

## NOTICE TO BIDDERS

### NOTICE OF LETTING FOR THE CONSTRUCTION OF WWTF IMPROVEMENTS - UV DISINFECTION AND WORK INCIDENTAL THERETO, IN AND FOR THE CITY OF AKRON, AND TAKING OF BIDS FOR SUCH CONSTRUCTION.

Sealed proposals will be received by the City Clerk of Akron, Iowa, at the City Offices at 220 Reed Street until 1:00 o'clock P.M., on the 10<sup>th</sup> day of April 2024, and opened and read thereafter for the construction work for the project and work incidental thereto, as described in the Plans and Project Manual therefor, now on file in the office of the City Clerk. Proposals will be acted on by the City Council at a meeting to be held at the Council Chambers in City Offices Akron, Iowa, on the 16<sup>th</sup> day of April 2024 at 7:00 o'clock P.M, or may be acted on at such later time and place as may be then fixed.

Construction of wastewater treatment facility improvements including a portable generator connection, new lift station, a new UV disinfection unit housed in a prefabricated building, and other related items of work.

The City will receive and consider bids on the entire project, and will award a single contract to the lowest, responsive, responsible Bidder.

All BIDS must be filed in said office on or before the time herein set, on forms furnished by the Owner, and must be enclosed in a separate sealed envelope and plainly identified. Each BID shall be accompanied by a BID BOND, certified check, cashier's check, or certified credit union share draft in a separate sealed envelope in an amount equal to ten per cent (10%) of the total amount of the BID. If BID BOND is submitted, it must be on the form provided with the CONTRACT DOCUMENTS. The certified check, cashier's check, or certified credit union share draft shall be drawn on a bank in Iowa, a bank chartered under the laws of the United States of America, or said certified share draft shall be drawn on a credit union in Iowa or chartered under the laws of the United States and payable to the Treasurer of the OWNER as security that if awarded a contract, the BIDDER will enter into a contract at the prices BID and furnish the required PERFORMANCE and PAYMENT BONDS and Certificate of Insurance. The certified check, cashier's check, or certified share draft may be cashed, or the BID BOND forfeited, and the proceeds retained as liquidated damages if the BIDDER fails to execute a contract or file acceptable PERFORMANCE and PAYMENT BONDS or provide an acceptable Certificate of Insurance within ten (10) days after the acceptance of said BID by resolution of the City Council. No BIDDER may withdraw a BID within thirty-five (35) days after the date set for opening BIDS.

At the hearing, the City Council will receive and consider any objections made by any interested person, to the DRAWINGS and SPECIFICATIONS proposed form of CONTRACT and the ESTIMATE of COST for the WORK.

Payment of the said WORK will be made in cash. Payment will be made in monthly estimates and one final payment. Payment for the WORK completed during the preceding calendar month will be determined by the Engineer pursuant to the GENERAL CONDITIONS and in accordance with the provisions of Chapter 573 Code of Iowa. Upon acceptance by the OWNER, the final payment will be issued on the balance found to be due the CONTRACTOR, including the retained percentages, but except such sums as may be lawfully retained by the OWNER, and shall not be

paid to the CONTRACTOR no earlier than thirty-one (31) days after the OWNER'S Final Acceptance of the WORK.

The WORK under the CONTRACT shall commence on or before the date specified in a written NOTICE TO PROCEED and shall be substantially completed and ready for operation by July 1, 2025.

By virtue of statutory authority, 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; provided, however, that the Council may award such CONTRACT as it deems to be in the best interests of the City, which shall be without regard to such factors. The Owner will, in evaluating Bids, consider the requirements of the resident bidder preference law, and allow such preferences to resident bidders as are required to be allowed under State Law. Bidder shall, when submitting a Bid, furnish an executed Bidder Status Form for the Owner to use when applying the preference law. Failure to submit a fully completed Bidder Status Form with the bid may result in the bid being deemed nonresponsive and rejected.

The successful Bidder shall be required to meet Federal requirements outlined in the bid documents, award documents, construction documents, supplemental conditions, and other contract forms.

Out-of-state contractors (as defined by Section 103A.3 of the current Iowa Code), before commencing a contract in excess of \$5,000 in value in Iowa, shall file a bond with the office of the Division of Labor Services of the Department of Employment Services in accordance with Section 91C.7 of the current Code of Iowa.

