



Terra Construction

Subcontractor Request for Qualification

Alexandria Technical and Community College (ATCC)

Transportation Center Project



REQUEST FOR QUALIFICATIONS (RFQ) FOR SUBCONTRACTOR PREQUALIFICATION

Project Title:

ATCC-23 Student Services and Transportation Center

Project Location:

Alexandria Technical and Community College
1601 Jefferson Street
Alexandria, MN 56308

Owner:

Alexandria Technical Community College (ATCC)

Architect:

LHB
701 Washington Ave N, Suite 200
Minneapolis, MN 55401

Construction Manager (CM):

Terra Construction
21025 Commerce Blvd., Suite 1000
Rogers, MN 55374

RFQ Issue Date:

7/29/2026

RFQ Response Deadline:

8/20/2026 – 2:00pm

Delivery of Responses:

All responses must be submitted electronically via email to **Dalton Hauer** with Terra Construction: **dhauer@terragc.com**

INTRODUCTION

Terra Construction is soliciting qualifications from interested subcontractors for prequalification to re-bid on Bid Category #07L for the **ATCC-23 Student Services and Transportation Center Project** under the Construction Manager at Risk (CM@R) delivery method for Minnesota State Colleges and Universities.

This RFQ is issued by **Terra Construction** (“CM”), who has been selected to manage the project on behalf of the Owner. The purpose of this RFQ is to establish a list of qualified subcontractors eligible to participate in subsequent Requests for Bids (RFBs) for construction trade work.

PROJECT DESCRIPTION

General Overview

- **Project Type:** New Construction
- **Project Description:** The college’s major objective is to improve programmatic synergies for high-demand, signature transportation programs by constructing a new facility for a total program footprint of 43,000 GSF. The Transportation Center will co-locate the Professional Truck Driver and Diesel Technician programs and provide high-bay academic instructional programming facilities. The project is required to follow Version 3.2r01 of the State of Minnesota Sustainable Building Guidelines (B3 Guidelines). Subcontractors will be asked to follow Terra’s waste management plan and goals for onsite recycling, as well as potentially provide additional sustainability documentation related to materials used on the project.
- **Estimated Construction Budget:** \$20M
- **Anticipated Construction Start:** Spring 2026
- **Anticipated Substantial Completion:** Summer 2027
- **Delivery Method:** Construction Manager at Risk (AIA A133-2009 and AIA A201-2017)

WORK SCOPES

Subcontractor work scopes are grouped by trade divisions and may be combined where appropriate without limiting participation.

RFQ TIMELINE

Milestone	Date
Sub RFQ and Roofing Re-Bid Documents Issued	7/29/2026

Milestone	Date
Sub RFQ and Bid Due	8/20/2026 – 2:00pm
Notification of Low Bid	8/21/2026
Submittals Due to Terra by Selected Contractor	9/3/2026
Roofing Preinstall Meeting	9/24/2026
Roof Related Carpentry and Roofing Begin Onsite	10/5/2026

SELECTION CRITERIA

*Prequalification will be based on the following objective criteria per **Minnesota Statute 16C.34, subd. 3(e)**:*

- **Experience:**
 - *Firm's experience and technical competence in similar projects.*
 - *Capacity and qualifications of key personnel.*
- **Past Performance:**
 - *Previous project performance, including schedule adherence, quality, safety record (EMR, OSHA logs), and compliance with state and federal laws.*
- **Capability to Perform:**
 - *Current workload and capacity to meet schedule.*
 - *Financial stability and bonding capability.*
- **Availability and Familiarity:**
 - *Proximity to the project site and familiarity with regional requirements and conditions.*
- **Compliance and Responsibility:**
 - *Responsible Contractor Verification and Certification of Compliance (Attachment A).*
- **TGB Evaluation:**
 - *Terra Construction & Minnesota State is committed to participation of TGB groups. Minnesota State's Preference and Veteran-Owned Preference will be included at bidding.*
 - *All subcontractors are to make a good faith effort to achieve workforce percentage goals. Monthly workforce reporting will be required.*
- **Additional CM-Defined Criteria:**
 - *Subcontractor must actively participate in Last Planner System® pull planning sessions to support schedule reliability and workflow coordination.*
 - *Subcontractor is expected to participate in weekly work planning meetings, providing updates on manpower, look-ahead schedules, and constraints.*

