[Template Instructions: Instructions for developing a solicitation are in red and in brackets. Sample language is in red only. All red text should be deleted before finalizing the solicitation for posting. End of Template Instructions.]

State of Minnesota

[Requesting Agency Name]



REQUEST FOR BID

[Project Title]

[SWIFT Event #]

Date Posted: [Enter date publicly posted]

* Responses must be received not later than [time], Central Time, [date] [recommended for a minimum of 8 days for posting]
* Late responses will not be considered

**Minnesota’s Commitment to Diversity and Inclusion**

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our Minnesota communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to [the Office of Equity in Procurement home page, at www.mn.gov/admin/oep](http://www.mn.gov/admin/oep).

SPECIAL NOTICE: This is a request for bid. It does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest.

[Delete the following instructions if you are not requesting proposals via SWIFT]

**This Solicitation requires proposals to be submitted through the SWIFT Supplier Portal. Please note the security changes below that may impact responders from submitting a timely response.**

**SWIFT SUPPLIER PORTAL SECURITY CHANGES**

There are new security measures that the Minnesota Management and Budget implemented on October 16, 2022. It is a new multi-factor authentication (MFA) to enhance the security of the [State of Minnesota Supplier Portal](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDAsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjEwMjAuNjU0MDU5NTEiLCJ1cmwiOiJodHRwczovL2d1ZXN0LnN1cHBsaWVyLnN5c3RlbXMuc3RhdGUubW4udXMvcHNjL2Ztc3N1cGFwL1NVUFBMSUVSL0VSUC9jL05VSV9GUkFNRVdPUksuUFRfTEFORElOR1BBR0UuR0JMPyYifQ.i-HI1goSFhyukO6-tDKJ950RA0248ccp4eK29Xzz01Y/s/349718272/br/146252762755-l). MFA is an authentication method that requires bidders and suppliers provide two verification factors to log into the SWIFT Supplier Portal. The goal of MFA is to create a layered defense that makes it more difficult for unauthorized system access to occur.

For information about these changes, please refer to the [SWIFT Supplier Portal Multi-Factor Authentication FAQ](https://mn.gov/mmb-stat/documents/swift/vendor/supplier-portal-mfa-faq.pdf) document.

**If you have not done so already, please make sure to log into the SWIFT Supplier Portal as soon as possible to get this authentication set up early so there are no issues when submitting a response to an RFP.**

**You are strongly encouraged to set your MFA during business hours of 8:00 A.M. to 4:00 P.M., Central Time, Monday through Friday. You may experience delay setting your MFA after hours.**

**TABLE OF CONTENTS**

**Solicitation Content**

[SECTION 1 – INSTRUCTIONS TO RESPONDERS 4](#_Toc25676270)

[SECTION 2 – SUMMARY OF SCOPE 6](#_Toc25676271)

[SECTION 3 – RESPONSE INSTRUCTIONS AND ADDITIONAL INFORMATION 7](#_Toc25676272)

[SECTION 4 – RESPONSE CONTENT 9](#_Toc25676273)

[SECTION 5 – SOLICITATION TERMS 12](#_Toc25676275)

**Solicitation Attachments**

* Attachment A: Responder Declarations
* Attachment B: Pricing
* Attachment C: Responder Forms
  + Veterans Preference Form (If Applicable)
  + Solicitation Bond Form (If A One-Time Construction Solicitation Estimated to be Close to $50,000)
* Attachment D: Additional Information (If Applicable)
* Attachment E: References Form (If Requested)

**Sample Contract**

* Exhibit A: Contract Terms
* Exhibit B: Insurance Requirements
* Exhibit C: Specifications, Duties, and Scope of Work
* Exhibit D: Pricing
* Exhibit E: [Optional if needed]

