

POLK COUNTY HIGHWAY DEPARTMENT
820 OLD HIGHWAY 75 SOUTH
CROOKSTON, MN 56716

*****PROPOSAL*****

FOR HIGHWAY CONSTRUCTION
AND MAINTENANCE PROJECTS WITH
BIDS RECEIVED UNTIL MARCH 25, 2022 BY 2:00 PM

PROPOSAL OF

(NAME OF FIRM)

(ADDRESS)

(AREA CODE) TELEPHONE NUMBER

TO FURNISH AND DELIVER ALL MATERIALS AND TO PERFORM ALL WORK IN ACCORDANCE WITH THE CONTRACT, THE PLANS AND THE APPROVED 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" EXCEPT AS STATED OTHERWISE IN THE SPECIAL PROVISIONS WHICH ARE PART OF THIS PROPOSAL, FOR

STATE PROJECT NO. C.P. 122-00-1391

LOCATION: Various County State Aid, County Highways, and Township Roads

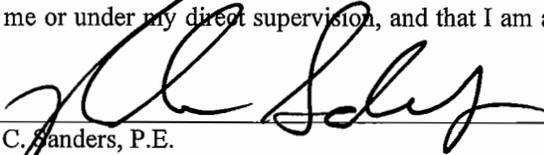
TYPE OF WORK: Liquid Calcium Chloride Application

STARTING DATE: SEE SPECIAL PROVISIONS

COMPLETION DATE: SEE SPECIAL PROVISIONS

NOTICE TO BIDDERS: In submitting a bid, you must return this complete proposal. You must initial changes made in the Schedule of Prices in the Proposal and acknowledge addenda on the back cover sheet.

I certify that this Proposal was prepared by me or under my direct supervision, and that I am a licensed professional engineer under the laws of the State of Minnesota.


Richard C. Sanders, P.E.

License Number 23169 Date: 2/17/22

BID RIGGING IS A SERIOUS CRIME. IF YOU HAVE ANY INFORMATION CONCERNING COLLUSIVE BIDDING, EVEN A REQUEST TO SUBMIT A COMPLIMENTARY BID, PLEASE CALL THE MINNESOTA ATTORNEY GENERAL'S OFFICE AT TELE. NO. 651-296-1796

To Polk County Board of Commissioners:

Sir: According to the advertisement of Polk 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 Polk 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 Mn/DOT 1903 and 1402, are to be done at the unit prices shown on the attached 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 Mn/DOT 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 Mn/DOT 1904.

(I)(We) further propose to execute the form of Contract within 7 days after receiving written notice of award, as provided in Mn/DOT 1306.

(I)(We) further propose to furnish a Payment Bond and a Performance Bond each equal to the Contract Amount as required by MN Statute § 574.26, 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 Polk 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 Polk 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.

SPECIAL PROVISIONS

FOR

COUNTY PROJECT NO. C.P. 122-00-1391

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- Notice to Bidders: Bid Rigging/Prompt Payment
- Notice of Debarment
- Responsible Contractor Verification and Certification

NOTICE TO ALL BIDDERS

To report bid rigging activities call : 1-800-424-9071

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m., Eastern Time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

Prompt Payment
December 2002

NOTICE TO ALL BIDDERS

Minnesota Statutes that require prompt payment to subcontractors:

16A.1245 Prompt payment to subcontractors.

Each state agency contract must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the state for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

HIST: 1990 c 541 s 1

337.10 Building and construction contracts; prohibited provisions.

Subd. 3. Prompt payment to subcontractors. A building and construction contract shall be deemed to require the prime contractor and all subcontractors to promptly pay any subcontractor or material supplier contract within ten days of receipt by the party responsible for payment of payment for undisputed services provided by the party requesting payment. The contract shall be deemed to require the party responsible for payment to pay interest of 1-1/2 percent per month to the party requesting payment on any undisputed amount not paid on time. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the party responsible for payment shall pay the actual penalty due to the party requesting payment. A party requesting payment who prevails in a civil action to collect interest penalties from a party responsible for payment must be awarded its costs and disbursements, including attorney fees incurred in bringing the action. This subdivision does not apply to construction of or improvements to residential real estate as defined in section 326.83, subdivision 17, or to construction of or improvements to attached single-family dwellings, if those dwellings are used for residential purposes and have fewer than 13 units per structure.

HIST: 1997 c 127 s 1; 1998 c 289 s 1,2; 1999 c 116 s 2

SCHEDULE OF PRICES

NOTICE TO BIDDERS

Particular note should be made in regard to the clarity of numerals (figures) and to the procedure for alterations and the required certificate as directed by Section 1301.

The following abbreviations may be used in item description and unit of measure in the Schedule of Prices.

A	Arch	JA	Jacked
A-S	Antiseepage	LIN FT	Linear Feet
AB	Asbestos Bonded	LG	Long
ACT	Actuated	MAINT	Maintenance
AGG	Aggregate	MATL	Material
ALUM	Aluminum	MGM	1000 Board Feet
ASB	Asbestos	MET	Metal
ASPH	Asphaltic	MOD	Modification
ASSY	Assemblies	MPA	Metal Pipe Arch
B+B	Balled & Burlapped	MTD	Mounted
BC	Bituminous Coated	NON MET	Non Metallic
BIT	Bituminous	NON PERF	Non-Perforated
BLDG	Building	NON REINF	Non-Reinforced
BR	Bridge	OH	Overhead
CAL	Caliper	P-A	Pipe-Arch
CB	Catch Basin	PAVT	Pavement
CEM	Cement	PERF	Perofrated
C and G	Curb and Gutter	PL	Plate
CI	Cast Iron	PNEUM	Pneumatic
C-I-P	Cast-in-Place	PREC	Precast
CL	Class	PREST	Prestressed
COMM	Commercial	PVC	Poly Vinyl Chloride
CONC	Concrete	RCPA	Reinforced Concrete Pipe Arch
COND	Conductor	REINF	Reinforced
CONN	Connection	RELO	Relocation
CONST	Construct	RESTOR	Restoration
CONT	Continuously	RMC	Rigid Metallic Conduit
CP	Cattle Pass	RNMC	Rigid Non Metallic Conduit
CTD	Coated	RDWY	Roadway
CU FT	Cubic Feet	S-G	Sand & Gravel
CU YD	Cubic Yard	SIG	Signal
CULV	Culvert	SPE	Special
CWT	Hundred Weight	SQ FT	Square Feet
DES	Design	SQ YD	Square Yard
DBL	Double	STA	Station
DI	Drop Inlet	STD	Standard
DIAM	Diameter	STL	Steel
DRWY	Driveway	STKPL	Stockpile
EXC	Excavation	STR	Strength
EXP	Expansion	STRUCT	Structural
FAB	Fabric	SPPA	Structural Plate Pipe Arch
FE	Fence	SYS	System
FERT	Fertilizer	T	Traffic
F+I	Furnish & Install	TBR	Timber
FOUND	Foundation	TEMP	Temporary
FT LG	Feet Long	THERMO	Thermoplastic
FURN	Furnish	TRTD	Treated
GA	Gauge	UNDERGRD	Underground
GRAN	Granular	UNTRTD	Untreated
HI	High	VAR	Variable
INP	In Place	VM	Vehicular Measure
INST	Install	WEAR	Wearing

MINNESOTA DEPARTMENT OF TRANSPORTATION
NOTICE TO BIDDERS
SUSPENSIONS/DEBARMENTS

Do not use suspended or debarred parties as subcontractors or material suppliers on this project.

Both the federal government and the State of Minnesota suspend and debar vendors. Review the lists of suspended and debarred vendors when submitting a bid and when submitting a request to sublet.

State Suspensions and Debarments.

To review the list of parties suspended and debarred by the State of Minnesota, go to this website: <http://www.mmd.admin.state.mn.us/debarredreport.asp> . This list includes parties suspended and debarred by the Minnesota Department of Transportation and the Minnesota Department of Administration.

This site also has a link to the SAM.gov Federal Suspensions and Debarments site.

Federal Suspensions and Debarments.

The federal government maintains a website listing suspended and debarred parties. You do not need a username or password to use the search functions on the website. You can either search for specific entity names, or see a list of parties suspended and debarred by the Federal Highway Administration.

You can search for Entity Exclusions on SAM.gov without a user account.

To search the status of a particular vendor, follow this process:

First, go to the System for Awards Management (SAM) website: <https://www.sam.gov> (requires Internet Explorer version 11 or higher, or another supported browser such as Chrome).

How to Search Exclusion Records

Search SAM.gov to Search Exclusion Information

1. Select "Search" from the menu.
2. In the filters, under "Select Domain," select "Entity Information," and then select "Exclusions."
3. The page will refresh with exclusions content and the filters will change to reflect the options available in this domain.
4. Select any category you want to filter your results.

Note: Using the search bar at the top of the page will create a new search and remove any existing filters from your results.

Advanced Search – Exclusions

First, go to the System for Awards Management (SAM) website: <https://www.sam.gov> (requires Internet Explorer version 11 or higher, or another supported browser such as Chrome).

After logging in to SAM.gov:

1. Navigate to the home page and select "Exclusions."
2. Select the "Advanced Search" link above the search bar.

3. Use filters to create an advanced search. Once applied, filters will appear in boxes beneath the category; remove filters by selecting the “x” icon on each one.
 - **Keywords:** Apply any keyword searches to your filter
 - **Classification:** Four categories of exclusions
 - **Excluded Individual:** Information you can enter to filter by individual
 - **Excluded Other:** Information you can enter to search by UEI, CAGE, etc.
 - **Federal Organizations:** Filter by federal organizations (use **6925** for FHWA)
 - **Exclusion Type:** Filter by one of four defined exclusion types (select all of them)
 - **Exclusion Program:** Filter by Procurement, Reciprocal, or Non-Procurement (select all of them)
 - **Location:** Filter by ZIP Code, state or other geographical information
 - **Dates:** Filter by several relevant date options
 - **Exclusion Status:** Active/Inactive
4. Use the Reset button below the filters to clear all filters applied at once.

Note: Using the search bar at the top of the page will create a new search and remove any existing filters from your results.

To view a list of all entities suspended or debarred in Minnesota by the Federal Highway Administration, follow this process:

After logging in to SAM.gov:

1. Navigate to the home page and select “Exclusions.”
2. Select the “Advanced Search” link above the search bar.
3. Use filters to create an advanced search. Once applied, filters will appear in boxes beneath the category; remove filters by selecting the “x” icon on each one.
 - **Federal Organizations:** Filter by federal organizations (use **6925** for FHWA)
 - **Exclusion Type:** Filter by one of four defined exclusion types (select all of them)
 - **Exclusion Program:** Filter by Procurement, Reciprocal, or Non-Procurement (select all of them)
 - **Location:** Filter by ZIP Code, state or other geographical information (select Minnesota)
4. Use the Reset button below the filters to clear all filters applied at once.

DIVISION B

B-1 CONTACT INFORMATION

Direct questions about this Project, including pre-bid questions, to the Polk County Engineer, Richard Sanders, or to the Construction Engineer, Darin Carlstrom, at 218-281-3952.

B-2 EQUAL PAY

The Department cannot execute a contract in excess of \$500,000 with a business that has 40 or more employees on a single day during the prior 12 months in this state or a state where the business has its primary place of business, unless the business has an equal pay certificate or has certified in writing that the business is exempt. Bidders may find more information on the Equal Pay Certificate Requirement at Minnesota Statutes Section 363A.44 or at this website:

<http://mn.gov/mdhr/certificates/apply-renew/equal-pay-certificate>

B-3 RESPONSIBLE CONTRACTOR

The Department cannot award a construction contract in excess of \$50,000 unless the bidder is a “responsible contractor” as defined in Minnesota Statutes §16C.285, subdivision 3.

A bidder must verify it meets the minimum criteria detailed in the law. A bidder must submit its verification electronically by completing the “Responsible Contractor” section in the “Officers and Acknowledgements” Folder within the Electronic Bid File. A company officer must certify statements in that section. Bidders only need to complete the electronic verification; DO NOT email, fax, or send paper forms to the Department. The Department will not accept emailed, faxed or other paper submissions and will only accept electronic verifications.

A bidder must obtain a verification from each subcontractor it will have a direct contractual relationship with. At the Department’s request, a bidder must submit signed subcontractor verifications. A contractor or subcontractor must obtain an annual verification from each motor carrier it has a direct contractual relationship with. A motor carrier must give immediate written notice if it no longer meets the minimum responsible contractor criteria. The requirement for subcontractor verifications does not apply to:

- Design professionals licensed under Minnesota Statutes §326.06; and
- A business or person that supplies materials, equipment, or supplies to a subcontractor on the Project, including performing delivering and unloading services in connection with the supply of materials, equipment, and supplies. But, a business or person must submit a verification if it delivers mineral aggregate such as sand, gravel, or stone that will be incorporated into the Work by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

A bidder or subcontractor who does not meet the minimum criteria specified in the statute, or who fails to verify compliance with the criteria, is not a “responsible contractor” and is ineligible to be awarded the Contract for this Project or to work on this Project. Submitting a false verification makes the bidder or subcontractor ineligible to be awarded a construction contract for this Project. Additionally, submitting a false statement may lead to contract termination. If only one bidder submits a bid, the Department may, but is not required to, award a contract even if that bidder does not meet the minimum criteria.

