



**SUBCONTRACTOR  
REQUEST FOR QUALIFICATIONS**



**US BANK STADIUM  
SECURED PERIMETER – FENCING AND VEHICLE BARRIER SYSTEMS ONLY**

**ISSUE DATE: March 17<sup>th</sup>, 2023**

**DUE DATE AND TIME: March 31<sup>st</sup>, 2023 at 4:00PM**



**MINNESOTA  
SPORTS FACILITIES  
AUTHORITY**



## REQUEST FOR QUALIFICATIONS (RFQ)

Responses to this Request for Qualifications (RFQ) must be emailed to JE Dunn Construction to the attention of Paul Miller at the following address [paul.miller@jedunn.com](mailto:paul.miller@jedunn.com)

In accordance with this RFQ the signatory on the letter transmitting the proposal agrees that its response to this RFQ is both current and accurate. It is understood and agreed that the response may become part of a legal and binding Contract for the project between the undersigned vendor and JE Dunn Construction. Subcontractor acknowledges and agrees that prequalification will be based objectively on your complete response to this RFQ.

### OVERVIEW

This RFQ describes the prequalification requirements and process for subcontractors to become eligible to bid on trade work on the stated project for the Minnesota Sports Facilities Authority at US Bank Stadium. This RFQ also specifies many (but not necessarily all) contractual conditions that a responder will be required to agree to should they become prequalified and/or receive a subcontract for the work. **Subcontractors must be pre-qualified through the submission requirements of this RFQ to be eligible to bid on this project.**

Detailed Contract obligations and measures of performance will be defined further during the Request for Bid (RFB) phase.

Direct all correspondence and inquiries, legal questions, general issues, or technical issues regarding this RFQ to:

**JE Dunn Construction**  
**Alan L'Esperance**  
800 Washington Ave N, Suite 600  
Minneapolis, MN 55401  
E-mail: [alan.lesperance@jedunn.com](mailto:alan.lesperance@jedunn.com)  
Phone: 810-623-7505

### RFQ ACKNOWLEDGEMENT

**(Respondents shall fill in the information below and return a signed original of this page with their Proposal Submittal)**

Company Name: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
Authorized Signature: \_\_\_\_\_  
Typed name of signer: \_\_\_\_\_ Title: \_\_\_\_\_

*Signer must be authorized to contractually obligate the Respondent.*

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**COVER PAGE with Response Due Date and Time**

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## **1.0 GENERAL INFORMATION**

### **1.1 Background and Purpose of This Request for Qualifications**

The purpose of this Request for Qualifications (RFQ) is to evaluate and prequalify subcontractors for the subject project at US Bank Stadium. Based upon evaluation of the responses to the RFQ, the successful responders will be eligible to submit bid proposals for work and enter into a contract with JE Dunn Construction, the Construction Manager as Constructor (CM) for the project.

#### **This RFQ applies to the following:**

- SCOPE OF WORK 32B – FENCING & VEHICLE BARRIER SYSTEMS

### **1.2 Project Description**

This project's purpose is the installation of a K12-Rated secured perimeter around the Stadium on the north, east, and south sides. This will include associated structural foundations, cable barrier system, anti-climb fencing, gates, landscaping, and site finish restoration.

#### **Project Construction Budget**

Approximate construction budget: \$13M

#### **Schedule**

June 2023 – October 2023 (See attached schedule for further detail)

### **1.3 Description of Subcontract with Construction Manager as Constructor**

All subcontracts will be executed by JE Dunn Construction. Subcontractors interested in being pre-qualified for performing work on the project will be required to meet all qualification requirements contained in the RFQ. Sample subcontract available upon request.

### **1.4 Construction Manager Provided Information**

The following information for the project has been assembled for review by Respondents.

- a. Preliminary Schedule (See Attached)

## 1.5 Prequalification Selection Process Schedule of Events

The intended schedule for prequalification is set forth below; however, JE Dunn reserves the right to modify this schedule as necessary via addendum.