SECTION 1 – INSTRUCTIONS TO RESPONDERS

|  |  |
| --- | --- |
| Steps for Completing Your Response | Follow the steps below to complete your response to this Solicitation:  Step 1: Read the solicitation documents and ask questions, if any Step 2: Write your response Step 3: Submit your response |
| Incomplete Submittals | A response must be submitted along with any required additional documents. Incomplete responses that materially deviate from the required format and content may be rejected. |
| STEP 1 – READ THE SOLICITATION DOCUMENT & ASK QUESTIONS, IF ANY | |
| How to Ask Questions  Pre-Bid Meeting | The contact person for questions is:  [Name], [Title] [Department Name] [E-mail]  Questions should be emailed to the contact by [Date]. Other personnel are not authorized to answer questions regarding this Solicitation.  [Delete if not needed] A pre-bid meeting will take place on [Insert date and time] at [Insert location]. [Optional language] Attendance is mandatory. |
| STEP 2 – WRITE YOUR RESPONSE | |
|  | The Response Content section is in Section 4. Prepare a written response and supply all requested content. Responses should address the requested information and documents detailed in Section 4. DO NOT INCLUDE Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37).  **Review, sign, and include the Responder Declarations with your response**. |
| STEP 3 –SUBMIT YOUR RESPONSE | |
| Where to Send Your Response | [Choose which option to use and remove the unused option.]  [Option 1 – State Register Instructions] Submit your response to:  [Department Name] [Name], [Title] [Address] [Fax and e-mail, if applicable]  Bids must be received not later than [Time], Central Time, [Date]. **Late responses will not be considered.**  Provide [insert number] copies of the bid. Bids are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside. Provide one copy of the cost detail in a separately sealed envelope clearly marked on the outside “Cost Detail” along with the responder’s name.  By submitting a response, responder is making a binding legal offer for the period of time set forth below in Section 5, Conditions of Offer.  [OR]  [Option 2 – SWIFT instructions] All responses to this solicitation (termed an “Event” within SWIFT) must be submitted through SWIFT using the Supplier portal (<https://mn.gov/supplier>). Training and documentation on how to submit your response is available through the Supplier portal link above. Fax, e-mail, and printed responses will not be accepted or considered. All costs incurred in responding to this solicitation will be borne by the responder.  **Late responses will not be considered.** Responses received after End Date above will not be considered, even if errors or delays were caused by issues outside of responders’ control. If you need assistance please contact the SWIFT Vendor Assistance Helpline at 651-201-8100, Option 1, and then Option 1.  By submitting a response, your company is making a binding legal offer for the period of time set forth below in Section 5, Conditions of Offer. |

SECTION 2 – SUMMARY OF SCOPE

# Procurement Overview and Goals.

[Describe the components of requested goods or services, give background on the project, and describe the desired outcome]

Sample Statement:

The Department of Natural Resources periodically purchases seedling trees for planting in the State forests and State parks. These trees will be required to be delivered to different locations throughout the State. The trees will be purchased on an as needed basis.

# Sample Tasks and Deliverables.

Review Exhibit C to the Sample Contract for Specifications, Duties, and Scope of Work.

SECTION 3 – BID INSTRUCTIONS AND ADDITIONAL INFORMATION

# Anticipated Contract Term.

The term of this contract is anticipated to be from [Month/Year to Month/Year], with the option to extend up to an additional [insert number of years contract may be extended] years in increments determined by the State.

# Estimated Amount.

The estimated total dollar value of the contract for one year is $\_\_\_\_\_ to $\_\_\_\_\_. However, this shall not be construed as either the minimum or maximum amount. It shall also be understood and accepted by the responder that any quantities shown in this solicitation are estimated quantities only and impose no obligation upon the State either minimum or maximum.

# Pre-Bid Meeting. [DELETE IF NOT NEEDED]

A pre-bid meeting will take place at the date and location listed. Responders may attend the pre-bid meeting prior to submitting their response.

[ALTERNATIVE] **Mandatory Pre-Bid Meeting.** **[DELETE IF NOT NEEDED]**

A mandatory pre-bid will take place at the date and location listed. Responders must attend the pre-bid meeting prior to submitting their response. Responses received from responders that did not attend the pre-bid meeting will be rejected.

PRE-BID MEETING

LOCATION DATE AND TIME

[INSERT LOCATION] [INSERT DATE AND TIME]

The pre-bid meeting format will adhere to social distancing and other [guidance](https://www.health.state.mn.us/diseases/coronavirus/index.html) provided by the Minnesota Department of Health (MDH) and Centers for Disease Control and Prevention (CDC) in an effort to reduce the spread of COVID-19 (<https://www.health.state.mn.us/diseases/coronavirus/index.html>). Attendees are responsible to bring their own face coverings. Prospective attendees exhibiting any cold or flu-like symptoms will not be admitted. These requirements may change; Responders are responsible for sending attendees who meet the requirements in effect at the time of the pre-bid meeting.

# Registration and Background Checks. [IF NEEDED TO ADDRESS PRE-BID MEETINGS LOCATED AT SECURE FACILITIES SUCH AS CORRECTIONS OR REVENUE FACILITIES]

Responders must register to attend the pre-bid meeting as soon as possible. Responders must register by [Insert Date and Time]. To register for the pre-bid meeting, contact [Insert Contact Information]. Responders that do not register for the pre- bid meeting will not be admitted into the facility. Background checks are required prior to attending the pre-bid meeting and accessing the work site. [Insert additional instructions about submittal requirements prior to attending meeting].

# Question and Answer Instructions.

[The contact person should answer all questions in writing.

* For solicitations posted through the State Register, send a copy to all responders that requested a copy of the solicitation.
* For solicitations posted in SWIFT, upload an addendum to the event with the answers. Set a due date for questions.

The due date should provide sufficient time to respond to questions and for responders to incorporate the additional information into their response.]

All questions should be submitted no later than the date and time listed in Section 1, Instructions to Responders. The State is not obligated to answer questions submitted after the question due date and time.

Only personnel listed above are authorized to discuss this solicitation with responders. Contact regarding this solicitation with any personnel not listed above could result in disqualification. This provision is not intended to prevent responders from seeking guidance from state procurement assistance programs regarding general procurement questions.

If a Responder discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the solicitation, please immediately notify the contact person detailed above in writing of such error and request modification or clarification of the document.

# Dispute Resolution Procedures.

Any issue a responder has with the RFB document, which includes, but is not limited to, the terms, conditions, and specifications, must be submitted in writing to the contact person for this solicitation prior to the solicitation opening due date and time. Any issue a responder has with the Contract award must be submitted in writing to the contact person for this solicitation within five business days from the time the intent to award or the Contract award date is made public.  This public notice may be made by any of the following methods:  notification by letter or email, posted on the OSP website, [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us/), or electronic notification by our electronic procurement system, SWIFT.  The State will respond to any protest received that follows the above procedure.  For those protests that meet the above submission requirements, the appeal process is, in sequence:  the contact person for this solicitation, the Office of State Procurement (OSP) Acquisitions Manager, and the OSP Director.

SECTION 4 – RESPONSE CONTENT

[Create a numbered list of all information the Responder should submit with its response.

Guidance:

1. Be cautious and intentional about using the word “must” when describing requirements. Using “must” could be perceived as creating a pass/fail requirement.
2. It is helpful to create a clear list of all forms or other documents to be submitted.

Modify and delete content within Section 4 as necessary to meet the needs of the solicitation. The sample Bid Content below is an example that may be used. It is best to use language that fits your needs. Feel free to add bid content information and delete those that are not applicable to the goods or services you are requesting.]

Please submit the following information:

1. [Optional, for Goods] Specifications. Responder must offer goods that meet the specifications detailed in Exhibit C: Specifications, Duties, and Scope of Work attached to the Sample Contract.