B-4 COMPLIANCE WITH TAX LAW REQUIREMENTS

The Department cannot make final payment to the Contractor until the Contractor demonstrates that it and all its subcontractors have complied with the Income Tax withholding requirements of Minnesota Statutes, section 290.92 for wages paid for work performed under the contract. To establish compliance, the Contractor must submit a “Contractor Affidavit” either online or in paper form (IC134) to the Minnesota Department of

Revenue. The contractor will receive written certification of compliance when the Department of Revenue determines that all withholding tax returns have been filed and all withholding taxes attributable to the work

performed on the contract have been paid. The Contractor must then provide this written certification to the Department to receive final payment.

Every subcontractor working on the Project must submit an approved "Contractor Affidavit" from the Minnesota Department of Revenue to the Contractor before the Contractor can file its own Contractor Affidavit. **The Contractor is advised to obtain the certification from each subcontractor as soon as the subcontractor completes work on the Project.**

Experience has

shown that waiting until the project is complete to obtain the forms from all subcontractors is likely to result in significant additional work for the Contractor as it will be difficult or impossible to collect all forms.

The Department of Revenue, in association with the Department of Employment and Economic Development, offers a free seminar to help contractors understand tax law requirements. The Department strongly urges the Contractor and all subcontractors to attend the "Employment Taxes & Employer Responsibilities Seminar" or similarly offered classes. You can find a schedule and more information on the Department's website at:

<https://www.revenue.state.mn.us/sites/default/files/2019-05/Employment%20Taxes%20Seminar%20Flyer.pdf>.

Complying with this requirement is considered part of the Work under this contract. The Department will enforce this requirement equally with all other Contract requirements. Contractor delay in complying with this requirement will cause the Department to delay final payment and Contract Acceptance. The Department may also report non-compliance to the Department of Revenue, which may result in enforcement action by the Department of Revenue.

Contractor Affidavit requirements and Form IC134 can be found here:

<https://www.revenue.state.mn.us/contractor-affidavit-requirements>.

B-5 (1208) PROPOSAL GUARANTY

B-5.1 The Bidder shall include with its Proposal a Proposal Guaranty that meets the following requirements:

- (1) Equal to 5 percent of the total amount of the Proposal; Made payable to the Department; and In the form of a bond.

A Proposal Guaranty in the form of a bond must meet the following requirements:

- (1) Issued by a corporation authorized by the Minnesota Department of Commerce to contract as a Surety in the State of Minnesota; and
- (2) Conditioned on execution of the Contract in accordance with 1306, "Execution and Approval of Contract."

B-6 (1801) SUBLETTING OF CONTRACT

The provisions of MnDOT 1801 are modified as follows:

For Projects in excess of \$50,000, the Contractor may sublet work only to subcontractors that meet the definition of "responsible contractor" in Minnesota Statutes §16C.285, subdivision 3. The Contractor shall obtain verifications of compliance with §16C.285 from subcontractors using a form provided by the Department. The Contractor must provide such verifications to the Department upon the Department's request.

B-7 (1906) PARTIAL PAYMENTS

Partial payments will be made in accordance with the provisions of 1906, except as modified below: From the amounts ascertained as payable on each partial estimate, five (5) per cent will be retained to protect the Department's interests.

SPECIAL PROVISIONS – DIVISION A

S-1 (1305) REQUIREMENT OF CONTRACT BOND

The bidder's attention is directed to the Provisions of 1305.

S-2 (1401) INTENT OF CONTRACT

The provisions of MnDOT 1401 are hereby supplemented by the following:

It is the intent of this Contract bid request to secure a bid for furnishing and applying approximately 827,000 gallons (plus or minus 25%) of 38% Calcium Chloride natural brine solution in the years 2022, 2023, and 2024, onto various roads located in Polk County, Pennington County, Clearwater County, Norman County, Red Lake County, Marshall County, and Kittson County for the purpose of road surface stabilization or dust control. The bidding Contractor shall complete all appropriate forms for the material proposed to be supplied.

