**INSTRUCTIONS TO BIDDERS**

***[INSTRUCTIONS FOR PREPARING THIS FORM FOR INCLUSION IN THE PROJECT MANUAL ARE IN ITALICS AND BRACKETS. PLEASE COMPLETE FIELDS AND DELETE ALL INSTRUCTIONS INCLUDING BRACKETS]***

1. **COMPLETING BID FORM 004113**
2. **SUBMITTED BY:** Insert legal name of firm submitting bid.
3. **BID CHECKLIST:** Before submitting bid, check off each required attachment. Failure to submit the required attachments may result in reject of your bid.
4. **EXAMINATION OF SITE AND DOCUMENTS:** Bidders shall examine all documents, shall visit the site and record their own investigations, and shall inform themselves of all conditions under which the Work is to be performed at the site of the Work, the structure of the ground, the obstacles which may be encountered, all of the conditions of the documents, including superintendence of the Work, requirements of temporary facilities, time of completion, furnishing submittals and a list of Subcontractors, and all other relevant matters which may affect the Work or the bidding. The Bidder shall base the bid on materials complying with the Bidding Documents, Drawings and Specifications, and shall list all information where the Bid Form requires.
5. **STATE EXCISE AND USE TAX:** In submitting the bid, the Bidder is understood to have included in the bid price any and all local, State or Federal sales, excise, or use taxes on all materials, supplies, and equipment that are to be utilized on this Project.
6. **INTERPRETATIONS AND CHANGES BY ADDENDA:** See Section 00 41 13, Bid Form, paragraph (1). If any Bidder is in doubt as to the meaning of any part of the Bidding Documents, Drawings and Specifications, they may submit a written request to the Architect for an interpretation of that part. Any interpretation or change will be made only by Addenda numbered, dated, and posted on Owner’s private QuestCDN interface and a notification will be issued to all plan holders who have downloaded the Bidding Documents. The Owner or Architect will not be responsible for any other explanations or interpretations of the Bidding Documents.
7. **ADDENDA ACKNOWLEDGEMENT:** All Addenda shall become part of this bid and the Contract. As acknowledgement of this requirement, the Bidder shall insert the numbers of all Addenda included in this bid in the space provided in paragraph (1) on the first page of this Bid Form. Failure to list all Addenda issued may be cause for rejection. Insert the **Addendum Numbers** that you have downloaded from the Owner’s private QuestCDN interface to acknowledge and to verify that you have seen the addendum and have incorporated the requirements into you bid proposal.
8. **PREPARATION OF BID FOR CONTRACT WORK - BASE BID AND ALTERNATES**: See Section 00 41 13, Bid Form, paragraphs (1) A. and B. The Base Bid is for the total scope of Work as described in the Contract Documents. The Bidder shall submit their bids on the Bid Form furnished. If the Bid Form includes Alternates in paragraph (1) B., Bidders shall bid on each Alternate. The Bidder shall enter the bid and any alternate amounts in both written format and numerically.
9. **BASE BID:** The Base Bid, paragraph (1), A., is for the total scope of Work as described in the Contract Documents. The Bidder shall submit their bids on the Bid Form furnished. Enter the dollar amount of your base bid in both written format and numerically.
10. **DEDUCT ALTERNATES:** If the Bid Form includes Alternates in paragraph (1), B., Bidders shall bid on each Alternate. The Bidder shall enter the bid and any alternate amounts in both written format and numerically. Deduct alternates will be taken in the order shown on the Bid Form.
11. **ALLOWANCES:** If the Bid Form, Section 00 41 13 includes an Allowance in paragraph (1), C., the Bidder shall include that amount in their Base Bid.
12. **UNIT PRICES: (if applicable)** See Section 00 41 13, Bid Form, paragraph (1), D. The Bidder shall include their Unit Price costs as described on the Bid Form.
13. **QUALIFIED BID:** The Bidder shall not stipulate in the bid any condition not contained in the Bidding Documents, Drawings, Specifications or other documents submitted for bid. Failure to comply may be cause for rejection.
14. **PREPARATION OF BID FOR CONTRACT WORK:** The blank spaces on the Bid Form shall be filled in correctly with ink or typewritten. A Bid Form containing an alteration or erasure of any item or price contained in the bid which is used to determine the lowest responsible bid shall be rejected unless the alteration or erasure is corrected as herein provided. An alteration or erasure must be crossed out and the correction printed in ink or typewritten adjacent to the alterations or erasure. In addition, the person signing the bid must initial the correction in ink. In the event that any price used in determining the lowest responsible bid is in discrepancy, the written representation shall take precedence. Failure to comply may be cause for rejection.
15. **DELIVERY OF BID:** Each bid and all papers bound and attached to the bid, together with the bid security, shall be placed in an envelope and securely sealed therein. The envelope shall be marked to indicate the following:

 1. Name and address of the Bidder.

 2. Name of the Project and location.

The envelope shall be addressed and delivered to:

***[Insert Name of Bid Recipient]***

***[Insert Name of College/University]***

***[Insert Campus Name, if applicable]***

***[Insert Name of Building and Room # where bids are to be delivered]***

***[Insert Street address where bids are to be delivered]***

***[Insert City, Minnesota, Zip]***

Bidders shall be responsible to make sure bids are delivered before the time set for the opening of the bids. The Owner will not be responsible for bids arriving by mail, express delivery or other delivery that are delivered to the designated building and room after the time designated for the bid opening. Bids delivered after the time designated for the bid opening shall be returned unopened. Oral, telephone, facsimile, or electronic mail bids will not be accepted.

1. **CONSIDERATION OF BID:** In submitting this bid it is understood that the Owner reserves the right to reject any and all bids. For the purpose of determining the lowest responsive bid in the consideration of all bids submitted, the Owner reserves the right to accept or reject any or all

alternates in the numerical order in which they appear on the Bid Form and as they may consider in the best interests of the Owner.

1. **BID WITHDRAWL:** It is agreed that the Bidder will honor the bid amount and cannot be withdrawn until after the number of calendar days as stated on the Bid Form, Section 00 41 13, in paragraph E.
2. **SUBMITTALS:**

Submit all required Documents and Attachments as applicable to the Project.

1. **BID BOND:** See Section 00 41 13, Bid Form, paragraph 2, (1). Each bid which totals over $50,000.00 shall be accompanied by a certified check, payable to **Minnesota State,** in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid. It is agreed that bid security will constitute liquidated damages, and not a penalty, for the failure or refusal of the successful Bidder to execute and deliver the Owner-Contractor Agreement, in a correct form, within ten (10) days after receipt.
2. **BID FORM ATTACHMENT A - RESPONSIBLE CONTRACTOR**

### See Section 00 41 14, Attachment A: Responsible Contractor Verification and Certification of Compliance. The Prime Contractor Bidder must submit Attachment A with their response to this solicitation.

### The apparent successful Prime Contractor, following receipt of a Contract Award Letter, shall submit to the Owner, Attachment A-1: First-Tier Subcontractors List (See Section 00 43 35), naming all first tier Subcontractors that they intend to retain for work on the Project prior to and as a precedent to the execution of a construction contract.

### After execution of the contract, if the Prime Contractor or any Subcontractor retains additional Subcontractors for the Project, the Prime Contractor or Subcontractors shall obtain verification of compliance from each additional Subcontractor with which it has a direct contractual relationship and shall submit to the Owner a supplemental verification, Attachment A-2: Additional Subcontractors List (See Section 00 43 36), which verifies the Subcontractors have certified they are in compliance, immediately upon retaining the additional Subcontractors. No tier of Subcontractor shall begin work on the Project until this form has been submitted to the Owner. Upon request from the Owner, the Prime Contractor shall submit copies of the signed certifications of compliance from all Subcontractors of any tier.

Minnesota Statutes 2014, section 16C.285, subdivision 7: “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”. “a false statement under oath verifying compliance with any of the minimum criteria shall render the prime contractor or subcontractor or motor carrier that makes the false statement ineligible to be awarded a construction contract on the project and may result in termination of a contract awarded to a prime contractor or subcontractor or motor carrier that submits a false statement.

### BID FORM ATTACHMENT B: WORKFORCE CERTIFICATE - AFFIRMATIVE ACTION COMPLIANCE

See Section 00 45 37, **Attachment B**: Minnesota State intends to carry out its responsibility for requiring affirmative action by its CONTRACTORS. Bidders are cautioned to read closely the Section 00 45 36, listed elsewhere in the bidding documents titled, “Notice to Bidders – Affirmative Action Certificate of Compliance.” For Base Bids submitted in excess of $100,000, the Bidder shall complete the Workforce Certificate of Compliance data and provide a copy of their certificate with their bid if applicable.

1. **BID FORM ATTACMENT C: EQUAL PAY CERTIFICATION OF COMPLIANCE**

See Section 00 45 40, **Attachment C**. Pursuant to Minnesota Statute 363A.44, each bid which totals over $500,000.00 with a business that has 40 or more full-time employees in this state or state where business has its primary place of business on a single day during the prior 12 months shall be accompanied by an Equal Pay Certificate of Compliance available from the Minnesota Department of Human Rights (MDHR), or are certified that the business is exempt from the MDHR. The Bidder shall mark the appropriate box on **Attachment C** under Option A, if they have a current Certificate of compliance or a letter from MDHR’s confirming receipt of you r application or Option B, if you are exempt from Equal Pay Certification. Return **Attachment C** with your bid and provide documents as applicable.

