

March 13th, 2017

To: Planholders of S.A.P. 042-606-011, 042-608-031, 042-609-034, 042-610-041, 042-610-043, 042-611-033, 042-624-017, FOB, & Paver Laid Patching.

ADDENDUM #1

The Special Provisions have been updated to specify Responsible Contractor forms are required and must be submitted with the bid proposal. The provisions of S-6 and S-11 have been updated. The proper Responsible Contractor forms are provided with the original bid package.

Please remove pages 1-S, 2-S, and 4-S from the proposal and replace them with the amended pages 1-S, 2-S and 4-S provided with this addendum.

Amended proposal sheets may be downloaded from the Lyon County Highway Bid Lettings page at the following web page.

<http://www.lyonco.org/bid-lettings/239-highway-2017-bid-lettings/776-notice-to-contractors-sap42-610-040-and-sap42-610-042>

Please call our office if you have any questions concerning this Addendum.

Sincerely,



Aaron VanMoer, PE
Lyon County Engineer

ADDENDUM #1

**S.A.P. 042-606-011, 042-608-031, 042-609-034, 042-610-041, 042-610-043,
042-611-033, 042-624-017, FOB, & Paver Laid Patching**

CONFIRMATION OF RECEIPT

COMPANY NAME: _____

SIGNATURE: _____

PLEASE FAX TO 507-532-8217

Division S

S-1 **CONTACT INFORMATION**

SP2016-1

Direct questions about these Projects, including pre-bid questions, to Chad Magnussen.

Chad Magnussen
Lyon County Public Works
504 Fairgrounds Road
Marshall, MN 56258
507-532-8204 (office)
chadmagnussen@co.lyon.mn.us

S-2 **MISCELLANEOUS**

The contractor shall submit a complete proposal for all projects.

Base bid projects shall be as follows:

S.A.P. 042-606-011
S.A.P. 042-608-031
S.A.P. 042-609-034
S.A.P. 042-610-041
S.A.P. 042-610-043
S.A.P. 042-624-017
C.P. 17:01

Alternate A project shall be as follows:

S.A.P. 042-611-033

Lyon County reserves the right to exclude items or alternates based on project costs.

S-3 **GOVERNING SPECIFICATIONS**

The Minnesota Department of Transportation "Standard Specifications for Construction", 2016 Edition shall apply on this contract except as modified or altered in the following Special Provisions.

S-4 **COMPLIANCE WITH ZONING ORDINANCE**

All bidders shall familiarize themselves and shall comply with the County's zoning and ordinance for conditional use of land pertaining to gravel and borrow pits.

S-5 **AFFIRMATIVE ACTION RESPONSIBILITIES**

All bidders shall meet with the County's Affirmative Action requirements. If a bidder does not meet the requirements, the County reserves the right not to consider the bid.

S-6 **RESPONSIBLE CONTRACTOR**

REVISED 06/04/15

The Department cannot award a construction contract in excess of \$50,000 unless the Bidder is a "responsible contractor" as defined in Minnesota Statutes §16C.285, subdivision 3. A Bidder submitting a Proposal for this Project must verify that it meets the minimum criteria specified in that statute by submitting the "Responsible Contractor Verification and Certification of Compliance" form. A company owner or officer must sign the "Responsible Contractor Verification and Certification of Compliance" form under oath verifying compliance with each of the minimum criteria. **THE COMPLETED FORMS MUST BE SUMITTED WITH THE BID PROPOSAL.**

A bidder must obtain a verification from each subcontractor it will have a direct contractual relationship with. At the Department's request, a bidder must submit signed subcontractor verifications. A contractor or subcontractor must obtain an annual verification from each motor carrier it has a direct contractual relationship with. A motor carrier must give immediate written notice if it no longer meets the minimum responsible contractor criteria. The requirement for subcontractor verifications does not apply to:

- Design professionals licensed under Minnesota Statutes §326.06; and
- A business or person that supplies materials, equipment, or supplies to a subcontractor on the Project, including performing delivering and unloading services in connection with the supply of materials, equipment, and supplies. But, a business or person must submit a verification if it delivers mineral aggregate such as sand, gravel, or stone that will be incorporated into the Work by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

A bidder or subcontractor who does not meet the minimum criteria specified in the statute, or who fails to verify compliance with the criteria, is not a "responsible contractor" and is ineligible to be awarded the Contract for this Project or to work on this Project. Submitting a false verification makes the bidder or subcontractor ineligible to be awarded a construction contract for this Project. Additionally, submitting a false statement may lead to contract termination. If only one bidder submits a bid, the Department may, but is not required to, award a contract even if that bidder does not meet the minimum criteria.

