

MINNESOTA STATE ARTS BOARD

CITY OF ROCHESTER

MAYO CIVIC CENTER EXPANSION

REQUEST FOR PROPOSALS
for
Public Art at Mayo Civic Center

March 14, 2016

REQUEST FOR PROPOSALS

for

Public Art

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Section I. Project Overview

Purpose of RFP

The Minnesota State Arts Board, on behalf of the City of Rochester, (hereinafter referred to as the “Owner”) requests proposals from professional public artists or artist-led teams (hereinafter referred to as “responder/s” or “contractor/s”) for permanent, site-specific public artwork within the newly expanded Mayo Civic Center in Rochester, Minnesota.

The purpose of this two-phase RFP is to retain a contractor to design, fabricate, and install a permanent, site-specific public artwork within the Mayo Civic Center Expansion. During Phase I of the RFP, the Owner will evaluate responses according to the criteria outlined in Section III of this document. During Phase II of the RFP, responders whose proposed qualifications demonstrate in the Owner’s sole opinion the qualifications that best fulfill the purposes of this RFP, will enter into a contract with the Owner and receive a stipend to develop a schematic design proposal for the project.

Background

The Mayo Civic Center, located at 30 Civic Center Drive, Rochester, Minnesota is a multi-purpose event facility and is Southern Minnesota's premier destination for local, regional, national and international conventions, entertainment, social and sporting opportunities. Serving as a vital economic generator for the region, Mayo Civic Center focuses on providing an exceptional experience by delivering world-class service and high-quality, versatile facilities. The Center was started in 1938 and has been expanded and renovated several times over the years.

The Mayo Civic Center facility consists of Taylor Arena, Auditorium, Presentation Hall and a 25,000 SF Exhibit Hall and a new, 187,000 SF convention center expansion. The convention center is a two-story addition to the existing building, including a ballroom, breakout meeting rooms and prefunction spaces.

The Mayo Civic Center has chosen to include public art as part of this expansion project. The public art will be located in the new expansion or in the plaza south of the expansion.

Construction started in April, 2015 and the new addition is expected to be substantially complete in December, 2016. Renovation work in the existing building will continue until August, 2017.

The Owner has formed an Art Task Force comprised of members of the community, the Architect, Rochester Art Center, State Arts Board and Mayo Civic Center staff to select a contractor for this Work.

The Owner has contracted with the following firms for the services as listed:

- Architect, TSP/Betsch Associates
- General Contractor, Knutson Construction
- Art Selection Consultant, Minnesota State Arts Board
- Owner’s Representative, CPMI

Eligibility

Professional public artists or artist teams residing in Minnesota and in the United States are eligible to apply. Responders submitting qualifications for this RFP shall be at least 18 years of age, and must have successfully managed and completed at least one publicly-funded commission project with a budget equal to or greater than \$50,000 (including schematic design through design development, construction documents, fabrication, and installation).

Budget

An all-inclusive budget of \$160,000 is available for this project. This amount represents all professional services and deliverables related to the artwork, including but not limited to the contractor’s design fee, labor, consultants, travel, transportation, materials, site preparation, installation needs and equipment, storage, documentation, studio overhead, insurance, taxes, contingency, and contractor’s participation in a public event related to the artwork.

Up to three responders from Phase I of this RFP are anticipated to be selected to develop a schematic design proposal. During Phase II, the finalists will enter into a contract with the Owner, and will receive \$5,000 upon completion of all professional services and deliverables of the schematic design proposal.

Public Art Intent & Goal

The Owner recognizes this project as a valuable opportunity to incorporate artwork into the Mayo Civic Center. The artwork for this project will be located in area(s) of the facility that will be accessible, on a regular basis, to members of the public. The goal of this public art project is to select a contractor to provide artwork that:

- Enliven shared public spaces with artwork that engages with the rich diversity and creative placemaking networks of the citizens of Rochester;
- Creates an iconic image and identity for the facility that is reflective of the regional area;
- Complements the architecture and reflects the programmatic use of the facility; and
- Contributes to the local, regional, and national dialogue on contemporary art.

Opportunities for Artwork Placement

This public art opportunity is open to a range of possibilities to be proposed by contractors during Phase II of the RFP. The Art Task Force has identified three highly visible areas where the project could be installed. Each location is described below. Contractors may propose their artwork in one or more of the areas suggested below, or in other available space in the new conventions center expansion or the patio to the south of the expansion.

1. Prefunction Gathering Area: On the Skyway Level of the building in the Southwest corner is a 20' x 25' x two-story space with floor to roof curtainwall windows that provide a scenic view of the Zumbrota River and parts of downtown Rochester.
2. Skywalk Lobby: This is a main entry to the convention center via the City's skywalk system. The Lobby is at the center of the Skywalk entry, elevators to all floors, and a monumental staircase to the Street Level. The ceiling height is 17' at the Skyway Level. This will be highly visible from the exterior.
3. Patio Area: Adjacent to the south side of the building is a Patio Area. It is an undulating shape approximately 300' long River Plaza and the width varies from 30' to 70'. It is concrete with 3' wide exposed aggregate strips. Eight trees and a planting bed are planned, but could be revised if a public art project recommends changes. The construction plans show a seating wall, but that was eliminated from the plans during bidding. The patio area is the promenade to the Rochester Art Center and is also adjacent to the river and bike path.

Site plans of the newly expanded Mayo Civic Center can be found at the following link https://admin.callforentry.org/admin/fair_plans/3368.pdf. Proposed artwork must be durable, low maintenance, permanent, suitable for interior or exterior display with exposure to bright sunlight, safe for both children and adults, and be ADA compliant. At the selected contractor's expense the artwork may require reports and/or certification by structural, lighting, electrical, mechanical, hydraulic engineers and consultants licensed to practice in the State of Minnesota, and review by a professional fine art conservator.

Sample Tasks

The scope of work for this project will generally include, but not be limited to, the following:

- Provide a schematic design proposal for artwork at the Mayo Civic Center based on established project goals;
- Provide cost estimates for design, fabrication, and installation in order to determine feasibility of the project within the available budget;
- Provide dimensioned drawings depicting unique detailing and including all necessary specifications as required for certification, inspection and approval prior to fabrication and installation;
- Participate in value engineering efforts required during the course of the design process to bring the project within budget;

- Prepare and present, as necessary, the schematic design proposal, design development, and construction documents to all relevant reviewing bodies or stakeholder groups and, if applicable, for release to the press and public; and
- Fabricate and install the artwork in accordance with the terms and conditions of the contract and the approved design development and construction documents.

The Contractor will work collaboratively with Art Task Force, architect/engineer, general contractor, and Owner's Representative to ensure the artwork is designed, fabricated, and installed properly.

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project. These items should be separated from the required items in the proposal.

Construction Schedule

The schedule for construction of the new addition and renovations is as follows:

	Start Date	Completion Date
Construction – Convention Center Addition	April 2015	December 2016
Renovations of Existing Building	January 2017	August 2017

Projected Timeline

The following is the Owner's anticipated timeline for the process to retain a contractor for this project. The Owner reserves the right to modify this schedule if necessary.

	March 14, 2016	RFP release date
4:30 PM (CDT)	March 24, 2016	RFP questions due
12:00 PM (CDT)	March 30, 2016	RFP questions answered (anticipated)
11:59 PM (MDT)	April 7, 2016	Deadline for Phase I RFP proposal submissions
	April 22, 2016	Select contractors to advance to Phase II
	April 25, 2016	Approval of the Executive Committee of the Mayo Civic Center Commission
	April 27, 2016	Mandatory initial design meeting
	June 15, 2016	Deadline for Phase II schematic design proposals
	June 22, 2016	Interviews for selected RFP proposals
	June 29, 2016	Approval of the Executive Committee of the Mayo Civic Center Commission
	July 6, 2016	Approval of the Rochester City Council

Selection Process

Evaluation of responder's qualifications and contractor's proposals will be conducted by the Art Task Force designated to represent the public interest during the process of artwork selection. This group of individuals determines the scope of the project, method of acquisition, type of competition, and who may apply. The task force selects contractors for site-specific commissions and/or artwork to purchase. In the event of a commissioned artwork, the task force reviews and approves all design proposals prior to commission.

The Art Task Force has six members. It includes representatives of the community, City staff, Rochester Art Center and the architect of the building.

Application Deadline

Proposals must be submitted through CaFÉ™ no later than **11:59 P.M. (MDT), Thursday, April 7, 2016**. Duplicate, incomplete or late submissions will not be considered. All costs incurred in responding to this RFP will be borne by the responder. Failure to provide any of the published requirements will result in disqualification. Responders must submit all materials via the CaFÉ™ system. Applications in any other format will not be considered, including but not limited to: e-mail, facsimile, hard copies, external hard drives, in-person delivery, and CDs. When a proposal is

submitted, a confirmation will be sent to the responder by e-mail. Responders are advised to print and retain a copy of this e-mail as proof of their submission.

After the submission deadline passes, the Arts Board will open all application materials and will review them for responsiveness. Proposals that do not include the mandatory information outlined in this solicitation will be rejected without further consideration.

Information Contact

The information contact for this RFP is:

Ben Owen, Percent for Art program officer
Minnesota State Arts Board
ben.owen@arts.state.mn.us

Other personnel are **NOT** authorized to discuss this RFP. No member of the proposing firm or its sub consultants shall discuss the contents of this RFP with any member of the Art Task Force or the Minnesota State Arts Board. Contact regarding this RFP with any personnel not listed above could result in disqualification. Requests for information or clarification of clauses within this RFP shall be by e-mail only to Ben Owen, ben.owen@arts.state.mn.us by the deadline listed in the project timeline. When e-mailing questions, please include **“Question regarding the RFP for Public Art at Mayo Civic Center”** in the subject line. All requests shall be submitted in writing and include the name of the questioner, the firm name, e-mail address, telephone number, and if applicable, a fax number. Anonymous inquiries will not be answered.

Addenda to the RFP

If appropriate, a change responding to questions or clarifications may be issued by the Minnesota State Arts Board in the form of addenda to the RFP. Addenda to the RFP will be posted at <http://www.arts.state.mn.us/other/percent2/current-opportunities.htm>.

Section II. Proposal Content

Applications must be received online via the CaFÉ™ system no later than **11:59 P.M. (MDT), Thursday, April 7, 2016**. Duplicate, incomplete or late submissions will not be considered. All costs incurred in responding to this RFP will be borne by the responder. Failure to provide any of the published requirements will result in disqualification. Responders must submit all materials via the CaFÉ™ system. Applications in any other format will not be considered, including but not limited to: e-mail, facsimile, hard copies, external hard drives, in-person delivery, and CDs.

Responders must submit the following information to be considered for this opportunity:

A. Eligibility Questionnaire

- 1) Is the primary responder a U.S. citizen, or holds permanent resident status, and has submitted a copy of his/her permanent resident card at the time of application?
- 2) Will the primary responder be at least eighteen years of age on or before the RFP submission deadline?
- 3) Can the primary responder provide evidence of having successfully managed and completed at least one publicly-funded commission project with a budget equal to or greater than \$50,000 (including schematic design through design development, construction documents, fabrication, and installation)?
- 4) Is the responder currently debarred or suspended by federal government, the State of Minnesota or any departments or agencies, or another government entity?