To obtain an equal Pay Certificate of Compliance, or Exemption, contact MDHR with questions at: 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.

1. **BID FORM ATTACHMENT D: PREFERENCE - TARGETED GROUP (T.G.) AND/OR ECONOMICALLY DISADVANTAGED (E.D.) SUBCONTRACTOR REQUIREMENTS**

See Section 00 45 36, **Attachment D**. In accordance with M.S. 16C.16, the basis of award is that eligible certified targeted group (T.G.) prime Bidders and certified economically disadvantaged (E.D.) prime Bidders will receive a six percent (6%) preference. Preference will only be allowed if the Bidder is certified prior to the scheduled bid opening. Both the targeted group (T.G.) preference and the economically disadvantaged (E.D.) preference are applied only to the first $2,000,000 of the bid. Preferences are not cumulative; the total percentage of preference granted on a contract may not exceed the highest percentage of preference allowed for that contract. Bidders interested in becoming a certified vendor or to verify their T.G. eligibility and certification or E.D. certification, should refer to the state of Minnesota, Department of Administration, Office of Equity in Procurement website at <https://mn.gov/admin/business/vendor-info/oep/sbcp/>, or call the division’s help line at (651) 296-2402. The Bidder shall check their company’s.

The Bidder shall check the yes or no for the preference questions on **Attachment D** and attach a copy of your firm’s letter indicating certification by the Office of Equity in Procurement if applicable.

1. **BID FORM ATTCHMENT E: PREFERENCE - VETERAN-OWNED/SERVICE DISABLED VETERAN-OWNED CONTRACTOR REQUIREMENTS**

See Section 00 45 45, **Attachment E**. In accordance with M.S. 16C.16 and 16C.19, eligible certified veteran-owned small businesses of which the principal place of business is in Minnesota will receive a 6 percent (6%) preference on the basis of award for this RFB. The preference is applied only to the first $2,000,000 of the bid. Preferences are not cumulative; the total

percentage of preference granted on a contract may not exceed the highest percentage of preference allowed for that contract. Eligible veteran-owned small businesses include certified small businesses that are majority-owned and operated by a veteran and are certified by the United States Department of Veteran Affairs as a veteran-owned small business.

The Bidder shall check the yes or no for the preference questions on **Attachment E.** If you check “no” provide the name of your firm and signature on the top half of the form and return with your submittal. If “yes” complete the bottom half of the form certifying preference and provide the required documentation with your response. If you don’t provide the required documentation, you will not be considered for this preference.

***[IF THIS FORM IS NOT APPROVED FOR USE ON A PROJECT, DELETE THIS ITEM AND RELABEL THE NEXT ITEM.]***

1. **BID FORM ATTACHMENT F: PRIME CONTRACTOR STATEMENT OF QUALIFICATIONS**

See Section 00 45 15 **Attachment F**. Complete and return with your bid, if it is requested on the Bid Form for this Project.

1. **MISCELLANEOUS SUBMITTALS:**

Provide any required submittals per the Project Specifications (if applicable).

1. **MISCELLANEOUS REQUIREMENTS:**
2. **DEPARTMENT OF LABOR AND INDUSTRY (DLI) REGISTRATION**

Building construction Contractors and Subcontractors, including independent contractors and business entities, shall be registered with the Department of Labor and Industry (DLI) per Minnesota Statute 181.723. Registration is completed on line at [www.dli.mn.gov/register](http://www.dli.mn.gov/register). General Contractors shall verify that both their company and all of their proposed Subcontractors are registered on the searchable DLI web site, <http://www.dli.mn.gov/ccld/register.asp> prior to submitting their bid.

To clarify, this new requirement does not require a Contractor to be licensed unless their specific trade requires licensing. This new requirement only requires that Contractors be registered with DLI. Questions can be addressed by DLI at 651.284.5074 or email at dli.register@state.mn.us.

### LABOR STANDARDS AND WAGES

This Project is subject to Minnesota Labor Standards and Wages requirements of Minnesota Statutes Chapter 177.

Pursuant to Minnesota Statutes 177.41 to 177.44 and corresponding Rules 5200.1000 to 5200.1120, this Project contract is subject to the prevailing wages as established by the Minnesota Department of Labor and Industry. Specifically, all Contractors and Subcontractors must pay all laborers and mechanics the established prevailing wages for Work performed under the contract. Failure to comply with the aforementioned may result in civil or criminal penalties.

