

PROCEEDINGS TO SET DATE FOR HEARING  
AND LETTING

446566-6 (NHL)

Spillville, Iowa

April 22, 2025

The City Council of the City of Spillville, Iowa, met on April 22, 2025, at 6:00 o'clock P.m.,  
at the Spillville City Hall, in the City.

The Mayor presided and the roll being called, the following named Council Members were  
present and absent:

Present: Schmitt, Kelsay, Straube, Taylor, Backes

Absent: \_\_\_\_\_

The City Council took up and considered the proposed Water System Improvements 2024 Project  
(Contract B Rebid). Council Member Steve Kelsay introduced the resolution next hereinafter  
set out and moved its adoption, seconded by Council Member Tom Straube. After due  
consideration thereof by the Council, the Mayor put the question upon the adoption of the said resolution  
and the roll being called, the following named Council Members voted:

Ayes: Schmitt, Kelsay, Straube, Taylor, & Backes

Nays: Note

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as  
follows:

RESOLUTION NO. \_\_25-4-5\_\_

Resolution to provide for a notice of hearing on proposed plans, specifications, form of contract and estimate of cost for the Water System Improvements 2024 Project (Contract B Rebid), and the taking of bids therefor

WHEREAS, it has been proposed that the City Council of the City of Spillville, Iowa (the "City"), undertake the authorization of a public improvement to be constructed as described in the proposed plans and specifications and form of contract prepared by Origin Design (the "Project Engineers"), which may be hereafter referred to as the "Water System Improvements 2024 Project (Contract B Rebid)" (and is sometimes hereinafter referred to as the "Project"), which proposed plans, specifications, notice of hearing and letting, and form of contract and estimate of cost (the "Contract Documents") are on file with the City Clerk; and

WHEREAS, it is necessary to fix a time and place of a public hearing on the Contract Documents and to advertise for sealed bids for the Project;

NOW, THEREFORE, Be It Resolved by the City Council (the "Council") of the City of Spillville, Iowa, as follows:

Section 1. The Contract Documents referred to in the preamble hereof are hereby approved in their preliminary form.

Section 2. The Project is hereby determined to be necessary and desirable for the City, and, furthermore, it is hereby found to be in the best interests of the City to proceed toward the construction of the Project.

Section 3. May 20, 2025, at 6:00 p.m., at the City Hall, 438 S. Main Street, Spillville, Iowa, is hereby fixed as the time and place of hearing on the Contract Documents.

Section 4. The City Clerk is hereby authorized and directed to publish notice (the "Notice of Hearing") of the hearing on the Contract Documents for the Project in a newspaper of general circulation in the City, which publication shall be made at least once, not less than four (4) and not more than twenty (20) days prior to the date of the said hearing, and all action heretofore taken in this regard is hereby ratified and affirmed. The Notice of Hearing shall be in substantially the following form:

(Form of Notice of Hearing)

NOTICE OF PUBLIC HEARING  
ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST  
CITY OF SPILLVILLE, IOWA  
WATER SYSTEM IMPROVEMENTS 2024  
CONTRACT B MAIN STREET WATER MAIN REPLACEMENT  
REBID (2025)

NOTICE IS HEREBY GIVEN: The City Council of Spillville, Iowa, will hold a public hearing on the proposed plans, specifications, form of contract, and estimate of cost for the Water System Improvements 2024 Contract B Main Street Water Main Replacement Rebid (2025) project in accordance with the provisions of Chapter 26, Code of Iowa, at 6:00 p.m. on the 20<sup>th</sup> day of May, 2025, at City Hall, 438 S. Main Street, Spillville, Iowa. Said proposed plans, specifications, form of contract, and estimated cost are now on file in the office of the City Clerk. At said hearing any interested person may appear and file objections thereto.

The Water System Improvements 2024 Contract B Main Street Water Main Replacement Rebid (2025) project consists of the replacement of approximately 840 lineal feet of 6" water main and 1,700 lineal feet of 8" water main along with water main appurtenances. Also included will be water service replacement with associated appurtenances. Surface restoration for the project includes approximately 1,800 lineal feet of PCC curb and gutter, approximately 320 square yards of PCC pavement patching, and approximately 640 tons of HMA pavement replacement along with miscellaneous driveway and sidewalk replacements and areas of seeding.

The project will be constructed on Main Street from City Hall to just north of Mill Street in the City of Spillville, Iowa.

Published by order of the City Council given on the 22<sup>nd</sup> day of April, 2025.

Section 5. The City Council hereby delegates to the City Clerk the duty of receiving bids for the construction of the Project before 1:00 p.m., on May 15, 2025, at the City Hall in the Office of the City Clerk, Spillville, Iowa. At such time and place, the City Council hereby delegates to the City Clerk and/or the Project Engineers the duty of opening and announcing the results of the bids received. May 20, 2025, at 6:00 p.m., at the City Hall, in the City, is hereby fixed as the time and place that the Council will consider the bids received by the City Clerk in connection therewith.