B. Required Attachments

- 1) Exhibit A. Non-Collusion Declaration
- 2) Exhibit B. Affirmative Action Certificate
- 3) Exhibit C. Authorization/Signature Document

C. Statement of Interest (1,000 character limit, including spaces, per question)

Describe your interest in the Mayo Civic Center public art project by responding to the following questions. There will be a separate field for each question to be addressed.

- 1) What interests you about this project?
- 2) What themes/concepts might you explore if your proposal advances to Phase II of the RFP?
- 3) What factors would you consider when selecting materials, fabrication techniques, and installation methods for a public art project at the Mayo Civic Center Expansion?
- 4) What is your experience collaborating with architects, design professionals, and community groups?
- 5) Which of your work samples illustrate that you have successfully completed at least one publicly-funded commission project with a budget equal to or greater than \$50,000?

D. Primary Responder Résumé

An outline of the primary responder's background and experience with examples of similar work done by the primary responder. A biography or an autobiography will not fulfill the requirement for the primary responder's résumé.

E. Project Personnel Résumé

The résumé(s) of personnel that will be involved in the fabrication, installation, and activation of the artwork. Information about project personnel should not, if possible, contain personal telephone numbers, home addresses, or home e-mail addresses. If it is necessary to include personal contact information, please clearly indicate in the proposal that personal contact information is being provided.

F. Three Professional References

Include the names and current contact information for three individuals with whom you have worked, collaborated, or who have commissioned your work in the past. At least one of the references should be a project manager at the commissioning agency for projects presented in the work samples. Actual letters of reference are not required and will not be accepted.

G. Work Samples

Upload a minimum of 10 and a maximum of 18 images demonstrating recent work that is relevant to the project, including at least one publicly-funded commission project with a budget equal to or greater than \$50,000 (including schematic design through design development, construction documents, fabrication, and installation). Responders may also choose to upload a maximum of 2 work samples in video format. Responders must submit complete work sample descriptions, as described in *Section VI. Instructions for Submitting Proposals* of this RFP.

Section III. Proposal Evaluation

All responses received by the deadline will first be reviewed for responsiveness to determine if the mandatory requirements have been met. Proposals that fail to meet mandatory requirements will not be examined by representatives of Art Task Force, and will not advance to the next phase of the evaluation. The Owner reserves the right, based on the scores of the proposals, to create a short-listing of responders who have received the highest scores to interview, or conduct demonstrations/presentations. The Owner reserves the right to seek best and final offers from one or more contractors. A 100-point scale will be used to create the final evaluation recommendation.

Phase I Mandatory Requirements (scored as a Pass/Fail)

The following items will be scored as pass/fail. Applications that fail to meet the mandatory requirements will be rejected without further consideration:

- 1) Proposals must be received on or before the due date and time specified in this solicitation.
- 2) Responder submits a complete proposal as outlined in Section II of this solicitation.
- 3) Responder provides evidence of successful completion of at least one publicly-funded commission project with a budget equal to or greater than \$50,000.

Phase I Evaluation Factors (scored based on percentage as indicated)

The Art Task Force will consider the following factors and weighting on which proposals will be judged during Phase I of this RFP:

- 1) Quality of Statement of Interest (30%)
 - a. Artwork which recognizes and fosters diverse social, cultural, and historical values;
 - b. Appropriate medium, given the function and use of the site; and
 - c. Artwork which is memorable, thought-provoking, and enduring.
- 2) Quality of Work Samples (30%)
 - a. Artwork in different mediums and styles, and with a breadth of themes and subjects;
 - b. Aesthetic compatibility with the architecture; and
 - c. Use of durable materials, and good construction techniques.
- 3) Ability to complete project based on the Résumé and prior work experience (30%)
 - a. Adequate experience in production of public art;
 - b. Potential to provide artwork that contributes to the local, regional, and national dialogue on contemporary art; and
 - c. Potential to provide artwork that enriches and diversifies the State of Minnesota's public art collection.
- 4) Ability to work within budget based on the Itemized Budget (10%)
 - a. Evidence of ability to work within budget.

Phase II Mandatory Requirements (scored as a Pass/Fail)

The following items will be scored as pass/fail. Responders that fail to meet the mandatory requirements will not advance to Phase II of the evaluation:

- 1) Contractor attends and participates in the mandatory initial design meeting.
- 2) Contractor signs and returns all contract documents to the Owner.
- 3) Contractor submits all compulsory elements of the proposal.
- 4) Contractor presents Schematic Design Proposal and interviews in-person with the Art Task Force.

Phase II Evaluation Factors (scored based on percentage as indicated)

The Art Task Force will consider the following factors and weighting on which contractor's proposals will be judged during Phase II of this RFP:

1) Maquette	35%
2) Written narrative	10%
3) Installation	10%
4) Maintenance and safety	5%
5) Itemized budget	30%
6) Preliminary schedule	10%

Section IV. Contract

It is anticipated that from the group of finalists, one contractor will be selected to complete the project. The final design is subject to approval by the Art Task Force, the Mayo Civic Center Commission, and the Rochester City Council and may be subject to review by other relevant boards, commissions, and stakeholder groups. The Owner reserves the right to seek best and final offers from one or more contractors.

Contract Term

The Owner desires to enter into a contract with the successful contractor in July 2016. The contract will begin on the date stated in the contract or upon full execution of the contract, whichever is later, and will be substantially completed by March 15, 2017.

This RFP does not obligate the Owner to award a contract or complete the project, and the Owner reserves the right to cancel the solicitation if it is considered to be in its best interest. The Owner also reserves the right to waive minor informalities and, notwithstanding anything herein to the contrary, reject any and all proposals received in response to this RFP.

Financial Requirements

The Owner's contract language includes the following summarized terms and conditions which responders should understand when preparing their response.

- A. Compensation will be paid after services are performed. The Owner does not make regular payments based upon the passage of time, but only pays for services performed or work delivered after it is accomplished; and
- B. Payment is only made after the submission of an authorized invoice.

