


# Memorandum

**To:** Doug Hasler  
School Board Members

**From:** Dave Spooner 

**Date:** May 25, 2017

**Re:** BID #1259 – Stowe Elementary Playground Improvements

The above bid was advertised according to statute and School Board Policy. Four (4) bids were received in response to the School District's notice for bids for the Stowe Elementary Playground Improvement Project. The attached Bid Tab and recommendation letter reflect the bids received related to the scope of work.

To achieve the most cost effective price, this project to renovate the playground at Stowe contains both work that was bid, along with direct purchase of play equipment and installation off of the state contract. The combination of the two procurement methods will result in a project sum of \$445,737.

## Recommendation:

It is recommended that the Duluth School Board approve entering into an agreement with A Plus Landscaping, LLC, as listed on the recommendation letter based on their low responsible base bid of \$286,861, plus add alternate 1 for the sum of \$23,900, for a total of \$310,761 as provided in response to BID #1259 – Stowe Elementary Playground Improvements. Included in this recommendation is that the School Board Chair be authorized to sign contract documents reflecting the terms of this agreement.

Enclosures



11 East Superior Street, Suite 420  
Duluth, MN 55802  
218.724.8578  
tkda.com

May 25, 2017

David Spooner  
Facilities Manager  
Independent School District 709  
215 N 1st Ave E  
Duluth, MN 55802

Re: Stowe Elementary Playground Improvements

TKDA Project No. 16412.000

Dear Mr. Spooner:

Based on the bids received Tuesday, May 23, 2017 for the above referenced project TKDA recommends that the award of the Base Bid and Add Alternate #1 be made to the low bidder A Plus Landscaping, LLC for their low bid as detailed on the attached Bid Tabulation Form.

Included with this award recommendation is an additional recommendation for Flagship Contracting to furnish and install playground equipment under state contract number 119795 in the amount of \$134,975.79.

If you have any question or concerns, please contact me at your convenience. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Loye'.

Jon Loye

218.491.7387  
[jon.loye@tkda.com](mailto:jon.loye@tkda.com)

Attachments:  
Bid Tabulation

**Stowe Elementary Playground Improvements**

**Project #1259**

**Duluth Public Schools, ISD 709 Duluth, MN**

**BID TABULATION FORM, bid opening 5.23.2017, 2:00p.m.**

<b>Bidder</b>	<b>Base Bid</b>	<b>Bid Bond Present</b>	<b>Alternate No. 1 acknowledgement</b>	<b>Alternate No. 1</b>	<b>Unit Price No. 1</b>	<b>Unit Price No. 2</b>	<b>Unit Price No. 3</b>	<b>Unit Price No. 4</b>	<b>Unit Price No. 5</b>	<b>Unit Price No. 6</b>
<b>A Plus Landscaping</b>	\$ 286,861.00	x	x	\$ 23,900.00	\$ 12.00	\$ 22.00	\$ 35.00	\$ 35.00	\$ 10.00	\$ 10.00
<b>KTM</b>	\$ 451,424.07	x	x	\$ 44,874.70	\$ 15.01	\$ 26.59	\$ 38.37	\$ 53.58	\$ 7.11	\$ 15.36
<b>New Look Contracting</b>	\$ 342,500.00	x	x	\$ 34,150.00	\$ 35.00	\$ 65.00	\$ 65.00	\$ 65.00	\$ 8.50	\$ 11.00
<b>Sinnott Paving</b>	\$ 300,000.00	x	x	\$ 62,000.00	\$ 20.00	\$ 27.00	\$ 32.00	\$ 45.00	\$ 8.50	\$ 12.00

DOCUMENT 00 41 13

BID FORM

To: Independent School District 709  
215 North 1<sup>st</sup> Ave East  
Duluth, MN 55802

Project: Stowe Elementary Playground Improvements  
715 101st Ave W, Duluth, MN 55808  
Bid Number # 1259

Date: 5-23-17

Submitted by:

A Plus Landscaping, LLC.  
(full name)

6150 Old Miller Tract Hwy.  
(address 1)

Saginaw, MN. 55779  
(city) (state) (zip)

218-729-9079, 218-428-3050  
(telephone number)

218-585-6127  
(fax number)

aplus.ib@gmail.com  
(e-mail address)

1. BID

The undersigned, having carefully examined the site, locale, all conditions affecting the cost of the work, the Drawings, the Project Manual, and Addenda (if any); referred to herein collectively as the Contract Documents; hereby affirms and agrees to furnish all labor, materials, equipment, and other items of expense necessary to perform and complete the entire work in accordance with the Contract Documents for the following:

All labor, materials, services, and equipment necessary for completion of the Work shown on the Drawings and stated in the Project Manual for the sum of:

two hundred eighty six thousand eight hundred sixty one Dollars 00/100  
(Written Amount)

(\$ 286,861.00 )

2. ADD ALTERNATE

In addition to the base bid, bidders are required to bid on the add alternate. The owner has the sole discretion to accept the add alternate. All labor, materials, services, and equipment necessary for the completion of removal of existing playground equipment and fall protection removal (rubber mulch) as shown on the drawings and stated in the Project Manual for the sum of:

twenty three thousand nine hundred & no/100 Dollars  
(Written Amount)

(\$ 23,900.00 )

