

★ **Roll Call Number**  
17-0897

**Agenda Item Number**  
51 ✓

**Date** May 22, 2017

**APPROVING THE 2017 REVISIONS TO THE DES MOINES CONSTRUCTION BIDDING REQUIREMENTS, REVISIONS TO THE CONTRACT COMPLIANCE PROGRAM, AND SUSPENSION OF CITY OF DES MOINES TAXPAYER QUALITY ASSURANCE POLICY**

WHEREAS, on February 12, 2007, under Roll Call No. 07-0291, the City Council approved the Bidding/Contracting Process Changes for Construction of Public Improvements February 2007, that included revisions to the Contract Compliance Program and maintained Council policy requiring identification of subcontractors over \$25,000 in proposals; and

WHEREAS, on February 28, 2011, under Roll Call No. 11-0377, the City Council approved revisions to the 2007 Bidding/Contracting Process Changes for Construction of Public Improvements, to be known as the 2011 Revisions to the Des Moines Construction Bidding Policy, that included revisions to supplement, clarify, and improve implementation of said 2007 Policy; and

WHEREAS, on December 17, 2012, under Roll Call No. 12-1916, the City Council approved the Iowa Department of Transportation Standard Title VI Assurance, Agreement, and City of Des Moines Title VI Policy Statement and Implementation procedures, appointment of the Assistant City Manager as the City of Des Moines Title VI Coordinator, and revisions to the City of Des Moines Contract Compliance Program; and

WHEREAS, on September 8, 2014, under Roll Call No. 14-1417, the City Council approved the City of Des Moines Taxpayer Quality Assurance Policy, that was applied on Vertical Infrastructure Projects requiring a certificate of occupancy on projects with an estimated construction cost in excess of \$1,000,000, unless prohibited by funding; and

WHEREAS, on November 3, 2014, under Roll Call No. 14-1744, the City Council approved and directed staff to include certification on compliance with wage payment laws in written solicitations for City construction projects, excluding emergency solicitations or solicitations; and

WHEREAS, on March 7, 2016, under Roll Call No. 16-0416, the City Council approved the revised City of Des Moines Taxpayer Quality Assurance Policy that included revisions to the Policy, to clarify the definition of Vertical Infrastructure Project and also the process for Council to implement the Policy; and

WHEREAS, on April 13, 2017, the 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.

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NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:  
Hereby approves revisions to the 2017 Des Moines Construction Bidding Requirements to conform with Senate File 438 by:

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. Suspending the City of Des Moines Taxpayer Quality Assurance Program.

BE IT FURTHER RESOLVED: Hereby directs the Engineering and Legal Departments to review the changes necessary to the Contract Compliance Program to make it compliant with Senate File 438 and provide those changes for Council for action when review is complete

BE IT FURTHER RESOLVED: Hereby the City Engineer is authorized and directed to implement, administer and process revisions in the bidding requirements and documents to affect the necessary changes as required by and to comply with Senate File 438.

(Council Communication No. 17-438)

Moved by Gatto to adopt.

FORM APPROVED: Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY		✓		
MOORE		✓		
WESTERGAARD	✓			
TOTAL	4	3		

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk