

# INSTRUCTIONS TO BIDDERS

[INSTRUCTIONS FOR PREPARING THIS FORM FOR INCLUSION IN THE PROJECT MANUAL ARE HIGHLIGHTED IN YELLOW. RED TEXT: ENTER DATA IN FIELDS AND CHANGE TO BLACK TO CONFIRM TEXT.]

[WHEN COMPLETE: DELETE ALL YELLOW HIGHLIGHTED TEXT, RED TEXT & BRACKETS.]

## PART 1 - GENERAL

### 1.1 BID ADVERTISEMENTS

Minnesota State advertises all its construction projects on QuestCDN at [www.QuestCDN.com](http://www.QuestCDN.com) and at: Minnesota State QuestCDN Private Interface, which shows only Minnesota State construction projects. To find a project directly on [www.QuestCDN.com](http://www.QuestCDN.com), you will need to know the eBidDoc#.

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- B. Prior to starting use of the Quest CDN vBid, be sure to set up your firm's On-Line Bid ID Code and update your password to higher security if required. You can do this by logging in at [www.QuestCDN.com](http://www.QuestCDN.com) and going to the My Account page. If you do not have a My Account page, please contact the administrator at your firm. A summary of steps for using [www.QuestCDN.com](http://www.QuestCDN.com) for submitting electronic bids are as follows:
  1. From QuestCDN, download the project documents.
  2. Click on On-Line Bid button to go to Quest vBid (may need to refresh after download)
  3. Fill out the Qualification Tab and download the required documents – Save.
  4. Upload any required completed documents – Save.
  5. Go to the Worksheet Tab and fill out all required fields or use the export and import to complete the documents – Save:
  6. Be sure you download any issued addenda(s); and
  7. When finished with both Qualification and Worksheet Tabs, click Submit – You will need the company "On-Line Bid ID Code". This is a special pass code required only at bid submittal – it can be added or changed at QuestCDN.com on the My Account page.

### 1.2 EXAMINATION OF SITE AND DOCUMENTS

- A. 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.

- B. The Bidder shall base the bid on materials complying with the Bidding Documents, Drawings and Specifications, and Addendum. 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. The Bidder shall upload all information requested on the vBID form.

## **1.2 BID OPENINGS**

- A. The bid time on the QuestCDN server screen is the official time of the bid opening. At the time of bid opening, the college or university Project Manager, will open and review all electronic bids received. Base bid results will be shared with all bidders on the project once they have reviewed and accepted all the electronic bids. This information will be shared via email from QuestCDN.

## **PART 2 – PREPARATION OF THE BID FOR CONTRACT WORK**

### **2.1 BID SECURITY**

- A. Each bid, which totals over \$100,000.00 shall provide a certified check, payable to Minnesota State or an electronic bid bond, payable to Minnesota State, in the sum of 5% of the total base bid; issued by a surety company duly authorized to do business in the state of Minnesota. Reference DIV00 43 14 Bid Bond, Exhibit A (Not required to use this form). The bid security is 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.
- B. If submitting a certified check in lieu of a bid bond, the certified check must be delivered to the campus prior to bid opening. Call or email the campus Project Manager, at the phone number or email address provided in the Bid Advertisement, to obtain information on to whom and where the check is to be delivered. Use the subject line: “Bid Security” when requesting by email.
- C. To comply with the On-line Bid requirements, request a copy of the form “Certified Check for Bid Security - Submittal Form” from the Project Manager. You will be required to submit a copy of this form and with a copy of the certified check in lieu of an electronic bid bond. Failure to upload the document will result in your bid being rejected.

## 2.2 ADDENDA

- A. 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 to the project advertisement on QuestCDN. All Plan Holders who have downloaded a set of Bidding Documents will be notified by QuestCDN of all Addenda. The Owner or Architect will not be responsible for any other explanations or interpretations of the Bidding Documents. To successfully submit a bid on the project the Bidder must download all Addenda, thereby acknowledging receipt of all Addenda.

## 2.3 ATTACHMENT A – RESPONSIBLE CONTRACTOR

- A. See Section 00 45 13, 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.
- B. 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.
- C. 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.

## 2.4 WORKFORCE AND EQUAL PAY DECLARATION PAGE

- A. **Required for bids submitted for \$100,000 or more.** Bidders shall complete the Workforce and Equal Pay Declaration Page and provide a copy of their **Workforce Certificate** with their bid, as applicable.
- B. Bidders are cautioned to read closely Section 00 45 36 Minnesota Human Rights, listed elsewhere in the bidding documents.
- C. **Required for bids submitted for \$500,000 or more.** Pursuant to Minnesota Statute 363A.44, each bid of \$500,000.00 or more 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 is certified in writing that the business is exempt from the MDHR.
- D. To obtain a Workforce Certificate or 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](mailto:compliance.MDHR@state.mn.us).

