

CITY OF WINDSOR HEIGHTS, IOWA

RESOLUTION NO. 14-0416

RESOLUTION ORDERING CONSTRUCTION  
OF CERTAIN PUBLIC IMPROVEMENTS,  
APPROVING PLANS, AND FIXING A DATE FOR  
HEARING THEREON AND TAKING OF BIDS THEREFORE

WHEREAS, it is deemed advisable and necessary to construct certain public improvements described in general as 2014 PAVING PROGRAM, PHASE 1, and has caused to be prepared plans, specifications and form of contract, together with estimate of cost, on file in the office of the Administrator for public inspection, for the construction of said public improvements, and said plans, specifications and form of contract are deemed suitable for the making of said public improvements; and

WHEREAS, before said plans, specifications, form of contract and estimate of cost may be adopted, and contract for the construction of the public improvements entered into, it is necessary, pursuant to Division VI of Chapter 384 of the Code of Iowa, to hold a public hearing and to advertise for bids,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA:

Section 1. That it is hereby determined that it is necessary and advisable to construct certain public improvements described in general as 2014 Paving Program, Phase 1, in the manner set forth in the plans and specifications and form of contract, above referred to, the cost thereof to be paid in accordance with the provisions as set out in the published Notice to Bidders and Notice of Public Hearing, said public improvements being more generally described as follows:

**2014 PAVING PROGRAM, PHASE 1**

Base Bid

Construct 2014 Paving Program, Phase 1 Base Bid including all labor, materials and equipment necessary for approximately 40,000 square yards of milling by use of a small mill, 5,000 tons of HMA overlay, manhole, intake and valve adjustments, nominal amounts of curb and gutter replacement as well as full depth patching.

Alternate Bids

Construct 2014 Paving Program, Phase 1 Alternate Bid including all labor, materials and equipment necessary for approximately 8,900 square yards of

milling by use of a small mill, 1,000 tons of HMA overlay, manhole, intake and valve adjustments, nominal amounts of curb and gutter removal and replacement as well as full depth patching.

Section 2. That the amount of bid security to accompany each bid shall be in an amount which shall conform to the provisions of the notice to bidders approved as a part of said specifications; and,

BE IT FURTHER RESOLVED, that the Administrator be and is hereby directed to publish notice to bidders once in the Des Moines Register, a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this City. Publication shall not be less than four clear days nor more than forty-five days prior to April 29, 2014, which is hereby fixed as the date for receiving bids. Said bids are to be filed prior to 2:00 P.M. on said date; and,

BE IT FURTHER RESOLVED, that bids shall be received and opened at a public meeting as provided in the public notice and the results of said bids shall be considered at a meeting of this Council on May 5, 2014, at 6:00 P.M.; and,

BE IT FURTHER RESOLVED, that the City Administrator is hereby designated as the authority to receive and open bids on behalf of the City of Windsor Heights, Iowa; and,

BE IT FURTHER RESOLVED, that the Administrator be and is hereby directed to publish notice of public hearing once in said newspaper, said publication to be not less than four clear days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the final plans, specifications, form of contract and estimate of cost for said project, said hearing to be at 6:00 P.M. on April 21, 2014.

PASSED and ADOPTED this 7th day of April, 2014.

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Diana Willits, Mayor

ATTEST:

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Jeff Fiegenschuh, City Administrator

## NOTICE OF HEARING AND LETTING

NOTICE OF PUBLIC HEARING ON PROPOSED PLANS AND SPECIFICATIONS, PROPOSED FORM OF CONTRACT AND ESTIMATE OF COST FOR THE CONSTRUCTION OF THE 2014 PAVING PROGRAM, PHASE 1, FOR THE CITY OF WINDSOR HEIGHTS, IOWA AND THE TAKING BIDS THEREFOR

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A public hearing will be held at 6:00 P.M. on the 21st day of April, 2014, by the City Council of the City of Windsor Heights, Iowa, in the City Council Chambers, City Hall, 1133 66<sup>th</sup> Street, Windsor Heights, Iowa. At said hearing, the City Council of said City will consider the proposed plans and specifications, proposed form of contract and estimate of cost for the 2014 Paving Program, Phase 1, as described in the plans and specifications therefor, now on file in the office of the City Administrator. At said time and place the City Council of said City will also receive and consider any objections to said plans, specifications, form of contract and estimate of cost made by any interested party.

Sealed proposals will be received by the City Administrator of the City of Windsor Heights, Iowa, in the Council Chambers, City Hall, 1133 66<sup>th</sup> Street, Windsor Heights, Iowa until 2:00 P.M. on the 29th day of April, 2014, for the construction of the 2014 Paving Program, Phase 1, as described in the plans and specifications therefor, now on file in the office of the City Administrator. Proposals will be opened and the amount of the bids announced in said Council Chambers by the City Administrator at the time and date specified above.

