

STATE OF MINNESOTA
OLMSTED COUNTY
HIGHWAY DEPARTMENT

-----PROPOSAL-----

FOR: HIGHWAY CONSTRUCTION

Separate sealed proposals will be received until 2:00 p.m.
on June 21, 2016, by the Purchasing Manager at the office of the
Olmsted County Public Works Department, 2122 Campus Dr. SE, Suite 200,
Rochester, Minnesota 55904.

PROPOSAL OF _____ Phone No. _____

Street _____ Fax No. _____

City _____ State _____ Zip _____

To furnish and deliver all materials and to perform all work in accordance
with the Contract, the Plans, and the approved Department of Transportation
"Standard Specifications for Construction", 2016 Edition, on file in the
Office of the County Engineer except as stated otherwise in the Special
Provisions which are part of this proposal, for:

PROJECT NO. SAP 055-622-060 CSAH NO. 22

PROJECT NO. _____ CSAH NO. _____

PROJECT NO. _____ CR NO. _____

LOCATION From JCT CSAH 22 (37th St. NW) and TH 52 TO JCT CSAH 22
(37th St. NW) & CSAH 33 (Broadway Ave North)

TYPE OF WORK Concrete Rehabilitation (Dowel Bar Retrofit) and Grinding

LENGTH 10,783 FEET 2.042 MILES

STARTING DATE _____

COMPLETION DATE September 30, 2016

NOTICE TO ALL BIDDERS: In submitting a bid, you must return the Bid
Submittal Packet. You must initial any changes made in the Schedule of
Prices and acknowledge addendums on the back cover sheet of the Bid
Submittal Packet.

I certify that this proposal was prepared by me
or under my direct supervision, and that I am a
registered Professional Engineer under the laws
of the State of Minnesota.


Kaye M. Bieniek
Reg. No. 19917 Date 5/26/16

NON-COLLUSION AFFIDAVIT

The following Non-Collusion Affidavit shall be executed by the bidder:

State Project No. _____

Federal Project No. _____

State of Minnesota _____)

) ss

County of _____)

I, _____, do state under penalty of
(name of person signing this affidavit)

perjury under 28 U.S.C. 1746 of the laws of the United States:

(1) that I am the authorized representative of _____

(name of person, partnership or corporation submitting this proposal)

and that I have the authority to make this affidavit for and on behalf of said bidder;

(2) that, in connection with this proposal, the said bidder has not either directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding;

(3) that, to the best of my knowledge and belief, the contents of this proposal have not been communicated by the bidder or by any of his/her employees or agents to any person who is not an employee or agent of the bidder or of the surety on any bond furnished with the proposal and will not be communicated to any person who is not an employee or agent of the bidder or of said surety prior to the official opening of the proposal, and

(4) that I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed: _____
(bidder or his authorized representative)

TO THE
OLMSTED COUNTY PUBLIC WORKS
HIGHWAY DEPARTMENT
ROCHESTER, MINNESOTA

"I hereby certify that I am in compliance with Minnesota Statutes Section 363 as amended, and (check one below, as applicable):

_____ Have a current and valid Certificate of Compliance issued by the Minnesota Department of Human Rights.

_____ Have applied for a Certificate of Compliance to the Commissioner of the Minnesota Department of Human Rights, which is pending.

_____ Employ fewer than 40 full-time employees in the last 12 months, and do not anticipate employing more than 40 full-time employees during the performance of the contract listed above.

SIGNATURE OF BIDDER _____

POSITION _____

NAME OF FIRM _____

DATE _____ 20 _____

This form may be used to furnish proof of necessary compliance with Minnesota Statutes, Section 363, implementing the rules and regulations of the Minnesota Department of Human Rights.