3. UNIT PRICES

Unit Price #1 \$ 12.00 /Cubic yard

Unit Price #2 \$ 22.00 /Cubic yard

Unit Price #3 \$ 35.00 /Cubic yard

Unit Price #4 \$ 35.00 /Cubic yard

Unit Price #5 \$ 10.00 /Square foot

Unit Price #6 \$ 10.00 /Square yard

4. ADDENDA

The following Addenda to the Contract Documents are acknowledged:

Addenda 1 Dated 5-18-17 Addenda \_\_\_\_\_ Dated \_\_\_\_\_  
Addenda \_\_\_\_\_ Dated \_\_\_\_\_ Addenda \_\_\_\_\_ Dated \_\_\_\_\_  
Addenda \_\_\_\_\_ Dated \_\_\_\_\_ Addenda \_\_\_\_\_ Dated \_\_\_\_\_

5. COMPLETION TIME

If this Bid is accepted, we shall complete the Work as stated in Document 01 10 00 – Summary of Work, Sections 1.06 - Schedule.

6. WITHDRAWAL OF BID

Bidders acknowledge that bids submitted shall be effective and may not be withdrawn for a period of sixty (60) days following the date of the bid opening. If written notice of acceptance of this bid is mailed, telegraphed, or delivered to the undersigned within sixty (60) days after the opening thereof, or at any time hereafter before this bid is withdrawn, the undersigned agrees to execute and deliver a contract in the prescribed form and furnish the required bond within ten (10) days after the Notice of Award of Contract is awarded to him for signature.

7. BID FORM SIGNATURES

Bidder A Plus Landscaping, LLC

Address 6150 Old Miller Trunk Hwy.  
Saginaw, MI. 55779

By [Signature]  
(Signature of Person authorized to sign Bid)

Title President

8. BID SUBMISSION CHECKLIST

This checklist is provided to assist Bidders in ensuring that the bid submittal is complete.

<u>SEALED BID ENCLOSURES:</u>	<u>INCLUDED:</u> (check off)
Document 00 41 13 - Bid Form .....	_____
Document 00 43 13 - Bid Bond .....	_____
Document 00 45 19 - Bidder's Affidavit Of Non-Collusion.....	_____
Certificate of Insurance.....	_____

END OF DOCUMENT

## RESPONSIBLE CONTRACTOR CERTIFICATE

Applies to all prime contracts in excess of \$50,000.00

A responsible contractor is defined in Minnesota Statutes §16C.285, subdivision 3.

Any prime contractor or subcontractor who does not meet the minimum criteria under Minnesota Statute §16C.285, subdivision 3, or who fails to verify that it meets those criteria, is not a responsible contractor and is not eligible to be awarded a construction contract for the project or to perform work on the project.

A false statement under oath verifying compliance with any of the minimum criteria shall render the prime contractor or subcontractor that makes the false statement ineligible to be awarded a construction contract for the project and may result in termination of a contract awarded to a prime contractor or subcontractor that makes a false statement.

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.

By signing this statement, I, Tabatha Beier,  
(type or print name)

President certify that I am an owner or officer of the company  
(title)

and do verify under oath that my company is in compliance with each of the minimum criteria listed in the law.

A Plus Landscaping, LLC

(name of the person, partnership, or corporation submitting this proposal)

6150 Old Miller Trunk Hwy, Saginaw, MN 55779

(business address)

Signed:

Tabatha Beier

(bidder or authorized representative)

Date:

5-23-17

## ATTACHMENT A

### RESPONSIBLE CONTRACTOR AND CERTIFICATION OF COMPLIANCE

Minn. Stat. §16.285, Subd. 7, **IMPLEMENTATION.** any prime contractor or subcontractor that does not meet the minimum criteria in subdivision 3 or fails to verify 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. §16.285, 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:
  - a. is in compliance with workers' compensation and unemployment insurance requirements;
  - b. is currently registered with the Department of Revenue and the Department of Employment and Economic Development if it has employees;
  - c. has a valid federal tax identification number or a valid Social Security number if an individual; and
  - d. has filed a certificate of authority to transact business in Minnesota with the secretary of state if a foreign corporation or cooperative.
  - e.
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:
  - a. 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;
  - b. has been issued an order to comply by the commissioner of labor and industry that has become final;
  - c. 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;
  - d. 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;
  - e. 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
  - f. 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.
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; and
7. All subcontractors 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. 1§16.285, 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.

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.

Minn.Stat. §16.285, 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 at the time that it responds to the solicitation document.

A contracting authority may accept a sworn statement 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. Failure to verify compliance with any one of the minimum criteria or a false statement under oath in a verification of compliance shall render the prime contractor or subcontractor that makes the false statement 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 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.

**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. §16.285,
- 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.

Authorized Signature of Owner or Officer: <i>Tabatha Boier</i>	Printed Name: <i>Tabatha Boier</i>
Title: <i>President</i>	Date: <i>5-23-17</i>
Company Name: <i>A Plus Landscaping, LLC</i>	

**ATTACHMENT A-1**

**FIRST-TIER SUBCONTRACTOR LIST**  
*(Submit with Prime Contractor Response)*

**Minn. Stat. §16.285, 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.

First-Tier Subcontractor Names (Legal name of company as registered with the Secretary of State)	Name of city where company home office is located
JMF Construction, INC	Duluth, MN
Benson Electric Company	Superior, WI
Century Fence Company	Forest Lake, MN
Asphalt of Duluth	Hermanus, MN
EPC Engineering & Testing	Duluth, MN