Section 6. The amount of the bid security to accompany each bid is hereby fixed at 10% of the total amount of the bid.

Section 7. The City Clerk and/or the Project Engineers are hereby directed to give notice of the bid letting for the Project by posting a notice (the "Notice to Bidders") at least once, not less than thirteen (13) and not more than forty-five (45) days prior to the date set for receipt of bids, in each of the following three places: (i) in a relevant contractor plan room service with statewide circulation; (ii) in a relevant construction lead generating service with statewide circulation; and (iii) on an internet site sponsored by either the City or a statewide association that represents the City.

In addition, the City Clerk is hereby authorized and directed to publish the Notice to Bidders in a newspaper of general circulation in the City, which publication shall be made at least once, not less than four (4) and not more than forty-five (45) days prior to the date set for receipt of bids.

The Notice to Bidders shall be in substantially the following form:

(Form of Notice to Bidders)

**NOTICE TO BIDDERS**

**CITY OF SPILLVILLE, IOWA  
WATER SYSTEM IMPROVEMENTS 2024  
CONTRACT B MAIN STREET WATER MAIN REPLACEMENT  
REBID (2025)**

Time and Place for Filing Sealed Proposals

Sealed Bids for the construction of City of the Spillville, Iowa, Water System Improvements 2024 Contract B Main Street Water Main Replacement Rebid (2025) project will be received by the City of Spillville, at the office of the City Clerk, P.O. Box 276, 438 S. Main Street, Spillville, Iowa 52168 until 1:00 p.m. local time on May 15, 2025, at which time the Bids received will be publicly opened and read aloud. The City Council will accept and consider the Bids received at 6:00 p.m. local time on May 20, 2025 at City Hall, 438 S. Main Street, Spillville, Iowa.

The Contract B Main Street Water Main Replacement Rebid (2025) project consists of the replacement of approximately 840 lineal feet of 6" water main and 1,700 lineal feet of 8" water main along with water main appurtenances. Also included will be water service replacement with associated appurtenances. Surface restoration for the project includes approximately 1,800 lineal feet of PCC curb and gutter, approximately 320 square yards of PCC pavement patching, and approximately 640 tons of HMA pavement replacement along with miscellaneous driveway and sidewalk replacements and areas of seeding.

Time for Commencement and Completion of Work

Work on the improvement shall commence on or before the date specified in the written "Notice to Proceed" and the project shall be fully completed and ready for acceptance by November 15, 2025. Liquidated damages in the amount of \$1,000.00 per calendar day will be assessed for each day that the work shall remain uncompleted after the final completion date, with due allowance for extension of contract period due to conditions beyond the control of the Contractor, as approved by the City Council.

Bid Security

Each bidder shall accompany its bid with bid security as defined in Iowa Code Section 26.8 and as specified by the City of Spillville, Iowa. The bid security shall be 10% of the total amount of the bid.

Contract Documents

Bidders proposals, plans, specifications and contract documents prepared by Origin Design may be obtained at no cost to interested parties. To obtain copies (electronic or paper) click on the "Bids" tab on the Origin website at <https://origindesign.com/>.

Pre-Bid Conference

A Pre-Bid Conference will be held at 1:00 p.m. on May 6, 2025, at City Hall, 438 South Main Street, Spillville, Iowa. Attendance by prospective bidders is not mandatory but highly recommended.

Preference for Iowa Products

By virtue of statutory authority, preference will be given to products and provisions grown and coal produced within the State of Iowa to the extent lawfully required under Iowa statutes.

Sales Tax

The bidder should not include sales tax in the bid. Sales tax exemption certificates will be issued in accordance with Iowa Code 423.3, subsection 80, and provided to the contractor and subcontractors for all material purchased for incorporation in the project.

Bidder Status Form

Under Iowa law, Bidders are required to submit the Bidder Status Form that follows the Bid Form in the specifications. Failure to provide the form with the bid may result in the bid being deemed nonresponsive. This may result in the bid being rejected by the Owner.

Warranty Period

The improvements shall be kept and maintained in good repair for a period of two (2) years after final acceptance of the project by the Owner.

Bid Tabulation

The bid totals will be available at and after the public bid opening. However, an itemized bid tabulation will not be publicly available until after the Owner awards the contract.

Funding Agency Requirements

This project has been awarded funds from the Iowa State Revolving Fund program. Any bidder or equipment supplier whose firm or affiliate is listed on the U.S. General Services Administration Excluded Parties List System website will be prohibited from the bidding process. Anyone submitting a bid who is listed in this website will be determined to be a nonresponsive bidder in accordance with 40 CFR Part 31. Contractors shall fully comply with the requirements, terms and conditions of the Disadvantaged Business Enterprise (DBE) requirements. Said requirements are implemented into the Bidding Requirements and Contract Documents. DBEs are encouraged to participate in this project. SRF certification forms required to be signed and submitted with the Bid are included in the bid packet.

