

MINNESOTA STATE

SECTION 00 45 46

SPECIAL INSTRUCTIONS FOR NON-MINNESOTA CONTRACTORS

1 GENERAL

1.01 GENERAL REQUIREMENTS:

Minnesota Statutes 290.9705 requires that public entities withhold eight (8) percent of cumulative calendar year payments to Non-Minnesota Contractors which exceed \$50,000.00. The statute allows for a waiver of this requirement under the following circumstances if:

(1) The contractor gives the commissioner of the Department of Revenue a cash surety or a bond, secured by an insurance company licensed by Minnesota, conditioned that the contractor will comply with all applicable provisions of this Chapter 290.9705 and Chapter 297A,

or

(2) The contractor has done construction work in Minnesota at any time during the three calendar years prior to entering the contract and has fully complied with all the provisions of this Chapter 290.9705 and Chapter 297A for the three prior years.

A decision by the Department of Revenue allows for a third basis for waiver that being the providing of a payment and performance bond to the Minnesota State pursuant to Minnesota Statute 574.26. Such a bond is required for this contract.

1.02 PROCEDURE:

To formalize this waiver you must complete **Form SD-E** (see Section 04547 - Exhibit B). Contractors interested in using this procedure should refer to the Minnesota Department of Revenue's website at: http://www.revenue.state.mn.us/Forms_and_Instructions/sde.pdf to obtain form.

The Contractor shall provide Minnesota State with a copy executed by the Department of Revenue. If you are basing your waiver on the fact that you are providing a bond, note in the bonding company information section that the bond is to Minnesota State. You need not in this case attach a copy of the bond to the Form SD-E.

The Contractor shall send forms for execution to:

Minnesota Department
Mail Section 6501
St. Paul, Minnesota 55146-6501

END OF SECTION