

(Form of Notice to Bidders)

**NOTICE TO BIDDERS
HMA Overlay Project**

NEVADA, IOWA

Sealed proposals, subject to the conditions herein, will be received by the City Clerk of the City of Nevada, at the City Clerk's office in City Hall, 1209 6th Street, Nevada, Iowa, until 2:00 p.m. on the 18th day of March, 2024 for:

Construction of "F AVE & G AVE STREET REHABILITATION" Project, as hereinafter described in general and as described in detail in the plans and specifications now on file in the office of the City Clerk, Nevada, Iowa.

Proposals received will be opened, read aloud, and tabulated at 2:00 p.m. on the 18th day of March, 2024 in the City Clerk's office in City Hall, 1209 6th Street, Nevada, Iowa, and considered by the City Council at a meeting beginning at 6:15 p.m. on the 25th day of March, 2024, in the Council Chambers at City Hall, Nevada, Iowa. Bids will be acted upon at such time or at such later time as may then be fixed. Prior thereto, at said time specified above at the City Council Chambers in said City Hall, a hearing will be held on the proposed plans, specifications, form of contract, and estimate of cost for said Improvements, and at said hearing any interested person may appear and file objections thereto.

The City of Nevada, Iowa, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The extent of the work involved is the furnishing of labor and new materials for the construction of Removal and Replacement of Curb & Gutter, HMA patching and HMA overlay from 6th St to 10th St on F Ave & G Ave, includes, but not limited to the following: all labor, materials and equipment necessary for Curb & Gutter, HMA patching, Hot Mix Asphalt overlay, associated sidewalk improvements, testing, mobilization, traffic control, and miscellaneous work including cleanup in accordance with the contract documents.

The Proposal shall be made out on the form furnished by the City of Nevada and obtained from WHKS & Co., Engineers, Planners, and Surveyors, and must be accompanied in a sealed envelope by either: (1) a certified check, or a cashier's check drawn on an Iowa bank, or a bank chartered under the laws of the United States, in an amount of 5% of bid amount; or (2) a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, in an amount of 5% of bid amount; or (3) a bid bond executed by a corporation authorized to contract as a surety in the State of Iowa, in the penal sum of 5% of bid amount.

The bid security shall be made payable to the City of Nevada. The bid security must not contain any conditions either in 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 contract within ten (10) days after the award of the 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 the other contract documents. The City will accept bid bond forms that meet the Requirements of Iowa Code, Section 26.8.

Sales Tax Exemption. Contractors and subcontractors shall not include sales tax for material purchases. At the time of the contract acceptance by the City Council, the prime contractor and all subcontractors will be issued a certificate of exemption.

Bidders shall not be permitted to withdraw their bids for a period of thirty (30) days after the same are opened.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa.

In accordance with Iowa statutes, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

Bidders will be required to complete a Bidder Status Form from the Iowa Department of Labor regarding the Contractor's resident status within the State of Iowa. Failure to submit a fully completed Bidder Status Form with the bid may result in the bid being deemed nonresponsive and rejected.

The Contractor shall commence work within ten (10) days after the Notice to Proceed is issued and shall be completed on or before 12-04-2024.

Payment to the Contractor for said Project will be made in cash derived from the proceeds of the issuance of bonds as may be legally used for such purposes, governmental grants and/or from cash on hand. Any combination of the above methods of payment may be used at the discretion of the Owner.

The Contractor will be paid each month ninety-five (95) percent of the Engineer's estimate of the value of acceptable work completed at the end of the preceding month. Final payment will be made in accordance with Iowa Code Chapters 26 and 573, as amended. No partial or final payment will be due until the Contractor has certified to the City that the materials, labor and services involved in each estimate have been paid for in accordance with the requirements stated in the specifications.

The successful bidder will be required to furnish a bond in an amount equal to one hundred (100) percent of the contract price, said bond to be issued by a responsible surety approved by the Owner and which shall guarantee a faithful performance of the Contract and the terms and conditions therein contained and shall guarantee the prompt payment of all materials and labor and protect and save harmless the Owner from claims and damages of any kind caused by the operations of the Contractor and shall also guarantee the maintenance of the improvements constructed for a period of Four (4) year(s) after completion and acceptance by the Owner.

Plans and specifications governing the construction of the proposed improvements have been prepared by WHKS & Co., Engineers, Planners, and Surveyors, which plans and specifications and the proceedings of the Owner referring to and defining said proposed improvements are hereby made a part of the Notice by reference, and the proposed contract shall be executed in compliance therewith. Copies of said plans and specifications are now on file with the City Clerk and at the offices of WHKS & Co., and may be examined by the bidders.

Bidding forms may be obtained from WHKS & Co. 1421 South Bell Ave, Suite 103, Ames, Iowa 50010-7710. Copies of Plans and Specifications and contract documents can be obtained at the same address.

Bidding Documents including Bidding Forms, electronic copies of Plans (reduced size), Specifications and Contract Documents are available at no cost by clicking on the "Letting Info" link at www.whks.com and choosing this project from the list. Project information and plan holder information are also available at no cost at this website. Downloads require the user to register for a free membership at QuestCDN.com.

Prospective Bidders are urged to register at the website above as a plan holder, even if Bidding Documents are obtained from a third-party plan room or source other than the website listed above (whether paper or electronic format). Bidding Documents, official notifications and Agenda will be posted to the website listed above. The City and Engineer are not responsible for Bidding Documents, including addenda, if any, obtained from sources other than the website listed above.

The City does hereby reserve the right to reject any or all bids, to waive informalities, and to enter into such contract, or contracts, as it shall deem to be in the best interest of the City.

Published upon order of the City Council of the City of Nevada, Iowa.

Kerin Wright, City Clerk
City of Nevada, Iowa