



**SCOTT COUNTY CDA COMMUNITY LAND TRUST**

**INVITATION FOR BID**

**MORaine ADDITION:**

**Residential Construction, Phase 1**

8675, 8691, and 8709 Moraine Drive

**SHAKOPEE, MINNESOTA**

Issue Date: July 10, 2025

**BID DUE DATE: August 19, 2025 at 10:00 am**

Sealed Bids must be submitted to:

**Scott County CDA**

Jo Foust, Business & Community Development Director

100 5<sup>th</sup> Ave. E.

Shakopee MN 55379

## PART I. SUMMARY OF INVITATION FOR BID

### A. Purpose

The Scott County Community Development Agency Community Land Trust (CDA Land Trust) is excited to issue an Invitation for Bid (IFB) for the construction of three (3) single family detached homes along Moraine Drive in Shakopee, Minnesota, generally located at the southwest corner of County Road 18 and Eagle Creek Boulevard (County Road 16).

The first three homes of this 10-home subdivision are part of the CDA Community Land Trust program, which creates affordable homeownership opportunities for first time homebuyers.

The purpose of the IFB is to select an experienced, licensed contractor who can construct the three homes in a timely fashion according to the requirements of this IFB and attached documents.

**Interested parties should review the invitation in detail and must submit the required materials identified by August 19, 2025 at 10:00 a.m. in a sealed envelope delivered to 100 5<sup>th</sup> Ave. E., Shakopee, MN 55379 at the attention of Jo Foust.**

### B. Background

Scott County and the Scott County CDA have worked together to create the proposed developable site for affordable homeownership opportunities for first time buyers. The development site is 2.5 acres in size and lots range in size from approximately 8,250 to 11,000 square feet. Water and sewer lines are installed to each lot, and gas and electricity service lines are also available to each lot. The site has been preliminarily graded. A Phase 1 Environmental Assessment has been completed and no environmental concerns were found.

### C. Description of Anticipated Project

The anticipated project consists of three (3) single family detached homes offering different bedroom sizes of 4 – 5 bedrooms. It is intended that this neighborhood is a place where entry level families of all sizes and ages can thrive. The selected entity will be required to enter into a development contract with the Scott County CDA, which will set out the terms and conditions for performance, compensation, timing, and the design requirements contained in the recorded restrictive covenants. A draft of the contract is included in the Bid Package.

The land will continue to be included in the CDA Community Land Trust after construction, and the CDA will be responsible for selling the homes to first time homebuyers. For further information about the community land trust program, see [Community Land Trusts - Scott County CDA \(scottcda.org\)](https://scottcda.org/resource/community-land-trust/). (<https://scottcda.org/resource/community-land-trust/>)

#### Location and Site Information.

Address	City	Parcel	Lot	Blk	Plat
8709 Moraine Drive	Shakopee	27-530008-0	8	1	Moraine Addition
8691 Moraine Drive	Shakopee	27-530009-0	9	1	Moraine Addition
8675 Moraine Drive	Shakopee	27-530010-0	10	1	Moraine Addition

#### **D. Anticipated Schedule of Work**

It is the intent that the Work of Phase 1 will begin in 2025 and have foundation work completed before winter conditions limit that project element. Time to complete the work is expected to be 9 months from the date of Notice to Proceed. The following Phases 2 and 3 (3- 4 houses each) will be bid separately and are intended to take place over the course of approximately two years after completion of Phase 1. Liquidated damages will be assessed as prescribed in sample Owner/Contractor agreement if project is not complete in nine months.

#### **E. Funding Sources**

Project expenses will be paid in part from a Met Council Livable Communities Demonstration Account grant as well as MN Housing Impact Funds. New Construction must adhere to the 2025-2026 MN Overlay of the 2020 Enterprise Green Communities Criteria. Additional information as to how these sources dictate some design considerations is included within the attached Specifications.

American Rescue Plan funding was used in previous infrastructure phases of this project, though will pose no restrictions/guides on the building construction portion of the Project.

#### **F. General Information**

The CDA publicly solicits bids and will award a firm fixed-price contract (lump sum or unit price) to the responsive and responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest in price subject to final approval by the Scott County CDA Board of Commissioners

Bids will be opened publicly and all bids received will be recorded on an abstract of bids, which shall then be made available for public inspection. Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. No bid may be withdrawn within forty-five (45) days after bid opening.

The CDA reserves the right to reject any and all bids at the complete discretion of the CDA. The CDA also reserves the right to cancel this solicitation in whole or in part at any time at its sole discretion.

### **PART II. PROPOSAL REQUIREMENTS**

#### **A. General Instruction**

**Submission Deadline.** Interested entities must submit the information identified in the next section, “Required Elements of Proposal” in a sealed envelope at the attention of Jo Foust at 100 5<sup>th</sup> Ave. E., Shakopee, MN 55379 by August 19, 2025 prior to 10:00 a.m. A confirmation receipt will be sent to submitting entities.

**Minimum Qualifications for Submission.** Interested entities must have a current contractor's license and a minimum of ten years' experience in residential new construction. Entity must provide documentation of insurance coverage at levels indicated in the sample Owner/Contractor Agreement. All bidders must provide a surety bond in the amount of 5% of their submitted bid. The selected Contractor must be prepared to provide a performance and payment bond in the amount of 100% of the contract price.

**Bid Documents.** The Bidding Documents can be found on the Scott County CDA website at [Open Bids & RFPs - Scott County CDA](https://scottcda.org/resource/open-bids-rfps/) (<https://scottcda.org/resource/open-bids-rfps/>), and are as listed below. Together, they identify the Scope of Work for new construction to be performed at the properties noted. Bids should be calculated with the Contractor supplying all permits, labor and material unless otherwise specified. The successful bidder will be required to complete all the work in a quality, professional manner in accordance with the current local building codes and standard industry practices which are acceptable within that trade. Upon submitting their proposal, the Respondent warrants that it has visited the job site and familiarized itself with the work plans and specifications (Construction Bid Documents) as may apply to this Contract.

1. Architectural Construction Drawings (including Structural Notes) for each of three sites
2. Written Specifications (one document for all three sites)
3. Site Surveys for each of three sites
4. Moraine Addition Grading Plans (Sheet 7 of Addition construction plans)
5. Moraine Addition Water and Sewer Plans (Sheet 14 of Addition construction plans)
6. Geotechnical Report for Development Site
7. Moraine Addition Final Plat, Shakopee, Minnesota
8. Sample Agreement between Owner and Contractor

**Timeline.**

Invitation for Bid published: July 10, 2025  
Virtual Conference/Questions Due: July 29, 2025, 10:00 a.m.  
Addendum Issued if necessary: August 4, 2025  
Proposals Due and Public Bid Opening: August 19, 2025, 10:00 a.m.  
CDA Board Action: August 26, 2025

**B. Contact Person and Pre-application Questions**

**Primary Contact Person.** The primary contact person at the CDA is Jo Foust, Business and Community Development Director ([jfoust@scottcda.org](mailto:jfoust@scottcda.org)).

**Virtual Conference.** On Tuesday, July 29, 2025, at 10:00 am, the CDA will conduct a virtual pre-application conference to respond to questions.

**Questions Prior to Submission Deadline.** Questions which may arise before the virtual meeting may be submitted in writing to Jo Foust ([jfoust@scottcda.org](mailto:jfoust@scottcda.org)) by Monday, July 28, 2025, 3:30 pm. Responses/clarifications to questions raised at the virtual conference or prior will be posted along with a written Addendum, if necessary, on Monday, August 4, 2025 by 3:30 pm on the CDA website at the following link: [Open Bids & RFPs - Scott County CDA](https://scottcda.org/resource/open-bids-rfps/). (<https://scottcda.org/resource/open-bids-rfps/>)

### C. Required Elements of Proposal

1. **Bid Proposal Form.** Interested entities must complete Attachment A identifying the proposed costs of the proposed homes. Proposal shall indicate Total Proposal Cost for development of three houses as well as individual costs per the two differing house plans. Alternates as listed in the specifications shall be listed separately.

Proposals containing unrequested alternates or additions to items detailed in the bidding documents and Scope of Work Summary shall be accepted, however, such alternates, additions or changes must be priced separately and alternate proposals shall also be attached to the bid form on contractor's letterhead, with a complete description of the alternate and all associated cost changes.

2. **Scope of Work Summary.** All items detailed in the Scope of Work Summary, Attachment B, must be bid as indicated in the bid documents and priced with section and division totals.
3. **State of MN Affidavit of Non-Collusion.** Interested entities must complete and sign Attachment C regarding non-collusion and the submission of a fair bid.
4. **Certification Regarding Lobbying Form.** Interested entities must complete and sign Attachment D regarding lobbying.
5. **Responsible Contractor Verification of Compliance.** Interested entities must complete and sign Attachment E regarding compliance with minimum criteria to submit a bid.

### D. Selection Process

The CDA will publicly open the sealed bids and record the bids received on a bid tabulation form. The lowest responsive and responsible bid will be recommended to the CDA Board for approval.

### E. Requirements Upon Selection.

**Development Contract.** The Pre-Award Phase provides the opportunity for the proposer and CDA to refine/adjust, as necessary, the project delivery plan. Each Bidder is strongly advised to review carefully the attached sample Agreement Between Owner and Contractor and is responsible for taking into account the requirements contained in the example Agreement when preparing its bid. The CDA staff will forward a draft development contract with the agreed upon information to the selected entity for review and comment prior to CDA Board approval.

**Certificates of Insurance.** The successful Bidder will be required to submit Certificates of insurance in accordance with the sample Contractor Agreement before beginning any project work.

**Minnesota Employee Right to Know letter.** The successful Bidder will be required to submit a signed letter (Attachment E) in accordance with the MN Employee Right to Know Act of 1983.

Performance Bond and Payment Bond. The selected Contractor shall provide Owner with both a performance bond and payment bond in the amount of 100% of the contract price prior to construction.

Sworn Construction Statement Affidavit. The successful Bidder will be required to submit a Sworn Construction Statement including line-item costs for all subcontractors who will provide labor or materials on the site before beginning any project work.

Authorization to Start Construction. The selected entity must execute the development contract, post the required surety, and obtain permits (and pay requisite fees) with the City of Shakopee prior to construction.

Inspections. The CDA's Owner's Representative will conduct on-site inspections on a pre-arranged schedule to verify that the construction follows the requirements of the executed development contract. All required building, electric, plumbing and heating inspections shall be coordinated through the building permit process at the City of Shakopee.

Funding Source Requirements. Detailed invoices must be submitted according to the terms and conditions of the executed development contract.

Time of Work Restrictions. Per City of Shakopee ordinance 130.45 *Construction activities*. It is unlawful for any person to engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m., on any weekday or between the hours of 9:00 a.m. and 9:00 p.m., on any weekend or holiday. Upon timely application being made and the necessity therefor being established, the Council may suspend the operation of this division (C) for a specific purpose at a specific location and for a specific length of time by Council action and by giving public notice of the nature and limits of such suspension.

## **F. Supplemental Information.**

Data Practices Act. The Minnesota Government Data Practices Act *provides that the names of Bidders and the dollar amount of the bids are public once the bids are opened.* All other information, except trade secret information or security information, received by the Owner in response to this IFB becomes public data and must be made available to any person upon request at the times specified in the Act. Trade secret information means data, including a formula, pattern, compilation, program, device, method, technique or process that: (1) is supplied by the Bidder; (2) is the subject of efforts by the Bidder that are reasonable under the circumstances to maintain its secrecy; and (3) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. Security information means data, the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury.