ATTACHMENT

NON-COLLUSION DECLARATION

The following Non-Collusion Declaration shall be executed by the bidder:

State Project No. _____

Federal Project No. _____

STATE OF MINNESOTA)

) ss

COUNTY OF _____)

I, _____, do state under penalty
(Name of person signing this declaration)
of perjury under 28 U.S.C. 1746 of the laws of the United States:

(1) that I am the authorized representative of _____

(Name of person, partnership or corporation submitting this proposal)

and that I have the authority to make this declaration for and on behalf of said bidder;

(2) that, in connection with this proposal, the said bidder has not either directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding;

(3) that, to the best of my knowledge and belief, the contents of this proposal have not been communicated by the bidder or by any of his/her employees or agents to any person who is not an employee or agent of the bidder or of the surety on any bond furnished with the proposal and will not be communicated to any person who is not an employee or agent of the bidder or of said surety prior to the official opening of the proposal, and

(4) that, I have fully informed myself regarding the accuracy of the statements made in this declaration.

Signed _____

(Bidder or his authorized representative)

EXEMPTION FROM SURETY DEPOSITS
FOR OUT-OF-STATE CONTRACTORS

New legislation requires Minnesota State agencies or subdivisions, as well as private entities, who contract with a non-Minnesota contractor for construction work over \$100,000.00 to withhold and deposit with the state 8% of every payment made to the contractor. When the contractor shows compliance with the income, withholding and sales tax laws, amounts held by the state will be returned with interest.

In lieu of this surety deposit, a bond secured by insurance or cash could be provided to the state by the contractor. The new law will also exempt from the surety deposit or bond requirements non-Minnesota contractors who have done work in Minnesota during the last three (3) years and have complied with all of the Minnesota tax laws. Please find enclosed Form SD-E for use by non-Minnesota contractors to apply for the exemption.

INSTRUCTIONS FOR FORM SD-E

WHO SHOULD FILE?

If a non-Minnesota contractor or subcontractor has contracted for work in Minnesota, and the amount of the contract is over \$100,000.00, the contractor or subcontractor must file Form SD-E with the Minnesota Department of Revenue.

Form SD-E will be used to determine whether or not the contractor is exempt from the surety deposit requirements for the State of Minnesota.

WHEN TO FILE

If the contractor wants to file for an exemption from the surety deposit requirements, Form SD-E should be filed at the inception of the contract. A separate form is required for each project.

HOW TO FILE

In order to submit Form SD-E, you must have a Minnesota business identification number. If you do not have a number, please contact the Department of Revenue for application information.

Check the appropriate box on the form. If the first box is checked, you must fill in the information about the bond. You must also attach a copy of the bonding agreement and attach it to Form SD-E when you send it to the Department of Revenue.

Send the form and attachments to the Department of Revenue for certification. If the form is certified by the department, we will return the certificate form to you.

If the department determines that you are not exempt, 8 percent of each payment made to you as the contractor must be deposited with the Department of Revenue. These deposits will be returned when the project

is completed, if you have complied with all Minnesota income, withholding, and sales tax laws.

WHERE TO FILE

The contractor should fill out Form SD-E and mail the original and one copy to:

**-MN Dept. of Revenue
Business Trust Tax Sect.
Mail Station 6525
St. Paul, MN 55146-6525**

USE OF INFORMATION

The Department of Revenue requires all the information requested on this form is guaranteed private by state law. It cannot be given to others without your permissions, except to the IRS, other states that guarantee it will be kept private, and certain county or state agencies.

NEED HELP

If you need help or additional information to fill out this form, call 296-6181 in the Twin Cities area. From elsewhere in Minnesota or from outside the state, call (toll free) 1-800-657-3777.

MINNESOTA DEPARTMENT OF REVENUE
EXEMPTION FROM SURETY DEPOSITS
FOR OUT-OF-STATE CONTRACTORS

Contractor			Minnesota ID Number
Address			Phone Number
City	State	Zip Code	Total Contract Amount
Contact Person			Period of Contract
Unit for which work was performed			
Address			Phone
City	State	Zip Code	
Contact Person			

I request a waiver of surety deposit under Minnesota law (M.S. 290.9705) for the following reason:

___ 1. I have provided a cash surety or a bond secured by an insurance company licensed in Minnesota. (Attach a copy of the bonding agreement)

Bonding Company _____
Address _____
Period of Bond _____
Projected completion date _____

___ 2. I have done construction work in Minnesota during the past three calendar years and have fully complied with Minnesota law regarding Minnesota income, sales, and withholding taxes.

