REQUEST FOR BID
DATE 4/23/2014
BID # 14-0315

RETURN BY BID OPENING TIME TO:

PURCHASING DIVISION
100 CITY HALL
Duluth, MN 55802
Dennis Sears
PHONE: 218-730-5340
FAX: 218-730-5921

Huntington St & 59th Ave W. Sidewalk, Box Culvert & Slope Repairs

BID OPENING DATE AT 2:00 P.M. ON May 22, 2014

Note: all bids must be written, signed and transmitted in a sealed envelope, plainly marked with the bid number, subject matter, and opening date. The City of Duluth reserves the right to split award where there is a substantial savings to the City, waisve informalities and to reject any and all bids. Bidder should state in proposal if bid price is based on acceptance of total order. Sales tax is not to be included in the unit price. Bidder to state freight chargers if the proposal F.O.B. is shipping point, freight not allowed. Low bid will not be the only consideration for award of bid. All pages shall be signed or initialed by authorized bidder's representative as indicated at the bottom of the page(s)of the request for bid form.

RETURN BID IN DUPLICATE WITH DUPLICATE DESCRIPTIVE LITERATURE
FOR BID RESULTS, ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE WITH BID

BID DEPOSIT REQUIREMENTS: 5% OF BID AMOUNT
Deposit shall mean cash, cashier's check or corporate surety bond payable to or in favor of the City of Duluth.

A PERFORMANCE BOND AND A PAYMENT BOND shall be required of the successful bidder, BOTH in the full amount of the bid.

INSUREANCE CERTIFICATE required per attached requirements.
Designated F.O.B. Point:
Engineering Division
Jobsite(s)

Tax:

Federal Excise Tax Exemption
Account No. 41-74-0056 K

Vendor Email Address: _____

FREIGHT CHARGE $ _____

NAME: _____
ADDR1: _____
ADDR2: _____
ADDR3: _____

TOTAL BID PRICE # _____
TO INCLUDE ANY ADDITIONAL PAGES.

BY: _____
(Print) (Title)

_____
(Signature) (Tele. #)

PAYMENT TERMS $ _____
F.O.B. POINT $ _____
DELIVERY DATE $ _____

The City of Duluth is an Equal Opportunity Employer.

C I T Y O F D U L U T H

DATE: 4/23/2014
BID #: 14-0315

**********SCHEDULE OF PRICES**********

ington St & 59th Ave W. Sidewalk, Box Culvert and Slope Repairs

City Project 1207
Bid No. 14-0315

Make all extensions and total the bid.

Item No.	Spec. #	Qty	U/OM	Item Description	Unit Price	Total Price
001		1	Each	**Exhibit A (Must Be Returned With The Bid)**	$ _____	$ _____

TOTAL $ _____

ADDENDUM RECEIPT ACKNOWLEDGEMENTS:

ADDENDUM NO. , DATED _____

ADDENDUM NO. , DATED _____

ADDENDUM NO. , DATED _____

TOTAL BID IN WORDS:

_____

CONTRACTOR NAME:

_____

THE CONTRACTOR AGREES TO ALL OF THE PROVISIONS CONTAINED IN THE CONTRACT DOCUMENTS. ENCLOSED HEREWITH FIND A CERTIFIED CHECK OR BID BOND IN THE AMOUNT OF AT LEAST 5% OF THE AMOUNT OF PROPOSAL MADE PAYABLE TO THE CITY OF DULUTH AS A PROPOSAL GUARANTEE WHICH IT

(see additional page(s))

_____
(Initial)

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.

The bidder hereby certifies that he/she has received or viewed on-line the City of Duluth Public Works/Utilities Department - Engineering Division Standard Construction Specifications 2013 including supplements and has incorporated the terms hereof in its bid.

SIGNED: _____ FOR

_____

A PARTNERSHIP (OR)

_____

A CORPORATION INCORPORATED UNDER THE LAWS OF THE STATE OF:

_____

PRESIDENT _____
VICE-PRES. _____
SECRETARY _____
TREASURER _____

ADDRESS(ES) _____

_____

BEING DULY SWORN, DEPOSES AND SAYS THAT THERE ARE NO OTHER PERSONS COMPRISING ABOVE COMPANY OR FIRM THAN THE ABOVE NAMES, AND THAT THERE ARE NO PERSONS OR CORPORATIONS INTERESTED IN THE FORGOING PROPOSALS, EITHER AS PRINCIPAL OR SUBCONTRACTOR, OTHER THAN THE ABOVE NAMES; ALSO THAT THE PROPOSALS ARE MADE WITHOUT ANY CONNECTION WITH ANY PERSON OR PERSONS MAKING ANY PROPOSAL FOR THE ABOVE WORK; THAT THEY ARE IN ALL RESPECTS FAIR AND WITHOUT COLLUSION OR FRAUD; AND THAT NO PERSON ACTING IN ANY OFFICIAL CAPACITY FOR THE CITY OF DULUTH IS DIRECTLY OR INDIRECTLY INTERESTED THEREIN, OR IN ANY PORTION OF THE PROFIT THEREOF.