The CONTRACT DOCUMENTS may be examined at the following locations:

City Offices  
City of Akron  
220 Reed Street., PO Box 318  
Akron, IA 51001

DGR Engineering  
1302 South Union Street  
Rock Rapids, Iowa 51246

Complete digital project bidding documents are available at [www.questcdn.com](http://www.questcdn.com). You may download the digital plan documents at no charge by inputting Quest project # 9018727 on the website's Project Search page. Please contact QuestCDN.com at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in free membership registration, downloading, and working with this digital project information. An optional paper set of the proposal forms and specifications for individual use may be obtained from the office of the Engineer, DGR Engineering, 1302 South Union, P.O. Box 511, Rock Rapids, Iowa 51246, telephone 712-472-2531, Fax 712-472-2710, e-mail: [dgr@dgr.com](mailto:dgr@dgr.com), no deposit required.

The successful Bidder will be required to furnish Performance and Payment BONDS acceptable to the City on forms provided in the specifications in amounts equal to one hundred per cent (100%) of the contract price.

The City hereby reserves the right to reject any or all BIDS, and to waive informalities and irregularities as it may deem to be for the best interests of the OWNER.

It is understood that the Work to be done is being financed with funds from the Iowa State Revolving Fund (SRF) and Community Development Block Grant (CDBG). As such, the work will be subject to Davis-Bacon and related ACT Requirements, Federal Labor Standard Provisions and American Iron and Steel requirements. All Contractors, including subcontractors, shall be registered with the State of Iowa. The Work will not be Awarded to any Contractor not registered with the State of Iowa, or any Contractor on the Debarred or Suspended lists.

Bidders shall be expected to comply with Chapters 91C Code of Iowa and IAC Chapter 875.150 concerning the registration and bonding of construction contractors and the successful bidder shall be required to supply City of Akron with proof of said compliance.

The contractor will be required enter into a subcontract with each subcontractor performing work on this project and will need to provide a copy of each executed contract to the CDBG Administrator. Each contract shall reference the project, list a detailed scope of work to be performed and list a breakdown of labor, material and/or equipment costs. Each subcontract shall have attached to it all required CDBG contract conditions, provisions, and language (i.e. Section 3 Clause, Required Contract conditions, Federal Labor Contract Provisions, Wage Decision).

Each subcontractor will need to complete a Section 3 Business Certification and an Intent to Comply With Section 3 Requirements and submit to the CDBG Administrator.

Prior to any subcontractor performing work on this project, the General Contractor shall provide a completed Contractor Eligibility Form to the CDBG Administrator. The CDBG Administrator will use this information to determine whether the contractor is registered in the State of Iowa and is not on the HUD/DOL Debarred or Suspended List for Contractors. No contractor may commence work activities on this project until the CDBG Administrator has determined the contractor is currently registered in the State of Iowa and is not on the Debarred or Suspended List.

Davis-Bacon requirements applies to any contractor or subcontractor and his/her employees performing labor on any Division, parts or phases of this project.

All eligible contractors/subcontractors must: Be registered with the Iowa Division of Labor; Meet any and all State licensing requirements (electrical, plumbing, mechanical, etc.); and, be approved by the Iowa Economic Development Authority as not being on the U.S. Department of Housing and Urban Development's or the U.S. Department of Labor's list of debarred or suspended contractors.

The Contractor shall observe the laws of the State of Iowa with reference to "Occupational Safety and Health Standards".

The City of Akron, Iowa, does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, or

sexual orientation. The City of Akron, Iowa, does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services. The City of Akron, Iowa, does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

This project is to be funded in part by a Community Development Block Grant (CDBG) and a State Revolving Fund (SRF) Loan and is therefore subject to certain labor standards and civil rights requirements included in the Contract Documents. Contractors performing work on the project shall comply with the requirements as enumerated in the applicable statutes and Federal Contract Provisions for CDBG and SRF projects. Minimum wage rates to be paid employees have been determined by the U.S. Department of Labor and are listed in the Contract Documents. The Contractor/Subcontractors will be required to comply with the wage and labor requirements and to pay minimum wages in accordance with the schedule of wage rates.

### Section 3 Language

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>

**All Contractors shall include a completed Request for Contractor Eligibility form and Intent to Comply With Section 3 Requirements form with their proposal to facilitate verification of eligibility prior to award of a contract.**

This notice is given by order of the City Council of the City of Akron, Iowa.

CITY OF AKRON, IOWA

By /s/ Melea Neilsen  
City Clerk