

NOVEMBER 29<sup>TH</sup>, 2023

Kain Smith  
Director of Building & Grounds  
ISD 656 Faribault School District  
710<sup>th</sup> 17<sup>th</sup> Street SW  
Faribault, MN 55021  
ksmith@faribault.k12.mn.us



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**RE: Letter of Recommendation**

Kain,

On November 28th 2023, Bids were received for the Faribault Public Schools High School and Lincoln Elementary HVAC Renovation. A total of (5) bids were received. The combined bids ranged from \$4,668,100 to \$4,218,000, refer to the attached bid tabulation form.

Ebert Construction proposed the lowest Contract Sum of the submitted bids. Due to a clinical error by Ebert, Ebert Construction has requested to withdraw their bid (see request attached).

Brennan Companies had the next lowest Contract Sum of the submitted bids. Brennan Companies combined bid amount was \$4,218,000, inclusive of alternates 1 and 2 (replacement of all existing control valves and actuators throughout the buildings and tie into the BAS system).

On Tuesday November 28<sup>th</sup>, 2023, ISG completed a bid qualification process with Kaz Hultgren of Brennan Companies. Based on that qualification process, Brennan Companies has indicated that they understand the project schedule requirements and project scope.

Based on this qualification process, it is our understanding that they comprehend the project schedule, scope, and that their bid is reflective of the bid specifications and drawings.

Therefore, we recommend approval of Brennan Companies bid for the total amount of \$4,218,000.

Sincerely,

A handwritten signature in black ink, reading "Justin Steffl". The signature is written in a cursive, flowing style.

**Justin Steffl,**  
Senior Project Manager  
[Justin.Steffl@ISGInc.com](mailto:Justin.Steffl@ISGInc.com)

# Bid Tabulation

## High School and Lincoln Elementary School HVAC Renovation

### Faribault, MN



Project Number: 23-29806-7

Bid Letting Time & Date: 11:00 a.m. - Tuesday, November 28, 2023

Bid Letting Location: District Office - 710 17th Street SW, Faribault, MN

Contractor	Bid Bond	Add #1-#3	Base Bid	Alternate #1	Alternate #2	Combined Total
Ebert Construction	X	X	\$ 3,374,000.00	\$ 287,000.00	\$100,500.00	BID WITHDRAWN
Met-Con	X	X	\$ 3,795,300.00	\$ 638,400.00	\$234,400.00	\$4,668,100.00
Brennan Companies	X	X	\$ 3,369,000.00	\$ 623,000.00	\$226,000.00	\$4,218,000.00
RW Carlstrom	X	X	\$ 3,482,000.00	\$ 634,000.00	\$231,000.00	\$4,347,000.00
Joseph Company	X	X	\$ 3,373,000.00	\$ 630,000.00	\$232,000.00	\$4,235,000.00

11/28/2023

Justin Steffl  
ISG  
115 East Hickory Street, Suite 300  
Mankato, Minnesota 56001

Subject: Request to withdraw bid for Faribault High School & Elementary School

Mr. Justin Steffl,

This letter is in reference to Ebert Construction's bid on Nov 28, 2023, for the Faribault High School & Elementary School project. At this time, Ebert is requesting to withdraw our bid due to a clerical error on alternate #1 and alternate #2 that was discovered immediately after reviewing the accuracy of the bid. We apologize for the discovery and hope Faribault School District can understand this unfortunate mistake.

Please contact me with any additional questions. Again, we apologize for this situation and we wish you the best on the project.

Thank you,



Markus Ebert  
Vice President-Ebert Construction.

**SECTION 00 4114  
PRIME CONTRACTOR RESPONSE  
RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE**

**PROJECT TITLE: FARIBAULT PUBLIC SCHOOLS HIGH SCHOOL AND LINCOLN ELEMENTARY  
SCHOOL HVAC RENOVATION**

**This form includes changes by statutory references from the Laws of Minnesota 2015, chapter 64, sections 1-9. This form must be submitted with the response to this solicitation. A response received without this form, 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:
  - a. is in compliance with workers' compensation and unemployment insurance requirements;
  - b. is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements 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.
  
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, 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;
  - 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;
  - a. 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 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).

Minn. Stat. 1§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 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, 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:**

  
\_\_\_\_\_ Joe Brennan

**Title:** Vice President

**Date:** Nov. 28, 2023

**Company Name:** Brennan Construction of MN, Inc.





**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. §16C.285**

**Authorized Signature of Owner or Officer:**

**Printed Name:**

 \_\_\_\_\_ Joe Brennan

**Title:** Vice President

**Date:** Nov. 28, 2023

**Company Name:** Brennan Construction of MN, Inc.