

At least 4 weeks prior to building foundation repairs, Contractor shall contact building owners and coordinate with Engineer to inspect foundation walls and determine the need for any removal/relocation requirements. During foundation repairs, Contractor shall work around, and protect, existing foundation walls not adjacent to the project. Any damage to existing walls shall be repaired at no cost to the City or building owner.

All requirements for special inspections, design submittals, material properties and construction sequence is detailed in the plans.

SP-43.3 METHOD OF MEASUREMENT & BASIS OF PAYMENT

Measurement will be by the square yard of wall surface area repaired including removals, wall preparation, footing, new concrete wall and reinforcement, and new wood members as detailed in the Plans. No separate measurement will be made for removals. Payment shall be made under Item 2401.604 (REPAIR BUILDING FOUNDATION) at the Contract bid price per square YARD and shall compensate in full for all costs for all labor, equipment, and materials required to complete the work.

SP-101 (2401) VAULT INFILL WALL

SP-101.1 DESCRIPTION

This work consists of constructing a CMU Vault Infill Wall as detailed in the Plan. Work shall be performed in accordance with MnDOT 2401 and in accordance with the following:

SP-101.2 CONSTRUCTION REQUIREMENTS

At least 4 weeks prior to vault repairs, Contractor shall contact building owners and coordinate with Engineer to inspect exterior foundation walls and determine the need for any removal/relocation requirements. During wall construction, Contractor shall work around, and protect, existing foundation walls not adjacent to the project. Any damage to existing walls shall be repaired at no cost to the City or building owner.

All requirements for special inspections, design submittals, material properties and construction sequence is detailed in the plans.

SP-101.3 METHOD OF MEASUREMENT & BASIS OF PAYMENT

Measurement will be by the square yard of wall surface area repaired including removals, footing, new concrete wall and reinforcement, and new wood members as detailed in the Plans. No separate measurement will be made for removals. Payment shall be made under Item 2401.604 (VAULT INFILL WALL) at the Contract bid price per square YARD and shall compensate in full for all costs for all labor, equipment, and materials required to complete the work.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21, including any amendments thereto.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant

thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21, including any amendments thereto;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 et seq).

TERM B.2
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS

2 CFR Parts 180 and 1200

These assurances and certifications are applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

By signing and submitting the Technical Application and by entering into this agreement under the FY 2022 RAISE grant program, the Recipient is providing the assurances and certifications for First Tier Participants and Lower Tier Participants in the FY 2022 RAISE Grant, as set out below.

1. Instructions for Certification – First Tier Participants:

a. The prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "civil judgment," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a Recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to

the participant who has entered into a covered transaction with a Recipient or subrecipient of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers to any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions,” provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment, including a civil settlement, rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. The prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms “covered transaction,” “civil settlement,” “debarred,” “suspended,” “ineligible,” “participant,” “person,” “principal,” and “voluntarily excluded,” as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. “First Tier Covered Transactions” refers to any covered transaction between a Recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered

transaction with a Recipient or subrecipient of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

TERM B.3
**REQUIREMENTS REGARDING DELINQUENT TAX LIABILITY OR A FELONY
CONVICTION UNDER ANY FEDERAL LAW**

As required by sections 744 and 745 of Title VII, Division E of the Consolidated Appropriations Act, 2022, Pub. L. No. 117-103 (Mar. 15, 2022), and implemented through USDOT Order 4200.6, the funds provided under this award shall not be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that:

- (1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or
- (2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government.

The Recipient therefore agrees:

1. **Definitions.** For the purposes of this exhibit, the following definitions apply:

“**Covered Transaction**” means a transaction that uses any funds under this award and that is a contract, memorandum of understanding, cooperative agreement, grant, loan, or loan guarantee.

“**Felony Conviction**” means a conviction within the preceding 24 months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the United States Code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 U.S.C. 3559.

“**Participant**” means the Recipient, an entity who submits a proposal for a Covered Transaction, or an entity who enters into a Covered Transaction.

“**Tax Delinquency**” means an unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

2. **Mandatory Check in the System for Award Management.** Before entering a Covered Transaction with another entity, a Participant shall check the System for Award Management (the “SAM”) at <http://www.sam.gov/> for an entry describing that entity.

3. **Mandatory Certifications.** Before entering a Covered Transaction with another entity, a Participant shall require that entity to:

- (1) Certify whether the entity has a Tax Delinquency; and
- (2) Certify whether the entity has a Felony Conviction.

4. **Prohibition. If**

- (1) the SAM entry for an entity indicates that the entity has a Tax Delinquency or a Federal Conviction;
- (2) an entity provides an affirmative response to either certification in section 3; or
- (3) an entity’s certification under section 3 was inaccurate when made or became inaccurate after being made

then a Participant shall not enter or continue a Covered Transaction with that entity unless the USDOT has determined in writing that suspension or debarment of that entity are not necessary to protect the interests of the Government.

5. **Mandatory Notice to the USDOT.**

- (a) If the SAM entry for a Participant indicates that the Participant has a Tax Delinquency or a Felony Conviction, the Recipient shall notify the USDOT in writing of that entry.
- (b) If a Participant provides an affirmative response to either certification in section 1, the Recipient shall notify the USDOT in writing of that affirmative response.
- (c) If the Recipient knows that a Participant’s certification under section 1 was inaccurate when made or became inaccurate after being made, the Recipient shall notify the USDOT in writing of that inaccuracy.

6. **Flow Down.** For all Covered Transactions, including all tiers of subcontracts and subawards, the Recipient shall:

- (1) require the SAM check in section 2;
- (2) require the certifications in section 3;
- (3) include the prohibition in section 4; and

(4) require all Participants to notify the Recipient in writing of any information that would require the Recipient to notify the USDOT under section 5.

TERM B.4
RECIPIENT POLICY TO BAN TEXT MESSAGING WHILE DRIVING

(a) *Definitions.* The following definitions are intended to be consistent with the definitions in DOT Order 3902.10, Text Messaging While Driving (Dec. 30, 2009) and Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (Oct. 1, 2009). For clarification purposes, they may expand upon the definitions in the executive order.

For the purpose of this Term B.4, “**Motor Vehicles**” means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for use on a local, State or Federal roadway, but does not include a military design motor vehicle or any other vehicle excluded under Federal Management Regulation 102-34-15.

For the purpose of this Term B.4, “**Driving**” means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic congestion, a traffic signal, a stop sign, another traffic control device, or otherwise. It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

For the purpose of this Term B.4, “**Text messaging**” means reading from or entering data into any handheld or other electronic device (including, but not limited to, cell phones, navigational tools, laptop computers, or other electronic devices), including for the purpose of Short Message Service (SMS) texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless this practice is prohibited by State or local law. The term also does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to remain stationary.

For the purpose of this Term B.4, the “**Government**” includes the United States Government and State, local, and tribal governments at all levels.

(b) *Workplace Safety.* In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (Oct. 1, 2009) and DOT Order 3902.10, Text Messaging While Driving (Dec. 30, 2009), the Recipient, subrecipients, contractors, and subcontractors are encouraged to:

(1) adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving—

(i) Company-owned or -rented vehicles or Government-owned, leased or rented vehicles; or

(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as—

(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(c) *Subawards and Contracts*. To the extent permitted by law, the Recipient shall insert the substance of this exhibit, including this paragraph (c), in all subawards, contracts, and subcontracts under this award that exceed the micro-purchase threshold, other than contracts and subcontracts for the acquisition of commercially available off-the-shelf items.