Parties to the Contract

Parties to any contract entered into as a result of this RFP will be the City of Rochester and the successful contractor.

Sample Contract

Responders should be aware of the Owner's standard contract terms and conditions in preparing their response. Much of the language reflected in the contract is required by statute and municipal code. If responders take exception to any of the terms, conditions or language in the contract, responders must indicate those exceptions in their response to the RFP; certain exceptions may result in the responder's proposal being disqualified from further review and evaluation. Only those exceptions indicated in the response to the RFP will be available for discussion or negotiation.

A sample of the contract is available at

http://www.arts.state.mn.us/other/percent2/Sample_Public_Art_Contract_MCC_2016_03_15.pdf.

Section V. General Requirements

Non-Collusion Declaration

Each responder must complete the attached Non-collusion Declaration and include it with the response.

Conflicts of Interest

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

Proposal Contents

By submission of a proposal, responder warrants that the information provided is true, correct, and reliable for purposes of evaluation for potential contract award. The submission of inaccurate or misleading information may be grounds for disqualification from the award as well as subject the responder to suspension or debarment proceedings as well as other remedies available by law.

Disposition of Responses

All materials submitted in response to this RFP will become property of the Owner and will become public record in accordance with Minnesota Statutes, section 13.591, after the evaluation process is completed. Pursuant to the statute, completion of the evaluation process occurs when the government entity has completed negotiating the contract with the selected contractor. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minnesota Statute § 13.37, the responder must:

- Clearly mark all trade secret materials in its response at the time the response is submitted;
- Include a statement with its response justifying the trade secret designation for each item; and
- Defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the Owner's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the Owner.

The Owner will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Notwithstanding the above, if the Owner contracting party is part of the judicial branch, the release of data shall be in accordance with the rules of public access to records of the judicial branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time.

Contingency Fees Prohibited

Pursuant to Minnesota Statutes Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

Organizational Conflicts of Interest

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a contractor is unable or potentially unable to render impartial assistance or advice to the Owner, or the contractor's objectivity in performing the contract work is or might be otherwise impaired, or the contractor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Arts Board which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the Owner may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to MMD, the Owner may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the Owner's rights.

Insurance Requirements

- Contractor shall not commence work under the contract until they have obtained all the insurance described below and the Owner of Minnesota has approved such insurance. Contractor shall maintain such insurance in force and effect throughout the term of the contract.
- Contractor is required to maintain and furnish satisfactory evidence of the following insurance policies:

City of Rochester Insurance Requirements

- Public Liability Insurance
 - Bodily Injury \$1,000,000 each occurrence \$2,000,000 aggregate
 - Property Damage \$1,000,000 each accident \$2,000,000 aggregate
 - Personal Injury \$1,000,000 each occurrence \$2,000,000 aggregate
- Automobile Insurance
 - Bodily Injury/Property Damage \$2,000,000 each occurrence
- Workers Compensation Statutory (State of Minnesota)
\$500,000, \$500,000, \$500,000
- Professional Liability \$1,000,000 each occurrence
\$3,000,000 aggregate

The Consultant must name City of Rochester, Minnesota Department of Employment and Economic Development, Commissioner of Management and Budget, and the State of Minnesota, Architect and Owner's Representative, their agents and consultants as additional insureds. The policies cannot be issued on a "claims made" basis. ("Claims made basis" does not apply to the Professional Liability policy). The policies must contain a 60-day written notification of cancellation.

The Consultant shall not commence work until a Certificate of Insurance covering all of the insurance required by this specification is approved and a notice to proceed has been issued by the Project Manager.

The Consultant will indemnify and hold the City of Rochester, Minnesota Department of Employment and Economic Development, Commissioner of Management and Budget, and the State of Minnesota, harmless from and against demands, alleged damages or injuries, and expenses arising directly or indirectly from the Consultant's negligent acts, errors, omissions, or breach of contract and of those persons for whom the Consultant is legally responsible.

- D. The Owner reserves the right to immediately terminate the contract if the contractor is not in compliance with the insurance requirements and retains all rights to pursue any legal remedies against the contractor. All insurance policies must be open to inspection by the Owner, and copies of policies must be submitted to the Owner's authorized representative upon written request.
- E. The successful responder is required to submit certificates of insurance acceptable to the Owner as evidence of insurance coverage requirements prior to commencing work under the contract.

E-Verify Certification (In accordance with Minn. Stat. §16C.075)

By submission of a proposal for services in excess of \$50,000, contractor certifies that as of the date of services performed on behalf of the Owner, contractor and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of the State. In the event of contract award, contractor shall be responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EVerifySubCertForm.doc>. All subcontractor certifications must be kept on file with contractor and made available to the Owner upon request.

Contractor Registration

1.4.4.1 Minn. Stat 181.723 as amended (Minn. Laws, chapter 295) requires Contractors and Subcontractors that provide commercial or residential building construction or improvement services in Minnesota to be registered with the Minnesota Department of Labor and Industry (DLI) by September 15, 2012, unless they are already licensed, certified or registered by the Minnesota Department of Labor and Industry.

- a. Building construction contractors, including independent contractors, subcontractors, and business entities providing public or private sector commercial or residential building construction or improvement services are required to be registered with the Department of Labor and Industry
- b. The registration requirement does not apply to workers and businesses that are already licensed, registered or certified with DLI, nor does it apply to employees.
- c. No fee will be charged for initial registration.
- d. Registration shall be done online and requires information about the business and its owners and officers. This information is critical to enforcement activities of DLI, DEED, and Revenue and is the same information currently required for licensed residential building contractors, electrical contractors, and plumbing contractors.
- e. General or Prime Contractors will be able to verify that subcontractors are registered on the searchable Department of Labor and Industry Contractor Look-Up web site.
- f. The law provides for penalties for failure to register, hiring unregistered contractors, misclassifying employees and coercing others to form a business entity. The penalty for failing to register will be forgiven if registration is achieved within 30 days, during the pilot project.
- g. The Building Construction Contractor Registration replaces the Independent Contractor Exemption Certificate program (ICEC).
- h. For additional information and to register go to www.dlimn.gov/register or contact DLI at 651.284.5074 or email: dli.register@state.mn.us.

