

Invitation to Bid

Project Name/Description: Duluth International Airport - New Passenger Terminal
Bid Package 1 - Sitework, Structure, Enclosure

FAA PROJECT No: 3-27-0024-48-10
SP: 6901-162, 6901-165, 6901-166

City of Duluth Bid No. 2010-4401

Sealed bids will be received for the Duluth Airport Authority by the City Purchasing Agent in and for the Corporation of the City of Duluth at his office, Room 100 City Hall, Duluth, MN 55802 (218) 730-5340 at 2:00 p.m. local time on Thursday, June 17, 2010 for the above named project, and will be publicly opened and read aloud immediately thereafter.

The project scope consists of: Bid Package 1, which includes civil sitework-site utilities, grading, paving and lighting; building structure and enclosure.

BASIS OF BIDS: Multiple Prime Bids will be received for labor and materials as outlined in the Work Scope Descriptions as described in Section 01014.

TIME OF COMPLETION: Owner requires Work to be substantially complete on or before October 1, 2011, and fully complete before October 15, 2011, and in accordance with the contract documents. Bids shall reflect all costs necessary to meet this schedule requirement.

A separate Bid Form Packet will be furnished for bid submission. All bidders must use the original Bid Form Packet for submission of their bid. Faxed bids will not be allowed.

A Pre-bid conference will be held on Tuesday, May 25, at 2:30 p.m. in the Skyline Room, 2nd Floor of the existing Passenger Terminal Building, Duluth International Airport, after which there will be an opportunity to examine the site of the proposed work.

PROJECT LABOR AGREEMENT: Each contractor and subcontractor, having submitted a bid on this project certifies that it is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the project. In the interests of such harmony and the long-term supply of skilled manpower, each successful contractor and any and all levels of subcontractors, as a condition of being awarded a contract or subcontract, will agree to abide by the provisions of Project Labor Agreement as executed by and between Owner, Kraus-Anderson® Construction Company (Construction Manager for project) and the Duluth Building and Construction Trades Council and its affiliated local unions, and will be bound by the provisions of that agreement in the same manner as any other provision of the Contract. A draft copy of the agreement is available for inspection at the office of the Construction Manager, Kraus-Anderson® Construction Company, 3716 Oneota Street, Duluth, MN 55807, and is included by reference in these Contract Documents as fully as if herein set forth.

Under Minnesota Statute S473.144, the Authority may not accept any bid or proposal for a contract or execute a contract for goods or services in excess of \$100,000 with any business having more than 40 full time employees in Minnesota at any time during the previous 12 months, unless the business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the Commission of Human Rights. The Commission's certificate of compliance form and any required documentation indicating a bidder's compliance or exemption from this requirement must be submitted within three business days following the opening of the bids and prior to award of

the contract. Bids will be considered non-responsive if the certificate of compliance requirement as set forth in the specifications is not met.

The schedule of minimum wages as established by the Secretary of Labor and set forth in the specifications is to govern on this project, and bids shall be based on these established minimum wage rates. However, in accordance with Minnesota law, overtime must be paid for work in excess of 8 hours per day and 40 hours per week.

Nondiscrimination in Employment: The proposed contract shall be under and subject to Executive Order No. 11246 of September 24, 1965, as amended, and to the equal opportunity clause, mandated by the regulations promulgated pursuant thereto. The proposed contract must incorporate the terms set forth in the affirmative action attachments included in the specifications for this project. The bidder (proposer) must supply all the information required by the bid or proposal form. Certification of Non-Segregated Facilities will be required as described in the Instructions to Bidders.

The Airport Authority, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full 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. Women will be afforded equal opportunity in all areas of employment. However, the employment of women shall not diminish the standards or requirements for employment of minorities.

The bidder/offeree certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts and subcontracts. Where the bidder/offeree/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

The contractor, by submission of an offer and/or execution of a contract, certifies that it is in compliance with Restrictions on Federal Public Works Projects as set forth in Attachment 3 to the construction contract. Further, the contractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts.

The bidder shall make good faith efforts as defined in Appendix A of 49 CFR Part 23, Regulations of the Office of the Secretary of Transportation to subcontract Four and nine and a one-half tenths percent (4.95%) of the dollar value of the contract to small business concerns owned and controlled by socially and economically disadvantaged individuals (DBE).

The individuals who are presumed to be socially and economically disadvantaged include Women, Blacks, Hispanics, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.

In the event that the apparent successful bidder of this solicitation qualifies as a DBE, the contract goal shall be deemed to have been met.

Bidders will submit, in writing, the names of the DBEs included in their bid, a description of the work DBEs will perform, and the dollar value of each DBE subcontract.

