



**REQUEST FOR BID**  
**DATE 2/12/2014**  
**BID # 14-03DS**

RETURN BY BID OPENING TIME TO:

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

**City of Duluth Traverse Trail- Mission Creek Phase II**

**BID OPENING AT 2:00 PM on March 11, 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, waive 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 charges 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.

INSURANCE CERTIFICATE required per attached requirements.

Designated F.O.B. Point:

Engineering Division

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

Jobsite(s)

Vendor Email Address: \_\_\_\_\_

NAME: \_\_\_\_\_

GRAND TOTAL BID PRICE # \_\_\_\_\_

ADDR1: \_\_\_\_\_

TO INCLUDE ANY ADDITIONAL PAGES.

ADDR2: \_\_\_\_\_

ADDR3: \_\_\_\_\_

BY: \_\_\_\_\_

(Print)

(Title)

(Signature)

(Tele. #)

The City of Duluth is an Equal Opportunity Employer.

**PRE-BID INFORMATION**

**CITY OF DULUTH**

**DATE: 2/12/2014**  
**BID #: 14-03DS**

Item No.	Spec. #	Qty	U/OM	Item Description	Unit Price	Total Price
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**\*\*\*\*\*SCHEDULE OF PRICES\*\*\*\*\***

**City of Duluth Traverse Trail- Mission Creek Phase II**

**City Project #1323**

**A non-mandatory pre bid meeting will be held on Monday,  
February 24, 2014 at 1:00 PM local time at the Fond du  
Lac Community Church at 521 131st Ave W, Duluth, MN 55808**

**Delivery Contact: Cari Pedersen  
Engineering  
218-730-5091**

\_\_\_\_\_  
(Initial)

DATE: 2/12/2014  
 BID #: 14-03DS

\*\*\*\*\*SCHEDULE OF PRICES\*\*\*\*\*  
 City of Duluth Traverse Trail- Mission Creek Phase II

City Project #1323

Make all extensions and total the bid.

\*\*\*\*\*

Make all extensions and total the bid.

Item No.	Spec. #	Qty	U/OM	Item Description	Unit Price	Total Price
001		1	Each	GRAND TOTAL from Worksheet B (Worksheet A and B Must Be Returned With The Bid)	\$ _____	\$ _____
						TOTAL \$ _____

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)

DATE:

2/12/2014

BID #:

14-03DS

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 2013 City of Duluth Public Works/Utilities Department - Engineering Division Standard Construction Specifications booklet 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)

DATE: 2/12/2014  
BID #: 14-03DS

\_\_\_\_\_  
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.

\_\_\_\_\_  
(Initial)

**BID WORKSHEET A**

**1.1 Duluth Traverse Trail Phase II – Mission Creek**

Company name \_\_\_\_\_

Contact person \_\_\_\_\_

Contact person's phone number \_\_\_\_\_

Contact person's email \_\_\_\_\_

Company address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PTBA member \_\_\_\_\_ Yes \_\_\_\_\_ No Member since \_\_\_\_\_

If bidder is not a member of the Professional Trailbuilders Association please provide a separate document that describes why and details equivalent experience and expertise.

Experienced in constructing sustainable bike-specific singletrack trails?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Please list similar past projects on a separate sheet along with a brief narrative. Include projects that highlight the Contractor's ability to satisfy the qualifications and requirements listed in section 6.

Please attach one (1) letter of recommendation from a previous client.

Low bid will not be the only consideration for award.

Please provide three (3) references from previous shared use trail construction projects with contact information (phone numbers and email addresses).

1.

2.

3.

Provide a detailed list of proposed project team members, including subcontractors, and their skill sets and relevant experience.

Provide a list of the equipment and tools intended to be used in completing the scope of work.

Provide a recommended schedule/timetable that allows for work completion per the specified schedule.

For each project site provide bid total and information about the intended team, equipment, workflow description, and schedule.

**Project 1 – Grave Yard Trail (segments 10) ( $\pm 4,355$  LF,  $\pm 0.8$  MI)  
Green Traditional Singletrack (Spec 1)**

Bid Total:

Team:

Equipment/Tools:

Workflow Description:

Start Date:            End Date:

**Project 2 – Power Line Trail (segment 13) ( $\pm 10,421$  LF,  $\pm 2.0$  MI)  
Green Traditional Singletrack (Spec 1)**

Bid Total:

Team:

Equipment/Tools:

Workflow Description:

Start Date:            End Date:

**Project 3 – Beaver Pond Trail (segment 11) (±5,749 LF, ±1.1 MI)  
Black Traditional Singletrack (Spec 3)**

Bid Total:

Team:

Equipment/Tools:

Workflow Description:

Start Date:

End Date:

**Project 4 – 131<sup>st</sup> Avenue Trail (segment 20) (±5,780 LF, ±1.1 MI)  
Blue Traditional Singletrack (Spec 2)**

Bid Total:

Team:

Equipment/Tools:

Workflow Description:

Start Date:

End Date:

**Alternate #1 – Valley West Trail (segments 9 & 12) (±9,561 LF, ±1.8 MI)  
Blue Traditional Singletrack (Spec 2)**

Bid Total:

Team:

Equipment/Tools:

Workflow Description:

Start Date:

End Date:

By signing this, I certify that I have am fully aware of the site locations, their conditions, access restrictions and other constraints. I accept the terms and conditions expressed and contained in the specifications included in and attached to this RFQ.

*Sign:*

*Date:*

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## **BID WORKSHEET B**

### **DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM - PHASE II MISSION CREEK**

#### **Instructions...**

- For each project bid, fill in unit price for all items.
- Failure to provide a unit price for any item will invalidate the bid for that project.
- Unit prices made on a per-project basis.
- Quantities for each project are estimated. Final quantities may change, but the unit price is fixed!
- Insert total for each project on summary sheet.
- Provide cost for one roundtrip mobilization on summary sheet.
- Bid tabulation sheets quantities take precedence over quantity discrepancies in the specifications or plans.

#### **Summary Sheet**

<b>Project #</b>	<b>Project Name</b>	<b>Total</b>
1	Grave Yard Trail - Base Bid	
2	Power Line Trail - Base Bid	
3	Beaver Pond Trail - Base Bid	
4	131st Avenue Trail - Base Bid	
5	Valley West Trail - Alternate #1	
<b>One Mobilization (r/t)</b>		
<b>GRAND TOTAL</b>		

\_\_\_\_\_  
initial

## **BID WORKSHEET B**

### **DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM - PHASE II MISSION CREEK**

initial

#### **Instructions...**

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- Quantities for each project are estimated. Final quantities may change, but the unit price is fixed!
- Insert total for each project on summary sheet.
- Provide cost for one roundtrip mobilization on summary sheet.
- Bid tabulation sheets quantities take precedence over quantity discrepancies in the specifications or plans.

#### **Project #:**

1 - (Segment 10)

#### **Project Name:**

Grave Yard Trail (±4,355 LF, ±0.8 MI)

#### **Specification Types:**

Green Traditional Singletrack (Spec 1)

<b>Work</b>	<b>Unit measure</b>	<b>Estimated Quantity</b>	<b>UNIT PRICE</b>	<b>TOTALS</b>
TRAIL CONSTRUCTION TYPE 'A'	LIN FT	40		
TRAIL CONSTRUCTION TYPE 'B'	LIN FT	4,093		
TRAIL CONSTRUCTION TYPE 'C'	LIN FT	0		
SWITCHBERM TYPE 'A'	EACH	0		
SWITCHBERM TYPE 'B'	EACH	0		
SWITCHBERM TYPE 'C'	EACH	0		
BERM	LIN FT	216		
PERMANENT SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
TEMPORARY SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
ROCK ARMORING	SQ YD	4		
ROCK CHECK	SQ YD	0		
48" BOARDWALK	LIN FT	74		
TURF BLOCK PAVERS	SQ YD	0		
ROCK RIP-RAP CHECKS	SQ YD	0		
ROCK JUMP	EACH	0		
EROSION CONTROL COIR ROLLS (BIO LOGS)	LIN FT	12		
EROSION CONTROL BLANKET MNDOT CATEGORY 3	SQ YD	0		
EROSION CONTROL BLANKET MNDOT CATEGORY 4	SQ YD	0		
<b>PROJECT TOTAL</b>				

**BID WORKSHEET B**

**DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM - PHASE II  
MISSION CREEK**

initial

**Instructions...**

- For each project bid, fill in unit price for all items.
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- Unit prices made on a per-project basis.
- Quantities for each project are estimated. Final quantities may change, but the unit price is fixed!
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- Provide cost for one roundtrip mobilization on summary sheet.
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**Project #:**

2 - (Segment 13)

**Project Name:**

Power Line Trail (±10,421 LF, ±2.0 MI)

