

Date December 18, 2017

**APPROVING ADDITIONAL 2017 REVISIONS TO THE DES MOINES  
CONSTRUCTION BIDDING REQUIREMENTS**

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 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; and

WHEREAS, on May 22, 2017, under Roll Call No. 17-0897, the City Council approved 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, and directed 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; and

WHEREAS, on June 26, 2017, under Roll Call No. 17-1038, the City Council approved the 2017 Revisions to the Contract Compliance Program to conform with Senate File 438, authorized and directed the City Engineer to implement, administer and process revisions in the Contract Compliance Program and documents to affect the necessary changes as required by and to comply with Senate File 438; and

★ Roll Call Number  
17-2123

Agenda Item Number  
12

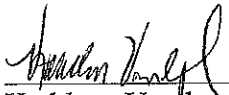
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WHEREAS, now Iowa Code section 26.9, subsection 2 allows a governmental entity to obtain information from the lowest responsive bidder related to the bidder's experience, number of employees and ability to finance the cost of the public improvement in order to determine the lowest responsive bidder's responsibility.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:  
 It hereby approves additional revisions to the 2017 Des Moines Construction Bidding Requirements in the form of the Special Provision on City Funded Projects as to the Lowest Responsive Bidder as attached effective beginning with the applicable projects for which construction is ordered on January 8, 2018

BE IT FURTHER RESOLVED: Hereby the City Engineer is authorized and directed to implement, administer and process revisions in the Des Moines Bidding Requirements and documents to affect the necessary changes.

Moved by \_\_\_\_\_ to adopt.

*KE* FORM APPROVED:   
 Kathleen Vanderpool  
 Deputy City Attorney

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

MOTION CARRIED APPROVED  
 \_\_\_\_\_ 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.

\_\_\_\_\_ City Clerk