

Contract 04-2023 Lincoln County

Commonly Overlooked Items OR Items of Special Interest (This sheet is not part of the proposal)

Below is a list of commonly overlooked items. The purpose of this list is to bring attention to some of these items. This list shall not be considered an all-inclusive list. The Contractor shall review the entire set of plans and Special Provisions.

- Bids will be opened at the Lincoln County Courthouse located at 319 N. Rebecca, Ivanhoe, MN on October 2, 2023 at 2:00 P.M.
- Return the entire proposal with your bid (see Specification 1209)
- Responsible Contractor Provisions (see Specification “S-7 Responsible Contractor” & Attachment A)

- Items of interest in the Special Provisions
 - Materials to be crushed in County owned pit and no royalties will apply. Also see pit requirements (see Specification 1602)
 - County forces will do the final pit restoration. (see Specification 1602)
 - Modified Contractor and Agency testing rates (see Specification 1603.2)
 - Completion Date of July 1, 2024 (see Specification 1806)
 - Quantities will be measured using Stockpile Volume. Survey measurements of the pile will be used for final payment. **See Provisions about the stockpile conversion factors.** (see Specifications 1901)
 - Contract quantities may be adjusted by the Engineer based on the gravel remaining in the pit. (see Specification 1903)
 - Plan quantities will be adjusted based on bid price to meet the 2023/2024 Budgeted expense for crushing. (see Specification 1903)
 - County Forces will survey pile upon notification of completion of work. (see Specification 2211)
 - Monetary Price deductions will not apply. County may stop production for failing material (see Specification 2211)
 - Class 5 material is to be used as a surfacing aggregate. (see Specification 3138)
 - Class 5 modified material has modified the No. 200 sieve specification to 8.0 – 15.0 percent passing. (see Specification 3138)

Lincoln County
221 North Wallace Avenue
Ivanhoe, MN 56142

*****PROPOSAL*****

FOR HIGHWAY CONSTRUCTION AND MAINTENANCE PROJECTS WITH
BIDS RECEIVED UNTIL 2:00 O'CLOCK P.M. ON MONDAY, OCTOBER 2, 2023

PROPOSAL OF _____

(NAME OF FIRM)

(ADDRESS)

(AREA CODE) TELEPHONE NUMBER

TO FURNISH AND DELIVER ALL MATERIALS AND TO PERFORM ALL WORK IN ACCORDANCE WITH THE CONTRACT, THE PLANS AND THE APPROVED DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2020 EDITION" (USING English UNITS), AND THE "SUPPLEMENTAL SPECIFICATIONS" DATED SEPTEMBER 2022, ON FILE IN THE OFFICE OF THE COMMISSIONER OF TRANSPORTATION EXCEPT AS STATED OTHERWISE IN THE SPECIAL PROVISIONS, WHICH ARE PART OF THIS PROPOSAL, FOR:

CONTRACT NO. **04-2023**

LINCOLN COUNTY PROJECTS: **2023 Gravel Crushing (Skime Pit)**

LOCATION: Skime Pit, E 1/2 of the SE 1/4 of Section 25-109-46 (Verdi Twp.) and in Government Lots 3 & 4 lying West of the railroad right of way of Section 30-109-45 (Lake Benton Twp.)

TYPE OF WORK: Aggregate Crushing and Stockpiling

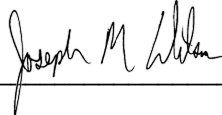
LENGTH: NA

STARTING DATE: Oct. 17, 2023

COMPLETION DATE: July 1, 2024

NOTICE TO BIDDERS: In submitting a bid, YOU MUST RETURN THIS COMPLETE PROPOSAL. You must initial changes made in the Schedule of Prices in the Proposal and acknowledge addenda on the back cover sheet.

I certify that this Proposal was prepared by me or under my direct supervision, and that I am a licensed professional engineer under the laws of the State of Minnesota.

Joseph M. Wilson: 

License Number 54947 Date: 9-15-2023

BID RIGGING IS A SERIOUS CRIME. IF YOU HAVE ANY INFORMATION CONCERNING COLLUSIVE BIDDING, EVEN A REQUEST TO SUBMIT A COMPLIMENTARY BID, PLEASE CALL THE MINNESOTA ATTORNEY GENERAL'S OFFICE AT TELE. NO. 651-296-1796

**SPECIAL PROVISIONS FOR
CONTRACT 04-2023**

LINCOLN COUNTY

INDEX TO SPECIAL PROVISIONS

| <u>Section</u> | <u>Page</u> |
|--|-------------|
| Statement to Lincoln County Commissioners | 1 |
| Notice to Bidders – Bid Rigging | 2 |
| Notice to Bidders – Debarments..... | 3 |
| Notice to Bidders – Prompt Payment to Subcontractors | 4 |
| Affirmative Action Statement (Signature Required)..... | 5 |
| Equal Employment Opportunity Policy (Signature Required)..... | 6 |
| Compliance to Minnesota Statute Section 363 (Signature Required) | 7 |