S-7 COMPLIANCE WITH TAX LAW REQUIREMENTS

SP2016-6

The Department cannot make final payment to the Contractor until the Contractor demonstrates that it and all its subcontractors have complied with the Income Tax withholding requirements of Minnesota Statutes, section 290.92 for wages paid for work performed under the contract. To establish compliance, the Contractor must submit a "Contractor Affidavit" either online or in paper form (IC134) to the Minnesota Department of Revenue. The contractor will receive written certification of compliance when the Department of Revenue determines that all withholding tax returns have been filed and all withholding taxes attributable to the work performed on the contract have been paid. The Contractor must then provide this written certification to the Department to receive final payment.

Every subcontractor working on the Project must submit an approved "Contractor Affidavit" from the Minnesota Department of Revenue to the Contractor before the Contractor can file its own Contractor Affidavit. **The Contractor is advised to obtain the certification from each subcontractor as soon as the subcontractor completes work on the Project. Experience has shown that waiting until the project is complete to obtain the forms from all subcontractors is likely to result in significant additional work for the Contractor as it will be difficult or impossible to collect all forms.**

The Department of Revenue, in association with the Department of Employment and Economic Development, offers a free seminar to help contractors understand tax law requirements. The Department strongly urges the Contractor and all subcontractors to attend the "Employment Taxes & Employer Responsibilities Seminar" or similarly offered classes. You can find a schedule and more information on the Department's website at: www.revenue.state.mn.us/businesses/withholding/Pages/EducationandOutreach.aspx.

Complying with this requirement is considered part of the Work under this contract. The Department will enforce this requirement equally with all other Contract requirements. Contractor delay in complying with this requirement will cause the Department to delay final payment and Contract Acceptance. The Department may also report non-compliance to the Department of Revenue, which may result in enforcement action by the Department of Revenue.

The Bidder shall return paper copies of the following with the submitted Proposal:

- (1) Proposal title sheet;
- (2) The complete "Schedule of Prices," with all changes made in ink and initialed;
- (3) Form 21126D, "Proposal Signature Page" attached to the back of the Proposal, with signatures and all Addenda acknowledged;
- (4) Form CM 32-34, "EEO Clause;"
- (5) Non-collusion affidavit; and
- (6) Responsible Contractor Forms
- (7) Any other forms included in the Proposal Package.

If the Department receives a Proposal after the date and time for opening Proposals, the Department will return the Proposal to the Bidder unopened.

S-12 **(1210) REVISION OF PROPOSAL PACKAGE OR WITHDRAWAL OF PROPOSALS**

The provisions of MnDOT 1210 are deleted and replaced with the following:

When submitting a Proposal in accordance with 1206.2, "Allowable Substitutions," of these Special Provisions, the Bidder may revise or withdraw its Proposal after delivery to the Department if the Department receives the Bidder's written request for withdrawal or revision before the date and time for opening Proposals.

The Department reserves the right to revise the Proposal Package at any time before the date and time for opening Proposals. The Department will issue a numbered and dated Addendum for any revision of the Proposal Package. The Department will post each Addendum as announced in an e-mail or other method of notification to each Bidder on the Department's list of Bidders.

The Department will include each Addendum with all Proposal Forms issued to the Bidder after the date of the Addendum.

If revisions made by an Addendum require change to Proposals or reconsideration by the Bidder, the Department may postpone opening Proposals. If the Department postpones opening Proposals, the Department will specify the new date and time for opening Proposals in the Addendum.

The Bidder shall acknowledge receipt of each Addendum in the proposal.

S-13 **(1212) OPENING OF PROPOSALS**

The provisions of MnDOT 1212 are modified with the following:

S-13.1 MnDOT 1212 is hereby deleted from the MnDOT Standard Specifications and replaced with the following:

1212 OPENING OF PROPOSALS

The Department will open Proposals at the time, date, and place defined in the Proposal Package and the Advertisement for Bids.

S-14 **(1505) COOPERATION BY CONTRACTORS**

SP2016-19

The provisions of MnDOT 1505 are supplemented as follows:

S-14.1 A separate contract for S.A.P. 042-610-038 is currently in progress near this Project.

S-14.2 The Contractor shall coordinate work and cooperate with the holders of those current and future separate contracts, as required by MnDOT 1505.

S-15 **(1507) UTILITY PROPERTY AND SERVICE**

SP2016-21