(see additional page(s))

_____ (Initial)

C I T Y O F D U L U T H

DATE: 4/23/2014

BID #: 14-0315

_____

SUBSCRIBED AND SWORN TO BEFORE ME THIS

_____ DAY OF _____ A.D., _____

_____

NOTARY PUBLIC

IMPORTANT NOTE BIDDERS:
PLEASE DISREGARD THE NOTE ON PAGE 1 REGARDING SALES TAX FOR THIS BID. ALL APPLICABLE SALES AND/OR USE TAXES ARE TO BE INCLUDED IN BID PRICING. ALSO, ALL BIDS ARE TO BE F.O.B. JOBSITE. THE BLANK ON PAGE ONE FOR FREIGHT IS TO TO BE LEFT BLANK.

Delivery Contact: Tom Pfeffer
Engineering
218-730-5104

_____
(Initial)

Bid # 14-0315 **Project # 1207**

EXHIBIT A

Huntington Sidewalk, Box Culvert & Slope Repairs

Item No.	Spec. No.	Description	Unit	Est. Qty	Unit Price	Total Price
1	2021.501	MOBILIZATION	LUMP SUM	1		
2	2101.511	CLEARING & GRUBBING	LUMP SUM	1		
3	2104.503	REMOVE SIDEWALK	SQ YD	45		
4	2104.502	REMOVE SIGN	EACH	1		
5	2104.501	REMOVE DEBRIS	LUMP SUM	1		
6	2104.511	SAWING CONCRETE SIDEWALK (FULL DEPTH)	LIN FT	10		
7	2105.501	COMMON EXCAVATION (P)	CU YD	15		
8	2105.523	COMMON BORROW	CU YD	250		
9	2105.525	TOPSOIL BORROW	CU YD	45		
10	2211.503	AGGREGATE BASE (CV), CLASS 5	CU YD	6		
11	2511.515	GEOTEXTILE FILTER TYPE IV FOR RIP RAP	SQ YD	16		
12	2411.501	STRUCTURAL CONCRETE (3Y43)	CU YD	13		
13	2511.501	RANDOM RIP RAP CLASS III	CU YD	12		
14	2521.501	4" CONCRETE WALK	SQ FT	410		
15	2563.601	TRAFFIC CONTROL	LUMP SUM	1		
16	2573.502	SILT FENCE, TYPE HEAVY DUTY	LIN FT	25		
17	2573.540	FILTER LOG, TYPE WOOD FIBER BIOROLL	LIN FT	240		
18	2573.506	SEDIMENT TRAP EXCAVATION	CU YD	3		
19	2575.502	SEEDING	ACRE	0.07		
20	2575.502	SEED MIXTURE 150	POUND	5		
21	2575.532	FERTILIZER, TYPE I	POUND	10		
22	2575.523	EROSION CONTROL BLANKET, TYPE 4	SQ YD	340		

GRAND TOTAL: _____

_____
Initial

AFFIDAVIT AND INFORMATION REQUIRED OF BIDDERS

Affidavit of Non-Collusion:

I hereby swear (or affirm) under penalty of perjury:

1) That I am the bidder (if the bidder is an individual), a partner in 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);

2) That the attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor or materials, supplied, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;

3) That 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; and

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

Signed:_____

Firm Name:_____

Subscribed and sworn to me before this____ day of _____, _____

NOTARY PUBLIC_____

My commission expires:_____

Bidder's E.I. Number_____
(Number used on employer's quarterly Federal Tax return)

EQUAL EMPLOYMENT OPPORTUNITY (EEO) AFFIRMATIVE ACTION POLICY STATEMENT & COMPLIANCE CERTIFICATE

TO: City of Duluth, Minnesota **PROJECT NUMBER & DESCRIPTION** _____

_____

FROM: _____

_____
(FIRM's name, address, telephone number)

A) **Employment:** It is the policy of the above named FIRM to afford equal opportunity for employment to all individuals regardless of race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance and/or disability. The FIRM will take affirmative action to ensure that we will: (1) recruit, hire, and promote all job classifications without regard to race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, and/or disability, except where sex is a bona fide occupational qualification; (2) base decisions on employment so as to further the principle of equal employment opportunity; (3) ensure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; (4) ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, FIRM sponsored training, education tuition assistance, social and recreational programs will be administered without regard to race, color, creed, religion, national origin, ancestry, age, sex, marital status, status with respect to public assistance, and/or disability. The FIRM also intends full compliance with Veteran affirmative action requirements. Additionally, minority and female employees shall be encouraged to participate in all FIRM activities and refer applicants.