[Optional, if applicable] A proposed good must be a currently advertised production model as modified per the specifications and approved by the State.

1. [Optional] References. [If references are not pass/fail] Responder should complete and submit “Attachment [ ]: Reference Form” with their response. Responder should answer every question and provide all information requested on the reference form. The State reserves the right to verify the information submitted on Attachment [ ] before an award is made. The State reserves the right to contact the references listed in Attachment [ ]. The solicitation response will be rejected if the State, in its sole discretion, receives information that indicates the responder is non-responsible or non-responsive.  
     
   [If references are pass/fail] Responder must complete and submit “Attachment [ ]: Reference Form” with their response. Responder should answer every question and provide all information requested on the reference form. Failure to meet this requirement may result in the rejection of the entire response as non-responsive. The State reserves the right to verify the information submitted on Attachment [ ] before an award is made. The State reserves the right to contact the references listed in Attachment [ ]. The solicitation response will be rejected if the State, in its sole discretion, receives information that indicates the responder is non-responsible or non-responsive.
2. [Optional] Accessibility of Services or Products. [If you have determined that the accessibility standards apply to this procurement and you are requiring a VPAT, you must include this paragraph] The responder should complete, in an accessible format, the Section 508 and Web Content Accessibility Guidelines (WCAG) sections in a Voluntary Product Accessibility Template (VPAT®) for all software, hardware, and websites (as applicable) as proposed in response to the solicitation. Vendors can use the VPAT form from the [ITIC VPAT site](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.itic.org%2Fpolicy%2Faccessibility%2Fvpat&data=02%7C01%7Celizabeth.randa%40state.mn.us%7Ce0e5c0e26b4b4c7ae34f08d7727e5f20%7Ceb14b04624c445198f26b89c2159828c%7C0%7C0%7C637103759390119689&sdata=sbqUy4ECq7IOBn98KgDxXnxXitIejHNQrGay8uHYE1Y%3D&reserved=0). (Under “Resources,” select the “508” option, as it contains both 508 and WCAG forms.) For systems with multiple interfaces (such as an admin and user interface), complete a VPAT for each interface.

Responders are encouraged to reference the “[Vendor VPAT Guidance](https://mn.gov/mnit/about-mnit/accessibility/it-procurement.jsp)” in the “Products” tab on the [Accessible IT Procurement page](file:///C:\Users\akocina\Desktop\Accessible%20IT%20Procurement%20page) (<https://mn.gov/mnit/about-mnit/accessibility/it-procurement.jsp>) for information and instructions on completing the VPATs. Respondents should also review the related guidance documents on the same site for solicitation reviewers to understand expectations. The responder is strongly encouraged to provide remarks and explanation that both support compliance and detail any deficiencies, as even if you claim “supports” unless there are remarks and explanations.

1. [Price Schedule Option] Cost Detail. Review Attachment B, “Pricing,” attached to this solicitation, and complete and submit Exhibit D Price Schedule, attached to the Sample Contract.

[No Price Schedule Option] Cost Detail. A price schedule document will not be used for this solicitation. Responders must enter their bid price(s) in SWIFT at the unit line level.