**Specification Types:**

Green Traditional Singletrack (Spec 1)

Work	Unit measure	Estimated Quantity	UNIT PRICE	TOTALS
TRAIL CONSTRUCTION TYPE 'A'	LIN FT	33		
TRAIL CONSTRUCTION TYPE 'B'	LIN FT	9,790		
TRAIL CONSTRUCTION TYPE 'C'	LIN FT	0		
SWITCHBERM TYPE 'A'	EACH	0		
SWITCHBERM TYPE 'B'	EACH	2		
SWITCHBERM TYPE 'C'	EACH	0		
BERM	LIN FT	420		
PERMANENT SEED (SEE SWPPP FOR SEED MIX)	SQ YD	350		
TEMPORARY SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
ROCK ARMORING	SQ YD	4		
ROCK CHECK	SQ YD	0		
48" BOARDWALK	LIN FT	159		
TURF BLOCK PAVERS	SQ YD	0		
ROCK RIP-RAP CHECKS	SQ YD	0		
ROCK JUMP	EACH	0		
EROSION CONTROL COIR ROLLS (BIO LOGS)	LIN FT	72		
EROSION CONTROL BLANKET MNDOT CATEGORY 3	SQ YD	350		
EROSION CONTROL BLANKET MNDOT CATEGORY 4	SQ YD	0		
<b>PROJECT TOTAL</b>				

## **BID WORKSHEET B**

### **DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM - PHASE II MISSION CREEK**

initial

#### **Instructions...**

- For each project bid, fill in unit price for all items.
- Failure to provide a unit price for any item will invalidate the bid for that project.
- Unit prices made on a per-project basis.
- Quantities for each project are estimated. Final quantities may change, but the unit price is fixed!
- Insert total for each project on summary sheet.
- Provide cost for one roundtrip mobilization on summary sheet.
- Bid tabulation sheets quantities take precedence over quantity discrepancies in the specifications or plans.

#### **Project #:**

3 - (Segment 11)

#### **Project Name:**

Beaver Pond Trail (±5,749 LF, ±1.1 MI)

#### **Specification Types:**

Black Traditional Singletrack (Spec 3)

<b>Work</b>	<b>Unit measure</b>	<b>Estimated Quantity</b>	<b>UNIT PRICE</b>	<b>TOTALS</b>
TRAIL CONSTRUCTION TYPE 'A'	LIN FT	201		
TRAIL CONSTRUCTION TYPE 'B'	LIN FT	5,166		
TRAIL CONSTRUCTION TYPE 'C'	LIN FT	0		
SWITCHBERM TYPE 'A'	EACH	0		
SWITCHBERM TYPE 'B'	EACH	1		
SWITCHBERM TYPE 'C'	EACH	0		
BERM	LIN FT	227		
PERMANENT SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
TEMPORARY SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
ROCK ARMORING	SQ YD	5		
ROCK CHECK	SQ YD	0		
24" BOARDWALK	LIN FT	147		
TURF BLOCK PAVERS	SQ YD	0		
ROCK JUMP	EACH	0		
ROCK RIP-RAP CHECKS	SQ YD	0		
EROSION CONTROL COIR ROLLS (BIO LOGS)	LIN FT	84		
EROSION CONTROL BLANKET MNDOT CATEGORY 3	SQ YD	0		
EROSION CONTROL BLANKET MNDOT CATEGORY 4	SQ YD	0		
<b>PROJECT TOTAL</b>				

**BID WORKSHEET B**

**DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM - PHASE II  
MISSION CREEK**

initial

**Instructions...**

- For each project bid, fill in unit price for all items.
- Failure to provide a unit price for any item will invalidate the bid for that project.
- Unit prices made on a per-project basis.
- Quantities for each project are estimated. Final quantities may change, but the unit price is fixed!
- Insert total for each project on summary sheet.
- Provide cost for one roundtrip mobilization on summary sheet.
- Bid tabulation sheets quantities take precedence over quantity discrepancies in the specifications or plans.