DIVISION S

| | | |
|------|--|----|
| S-1 | Contact Information | 8 |
| S-2 | Governing Specifications | 8 |
| S-3 | Implementation of Clean Air Act & Federal Water Pollution Control Act..... | 8 |
| S-4 | Compliance with County Zoning Ordinance..... | 8 |
| S-5 | Affirmative Action Responsibilities..... | 8 |
| S-6 | Protection of Public Contract | 9 |
| S-7 | Responsible Contractor | 9 |
| S-8 | Compliance with Tax Law Requirements | 9 |
| S-9 | (1203) Access to Proposal Package..... | 10 |
| S-10 | (1206) Preparation of Proposal..... | 10 |
| S-11 | (1208) Proposal Guaranty | 10 |
| S-12 | (1209) Delivery of Proposals | 11 |
| S-13 | (1210) Revision of Proposal Package or Withdrawal of Proposal | 11 |
| S-14 | (1212) Opening of Proposals..... | 12 |
| S-15 | (1401) Intent of Contract..... | 12 |
| S-16 | (1507) Utility Property and Service | 12 |
| S-17 | (1508) Construction Stakes, Lines and Grades | 12 |
| S-18 | (1512) Unacceptable Work | 12 |
| S-19 | (1602) Natural Material Sources | 12 |
| S-20 | (1603.2) Sampling and Testing | 13 |
| S-21 | (1803) Progress Schedules | 13 |
| S-22 | (1806) Determination and Extension of Contract Time | 13 |
| S-23 | (1807) Failure to Complete the Work on Time | 14 |
| S-24 | (1901) Measurement of Quantities..... | 14 |
| S-25 | (1903) Compensation for Altered Quantities | 14 |
| S-26 | (1906) Partial Payments | 14 |
| S-27 | (2211) Aggregate Base (Stockpile Aggregate)..... | 14 |
| S-28 | (3138) Aggregate for Surface and Base Courses..... | 15 |
| S-29 | Finishing Operations | 15 |

ATTACHMENTS

| | |
|--|-----------|
| County Map of Weight Restricted Bridges | (1 Page) |
| County Map with Pit Location | (1 Page) |
| Site Map of Skime Pit | (1 Page) |
| Attachment "A" Responsible Contractor Verification (Signature Required)..... | (5 Pages) |
| Non-Collusion Declaration (Signature Required) | (1 Page) |
| Schedule of Prices (Signature Required)..... | (1 Page) |
| Back Cover (Signature Required) | (1 Page) |

To Lincoln County Board of Commissioners:

According to the advertisement of Lincoln County inviting proposals for the improvement of the section of highway hereinbefore named, and in conformity with the Contract, Plans, Specifications and Special Provisions pertaining thereto, all on file in the office of the Auditor of Lincoln County:

(I)(We) hereby certify that (I am)(we are) the only person(s) interested in this proposal as principal(s); that this proposal is made and submitted without fraud or collusion with any other person, firm or corporation at all; that an examination has been made of the site of the work and the Contract form, with the Plans, Specifications and Special Provisions for the improvement.

(I)(We) understand that the quantities of work shown herein are approximate only and are subject to increase or decrease; that all quantities of work, whether increased or decreased within the limits specified in MnDOT 1903 and 1402, are to be done at the unit prices shown on the attached schedule; that, at the time of opening bids, totals only will be read, but that comparison of bids will be based on the correct summation of item totals obtained from the unit prices bid, as provided in MnDOT 1301.

(I)(We) propose to furnish all necessary machinery, equipment, tools, labor and other means of construction and to furnish all materials specified, in the manner and at the time prescribed, all according to the terms of the Contract and Plans, Specifications, and the Special Provisions forming a part of this.

(I)(We) further propose to do all Extra Work that may be required to complete the contemplated improvement, at unit prices or lump sums to be agreed upon in writing before starting such work, or if such prices or sums cannot be agreed upon, to do such work on a Force Account basis, as provided in MnDOT 1904.

(I)(We) further propose to execute the form of Contract within 7 days after receiving written notice of award, as provided in MnDOT 1306.

(I)(We) further propose to furnish a Payment Bond and a Performance Bond each equal to the Contract Amount as required by MN Statute § 574.26, as security for the construction and completion of the improvement according to the Plans, Specifications and Special Provisions as provided in MnDOT 1305.

(I)(We) further propose to do all work according to the Plans, Specifications and Special Provisions, and to renew or repair any work that may be rejected due to defective materials or workmanship, before completion and acceptance of the Project by Lincoln County.

(I)(We) agree to all provisions of Minnesota Statutes, Section 181.59.

(I)(We) further propose to begin work and to prosecute and complete the same according to the time schedule set forth in the Special Provisions for the improvement.

(I)(We) assign to Lincoln County all claims for overcharges as to goods and materials purchased in connection with this Project resulting from antitrust violations that arise under the antitrust laws of the United States and the antitrust laws of the State of Minnesota. This clause also applies to subcontractors and first tier suppliers under this Contract.

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (DOT) operates the above toll-free “hotline” Monday through Friday, 8:00 a.m. to 5:00 p.m., eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the “hotline” to report such activities.

The “hotline” is part of the DOT’s continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

**MINNESOTA DEPARTMENT OF TRANSPORTATION
NOTICE TO BIDDERS:
SUSPENSIONS/DEBARMENTS
THIS NOTICE APPLIES TO STATE-FUNDED AND FEDERALY-FUNDED PROJECTS**

Do not use suspended or debarred parties as subcontractors or material suppliers on this project!

Both the federal government and the State of Minnesota suspend and debar vendors. Review the list of suspended and debarred vendors before submitting a bid or a request to sublet. If your bid is based on using a suspended or debarred vendor, you will not be entitled to additional compensation for replacing the suspended or debarred vendor with a qualified vendor.

State Suspensions and Debarments.

The State of Minnesota's list of suspended and debarred vendors is maintained by the Minnesota Department of Administration, Office of State Procurement, and can be found at this link: <http://www.mmd.admin.state.mn.us/debarredreport.asp> . This list includes vendors suspended and debarred by the Department of Administration and MnDOT.

Federal Suspensions and Debarments

The federal government maintains a searchable database of suspensions and debarments, called the System for Award Management (SAM), which is found at this link: <https://www.sam.gov/SAM/> . You can use the "Search Records" function without registering for an account.

November 9, 2020 (MnDOT orig.)

July, 2023 (replace State Aid doc)

NOTICE TO BIDDERS

Minnesota Statutes require prompt payment to subcontractors:

Minn. Stat. § 471.425 PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings here given them.

