

BID DOCUMENT SUBMITTAL CHECKLIST

The following documents shall be filled out, signed and submitted *PRIOR TO BID OPENING*, as detailed in Division S, Section 1206 (Preparation and Delivery of Proposal) of the special provisions:

- Title sheet of Proposal
- Proposal Form (Page 1 of 2 and Page 2 of 2)
- Non-Collusion Declaration
- Responsible Contractor Verification and Certification of Compliance and Attachment A-1 First Tier Subcontractor List
- Bid Security (bid bond or certified check) as required.

S.A.P. 027-661-048 CTB, S.A.P. 010-661-003 CTB,
S.A.P. 181-020-031, S.A.P. 194-020-012
CSAH 61; C.P. 0904
September 21, 2017

COUNTY OF HENNEPIN
STATE OF MINNESOTA
PROPOSAL

COUNTY STATE AID PROJECT NOS. S.A.P. 027-661-048 CTB, S.A.P. 010-661-003 CTB,
S.A.P. 181-020-031, S.A.P. 194-020-012

COUNTY PROJECT NO. 0904

COUNTY STATE AID HIGHWAY (CSAH) NO. 61

Class of Work _____

Proposal of _____
(Name)

(Address)

Federal Tax ID No. _____

Telephone No. () _____

FAX No. () _____

Email Address _____

To furnish and deliver all materials and to do and perform all work, in accordance with the Contract, the plans and the 2016 Edition of the Minnesota Department of Transportation "Standard Specifications for Construction" and all Supplements thereto, all on file in the office of the Hennepin County Transportation Department, except as specifically stated otherwise in the Special Provisions attached hereto for the improvement of a certain section of County State Aid Highway No. (CSAH) 61, County State Aid Project Nos. S.A.P. 027-661-048 CTB, S.A.P. 010-661-003 CTB, S.A.P. 181-020-031, S.A.P. 194-020-012, County Project No. 0904, on which proposals will be received until 2:00 o'clock P.M. Tuesday, the seventh day of November 2017; this work being located from CSAH 101 to the county line (S.A.P. 010-661-003/194-020-012), and from county line to Charlson Road (S.A.P. 027-66-1048/181-020-031) within the Cities of Chanhassen and Eden Prairie, being approximately 0.799 and 2.930 miles in length, all as indicated in the approved plans.

NOTICE TO BIDDERS

BIDDERS SUBMITTING A BID MUST SUBMIT THEIR BID IN ELECTRONIC FORMAT, PAPER BIDS WILL NOT BE ALLOWED FOR THIS PROJECT.

BIDDERS MUST SUBMIT BIDS TO THE HENNEPIN COUNTY PURCHASING DEPARTMENT, ELECTRONICALLY, BY GOING TO <https://egram.co.hennepin.mn.us>.

S.A.P. 027-661-048 CTB, S.A.P. 010-661-003 CTB,
S.A.P. 181-020-031, S.A.P. 194-020-012
CSAH 61; C.P. 0904
September 21, 2017

BIDDERS SHALL NOTE THAT THERE ARE SEVERAL DOCUMENTS IN THIS PROPOSAL THAT MUST BE DOWNLOADED FOR SUBMISSION AS HARD COPIES, AS PROVIDED IN S-10 (1206) PREPARATION AND DELIVERY OF PROPOSALS OF THE SPECIAL PROVISIONS.

To Hennepin County Board of Commissioners:

According to the advertisement of Hennepin County inviting proposals for the improvement of the section of highway hereinbefore named, and in conformity with the Contract, Plans, Specifications and Special Provisions pertaining thereto, all on file in the office of the Auditor of Hennepin County.

(I)(We) hereby certify that (I am) (we are) the only person(s) interested in this proposal as principal(s); that this proposal is made and submitted without fraud or collusion with any other person, firm or corporation at all; that an examination has been made of the site of the work and the Contract form, with the Plans, Specifications and Special Provisions for the improvement.

(I)(We) understand that the quantities of work shown herein are approximate only and are subject to increase or decrease; that all quantities of work, whether increased or decreased within the limits specified in MnDOT 1903 and 1402, are to be done at the unit prices shown on the electronic bid schedule; that, at the time of opening bids, totals only will be read, but that comparison of bids will be based on the correct summation of item totals obtained from the unit prices bid, as provided in MnDOT 1301.

(I)(We) propose to furnish all necessary machinery, equipment, tools, labor and other means of construction and to furnish all materials specified, in the manner and at the time prescribed, all according to the terms of the Contract and Plans, Specifications, and the Special Provisions forming a part of this.