I authorize sending a copy of this to the contracting agency and give the Department of Revenue permission to discuss this case and related taxes with the bonding company.

Signature _____ Date _____

REVENUE DEPARTMENT CERTIFICATION

___ The above named out-of-state contractor is exempt from the surety requirements of Minnesota Statute 290.9705.

Signature of authorized Revenue Department representative _____

___ The above named out-of-state contractor is NOT EXEMPT from the surety requirements of Minnesota Statute 290.9705. See instructions for information about how to report and deposit withholding on payments made to the out-of-state contractor.

Signature of authorized Revenue Department representative _____

TOTALS

Total for	SAP 055-622-060	\$
		\$
		\$
		\$

In accordance with 1210 of the Specifications, receipt is acknowledged of
Addendum No. _____ Dated _____, Addendum No. _____ Dated _____,
Addendum No. _____ Dated _____, Addendum No. _____ Dated _____

Signed _____

Enclosed herewith find (certified check) (bidder's bond) in the amount of _____ Dollars (\$ _____) being at least 5% of the amount of the proposal, made payable to the County Treasurer of said County as a proposal guarantee which it 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.

This proposal dated the _____ day of _____, 20____
Signed: _____ P.O. Address _____, as an individual
Signed: _____, for _____, a partnership

Name Address

Name Address

Partners:

Name Address

Name Address

Signed: _____, for _____
a corporation, incorporated under the laws of the State of _____

Name of President Business Address

Corporate
Seal

Name of Secretary Business Address

Name of Treasurer Business Address

NOTE: Signature shall comply with 1206 of the Specifications.

5/24/2016

Contract No.: 0516

OCPW
Schedule Of Prices

Project Number: SAP 055-622-060

Project Title or Road Number: Concrete Rehabilitation (Dowel Bar Retrofit)

Work Type: Concrete Rehabilitation

BIDDER MUST FILL IN UNIT PRICES IN NUMERALS; MAKE EXTENSION FOR EACH ITEM AND TOTAL. FOR COMPLETE INFORMATION CONCERNING THESE ITEMS, SEE PLANS AND SPECIFICATIONS, INCLUDING SPECIAL PROVISIONS.					
Item No.	Description	Units	Quantity	Unit Price	Total Price
2021.501	MOBILIZATION	LS	1.00		
2302.602	DOWEL BAR RETROFIT	EACH	26,265.00		
2302.604	CONCRETE GRINDING	S Y	56,443.00		
2563.601	TRAFFIC CONTROL	LS	1.00		
2582.501	PAVEMENT MESSAGE (LT ARROW) EPOXY-GR IN	EACH	34.00		
2582.501	PAVEMENT MESSAGE (RT ARROW) EPOXY-GR IN	EACH	44.00		
2582.502	24" SOLID LINE EPOXY GR IN	L F	346.00		
2582.502	4" SOLID LINE EPOXY GR IN (WR)	L F	51,946.00		
2582.502	4" BROKEN LINE EPOXY GR IN (WR)	L F	4,313.00		
2582.502	4" DBLE SOLID LINE EPOXY GR IN (WR)	L F	2,043.00		
2582.503	CROSSWALK EPOXY GR IN	S F	3,114.00		
Total					

Bidder Name: _____

Bidder Address: _____

Bidder Phone: _____

 Bidder
Signature: _____

Date: _____

**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. IMPLEMENTATION. ... 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. RESPONSIBLE CONTRACTOR, MINIMUM CRITERIA. "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">(i) is in compliance with workers' compensation and unemployment insurance requirements;(ii) is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees;(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and(iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative.
(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">(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;*

(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.

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

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

SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1	
By signing this document I certify that I am an owner or officer of the company, and I swear under oath that: 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.	
Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

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. ...

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

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

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