EVENT	DATE
Issue RFQ	March 17, 2023
Informational RFQ Meeting (Virtual, see below)	Tuesday, March 28, at 11:00AM
RFQ Responses Due	March 31, 2023 at 4:00PM
Anticipated Construction Documents Issued for Bid	March 22, 2023
Anticipated Bid Date for Prequalified Companies	April 5, 2023
Anticipated Construction Start	June 15, 2023

**RFQ Informational Meeting:** Email Alan L'Esperance at [alan.lesperance@jedunn.com](mailto:alan.lesperance@jedunn.com) to request the calendar invite or join at the link below by copying it into your web browser.

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZTRjZWl0ZWYtY2QxZC00MTExLWI3YTQzMjllY2E1MGQ2Nzc5%40thread.v2/0?context=%7b%22id%22%3a%22e5e66f9b-9af2-47a3-8179-53be49b04490%22%2c%22oid%22%3a%22ab8da208-8acf-4315-9651-ae09eb7664b8%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTRjZWl0ZWYtY2QxZC00MTExLWI3YTQzMjllY2E1MGQ2Nzc5%40thread.v2/0?context=%7b%22id%22%3a%22e5e66f9b-9af2-47a3-8179-53be49b04490%22%2c%22oid%22%3a%22ab8da208-8acf-4315-9651-ae09eb7664b8%22%7d)

## 2.0 INSTRUCTIONS TO RESPONDENTS

### 2.1 Required Review of Documentation

Requirement: Respondents shall include a signed copy of the “RFQ Acknowledgement” of this RFQ (page 2) with their proposal submittal which confirms acknowledgement of the RFQ contents.

### 2.2 Completion of RFQ Responses

Each Respondent must (1) submit all attachments, (2) answer all questions, and (3) provide all requested information. Incomplete responses may be subject to rejection.

### 2.3 RFQ Response Submission – Content and Format

The RFQ Response package must include:

- A signed original of page 2 - RFQ acknowledgment
- Attachment One – Prequalification Form
- Attachment Two – Three Signed Reference Verification Forms
- Surety Information per requirement 11
- ATTACHMENT 4 Responsible contractor statement verification form

The proposal format shall be as follows:

- 8.5 X 11 sheets
- Additional materials (i.e. brochures) shall not be included with the RFQ proposal contents.

### 2.4 Quantities and Electronic Submission

Only e-mailed electronic copies will be accepted.

## 2.5 Requests for Clarification and Information

Communications with the Construction Manager regarding this RFQ must be submitted via e-mail to [alan.lesperance@jedunn.com](mailto:alan.lesperance@jedunn.com). All communications must be through the Construction Manager's designated point of contact.

## 2.6 Expenses

Neither the Construction Manager nor the Owner assumes liability for payment of expenses incurred by Respondents in preparing and submitting proposals in response to this RFQ.

## 2.7 Disposition of Responses:

All materials submitted in response to this RFQ will become public record after the evaluation process is completed and a prequalification decision made. If the responder submits information in response to this RFQ that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minn. Stat. § 13.37, the responder must clearly mark all trade secret materials in its response.

Respondent shall defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the CM, Owner, their agents and employees, from any judgments awarded in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the award of a Contract. In submitting a response to the RFQ, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the CM and/or Owner.

## 3.0 THE PREQUALIFICATION PROCESS

### 3.1 Evaluation and Prequalification Process

To prequalify for the bid (RFB) phase of the selection process, your firm must pass all Requirement criteria. RFQ responses will be objectively evaluated using **pass/fail criteria** relating to each firm's ability to deliver the required construction service to the project. These criteria include:

- Experience and Capacity of the Firm/Company
- Experience and Capacity of key personnel
- Successful experience on similar projects
- Availability to and familiarity with the project locale
- Capabilities to perform
- Past performance of the firm and its employees assigned to this project
- Compliance with State and Federal law
- Safety record: Your Experience Modification Rate (EMR) and OSHA record.
- Agreement to meet workforce participation goals (32% - Minority, 20% - Female) and provide all good faith efforts in pursuit of these goal.
- Bonding capacity

## 4.0. CONTRACTING REQUIREMENTS

Detailed Contract obligations and measures of performance will be defined further during the Request for Bid (RFB) phase. The RFQ shall not be construed to limit the JE Dunn's right to enter into a Contract, to reject all proposals, select the best value proposal.

JE Dunn Construction reserves the right to seek clarifications for responders on their RFQ and RFB proposal responses.

Per MN Statute 16C.34, Subd. 3(e): The construction manager shall competitively bid all trade contract work for the project from a list of qualified firms, subject to availability of such qualified firms for the specific work. The list of qualified firms shall be based upon an open, competitive, and objective prequalification process in which the selection criteria includes, in addition to the proposed price, the firm's experience as a constructor or primary designer, including capacity of key personnel, technical competence, capability to perform, the past performance of the firm and its employees, including its safety record and compliance with State and Federal law, availability to and familiarity with the project locale, and other considerations as defined by the construction manager at risk and the commissioner. The criteria shall not impose unnecessary conditions beyond reasonable requirements to ensure maximum participation of qualified contractors:

## **5.0 CONTRACT REGISTRATION**

1.4.4.1 Minn. Stat 181.723 as amended (Minn. Laws, chapter 295) requires Contractors and Subcontractors that provide commercial or residential building construction or improvement services in Minnesota to be registered with the Minnesota Department of Labor and Industry (DLI) by September 15, 2012, unless they are already licensed, certified or registered by the Minnesota Department of Labor and Industry.

- a. Building construction contractors, including independent contractors, subcontractors, and business entities providing public or private sector commercial or residential building construction or improvement services are required to be registered with the Department of Labor and Industry
- b. The registration requirement does not apply to workers and businesses that are already licensed, registered or certified with DLI, nor does it apply to employees.
- c. No fee will be charged for initial registration.
- d. Registration shall be done online and requires information about the business and its owners and officers. This information is critical to enforcement activities of DLI, DEED, and Revenue and is the same information currently required for licensed residential building contractors, electrical contractors, and plumbing contractors.
- e. The law provides for penalties for failure to register, hiring unregistered contractors, misclassifying employees and coercing others to form a business entity. The penalty for failing to register will be forgiven if registration is achieved within 30 days, during the pilot project.
- f. The Building Construction Contractor Registration replaces the Independent Contractor Exemption Certificate program (ICEC).

## **6.0 GOVERNMENT DATA PRACTICES ACT**

The companies and individuals working on this project fall under MN Statute 13 Government Data Practices Act. All the data created, collected, received, stored, used, maintained, or disseminated by the private person or company in performing those functions is subject to the requirements of this chapter and that the private person or company must comply with those requirements as if it were a government entity. The remedies in the statute's section 13.08 apply to the private person or companies under this subdivision.

## **7.0 JOBS REPORTINGS**

All contractors are required to report on jobs created to complete the work on this project. Pursuant to M.S. Sec 16A.633, subd. 4, which was added during the 2012 legislative session, the State Agency is required to report the number of jobs created or retained by the Project. To enable the Contracting Agency to comply with M.S. Sec. 16A.633, subd. 4, **the Contractor must submit job reporting for the Project through Project completion.** Reporting shall be in the format and on the form prescribed by the Owner.

## **8.0 PREVAILING WAGE REQUIREMENTS**

This project will require compliance with Minnesota's Prevailing Wage Laws and will require submittal of payroll reports. The future Request for Bids (RFB) to prequalified contractors will contain the current prevailing wage rates and additional information on the form to use and where to make submittals. The commercial prevailing wage rates on the given date are available on the Department of Labor and Industry website:

[http://workplace.doli.state.mn.us/prevwage/commercial\\_data.php?county=27](http://workplace.doli.state.mn.us/prevwage/commercial_data.php?county=27)

Additionally, the prevailing hours of labor may not be more than eight hours per day or more than 40 hours per week. Pursuant to Minnesota Statutes 177.43, "No laborer or mechanic employed directly on the project work site by the Contractor or any subcontractor, agent or other person doing or contracting to do all or part of the work of the project, is permitted or required to work more hours than the prevailing hours or labor, unless paid for all hours in excess of prevailing hours at a rate of at least 1-1/2 times the hourly rate of pay.