. . . (d) "Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision or agency of local government. "Municipality" means the Metropolitan Council or any board or agency created under chapter 473.

. . . Subd. 4a. **Prompt payment to subcontractors.** Each contract of a municipality must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the municipality for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

Minn. Stat. § 15.72 PROGRESS PAYMENTS ON PUBLIC CONTRACTS; RETAINAGE.

. . . Subd. 2. **Retainage.** . . . (c) A contractor on a public contract for a public improvement must pay all remaining retainage to its subcontractors no later than ten days after receiving payment of retainage from the public contracting agency, unless there is a dispute about the work under a subcontract. If there is a dispute about the work under a subcontract, the contractor must pay out retainage to any subcontractor whose work is not involved in the dispute, and must provide a written statement detailing the amount and reason for the withholding to the affected subcontractor.

AFFIRMATIVE ACTION STATEMENT

I, we, fully intend to comply with the standards of equal employment and anti-discrimination as cited in the Civil Rights Act of 1964, as amended in 1972 by the Equal Employment Opportunity Report.

Signed: _____

Title: _____

EQUAL EMPLOYMENT OPPORTUNITY POLICY

This is to affirm _____'s policy of providing Equal Opportunity to all employees

Employer's Name

and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically Minnesota statutes 363.

_____ will not discriminate against or harass any employee or applicant for

Employer's Name

employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance.

_____ will take Affirmative Action to ensure that all employment practices

Employer's Name

are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

_____ will commit the necessary time and resources, both financial and

Employer's Name

human, to achieve the goals of Equal employment Opportunity and Affirmative Action.

_____ fully supports incorporation of non-discrimination and Affirmative

Employer's Name

Action rules and regulations into contracts.

_____ will evaluate the performance of its management and supervisory

Employer's Name

personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this organization, or subcontractor to this employer, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, state and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363 will be subject to appropriate legal sanctions.

_____ has appointed _____ to manage the Equal Employment Opportunity

Employer's Name

Name

Program. His/Her responsibilities will include monitoring all Equal employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, are required by Federal, State and Local

agencies. The Chief Executive Officer of _____ will receive and review reports on the progress of the program.

Employer's Name

If any employee or applicant for employment believes he/she has been discriminated against, please contact

_____, _____; or call

Name

address

Phone

Name, Title of CEO

Date

**I DO HEREBY CERTIFY THAT I AM IN COMPLIANCE
MINNESOTA STATUTES SECTION 363, AS AMENDED BY
LAWS OF 1969.**

DATE _____

SIGNED _____

REPRESENTING _____

TELEPHONE NO. _____

SPECIAL PROVISIONS DIVISION S SPECIAL REQUIREMENTS

S-1 **CONTACT INFORMATION**

Direct questions about this Project, including pre-bid questions, shall be directed to the following:

Joseph Wilson, County Engineer, Ph. 507-694-1124, email jwilson@co.lincoln.mn.us

*Lincoln County Highway Dept
221 N Wallace
P.O. Box 97
Ivanhoe, Minnesota 56142
Phone (507) 694-1464
Fax (507)694-1101*

S-2 **GOVERNING SPECIFICATIONS**

The 2020 Edition of the Minnesota Department of Transportation “Standard Specifications for Construction” and the “Supplemental Specifications” dated September 2022, shall apply on this Contract except as modified or altered in the following Special Provisions.

S-3 **IMPLEMENTATION OF CLEAN AIR ACT & FEDERAL WATER POLLUTION CONTROL ACT**

By signing this bid, the bidder will be deemed to have stipulated as follows:

- a. That any facility to be utilized in the performance of this Contract, unless such Contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et. seq., as amended by Pub. L. 91-604) and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1252 et. seq. as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR, Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20

- b. That the County Highway Department shall be promptly notified prior to Contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities.

S-4 **COMPLIANCE WITH COUNTY ZONING ORDINANCE**

All bidders shall familiarize themselves and shall comply with the County’s zoning ordinance for conditional use of land pertaining to gravel and borrow pits. Copies of the ordinance may be examined at the County Environmental Office, located at 221 N Wallace, Ivanhoe, MN 56142, PH # (507) 694-1773 or at <http://www.lincolncounty-mn.us/Departments/Environmental.htm>

S-5 **AFFIRMATIVE ACTION RESPONSIBILITIES**

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

S-6

PROTECTION OF PUBLIC CONTRACT

Bidders are hereby given notice of and must abide by the provisions of M.S. 161.315 in performing contracts with Lincoln County.

Out-of-state bidders are hereby given notice of the provisions of M.S. 290.9705, pertaining to withholding on payments by government entities to out-of-state Contractors.

S-7

RESPONSIBLE CONTRACTOR

REVISED 9/2021

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

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

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

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

S-8

COMPLIANCE WITH TAX LAW REQUIREMENTS

REVISED 5/2020

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

Every subcontractor working on the Project must submit an approved “Contractor Affidavit” from the Minnesota Department of Revenue to the Contractor before the Contractor can file its own Contractor Affidavit. **The Contractor is advised to obtain the certification from each subcontractor as soon as the subcontractor completes work on the Project. Experience has shown that waiting until the**

project is complete to obtain the forms from all subcontractors is likely to result in significant additional work for the Contractor as it will be difficult or impossible to collect all forms.

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

Contractor Affidavit requirements and Form IC134 can be found here:
<https://www.revenue.state.mn.us/contractor-affidavit-requirements>

S-9 **(1203) ACCESS TO PROPOSAL PACKAGE**
REVISED 10/2013

MnDOT 1203 is hereby deleted from the MnDOT Standard Specifications.