Project Labor Agreement (PLA)

The general contractor, Knutson Construction, and their subcontractors and vendors are signatory to a Project Labor Agreement for this project.

State Prevailing Wage Requirements

This project will require compliance with Minnesota's Prevailing Wage Laws and will require submittal of payroll reports to the Owner. The commercial prevailing wage rates on any given date are available on the Department of Labor and Industry website: <http://www.dli.mn.gov/LS/PrevWage.asp>. A copy of the wage rates, current at the time the Project was issued for proposals, is included in the Specifications. It is the Contractors responsibility to make sure they are implementing the most current wage rates.

Prevailing Wage Reporting will be required on this project. Form and requirements are located at <http://www.mmd.admin.state.mn.us/mn02000.htm#prevwage>.

Forms are to be submitted to the City of Rochester through the Owner's Representative.

Additionally, the prevailing hours of labor may not be more than eight (8) hours per day or more than 40 hours per week. Pursuant to Minnesota Statutes 177.43, "No laborer or mechanic employed directly on the project work site by the Contractor or any subcontractor, agent or other person doing or contracting to do all or a part of the work of the project, is permitted or required to work more hours than the prevailing hours of labor, unless paid for all hours in excess of the prevailing hours at a rate of at least 1 ½ times the hourly basic rate of pay."

Jobs Reporting Requirements

All contractors are required to report on jobs created to complete the work on this project. Pursuant to M.S. Sec 16A.633m subd. 4, which was added during the 2012 legislative session, the Owner is required to report the number of jobs created or retained by the Project. To enable the Owner to comply with M.S. Sec. 16A.633, subd. 4 the Contractor must submit job reports for the Project through Project completion. Reporting shall be in the format prescribed, on the form provided to the successful Vendor.

American Made Steel

This project will require the use of American-made steel per Minnesota Laws, 2014, Chapter 295, Section 21 (the "Act"). Contractor shall submit documentation to the Owner pursuant thereto as reasonably required by the State.

Records Keeping and Reporting

The Contractor shall keep full and detailed accounts and exercise such controls as may be necessary for proper financial management under this Contract; the accounting and control systems shall be satisfactory to the Owner. The Owner and the Owner's accountants, auditors and agents shall be afforded access to all of the Contractor's records, books, correspondence, instructions, drawings, receipts, subcontracts, purchase orders, vouchers, memoranda and other data relating to this Project, and the Contractor shall preserve these for a period of six years from the date that the Project is fully completed and placed into operation, or for such longer period as may be required by law, provided, however, that if a claim, suit, action or demand arising out of the Contractor's performance hereunder is asserted during said six year period, the Construction Manager shall retain all such books, records, documents and accounting procedures until the claim, suit, action or demand has been resolved. The Owner and its accountants, auditors and agents shall have the right, exercisable from time to time upon notice to the Contractor, to inspect, examine and reproduce any such books, records, documents or accounting procedures.

Non Discrimination

The City of Rochester hereby notifies all Respondents:

In accordance with the Minnesota Human Rights Act, Minnesota Statute 363A.08 Unfair discriminatory Practices, it will affirmatively assure that on any project constructed pursuant to this advertisement equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age;

In accordance with the Minnesota Human Rights Act, Minnesota Statute 363A.36 Certificates of Compliance for Public Contracts, and 363A.37 Rules for Certificates of Compliance, it will assure that appropriate parties to any contract entered into pursuant to this advertisement possess valid Certificates of Compliance;

If you are not a current holder of a compliance certificate issued by the Minnesota Department of Human Rights and intend to bid on any job in this advertisement you must contact the Department of Human Rights immediately for assistance in obtaining a certificate.

The following notice from the Minnesota Department of Human Rights applies to all contractors'

"It is hereby agreed between the parties that Minnesota statute, section 363A.36 and Minnesota Rules, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based on the specification or any modification of it. A copy of Minnesota Statute 363A.36 and Minnesota Rules, parts 5000.3400 to 5000 3600 is available upon request from the contracting agency"

"It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to Minnesota Statute 363A.36 and Minnesota Rule 5000 3600 Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in renovation of its certificate or revocation of the contract (Minnesota Statute 363A .36,Subd. 2 and 3)"

Equal Pay Certification - Women's Economic Security Act (WESA)

If the contract amount could be in excess of \$500,000, the Responder must obtain an Equal Pay Certificate from the Minnesota Department of Human Rights (MDHR) or claim an exemption prior to contract execution. A responder is exempt if it has not employed 40 or more full-time employees on any single working day during the previous 12 months in Minnesota or the state where it has its primary place of business. Please contact MDHR with questions at: 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us. Forms and information are available at http://mn.gov/mdhr/about/press_7-30-14_equal_pay_cert.html Reference: MN Statute §363A.44. See Attachment #8 of this RFP.

Responsible Contractor, Minimum Requirements

The responsible contractor law is applicable to construction contracts estimated to exceed \$50,000 (and to resulting subcontracts at any dollar level).