## **9.0 WORKFORCE PARTICIPATION GOALS**

The established workforce participation goals for Hennepin County and the City of Minneapolis for minorities are 32% and 20% for women. Refer to <https://mn.gov/mdhr/certificates/projects-monitored/participation-goals/faqs-2017-revised-goals.jsp> for information. Contractors and subcontractors working on this project are required to participate in meeting these goals.



**ATTACHMENT ONE TO RFQ**  
**PREQUALIFICATION of SUBCONTRACTORS FORM**  
 US Bank Stadium – Secured Perimeter

**SUBCONTRACTOR QUALIFICATION STATEMENT**

**The Subcontractor must submit this form and the Reference Verification Affidavits with their response to this solicitation**

JE Dunn reserves the right to clarify/verify any Qualification Statement and Reference Verification Affidavit information submitted to determine that all qualifications listed below have been met.

**Answer the following questions:**

- Scope of Work (Ref Paragraph 1.1): \_\_\_\_\_
- Subcontractor Legal Name: \_\_\_\_\_
- # of Years in Business \_\_\_\_\_
- Location (city, state) \_\_\_\_\_
- Proposed Project Manager \_\_\_\_\_
- Proposed On-Site Supervisor \_\_\_\_\_
- List at least 3 similar M or K Rated Vehicle Barrier System projects your firm has completed within the last 7 years that meet the subcontract amount listed in Requirement 1.

	<b>Project Name</b>	<b>Subcontract Value</b>	<b>Project Completion Date</b>
1			
2			
3			

**REQUIREMENTS**

1. Requirement - Firm's experience with comparable projects and technical experience: Subcontractor named above has completed at least 3 similar projects in the past 7 years with a subcontract amount of at least \$X. (See Attachment 6 for required project experience value per Scope of Work)

**NOTE:** You must provide 3 Reference Verification Forms that meet the above Requirement #1. See the last page of this RFQ for the Reference Verification Form template.

Company listed above HAS or HAS NOT (circle one) completed at least (3) similar projects with a subcontract value of at least \$X in the past 7 years. (See Attachment 6 for required project experience value per Scope of Work)

2. Requirement - Staff experience, past performance, and capacity of key personnel: Company's designated on-site supervisor is highly experienced and has recently been assigned this role for one of the qualifying comparable projects meeting requirement #1 above within the past 3 years.

My Company's designated on-site superintendent/foreman IS or IS NOT (circle one) highly experienced and HAS or HAS NOT (circle one) recently been assigned this role for one of the qualifying comparable projects listed in Requirement #1 above within the past 3 years. Name the qualifying comparable project that your designated on-site supervisor completed \_\_\_\_\_.

3. Requirement: Company has not been dismissed by any public agency as a prime contractor or subcontractor on any previous projects within the last Seven (7) years.

My Company HAS or HAS NOT (circle one) been dismissed by any public agency as a prime or subcontractor within the last Seven (7) years.

4. Requirement – Safety Program and Record: Company has not had any willful or repeated OSHA citations within the last Three Years.

My Company HAS or HAS NOT (circle one) received willful or repeated OSHA citations within the last Three years.

5. Requirement: Company will provide a written site-specific Safety Plan, Silica Plan (if required), and Quality Control Plan.

My Company WILL or WILL NOT (circle one) provide a site-specific Safety Plan, Silica Plan, and Quality Control Plan.