S-10 **(1206) PREPARATION OF PROPOSAL**
REVISED 10/2022

The provisions of MnDOT 1206 are supplemented and/or modified with the following:

MnDOT 1206.1 is hereby deleted from the MnDOT Standard Specifications.

MnDOT 1206.2 is hereby deleted from the MnDOT Standard Specifications and replaced with the following:

1206.2 ALLOWABLE SUBSTITUTIONS

For all Proposals the Bidder shall use the following method:

- (1) Submit a Proposal on the Bid Schedule forms provided by the Department. The Bidder shall:
 - (1.1) Submit a Unit Price in numeric figures for each Pay Item for which a quantity is shown. Assume a numeric quantity of “1” for each “Lump Sum” Pay Item, except as not required in the case of alternate Pay Items,
 - (1.2) Show the extensions resulting from Unit Prices multiplied by the shown quantities in the specified column, and
 - (1.3) Add the extended Pay Item amounts to show the total amount of the Proposal.

The Bidder shall write the figures in ink or provide typed or computer printed figures. In the case of a discrepancy between a Unit Price and extension in a Proposal, the Unit Price will govern.

If a Bidder fails to provide a Unit Price for any Pay Item on the Bid Schedule, except for “Lump Sum” Pay Items, the Department will reject the Proposal.

If a Pay Item in the Proposal requires the Bidder to choose an alternate Pay Item, the Bidder shall indicate its choice in accordance with the Specifications for that Pay Item.

An authorized representative of the Bidder must sign the Proposal.

S-11 **(1208) PROPOSAL GUARANTY**

The provisions of MnDOT 1208 are supplemented and/or modified with the following:

S-1.1 MnDOT 1208 is hereby deleted from the MnDOT Supplemental Specifications and replaced with the following:

The Bidder shall include with its Proposal a Proposal Guaranty that meets the following requirements:

- (1) Equal to 5 percent of the total amount of the Proposal
- (2) Made payable to the Lincoln County Treasurer
- (3) In the form of a certified check, a cashier's check, or a bond

If providing a Proposal Guaranty in the form of a bond, the bond must meet the following requirements:

- (1) Issued by a corporation authorized by the Minnesota Department of Commerce to contract as a Surety in the State of Minnesota
- (2) Conditioned on execution of the Contract in accordance with 1306, "Execution and Approval of Contract"

S-12

(1209) DELIVERY OF PROPOSALS
REVISED 10/2015

The provisions of MnDOT 1209 are modified with the following:

When submitting a Proposal in accordance with 1206.2, "Allowable Substitutions," of these Special Provisions, the Bidder shall deliver the Proposal and the Proposal Guaranty in a sealed envelope. The Bidder shall mark the sealed envelope with the name of the Bidder, the Project number, and the letting date. The Bidder shall deliver the sealed envelope to the Department as specified in the Advertisement for Bids as follows:

- 1) To the address specified,
- 2) In care of the official receiving the Proposals, and
- 3) By the date and time for opening Proposals.

Proposal shall be submitted in its entirety to be considered as an acceptable bid.

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

S-13

(1210) REVISION OF PROPOSAL PACKAGE OR WITHDRAWAL OF PROPOSALS
REVISED 10/2015

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

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

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

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

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

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

S-14 **(1212) OPENING OF PROPOSALS**
REVISED 10/2014

The provisions of MnDOT 1206 are modified with the following:

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

1212 OPENING OF PROPOSALS

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

S-15 **(1401) INTENT OF CONTRACT**

The provisions of MnDOT 1401 are supplemented and/or modified with the following:

MnDOT 1401.1 “Partnering” is hereby deleted from the MnDOT Supplemental Specifications.

S-16 **(1507) UTILITY PROPERTY AND SERVICE**

The Contractor shall assume full responsibility for damage to any utilities, underground or otherwise, and any subsurface drainage to be left in place.

S-17 **(1508) CONSTRUCTION STAKES, LINES, AND GRADES**

Lincoln County will place a stake at the stockpile location and outer excavation boundaries as shown on the attached site map.

S-18 **(1512) UNACCEPTABLE WORK**

MnDOT 1512 is hereby modified as follows:

Replace MnDOT 1512.1 number (5) with the following:

- (5) After the Contractor has been given proper notice to acceptably correct the Work and Materials and has failed to do so, provide notice of default in accordance with MnDOT 1808 “Default of Contactor”.

S-19 **(1602) NATURAL MATERIAL SOURCES**

Aggregates shall be furnished in accordance with the provisions of Specifications 1602, 3138, 3139, 3149, 3601 and the following:

The Contractor shall crush approximately 37,000 Cu. Yds. in the pit location area shown on the attached site map of Skime pit. Quantity maybe adjusted based on the actual amount of material remaining in this location in the pit. The Engineer my request that additional material is crushed if it is determined that there will not be enough material for a future crushing contract.

The Contractor shall produce this aggregate on the Lincoln County owned property located in the E ½ of the SE ¼ of Section 25-109-45 (Verdi Twp.) and in the Government lots 3 & 4 lying west of the railroad right of way of Section 30-109-45 (Lake Benton Twp).

There shall be no gravel royalty cost paid to the County for this pit location hence, there should be no gravel royalty price included in the unit price bid.

Lincoln County has a conditional use permit for the County owned property located in the E ½ of the SE ¼ of Section 25-109-45 (Verdi Twp.) and in the Government lots 3 & 4 lying west of the railroad right of way of Section 30-109-45 (Lake Benton Twp).

The Contractor shall strip all overburden as needed. This overburden shall be placed within the marked excavation area as shown on the attached site map of Skime pit. Topsoil material shall be kept separate from other overburden material.

Upon completion, the contractor shall level the mined area as finishing operations. County forces will place the topsoil and reclaim the pit upon completion.

The stockpile shall be located in an area that will be prepared and staked by the County within the area shown on the attached site map of Skime pit.

