

SECTION 00 11 13

NOTICE OF HEARING AND NOTICE TO BIDDERS

**2018 Water Supply and Treatment System Improvements Project
City of Lakota, Iowa
SEH No. LAKOTA 137163**

Notice is hereby given that the City Council of the City of Lakota, Iowa will conduct a public hearing on the plans, specifications, form of contract and estimate of cost for the construction of the 2018 Water Supply and Treatment System Improvements Project at the special City Council meeting on September 16, 2019, at 7:00 p.m., at the Lakota City Hall, 204 3rd Street, Lakota, Iowa. Any interested person may appear and file objections to the proposed plans, specifications, form of contract or estimated cost. After hearing objections, the City of Lakota shall, by resolution, enter its decision on the plans and specifications, form of contract and estimate of costs.

Notice is hereby given that sealed Bids will be received by the City of Lakota City Clerk before 10:00 a.m., on September 12, 2019, at the Office of the City Clerk at the City of Lakota City Hall, 204 3rd Street, Lakota, Iowa at which time and place they will be publicly opened and read aloud, for the furnishing of all labor and material for the construction of the 2018 Water Supply and Treatment System Improvements Project.

On September 16, 2019, at 7:00 p.m., at Lakota City Hall, 204 3rd Street, Lakota, Iowa the City Council of the City of Lakota shall consider the construction bids received and either award a contract, reject all bids, or adjourn action thereon to a subsequent meeting of the City Council.

Major components of the Work include:

All necessary labor, supervision, equipment, tools, and materials for the construction of a new water treatment building, water treatment equipment, electrical and removal/demolition of existing water treatment facility. Along with the rehabilitation of existing well #2 consisting of well rehab, pitless unit, well pump, drop pipe, well development and well accessories. This work is located at the corner of 1st Avenue and 2nd Street.

Bids shall be on the form provided for that purpose and according to the Bidding Requirements prepared by Short Elliott Hendrickson Inc. (SEH®) dated August 2019.

Electronic and paper copies of the Bidding Documents may be obtained from the Issuing Office of SEH located at:

Short Elliott Hendrickson, Inc.
215 North Adams
Mason City, Iowa 50401
641.424.6344

A refundable deposit of \$50.00 will be required for the Plans and Project Manual. In order to receive a refund, both Plans and Project Manual must be returned in complete and re-useable condition. In addition, they must be returned in said condition within fourteen days after award of the project. Failure to comply with either requirements will result in forfeiture of the deposit.

Work under the proposed contracts shall be completed within the following time requirements:

Work shall commence upon the issuance of a written notice to proceed. Work shall be substantially complete by no later than November 30, 2020. All work shall be completed and ready for final acceptance by December 31, 2020.

Substantial completion is defined as follows: All work is complete except for finish grading of turf restoration areas, seeding and minor clean up.

The contract times noted are subject to any extension which may be granted by the City Council of Lakota, Iowa.

Davis-Bacon and Related Acts and federal prevailing wage rates apply to this project. All provisions relative to those acts must be met.

Each bid must be made out on a Bid Form furnished in the Project Manual and obtained from SEH or on a computerized Bid Form furnished by the bidder. Bid Forms furnished by the bidder shall replicate the Bid Form furnished in the Project Documents Manual. Each bid shall be sealed in an envelope marked "Bid for the 2018 Water Supply and Treatment System Improvements Project". Each bid must be accompanied in a separate envelope by a bidding check or bid bond in an amount equal to five percent (5%) percent of the bid price, said check being either a certified or cashier's check, drawn on a bank in Iowa, or a bank chartered under the laws of the United States, or a Certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, and made payable to the City of Lakota, Iowa, as security that the bidder will furnish the required bonds and enter into a contract within ten (10) working days, excluding Saturday, Sunday, and holidays, after the award of the contract to him.

Bidders shall not be permitted to withdraw their bids for a period of thirty (30) days after the same are opened.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa and to Iowa domestic labor.

To the extent required by Iowa law, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident. Failure to submit a fully completed Bidder Status Form with the Proposal may result in the Proposal being deemed nonresponsive and rejected.

Bidders shall be expected to comply with Chapters 91C and 103A of the Code of Iowa concerning the registration and bonding of construction contractors and the successful bidder shall be required to supply the City of Lakota with proof of said compliance.

Payment for said "2018 Water Supply and Treatment System Improvements Project," will be made from Community Development Block Grant (CDBG) funds, a State Revolving Fund Loan and the General Funds of the City of Lakota, or from such other funds as may be legally used for such purposes. Monthly estimates will be submitted to the ENGINEER and payment will be made to the CONTRACTOR in the amount of ninety-five percent (95%) of said estimate on or about the twentieth of the following month. Final payment will be made not sooner than thirty (30) days following final acceptance of the work by the City of Lakota.

The bidder's attention is called to the prompt payment to the subcontractors under Chapter 573.12 of the Code of Iowa.

Plans and specifications governing the construction of the proposed improvements have been prepared by SEH, 215 North Adams, Mason City, Iowa, which plans and specifications, and also prior proceedings of the Lakota, Iowa, City Council referring to and defining said proposed improvements, are hereby made a part of this notice and the proposed contract by reference, and the proposed contract shall be executed in compliance therewith.

Copies of said plans and specifications, form of contract and cost estimate are now on file in the office of the City Clerk, for examination by bidders.

The City encourages bids from qualified minority and female contractors.

All bids shall NOT include Iowa Sales Tax for materials used in the project. Upon award, the successful bidder shall immediately provide a listing of subcontractors and associated Federal ID or Social Security Numbers for both the contractor and subcontractors. The City will register the contractor and subcontractors with the Iowa Department of Revenue and will provide appropriate certificates to the contractor for distribution and use.

The City of Lakota, Iowa reserves the right to reject any and all bids, to waive technicalities and irregularities, and to award a contract as it deems to be in the best interests of the City.

SECTION 3 LANGUAGE FOR PROCUREMENT DOCUMENTS

- A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

Section 3 Businesses are encouraged to respond to this proposal. A Section 3 business is a business that is:

51% owned by Section 3 residents*

Whose permanent, full-time staff is comprised of at least 30% Section 3 residents*

Has committed 25% of the dollar amount of its subcontracts to Section 3 businesses

*A Section 3 resident is defined as a public housing resident or someone with a household income that is less than 80% of the area median income.

Businesses that believe they meet the Section 3 criteria are encouraged to register as a Section 3 Business through HUD's website: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness>

Bids shall be directed to the City Clerk, securely sealed and endorsed upon the outside wrapper, "BID FOR THE 2018 WATER SUPPLY AND TREATMENT SYSTEM IMPROVEMENTS PROJECT." The City of Lakota reserves the right to reject any and all Bids, to waive irregularities and informalities therein and to award the Contract in the best interests of the City of Lakota.

Pamela Robb
City Clerk
204 3rd Street, PO box 194
Lakota, IA 50451

++ END OF NOTICE ++