

**REQUEST FOR PROPOSALS**  
**Construction Projects Division**  
**Fond du Lac Gitigaaning Pavilion Design Consultant**  
**9/14/2023**

The Fond du Lac Development Corporation is soliciting proposals from qualified **Design Consultants** to provide aid in site review and programming. Responding designers to provide the following phases of design: Conceptual, Schematic Design, Design Development, Construction Documents, Contract Administration, all design services and all engineering. Project to consist of a \$400,000 total development budget to include the following amenities: Outdoor Classroom/Pavilion to seat 100 people with enclosure for 3-season use with electric and fiber and a wood burning fireplace for heating source. Responding project proposals must also include maximum fees for reimbursement expenses and must also include percentage of overhead and profit for all reimbursements.

**Site Review**

Review selected site (964 Cary Road, Cloquet, MN) and determine best orientation for minimal environmental impact.

**Conception Phase:**

Selected designer will need to conduct a programming exercise with owner and the agricultural division to define scope and project.

**Schematic Phase:**

Will need to meet with owner and committee to work through the specifics and project details. May require more than one meeting. Requires design consultant to provide high level estimated construction costs.

**Design Documents Phase:**

Work with owner for product selection, finishes and final project details to ensure that the programming is captured in final DD drawings. Meet with the owner to review all components to this project. Designer will need to provide owner an updated and refined budgetary number for build of the DD drawings. Project may require a value engineering process to ensure the project stays within budget.

**Construction Document Phase:**

Produce final project documents, to include all engineering, create bid documents, specification and drawings to be used in a competitive bid process on behalf of the owner. The business model for work execution would be C.M.A.R. Competitive bid process is required by the tribal procurement ordinance. Project bid documents will need to include Federal Bidding and Contracting Conditions (see attached). Advertise, solicit, collect all bids on behalf of the owner, provide the owner bid tabulations, and recommendations.

**Construction Administration Services**

Provide all project administration, product and submittal review, payment review, (1) Project Kick off Meeting, (4) project on-site meetings and final inspections (2), Bi- Weekly OAC zoom meetings with budgetary and progress updates.

# INSTRUCTION TO BIDDERS

9/14/23

Fond du Lac Development Corporation will be accepting bids will be accepted until end of business (10/16/23) in the following format;

1. Fee for services to be based on percentage of construction costs (needs to include all design and engineering services)
2. Proposal needs to specify percentage of OH&P for reimbursement.
3. Proposed budget to include construction costs, architectural and engineering fees and reimbursements.
4. Proposal needs to provide maximum reimbursement expenses to include geo-tech for selected site and surveying.
5. Proposal to provide project schedule.

Bids will only be accepted on the owners Bid form (attached).

All questions will need to be submitted in a "Request for Information" (RFI) format to Michael Murray, Jr. via email: [michaelmurrayjr@fdlrez.com](mailto:michaelmurrayjr@fdlrez.com)

**Instruction to Bidders:**

Issue Date: 9/14/23

Return Date: 10/16/23

RFP Contact: Mike Murray, Jr. (t) 218-878-2629 (e) [michaelmurrayjr@fdlrez.com](mailto:michaelmurrayjr@fdlrez.com)

**General Scope of Work Notes:**

Bids need to be provided on the owners attached bid for

**All Bids will need to comply with all attachments listed below:**

- Instruction to Bidders
- Fond du Lac Federal Conditions for Contracting
- Fond du Lac Federal Conditions for Bidding
- Bids only accepted on Owners' bid form.

# REQUEST FOR PROPOSALS BID FORM

Fond du Lac Gitigaaning Pavilion Design Consultant

September 14, 2023

The Fond du Lac Development Corporation is soliciting proposals for a qualified design consultant to for the Fond du Lac Gitigaaning Pavilion.

<b>Firm Submitting:</b>	
<b>Date Submitted:</b>	
<b>Address:</b>	
<b>Email:</b>	
<b>Contact Number:</b>	
<b>Signature of Authorized Staff:</b>	

<b>Acknowledgement of Tribal Conditions:</b>	y/n
<b>Addendum Acknowledgement: (list addendums –if any)</b>	1, 2, 3, 4
<b>Project Schedule (expected completion date):</b>	
<b>Fee for Services: % _____</b>	\$
<b>Percentage of OH&amp;P on reimbursements:</b>	%
<b>Maximum Reimbursement Expense</b>	\$
<b>Potential Project Budget:</b>	
<b>A&amp;E</b>	\$
<b>Reimbursement Expense</b>	\$
<b>TERO Fee (3% of construction costs)</b>	\$
<b>Contingency</b>	\$
<b>Total Cost:</b>	\$400,000

# Construction Bidding Conditions

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

(Last modified: August 22, 2023)

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) Cocaine, (3) Amphetamines, (4) Opiates, (5) Phencyclidine ("PCP"), and (6) 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: August 22, 2023)

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).
3. Fond du Lac Tribal Employment Rights Ordinance.
  - a. Contractor 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.
  - 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.