1. [Optional] Product Documentation. Responder must provide equipment sales literature, technical data or specifications, a user manual, or other documentation about the product upon request by the State, and at no cost to the State. Product documentation should include items such as, but are not limited to, product information, product functionality, and operation instructions. Product documentation may be provided digitally unless the State requires the documentation be provided in print.
2. [Optional] License Agreements, Maintenance Agreements, or Other Terms and Conditions. [Use when the Responder must submit the documents detailed below] Responder must provide any license agreements, maintenance agreements, or any other terms and conditions relevant to the work under a resulting contract. Review and approval by the State will be required prior to contract execution. In the event Responder fails to comply with this provision, Responder agrees that it will not seek to enforce terms and conditions of any such agreement against the State. Further, failure to provide any of the pertinent documents upon request may result in the State not agreeing to sign any additional documents, rejecting your response, or cancelling the award.
3. Solicitation Security. [Include this clause for one-time construction solicitations estimated to be close to $50,000.00.] Responses that exceed $50,000.00 must be accompanied by a surety bond of a surety company duly authorized to do business in the State of Minnesota; in an amount equal to five percent (5%) of the total amount of the response, which is submitted as a solicitation security conditioned upon the Responder entering into a contract with the State of Minnesota in accordance with the terms of the solicitation. Responders must upload a copy of their surety bond as prompted in the solicitation. The State reserves the right to require the Contractor to provide the original surety bond to the State. If such a request is made, the Contractor must submit the original surety bond within seven (7) calendar days upon receipt of the request. If the original surety bond is not received within seven (7) calendar days of receipt of the request, the State may take action including rejection of the response or cancellation of the contract for cause.

If the solicitation security is in the form of a certified check, cashier’s check, or money order made payable to the State of Minnesota, it must be received by the Department of Administration, Office of State Procurement at the address identified below in a clearly marked and sealed envelope no later than the due date and time indicated in the solicitation. Late submissions will result in rejection of your response. Facsimile or copies of a certified check, cashier’s check, or money order will not be accepted.

[Modify address as necessary to fit your solicitation. Remember to revise the location reference in the second paragraph above.)

Department of Administration, Office of State Procurement

50 Sherburne Avenue, Suite #112

St. Paul, MN 55155

Submit all requested documentation, including, but not limited to, the following documents:

1. Attachment A: Responder Declarations
2. Attachment C: Responder Forms

Veterans Preference Form (If Applicable)

Solicitation Bond Form (Applicable for one-time construction solicitation estimated to be close to $50,000.00)

1. Attachment D: Additional Information (If Applicable)
2. Attachment E: Reference Form (If Requested)

**DO NOT INCLUDE Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37).**

SECTION 5 – SOLICITATION TERMS

# Competition in Responding

The State desires open and fair competition. Questions from responders regarding any of the requirements of the Solicitation must be submitted in writing to the Solicitation Administrator listed in the Solicitation before the due date and time. If changes are made the State will issue an addendum.

Any evidence of collusion among responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.

# Addenda to the Solicitation

Changes to the Solicitation will be made by addendum with notification and posted in the same manner as the original Solicitation. Any addenda issued will become part of the Solicitation.

# [Optional] Data Security - Foreign Outsourcing of Work is Prohibited [This paragraph may be used when data security issues apply.]

All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by subcontractors at all levels.

# Joint Ventures

The State allows joint ventures among groups of responders when responding to the solicitation. However, one responder must submit a response on behalf of all the others in the group. The responder that submits the response will be considered legally responsible for the response (and the contract, if awarded).

# Withdrawing Response

A responder may withdraw its response prior to the due date and time of the Solicitation. For solicitations in the SWIFT Supplier Portal, a responder may withdraw its response from the SWIFT Supplier Portal. For solicitations done any other way, a responder may withdraw its response by notifying the Solicitation Administrator in writing of the desire to withdraw.

After the due date and time of this Solicitation, a responder may withdraw a response only upon showing that an obvious error exists in the response. The showing and request for withdrawal must be made in writing to Solicitation Administrator within a reasonable time and prior to the State’s detrimental reliance on the response.

# Rights Reserved

The State reserves the right to:

* Reject any and all responses received;
* Waive or modify any informalities, irregularities, or inconsistencies in the responses received;
* Require responders to conduct presentations, demonstrations, or submit samples;
* Award by location or item, including category, by groups of items, or all items (therefore, the responder is encouraged to offer a response for all locations or items); and
* Interview key personnel or references.

# Samples and Demonstrations

Upon request, responders are to provide samples to the State at no charge. Except for those destroyed or mutilated in testing, the State will return samples if requested and at the Responder’s expense. All costs to conduct and associated with a demonstration will be the sole responsibility of the Responder.

