

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: May 22, 2017
	Agenda Item No. <u>51</u> Roll Call No. <u>17-0897</u> Communication No. <u>17-438</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Approving the 2017 revisions to the Des Moines Construction Bidding Requirements, revisions to the Contract Compliance Program, and repeal of City of Des Moines Taxpayer Quality Assurance Policy.

SYNOPSIS:

Recommend approval of the revisions to the 2017 Des Moines Construction Bidding Requirements, revisions to the Contract Compliance Program, and repeal of the Taxpayer Quality Assurance Policy, all to conform with Senate File (SF) 438.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

On April 13, 2017, the State of Iowa governor signed SF 438, effective immediately, relating to bidding and contracting for public improvement projects that specifically changed bidding statute, and limits what can be required from potential bidders, from the apparent lowest responsive bidder, and prohibits the prequalification of bidders. SF 438 impacts what the City can require from potential bidders, from the apparent lowest responsive bidder and prohibits the prequalification of bidders. The following revisions are required:

1. Eliminating the bid form and requirement that bidders identify subcontractors over \$25,000.
2. Eliminating the bid form and requirement that bidders provide pre-bid contacts of Disadvantaged Business Enterprises/Targeted Small Businesses except when required by the Federal or State funding agencies in which case those agencies requirements and forms shall be used.
3. Eliminating the bid form and requirement that bidders certify compliance with wage payment.
4. Repealing the City of Des Moines Taxpayer Quality Assurance Program.
5. Direct the Engineering and Legal Departments to review the changes necessary to the Contract Compliance Program to make it compliant with SF 438 and be in conformance with the revised 2017 Des Moines Construction Bidding Requirements and provide those changes to Council for action when review is complete.

PREVIOUS COUNCIL ACTION:

Date: March 7, 2016

Roll Call Number: [16-0416](#)

Action: [Revised](#) City of Des Moines Taxpayer Quality Assurance Policy. ([Council Communication No. 16-127](#)) Moved by Gatto to adopt the policy as amended to allow the Questionnaire to be submitted with the bid – strike “no later than two weeks prior to the deadline for accepting bids”. Motion Carried 6-1. Nays: Hensley.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Implement, administer and process revisions in the bidding requirements and documents to affect the necessary changes as required by and to comply with SF 438.

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