

**RESOLUTION**  
**By Glidden and B. Johnson**

**Reaffirming the City's commitment to the Responsible Contractor Act and adopting additional factors.**

Whereas, the Minnesota Legislature enacted the Responsible Contractor Act, Minnesota Statutes, section 16C.285, to promote accountability in public construction by ensuring that work is awarded to contractors who comply with applicable state and federal laws; and

Whereas, the Responsible Contractor Act establishes minimum criteria that a contractor must meet in order to be eligible to be awarded a construction contract as the lowest responsible bidder or the contractor offering the best value on certain projects; and

Whereas, the Responsible Contractor Act authorizes defined municipalities such as the City of Minneapolis to adopt additional factors defining which contractors are "responsible" for purposes of awarding public construction contracts; and

Whereas, the Responsible Contractor Act does not address violations of municipal laws, policies, and resolutions, such as the City of Minneapolis' Prevailing Wage Ordinance, M.C.O. sections 24.10 et. seq.; and

Whereas, the City of Minneapolis recognizes the importance of encouraging compliance with the City's own laws, policies, and resolutions in public construction contracting; and

Whereas, the City of Minneapolis recognizes the value of coordinating with municipalities that share a common interest in using construction contractors that comply with the law rather than those that routinely break it; and

Whereas, the City of Minneapolis finds that certain neighboring municipalities have reliable enforcement procedures and maintain effective lines of communication with the City of Minneapolis for purposes of coordinating compliance efforts;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis that the City hereby reaffirms its commitment to the Minnesota Responsible Contractor Act and its expressed goal of promoting accountability in public construction projects.

Be It Further Resolved that, pursuant to the provisions of Minnesota Statutes, section 16C.285, subd. 6, the City of Minneapolis hereby adopts the following additional factors and implementation procedures to be considered in defining contractor responsibility:

1. Additional Factors. A construction contractor responding to a solicitation document for a project that is owned or financed by the City of Minneapolis and is subject to Minnesota Statutes section 16C.285 must verify compliance with the following additional factors in its verification of compliance required by section 16C.285, but only as it applies to the construction contractor's contracts with the City of Minneapolis:
  - a. The contractor or related entity (as defined in section 16C.285) is in compliance with and, during the three-year period before submitting the verification, has not violated the requirements for payment of wages for construction work as provided in ordinance, resolution, policy, or contractual provision

of the City of Minneapolis, where it has been determined, after available legal process, that a contractor or related entity has failed to pay wages or penalties required by the City of Minneapolis in the amount of \$10,000 or more on one or more projects within the three-year period.

b. The contractor or related entity has not made a false statement in a verification of compliance submitted to the City of Minneapolis, pursuant to section 16C.285 or this resolution during the three-year period before submitting the verification.

2. Implementation Procedures. These additional factors shall be included in the solicitation documents for all projects covered by section 16C.285 and shall apply to all prime contractors and subcontractors of all tiers. The contents and procedures for submitting and collecting verifications of compliance for these additional factors shall conform to all procedural requirements and the contents set forth in section 16C.285. Failure to verify compliance with any one of the above additional factors, or a false statement in a verification of compliance with these additional factors, shall render the prime contractor or subcontractor that fails to verify compliance or makes a false statement ineligible to be awarded a construction contract on the project. The City shall include these additional factors, on existing or new verification forms which shall be separate from the verification forms used for compliance with the Minnesota Responsible Contractor Act.