

# State Funded ONLY Contracts

STATE FUNDED CONSTRUCTION CONTRACTS  
SPECIAL PROVISIONS DIVISION A - LABOR  
June 5, 2013

Rev. 03/11

**I. PREAMBLE**

It is in the public interest that public buildings and other public works projects be constructed and maintained by the best means and the highest quality of labor reasonably available and that persons working on public works projects be compensated according to the real value of the services they perform.<sup>1</sup>

This contract is subject to the Minnesota Prevailing Wage Act,<sup>2</sup> Rules,<sup>3</sup> Wage Decisions, and Truck Rental Rate Schedules established by the Minnesota Department of Labor and Industry (MDLI). All contractors and subcontractors must pay such laborers and mechanics the established rate prevailing wage rate for the actual work performed under this contract. Failure to comply may result in civil or criminal penalties and may compel the Minnesota Department of Transportation (MnDOT) to take such actions as prescribed in section XVI (NON-COMPLIANCE AND ENFORCEMENT).

Upon MnDOT's request, the prime contractor must promptly furnish reports of payroll records for its workers and those of all subcontractors, along with other records, documents or agreements deemed appropriate by agency to determine compliance with these contract provisions.<sup>4</sup>

Questions related to the Special Provisions Division A can be directed to the MnDOT Labor Compliance Unit (LCU) by calling (612) 366-4209 or by visiting its website at [www.dot.state.mn.us/labor](http://www.dot.state.mn.us/labor).

**II. DEFINITIONS**

Terms utilized in the Special Provisions Division A are defined in MnDOT's Standard Specifications for Construction<sup>5</sup> unless defined below.

**A. Contractor:** The term "contractor" in these provisions shall include the prime contractor, subcontractor, agent, or other person doing or contracting to do all or part of the work under this contract.<sup>6</sup>

**B. Employer:** An individual, partnership, association, corporation, business trust, or other business entity that hires a laborer, worker, or mechanic.<sup>7</sup>

**C. First Tier Subcontractor:** An individual, firm, corporation, or other entity to which the prime contractor sublets part of the contract.

**D. Independent Truck Driver/Operator (ITD):** An individual, partnership, or principal stockholder of a corporation who owns or holds a vehicle under lease and who contracts that vehicle and the owner's services to an entity which provides construction services to a public works project.<sup>8</sup>

**E. Laborer or Mechanic:** A worker in a construction industry labor class identified as in pursuant to Minnesota Rules 5200.1105, *Master Job Classifications*.<sup>9</sup>

**F. Prime Contractor:** The individual, firm, corporation, or other entity contracting for and undertaking prosecution of the prescribed work, the party of the second part to the contract, acting directly or through a duly authorized representative.

<sup>1</sup>Minnesota Statute 177.01  
<sup>2</sup>Minnesota Statute 177.01, s. 177.04  
<sup>3</sup>Minnesota Rules 520.010 to 520.0120  
<sup>4</sup>Minnesota Statute 177.01, Subsections 1 and Minnesota Rules 5200.1105, Subpart 10  
<sup>5</sup>MnDOT Standard Specifications for Construction, Section 101  
<sup>6</sup>Minnesota Statute 177.01, Subsections 1  
<sup>7</sup>Minnesota Statute 177.01, Subpart 1a  
<sup>8</sup>Minnesota Rules 5200.1105, Subpart 1a  
<sup>9</sup>Minnesota Rules 5200.1105, Subpart 1a

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## State Division A

NOTICE TO BIDDERS  
SUSPENSION REQUIREMENTS  
March 25, 2014  
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**DEPARTMENT OF TRANSPORTATION**

**NOTICE OF DEBARMENT**

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin and his affiliates, Leesburg, VA
- Franklin/Deyoull, Inc. and its affiliates, Little Canada, MN
- Matco Deyoull, Inc. and its affiliates, Little Canada, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2011 until May 6, 2014:

- Gary Brandy Brandy and his affiliates, Rice, MN
- Gary Brandy, LLC and its affiliates, Rice, MN
- Watts Heating Co. and its affiliates, Rice, MN

Minnesota Statute section 181.317 prohibits the Commissioner, contractor, tenant, or leasee rule or statutory other firm providing or supplying the award of a contract to a person who is suspended or debarred, including:

- any contract under which a debarred or suspended person will serve as a subcontractor or material supplier;
- any business or affiliate which the debarred or suspended person exercises substantial influence or control; and
- any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whom actions the debarred person exercises substantial influence or control, excepting anything during the duration of the sale's or transfer's debarment.