- *Attendance and engagement in weekly subcontractor coordination meetings are mandatory to ensure field alignment and proactive issue resolution.*
- *Subcontractor must have personnel with the appropriate experience and communication skills to participate effectively in collaborative planning processes.*

RFQ SUBMISSION REQUIREMENTS

Each respondent shall submit:

- Completed Attachment B-Subcontractor Qualification Questionnaire. Including:
 1. Current letter from surety verifying bonding capacity and certificate of insurance.
 2. Attach a copy of your firm's Safety Program Table of Contents.
- Completed Attachments:
 1. Attachment A: Responsible Contractor Verification Form.
 2. Division 00 45 36 Department of Human Rights Workforce and Equal Pay Declaration Page (DIV00.4537).
 3. Workforce Participation Goals form.
 4. Affidavit of Non-Collusion (Form CC.70).
 5. Certificate of Insurance

Submissions must be received by the deadline stated in Section 3. Failure to submit any required form may result in disqualification.

EVALUATION AND PREQUALIFICATION

- The CM and Campus Project Manager, in consultation with the Architect/Engineer, will evaluate all RFQ responses.
- ***Only prequalified subcontractors will be eligible to submit bids during the upcoming Request for Bid (RFB) phase.***
- If no subcontractors meet minimum qualifications for a specific trade, the RFQ may be reissued.
- If only one qualified subcontractor is identified, the CM may elect to reissue the RFQ.

ADDITIONAL REQUIREMENTS

All subcontractors must comply with:

- Government Data Practices Act.
- Prevailing wage requirements. Douglas County, MN.

- MDHR Requirements. Preconstruction Reporting and Monthly Reporting.
- Performance and payment bond obligations. All subcontractors will be required to obtain a Performance and Payment bond.
- Applicable federal, state, and local laws and codes.

QUESTIONS

All questions are due by 8/13/2026, they must be submitted in writing via email to:

Dalton Hauer; dhauer@terragc.com

DISCLAIMER

The Owner and CM reserve the right to reject any or all RFQ responses, waive irregularities, or request additional information without obligation to any respondent. Prequalification does not guarantee an award of work.

End of RFQ

Attachment B – Subcontractor Qualification Questionnaire

Section 1: General Information

Company Name: _____

Address: _____

City, State, ZIP: _____

Phone: _____

Website: _____

Primary Contact Person: _____

Title: _____

Email: _____

Cell: _____

Trade Division(s) Applying For: _____

Minnesota Contractor Registration Number: _____

Type of Firm: ☐ Corporation ☐ Partnership ☐ Sole Proprietor ☐ LLC ☐ Joint Venture

Year Established: _____

Federal Tax ID Number: _____

Minnesota State Preference

Are you a Certified, Targeted Group Prime Contract Bidder? ☐ No ☐ Yes

Are you a Certified, Economically Disadvantaged Prime Contractor? ☐ No ☐ Yes

Section 2: Experience and Capabilities

1. **Number of Years in Business under Current Name:** _____

2. **Average Annual Volume in Revenue (last 3 years):**

○ 2023: \$_____

○ 2024: \$_____

○ 2025 (anticipated): \$_____

3. **Largest Single Contract Value (past 3 years):** \$_____

4. **Typical Project Size Range:** \$_____ to \$_____

5. **Geographic Area(s) of Operation:** _____

6. **Distance From Project Location:** _____

7. **Similar Project Experience:** List up to five (5) recent projects most similar in scope, size, and delivery method to this project:

Project Name & Location	GC/CM	Architect	Contract Value	Completion Date	Reference Contact & Phone

Attach additional sheets as needed.

Section 3: Key Personnel

List personnel proposed to be assigned to this project.

Name	Title/Role	Years with Firm	Relevant Project Experience

Attach resumes if available.

Section 4: Safety Record

1. **Current Experience Modification Rate (EMR):** _____

○ 2022: _____ 2023: _____ 2024: _____

2. **OSHA Recordable Incident Rate (past 3 years):** _____

3. **Has your firm received any OSHA citations in the last 3 years?**

☐ No ☐ Yes (attach explanation)

4. Safety Program:

- ☐ Written Safety Program ☐ Drug Testing Policy ☐ Site Safety Orientation
Program ☐ AWAIR Program

Section 5: Legal and Compliance

1. **Has your firm or any officer been involved in any litigation or arbitration related to construction performance in the last 5 years?**
☐ No ☐ Yes (attach details)
2. **Is your firm currently or previously under investigation by OSHA, the Minnesota Department of Labor, or any state/federal agency?**
☐ No ☐ Yes (attach explanation)

Section 6: Financial Information

1. **Bonding Agent Name & Contact Info:** _____
2. **Surety Company:** _____
3. **Bonding Capacity:**
 - **Single Project Limit:** \$ _____
 - **Aggregate Limit:** \$ _____
4. **Current Value of Work Under Contract (Bonded):** \$ _____
5. **Current Value of Work Under Contract (Not-Bonded):** \$ _____
6. **Bank Reference:**
Name: _____ **Contact:** _____
Phone: _____

Section 7: References

Provide at least three (3) professional references for similar projects completed within the past five years.