*Trade secret or security information that meets the legal requirements of Minnesota law as described in the above definitions should be limited and set apart in the bid on separate pages with a heading that clearly identifies the information as a trade secret or security information submitted by the*

*Bidder.* The Owner will make the ultimate determination whether the information meets the applicable definition. Any information submitted in response to this IFB that does not meet the legal definition will be considered public information, regardless of the Bidder's identification of it as nonpublic. *Bidders are instructed that blanket-type identification by designating the whole pages or sections as containing proprietary or confidential information will not assure confidentiality. The specific trade secrets or security information must be clearly identified as such. Submitted bids shall not be copyrighted. A statement by a Bidder that submitted information is copyrighted or otherwise protected does not prevent public access to the information contained in the bid response.*

Equal Employment Opportunity (EEO). The Contractor shall not discriminate against any employee, nor in hiring practices, on the basis of race, color, creed, religion, ancestry, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance or national origin.

**G. LIST OF ATTACHMENTS TO BID INSTRUCTIONS.** The following forms, statements, certifications and documents are attached to this Invitation for Bid package:

**BIDDING DOCUMENTS**

1. Architectural Construction Drawings (including Structural Notes) for each of three sites
2. Written Specifications (one document for all three sites)
3. Site Surveys for each of three sites
4. Moraine Addition Grading Plans (Sheet 7 of Addition construction plans)
5. Moraine Addition Water and Sewer Plans (Sheet 14 of Addition construction plans)
6. Geotechnical Report for Development Site
7. Moraine Addition Final Plat, Shakopee, Minnesota
8. Sample Agreement between Owner and Contractor

**BID SUBMITTAL FORMS**

Attachment A: Bid Proposal Form  
Attachment B: Scope of Work Summary  
Attachment C: Non-Collusion Affidavit  
Attachment D: Certification Regarding Lobbying Form  
Attachment E: Responsible Contractor Verification of Compliance Form  
Attachment F: Minnesota Employee Right to Know Act of 1983 Form

## ATTACHMENT A.

### Bid Proposal Form- Moraine Addition, Phase 1 Development, Shakopee, MN

**In response to the Invitation to Bid Issued by:**

Scott County CDA Community Land Trust

Proposed Project: Moraine Addition, Phase 1: Residential Construction, 3 Homes

Issue Date of this Proposal: July 10, 2025

Proposal Due: **August 19, 2025, 10:00 am**

The undersigned, having examined and being familiar with the existing conditions affecting the Work, the Proposal Documents and Responses to Questions and/or Addenda as posted on the CDA website, hereby propose to furnish all labor, materials, equipment, services, etc. required for the performance and completion of the Construction Work for the following lump sum, itemized as indicated, according to the Request for Proposal:

ITEM	Unit Cost	Number of Units	Total Dollar Amount
<i>Work as Itemized per Plan/Bedroom Configuration</i>			
<b>Plan A</b> (8675 and 9709 Moraine Dr.) Description: 4-bedroom, 1.75 bath, unfinished walk-out basement with attached 2-car garage		2	\$
<b>Plan B</b> (8691 Moraine Dr.) Description: 5-bedroom, 1 full plus 2-1.75 bath, finished walk-out basement with attached 2-car garage		1	\$
<b>Total Value of Work</b>			\$
Alternate No. 1 - Upgrade deck with composite materials.			
Alternate No. 2 - Upgrade Window efficiency.			
Alternate No. 3 - Upgrade Bathroom floors to tile.			
Alternate No. 4 - Upgrade kitchen counterops to solid surface.			
Other (please attach description and cost)			
Total Alternatives (Indicate Add/Deduct)			\$



## ATTACHMENT A.

### *DECLARATION BY THE RESPONDENT*

I/we declare that in submitting the Proposal and this declaration:

- the information provided is true, accurate and complete and not misleading in any material respect
- the Proposal does not contain any material that will infringe a third party's intellectual property rights
- the Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of Interest arises during the bid process the Respondent will report it immediately to the CDA's Point of Contact.
- it is understood that the right is reserved by the Owner to reject any and all proposals and to reward a contract in their best interest. It is agreed that the proposals may not be withdrawn for a period of 90 days from the due date.
- the undersigned agrees that upon notification of acceptance of this proposal, s/he will execute a contract for Scope of Work included in the Bid Proposal for the above stated Total Value of Work, with any modifications jointly agreed upon. A sample copy of the form of Agreement between the Owner and Contractor is included in the Bid Package.
- Contractor's voluntary alternates and alternates negotiated with the Owner, if any, are attached to this Bid Form on Contractor's letterhead, with a complete description of the alternate and all associated cost changes.

By signing this declaration the signatory below represents, warrants and agrees that they have been authorised by the Respondent to make this declaration on its/their behalf.

Signature: \_\_\_\_\_

Full name: \_\_\_\_\_

Title/position: \_\_\_\_\_

Name of organization: \_\_\_\_\_

Business Address: \_\_\_\_\_

MN Contractor's License Number: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT B.

### Scope of Work Summary

**In response to the Invitation to Bid Issued by:**

Scott County CDA Community Land Trust

Proposed Project: Moraine Addition, Phase 1: Residential Construction, 3 Homes

Issue Date of this Proposal: July 10, 2025

Proposal Due: **August 19, 2025, 10:00 am**

Division	Cost of Work
<b>Division 1: General Requirements</b> <i>Summary of Work, General Work Requirements, Funding and MN Green Community Requirements</i>	
<b>Division 2: Site work</b> <i>Earthwork, Paving, Utility Piping, Foundation Drainage, Sanitary Sewage Line, Power and Communications, Landscaping</i>	
<b>Division 3: Concrete</b> <i>Formwork and Reinforcing, Cast-in-Place Concrete Slabs, Footings and Foundation</i>	
<b>Division 4: Masonry</b> <i>Manufactured Stone Veneer</i>	
<b>Division 5: Metals</b> <i>Metal Fastenings</i>	
<b>Division 6: Wood, Plastics and Composites</b> <i>All Rough Wood Framing, Sheathing, Engineered Structural Wood, Finish Carpentry (Millwork, custom woodwork), Wood Stairs and Railings, Composite Fabrications (vanity tops)</i>	
<b>Division 7: Thermal and Moisture Protection</b> <i>Waterproofing, Vapor Retarders, Insulation, Metal Flashing, Gutters, Roofing, Siding, Joint Sealers</i>	
<b>Division 8: Doors and Windows</b> <i>Exterior and Interior Doors, Overhead Doors, Hardware, Vinyl Windows</i>	
<b>Division 9: Finishes</b> <i>Gypsum Board, Tiling and Grouting, Luxury Vinyl Plank, Carpet, Painting</i>	
<b>Division 10: Specialties</b> <i>Postal Specialties, Bath Accessories, Mirrors, Closet Accessories</i>	
<b>Division 11: Equipment</b> <i>Residential Appliances, Garage Door Openers</i>	
<b>Division 12: Furnishings</b> <i>Casework, Countertops</i>	
<b>Division 15: Mechanical</b> <i>Plumbing, Fixture Schedule, Water Heaters, HVAC Systems, Passive Radon Mitigation System</i>	
<b>Division 16: Electrical</b> <i>Electrical Wiring, Lighting, Smoke/Carbon Monoxide Detectors, Communications</i>	
<b>Total Value of Work</b>	

*Note: Include Base Bid items only. Alternates are to be listed separately on the Bid Proposal Form.*

## ATTACHMENT C.

State of Minnesota

### AFFIDAVIT OF NON-COLLUSION

**I swear (or affirm) under the penalty of perjury:**

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation).
2. That the attached proposal submitted in response to the **Scott County CDA Invitation for Bid for the New Construction Residential Project at the Moraine Addition – Phase 1 (8675, 8691, and 8709 Moraine Drive)** has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment, or services described in the Request for Proposals, designed to limit fair and open competition.
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals.
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

**Authorized Signature**

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Responder's firm  
name:

Click here to enter text.

