

ADVERTISEMENT FOR BIDS

BLACK BEAR CASINO & RESORT HOTEL RENOVATION FURNITURE, FIXTURES, AND EQUIPMENT (FF&E) - INVITATION FOR BIDDERS CARLTON, MINNESOTA

Notice is hereby given that bids will be received **by email only** until **2:00 PM**, Central Standards Time, on **April 20, 2023** for the Black Bear Casino & Resort Hotel Renovation FF&E Package. Bids will be reviewed and referred to the Tribal Council for Consideration.

Bid Documents (consisting of specifications, cutsheets, and drawings) will be available at the Architects office as well as electronically. Free access via a OneDrive folder may be obtained by contacting LSE Architects: Joe Wagner (email) jwagner@lse-architects.com or by phone (direct) 612-286-8844.

No Bidder shall modify, withdraw, or cancel his Bid or any part thereof for forty-five (45) days after the time designated for the receipt of bids. The Owner reserves the right to reject any and all proposals or bids and to waive any defects, irregularities or information in any proposal or bid, and to award the contracts to other than the lowest bidder, if in their discretion the interests of the project will be best served thereby.

All bids shall be accompanied by a bid bond or certified check in the amount of five (5) percent of the amount of the gross bid payable to the Fond du Lac Reservation, as liquidated damages for breach of contract if the bidder refuses or neglects to enter into the contract as per his bid.

Supply of Performance/Payment Bonds shall be considered by the Owner via an add alternate price. Refer to Bid Form. Bidders are not required to provide an add alternate pricing to submit a bid.

Wage Rate Requirements will be required for all workers employed at the site.

The Fond du Lac Reservation is a tax-exempt entity; no sales tax shall be included in the Vendor's bid amounts. The Owner will furnish the Successful Bidder with the letter describing the tax-exempt status and procedures to be followed regarding sales tax exemption.

The Fond du Lac Reservation requires that the work force employed at the site shall conform to the TERO Policy. There is a 25% TERO employment goal for onsite hours this project.

Email bids will be accepted on or before the date and time of Bid Closing. **E-mail bid shall be sent to:** jwagner@lse-architects.com and **CC'd to:** MichaelMurrayJr@FDLREZ.com; NaomiNorthrup@FDLREZ.com.

END OF SECTION

Construction Bidding Conditions

for Fond du Lac Reservation Business Committee and
Fond du Lac Development Corp. Construction Contracts
(Last modified: July 20, 2022)

The following bidding conditions apply to Fond du Lac Reservation Business Committee and Fond du Lac Development Corp. construction contracts:

1. Applicability. These Bidding Conditions apply to all Band construction projects whether on- or off-reservation (except as otherwise stated herein). A request for bid or advertisement may contain additional requirements above and beyond these Bidding Conditions, in which case those provisions control. In the event of a conflict between these Bidding Conditions and the request for bid or advertisement for a project, these Bidding Conditions control. In the event that these Band laws and rules are updated or amended, or additional Band laws or rules are passed that by their terms apply, the newest versions of Band laws and rules are automatically incorporated herein.
2. Fond du Lac Business License Ordinance. Bidder acknowledges its responsibility to apply for a business license from the Fond du Lac Band of Lake Superior Chippewa as required under the Fond du Lac Business License Ordinance, FDL Ordinance #5/84 (available at the Band's official website at <http://www.fdlrez.com/government/fdlordinances.htm>). This is required whether a project is conducted on- or off-Reservation (and regardless of any language to the contrary in the Ordinance itself).
3. Fond du Lac Tribal Employment Rights Ordinance.
 - a. Bidder shall constitute a "contractor" under the Fond du Lac Tribal Employment Rights Ordinance ("TERO"), FDL Ordinance #12/94 (also available at the Band's official website), and shall abide by its provisions for all on- and off-reservation projects (and regardless of any language to the contrary in the TERO itself). Bidder must submit with its bid a TERO compliance plan, which must be approved by the Fond du Lac Band's TERO Officer.
 - b. Bidder agrees that all workers entitled to preference under TERO shall be employed in accordance with their experience and qualification, but under no circumstance shall TERO hires be paid at a rate less than the journeyman Laborer, Common (General Labor Work) rate (including basic rate plus fringe rate) as provided in the Minnesota Department of Labor and Industry prevailing wage determination for the county in which the project is located (as may be amended). Fringe amount shall be paid directly to TERO hires, unless the employee requests otherwise.

