

**RESOLUTION NO. 2024-**

**Resolution to provide for a notice of hearing on proposed plans, specifications, form of contract and estimate of cost for the Independence 8th Avenue NW – IPF Area Stormwater Improvements Project, and the taking of bids therefor**

**WHEREAS**, it has been proposed that the City Council of the City of Independence, Iowa (the “City”), undertake the authorization of a public improvement to be constructed as described in the proposed plans and specifications and form of contract prepared by Crawford Engineering & Surveying, Inc. (the “Project Engineers”), which may be hereafter referred to as the “Independence 8th Avenue NW – IPF Area Stormwater Improvements Project” (and is sometimes hereinafter referred to as the “Project”), which proposed plans, specifications, notice of hearing and letting, and form of contract and estimate of cost (the “Contract Documents”) are on file with the City Clerk; and

**WHEREAS**, it is necessary to fix a time and place of a public hearing on the Contract Documents and to advertise for sealed bids for the Project;

**NOW, THEREFORE**, Be It Resolved by the City Council (the “Council”) of the City of Independence, Iowa, as follows:

Section 1. The Contract Documents referred to in the preamble hereof are hereby approved in their preliminary form.

Section 2. The Project is hereby determined to be necessary and desirable for the City, and, furthermore, it is hereby found to be in the best interests of the City to proceed toward the construction of the Project.

Section 3. June 24, 2024, at 5:00 p.m., at the City Hall, Independence, Iowa, is hereby fixed as the time and place of hearing on the Contract Documents.

Section 4. The City Clerk is hereby authorized and directed to publish notice (the “Notice of Hearing”) of the hearing on the Contract Documents for the Project in a newspaper of general circulation in the City, which publication shall be made at least once, not less than four (4) and not more than twenty (20) days prior to the date of the said hearing. The Notice of Hearing shall be in substantially the following form:

(Form of Notice of Hearing)

**NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND ESTIMATED COST FOR THE**

**Independence 8<sup>th</sup> Avenue NW – IPF Area Stormwater Improvements  
Independence, Iowa**

NOTICE IS HEREBY GIVEN: The City of Independence, Iowa, will hold a public hearing on the proposed plans, specifications, form of contract, and estimated cost for the **Independence 8<sup>th</sup> Avenue NW – IPF Area Stormwater Improvements project**, in accordance with the provisions of Chapter 26, Code of Iowa, at **5:00 p.m. on June 24, 2024**, at the Independence City Hall, 331 First Street East, Independence, Iowa 50644. Bid Proposals will be acted upon at that time or at such time as may then be fixed. At said hearing, any interested person may appear and file objections thereto.

The scope of the project is as follows:

**Project Description:** The project consists of excavation, site grading, storm sewer construction, parking lot paving, and related work. The project is located at 812 3rd Street NW, Independence, Iowa

This Notice is given by authority of the **City of Independence, Iowa**

Matthew Schmitz, City Manager

Section 5. The City Council hereby delegates to the City Clerk the duty of receiving bids for the construction of the Project until 11:00 a.m., on June 20, 2024, at the City Hall, Independence, Iowa. At such time and in the office of the City Clerk, the City Council hereby delegates to the City Clerk and/or the Project Engineers the duty of opening and announcing the results of the bids received. June 24, 2024, at 5:00 p.m., at the City Hall, in the City, is hereby fixed as the time and place that the Council will consider the bids received in connection therewith.

Section 6. The amount of the bid security to accompany each bid is hereby fixed at 5% of the total amount of the bid.

Section 7. The City Clerk and/or the Project Engineers are hereby directed to give notice of the bid letting for the Project by posting notice (the "Notice to Bidders") at least once, not less than thirteen (13) and not more than forty-five (45) days prior to the date set for receipt of bids, in each of the following three places: (i) in a relevant contractor plan room service with statewide circulation; (ii) in a relevant construction lead generating service with statewide circulation; and (iii) on an internet site sponsored by either the City or a statewide association that represents the City. The Notice to Bidders shall be in substantially the following form:

(Form of Notice to Bidders)

#### **NOTICE TO BIDDERS**

Sealed bids will be received by the City of Independence, Iowa, at City Hall, Independence, Iowa, until 11:00 o'clock AM on June 20, 2024, for the **Independence 8<sup>th</sup> Avenue NW – IPF Area Stormwater Improvements** project. Bids received after the deadline for submission of bids as stated herein shall not be considered and shall be returned to the late bidder unopened.

Sealed proposals will be opened and bids tabulated at 11:00 AM on June 20, 2024, in the office of the City Clerk, City Hall, Independence, Iowa, for consideration by the City Council at its meeting at 5:00 PM on June 24, 2024, at City Hall, Independence, Iowa.

Electronic copies of the contract documents are available from the Engineer, Crawford Engineering & Surveying, Inc. Contact Crawford Engineering & Surveying, Inc. at 319-334-7077 for electronic distribution of plans and specifications.

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 lawfully required under Iowa statutes.

In accordance with Iowa statutes, 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.

#### General Nature of the Public Improvement

#### **Independence 8<sup>th</sup> Avenue NW – IPF Area Stormwater Improvements Independence, Iowa**

The project consists of excavation, site grading, storm sewer construction, parking lot paving, and related work.

Each bidder shall accompany its bid with bid security as defined in Iowa Code Section 26.8, as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, in a form acceptable to the Jurisdiction, for the faithful performance of the contract, in an amount equal to 100% of the amount of the contract. The bidder's

security shall be in an amount equal to Five Percent (5%) of the total amount of the bid, as fixed in the Instruction to Bidders and shall be in the form of a cashier's check or a certified check drawn on an FDIC insured bank in Iowa or on an FDIC insured 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; or a bid bond on the form provided in the contract documents with corporate surety satisfactory to the Jurisdiction. The bid shall contain no condition except as provided in the specifications.

The **City of Independence**, Iowa, reserves the right to defer acceptance of any bid for a period of sixty (60) calendar days after receipt of bids and no bid may be withdrawn during this period.

Each successful bidder will be required to furnish a corporate surety bond in an amount equal to 100% of its contract price. Said bond shall be issued by a responsible surety approved by the **City of Independence**, Iowa, and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment of all material and labor, and protect and save harmless the **City of Independence**, Iowa, from claims and damages of any kind caused by the operations of the contract and shall also guarantee the maintenance of the improvement caused by failures in materials and construction for a period of four (4) years from and after acceptance of the contract.

The **City of Independence**, Iowa, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Work on the project will commence upon the issuance of a written notice to proceed. Contractor shall fully complete the project by (no later than) November 1, 2024. Should the contractor fail to complete the work in this time frame, liquidated damages of \$500.00 per calendar day will be assessed for work not completed within the designated contract term.

The **City of Independence**, Iowa, does hereby reserve the right to reject any or all bids and to waive informalities.

This Notice is given by authority of the **City of Independence, Iowa**.

/s/ Matthew Schmitz, City Manager

Section 8. All provisions set out in the attached forms of notice are hereby recognized and prescribed by the City Council and all resolutions or orders or parts thereof, to the extent the same may be in conflict herewith, are hereby repealed.

**RESOLUTION NO. 2024-** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 28<sup>th</sup> day of May 2024.

Record of Voting:

Ayes:

Nays:

Absent:

**RESOLUTION NO. 2023-** declared passed and adopted by the Mayor on this 28<sup>th</sup> day of May 2024.

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Brad Bleichner, Mayor of the City of Independence, Iowa

ATTEST:

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Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer, City of Independence, Iowa