Exclusive agreements between DBEs and bidders are forbidden. The DAA reserves the right to waive failure of a bidder to meet the DBEs goals if sufficient effort as determined by DAA has been made to comply with the DBE goals and the requirements are not met.

The bids shall be accompanied by an Affidavit of Non-Collusion and written assurance that the bidder has made a good faith effort towards meeting DBE goals.

A bidder's or proposer's failure to show a good faith effort to achieve the specified contract goal for the participation of Disadvantaged Business Enterprise in the completion of this project will be grounds for finding the bid or proposal non-responsive.

Notice of Requirements for Affirmative Action to Ensure Equal Employment Opportunity - State of Minnesota Requirements:

The offerer's or bidder's attention is called to the "equal opportunity clause" set forth herein.

The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the Covered Area as follows: Goals for minority participation in each trade, 1.0%; goals for female participation in each trade, 6.9%.

These goals are applicable to all contractors' construction work performed in the Covered Area.

The contractor's compliance with Minnesota Statutes, section 473.144 and part 5000.3520 shall be based on its implementation of the equal opportunity clause, specific affirmative action obligations required by part 5000.3540, and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals shall be a violation of the contract, Minnesota Statutes, section 473.144 and part 5000.3520. Compliance with the goals will be measured against the total work hours performed.

The contractor shall provide written notification to the Compliance Division of the Minnesota Department of Human Rights within ten working days of award of any construction contract at any tier for construction work under the contract resulting from the solicitation.

The notification must list the name, address and telephone number of the subcontractor; employer identification number, estimated dollar amount of the subcontract; and the geographical area in which the contract is to be performed.

As used in this notice, and in the contract resulting from this solicitation, the "Covered Area" is the City of Duluth in St. Louis County, Minnesota.

See Instructions to Bidders for Federal requirements for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246, as amended).

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified check made payable to the Duluth Airport Authority in the amount of not less than 5% of the total bid or a surety bond in the amount payable to the Authority with the surety company thereon duly authorized to do business in the State of Minnesota, such Bid Security to be a guarantee that the bidder will not, without the consent of the Authority, withdraw his bid for a period of 60 days after the opening of bids, and if the successful bidder, will enter into a contract with the Duluth Airport Authority and in connection therewith, give Public Contractor's Bond as required by law; and the amount of the certified check will be retained or bond enforced by the Authority in case the bidder fails so to do.

The Bid Security of the three lowest bidders will be retained until the contract is executed, but in no event longer than 60 days provided that the Bid Security of the lowest responsible bidder shall be retained in any event until the contract is executed and Public Contractor's Bond furnished as herein provided.

The bid of the lowest responsible bidder, provided said low bidder has made a good faith effort to meet the DBE contract goal will be accepted on or before the expiration of 60 days after the date of the opening of bids. In the event that the Authority deems it in its best interest to delay the award of the contract (i.e. if the federal funding for the project is delayed) the 60 day time period may be extended for up to one year if mutually agreed upon by both the bidder and the Authority. The Authority, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies.

Inquiries regarding Plans and Specifications may be directed to the Architect/Engineer of Record Reynolds, Smith & Hills, Inc. at (218) 722-1227, or the Construction Manager of Record, Kraus Anderson Construction Company at (218) 722-3775. Plans and Specification will also be on file at the Duluth Purchasing Agent, the Duluth, Hibbing, Minneapolis & St. Paul Builders Exchanges, Reed Construction Market, and MEDA/IsqFt Plan Rooms.

Copies of Drawings, Specifications and a separate Bid Form Packet may be obtained on or after May 17, 2010. Order printed sets through Shel/Don Group Inc.'s online Plan Room at www.sheldonplanroom.com. Contact Jeanette Herubin, Shel/Don Group, at 218-727-2817, for final non-refundable deposit cost. Non-refundable checks made payable to Shel/Don Group, Inc. Plans can be picked up at Shel/Don, 124 E Superior Street, Duluth, MN 55802, once required deposit has been received by. This payment will not be refunded.

Examination of Documents: Bidders shall carefully examine entire contents of Contract Documents prepared for the Work to become thoroughly familiar with all requirements.

Additional Compensation: Contractors shall not receive extra payments for conditions which can be determined by examining the site and the Contract Documents.

Duluth Airport Authority

By: Dennis Sears
City of Duluth Purchaser
100 City Hall
Duluth, MN 55802

To appear in DNT:
May 17th and 18th, 2010

This advertisement is also available on the City of Duluth website at:
http://www.duluthmn.gov/purchasing/bid_information.cfm