City of Duluth
Public Works & Utilities Department
Engineering Division
411 West First Street, Duluth, MN 55802

**********ADVERTISEMENT FOR BIDS**********

BIDS DUE November 29, 2023 AT 2:00 P.M.

BID NUMBER: 23-99741

PROJECT NAME: Cross City Trail - Phase 3

STATE/CITY PROJECT NUMBER: City of Duluth Project No. 1510

ANTICIPATED START DATE: December 2023

The City of Duluth, Minnesota requests sealed bids for the above named project. Bids may be submitted electronically through Bid Express® at www.bidexpress.com until 2:00 p.m. local time on November 29, 2023. The City Purchasing Agent or her designee will conduct a public bid opening immediately after the deadline for receiving bids. Those wishing to view the bid opening should visit https://www.duluthmn.gov/purchasing/bids-request-for-proposals/ and select the appropriate link.

PROJECT DESCRIPTION & MAJOR WORK ITEMS: This work provides for new construction of the Cross City Trail - Phase 3 from Central Avenue to 59th West to Raleigh Street and from East side of Kingsbury Creek Bridge to Grand Avenue in Duluth, Minnesota. The work consists of grading, aggregate base, bituminous surfacing, ADA improvements and fencing.

PREBID MEETING: A pre-bid meeting will not be held for this project.

Questions pertaining to this project should be directed to: Patrick Loomis via email at ploomis@duluthmn.gov.

Plans and specifications may be viewed and downloaded at no cost at www.bidexpress.com. Bidders must create a free account with Bid Express®; and login to search for city projects (search by “City of Duluth” or bid number). Bid Express® does charge a nominal fee for bid submission. More information can be found at https://www.infotechinc.com/bidding.

Plans and specifications are on file for inspection at the Minnesota Builder's Exchange and Builder’s Exchange of Wisconsin.

Bidders must review the 2019 edition of the City of Duluth Public Works/Utilities Department – Engineering Division Standard Construction Specifications (available at http://www.duluthmn.gov/engineering/standard-construction-specifications/) as these Specifications are incorporated by reference.

Bid surety in an amount equal to five per cent (5%) of the total bid shall be submitted with each bid. Electronic bid surety can be submitted using Surety 2000 or Tinubu. Paper bid surety may be mailed or dropped off in person at Purchasing, City Hall Room 120, 411 West 1st Street, Duluth, MN 55802. Bid bonds may be emailed to purchasing@duluthmn.gov. Regardless of the method of submission, it is the bidder’s responsibility to ensure the bid surety is received by Purchasing prior to the bid opening.

The selected contractor will be issued a construction contract (draft included in the Standard City Contracting Forms in the BidExpress solicitation). Notice to Proceed will be issued once the agreement is fully executed.

The contractor must take affirmative action to ensure that the employees and applicants for employment are not discriminated against because of their race, color, creed, sex or national origin, and must meet the affirmative action goals. Contractors are encouraged to subcontract with Disadvantaged Business Enterprises when possible.

No alternatives to the specification will be considered unless specifically requested.

The City of Duluth reserves the right to split the award where there is a substantial savings to the City, to waive informalities or irregularities, and to reject any and all bids. Price may not be the only consideration for bid award. Bids must be firm for a minimum of 60 days.

Please note that the following requirements also apply to this project, and any additional required documents must be submitted prior to award/contract execution.

1. **Insurance** – Contractor must provide proof of Public Liability and Automobile Liability Insurance with limits not less than $1,500,000 Single Limit prior to the commencement of work. The City of Duluth must be named as an additional insured. Please refer to the draft Contract, Section 7, which can be found in the contract documents at the bottom of the Bid Express solicitation.

2. **Performance & Payment Bonds** – The awarded contractor will be required to submit performance and payments bonds in the full amount of the project cost prior to award.

3. **Out of State Contractor** - Unless a State of Minnesota Certificate of Exemption is provided, any out-of-state bidder receiving a bid award will have 8% retained from invoice payments on any contracts over $50,000. Submit a signed copy of the signed exemption form when submitting Payment and Performance Bonds. This form may be found at: http://www.revenue.state.mn.us/Forms_and_Instructions/sde.pdf

4. **Prevailing Wage** - Not less than the minimum salaries and prevailing wages as set forth in the contract documents must be paid on this project.

The City of Duluth is an Equal Opportunity Employer. Contractor shall comply with all applicable Equal Employment Opportunity laws and regulations.
Minimum wage rates to be paid by the Contractors have been predetermined and are subject to the Work Hours Act of 1962, P.L. 87-581 and implementing regulations.

READ CAREFULLY THE WAGE SCALES AND DIVISION A OF THE SPECIAL PROVISIONS AS THEY AFFECT THIS/THESE PROJECT/PROJECTS

The Minnesota Department of Transportation hereby notifies all bidders:
in accordance with Title VI of the Civil Rights Act of 1964 (Act), as amended and Title 49, Code of Federal Regulations, Subtitle A Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded maximum opportunity to participate and/or to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, disability, age, sex or national origin in consideration for an award;

in accordance with Title VI of the Civil Rights Act of 1964 as amended, and Title 23, Code of Federal Regulations, Part 230 Subpart A-Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (including supportive services), it will affirmatively assure increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry, and that on any project constructed pursuant to this advertisement

equal employment opportunity will be provided to all persons without regard to their race, color, disability, age, religion, sex or national origin;

in accordance with the Minnesota Human Rights Act, Minnesota Statute 363A.08 Unfair discriminatory Practices, it will affirmatively assure that on any project constructed pursuant to this advertisement equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age;

in accordance with the Minnesota Human Rights Act, Minnesota Statute 363A.36 Certificates of Compliance for Public Contracts, and 363A.37 Rules for Certificates of Compliance, it will assure that appropriate parties to any contract entered into pursuant to this advertisement possess valid Certificates of Compliance.

If you have employed more than 40 full-time employees in any state, on any single working day during the previous 12 months, you must have a compliance certificate issued by the Minnesota Department of Human Rights to bid on any job in this advertisement. Please contact the Department of Human Rights immediately if you need assistance in obtaining a certificate.

The following notice from the Minnesota Department of Human Rights applies to all contractors:

"It is hereby agreed between the parties that Minnesota Statute, section 363A.36 and Minnesota Rules, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based on this specification or any modification of it. A copy of Minnesota Statute 363A.36 and Minnesota Rules, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency."

"It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to Minnesota Statute 363A.36 and Minnesota Rules 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (Minnesota Statute 363A.36, Subd. 2 and 3)."

A minimum goal of **10.2 %** Good Faith Effort to be subcontracted to Disadvantaged Business Enterprises.

Patrice Stalvig
City Purchasing Agent