# Responses are Nonpublic during Evaluation Process

All materials submitted in response to this Solicitation will become property of the State. During the selection process, with the exception of information that becomes public after bids are due, all information concerning the responses submitted will remain private or nonpublic and will not be disclosed to anyone whose official duties do not require such knowledge. Responses are private or nonpublic data until the completion of the selection process as defined by Minn. Stat. § 13.591. The completion of the selection process is defined as the State having completed its evaluation and has ranked the responses. The State will notify all responders in writing of the selection results.

# Trade Secret Information

## Responders must not submit as part of their response trade secret material, as defined by Minn**. Stat.** § **13.37.**

## **In the event** trade secret data are submitted, Responder must **defend any action seeking release of data it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments awarded against the State in favor of the party requesting the data, and any and all costs connected with that defense.**

## **The State does not consider cost or prices to be trade secret material, as defined by** Minn**. Stat.** § **13.37.**

## **A responder may present and discuss trade secret information during an interview or demonstration with the State, if applicable.**

# Conditions of Offer

[Goods] Unless otherwise approved in writing by the State, Responder’s response pertaining to the sale of goods will remain firm for 90 days, until it is accepted or rejected by the State.

[Goods and General Services] Unless otherwise approved in writing by the State, Responder’s response pertaining to the sale of goods or general services will remain firm for 180 days, until it is accepted or rejected by the State.

[Construction] Unless otherwise approved in writing by the State, Responder’s response pertaining to the sale of goods or general services will remain firm for 180 days, until it is accepted or rejected by the State.

# Award

Any award that may result from this solicitation will be based upon the established selection process. The State reserves the right to award this solicitation to a single responder, or to multiple responders, whichever is in the best interest of the State, providing each responder is in compliance with all terms and conditions of the solicitation. The State reserves the right to accept all or part of an offer, to reject all offers, to cancel the solicitation, or to re-issue the solicitation, whichever is in the best interest of the State.

# Requirements Prior to Contract Execution

Prior to contract execution, a responder receiving a contract award must comply with any submittal requests. A submittal request may include, but is not limited to, a Certificate of Insurance.

# [Instruction: Remove for federally funded project] Targeted Group, Economically Disadvantaged Business, Veteran-Owned and Individual Preference

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. § 16C.16, businesses that are eligible and certified by the State as targeted group (TG) businesses, economically disadvantaged (ED) businesses, and veteran-owned businesses will receive points equal to 6% percent of the total points available as preference.

For TG/ED/VO certification and eligibility information visit [the Office of Equity in Procurement website at https://mn.gov/admin/business/vendor-info/oep/](https://mn.gov/admin/business/vendor-info/oep/) or call the Division’s Helpline at 651.296.2600.

# [Instruction: Remove for federally funded project] Reciprocity

State shall comply with Minn. Stat. § 16C.06, subd. 7, as that applies to a non-resident vendor. This paragraph does not apply for any project in which federal funds are expended.

# [Instruction: Remove for federally funded project] DEED and DHS Preference

In accordance with Minn. Stat. § 16C.155, eligible DEED/DHS providers will receive points equal to 6% percent of the total points available.

# [Optional] Preference Environmental

The State desires to purchase environmentally responsible goods and services where practicable. When feasible and when the price of recycled materials does not exceed the price of non-recycled materials by more than 10%, the Commissioner, and State agencies when purchasing under delegated authority, must purchase recycled materials. See Minn. Stat. § 16C.0725.

# [Optional] Specifications

A response will be held to strict compliance with the specifications. If a response deviates from the specifications, the deviation must be clearly noted and the State reserves the right to reject the response. All specifications are for new items unless otherwise noted in the solicitation. When brand name or manufacturer’s name or numbers are stated in the specifications, they are intended to establish a standard only and are not restrictive unless the solicitation states: “No Substitute.” Responses may be considered on other alternate makes, models, or brands having comparable quality, style, and performance characteristics. Any alternates included in a response are subject to State approval.