Company	Contact Name	Title	Phone	Email

Section 8: Supplemental Pass / Fail Requirements

In addition to the information above being evaluated, your firm must pass all the following questions:

A.	Firm has, or anyone with a financial interest in the firm, been the subject of any criminal indictment or judgment of conviction for any business related conduct constituting a crime under state or federal law, within the past 3 years?	Yes	☐
	<i>(If answered yes, bidder fails to meet the qualifications)</i>	No	☐
B.	Firm been debarred, suspended, or otherwise declared ineligible to bid public work in any jurisdiction?	Yes	☐
	<i>(If answered yes, bidder fails to meet the qualifications)</i>	No	☐
C.	Firm has reviewed all of the RFQ documents and included the required scope?	Yes	☐
	<i>(If answered no, bidder fails to meet the qualifications)</i>	No	☐
D.	Firm has previously failed to complete a contract?	Yes	☐
	<i>(If answered yes, bidder fails to meet the qualifications)</i>	No	☐
E.	Firm has completed projects of similar size and scope?	Yes	☐
	<i>(If answered no, bidder fails to meet the qualifications)</i>	No	☐
F.	Firm is able to provide the necessary management, labor, material and equipment to complete this project as specified?	Yes	☐
	<i>(If answered no, bidder fails to meet the qualifications)</i>	No	☐
G.	Firm will provide payment and performance bonds for this project as specified?	Yes	☐
	<i>(If answered no, bidder fails to meet the qualifications)</i>	No	☐
H.	Firm will provide insurance coverage for the limits outlined for this project?	Yes	☐
	<i>(If answered no, bidder fails to meet the qualifications)</i>	No	☐
I.	Firm has a written safety and health program called the A Workplace Accident and Injury Reduction (AWAIR) program?	Yes	☐
	<i>(If answered no, bidder fails to meet the qualifications)</i>	No	☐
J.	Firm has more than three (3) serious OSHA citations in the past three years?	Yes	☐
	<i>(If answered yes, bidder fails to meet the qualifications)</i>	No	☐
K.	Firm has more than two (2) willful OSHA citations in the past three years?	Yes	☐
	<i>(If answered yes, bidder fails to meet the qualifications)</i>	No	☐

Section 9: Acknowledgments and Signature

The undersigned certifies that all information contained herein is true and accurate, and that submission of this questionnaire constitutes agreement to comply with all RFQ and prequalification requirements.

Authorized Representative Name: _____

Title: _____

Signature: _____

Date: _____

Submission Instructions

Submit this completed form and all attachments electronically to:

Dalton Hauer; dhauer@terragc.com

by 8/13/2026 - 2:00pm

End of Attachment B – Subcontractor Qualification Questionnaire

MINNESOTA STATE

ATTACHMENT A: RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE

PROJECT TITLE: *ATCC Transportation Center*

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) | <p>The Contractor:</p> <ul style="list-style-type: none"> (i) is in compliance with workers' compensation and unemployment insurance requirements; (ii) is in compliance with the 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) | <p>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:</p> <ul style="list-style-type: none"> (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;*
(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 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.



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.



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

MINNESOTA STATE

SECTION 00 45 36

MINNESOTA DEPARTMENT OF HUMAN RIGHTS

PART 1 GENERAL

1.1 SUMMARY

Section Includes:

1. Administrative requirements for Workforce Certification, Equal Pay Certification, and Workforce participation under equal employment opportunity.
2. Procedures and requirements for affirmative action compliance.

Related Sections:

1. Section 00 72 00 – General Conditions of the Contract for Construction
2. Section 00 73 46 – Prevailing Wage Rate Requirements and Project Specific Wage Rates

1.2 WORKFORCE AND EQUAL PAY CERTIFICATES OF COMPLIANCE

- A. It is hereby agreed between the parties that MN Statutes, Section 363A.36 and MN Rules, Parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it.

