

General Info
Alt Total: \$788,428.00
Total:
\$1,064,739.00

Number	Description
25-99008	Wade Stadium Improvements
Deadline	Allows zero unit prices and labor
01/09/2025 02:00 PM CST	No
Vendor	Allows negative unit prices and labor
Johnson Wilson Constructors, Inc.	No
Submitted	
01/09/2025 01:47 PM CST	
Signed by	
Shane R. Johnson Account Holder Nancy Delaney	
Opened	
01/09/2025 02:03 PM CST By mwolf@duluthmn.gov	

Project Information

PROJECT LOCATION: Wade Stadium 101 N 35th Ave W, Duluth, MN 55807

PROJECT DESCRIPTION: General construction for the repairs and improvements to Wade Stadium. All interested bidders are encouraged to attend and should meet in the parking lot.

PRE-BID MEETING: A pre-Bid meeting will be held at 2:00 PM on Monday, December 16, 2024 at Wade Stadium.

EXPECTED COMPLETION DATE OF INSIDE WORK: May 31, 2025

EXPECTED COMPLETION DATE OF OUTSIDE WORK: August 31,2025

Pursuant to Minnesota Statutes 177.41 to 177.44 and corresponding Minnesota Rules 5200.1000 to 5200.1120, this 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.

Electronic bids will be received until 2:00 PM central time on the date listed above. **All bids must be submitted electronically**

through Bid Express. E-MAIL BIDS WILL NOT BE ACCEPTED. The City Purchasing Agent or her designee will conduct a virtual public bid opening immediately after the deadline for receiving bids. Bidders may view the opening by going to the Purchasing web page (<https://www.duluthmn.gov/bids-request-for-proposals/>) and selecting the appropriate link.

Bid Surety: Bid surety in the amount of 5% of the total bid payable to the City of Duluth must be submitted with each bid. Bid surety may be submitted through the Bid Express solicitation or emailed to purchasing@duluthmn.gov or; paper copies may be mailed or dropped off at City Hall, 411 W. 1st Street, Room 120, Duluth, MN 55802. If bid bonds are emailed, bidders should be aware that the City’s spam filter may prevent receipt of the email. It is the bidder’s responsibility to submit the bid bonds early and verify emailed bid bonds have been received by Purchasing. Regardless of the method of submission, bid surety must be received by Purchasing prior to the bid opening.

The City of Duluth reserves the right to reject any or all bids, split the award or waive informalities, irregularities or minor deviations from the specifications, if deemed to be in the best interests of the City. Price may not be the only consideration for bid award. Bids must be firm for a minimum of 60 days.

Note: Bid rigging is a serious crime. If you have any information concerning collusive bidding, even a request to submit a complementary bid, please call the Minnesota Attorney General's Office at (651) 296-1796.

☒ **By submitting this bid, I acknowledge that all documents are being signed with my electronic signature, and as such agree to conduct this transaction through electronic means and to be bound hereby. I also acknowledge that I may be required to sign paper versions of the required documents to complete the contract package if I am the awarded contractor.**

*

Acknowledgement of Addenda

☒ **I acknowledge that I have reviewed Addendum 1, issued 12/10/2024 and Addendum 2, issued 12/19/2024.**

*

Plans, Specifications, and Special Provisions

Bid Package 25-99008 (14.5 MB)

Addendum 1 25-99008 (613 KB)
Issued 12/10/2024

Addendum 2 25-99008 (3.17 MB)
Issued 12/19/2024

Notice to Bidders

Bid Bond

Bond Percentage

5.00%

Guarantee Method *

Paper Bid Bond or Cashier's
Check

Paper Bid Bond or Cashier's Check

☒ I have emailed a copy of my 5% bid bond, or provided an original paper copy of my 5% bid bond or cashier's check in an amount equal to 5% of my total bid, to the City of Duluth prior to the date and time of the bid opening.

*

Declaration of Non-Collusion

I hereby swear (or affirm) under penalty of perjury:

- 1) That I am the bidder (if the bidder is an individual), a partner in the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation);
- 2) That the attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor of materials, supplies, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;
- 3) That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids and will not be communicated to any such person prior to the official opening of the bid or bids;

4) That a family relationship between a City of Duluth employee and bidder/proposer are in non-collusion; and

5) That I have fully informed myself regarding the accuracy of the statements made in this declaration.

☒ I agree that my Info Tech Digital Signature applies as my legal binding signature for the Declaration of Non-Collusion.

*

Firm Name: *

Johnson Wilson Constructor, Inc.

Bidder's Federal Identification Number:

41-1730171

Equal Employment Opportunity (EEO) Affirmative Action Policy Statement and Compliance Certification

It is the policy of the Contractor to afford equal opportunity for employment to all individuals. Except when based on a bona fide occupational qualification, Contractor shall not refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; discharge an employee; or discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age.

Unless exempted by law and regulation, Contractor shall make available and file those reports related to equal opportunity as may be required by the City of Duluth, State and/or Federal compliance agencies. Requirements and Reports are defined in Minnesota Statute 363A.08 and 41 CFR 60.

Contractor certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained.

Unless exempted by regulation and law, Contractors with 50 or more employees and current contracts with the City of Duluth valued in excess of \$50,000 shall prepare and maintain a written affirmative action compliance program that meets the requirement as set forth in 41CFR60.

Contractor certifies that it is not currently in receipt of any outstanding letters of deficiencies, show cause, probable cause, or other such notification of non-compliance with EEO Laws and Regulations.

For construction projects, it shall be the goal of the Contractor that no less than 3% of the on-site workforce will be minority employees and that no less than 7% of the on-site workforce will be female employees. In addition, it shall be the goal of the Contractor in all on-site employment generated that no less than 3% of the work hours generated shall be worked by minority employees and that no less than 7% of the work hours generated shall be worked by female employees.