- a. This applies to solicitations issued on January 1, 2015 or after, will contain minimum criteria specified in statute for a prospective responder to be considered a responsible contractor and eligible to be awarded a contract.
- b. Specified criteria include compliance with various existing obligations, including those relating to prevailing wage, workers' compensation, unemployment insurance and targeted or disadvantaged businesses.
- c. Effective January 1, 2015, prospective vendors must certify compliance under oath to the contracting agency and must obtain comparable certifications from its subcontractors. The contracting agency may accept these sworn statements as sufficient evidence of compliance. Certification forms are in ATTACHMENT #10 of this RFP.
- d. Details of these changes are at Laws 2014, Chapter 253:
<https://www.revisor.mn.gov/laws/?year=2014&type=0&doctype=Chapter&id=253&format=pdf>

Section VI. Instructions for Submitting Proposals

CaFÉ™ Registration

The Minnesota State Arts Board will use CaFÉ™ to manage proposals for this project. Creating an artist profile in the CaFÉ™ system is a requirement of the application process and must be completed before beginning an application. Online instructions for creating a CaFÉ™ profile, work sample formatting requirements, and uploading work samples to your CaFÉ™ portfolio are available at <https://www.callforentry.org/faq.phtml>.

Responders submitting proposals during Phase I of this RFP will use the instructions included in this document. Contractors selected to develop schematic design proposals during Phase II will submit additional materials during Phase II.

Narrative formatting

Responders are strongly encouraged to prepare narrative text in another format (i.e., in a word processing document) and then copy and paste it into the fields within the CaFÉ™ application. **Fields with length limits are measured in characters, not words. All length limits include spaces.** Word processors format rich text using unseen formatting tags, counting against the character length limits. Depending on the word processor, browser, and complexity of formatting, this number of "lost" characters will vary. To maximize the number of characters available for text, avoid unnecessary formatting. If an editing or "track changes" function has been used, make sure to accept the changes, not just hide changes, before cutting and pasting the text into a CaFÉ™ application field.

Formatting written attachments

- A page means a standard 8.5" × 11" letter size page, printed on only one side
- Leave at least a 1" margin at the top, bottom, and sides of each page
- Use Times New Roman font (or reasonable substitute), 11-point type size or larger
- Include the responder's name on the top of each page
- Files should be no larger than 2mb, and txt, pdf, doc, docx, xls, xlsx, or jpg format only.

How to start an application in CaFÉ™

- Log in to your CaFÉ™ profile at <https://www.callforentry.org/index.php>
- Upload work samples to your CaFÉ™ portfolio
- Select: "Apply to Calls"
- Enter "RFP for Public Art at Mayo Civic Center" into the keyword search box
- Select: "View More Info" to read a brief description of the project
- Select: "Apply to this Call"
- Choose "Yes, I agree" or "No, I do not agree" after reading the legal agreement

After a responder agrees to the following legal agreement, an application is started. A complete list of questions to be addressed and information needed to submit a proposal will be presented on the next screen. Select "Save Application" at the bottom of the webpage to save your work, and complete the application later.

RESPONDER CERTIFICATION

Minnesota Law authorizes state government agencies to conduct transactions electronically. Minnesota Statutes §302A.015 defines an electronic signature as "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."

The signature of one authorizing official is required. Submitting an application constitutes the individual's electronic signature. The signature certifies that all information in the application is true and correct. It also certifies that the responder meets all eligibility criteria outlined in this solicitation, and intends to use the available funds only for allowable purposes. The name of the individual associated with the CaFÉ™ profile is the authorizing official. If the authorizing official's name is not in the list, register the authorizing official into CaFÉ™ through the My Profile selection on the CaFÉ™ main menu prior to submitting the proposal application.

If responder is a firm, the signature of a corporate official having the authority to enter into legal agreements on behalf of the firm is required. If responder is an individual, the responder is the authorizing official.

As governed by Minnesota Statutes §13.01 to 13.07, the Minnesota Government Data Practices Act, information submitted to the Arts Board is open for public inspection. Responders that wish to register as a user on the CaFÉ™ system must provide name, address, and additional contact information in order for the Arts Board to process applications. Failure to provide required information will prevent the responder from submitting a proposal to this solicitation. The Office of the Legislative Auditor, the commissioner of Minnesota Management and Budget, the commissioner of the Minnesota Department of Revenue, the Office of the Inspector General, Arts Board staff, and the comptroller general of the United States are authorized to have access to the data. If a court issues an order requiring disclosure, the Arts Board will comply.

GUIDE TO APPLICATION FORMS

A. Eligibility Questionnaire

Responders must answer “Yes” or “No” to the questions relating to eligibility in the CaFÉ™ application:

- 1) *Citizenship/Residency* – The primary responder must be a U.S. citizen, or hold permanent resident status, to be eligible for this project.
- 2) *Age Requirement* – The primary responder must be at least eighteen years of age on or before the RFP submission deadline.
- 3) *Level of Experience* – The primary responder must provide evidence of having successfully managed and completed at least one publicly-funded commission project with a budget equal to or greater than \$50,000 (including schematic design through design development, construction documents, fabrication, and installation).
- 4) *Debarment* – All proposals must include a statement that the respondent is not currently debarred or suspended by federal government, the State of Minnesota or any of its departments or agencies, or another government entity.

B. Required Attachments

Exhibit A. Non-Collusion Declaration

Responders must upload the fully-executed (signed and notarized) Non-Collusion Declaration. The form can be found on page 16 of this RFP.

Exhibit B. Affirmative Action Certificate

Responders must upload the fully-executed (signed) Affirmative Action Certificate. The form can be found on page 17 of this RFP.

Exhibit C. Authorization/Signature Document

Responders must upload the fully-executed (signed and notarized) Authorization/Signature Document. Upload only the section of the document that applies to your firm. The form can be found on pages 18-23 of this RFP.

C. Statement of Interest (1,000 character limit, including spaces, per question)

The statement of interest should address the questions outlined in Section II of this RFP. A separate field is provided in the CaFÉ™ application for each question to be addressed. Copy and paste your answer into the appropriate field within the application.