6. Requirement: Company Experience Modification Rate (EMR) has been under 1.25 over the past 3 years.

My Company's EMR HAS or HAS NOT (circle one) held an EMR under 1.25 over the past 3 year.

2020 EMR: \_\_\_\_\_

2021 EMR: \_\_\_\_\_

2022 EMR: \_\_\_\_\_

7. Requirement: Subcontractor is capable of meeting all work force good goals (32% minority and 20% female) as defined by the Minnesota Department of Human Rights.

A. My Company IS or IS NOT (circle one) capable of meeting all work force goals (32% minority and 20% female).

B. If your company "IS NOT" capable of meeting the work force goals your WILL or WILL NOT (circle one) provide Good Faith Efforts as defined by the State of Minnesota Department of Human Rights. Good Faith Efforts are specific actions a subcontractor takes to improve equal opportunities for minorities and females so that the subcontractor may meet Equal Employment Opportunity (EEO) participation goals.

8. Requirement: - Disciplinary measures and compliance with laws: Subcontractor operates within compliance with State and Federal laws and has not been convicted of violation of State and Federal laws.

My Company HAS or HAS NOT (circle one) been convicted of violation of State and Federal laws.

9. Requirement: Subcontractor is aware that prevailing wage laws apply to this project and will comply with all prevailing wage requirements. (See section 8.0 of this RFQ).

My Company WILL or WILL NOT (circle one) comply with all prevailing wage requirements.

10. Requirement: Company is able to provide payment and performance bonds for the Project for a subcontract amount of \$XXX,XXX (see attached bonding table)

My Company IS or IS NOT (circle one) able to provide payment and performance bonds for the Project for a subcontract amount of \$\_\_\_\_\_ (See attached bonding table and enter associated value here)

11. **Requirement:** Provide the name of your surety or bonding company including contact information. Identify your company's bonding capacity including single limit, total capacity and available capacity.

\_\_\_\_\_  
Surety or Bonding Company Contact Info

\_\_\_\_\_  
Bonding Capacity Single Limit

\_\_\_\_\_  
Total Capacity

\_\_\_\_\_  
Available Capacity

**CERTIFICATION** - By signing this statement, I certify that the information provided above is complete and accurate.

\_\_\_\_\_  
Contractor Company Name

\_\_\_\_\_  
Authorized Signature (authorized to sign and enter into contracts)

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Title

**ATTACHMENT TWO TO RFQ – REFERENCE VERIFICATION FORM**

Please provide completed reference verification forms for Three (3) projects that meet Requirement #1 of this RFQ.

\*\*\*\*\*

**TO BE COMPLETED BY THE PROPOSING SUBCONTRACTOR**

\_\_\_\_\_  
(Client Reference: General Contractor or Owner’s Name)

\_\_\_\_\_  
(Relevant Project Name)

\_\_\_\_\_  
(Subcontractor Company Name)

\*\*\*\*\*

**(Subcontractor to complete this section and verify your Client Reference agrees)**

\_\_\_ YES \_\_\_ NO This subcontractor successfully completed the above project within the last Seven (7) years.

\_\_\_ YES \_\_\_ NO This subcontractor had a subcontract value equal to the project experience value in attachment 6.

\_\_\_ YES \_\_\_ NO The work involved M or K Rated Vehicle Barrier Systems installation.

\_\_\_ YES \_\_\_ NO Owner and General Contractor were satisfied with work.

\*\*\*\*\*

General Contractor or Owner Representative:

Name: \_\_\_\_\_

Telephone # \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

By signing this affidavit the proposing subcontractor certifies that the client representative listed above agrees that all information provided on this form is accurate.