# [Instruction: Remove if not soliciting a passenger vehicle, pickup truck or van.] Electric and Plug-in Hybrid Electric Vehicles

Pursuant to Minn. Stat. § 16C.138, It is the intention of the State of Minnesota to begin purchasing electric vehicles, plug-in hybrid electric vehicles, neighborhood electric vehicles, and natural gas vehicles if the total life-cycle cost of ownership is less than or comparable to that of gasoline-powered vehicles. It is the intention of the State to purchase electric vehicles, plug-in hybrid electric vehicles, neighborhood electric vehicles, and natural gas vehicles whenever practicable after these conditions have been met and as fleet needs dictate for at least five years after these conditions have been met.

# [Optional] Distributor or Manufacturer’s Representative

If your company is a distributor or manufacturer’s representative, as defined in MN Rules 1230.0150, and you are submitting an offer on behalf of the Original Equipment Manufacturer (OEM), your company must either:

* Be listed on the OEM’s website as an authorized distributor or an authorized manufacturer’s representative, or
* You must provide a letter from the OEM, on the OEM letterhead, stating the Responder is authorized to sell the specific product listed in the Solicitation, or the OEM’s full line of products, and that all OEM equipment warranties are applicable. (This requirement may be met by attaching the OEM letter to the Solicitation response.)

The Responder shall be the single point of contact through which customers will arrange warranty work that is still covered under the original equipment manufacturer’s warranty on the equipment that is purchased.

Pursuant to MN Rules 1230.0150, responses from brokers will not be accepted.

# Prompt Payment Discounts Offered

If a responder offers a discount for a payment made in less than 30 days, this discount will not be considered in the evaluation of the response. A prompt payment discount will be calculated from the date of acceptance of an undisputed invoice or upon the date a disputed invoice is resolved.

# Building Construction Contractor Registration.

Per Minn. Stat. § 326B.701, unless exempt, any person, as defined by Minn. Stat. § 181.723, subd. 1(a), who performs public or private construction services must register with the Department of Labor and Industry (DLI). Registration is required prior to receiving a contract award.

## Building construction contractors, including independent contractors, subcontractors, and business entities providing public or private sector commercial or residential building construction or improvement services must be registered with DLI.

## The registration requirement does not apply to workers and businesses that are already licensed, registered, or certified with the Department of Labor and Industry, nor does it apply to employees.

## General or Prime Contractors will be able to verify that subcontractors are registered on the searchable Department of Labor and Industry Contractor Look-up website.

## The law provides for penalties for failure to register, hiring unregistered contractors, misclassifying employees, and coercing others to form a business entity.

For additional information and to register go to [www.dli.mn.gov/register](http://www.dli.mn.gov/register) or contact the Department of Labor and Industry at 651.284.5074 or email: [dli.register@state.mn.us](mailto:dli.register@state.mn.us).

# Non-Minnesota Contractors.

Minn. Stat. § 290.9705 requires public entities to deduct and withhold eight (8) percent of cumulative calendar year payments to Non-Minnesota Contractors which exceed $50,000. The statute allows for an exemption of this requirement under specific circumstances that are listed in the “Reason for Exemption” section of the Exemption from Surety Deposits for Non-Minnesota Contractors Form (see link below). The Contractor must file a separate application for exemption for each contract.

In order to formalize this exemption you must, prior to being sent a Contract, complete this Form available at <https://www.revenue.state.mn.us/sites/default/files/2022-03/sde_21.pdf>, and submit to Minnesota Revenue. If approved, provide the ordering entity with a copy executed by Minnesota Revenue. The address to send the form for execution is:

Minnesota Revenue

Mail Section 5410

St. Paul, MN 55146-5410