## Debarment Notice

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY PREVAILING WAGES FOR STATE FUNDED CONSTRUCTION PROJECTS

THIS NOTICE MUST BE POSTED ON THE JOBSITE IN A CONSPICUOUS PLACE

Construction Type: Highway and Heavy

Region Number: 09

Counties within region:

- ANOKA-02
- CARVER-10
- CHISAGO-13
- DAKOTA-19
- HENNEPIN-27
- RAMSEY-02
- SCOTT-70
- WASHINGTON-32

Effective: 2013-10-28 Revised: 2013-12-06

This project is covered by Minnesota prevailing wage statutes. Wage rates listed below are the minimum hourly rates to be paid on this project.

All hours worked in excess of eight (8) hours per day or forty (40) hours per week shall be paid at a rate of one and one half (1 1/2) times the basic hourly rate.

Violations should be reported to:

Department of Transportation  
Office of Construction  
Transportation Building MS650  
John Ireland Blvd.  
St. Paul, MN 55155  
(651) 366-4209

Refer questions concerning the prevailing wage rates to:

Department of Labor and Industry  
Prevailing Wage Section  
443 Lafayette Road N  
St. Paul, MN 55155  
(651) 284-5091  
[DLIPrevWage@state.mn.us](mailto:DLIPrevWage@state.mn.us)

04/08/14

## State Wage Decision(s)

DEPARTMENT OF LABOR AND INDUSTRY  
LABOR STANDARDS UNIT

May 1, 2012

**NOTICE OF CERTIFICATION OF TRUCK RENTAL RATES AND EFFECTIVE DATE PURSUANT TO MINNESOTA RULES, PART 5200.1105**

On May 1, 2012, the Commissioner of the Department of Labor and Industry ("DLI") certified the minimum truck rental rates for highway projects in the state's ten highway and heavy construction areas for trucks and drivers operating "four or more axle units, straight body trucks," "three axle units," "tractor only" and "tractor trailers." The certification followed publication of the Notice of Determination of Truck Rental Rates in the State Register on March 12, 2012, and the informal conference held pursuant to Minnesota Rules, part 5200.1105 on April 4, 2012.

According to Minnesota Rules, part 5200.1105, the purpose of the informal conference is for DLI to obtain further input regarding the proposed rates before the rates are certified. Approximately 18 individuals attended the informal conference. Many of the attendees voiced strong concerns regarding the inadequacy of the proposed rates. Among the concerns raised was the fact that the proposed rates were based on 2010 costs, including the 2010 price of fuel. Speakers indicated that because of the dramatic increase in the price of diesel in recent months, the published rates were far below the operators' current costs. As stated by some attendees:

"This year, right now yesterday we were paying \$4.10... I know when fuel went up that last time, a lot of us had to eat the cost because there was no way of recovering it."

Testimony of Colleen Donovan, Transcript of Informal Conference, pp. 13, 14.

Ms. Donovan provided DLI written information that her 2010 average cost for fuel was \$2.99 per gallon.

"And, like the price of fuel, \$4.25, \$4.30. That's what it is down by my place, anyway."

Testimony of Bob Dornabach, Transcript of Informal Conference, p. 32.

Mr. Bob Dornabach provided DLI written information that in October 2010 his fuel cost was \$3.15 per gallon.

In response to the informal conference Jim Lloyd provided written information that his 2010 fuel cost was close to \$3.00 per gallon and "now is at \$4.00 plus and it does not look like it is going to decrease."

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## State Truck Rate Decision(s)