The Contractor shall also maintain a minimum 2:1 slope along all sides of the pit area.

S-20

(1603.2) SAMPLING AND TESTING

Sampling and Testing of material shall be in accordance with the provisions of specification 1603.2 Sampling and Testing and the following:

The first paragraph of MnDOT Standard Specification 1603.2 Sampling and Testing is hereby deleted and replaced with the following:

The Contractor shall test the material at the following minimum testing rates:

Gradation Testing at a rate of 1/1,000 tons stockpiled for the first 5,000 tons

Gradation Testing may be reduced 1 / 2,500 tons stockpiled after 5,000 tons

Crushing shall be tested once per source unless otherwise directed by the Engineer.

The Contractor shall submit a companion sample to the County for each gradation test taken. Contractor test results shall be submitted to the County by the end of the next day of production after the sample is taken. The number of tests required may be reduced by the Engineer if the tests are running consistent and uniform.

The County will perform verification testing as follows:

The County may choose to randomly take stockpile samples as outlined in the 2023 Grading & Base (Pavement Foundation) Manual to verify the Contractors quality of material. Testing to include gradations and percent crushing.

S-21

(1803) PROGRESS SCHEDULES

The provisions of MnDOT 1803 are supplemented and/or modified with the following:

The Contractor shall give the Engineer definite written notice of their intention to start work at least 10 calendar days in advance of beginning construction.

The provisions of Specification 1803.2 and 1803.3 (pertaining to bar chart and critical path diagram requirements) are hereby deleted

S-22

(1806) DETERMINATION AND EXTENSION OF CONTRACT TIME

The Contract Time will be determined in accordance with the provisions of Mn/DOT 1806 and the following:

All work required under this Contract, except maintenance work and Final Clean Up shall be **completed on or before July 1, 2024**. If additional crushing is requested by the Engineer, the County will add 1 calendar day per additional 2000 cubic yards over plan quantity to the completion date to allow for additional time to complete the extra work.

S-23 **(1807) FAILURE TO COMPLETE THE WORK ON TIME**
Revised 2/2018

The provisions of Mn/DOT 1807.1-1 are supplemented as follows:

The Department will deduct liquidated damages from money due the Contractor for each calendar day that the Work remains incomplete after expiration of the Contract Time, according to the completion requirements of 1516.2 (Project Acceptance). The Engineer will deduct liquidated damages based on the original Contract Amount and Table 1807.1-1.

S-24 **(1901) MEASUREMENT OF QUANTITIES**

The following shall be added to MN/DOT 1901:

Quantities shall be measured using the stockpile volume (SV). Lincoln County will measure the pile within 7 days once crushing operations are completed. Past projects have had a stockpile volume conversion factor range of 1.53 Tons/CY to 1.66 Tons/CY when compared with belt scale values. These conversion factors are for information only as actual conversion factors may vary due to moisture content of material and variability of belt scales (ex. wind, calibration). Surveyed quantity will govern.

S-25 **(1903) COMPENSATION FOR ALTERED QUANTITIES**

Lincoln County reserves the right to increase or decrease the quantities of any item without adjustments in the contract unit prices and the provisions of 1903 shall not apply.

Lincoln County may adjust the quantities based on the contract bid price to meet the 2023/2024 budgeted amount of \$175,000 for crushing in Skime pit.

S-26 **(1906) PARTIAL PAYMENTS**

Partial payments will be made in accordance with the Provisions of 1906, except as modified below:

From the amounts ascertained as payable on each partial payment, five (5) percent retainage for in-state contractors and eight (8) percent retainage for out-state contractors until all work is completed and accepted.

Payment for materials on hand will not be made under this contract.

By signing the Proposal, The Contractor authorizes the Lincoln County Highway Department to make partial payments without the Contractor's signature. The Contractor will receive a copy of the payment voucher at the time the payment is issued. The Contractor may submit a written request to sign the Partial Estimate Payment Vouchers prior to payment.

S-27 **(2211) AGGREGATE BASE (Stockpiled Aggregate)**

MnDOT 2211.3 is supplemented and/or modified with the following:

Test according to provisions outlined in 1603.2 in the Proposal

The Certificate of Aggregates Form G&B-104 will be required. The requirement MnDOT certified tester

on form G&B-104 will not be required.

MnDOT 2211.3B, required testing, is hereby modified from the MnDOT Standard Specifications and replaced with the following:

B. Contractor Quality Control (QC) Testing
Perform the following QC tests during production:

- (1) Gradation
- (2) Percent Crushing

MnDOT 2211.4 is supplemented and/or modified with the following:

The Stockpile site will be surveyed by County Forces prior to the start of crushing to get the base data. The Contractor shall notify the County upon completion of crushing. The County will survey the pile within 7 calendar days of the notification of completion by the Contractor to get the final pay quantity.

MnDOT 2211.5 is supplemented and/or modified with the following:

The unit prices for Stockpile Aggregate prices bid per cubic yard includes all costs for mobilization, stripping, crushing, screening, stockpiling, material testing, and all finishing operations, all as directed by the Engineer, and will be paid for under the unit price bid.

Monetary price adjustments will not apply to this contract. The Engineer reserves the right to stop production if material is not meeting specification or for failure to provide test results within the time outlined in special provision 1603.2 without any additional compensation to the Contractor.

S-28

(3138) AGGREGATE FOR SURFACE AND BASE COURSES

The provisions of MnDOT 3138 are supplemented and/or modified with the following:

The Contactor shall produce Class 5 modified material to be used as a surfacing aggregate. (100% of the material shall pass the ¾" sieve".)

Table 3138.1 is supplemented and/or modified with the following:

The percent passing the No. 200 sieve for Class 5 material is modified to 8.0 – 15.0.