D. Primary Responder Résumé

Upload an outline of the primary responder’s background and experience with examples of similar work done by the primary responder. A biography or an autobiography will not fulfill the requirement for the primary responder’s résumé. Résumés may include the following elements:

1. Education
2. Grants/awards
3. Exhibition record
 - a. Solo exhibitions or selected solo exhibitions
 - b. Group exhibitions or selected group exhibitions

4. Collaborative projects
5. Commissions
 - a. Public art, corporate or private
6. Collections
 - a. Public art, corporate or private
7. Bibliography or selected bibliography
8. Publications as author
9. Teaching or related experience
10. Lectures/workshops
11. Curatorial projects
12. Gallery affiliation(s) or client list

E. Project Personnel Résumé

Upload the résumé(s) of personnel that will be involved in the fabrication, installation, and activation of the artwork should also be included. Résumés or other information about project personnel should not, if possible, contain personal telephone numbers, home addresses, or home e-mail addresses. If it is necessary to include personal contact information, please clearly indicate in the proposal that personal contact information is being provided.

F. Three Professional References

Type the names and current contact information of three professional references, and upload the file within the CaFÉ™ application. At least one of the references should be a project manager at the commissioning agency for a project presented in the work samples.

G. Work Samples

Comprehensive instructions for preparing work samples to CaFÉ™ requirements is available online at https://www.callforentry.org/image_prep.phtml. Choose work samples to be included with this proposal from the CaFÉ™ portfolio, below the file upload option for the professional references.

The minimum number of images required for this proposal is 10, and the maximum is 18. Responders may also choose to upload a maximum of 2 work samples in video format. Include recent work that is relevant to the project in the application. At least one of the work samples should illustrate that the responder has successfully managed and completed a publicly-funded commission project with a budget equal to or greater than \$50,000. Installation or 3-dimensional work may be illustrated by multiple images. Work samples shall be submitted electronically, and will not be accepted by mail or in-person delivery.

Responders must submit complete work sample descriptions, outlined below:

- 1) *Artwork or Video Title* – List the title of the artwork presented in the sample.
- 2) *Medium* – List the primary medium of the artwork presented in the sample. If the sample is a video, list the original format and the copy format.
- 3) *Measurements* – List the height, width, and depth of the artwork in both numbers and units of measurement. For example: 24” x 12” x 2”. If the sample is a video, list the duration in minutes and seconds.
- 4) *Price/Value* – Provide the total contract amount. If the project was self-initiated, enter a zero.
- 5) *Year Completed* – List the year that the artwork was completed. If the sample is a work in progress, please list “work in progress.”
- 6) *Primary Discipline* – Select the primary discipline of the artwork.
- 7) *Art in Public Places* – Select “Yes” or “No.”
 - o If yes, list the location and the public art program.
 - o If no, proceed to the description.
- 8) *Description* – Provide a brief description of the project that includes the name of the commissioning agency, and if necessary, clarify the responder’s role in the project. For example: lead artist, assistant, fabricator, etc. If the project was self-initiated, please write “self-initiated.”

General notes and tips for submitting work samples:

- 1) The work samples will be used to assess the degree to which the responder meets or exceeds the evaluation factors outlined in Section III of the RFP.

- 2) Work samples should come as close as possible to the original intended audience experience. Promotional or marketing materials are not appropriate work samples.
- 3) The Arts Board expects that responders will respect and acknowledge the work of others. Proper attribution is required when adapting, incorporating, or significantly drawing upon others' work.
- 4) All application materials submitted to the Arts Board are public information. The board will identify those materials as the creation and property of the responder; however, responders who are concerned about further protecting their work may wish to register a copyright.

General

- A. This document, including attachments, constitutes a formal Request for Proposals (RFP) and is a competitive solicitation. Therefore, the respondent shall carefully follow the instructions herein to be considered fully responsive to the RFP. The Owner reserves the right to reject any proposal that is determined to be incomplete or which does not follow the required structure or format. However, when such statements are innocent or inadvertent in the opinion of the Owner, the Owner reserves the right to waive them as informalities.
- B. Any verbal explanations of instructions or discussion of any aspect of this RFP provided the respondent before the award of a contract shall not be binding. Prospective respondents with questions regarding this RFP must submit them in writing by e-mail to the information contact identified in Section I of this document.
- C. All costs incurred in responding to this RFP will be borne by the responder.
- D. Proposals submitted in any format other than the CaFÉ™ system shall be rejected. Alterations in cost figures used to determine the lowest priced proposal shall be rejected unless initialed in ink by the person responsible for or authorized to make decisions as to the price quoted. Proof of authorization shall be provided upon request. The use of "white out" is considered an alteration.

NON-COLLUSION DECLARATION

The following Non-Collusion Declaration shall be executed by the Respondent:

City Project No. 3541

I, _____, do state under penalty of perjury under 28
(Name of person signing this declaration)

USC 1746 of the laws of the United States:

1. That I am the authorized representative of _____
(Name of individual, partnership or corporation submitting this proposal)

And that I have the authority to make this declaration for and on behalf of said Respondent ;

2. That, in connection with this proposal, the said Respondent has not directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding;
3. That, to the best of my knowledge and belief, the contents of this proposal have not been communicated by the Respondent or by any of his/her employees or agents to any person who is not an employee or agent of the Respondent or its surety on any bond furnished with the proposal, and will not be communicated to any such person who is not any employee or agent of the Respondent or of the said surety prior to the official opening of the proposal; and
4. That I have fully informed myself regarding the accuracy of the statements made in this declaration.

Company Name

Authorized Signature

Title

Date

Subscribed and sworn to before me this

Proposer's E.I. Number:

_____ day of _____, 20____

(Number used on Employer's Quarterly
Federal Tax Return)

Notary Public
My Commission Expires _____, 20____

State Of Minnesota – Affirmative Action Certification

BOX A – For companies which have employed more than 40 full-time employees within Minnesota on any single working day during the previous 12 months. All other companies proceed to BOX B.