4. Right to Work.

- 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.

5. Drug & Alcohol Testing Requirements. Contractor shall be responsible for maintaining a drug-free workplace. If the Contractor works or is expected to work on site on more than one day in a one-year period, the Contractor 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 Contractor is an individual, then the Contractor shall be required to enter into an agreement, at the Contractor's cost, with the Fond du Lac Employee Compliance Department for drug and alcohol testing. If the Contractor is an organization consisting of two or more individuals, then the Contractor shall implement the following drug and alcohol testing of all personnel and subcontractors utilized in on-site performance of this Contract. Contractor 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) Cocaine, (3) Amphetamines, (4) Opiates, (5) Phencyclidine ("PCP"), and (6) 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. Contractor shall maintain records of its compliance with this section for a period of at least two years following completion of the project.
6. 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. The Contractor 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 Contractor.
7. 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 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.
8. Wages and Salaries. Davis-Bacon wage rates will be required for all workers employed at this site, regardless of TERO status.

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

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

1. Applicability. These Bidding Conditions apply to all Band 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. In the event that these federal laws and rules are updated or amended, or additional federal laws or rules are passed that by their terms apply, the newest versions of federal laws and rules are automatically incorporated herein.
2. Equal Employment Opportunity. Any Bidder whose bid is in excess of \$10,000 shall comply with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60).
3. Copeland “Anti-Kickback” Act. Any Bidder whose bid is in excess of \$2,000 hereby acknowledges its responsibility to abide by the requirements of the Copeland “Anti-Kickback” Act, (18 U.S.C. § 874) as supplemented in Department of Labor regulations (29 CFR Part 3).
4. Davis-Bacon Act. Any Bidder whose bid is in excess of \$2,000 hereby acknowledges its responsibility to abide by the requirements of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). A copy of the current prevailing wage determination issued by the Department of Labor for [insert county], can be found at their website: [www.gpo.gov/davisbacon](http://www.gpo.gov/davisbacon), and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the Department of Labor.
5. Certified Payroll Reports. Bidder shall file certified payroll report forms, Form WH-347, demonstrating compliance with the Davis-Bacon Act and federal income tax withholding requirements, with all applications for payment. The

Bidder is responsible for collecting and submitting the certified payroll report forms for each of its subcontractors.

6. Contract Work Hours and Safety Standards Act. Any Bidder whose bid is in excess of \$2,000, 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).
7. 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 its 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.
8. 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).
9. Bidder'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.
10. 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.
11. 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).

# Federal Construction Contracting Addendum

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

(Last modified: July 20, 2022)

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

1. Applicability. These Conditions apply to all Band construction projects subject to federal funding conditions whether on- or off-reservation (except as otherwise stated herein). In the event that these federal laws and rules are updated or amended, or additional federal laws or rules are passed that by their terms apply, the newest versions of federal laws and rules are automatically incorporated herein.
2. Equal Employment Opportunity. Any Contractor whose bid is in excess of \$10,000 shall comply with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60).
3. Copeland "Anti-Kickback" Act. If the contract amount is in excess of \$2,000, Contractor hereby acknowledges its responsibility to abide by the requirements of the Copeland "Anti-Kickback" Act, (18 U.S.C. § 874) as supplemented in Department of Labor regulations (29 CFR Part 3).
4. Davis-Bacon Act. If the contract amount is in excess of \$2,000, Contractor hereby acknowledges its responsibility to abide by the requirements of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). A copy of the current prevailing wage determination issued by the Department of Labor for the county in which the project is located, can be found at their website: [www.gpo.gov/davisbacon](http://www.gpo.gov/davisbacon), and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the Department of Labor.
5. Certified Payroll Reports. Contractor shall file certified payroll report forms, Form WH-347, demonstrating compliance with the Davis-Bacon Act and federal income tax withholding requirements, with all applications for payment. The Contractor is responsible for collecting and submitting the certified payroll report forms for each of its subcontractors.

6. Contract Work Hours and Safety Standards Act. If the contract amount is in excess of \$2,000, Contractor 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).
7. 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 Contractor's personnel for the purpose of interview and discussion related to the documents. Financial records, supporting documents, statistical records, and all other Contractor 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.
8. Clean Air Act and the Federal Water Pollution Control Act. If the contract amount is in excess of \$150,000, Contractor 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).
9. Contractor's Warranty of Good Standing. Contractor 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.
10. 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.
11. Anti-Lobbying. If the contract cost exceeds \$100,000, Contractor must file the certification required by the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).