Workforce and Equal Pay Declaration Page

1. For all contracts estimated to be in excess of \$100,000, responders are required to complete the State of Minnesota – [Workforce and Equal Pay Declaration Page](#) and submit it with their response.
2. **A copy of the Workforce and Equal Pay Declaration Page is attached as an appendix following this section 00 45 37 for reference purposes.**
3. **A copy of the contractor's Workforce or Equal Pay Certification(s) must be submitted with the bid, as applicable.**
4. As required Minnesota Rule 5000.3600," It is hereby agreed between the parties that Minn. Stat. §363A.36 and Minn. R.5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of Minn. Stat. § 363.36 and Minn. R.5000.3400 - 5000.3600 are available upon request from the contracting agency."

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5. For all contracts estimated to be in excess of \$100,000, responders must obtain a Workforce Certificate from the Minnesota Department of Human Rights (MDHR) or claim an exemption prior to executing a contract. This certification requires employers to actively work to hire, train, promote, and retain people of color, Indigenous people, women, and/or people with disabilities to ensure that Minnesota's workforce reflects Minnesota's demographics. A responder is exempt if it has not employed more than 40 full-time employees on any single working day in one state during the previous 12 months. Please contact MDHR with questions at 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.
6. For all contracts estimated to be in excess of \$500,000, responders must obtain an Equal Pay Certificate from the Minnesota Department of Human Rights (MDHR) or claim an exemption prior to executing a contract. This certification requires employers to pay men and women equal wages for equal work. A responder is exempt if it has not employed more than 40 full-time employees on any single working day in one state during the previous 12 months. Please contact MDHR with questions at 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.

1.3 NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

1. The offeror's or bidder's attention is called to the "equal opportunity clause" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the covered area are as follows:

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WORKFORCE GOALS		
Counties	People of Color and Indigenous People	Women
Hennepin and Ramsey	32%	20%
Anoka, Carver, Dakota, Scott, and Washington	22%	15%
Central Minnesota: Benton, Chisago, Isanti, Kanabec, Kandiyohi, McLeod, Meeker, Mille Lacs, Pine, Renville, Sherburne, Stearns, Wright	15%	12%
Southwest Minnesota: Big Stone, Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock, Sibley, Swift, Waseca, Watonwan, Yellow Medicine	15%	9%
Southeast Minnesota: Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmstead, Rice, Steele, Wabasha, Winona	15%	9%
Northeast Minnesota: Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, St. Louis	12%	9%
Northwest: Becker, Beltrami, Cass, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Morrison, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Todd, Traverse, Wadena, Wilkin	12%	9%

These goals are applicable to all the contractor's construction work (whether or not it is state or state-assisted) performed in the covered area.

The contractor's compliance with MN Statutes, Section 363A.36 and part 5000.3520 shall be based on its implementation of the equal opportunity clause, specific affirmative action obligations required by the specifications in part 5000.3540, and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each tract, and the contractor shall make a good faith effort to employ minorities evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals shall be a violation of the contract, MN Statutes,

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Section 363A.36 and part 5000.3520. Compliance with the goals will be measured against the total work hours performed.

3. The contractor must provide written notification to the Compliance Division of the Minnesota Department of Human Rights within 10 (ten) working days of award of any construction subcontract at any tier for construction work under the contract resulting from the solicitation. The notification must list the name, address and telephone number of the subcontractor, employer identification number, estimated dollar amount of the subcontract, estimated starting and completion dates of the subcontract, and the geographical area in which the contract is to be performed.
4. As used in this notice, and in the contract resulting from this solicitation, the “covered area” is the geographical area where the contract is to be performed. The contracting state agency shall insert the description of the geographical areas where the contract is to be performed describing the State, County, City, Town, or Municipality of the geographical area in this notice and in the contract resulting from this solicitation.
5. Goals are available on Minnesota Department of Human Rights website at [Workforce Goals / Minnesota.gov \(mn.gov\)](https://mn.gov/mdhr/certificates/workforce-goals/) and are incorporated by reference.
6. As of July 17, 2017, Workforce goals apply to contracts in excess of \$100,000 per the table below. If there is a discrepancy between the table below and the Workforce Goals published on the <https://mn.gov/mdhr/certificates/workforce-goals/> website, then the website goals shall govern.

For more information, contact Minnesota Department of Human Rights at compliance.mdhr@state.mn.us or call 651-539-1095.