S-29

FINISHING OPERATIONS

The Contractor shall not drain or deposit any fluids, including greases, oils, and hydraulic fluids in the pit area. All waste products from the project operation shall be contained and precautions taken so not to allow spills and leaks within the pit area. All waste products and containers shall be removed from the pit as soon as possible. No burning of any material will be allowed in the pit. Any waste products found after the Contractor has left the pit area will be removed at the expense of the Contractor and an additional charge of \$500 per occurrence will be deducted from the Contractor's final payment. If final payment has been made prior to the discovery of the waste products, the Contractor will be billed for the expense and applicable fine.

The contractor shall cleanup the pit/production area to the satisfaction of the Engineer and the equipment for doing such cleanup work shall not be removed from the pit until consent to do so has been received from the Engineer.



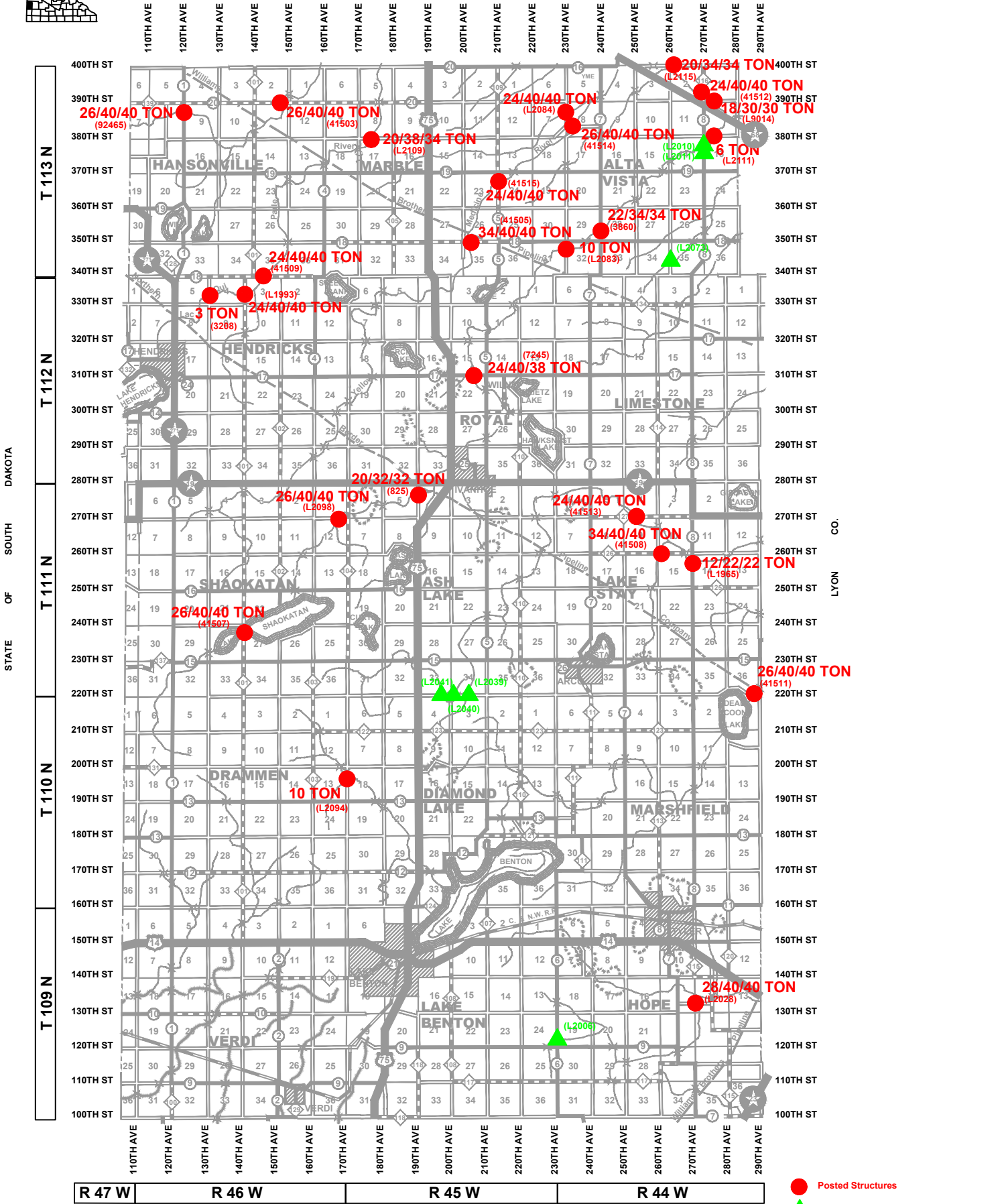
LINCOLN COUNTY MN

BRIDGES RESTRICTED FOR OVERWEIGHT LOADS



U.S. HIGHWAYS
 STATE TRUNK HIGHWAYS
 STATE AID OR COUNTY - HARD SURFACED ROADS
 STATE AID OR COUNTY - GRAVEL SURFACED ROADS
 TOWNSHIP ROADS
 COUNTY STATE AID ROAD SYMBOL
 COUNTY ROAD SYMBOL








YELLOW MEDICINE CO.