S-3 (1714) RESPONSIBILITY FOR DAMAGE CLAIMS; INSURANCE

The first paragraph of MN/DOT 1714 is revised to read as follows:

The Contractor shall indemnify, defend and save harmless the State of Minnesota, the County of Polk, their officers and employees from all suits, actions, and claims of any character brought because of injuries or damages received or sustained by any person, persons, or property on account of the operations of the said Contractor; or on account of or in consequence of any neglect in safeguarding the work; or through use of unacceptable materials in constructing the work; or because of any act or omission, neglect, or misconduct of said Contractor; or because of any claims arising or amounts recovered from infringements of patent, trademark, or copyright; or because of any claims arising or amounts recovered under the Worker's Compensation Act; or under any other law, ordinance, order, or decree.

S-4 INSURANCE

The Contractor, including all subcontractors, shall not commence work under the Contract until they have obtained the following insurance and such insurance has been approved by the Polk County Attorney.

The Contractor shall deposit with the Polk County Highway Department, Certificates of Insurance verifying the coverage and limits, as applicable to this project, of the Public Liability and Property Damage Insurance and Extended Coverage Policies, required herein under. The Contractor shall furnish the County with a Certificate of Insurance from the insurance company issuing the policies for Worker's Compensation Insurance and such other insurance as herein required. All policies and certificates shall provide that the policies shall remain in force and effect on 30 days written notice to the Polk County Highway Department before cancellation.

The Contractor shall procure and maintain during the life of the Contract and until the Contract has been fully accepted, insurance policies as follows:

(a) PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE:

For and on behalf of himself, the County of Polk as joint assured, and with a cross liability endorsement protecting the County of Polk from claims or damages for personal injuries, including accidental death, as well as for claims for property damage which may arise from operations under the Contract, whether such operations be by the Contractor or by the subcontractor or by anyone directly or indirectly employed by either of them.

Said Public Liability and Public Property Damage Insurance Policy shall provide that the insurance company waives the right to assert the immunity of the County as a defense to any claims made under said insurance.

The amount of such insurance will be as follows: Public Liability Insurance in an amount of not less than One Million, Five Hundred Thousand Dollars (\$1,500,000.00) for all damages arising out of bodily injuries to, or death, of one person and subject to the same limit for each person in a total amount of not less than Three Million Dollars (\$3,000,000.00) on account of one accident and property damage insurance in an amount not less than One Million, Five Hundred Thousand Dollars (\$1,500,000.00) for all damages to or destruction of property in any one accident and subject to that limit, a total limit of Three Million Dollars (\$3,000,000.00) for all damages to or destruction of property during the policy period.

(b) WORKER'S COMPENSATION INSURANCE:

For all his/her employees employed at the site of the Project and in case any work is sublet, the Contractor shall require the Subcontractor to provide Worker's Compensation Insurance for all his employees.

(c) AUTOMOBILE PUBLIC LIABILITY INSURANCE:

One Million, Five Hundred Thousand Dollars (\$1,500,000.00) for all damages arising out of bodily injuries to, or death of one person, and subject to that limit for each person, a total of Three Million Dollars (\$3,000,000.00) for any one accident and property damage liability insurance in an amount not less than One Million, Five Hundred Thousand Dollars (\$1,500,000.00) for all damages to or destruction of property in any one accident and subject to that limit, a total of Three Million Dollars (\$3,000,000.00) for all damages to or destruction of property during the policy period, if any motor vehicles are engaged in operations within the term of the contract on the site work covering the use of all such motor vehicles unless such coverage is included in the insurance provided for under subsection (a): hereof.

The cost of all insurance required herein will be considered to be an incidental expense and no direct compensation will be made therefor.

S-5 (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME

The contract time will be determined in accordance with the provisions of 1806 and the following:

S-5.1 All references to working day charges is hereby deleted.

S-5.2 Contracted operations shall be completed on or before July 2, 2022.

S-6 (1807) FAILURE TO COMPLETE THE WORK ON TIME

The liquidated damages for failure to complete the work on time shall be in accordance with the provisions of MN/DOT 1807.

S-7 (3911) CALCIUM CHLORIDE

Calcium Chloride shall be supplied in accordance with the provisions of MnDOT 3911, except as modified below:

S-7.1 The Calcium Chloride shall conform to the requirements of MnDOT 3911, it shall be in the liquid form delivered and applied by a tank truck only, shall meet A.A.S.H.T.O. M 144, and the solution shall contain a minimum of 38% anhydrous calcium chloride (CaCl₂) by weight and be of natural brine solution clear and free of solid matter.