## 2.5 SMALL BUSINESS PREFERENCE

- A. PREFERENCE for Targeted Group (T.G.) and/or Economically Disadvantaged (E.D.) and Veteran Owned/Service-Disabled Veteran Owned Contractor Requirements. Minnesota State has elected to allow Bidders to receive a six percent (6%) preference. Preference will only be allowed if the Bidder is certified prior to the scheduled bid opening. Preferences 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. You must Attach and Certify whether the following two preferences apply or not and if so, attach required documentation to be considered for preference.
  - 1. TARGETED GROUP (T.G.) AND/OR ECONOMICALLY DISADVANTAGED (E.D.): CONTRACTOR REQUIREMENTS
    - a. **Attach and Certify** Section 004539 Minnesota State Preference Form. If you check the “Yes” for either T.G. or E.D. preference, also upload a copy of your firm’s letter indicating certification by the Office of Equity in Procurement.
  - 2. VETERAN-OWNED/SERVICE-DISABLED VETERAN-OWNED CONTRACTOR: REQUIREMENTS
    - a. **Attach and Certify** the Section 004545 State of Minnesota Veteran Owned Preference Form. If you check “Yes”, provide the required documentation with your response. If you do not provide the required documentation, you will not be considered for this preference.

## 2.6 BID SUBMITTAL CERTIFICATION FORM

- A. **Attach and Certify the Bid Submittal Certification Form** DIV00.4114. Insert your firm's legal name. If Bidder is a corporation, list state of incorporation. 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.
- B. 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. 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.
- C. Insert your Company's Official Address (no PO Boxes), Company's Telephone Number, and Company's E-mail Address.

## 2.7 COMPLETING THE VBID WORKSHEET – BASE BID AND ALTERNATES

- A. In the blank Worksheet: White sections is the **Base Bid** and must be completed before submitting. The Base Bid is for the total scope of Work as described in the Contract Documents.
- B. Pink sections is **Deduct Alternates**. Bidders shall bid on each Alternate. *Insert as a positive number on the Bid Worksheet*. Deduct implies negative amount.
- C. Blue section is Unit Price(s): The Owner may direct Modifications affecting the quantity of certain items. The Unit Prices for such Modifications shall include all materials, labor, equipment, insurance, taxes, transportation, overhead and profit to cover the finished Work as described and shall apply to both additions and deductions in quantities, except that if deductions are made after materials are fabricated and/or delivered, the price deductions shall be adjusted accordingly. The Owner reserves the right to reject any Unit Price which it considers unreasonable. Fill in the Unit prices by double clicking on the appropriate field in the worksheet. You can move from unit price to unit price by using your return key or the Down Arrow. When finished be sure to select "Save".

## 2.8 COMPLETING THE VBID WORKSHEET – BASE BID AND ALTERNATES

- A. Be sure you have downloaded all addenda(s), and completed both the Qualification page and the Worksheet page. Simply click Submit at the bottom of the page. You will be prompted for your Company's "On-Line Bid id Code" (one code per company

set up in the My Account area of QuestCDN). You must also accept the Terms and Conditions.

- B. The system checks that you have completed all the requirements, and if so accepts your bid and puts it in the bid-box for the project. You will receive a confirming email showing your bid was delivered (be sure to keep this email).
- C. Once your Bid has been submitted, you can no longer make changes. If you need to make changes, press the **unsubmit** button at the bottom of either the Qualification or Worksheet page. You will then be able to make any needed changes. Once you have saved all your changes, **be sure to re-submit your bid**. If you fail to re-submit, your bid will not be opened – it is just like you never submitted a bid at all.

**[DIV00.4515, OPTIONAL PER PROJECT WITH SYSTEM OFFICE APPROVAL. DELETE IF NOT USED.]**

## **2.9 PRIME CONTRACTOR STATEMENT OF QUALIFICATIONS**

- A. Attach and Certify the Section 00 45 15 Prime Contractor Statement of Qualifications.

## **PART 3 – ADDITIONAL INFORMATION**

### **3.1 DEPARTMENT OF LABOR AND INDUSTRY (DLI) REGISTRATION**

- A. 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/ccl/register.asp> prior to submitting their bid.
- B. To clarify, this 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](mailto:dli.register@state.mn.us)

### **3.2 LABOR STANDARDS AND WAGES**

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

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

- D. 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.

### 3.3 QUALIFIED BID

- A. 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.

**[THIRTY (30) CALENDAR DAYS IS STANDARD FOR HOLDING BIDS. FOR SOME PROJECTS THIS MAY BE INCREASED TO SIXTY (60) OR NINETY (90) CALENDAR DAYS WITH CONSULTATION WITH THE CAMPUS PROJECT MANAGER]**

### 3.4 WITHDRAWAL OF BID

- A. A Bidder may withdraw the bid at any time before the time set for the opening of bids or **[thirty (30)]** calendar days after the date of the opening, unless otherwise amended on the Bid Form if the Owner has not acted thereon.

### 3.5 CONSIDERATION OF BID

- A. The Owner reserves the right to reject all bids or parts of bids, and to waive informalities therein. For 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.

### 3.6 CONTRACT

- A. The successful Bidder, if awarded the Project, shall sign a formal Owner-Contractor Agreement (AIA A101-2017) and furnish Payment and Performance Bonds, Corporate Acknowledgment for Contractor, Acknowledgment of Corporate Surety, Attachment A-1, First-Tier Subcontractors List (DIV00.4335) and provide 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.

- B. 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.

### **3.6 ADMINISTRATIVE REQUIREMENTS**

- A. 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:
  - 1. Contract modifications, including Requests for Information (RFI's), Proposal Requests (PR's), Construction Change Directives (CCD'S), and Change Orders (CO's),
  - 2. Financial correspondence, including Applications for Payment,
  - 3. Submittals, including construction schedules, product data, shop drawings, samples, and
  - 4. Other Project related information.
- B. 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

**END OF SECTION**