I have designated (name) _____to direct the establishment of and to monitor the implementation of personnel procedures to guide the FIRM's affirmative action program. Where PROJECTS exceed $500,000, this official shall also serve as the liaison officer that administers the FIRM's "Minority Business Enterprise Program." This official is charged with designing and implementing audit and reporting systems that will keep management informed on a monthly basis of the status of the equal opportunity area.

Supervisors have been made to understand that their work performance is being evaluated on the basis of their equal opportunity efforts and results, as well as other criteria. It shall be the responsibility of the FIRM and its supervisors to take actions to prevent harassment of employees placed through affirmative action efforts.

B) **Reports:** Unless exempted by law and regulation, the FIRM shall make available and file those reports related to equal opportunity as may be required by the City of Duluth and State and Federal compliance agencies. Requirements and Reports are defined in 41CFR60 "Compliance Responsibility for Equal Opportunity" published by the U. S. Department of Labor which is incorporated herein by reference. Additional requirements are defined in various State and Federal Civil Rights Legislation and Rules promulgated thereunder.

C) **Nonsegregated Facilities:** The FIRM certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The FIRM certifies that it will not maintain or provide for its employees any segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The FIRM agrees that a breach of this

certification is a violation of the Equal Opportunity Clause in this certificate. As used in this Certification, the term "segregated facilities" means any waiting rooms, work area, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation for entertainment area, transportation, and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise.

D) **Affirmative Action Compliance Program:** Unless exempted by regulation and law, the FIRM–if the FIRM has 50 or more employees and if the value of current contracts with the City of Duluth exceeds $50,000–shall prepare and maintain a written affirmative action compliance program that meets the requirement as set forth in 41CFR60.

E) **Non-Compliance:** The FIRM certifies that it is not currently in receipt of any outstanding letters of deficiencies, show cause, probable cause, or other such notification of non-compliance with EEO Laws and Regulations.

F) **Employment Goals - "Construction" Projects:** It shall be the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the on-site workforce will be minority employees and that no less than 7% of the on-site workforce will be female employees. Further, it is the goal of the FIRM if the PROJECT is of a construction nature that in all on-site employment generated that no less than 3% of the work hours generated shall be worked by minority employees and that no less than 7% of the work hours generated shall be worked by female employees.

G) **Subcontractors:** The FIRM will for all its PROJECT subcontractors regardless of tier (unless exempted by law and regulation) that received in excess of $2,500 require that: (1) the subcontractor shall execute an "EEO Statement and Certification" similar in nature to this "Statement and Certification", (2) said documentation to be maintained on file with the FIRM or subcontractor as may be appropriate.

Executed this _____ day of _____, 20__ by:

_____

Printed name and title

_____

Signature

NOTE: In addition to the various remedies prescribed for violation of Equal Opportunity Laws, the penalty for false statements is prescribed in 18 U.S.C. 1001.

City of Duluth Purchasing Division
General Specifications

The word "City" used in these specifications shall mean the city of Duluth and/or it Authorities.

1. Instruction to Bidders:
A.All bids must be completed in a non-erasable format on the form provided by city of Duluth, errors are to be cross ed out and initialed.
B.All bids must be enclosed in a seal ed envelope.
C.The enclosed blue and white sticker must be placed on the outside of envelope.
D.The bid envelope shall be addressed to the city of Duluth, Purchasing Divi sion, Room 100 City Hall, Duluth, Minnesota 55802.

2. Non-Collusion Clause:
Vendor, their agent/employ ee hereby agree to comply and fully perform in accordance with the law and state that they have not, directly or indirectly, entered into an agreement or understanding, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the proposal submitted with respect to the above-referenced invitation to bid. Vendor fully acknowledges that such an act of non-compliance may be deem ed unlawful and would be considered a violation of the law and subject to prosecution.

3. Award of Contract - Rejection of Bids:
The Contract will be award ed to the responsible bidder submitting the lowest bid complying with the conditions of the Invitation for bids. The bidders, to whom the award is made, will be notified at the earliest possible date. The city of Duluth, however, re serves the right to reject any and all bids and to waive any informality in bids received whenever such rejection or waiver is in its interest.

5. Obligation of Bidder:
At the time of the opening of bids, each bidder will be presumed to have read and to be thoroughly familiar with the plans, specifications and contract documents (including all ad denda). The failure or omis sion of any bidder to examine any form, instrument, or document shall in no way relieve any bidder from any obligation in respect to their bid.