Your response will be rejected unless your business:

has a current Certificate of Compliance issued by the Minnesota Department of Human Rights (MDHR)
 –or–
 has submitted an affirmative action plan to the MDHR, which the Department received prior to the date and time the responses are due.

Check one of the following statements if you have employed more than 40 full-time employees in Minnesota on any single working day during the previous 12 months:

- ☐ We have a current Certificate of Compliance issued by the MDHR. Proceed to **BOX C**. Include a copy of your certificate with your response.
- ☐ We do not have a current Certificate of Compliance. However, we submitted an Affirmative Action Plan to the MDHR for approval, which the Department received on _____ (date). [If the date is the same as the response due date, indicate the time your plan was received: _____ (time). Proceed to **BOX C**.
- ☐ We do not have a Certificate of Compliance, nor has the MDHR received an Affirmative Action Plan from our company. We acknowledge that our response will be rejected. Proceed to **BOX C**. Contact the Minnesota Department of Human Rights for assistance. (See below for contact information.)

Please note: Certificates of Compliance must be issued by the Minnesota Department of Human Rights. Affirmative Action Plans approved by the Federal government, a county, or a municipality must still be received, reviewed, and approved by the Minnesota Department of Human Rights before a certificate can be issued.

BOX B – For those companies not described in BOX A

Check below.

- ☐ We have not employed more than 40 full-time employees on any single working day in Minnesota within the previous 12 months. Proceed to **BOX C**.

BOX C – For all companies

By signing this statement, you certify that the information provided is accurate and that you are authorized to sign on behalf of the responder. You also certify that you are in compliance with federal affirmative action requirements that may apply to your company. (These requirements are generally triggered only by participating as a prime or subcontractor on federal projects or contracts. Contractors are alerted to these requirements by the federal government.)

Name of Company: _____ Date _____

Authorized Signature: _____ Telephone number: _____

Printed Name: _____ Title: _____

For assistance with this form, contact:

Minnesota Department of Human Rights, Compliance Services Section

Mail: 190 East 5th St., Suite 700 St. Paul, MN 55101

TC Metro: (651) 296-5663

Toll Free: 800-657-3704

Web: www.humanrights.state.mn.us

Fax: (651) 296-9042

TTY: (651) 296-1283

Email: employerinfo@therightsplace.net

AUTHORIZATION / SIGNATURE DOCUMENT

There are three (3) forms attached.

If you are a corporation:

- If a Corporate Officer is signing, return only the Acknowledgement of Corporate/Authorization.
- If someone other than a Corporate Officer is signing, both the Acknowledgement of Corporation/Authorization and the Authorization of Corporate Agent must be returned.

If you are a Limited Liability Company

- Sign and return the Acknowledgement of Limited Liability Company Authorized Signature.

If you are a Company or an individual signing on your behalf, sign and have notarized the signature page at the end of the document.

AUTHORIZATION / SIGNATURE DOCUMENT

ACKNOWLEDGEMENT OF CORPORATION
AUTHORIZED SIGNATURE

STATE OF MINNESOTA

COUTNY OF _____

On this _____ day of _____, 20____, before me appeared
_____ to me personally know, who, being by me duly
(name of officer)
sworn, did say that he/she is the _____ of
(title)
_____ a corporation; and that said instrument was
(name of corporation)
executed in behalf of said corporation by authority of its Board of Directors; and that said
_____ acknowledged said instrument to be the free act
(name of officer)
and deed of said corporation.

Notary Public
County _____
My Commission Expires _____

AUTHORIZATION / SIGNATURE DOCUMENT

AUTHORIZATION OF CORPORATION AGENT

The _____ does hereby authorize _____
(name of corporation) (name of person(s))
to act as an agent of _____ and to bind
(name of corporation)
_____ to contracts entered into with the City of Rochester.
(name of corporation)

The purpose of this authorization is to allow officials of the City of Rochester to accept
_____’s signature as an official act of _____.
(name of person(s)) (name of corporation)

This authorization is effective _____ and remains effective until such time
(date)
as it is revoked by the _____’s Board of Directors. No revocation of this
(name of corporation)
authorization shall be effective until such time as it is filed with the City Clerk of the City of Rochester.

Chairman, Board of Directors

Name of Corporation

STATE OF MINNESOTA)
)
COUNTY OF OLMSTED)

On this date appeared before me _____ personally
(name of Chairman, Board of Directors)
known to me to be the Chairman of the Board of Directors of _____
(name of corporation)
who has indicated to me that (s)he is authorized by the Board of Directors of
_____ to execute the above Authorization of Corporate
(name of corporation)
Agent for purposes of executing contracts with the City of Rochester.

Notary Public _____
My Commission Expires _____

AUTHORIZATION / SIGNATURE DOCUMENT

ACKNOWLEDGEMENT OF LIMITED LIABILITY
COMPANY AUTHORIZED SIGNATURE

STATE OF MINNESOTA)
)
COUNTY OF OLMSTED)

On this _____ day of _____, 20____, before me appeared
_____, personally known to me to be the Chief Manager of
_____, a Limited Liability Company under Minnesota Law, who has indicated
that he/she is authorized under the articles of organization or operating agreement to execute the attached
instrument for and on behalf of the Limited Liability Company, and the he/she hereby executes said instrument for
and on behalf of the Limited Liability Company.

Notary Public _____
My Commission Expires _____

AUTHORIZATION / SIGNATURE DOCUMENT

Company Name

Authorized Signature

Title

Date

Proposer's E.I. Number:

**(Number used on Employer's Quarterly
Federal Tax Return)**

Subscribed and sworn to before me this

____ day of _____, 20____

Notary Public

My Commission Expires _____, 20____