Contractor agrees to require all subcontractors receiving over \$2,500, regardless of tier and unless exempted by law and regulation, to execute an Equal Employment Opportunity and Affirmative Action Compliance Statement similar in nature to this Statement and Certification and to maintain these statements on file with the Contractor or subcontractor as may be appropriate.

☒ I agree that the above statements are true and my Info Tech Digital Signature applies as my legal binding signature for the EEO Affirmative Action Policy Statement and Compliance Certification.

*

Responsible Contractor Verification and Certification of Compliance

This electronic form includes changes by statutory references from the Laws of Minnesota 2015, chapter 64, sections 1-9. This form must be completed with the response to this solicitation. Bids submitted without the required Responsible Contractor Certification will be rejected.

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:
- (i) is in compliance with workers' compensation and unemployment insurance requirements;
 - (ii) is in compliance with Department of Revenue and 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 the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.03, 181.13, 181.14, 181.101 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:

(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;*

(vii) has been convicted of a violation of section 609.52, subd 2 (19).

(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;*

* 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.

(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; 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).

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 its 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 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 of 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 after submitting its annual verification. A motor carrier shall be ineligible to perform work on a project covered by this section if it does not meet all 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.

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 required minimum criteria or makes 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,
2. I have included Attachment A-1 with my company's solicitation response, and
3. If my company is awarded a contract, I will also submit Attachment A-2 as required.

☒ **Apply Info Tech Digital Signature of the Authorized Signature of Owner or Officer**

*

Printed Name: *

Shane R. Johnson

Company Name: *

Johnson Wilson Constructors, Inc.

Title: *

President

Date: *

01/09/2025

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.

ATTACHMENT A-1 FIRST-TIER SUBCONTRACTORS LIST

FIRST-TIER SUBCONTRACTORS LIST

SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT

Minn. Stat. § 16C.285, Subd. 5. 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.

FIRST TIER SUBCONTRACTOR NAMES (select "+" to add fields, enter "None" if no subcontractors)
Legal name of company (as-registered with the Secretary of State) *
Bedrock Flint Inc.
Name of the city where company home office is located
Duluth, MN

FIRST TIER SUBCONTRACTOR NAMES (select "+" to add fields, enter "None" if no subcontractors) 1
Legal name of company (as-registered with the Secretary of State) *
M&J, LLC
Name of the city where company home office is located
Duluth, MN

FIRST TIER SUBCONTRACTOR NAMES (select "+" to add fields, enter "None" if no subcontractors) 2
Legal name of company (as-registered with the Secretary of State) *
Home Menders, Inc.
Name of the city where company home office is located
Hermantown, MN

FIRST TIER SUBCONTRACTOR NAMES (select "+" to add fields, enter "None" if no subcontractors) 3

Legal name of company (as registered with the Secretary of State) *

Sell Hardware

Name of the city where company home office is located

Duluth, MN

SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1

By signing this document I certify that I am an owner or officer of the company, and I swear under oath that:

All first-tier subcontractors listed on attachment A-1 have verified through a signed statement under oath by an owner or officer that they meet the minimum criteria to be a responsible contractor as defined in Minn. Stat. § 16C.285.

Typed Name (Authorized Representative) *

Shane R. Johnson

Title: *

President

Date: *

01/09/2025

Company Name: *

Johnson Wilson
Constructors, Inc.

Base Bid - Please see Document 00 43 22 in the bid package for details.

\$276,311.00

Item Code	Description	Quantity	Units	Unit Price	Extension
Alternates are not included in bid total.					
Base Bid 1	Structural Repairs	1	Lump Sum	\$275,511.00	\$275,511.00
Unit Price 1	Additional Brick Repointing	1	25' Section	\$800.00	\$800.00
					Total: \$276,311.00

Item Code	Description	Quantity	Units	Unit Price	Extension
Alternate: Owner-agency may award independently from entire bid.					
Alt 1	Main Entry Brick Work, Door Replacement and Upper masonry Openings	1	Lump Sum	\$436,896.00	\$436,896.00
Alt 2	First and Third Baseline Brick Work, Upper Portion of Wall	1	Lump Sum	\$208,306.00	\$208,306.00
Alt 3	Lower Masonry openings, Third Baseline Wall Only	1	Lump Sum	\$36,990.00	\$36,990.00
Alt 4	Third Baseline Brick Work, Lower Portion of Wall	1	Lump Sum	\$106,236.00	\$106,236.00
				Alternate Total: \$788,428.00 Total: \$788,428.00	

Standard City Contracting Forms (to be executed by the awarded bidder)

Construction Contract Please review Insurance Requirements in Section 8
Project Labor Agreement (PLA) Only applicable for projects \$150,000 or more.
Performance Bond Form
Payment Bond Form
Community Benefits Best Efforts Fillable Planning Template Applicable if PLA is used. Awarded contractor to submit to CommunityBenefits@DuluthMN.gov within 3 days of award notice.
Additional Information on Community Benefits Program This link directs you to the City's Purchasing Forms web page.
Community Benefits Program Specifications

Contractor Affidavit (IC-134)
Required prior to final project payment.

Exemption from Surety Deposits for Non-Minnesota Contractors
Out of state contractors only.

Envelope

The information supplied in this component will be available to the owner-agency immediately after the bid deadline, but before the bid is opened.

Company Name (as registered with the MN Department of State) *

Johnson-Wilson Constructors, Inc.

Company Address *

4431 West Michigan Street

City *

Duluth

State *

MN

Zip Code *

55807

Name of Primary Contact *

Shane R. Johnson

Phone Number of Primary Contact * E-mail Address *

(218) 628-0202

sjohnson@johnsonwilson.com