7. To ensure contractors are making good faith efforts to meet Workforce Goals, MDHR requires contractors to complete a [Preconstruction Packet](#) before a construction project begins and submit [Monthly Project Reports](#) throughout the project. Minnesota State reserves the right to withhold payment until the contractor submits the Preconstruction Packet or if the contractor fails to submit Monthly Project Reports in a timely manner.

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1.4 STANDARD STATE EQUAL EMPLOYMENT OPPORTUNITY

A. Construction Contract Specifications.

1. The contractor must implement the specific affirmative action standards provided in paragraphs 4.a. through o. of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the contractor shall be reasonably be able to achieve in each construction trade in which it has employees in the covered area. The contractor shall make substantially uniform progress toward its goals in each craft during the period specified.
2. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the contractor's obligations under these specification, Minnesota Statutes, Section 363A.36 of the Minnesota Human Rights Act, of the rules adopted under the act.
3. In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees shall be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees shall be trained according to training programs approved by the Minnesota Department of Human Rights, the Minnesota Department of Labor and Industry, or the United States Department of Labor.
4. The contractor must take specific affirmative action to ensure equal employment opportunity. The evaluation of the contractor's compliance with these specifications must be based upon its effort to achieve maximum results from its actions. The contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a. Make a good faith effort to maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's

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obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

- b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
- c. Maintain a current file of the names, address, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source, or community organization and of what action was taken with respect to each such individual. If the individual was sent to the union hiring hall for referral and was not referred back to the contractor by the union or, if referred, not employed by the contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the contractor may have taken.
- d. Provide immediate written notification to the commissioner of the Minnesota Department of Human Rights when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority person or woman sent by the contractor, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.
- e. Develop on-the-job training opportunities and/or participate in training programs for the areas which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the contractor's employment needs, especially those programs funded or approved by the State of Minnesota. The contractor shall provide notice of these programs to the sources compiled under b.
- f. Disseminate the contractor's equal employment opportunity policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in

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the company newspaper, annual report etc., by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company equal employment opportunity policy on bulletin boards accessible to all employees at each location where construction is performed.

- g. Review, at least annually, the company's equal employment opportunity policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assigning, layoff, termination, or other employment decisions including specific review of these items with on-site supervisory personnel such as superintendents, general foremen, etc., prior to the first day of construction work at any job site. A written record shall be made and subject matter discussed and disposition of the subject matter.
- h. Disseminate the contractor's equal employment opportunity policy externally by including it in an advertising in the news media, specifically including minority and female news media, and providing written notification to and discussion the contractor's equal employment opportunity policy with other contractors and subcontractors with whom the contractor does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female, and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. Not later the one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source the contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
- j. Encourage present minority and female employees to recruit other minority persons and women, and where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's work force.

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- k. Conduct, at least annually an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek to prepare for, through appropriate training, such opportunities.
 - l. Ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the equal employment opportunity policy and the contractor's obligations under these specifications are being carried out.
 - m. Ensure that all facilities and company activities are non-segregated except the separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - n. Document and maintain a record of all solicitations of offers for subcontract from minority and female construction contractors and suppliers, including circulation of solicitation to minority and female contract associations and other business associations.
 - o. Conduct a review, at least annually, of all supervisors' adherence to and performance under the contractor's equal employment opportunities policies and affirmative action obligations.
5. Contractors are encouraged to participate in voluntary associations that assist in fulfilling one or more of their affirmative action obligations 4.a. to o. The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 4.a. to o. of these specifications provided that the contractor actively participates in the group, make every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the contractor. The obligation to comply shall not be defense for the contractor's noncompliance.

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6. A single goal for minorities and a separate single goal for women have been established. The contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the contractor may be in violation of part 5000.3520 if a particular group is employed in a substantially disparate manner (for example, even though the contractor has achieved its goals for women general, the contractor may be in violation of part 5000.5320 if a specific minority group of women is underutilized).
7. The contractor must not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, creed, religion, sex, national origin, and marital status, status with regard to public assistance, disability, age, or sexual orientation.
8. The contractor must not enter into any subcontract with any person or firm debarred from government contracts under the federal Executive Order 11246 or a local human rights ordinance, or whose certificate of compliance has been suspended or revoked pursuant to Minnesota Statutes 363A.36.
9. The contractor shall carry out such sanctions for violation of these specifications and of the equal opportunity clause, including suspension, termination, and cancellation of existing contracts as may be imposed or ordered pursuant to Minnesota Statutes, 363A.36, and its implementing rules. Any contractor who fails to carry out such sanctions shall be in violation of these specifications and Minnesota Statutes, Section 363A.36.
10. The contractor, in fulfilling its obligations under these specifications, must implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 4 so as to achieve maximum results for its efforts to ensure equal employment opportunity. If the contractor fails to comply with the requirement of Minnesota Statutes, Section 363A.36, its implementing rules, or these specifications, the commissioner shall proceed in accordance with part 5000.3570.
11. The contractor must designate a responsible official to monitor all employment related activity to ensure that the company equal employment opportunity policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Minnesota Department of Human Rights, and to keep