S-7.2 See attached sheet for breakdown of estimated gallons.

S-7.3 The bidders shall provide a material safety data sheet (SDS) with each bid submitted.

S-7.4 Bid quantities are estimated only and may be increased or decreased in any amount, without a change in contract unit price.

S-7.5 The highways designated for liquid calcium chloride application will be bladed by the County or Township prior to operations.

Pre-wetting of the roadway surface, if necessary due to dry conditions, shall be performed by the Contractor and shall be considered incidental and no direct compensation shall be made. Once application has begun, the Contractor shall schedule a continuous operation of applying the solution as long as conditions are favorable.

**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.

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...

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:

- | | |
|-----|--|
| (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, 181.03, 181.101, 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 certify 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	
<p>By signing this document I certify that I am an owner or officer of the company, and I certify under oath that:</p> <p>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.</p>	
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	
<p>By signing this document I certify that I am an owner or officer of the company, and I certify under oath that:</p> <p>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.</p>	
Authorized Signature of Owner or Officer:	Printed Name:
Title:	Date:
Company Name:	

STATE OF MINNESOTA - RESPONSIBLE CONTRACTOR CERTIFICATE

Applies to all prime contracts in excess of \$50,000

A responsible contractor is defined in Minnesota Statutes §16C.285, subdivision 3.

Any prime contractor or subcontractor who does not meet the minimum criteria under Minnesota Statutes §16C.285, subdivision 3, or who 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.

A false statement under oath verifying compliance with any of the minimum criteria shall render the prime contractor or subcontractor that makes the false statement ineligible to be awarded a construction contract for the project and may result in termination of a contract awarded to a prime contractor or subcontractor that makes a false statement.

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.

By signing this statement, I, _____ (typed or printed name),

_____ (title) certify that I am an owner or officer of the company and do verify under oath that my company is in compliance with each of the minimum criteria listed in the law.

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

(business address)

Signed: _____
(bidder or authorized representative)

Date

POLK COUNTY
DEPARTMENT OF HIGHWAYS

"I hereby certify that I am in compliance with Minnesota Statutes Section 363 as amended by Laws of 1969, and (check one of the three below, as applicable):

- () Have a Certificate of Compliance issued by the Department of Human Rights.
- () Have applied for a Certificate of Compliance to the Commissioner of Human Rights, which is pending.
- () Employ less than 40 full time persons on a single working day during the previous 12 months.
- () I am not entering into a contract for good and services (including construction contracts) in excess of \$100,000.

Signature of Bidder

Position

Name of Firm

Date

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. All questions should be referred to the Minnesota Department of Human Rights, Room 60, State Office Building, St. Paul, Minnesota. Telephone 612-296-568

NON-COLLUSION DECLARATION

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

County Project No. 122-00-1391

STATE OF MINNESOTA)
)
COUNTY OF _____)

I, _____, being
(Name of person signing this declaration)
first duly sworn, do depose and say:

(1) That I am the authorized representative of _____

(Name of individual, 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 take 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 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 the 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

Subscribed and sworn to before me

This _____ day of _____, 2022

Notary Public
My commission expires _____

Note: The above declaration, signed and sworn by the bidder before a person who is authorized by the laws of this State to administer oaths, must be included in the Bidder's Proposal.

NOTICE TO CONTRACTORS

It is no longer required that you sign Partial Estimate Payment Vouchers. At your discretion, you may authorize the Polk County Highway Department to make payment without your signature. Included below is a form that may be used to provide us with the authorization. If desired, please sign this form and return it with the Contract documents. A copy of this form will be distributed to the Project Engineer. You will receive your copy of the Voucher at the same time a Voucher is submitted to our Office for payment.

PARTIAL PAYMENT VOUCHER AUTHORIZATION

County Project No. C.P. 122-00-1391

_____ hereby authorizes the Polk county Highway Department to make payment on all Partial Estimate Vouchers on this contract without the signature of an authorized representative of our Company on the Voucher.

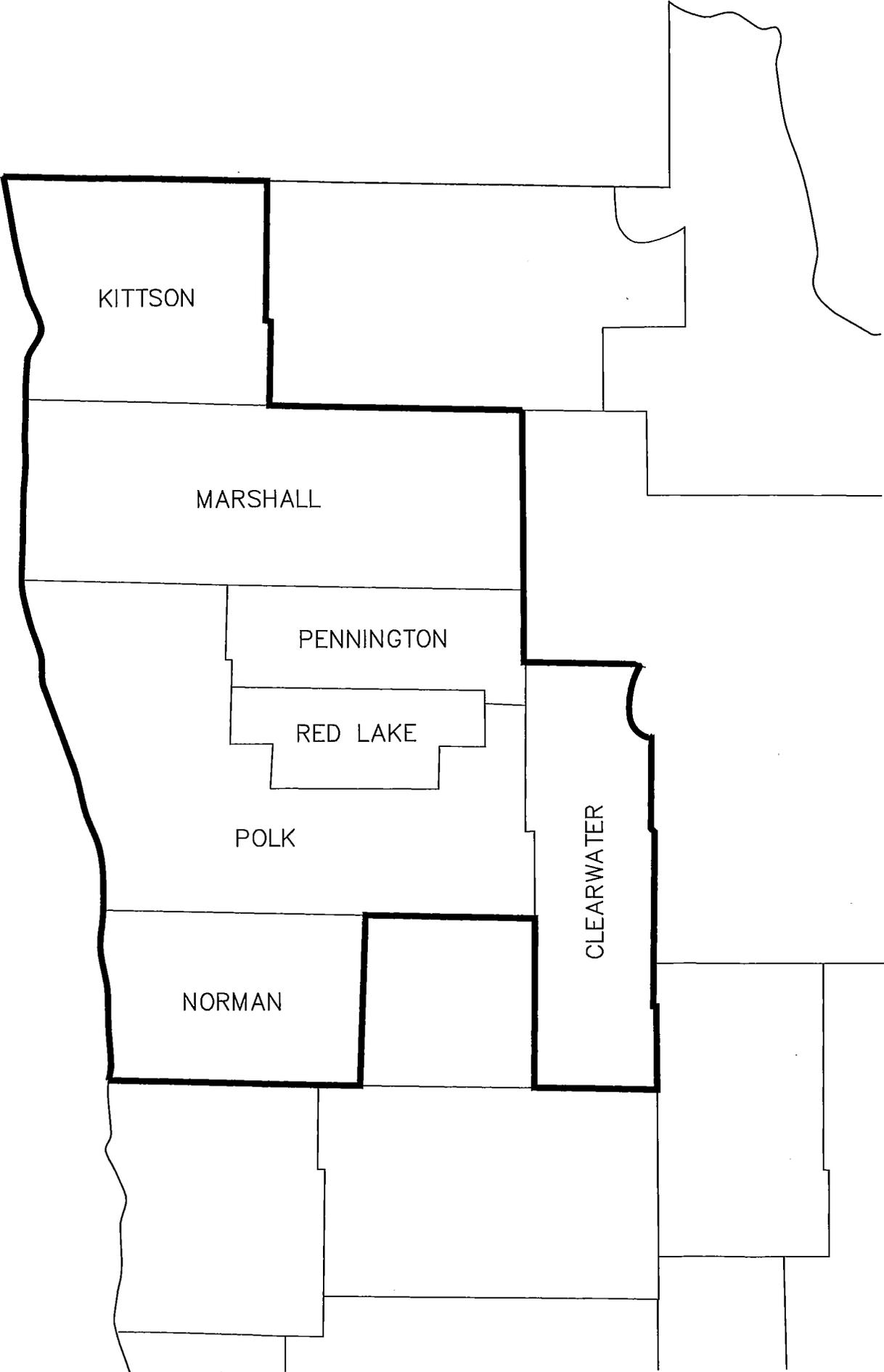
Date _____ Signed _____

COUNTY	ESTIMATED GALLONS	ESTIMATED APPLICATION WIDTH - FEET
Clearwater	12,000	16-20
Kittson	66,000	16-20
Marshall	275,000	10-24
Norman	15,000	16-20
Pennington	35,000	16-20
Polk	400,000	16-20
Red Lake	24,000	16-20

827,000 Total

Normal application rate is 0.27 gallons per square yard. Polk County stabilized roads will have a reduced rate of 0.14 gallons per square yard.

Typical county road application width will be 20' and typical township road application width will be 16'.



KITTSON

MARSHALL

PENNINGTON

RED LAKE

POLK

CLEARWATER

NORMAN

Project No. C.P. 122-00-1391

Polk County Highway Department
2022 Liquid Calcium Chloride

Schedule of Prices
Bid Option "A"

Sealed Bids for furnishing and applying Liquid Calcium Chloride on Clearwater, Kittson, Marshall, Norman, Pennington, Polk, and Red Lake County Roads as indicated herein.