Proposing Subcontractor verification that the above reference is accurate and verifiable:

\_\_\_\_\_  
**Proposing Subcontractor Authorized Signature**

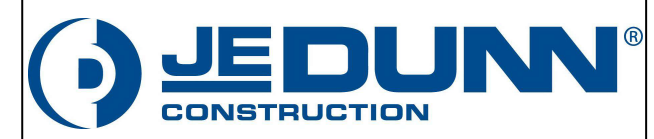
\_\_\_\_\_  
**Date**

#	Activity ID	Actual Start	Actual Finish	Activity Name	Orig Dur	Start	Finish	2023												2024																							
								h 2023			April 2023			May 2023			June 2023			July 2023			August 2023			S			October 2023			N			D			January 2024			F		
								2	19	26	02	09	16	23	30	07	14	21	28	04	11	18	25	02	09	16	23	30	06	13	20	27	03	10	17	24	31	07	14	21	28	04	11
<b>US Bank Stadium Secured Perimeter</b>																																											
<b>Summary</b>																																											
1	A1034			Start Construction - Phase 1: Secured Perimeter	0	14-Jun-23																																					
2	A1044			Construction Duration - Phase 1: Secured Perimeter	114	14-Jun-23	22-Nov-23																																				
3	A1050			Substantial Completion - Phase 1: Secured Perimeter	0		22-Nov-23*																																				
<b>Phase 1: Secured Perimeter</b>																																											
<b>Preconstruction</b>																																											
8	A1410			Construction Document Phase	23	17-Feb-23	21-Mar-23																																				
9	A1420			CM Prepare GMP Proposal	18	17-Feb-23	14-Mar-23																																				
10	A1430			Owner Review/Approval GMP	2	15-Mar-23	16-Mar-23																																				
11	A1610			Permit Review/Approval	30	22-Mar-23	02-May-23																																				
12	A1620			K12 Secured Perimeter Material Pricing	7	22-Mar-23	30-Mar-23																																				
13	A1370			Owner Approval to Order Secured Perimeter Material	3	31-Mar-23	04-Apr-23																																				
14	A1440			Notice to Proceed	0		31-May-23																																				
15	A1640			State Project Budget Approval	0	31-May-23*																																					
<b>Procurement</b>																																											
17	A1450			M50 Cable Barrier	60	05-Apr-23	28-Jun-23																																				
18	A1470			Manual Swing Gates	40	05-Apr-23	31-May-23																																				
19	A1480			Anti-Climb Fencing	55	05-Apr-23	21-Jun-23																																				
20	A1660			Wedge Barriers	55	05-Apr-23	21-Jun-23																																				
21	A1670			Auto Operated Gates	100	05-Apr-23	24-Aug-23																																				
22	A1680			M50 Fixed Bollards	50	05-Apr-23	14-Jun-23																																				
23	A1780			M50 Removable Bollards	60	05-Apr-23	28-Jun-23																																				
24	A1790			Pedestrian Swing Gate	40	05-Apr-23	31-May-23																																				
25	A1460			Access Control Devices	40	31-May-23	26-Jul-23																																				
<b>Construction</b>																																											
27	A1490			Start Construction	0	14-Jun-23																																					
28	A1590			Mobilization	5	14-Jun-23	20-Jun-23																																				
29	A1750			Taylor Swift Concert	0		23-Jun-23*																																				
30	A1910			Ed Sheeran Concert	0		11-Aug-23*																																				
<b>East Elevation</b>																																											
32	A1840			Sidewalk Removal (4th St Bridge to North Admin Gate)	2	26-Jun-23	27-Jun-23																																				
33	A1740			Anti Climb Fencing (4th St Bridge to Admin Lot Gate)	10	28-Jun-23	12-Jul-23																																				
34	A1760			Bollard Installation (4th St Bridge to North Admin Drive)	10	28-Jun-23	12-Jul-23																																				
35	A1530			Anti Climb Fencing (Admin Vehicle Gate to 6th Street)	5	13-Jul-23	19-Jul-23																																				
36	A1770			Wedge Barrier Install (North Admin Entry)	8	13-Jul-23	24-Jul-23																																				
37	A1810			Removable Bollard Install (North Admin Entry)	8	13-Jul-23	24-Jul-23																																				
38	A1820			Pour Sidewalks (4th St Bridge to North Admin Entry)	8	13-Jul-23	24-Jul-23																																				
39	A1830			Bollard Installation (North Admin Drive to 6th Street)	10	13-Jul-23	26-Jul-23																																				
40	A1800			Wedge Barrier Install (South Admin Entry)	8	25-Jul-23	03-Aug-23																																				
41	A1850			Concrete Apron and Sidewalk (North Admin Entry)	4	25-Jul-23	28-Jul-23																																				
42	A1860			Concrete Apron and Sidewalks (South Admin Entry to 6th)	5	04-Aug-23	10-Aug-23																																				
43	A1870			Landscape/Site Restoration	5	11-Aug-23	17-Aug-23																																				
44	A1540			Auto Gate Demo and Reinstall (Admin Lot)	5	25-Aug-23	31-Aug-23																																				
<b>South Elevation</b>																																											
46	A1690			Anti-Climb Fencing (SW Stadium Corner to W Pentair Gate)	8	14-Aug-23	23-Aug-23																																				
47	A1880			West Pentair Wedge Barrier	8	14-Aug-23	23-Aug-23																																				