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records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (for example, mechanic, apprentice trainee, helper, or laborer), dates of change in status, hours worked per week in the indicated trade, rate of pay and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

12. Nothing provided in this part will be construed as a limitation upon the application of other state or federal laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents.

1.5 DISABLED PERSONS AFFIRMATIVE ACTION CLAUSE

A. Affirmative Action for Disabled Workers

- a) The contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to make affirmative action to employ, advance in employment, and otherwise treat qualified disabled individuals without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b) The contractor agrees to comply with the rules and relevant order of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
- c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be take in accordance with Minnesota Statutes, Section 363A.36, and rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

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- d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Minnesota Department of Human Rights. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
- e) The contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contract is bound by the terms of Minnesota Statutes, Section 363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

END OF SECTION

Workforce and Equal Pay Declaration Page

This form is **required for all businesses** executing government contracts under the following:

Select one:

- ☐ Businesses executing a contract with **State or Metropolitan agencies** in excess of \$100,000 ([Workforce Certificate](#)) and, if applicable, \$500,000 ([Equal Pay Certificate](#))
- ☐ Businesses executing a contract with **University of Minnesota** for general obligation bond funded capital projects in excess of \$100,000 ([Workforce Certificate](#)) and, if applicable, \$500,000 ([Equal Pay Certificate](#))
- ☐ Businesses executing a contract with **Political Subdivisions** for general obligation bond funded capital projects in excess of \$250,000 ([Workforce Certificate](#)) and, if applicable, \$1,000,000 ([Equal Pay Certificate](#))

Select all that apply:

We are a certificate holder:

- ☐ Workforce Certificate under the name: _____
- ☐ Equal Pay Certificate under the name: _____

We are applying/have applied for the following certificate(s):

- ☐ Workforce Certificate Application date (MM/DD/YYYY): _____
- ☐ Equal Pay Certificate Application date (MM/DD/YYYY): _____

We have not applied for one or both certificates:

- ☐ Our company does not yet have a Workforce Certificate or Equal Pay Certificate. We acknowledge that a Workforce Certificate and, if applicable, Equal Pay Certificate, or approved exemption by the Minnesota Department of Human Rights is required before a contract can be executed.

We are Exempt:

- ☐ We attest to the Minnesota Department of Human Rights that we have not employed 40 or more employees on a single day during the prior 12 months in Minnesota or the state in where we have our primary place of business. The Minnesota Department of Human Rights may request the names of our employees during the previous 12 months, the date of separation, if applicable, and the current employment status and count.
- ☐ We believe our company is exempt because _____.
The Minnesota Department of Human Rights will review and determine if your company is exempt.

Business Information

Vendor/Supplier ID	Business Name	Name of Contracting Agency
Authorized Signatory Name	Title	Date
Signature	Email	Phone

For assistance with this form, email the Minnesota Department of Human Rights Compliance.MDHR@state.mn.us



Affidavit of Noncollusion

State of Minnesota Request for Proposals

Firm Name: _____

Instructions: Please return your completed form as part of the Response submittal.

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

1. That I am the Responder (if the Responder is an individual), a partner in the company (if the Responder is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Responder is a corporation).
2. That the attached proposal submitted in response to the _____ Request for Proposals has been arrived at by the Responder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Responder of materials, supplies, equipment, or services described in the Request for Proposals, designed to limit fair and open competition.
3. That the contents of the proposal have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any such persons prior to the official opening of the proposals.
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Authorized Signature

Responder

Firms Name: _____

Print name of

Authorized Representative _____ Title: _____

Authorized Signature _____ Date _____

(mm/dd/yyyy)

Notary Public

Subscribed and sworn to before me this:

_____ day of _____, _____

Notary Public signature

Commission Expires (mm/dd/yyyy)