

# Fond du Lac Band of Lake Superior Chippewa

1720 Big Lake Rd.  
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## Reservation Business Committee

### REQUEST FOR PROPOSALS

December 19, 2022



Chairman  
**Kevin R. Dupuis, Sr.**

Secretary/Treasurer  
**Robert Abramowski**

Dist. I Representative  
**Wally J. Dupuis**

Dist. II Representative  
**Brad Blacketter**

Dist. III Representative  
**Roger M. Smith, Sr.**

Executive Director,  
Tribal Enterprises  
**Terry Savage**

The Fond du Lac Reservation Business Committee is soliciting proposals from qualified firms to assist in updating the Tribal transportation safety plan for the Fond du Lac Reservation.

The Fond du Lac Reservation is interested in updating the Bands transportation safety plan that will assist the Band to identify safety issues in the Fond du Lac transportation network. Public safety, in particular, the safety of the transportation system has been a priority for the Tribe. The safety plan process is intended to outline existing policies and programs, and evaluate projects and recommendations to improve transportation safety of the Fond du Lac Band of Lake Superior Chippewa, the Band membership and community. The plan will also enable the Band to secure funding for road improvement and safety.

The requirements of the safety plan are to evaluate the existing plan to make necessary updates to:

- Collection and analysis of existing safety efforts and policies.
- Identify transportation safety issues.
- Review the recent safety plans for Carlton and St. Louis Counties.
- Collect data from the Band, local law enforcement, the Minnesota Department of Transportation and other jurisdictions such as Carlton and St. Louis Counties and the City of Cloquet.
- Conduct meetings with Tribal staff, other agencies and the community.
- The research should be data driven.
- Write the safety plan.

#### Proposal Requirements:

- Contact name, address, telephone number, fax number and e-mail address.
- Detailed description of skills, experience and ability to meet project requirements including identification and designation of roles/responsibilities of key project staff.
- Client references including project type, dates, contact info and description.
- Detailed description of approach to project including all of the requirements listed.
- Detailed project timeline and deliverables.
- A break-down of proposal budget by task.

The selection process is competitive, in that several engineering firms will submit 4 hard copies and an electronic copy of the proposal and cost estimate to complete the objectives listed above. The due date for proposals will be February 3, 2023 at 4:30 pm, at the Fond du Lac Planning Division, 1720 Big Lake Road, Cloquet, MN 55720.

After review of the bids has been conducted, the successful candidate will be notified, based on the final decision of the Reservation Business Committee.

If interested, please contact Mr. Jason Holliday, Planning Director, Fond du Lac Reservation Planning Division, 1720 Big Lake Road, Cloquet, MN 55720; 218-878-2625 or [jasonholliday@fdlrez.com](mailto:jasonholliday@fdlrez.com) for further details. Please visit [www.fdlrez.com](http://www.fdlrez.com) for more information about the Fond du Lac Band.

## **Federal Bidding Addendum**

For Fond du Lac Reservation Business Committee contracts  
subject to federal conditions  
(Last modified: May 30, 2019)

The following additional bidding conditions apply to Fond du Lac Reservation Business Committee (non-construction) contracts subject to federal funding conditions:

1. Applicability. These additional Bidding Conditions apply to all Band projects, except construction projects subject to federal funding conditions, 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.
2. Contract Work Hours and Safety Standards Act. Any Bidder whose bid is in excess of \$2,500 for contracts that involve the employment of mechanics or laborers, hereby acknowledges its responsibility to abide by the requirements of Section 103 and 107 of the Contract Work and Safety Standards Act (40 U.S.C. §§ 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5).
3. Access to Records and Records Retention Period. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the Band, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the Contract which are pertinent to the Federal award, in order to make audits, examinations, excerpts and transcriptions. The right also includes timely and reasonable access to the Bidder's personnel for the purpose of interview and discussion related to the documents. Financial records, supporting documents, statistical records, and all other Bidder records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report by the Band to the Federal awarding agency.
4. Clean Air Act and the Federal Water Pollution Control Act. Any Bidder whose bid is in excess of \$150,000 hereby agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. §§ 7401-7671q) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387).

5. Contractor's Warranty of Good Standing. Bidder hereby warrants that it is in compliance with and in good standing relative to the applicable federal contracting requirements and is not on the federal debarment list.
6. Right to Inventions Made Under a Contract or Agreement. If the source of funds meets the definition of "funding agreement" under 37 CFR § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401 and any implementing regulations issued by the awarding agency.
7. Anti-Lobbying. Any Bidder whose bid is \$100,000 or more must file the certification required by the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

## Bidding Conditions

For Fond du Lac Reservation Business Committee, Fond du Lac Management, Inc.,  
and Fond du Lac Development Corp. contracts

(Last modified: February 9, 2022)

The following bidding conditions apply to Fond du Lac Reservation Business Committee, Fond du Lac Management, Inc., and Fond du Lac Development Corp. (non-construction) contracts:

1. Applicability. These Bidding Conditions apply to all Band projects, except 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.
2. Fond du Lac Business License Ordinance. The 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. The Bidder shall constitute a "contractor" under the Fond du Lac Tribal Employment Rights Ordinance, FDL Ordinance #12/94 (also available at the Band's official website), and shall abide by its applicable provisions, including its hiring and fee provisions. 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.
4. Contractor's Drug Testing Policy. Bidder shall be responsible for maintaining a drug-free workplace. If the Bidder works or is expected to work on site on more than one day in a one-year period, the Bidder 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.

- 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.
5. Fond du Lac Reservation Statement of Enrollment and Residency for State Income Tax Purposes. Eligible Band members are exempt from state income tax for on-reservation work. The 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.
  6. Excise Taxation on Materials. The Fond du Lac Band of Lake Superior Chippewa is exempt from Minnesota excise tax on the purchase of materials to be used in the performance of this Project. For on-reservation projects, the Contractor 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 Contractor shall be responsible for establishing and maintaining an appropriate purchasing program to preserve the tax exemption.