Per SRF funding requirements, American Iron and Steel (AIS) provisions apply to this project. Iron and steel products for this project must be produced in the United States in accordance with the H.R. 3547 - Consolidated Appropriations Act 2014.

Davis-Bacon prevailing wage rates will apply to this project and are included in this specification or will be provided in an addendum.

This project will be partially funded with Federal funds in the form of a Community Development Block Grant (CDBG) issued by the United States Department of Housing and Urban Development (HUD) and administered by the Iowa Economic Development Authority (IEDA) and therefore is subject to the Federal laws and regulations associated with that program. The program has special requirements and certifications that are implemented into the Bidding Requirements and Contract Documents.

**SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1965 (AS AMENDED)**

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 75 regulations.

- C. The contractor agrees to post copies of a notice advising workers of the Contractor's commitments under Section 3 in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to provide written notice of employment and contracting opportunities to all known Section 3 Workers and Section 3 Businesses
- E. The contractor agrees to employ, to the greatest extent feasible, Section 3 workers or provide written justification to the recipient that is consistent with 24 CFR Part 75, describing why it was unable to meet minimum numerical Section 3 worker-hours goals, despite its efforts to comply with the provisions of this clause.
- F. The contractor agrees to maintain records documenting Section 3 Workers that were hired to work on previous Section 3 covered projects or activities that were retained by the contractor for subsequent Section 3 covered projects or activities.
- G. The contractor agrees to post contract and job opportunities to the Opportunity Portal and will check the Business Registry for businesses located in the project area.
- H. The contractor agrees to include compliance with Section 3 requirements in every subcontract for Section 3 projects as defined in 24 CFR part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 75.
- I. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 75.
- J. The contractor will certify that they have followed prioritization of effort in 24 CFR part 75.19 for all employment and training opportunities. The contractor will further certify that it meets or exceeds the applicable Section 3 benchmarks, defined in 24 CFR Part 75.23, and if not, shall describe in detail the qualitative efforts it has taken to pursue low- and very low-income persons for economic opportunities.
- K. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

**SECTION 3 BUSINESSES ARE ENCOURAGED TO RESPOND TO THIS PROPOSAL.**

A Section 3 business is one that satisfies one of the following requirements:

- 1. It is at least 51 percent owned and controlled by low- or very low-income persons.
- 2. Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 Workers,\* or
- 3. It is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

\* A Section 3 Worker is defined as any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

1. The worker's income for the previous or annualized calendar year is below the applicable income limit established by HUD.
2. The worker is employed by a Section 3 business concern: or
3. The worker is a Youth Build participant.

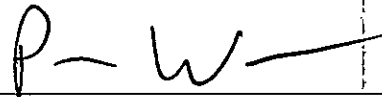
Businesses that believe they meet the Section 3 criteria are encouraged to register as a Section 3 Business through HUD's website: <https://hudapps.hud.gov/OpportunityPortal/>

The City of Spillville, Iowa, hereby reserves the right to reject any or all bids and to waive informalities and irregularities and award a contract as deemed to be in the best interest of the city.

This Notice is given by authority of the City of Spillville, Iowa.

Section 8. All provisions set out in the attached forms of notice are hereby recognized and prescribed by the City Council and all resolutions or orders or parts thereof, to the extent the same may be in conflict herewith, are hereby repealed.

Passed and approved April 22, 2025.

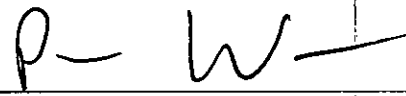
  
\_\_\_\_\_  
Mayor

Attest:

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

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On motion and vote, the meeting adjourned.

  
\_\_\_\_\_  
Mayor

Attest:

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

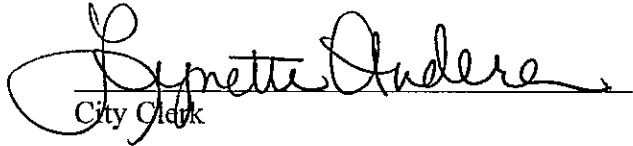
**ATTESTATION CERTIFICATE:**

STATE OF IOWA  
WINNESHIEK COUNTY  
CITY OF SPILLVILLE

SS:

I, the undersigned, City Clerk of the City of Spillville, Iowa, do hereby certify that the transcript hereto attached is a true, correct and complete copy of all the records of the City relating to fixing a time and place of hearing on the proposed plans, specifications and form of contract, and estimated cost for the construction of the Water System Improvements 2024 Project (Contract B Rebid) and directing publication of a Notice of Hearing announcing the time and place fixed therefor; and fixing a time and place for the taking of bids for the construction of the Project and directing publication and posting of a Notice to Bidders announcing the time and place fixed therefor.

WITNESS MY HAND this 22 day of April, 2025.

  
City Clerk