**Project #:**

4 - (Segment 20)

**Project Name:**

131st Avenue Trail (±5,780 LF, ±1.1 MI)

**Specification Types:**

Blue Traditional Singletrack (Spec 2)

Work	Unit measure	Estimated Quantity	UNIT PRICE	TOTALS
TRAIL CONSTRUCTION TYPE 'A'	LIN FT	24		
TRAIL CONSTRUCTION TYPE 'B'	LIN FT	3,736		
TRAIL CONSTRUCTION TYPE 'C'	LIN FT	1,238		
SWITCHBERM TYPE 'A'	EACH	0		
SWITCHBERM TYPE 'B'	EACH	2		
SWITCHBERM TYPE 'C'	EACH	0		
BERM	LIN FT	420		
PERMANENT SEED (SEE SWPPP FOR SEED MIX)	SQ YD	412		
TEMPORARY SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
ROCK ARMORING	SQ YD	4		
ROCK CHECK	SQ YD	0		
36" BOARDWALK	LIN FT	296		
TURF BLOCK PAVERS	SQ YD	0		
ROCK JUMP	EACH	0		
ROCK RIP-RAP CHECKS	SQ YD	0		
EROSION CONTROL COIR ROLLS (BIO LOGS)	LIN FT	180		
EROSION CONTROL BLANKET MNDOT CATEGORY 3	SQ YD	212		
EROSION CONTROL BLANKET MNDOT CATEGORY 4	SQ YD	200		
<b>PROJECT TOTAL</b>				

**BID WORKSHEET B**

**DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM - PHASE II  
MISSION CREEK**

initial

**Instructions...**

- For each project bid, fill in unit price for all items.
- Failure to provide a unit price for any item will invalidate the bid for that project.
- Unit prices made on a per-project basis.
- Quantities for each project are estimated. Final quantities may change, but the unit price is fixed!
- Insert total for each project on summary sheet.
- Provide cost for one roundtrip mobilization on summary sheet.
- Bid tabulation sheets quantities take precedence over quantity discrepancies in the specifications or plans.

**Alternate #:**

1 - (Segments 9 &12)

**Project Name:**

Valley West Trail (±9,561 LF, ±1.8 MI)

**Specification Types:**

Blue Traditional Singletrack (Spec 2)

Work	Unit measure	Estimated Quantity	UNIT PRICE	TOTALS
TRAIL CONSTRUCTION TYPE 'A'	LIN FT	1,422		
TRAIL CONSTRUCTION TYPE 'B'	LIN FT	7,265		
TRAIL CONSTRUCTION TYPE 'C'	LIN FT	0		
SWITCHBERM TYPE 'A'	EACH	0		
SWITCHBERM TYPE 'B'	EACH	5		
SWITCHBERM TYPE 'C'	EACH	0		
BERM	LIN FT	306		
PERMANENT SEED (SEE SWPPP FOR SEED MIX)	SQ YD	310		
TEMPORARY SEED (SEE SWPPP FOR SEED MIX)	SQ YD	0		
ROCK ARMORING	SQ YD	4		
ROCK CHECK	SQ YD	0		
36" BOARDWALK	LIN FT	336		
36" BRIDGE	LIN FT	29		
TURF BLOCK PAVERS	SQ YD	0		
ROCK RIP-RAP CHECKS	SQ YD	0		
ROCK JUMP	EACH	0		
EROSION CONTROL COIR ROLLS (BIO LOGS)	LIN FT	156		
EROSION CONTROL BLANKET MNDOT CATEGORY 3	SQ YD	310		
EROSION CONTROL BLANKET MNDOT CATEGORY 4	SQ YD	0		
<b>PROJECT TOTAL</b>				

**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)

# 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.

<b>S E A L E D</b>	BID NO.	<b>B I D D E R</b>
	DATE OF OPENING	
	TIME OF OPENING A.M. P.M.	
	DESCRIPTION	

**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 its 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 crossed out and initialed.
- B. All bids must be enclosed in a sealed 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 Division, Room 100 City Hall, Duluth, Minnesota 55802.

### 2. Non-Collusion Clause:

Vendor, their agent/employee 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 deemed 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 awarded 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, reserves 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 addenda). The failure or omission 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 required 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 and 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:

FORM 17:01/28/94  
Revised: 08/28/02

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 requested. 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 evidence submitted by, or investigation of, such bidder fails to satisfy the city that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional bids will not be accepted.

### 11. Addenda and Interpretations

Responses to general questions 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 received at least five days prior to the date fixed for the opening of bids.

### 12. Award of Contract - Rejection of Bids:

In determining the successful 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 resources, 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:

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 pay set forth under General Conditions are the minimums to be paid during the life of the contract. It is therefore the responsibility of bidders to inform themselves as to local labor conditions, such as the length of work day and work week, overtime compensations, 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 writing 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](http://ci.duluth.mn.us/city/service/purchasing/index.htm)