Print authorized  
representative name:

Click here to enter text.

Title: Click here to enter text.

Authorized  
signature:

Date

(mm/dd/yyyy): Click here to enter a date.

**Notary Public**

Subscribed and sworn to before me this:

day  
of

,

\_\_\_\_\_  
Notary Public signature

\_\_\_\_\_  
Commission expires (mm/dd/yyyy)

## ATTACHMENT D.

### CERTIFICATION REGARDING LOBBYING

For State of Minnesota Contracts and Grants over \$100,000

The undersigned certifies, to the best of his or her knowledge and belief 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 any 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 sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients 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. 1352. 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.

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Organization Name

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Name and Title of Official Signing for Organization

By: \_\_\_\_\_  
Signature of Official

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Date

## RESPONSIBLE CONTRACTOR VERIFICATION OF COMPLIANCE

Minnesota Statutes, Section [16C.285](#), subdivision 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 minimum criteria set forth below. 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.

1. The Contractor:
  - i. is in compliance with workers' compensation and unemployment insurance requirements;
  - ii. is in compliance with the Department of Revenue and the 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 verification, has not violated section [177.24](#), [177.25](#), [177.41](#) to [177.44](#), [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, section 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;\*

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; and\*
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.

\*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.

### **Certification**

**By signing this document, I am certifying that I am an owner or officer of the contractor and am verifying under oath that:**

- 1. Contractor is in compliance with Minnesota Statutes, Section [16C.285](#),**
- 2. I have included Attachment A-1, and**

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Contractor Company Name

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Date

---

Authorized Signature of Owner or Officer

---

Printed Name

---

Title

**ATTACHMENT A-1:FIRST-TIER SUBCONTRACTOR LIST**  
**(Initial List)**

**SUBMIT WITH CONTRACTOR SOLICITATION RESPONSE**

Minnesota Statutes, Section [16C.285](#), subdivision 5. A prime contractor or subcontractor shall include in its verification of compliance . . . a list of all of its first-tier subcontractors that it intends to retain for work on the project.

<b>NAMES OF FIRST TIER SUBCONTRACTORS (Legal name of company as registered with the Secretary of State)</b>	<b>Company Address</b>	<b>Work To Be Performed</b>

## ATTACHMENT F.

### MINNESOTA EMPLOYEE RIGHT TO KNOW ACT OF 1983

To help ensure compliance with the right-to-know provisions of Minnesota Statutes sections 182.65 to 182.675, and related to statutes and rules, the successful Bidder will be required to provide Safety Data Sheets (SDS) for all chemicals and hazardous substances that will be brought onto or used at the project site. The successful Bidder will be required to:

1. Submit a Safety Data Sheet for each hazardous substance the Bidder intends to bring on site before the Bidder does so.
2. Submit a listing of all hazardous substances and the maximum quantity that will be on site at any time. The listing must include chemicals for which a Safety Data Sheet is not required.

The Bidder must answer Question (1) or Question (2) below:

1. ☐ *(check if appropriate)* If I am the successful bidder, no chemicals or hazardous substances will be brought onto or used at the project site.
2. ☐ *(check if appropriate)* Material Safety Data Sheets will be furnished for \_\_\_\_\_ *(indicate number)* items and a list of quantities of all chemicals and hazardous substances will be provided if I am the successful bidder.

Bidder/Trader Contractor Name: \_\_\_\_\_

By: \_\_\_\_\_  
*(Authorized Signature)*

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
*(Type or print)*

Title: \_\_\_\_\_  
*(Type or Print)*