(I)(We) further propose to do all Extra Work that may be required to complete the contemplated improvement, at unit prices or lump sums to be agreed upon in writing before starting such work, or if such prices or sums cannot be agreed upon, to do such work on a Force Account basis, as provided in MnDOT 1904.

(I)(We) further propose to execute the form of Contract within 7 days after receiving written notice of award, as provided in MnDOT 1306 and Division S-14 (1306) Execution and Approval of Contract of the special provisions.

(I)(We) further propose to furnish a payment bond equal to the Contract amount, and a performance bond equal to the Contract amount, with the aggregate liability of the bond(s) equal to twice the full amount of the Contract, as security for the construction and completion of the improvement according to the Plans, Specifications and Special Provisions as provided in MnDOT 1305.

(I)(We) further propose to do all work according to the Plans, Specifications and Special Provisions, and to renew or repair any work that may be rejected due to defective materials or workmanship, before completion and acceptance of the Project by Hennepin County.

(I)(We) agree to all provisions of Minnesota Statutes, Section 181.59.

(I)(We) further propose to begin work and to prosecute and complete the same according to the time schedule set forth in the Special Provisions for the improvement.

(I)(We) assign to Hennepin County all claims for overcharges as to goods and materials purchased in connection with this Project resulting from antitrust violations that arise under the antitrust laws of the United States and the antitrust laws of the State of Minnesota. This clause also applies to subcontractors and first tier suppliers under this Contract.

PROPOSAL FORM

For

Electronic Bid Submittal

BIDS TO BE OPENED _____

PROPOSAL OF _____

ADDRESS _____

GRAND TOTAL FOR PROJECT is as shown in Electronic Bid Submittal.

This proposal form must be printed or written in ink, in a legible manner, and shall be emailed to the County at bidVAULT@hennepin.us before the bid opening. Paper copy must be received in the Purchasing office within three (3) days after bid opening.

Bid bond, which is 5% of bid total as shown in Electronic Bid Submittal, shall be submitted using one of the following means as detailed in S-10 of the special provisions:

1. Submit an electronic bid bond with your electronic bid for this project using Surety 2000 or InSure Vision; or
2. Submit the original paper bid bond or certified check. It must be received in the Purchasing office prior to the bid opening time and date; or
3. Email a copy of your original paper bid bond or certified check prior to the bid opening time and date. The copy must be emailed to bidVAULT@hennepin.us, and, your original signed bid security must be received in the Purchasing office within three (3) days after bid opening.

STATEMENT OF NON-COLLUSION:

I hereby swear (or affirm):

I am the bidder (if the bidder is an individual), a partner of 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);

The attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with, and without any agreement, understanding or planned common course of action with any other vendor of materials, supplies, equipment or services described in the Proposal-Special Provisions, designed to limit independent bidding or competition;

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;

I have fully informed myself regarding the accuracy of the statements made herein; and

I understand that collusive bidding is punishable by penalty of law. By signing this Proposal the bidder understands and agrees to the entitled Statement of Non-Collusion.

EXECUTION OF PROPOSAL:

By signing and submitting this proposal, the prospective bidder agrees that if the Contract for construction and completion of the improvement proposed herein and by reference is awarded to it, that all work, services, equipment, tools, transportation and materials necessary for completion of said improvement shall be furnished and performed in accordance with all Special Provisions, contained herein, specifications incorporated by reference, the plans prepared for said improvement and all contract documents, and said bidder shall comply with all obligations and conditions set forth in the aforesaid documents.

This proposal dated the _____ day of _____, 2017.

FIRM'S FULL LEGAL NAME _____

BY _____

(Print Full Name of Person Signing)

BIDDER HAS SUBMITTED ELECTRONIC PROPOSAL FORM via bidVault with
RECEIPT OF ADDENDA as required by 1210 of the Specifications

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)

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 including Attachment A-1, 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> | |
| <p>(1)</p> | <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. |
| <p>(2)</p> | <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) My company intends to retain those first-tier subcontractors listed on Attachment A-1 for work on the project, and**
- 3) if my company is awarded a contract, I will submit Attachment A-2 prior to contract execution, and**
- 4) if my company is awarded a contract, I will also submit Attachment A-3 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 WITH BID DOCUMENTS
(CONTRACTOR SHALL LIST ITS FIRST-TIER SUBCONTRACTORS, SIGN COMPLETED
ATTACHMENT A-1 AND SUBMIT PRIOR TO BID OPENING)**

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: | |
| I intend to retain all first-tier subcontractors listed on attachment A-1 for work on the project. | |
| Authorized Signature of Owner or Officer: | Printed Name: |
| Title: | Date: |
| Company Name: | |