- c. Bidder will file certified payroll report forms with all applications for payment that substantiate TERO compliance, including showing all hours worked on the project, percentage of TERO hours, and compliance with all other TERO and project requirements.
4. In accordance with Section 116 of FDL Ordinance #12/14, if the contract cost is \$250,000 or more, the Bidder shall pay a TERO fee of 3% of the contract cost as instructed by the Fond du Lac TERO Director.
5. Right to Work.
 - a. Bidder shall comply with Fond du Lac Ordinance #03/07, Prohibiting Compulsory Membership in a Labor Organization as a Condition of Employment on the Fond du Lac Reservation (available at the Band's website) for all on- and off-reservation projects. TERO hires cannot be required to join a labor organization as a condition of working on the project.
 - b. It shall be bidder's obligation to determine how to comply with requirements of Band law, these Bidding Conditions, other, applicable labor laws, bidder's pre-existing collective bargaining agreements with labor organizations, and other obligations as may apply to bidder in a given jurisdiction. Notwithstanding this, the Band must approve any labor agreements specific to the project.
6. Drug & Alcohol Testing Requirements. Bidder agrees that if it is successful, Bidder and all its subcontractors providing services on the Project shall be responsible for maintaining a drug-free workplace. If the Bidder or its subcontractors work or are expected to work on site on more than one day in a one-year period, the Bidder and its subcontractors shall be subject to drug testing in accordance with Section XII of the Fond du Lac Band of Lake Superior Chippewa Employee Drug and Alcohol Testing Policy (copy available upon request). If the Bidder is an individual, then the Bidder shall be required to enter into an agreement, at the Bidder's cost, with the Fond du Lac Employee Compliance Department for drug and alcohol testing. If the Bidder is an organization consisting of two or more individuals, then the Bidder shall implement the following drug and alcohol testing of all personnel and subcontractors utilized in on-site performance of the Contract. Bidder may propose an alternative plan that is at least as stringent as that set forth here, as reflected in a safety plan or as otherwise permitted in writing by owner.
 - a. Prohibited Substances. Testing shall, at minimum, include the following substances: (1) Alcohol (over .08 percent), (2) Marijuana, (3) Cocaine, (4) Amphetamines, (5) Opiates, (6) Phencyclidine ("PCP"), and (7) Ecstasy.
 - b. Testing Requirements. (1) Pre-Placement: each employee or subcontractor

must be tested before commencing on-site performance under this Contract; (2) Reasonable Suspicion: any on-site employee or subcontractor must be tested if there is reasonable suspicion that the employee or subcontractor is under the influence of alcohol or drugs; and (3) Post Accident: any employee or subcontractor who has caused or contributed to an accident at the worksite involving substantial property damage or any personal injury must be tested within 24 hours of the accident. Testing shall be performed through a licensed testing laboratory. Commercial vehicle drivers shall be tested in accordance with applicable DOT regulations.

- c. Recordkeeping Requirements. Bidder shall maintain records of its compliance with this section for a period of at least two years following completion of the project.
7. Fond du Lac Reservation Statement of Enrollment and Residency Status for State Income Tax Purposes (On-Reservation Projects Only). Eligible Band members are exempt from state income tax for on-reservation work. Bidder shall cooperate with the exercise of state income tax immunity for eligible Band members and shall submit the form required for this exemption. This form shall be provided to the Bidder.
8. Exemption from Sales and Excise Taxes on Materials (On- and Off-Reservation Projects). The Fond du Lac Band of Lake Superior Chippewa is exempt from Minnesota sales and excise taxes on the purchase of materials used in the performance of on- and off-reservation projects. For on-reservation projects, the successful Bidder shall be responsible for completing and providing to the seller a certificate of exemption, Minnesota Revenue Form ST3 (as may be amended). For off-reservation projects, the successful Bidder shall be responsible for establishing and maintaining an appropriate purchasing program to preserve the tax exemption.
9. Wages and Salaries. Davis-Bacon wage rates will be required for all workers employed at this site, regardless of TERO status.

Construction Contracting Conditions

for Fond du Lac Reservation Business Committee and
Fond du Lac Development Corp. Construction Contracts

(Last modified: July 20, 2022)

The following conditions apply to Fond du Lac Reservation Business Committee and Fond du Lac Development Corp. construction contracts:

1. Applicability. These Conditions apply to all Band construction projects whether on- or off-reservation (except as otherwise stated herein). A request for bid or advertisement may contain additional requirements above and beyond these Conditions, in which case those provisions control. In the event of a conflict between these Bidding Conditions and the request for bid or advertisement for a project, these Bidding Conditions control. In the event that these Band laws and rules are updated or amended, or additional Band laws or rules are passed that by their terms apply, the newest versions of Band laws and rules are automatically incorporated herein.
2. Fond du Lac Business License Ordinance. Contractor acknowledges its responsibility to apply for a business license from the Fond du Lac Band of Lake Superior Chippewa as required under the Fond du Lac Business License Ordinance, FDL Ordinance #5/84 (available at the Band's official website at <http://www.fdlrez.com/government/fdlordinances.htm>). This is required whether a project is conducted on- or off-Reservation (and regardless of any language to the contrary in the Ordinance itself).
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 - b. Contractor agrees that all workers entitled to preference under TERO shall be employed in accordance with their experience and qualification, but under no circumstance shall TERO hires be paid at a rate less than the journeyman Laborer, Common (General Labor Work) rate (including basic rate plus fringe rate) as provided in the Minnesota Department of Labor and Industry prevailing wage determination for the county in which the project is located (as may be amended). Fringe amount shall be paid directly to TERO hires, unless the employee requests otherwise.
 - c. Contractor will file certified payroll report forms with all applications for payment that substantiate TERO compliance, including showing all hours

worked on the project, percentage of TERO hours, and compliance with all other TERO and project requirements.

- d. In accordance with Section 116 of FDL Ordinance #12/14, if the contract cost is \$250,000 or more, the Bidder shall pay a TERO fee of 3% of the contract cost as instructed by the Fond du Lac TERO Director.

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- a. Contractor shall comply with Fond du Lac Ordinance #03/07, Prohibiting Compulsory Membership in a Labor Organization as a Condition of Employment on the Fond du Lac Reservation (available at the Band's website) for all on- and off-reservation projects. TERO hires cannot be required to join a labor organization as a condition of working on the project.
- b. It shall be Contractor's obligation to determine how to comply with requirements of Band law; this contract; other, applicable labor laws; bidder's pre-existing collective bargaining agreements with labor organizations; and other obligations as may apply to bidder in a given jurisdiction. Notwithstanding this, the Band must approve any labor agreements specific to the project.

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