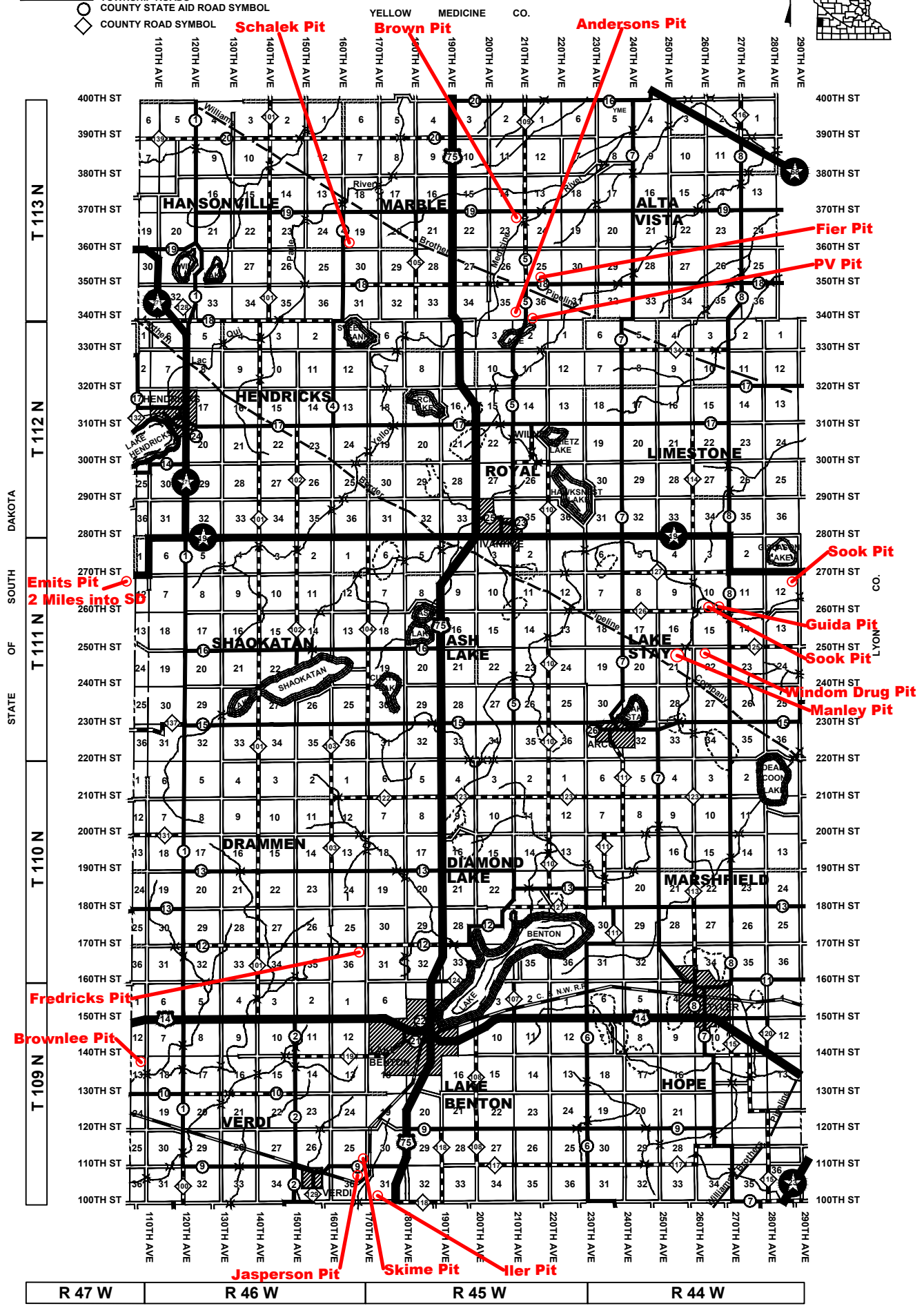


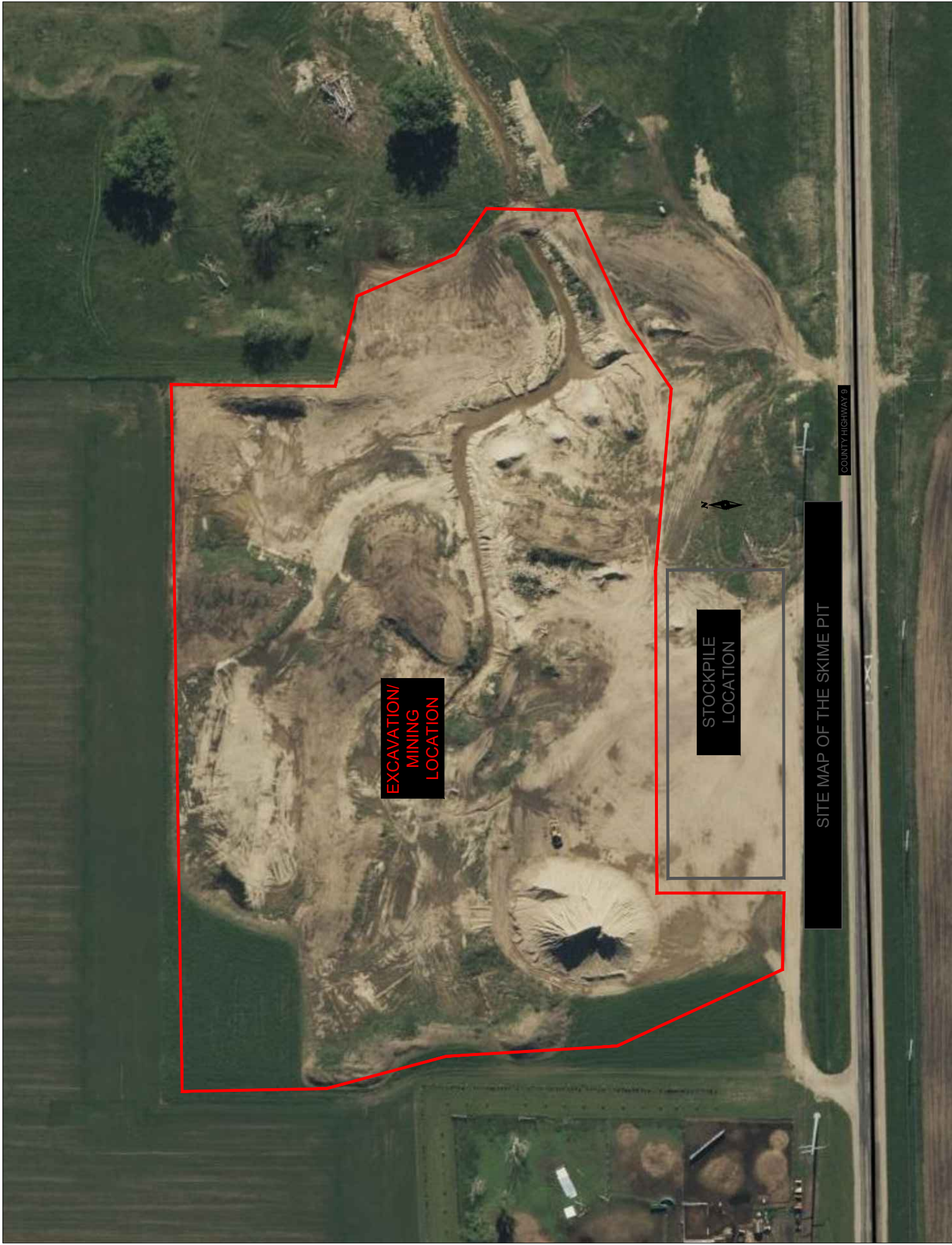
● Posted Structures
 ▲ Restricted from Over Weight Loads