Also, at 6:00 P.M. on the 5th day of May, 2014, the City Council of said City will, in said Council Chambers, consider to act upon proposals and enter into a contract for the construction of said improvements.

The nature and extent of the improvements are as follows:

### 2014 PAVING PROGRAM, PHASE 1

#### Base Bid

Construct 2014 Paving Program, Phase 1 Base Bid including all labor, materials and equipment necessary for approximately 40,000 square yards of milling by use of a small mill, 5,000 tons of HMA overlay, manhole, intake and valve adjustments, nominal amounts of curb and gutter replacement as well as full depth patching.

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### Alternate Bid

Construct 2014 Paving Program, Phase 1 Alternate Bid including all labor, materials and equipment necessary for approximately 8,900 square yards of milling by use of a small mill, 1,000 tons of HMA overlay, manhole, intake and valve adjustments, nominal amounts of curb and gutter removal and replacement as well as full depth patching.

All work and materials are to be in accordance with the proposed plans, specifications, form of contract and estimate of cost now on file in the office of the City Administrator of Windsor Heights, Iowa, and by this reference made a part thereof as though fully set out and incorporated herein.

All proposals in connection therewith shall be submitted to the City Administrator of said City on or before the time herein set for said letting. All proposals shall be made on official bidding blanks furnished by the City, and any alterations in the official form of proposal will entitle the Council, at its option, to reject the proposal involved from consideration. Each proposal shall be sealed and plainly identified.

Each proposal shall be made out on a blank form furnished by the municipality and must be accompanied in a sealed envelope by either (1) a certified or cashier's check drawn on a solvent Iowa bank or a 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, in an amount equal to five percent (5%) of the bid, or (2) a bid bond executed by a corporation authorized to contract as a surety in the State of Iowa, in the penal sum of five percent (5%) of the bid.

The bid security should be made payable to the CITY OF WINDSOR HEIGHTS, IOWA. The bid security must not contain any conditions either in the body or as an endorsement thereon. The bid security shall be forfeited to the City as liquidated damages in the event the successful bidder fails or refuses to enter into a contract within 10 days after the award of contract and post bond satisfactory to the City insuring the faithful fulfillment of the contract and the maintenance of said work, if required, pursuant to the provisions of this notice and other contract documents. Bidders shall use the bid bond form bound in the specifications.

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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.

The City Council reserves the right to reject any or all bids and to waive informalities or technicalities in any bid and to accept the bid which it deems to be in the best interest of the City.

The Council reserves the right to defer acceptance of any proposal for a period not to exceed thirty (30) calendar days from the date of Letting.

The successful bidder will be required to furnish a bond in an amount equal to one hundred percent (100%) of the contract price, said bond to be issued by a responsible surety approved by the City Council and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment for all materials and labor and protect and save harmless the City from claims and damages of any kind caused by the operations of the Contractor, and shall guarantee the work against faulty workmanship and materials for a period of four (4) years after its completion and acceptance by the City Council.

The work will commence within ten (10) days after date set forth in written Notice to Proceed and shall be completed no later than October 31, 2014.

Liquidated damages in the amount of Five Hundred Dollars (\$500.00) per consecutive calendar day will be assessed for each day that work shall remain uncompleted after the end of the contract period, with due allowance for extensions of the contract period due to conditions beyond the control of the Contractor.

Payment to the Contractor for said improvements will be made in cash derived from the proceeds of the issuance and sale of such bonds and/or from such cash funds of the City as may be legally used for said purposes. Any combination of the above methods of payment may be used at the discretion of the City Council.

Payment to the Contractor will be on the basis of monthly estimates equivalent to ninety-five percent (95%) of the contract value of the work completed and material delivered to the site during the preceding calendar month less penalties. Estimates will be prepared on the last Friday of each month by the Contractor, subject to the approval

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of the Engineer. Payments made shall in no way be construed as an act of acceptance for any part of the work partially or totally completed.

The City will issue a sales tax exemption certificate applicable for all materials purchased for the project.

Plans and specifications governing the construction of the proposed improvements, and also the prior proceedings of the City Council referring to and defining said proposed improvements are hereby made a part of this notice and the proposed contract by reference and the proposed contract shall be executed in compliance therewith.

Copies of said plans and specifications are now on file in the office of the City Administrator, for examination by bidders. Copies may be obtained from VEENSTRA & KIMM, INC., 3000 Westown Parkway, West Des Moines, Iowa 50266 at no charge.

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

CITY OF WINDSOR HEIGHTS, IOWA

Diana Willits, Mayor

ATTEST:

Jeff Fiegenschuh, City Administrator