General Info

Alt Total: $151,564.99

Total:

$899,245.44

Number

25-4402

Deadline

04/08/2025 02:00 PM CDT

Vendor

M-B Companies, Inc.

Submitted

04/07/2025 08:30 AM CDT

Signed by

Bill Hecker **Account Holder** Bill Hecker

Opened

04/08/2025 02:00 PM CDT **By** ssprecco@duluthmn.gov

Description

2025 SRE Acquisition - High Speed Rotary Plow

Allows zero unit prices and labor

No

Allows negative unit prices and labor

No

Project Information

The City of Duluth is bidding this project on behalf of the Duluth Airport Authority.

PROJECT: SEH No. DULAI 183286

MAJOR WORK ITEMS: Acquisition of a high speed rotary plow and necessary attachments.

PROJECT ENGINEER: SEH, Inc. - Shawn McMahon, PE

PRE-BID MEETING: A pre-bid conference will NOT be held for this project. Questions can be directed to Josh Holbrook by email at jholbrook@sehinc.com.

Electronic bids will be received until the bid deadline listed above. **E-MAIL BIDS WILL NOT BE ACCEPTED.** The City Purchasing Agent will conduct a public bid opening immediately after the deadline for receiving bids. Information and the link for viewing the bid opening may be found at www.duluthmn.gov/purchasing/bids-request-for-proposals/.

Bid security in the amount of 5 percent of the Bid, payable to the Duluth Airport Authority, must be emailed to purchasing@duluthmn.gov in accordance with the Instructions to Bidders and must be sent, received and verified prior to the bid opening date and time. Spam filters and other security measures may prevent suspicious emails from being delivered. It is the bidder's responsibility to ensure the bid bond has been received by Purchasing.

This Work shall be subject to minimum wages and labor standards in accordance with City of Duluth, US Department of Labor and the Minnesota Department of Labor and Industry.

The City of Duluth and Duluth Airport Authority reserve the right to reject any and all Bids, split the award or waive irregularities, informalities or minor deviations from the specifications, if deemed to be in the best interest of the City of Duluth and the Duluth Airport Authority.

Note: Bid rigging is a serious crime. If you have any information concerning collusive bidding, even a request to submit a complementary bid, please call the Minnesota Attorney General's Office at (651) 296-1796.

☑ **By submitting this bid, I acknowledge that all documents are being signed with my electronic signature, and as such agree to conduct this transaction through electronic means and to be bound hereby. I also acknowledge that I may be required to sign paper versions of the required documents to complete the contract package if I am the awarded contractor.**

*

Acknowledgement of Addenda

☑ **I acknowledge that I have reviewed Addendum 1, issued 03/28/2025, and Addendum 2, issued 03/28/2025.**

*

Project Manual

Project Manual 25-4402 (2.96 MB)

Addendum No. 1 to 25-4402 (280 KB)
Issued 03/28/2025

Addendum No. 2 to 25-4402 (255 KB)
Issued 03/28/2025

Notices to Bidders

NOTICES FOR BIDDERS (combined) (97.6 KB)
Bid rigging, prompt payment, electronic bidding

Notice to Bidders - Suspensions and Debarments (65.5 KB)

General Bid Specs for Electronic Bids (126 KB)
Revised 7.19.22

Bid Bond PAYABLE TO DULUTH AIRPORT AUTHORITY

Bond Percentage

5.00%

Guarantee Method *

Paper Bid Bond or Cashier's Check

Paper Bid Bond or Cashier's Check

☑ **Prior to the date and time of the bid opening, I have submitted to the City of Duluth via email or paper my 5% bid BOND payable to the Duluth Airport Authority which has been issued and signed by a surety named in the Department of Treasury Circular 570.**

*

Declaration 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 of materials, supplies, 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;

4) That a family relationship between a City of Duluth employee and bidder/proposer are in non-collusion; and

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

☑ **I agree that my Electronic Signature applies as my legal binding signature for the Declaration of Non-Collusion.**

*

Firm Name: *

M-B Companies, Inc.

Bidder's Federal Identification Number:

39-1208304

Byrd Anti-Lobbying Amendment Certification

I certify to the best of my knowledge that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying, " in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. Section 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section 3801 *et. seq*., apply to this certification and disclosure, if any.

☑ **By checking this box, I am applying my electronic signature to this certification as an authorized official.**

*

Authorized Official *

Joshua Abler

Disadvantaged Business Enterprise (DBE) Certification

DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION:

Our firm will meet a minimum goal of

DBE Percentage *

.00%

of this contract to Disadvantaged Business Enterprises. A bidder who fails to indicate a specific goal above must fulfill the total goals indicated in the proposal.

DBE - Percentage Goal

DBE - Special Provisions (Rev 3/27/17)

Some or all of the funds for this contract will come from the U.S. Department of Transportation (USDOT). Therefore, the federal Disadvantaged Business Enterprise (DBE) program described at Title 49, Part 26 of the Code of Federal Regulations (CFR) applies to this contract. The responder is responsible for understanding and following the requirements of 49 CFR Part 26.

This project has a Disadvantaged Business Enterprise (DBE) goal of 0%.

Responsible Contractor Verification and Certification of Compliance

This electronic form includes changes by statutory references from the Laws of Minnesota 2015, chapter 64, sections 1-9. This form must be completed with the response to this solicitation. Bids submitted without the required Responsible Contractor Certification 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) The Contractor:

(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) 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, 181.13, 181.14, 181.101 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:

(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;*

(vii) has been convicted of a violation of section 609.52, subd 2 (19).

(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 swear 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,
2. I have included Attachment A-1 with my company's solicitation response, and
3. If my company is awarded a contract, I will also submit Attachment A-2 as required.

☑ **Apply Electronic Signature of the Authorized Signature of Owner or Officer**

*

Printed Name: *

Joshua Abler

Company Name: *

M-B Companies, Inc.

Title: *

Inside Sales Manager MB

Date: *

4/7/2025

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

FIRST-TIER SUBCONTRACTORS LIST

SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT

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 (select "+" to add fields; enter "NONE" if no subcontractors will be used)

Legal name of company (as registered with the Secretary of State) *

None

Name of the city where company home office is located

None

SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1
By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

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.

Typed Name (Authorized Representative) *

Joshua Abler

Title: *

Inside Sales Manager MB

Date: *

3/7/2025

Company Name: *

M-B Companies, Inc.

Unit Price Base Bid

$899,245.44

Description	Units Of Measure	Est. Quantity	Unit Price	Extension
High Speed Rotary Plow	LS	1	$899,245.44	$899,245.44
				Total: $899,245.44

Unit Price Alternate 1

Description	Units Of Measure	Est. Quantity	Unit Price	Extension
Alternate: Owner-agency may award independently from entire bid. Component is not included in bid total. Alternates are not included in bid total.				
Extended Warranty	LS	1	$151,564.99	$151,564.99
				Alternate Total: $151,564.99 **Total:**

Envelope

The information supplied in this component will be available to the owner-agency immediately after the bid deadline, but before the bid is opened.

Company Name (as registered with the MN Department of State) *

M-B Companies, Inc.

Company Address *

201 MB Lane

City *

Chilton

State *

WI

Zip Code *

53014

Name of Primary Contact *

Joshua Abler

Phone Number of Primary Contact *

(920) 898-1011

E-mail Address *

josh.abler@aebi-schmidt.com