PIPESTONE CO.

LINCOLN COUNTY MN

-  U.S. HIGHWAYS
-  STATE TRUNK HIGHWAYS
-  STATE AID OR COUNTY - HARD SURFACED ROADS
-  STATE AID OR COUNTY - GRAVEL SURFACED ROADS
-  TOWNSHIP ROADS
-  COUNTY STATE AID ROAD SYMBOL
-  COUNTY ROAD SYMBOL





**EXCAVATION/
MINING
LOCATION**

**STOCKPILE
LOCATION**

SITE MAP OF THE SKIME PIT

COUNTY HIGHWAY 9

**ATTACHMENT A
PRIME CONTRACTOR RESPONSE**

RESPONSIBLE CONTRACTOR VERIFICATION AND CERTIFICATION OF COMPLIANCE

STATE PROJECT NUMBER: _____

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.

| | |
|--|--|
| <p>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...</p> | |
| <p>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:</p> | |
| <p>(1)</p> | <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 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. |
| <p>(2)</p> | <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, 181.03, 181.101, 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 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 certify 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.

ATTACHMENT A-1

FIRST-TIER SUBCONTRACTORS LIST

SUBMIT PRIOR TO EXECUTION OF A CONSTRUCTION CONTRACT

STATE PROJECT NUMBER: _____

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* (Legal name of company as registered with the Secretary of State) | Name of city where company home office is located |
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*Attach additional sheets as needed for submission of all first-tier subcontractors.

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| SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-1 | |
| <p>By signing this document I certify that I am an owner or officer of the company, and I certify under oath that:</p> <p>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.</p> | |
| Authorized Signature of Owner or Officer: | Printed Name: |
| Title: | Date: |
| Company Name: | |

ATTACHMENT A-2

ADDITIONAL SUBCONTRACTORS LIST

PRIME CONTRACTOR TO SUBMIT AS SUBCONTRACTORS ARE ADDED TO THE PROJECT

STATE PROJECT NUMBER: _____

This form must be submitted to the Project Manager or individual as identified in the solicitation document.

Minn. Stat. § 16C.285, Subd. 5. ... 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. ...

| ADDITIONAL SUBCONTRACTOR NAMES* (Legal name of company as registered with the Secretary of State) | Name of city where company home office is located |
|--|--|
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*Attach additional sheets as needed for submission of all additional subcontractors.

| SUPPLEMENTAL CERTIFICATION FOR ATTACHMENT A-2 | |
|--|----------------------|
| By signing this document I certify that I am an owner or officer of the company, and I certify under oath that: | |
| All additional subcontractors listed on Attachment A-2 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. | |
| Authorized Signature of Owner or Officer: | Printed Name: |
| Title: | Date: |
| Company Name: | |

NON-COLLUSION DECLARATION

The following Non-Collusion Declaration shall be executed by the bidder:

State Project No. _____

Federal Project No. _____

State of Minnesota _____)
) ss
County of _____)

I, _____, do state under penalty of
(name of person signing this declaration)

perjury under 28 U.S.C. 1746 of the laws of the United States:

(1) that I am the authorized representative of _____

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

and that I have the authority to make this declaration for and on behalf of said bidder;

(2) that, in connection with this proposal, the said bidder has not either directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding;

(3) that, to the best of my knowledge and belief, the contents of this proposal have not been communicated by the bidder or by any of his/her employees or agents to any person who is not an employee or agent of the bidder or of the surety on any bond furnished with the proposal and will not be communicated to any person who is not an employee or agent of the bidder or of said surety prior to the official opening of the proposal, and

(4) that I have fully informed myself regarding the accuracy of the statements made in this declaration.

Signed: _____
(bidder or his authorized representative)

THE SCHEDULE OF PRICES AND BACK COVER SHEETS HAS BEEN INTENTIONALLY LEFT OUT OF THE “PDF” PRINT OF THIS PROPOSAL. PLEASE VISIT OUR WEBSITE AT, WWW.CO.LINCOLN.MN.US, OR CONTACT THE LINCOLN COUNTY HIGHWAY DEPARTMENT AT 507-694-1464 FOR INSTRUCTIONS ON HOW TO REQUEST THE SCHEDULE OF PRICES AND BACK COVER SHEET. THESE SHEETS WILL BE EMAILED TO YOU FOR INSERTION INTO THE PROPOSAL TO MAKE IT COMPLETE.