For more information regarding prevailing wage and its application, contact:

Minnesota Department of Labor and Industry (DLI)
Prevailing Wage unit
443 Lafayette Road North
St. Paul, MN  55155
Phone:  (651) 284-5091

E-mail:  dli.prevwage@state.mn.us
Web:  [www.dli.mn.gov](http://www.dli.mn.gov)

The Bidder shall review Specifications Section 00 73 46, Prevailing Wage Rate Requirements, to determine the applicable prevailing wage rates, prevailing hours of labor, and hourly basic rates of pay that are applicable to this Project contract.

### ADMINISTRATIVE REQUIREMENTS

The Contractor shall use the Minnesota State internet-based Enterprise Project Management System (EPMS) in the administration of this Project. The functionality of this software may include, but is not limited to, the processing of : a) contract modifications, including Requests For Information (RFI’s), Proposal Requests (PR’s), Construction Change Directives (CCD’S), and Change Orders (CO’s), b) financial correspondence, including Applications for Payment, c) submittals, including construction schedules, product data, shop drawings, samples, and d) other Project related information.

Minnesota State will provide the Contractor with access to the software and initial training for the selected Contractor’s designated Project representative(s) at no cost to the Contractor. Except for electronic access and initial training, Minnesota State assumes no responsibility for any real or potential costs associated with the use of EPMS by the Contractor.

***[IF THIS PROJECT IS NOT FUNDED IN WHOLE OR IN PART BY STATE BOND FUNDS, REMOVE THIS JOBS REPORTING PARAGRAPH BELOW AND SECTION 00 73 73.]***

1. **JOBS REPORTING**

The Bidder is hereby advised that this Project is funded in whole or in part by state bond funds and subject to the reporting requirements of Minnesota Statute 16A.633, Subdivision 4 (MN Laws of 2012 Chapter 293, Section 28. The Bidder shall review Specification Section 00 73 73, Jobs Reporting, to determine the reporting requirements applicable to this Project contract.

A bid submitted from a sole owner shall be signed by the individual. A bid submitted from a partnership shall be signed by two partners. A bid submitted from a corporation shall contain the correct name of the corporation and the state of incorporation. The signature of the president or other authorized officer(s) of the corporation shall be manually written below the name of the corporation, together with the title of the officer. If a corporation bid is signed by an official other than the president, a certified copy of the resolution of the board of directors showing the authority of the official to sign the bid shall be attached to the bid.

1. **CONTRACT**

The successful Bidder, if awarded the Project, shall sign a formal Owner-Contractor Agreement and furnish Payment and Performance Bonds, Attachment A-1 First-Tier Subcontractors List and required insurance submittals in conformance with the General Conditions of the Contract for Construction. However, no such Agreement shall be in force and effect until it is executed by all parties and the full amount of the Agreement liability of the Owner has been encumbered by Minnesota State Colleges and Universities, and the Payment and Performance Bonds and insurance certification have been approved. Within ten (10) calendar days of receiving the Owner-Contractor Agreement, the Contractor shall execute the Agreement and return it to the Owner; failure to return the Agreement within ten (10) calendar days may result in the rescinding of the Contract award.

1. **SUBCONTRACTORS LIST**

The Bidder shall, after the date of the letter of Contract Award and prior to final execution of the Contract, submit in writing to the Owner, a complete list of all items of Work, which the Bidder proposes to subcontract. In addition, the Bidder shall provide a list of subcontractors using Attachments A-1 and A-2 per paragraph R. above.

1. **RETURN OF BID SECURITY**

### All negotiable bid securities will be returned after execution of the Contract.

1. **BID CERTIFICATION**
2. **COMPANY NAME**

The Bidder shall provide their company’s legal name.

1. **STATE OF INCORPORATION**

If Bidder is a corporation, list state of incorporation.

1. **NAMES OF PARTNERS**

Bids from individuals or partnerships, if signed by an attorney-in-fact, shall have attached to the bid the power of attorney, evidencing the authority to sign the bid. If the bid is signed by any other legal entity, the authority of the person signing shall be attached to the bid. See Section 00 41 13, Bid Form, Bid Certification. If Bidder is a partnership, list the full names of the partners.

1. **COMPANY ADDRESS:**

Provide the Company’s Official address **(NO PO BOX NUMBERS)**.

1. **CONTACT INFORMATION:**

Provide the Company’s Telephone and E-Mail address.

# **END OF SECTION**