- 1) Typical application rate is 20 feet wide, 0.27 gallons per square yard. Polk County stabilized gravel roads get a reduced rate to 0.14 gallons per square yard (County roads only). Township roads application width is 16' wide. Residential sites will have variable lengths. Residential locations will be provided to the contractor.
- 2) The solution shall contain a minimum of 38 percent Calcium Chloride and be of the natural brine solution
- 3) The Liquid Calcium Chloride specified herein shall conform to the requirements of Minnesota Department of Transportation Specification 3911
- 4) The contractor shall provide an accurate means of measuring the applied Liquid Calcium Chloride solution in gallons
- 5) The contractor shall be responsible for all traffic control devices
- 6) Marshall County will have variable widths between 10' and 24' depending on location.

<u>County</u>	<u>Item</u>	<u>Unit</u>	<u>Approx. Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
Clearwater	Calcium Chloride	Gallon	12,000	_____	_____
Kittson	Calcium Chloride	Gallon	66,000	_____	_____
Marshall	Calcium Chloride	Gallon	275,000	_____	_____
Norman	Calcium Chloride	Gallon	15,000	_____	_____
Pennington	Calcium Chloride	Gallon	35,000	_____	_____
Polk	Calcium Chloride	Gallon	400,000	_____	_____
Red Lake	Calcium Chloride	Gallon	24,000	_____	_____

Bid Option "A" Total _____

Bid Option "B"

The County reserves the right to award Bid Option "A" or the combination of Bid Options "A" and "B" as determined to be the best interest of all Counties.

In the event that a combination (A and B) bid is awarded, Clearwater County, Kittson County, Marshall County, Norman County, Pennington County, Polk County, and Red Lake County will issue a contract for one year (2022) with an extension of two years (2023 and 2024) to be issued March 1, 2023. This extension will be based upon the satisfactory performance of the Contractor as determined by Clearwater County, Kittson County, Marshall County, Norman County, Pennington County, Polk County, and Red Lake County as well as the current market price of Calcium Chloride at the time of contract extension.

YEAR 2023

<u>Item</u>	<u>Unit</u>	<u>Approx. Quantity</u>		<u>Unit Price</u>	<u>Amount</u>
Clearwater	Calcium Chloride	Gallon	12,000	_____	_____
Kittson	Calcium Chloride	Gallon	66,000	_____	_____
Marshall	Calcium Chloride	Gallon	275,000	_____	_____
Norman	Calcium Chloride	Gallon	15,000	_____	_____
Pennington	Calcium Chloride	Gallon	35,000	_____	_____
Polk	Calcium Chloride	Gallon	400,000	_____	_____
Red Lake	Calcium Chloride	Gallon	24,000	_____	_____

YEAR 2024

<u>Item</u>	<u>Unit</u>	<u>Approx. Quantity</u>		<u>Unit Price</u>	<u>Amount</u>
Clearwater	Calcium Chloride	Gallon	12,000	_____	_____
Kittson	Calcium Chloride	Gallon	66,000	_____	_____
Marshall	Calcium Chloride	Gallon	275,000	_____	_____
Norman	Calcium Chloride	Gallon	15,000	_____	_____
Pennington	Calcium Chloride	Gallon	35,000	_____	_____
Polk	Calcium Chloride	Gallon	400,000	_____	_____
Red Lake	Calcium Chloride	Gallon	24,000	_____	_____

Bid Option "B" Total _____

Total Option "A" \$ _____

Total Option "B" \$ _____

RECEIPT OF ADDENDA as required by 1210 of the Specification:

The undersigned hereby acknowledges receipt of Addendum No. _____ Date _____

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.

EXECUTION OF PROPOSAL as required by 1206 of the Specifications:

This proposal dated the _____ day of _____, 2022

Signed: _____, PO Address _____ as an individual.

Signed: _____, PO Address _____ as an individual.

doing business under the name and style of _____

Signed: _____, for _____ a partnership

NAME

BUSINESS ADDRESS

Signed: _____ /s/, for _____ a corporation,

incorporated under the laws of the State of _____

Name of President _____ Business Address _____

Name of Vice-President _____ Business Address _____

Name of Secretary _____ Business Address _____

Name of Treasurer _____ Business Address _____

(NOTE: Signatures shall comply with 1206 of the Specifications.)