6. Liquidated Damages for Failure to Enter into Contract:
The successful bidder, upon their failure or refusal to accept a purchase order or execute and deliver the contract and bonds re quired within 10 days after receipt of a notice of the acceptance of their bid, shall forfeit to the city, as liquidated damages for such failure or refusal, the security deposited with their bid (if required).

7. Completion of Bid Request:
The city may consider as irregular any bid on which there is an alteration of or departure from the Bid Form hereto attached an at its option may reject the same.

8. E.E.O. Regulations:
Contractor will be required to comply with all applicable Equal Employment Opportunity (E.E.O.) laws and regulations. Affirmative action must be taken to insure that the employees and applicants for employment are not discriminated against because of their race, color, creed, sex or national origin.

The city of Duluth is an equal opportunity employer.

9. Participation:
This document is intended to serve the city of Duluth, its Agents and Authorities. Each authority may issue their own purchase order and will be responsible for it. The City of Duluth Authorities are as follows:
1.Duluth Airport Authority
2.Spirit Mountain Recreational Area Authority
3.Duluth Entertainment and Convention Center
4.Duluth Transit Authority
5.Duluth Economic Development Authority
6.Duluth Housing and Redevelopment Authority

The city has a cooperative purchasing agreement with St. Louis county allowing the county to purchase from this bid when re quested. St. Louis county will issue and be responsible for its own purchase orders.

10. Qualifications of Bidder
The city may make such investigations as deemed necessary to determine the ability of the bidder to perform the work, and the bidder shall furnish to the city all such information and data for this purpose as the city may request. The city reserves the right to reject any bid if the evi dence submitted by, or investigation of, such bidder fails to satisfy the city that such bidder is property qualified to carry out the obligations of the contract and to complete the work contemplated therein. Con ditional bids will not be accepted.

11. Addenda and Interpretations
Responses to general ques tions and clarifications of bids may be made at the discretion of the city. However, no interpretation of the meaning of the specifications or other pre-bid documents will be made to any bidder orally.

Every request for such interpretation should be in writing and delivered or sent by facsimile to the city purchasing agent or the buyer shown on the bid request, Duluth, Minnesota 55802, and to be given consideration must be recemhtived at least five days prior to the date fixed for the opening of bids.

12. Award of Contract - Rejection of Bids:
In determining the suc cessful bidder, there will be considered in addition to price (per Ordinance 7050):
A.The ability, capacity and skill of the bidder to perform the contract.
B.The character, integrity, reputation, judgement, experience and efficiency of the bidder.
C.The quality of performance of previous contract.
D.The sufficiency of the financial re sources, equipment available and ability of the bidder to perform the contract.

13. Quantities:
The city reserves the right to increase or decrease the quantities of items on this bid as required. Any exception to this provision must be noted by the vendor in its bid or proposal.

14. Wages and Salaries:
A.Attention of bidders is particularly called to the requirements concerning the payment of not less than the prevailing wage and salary rates specified in the contract documents and the conditions of employment with respect to certain categories and classifications of employees for all "Public Works" type projects estimated to exceed $2,000.
B.The rates of up set forth under General Conditions are the minimums to be paid during the life of the contract. It is therefore the re sponsibility of bidders to inform themselves as to local labor conditions, such as the length of work day and work week, overtime compensa tions, health and welfare contributions, labor supply, and prospective changes or adjustments of rates.

15. Validity of Bids:
All bids shall be valid for 60 days from the date of bid opening, unless an other period is noted in bid documents or if an extension is agreed upon, in writ ing prior to the end of the 60 day period.

16. Facsimile Bids:
Facsimile bids are acceptable if: bids are received at the designated facsimile number prior to the scheduled bid opening and an original copy of the bid, identical to the "faxed" bid, is received within 48 hours of the bid opening. Facsimile bid deposits are not acceptable. The city shall endeavor to keep bids confidential, but will accept no responsibility for the confidentiality of facsimile bids. All bids or proposals returned by facsimile are understood to incorporate these general specifications.

17. Insurance:
All vendors doing work on city property, except vendors making routine deliveries, shall submit an insurance certificate indicating insurance coverage as per current city requirements.

18. Website:
ci.duluth.mn.us/city/service/purchasing/index.htm

IMPORTANT— NOTICE TO BIDDER

On the envelope submitting your bid, it is imperative

1. That your name and address appear in the UPPER left corner.
2. That the bottom portion of this label be filled in and pasted on the LOWER left corner.

SEALED

BID NO.

DATE OF OPENING

TIME OF OPENING

A.M. P.M.

DESCRIPTION

BID