█ Remaining Level of Effort    █ Remai...  
█ Actual Level of Effort    ◆ ◆ Milesto...  
█ Actual Work  
█ Critical Remaining Work

Run Date: 14-Mar-23

**US BANK STADIUM SECURED PERIMETER**





**MINNESOTA STATE**

**SECTION 00 45 13**

**ATTACHMENT 4**

**RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE**

**PROJECT TITLE: US Bank Stadium Secured Perimeter**

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: <ul style="list-style-type: none"><li>(i) is in compliance with workers' compensation and unemployment insurance requirements;</li><li>(ii) is in compliance with the Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees;</li><li>(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and</li><li>(iv) has filed a certificate of authority to transact business in Minnesota with the Secretary of State if a foreign corporation or cooperative.</li></ul> |
|-----|---|

- |     |  |
|-----|--|
| (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, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity: <ul style="list-style-type: none"><li>(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;</li><li>(ii) has been issued an order to comply by the commissioner of Labor and Industry that has become final;</li><li>(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;</li></ul> |
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	<p>(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;</p> <p>(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</p> <p>(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;*</p>
(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)	<p>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;*</p> <p>* 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.</p>
(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 the 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) and clauses (8) and (9).
(8)	The contractor or related entity has been in business under the current business name or Federal Employer ID number for a minimum of two (2) years prior to the issuance of this Request for Bids.
(9)	The contractor or related entity has not had any willful or repeated OSHA safety citations within the past two (2) years.



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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 Attachments A and A-1 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, see Section 00 43 36 for Attachment A-2, 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 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. 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.

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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 minimum criteria or 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, and**
- 2) if my company is awarded a contract, I will submit Attachment A-1 prior to contract execution, and**
- 3) if my company is awarded a contract, I will also submit Attachment A-2 as required.**

**Authorized Signature of Owner or Officer:**

**Printed Name:**

**Title:**

**Date:**

**Company Name:**

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.

**END OF SECTION**



**JE DUNN CONSTRUCTION**  
800 WASHINGTON AVENUE NORTH, SUITE 600  
MINNEAPOLIS, MN 55401  
TEL 952.830.9000 | FAX 952.830.1365

[www.jedunn.com](http://www.jedunn.com)

## ATTACHMENT 6 – PROJECT EXPERIENCE AND BONDING VALUE TABLE

Scope of Work	Project Experience Value (Requirement 1)	Bonding Capability (Requirement 11)
03C - Concrete	\$ 200,000	\$ 400,000
26A - Electrical	\$ 100,000	\$ 400,000
31A – Earthwork	\$ 250,000	\$ 500,000
32A – Asphalt Paving	\$ 60,000	\$ 80,000
32B - Fencing	\$ 1,000,000	\$ 6,000,000
32C – Landscaping	\$ 100,000	\$ 100,000