
AGENDA ITEM SUMMARY

Subject: Consider Resolution 94-22 approving the preliminary plans and setting the public hearing date for the 2022 One-Million Gallon Clearwell Project

Recommendation: Approve Resolution Number 94-22

Background Summary:

Preliminary plans and specifications for the one-million gallon clearwell tank at the water treatment plant are ready for the City Council's review and approval. Rustin Lingbeek with SEH Engineers was at the May 11th Planning Session to provide a review of the project. The bidding schedule has been postponed since May due to delays in obtaining a construction permit from the Iowa Department of Natural Resources. A construction permit has been issued for the project, so we can proceed in obtaining bids for the work.

The project consists of constructing a new clearwell on the south side of the water treatment plant site. This project will provide additional volume to store treated water and allow the plant to operate much more efficiently. The current layout with limited storage causes issues for the operation of the water plant. The lack of storage volume creates, among other things, additional wear and tear on pumps and other equipment, additional lime usage, and increased utility and maintenance costs.

The current limited storage capacity has the potential of interrupting water service to our users in case of a disaster or emergency use. If an elevated storage tank is damaged and placed out of service due to a disaster, drained during a large fire event, or if the plant must temporarily be shutdown, we could lose the ability to continuously provide water until additional water is treated and ready for distribution. This could have a detrimental effect to our industrial users' operations and be an inconvenience with potential impacts to the health and safety of our residential customers.

The project letting is scheduled for August 30th, the public hearing and award of contract will occur on September 7th, and the Council will approve the contract and bonds on September 19th. Construction will begin following the contract and bond approval, and the project is expected to be completed and operational by the end of next year.

We recommend approval of Resolution 94-22 approving the preliminary plans and setting the public hearing for 6:00 pm on September 7, 2022.

RESOLUTION NO. 94-22

Resolution to provide for a notice of hearing on proposed plans, specifications, form of contract and estimate of cost for the New 1 Million Gallon Clearwell Tank Project, and the taking of bids therefor

WHEREAS, it has been proposed that the City Council of the City of Charles City, 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 Short Elliott Hendrickson Inc. (the "Project Engineers"), which may be hereafter referred to as the "New 1 Million Gallon Clearwell Tank Project" (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 Charles City, 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. September 7, 2022, at 6:00 p.m., at the City Hall, Charles City, Iowa, is hereby fixed as the time and place of hearing on the Contract Documents.

Section 4. The City Council hereby delegates to the City Clerk the duty of receiving bids for the construction of the Project until 2:00 p.m. on August 30, 2022, at the City Hall, Charles City, 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. September 7, 2022, 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 5. The amount of the bid security to accompany each bid is hereby fixed at 5% of the total amount of the bid.

Section 6. 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 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 give notice of the hearing and letting for the Project in a newspaper of general circulation in the City, which publication shall be

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made at least once, not less than four (4) days prior to the date set for receipt of bids and not more than twenty (20) days prior to the date of the said hearing.

The combined notice of hearing and letting shall be in substantially the following form:

(Form of Notice of Hearing and Letting)

DOCUMENT 00 11 13

ADVERTISEMENT FOR BIDS

**New 1 Million Gallon Clearwell Tank Project
Charles City, Iowa
SEH No. CHARC 161941**

Notice is hereby given that the City Council of the City of Charles City will conduct a public hearing on the plans, specifications, form of contract and estimate of cost for the construction of the New 1 Million Gallon Clearwell Tank Project at a City Council meeting on September 7, 2022, at 6:00 p.m., at the Charles City City Hall, Charles City, Iowa. Any interested person may appear and file objections to the proposed plans, specifications, form of contract or estimated cost. After hearing objections, the City of Charles City shall, by resolution, enter its decision on the plans and specifications.

Notice is hereby given that sealed Bids will be received by the City of Charles City City Clerk until 2:00 p.m., on August 30, 2022, at the City of Charles City City Hall, at which time and place they will be publicly opened and read aloud, for the furnishing of all labor and material for the construction of the New 1 Million Gallon Clearwell Tank Project.

On September 7, 2022, at 6:00 p.m., at Charles City City Hall, the City Council of the City of Charles City shall consider the construction bids received and either award a contract, reject all bids, or adjourn action thereon to a subsequent meeting of the City Council.

The extent of work on this project is the furnishing of all labor, equipment, and materials for the construction of improvements in Charles City, Iowa, generally described as follows:

Construction of a new 1,000,000-gallon concrete below-grade clearwell tank near the WTP at the corner of Indiana and 19th Avenue. Dewatering pump station and force main, piping and valves, level controls, electrical, site fencing, demolition of existing concrete structures, installation of propeller flow meter, site paving, and miscellaneous appurtenances at the water treatment plant including all necessary labor, supervision, equipment, tools, materials and incidentals for the installation of the work. Work includes, but is not limited to, to the construction of site work, yard piping, electrical and mechanical work associated with the improvements as well as start-up services, and associated appurtenances as specified and indicated on the Drawings.

Bids shall be on the form provided for that purpose and according to the Bidding Requirements prepared by Short Elliott Hendrickson Inc. (SEH®) dated April 2022.

Electronic and paper copies of the Bidding Documents may be obtained from the Issuing Office of SEH located at:

Short Elliott Hendrickson Inc.
215 North Adams
Mason City, Iowa 50401
641.424.6344

Complete digital image (.pdf) copies of the Bidding Documents, Contract Documents, and Plans and Specifications are available for download at no cost at <https://www.questcdn.com>. These documents may be viewed or downloaded by entering eBidDoc™ Number _____ on the QuestCDN Search Projects page. For assistance and free membership registration, contact QuestCDN at 952.233.1632 or info@questcdn.com. Website registration is necessary to ensure that prospective bidders remain informed of addendum and other essential communications prior to the bid date.

A refundable deposit of \$200.00 will be required for the Plans and Project Manual. In order to receive a refund, both Plans and Project Manual must be returned in complete and re-useable condition. In addition, they must be returned in said condition within fourteen days after award of the project. Failure to comply with either requirements will result in forfeiture of the deposit.

Work under the proposed contracts shall be completed within the following time requirements:

Work shall commence upon the issuance of a written notice to proceed. Work shall be substantially complete by no later than November 30, 2023. All work shall be completed and ready for final acceptance by December 31, 2023.

Substantial completion is defined as follows: All work is complete except for finish grading of turf restoration areas, seeding and minor clean up.

The contract times noted are subject to any extension which may be granted by the City Council of Charles City, Iowa.

Davis-Bacon and Related Acts and federal prevailing wage rates apply to this project. All provisions relative to those acts must be met.

Each bid must be made out on a Bid Form furnished in the Project Manual and obtained from SEH or on a computerized Bid Form furnished by the bidder. Bid Forms furnished by the bidder shall replicate the Bid Form furnished in the Project Documents Manual. Each bid shall be sealed in an envelope marked "Bid for the New 1 Million Gallon Clearwell Tank Project". Each bid must be accompanied in a separate envelope by a bidding check or bid bond in an amount equal to five percent (5%) percent of the bid price, said check being either a certified or cashier's check, drawn on a bank in Iowa, 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, and made payable to the City of Charles City, Iowa, as security that the bidder will furnish the required bonds and enter into a contract within ten (10) working days, excluding Saturday, Sunday, and holidays, after the award of the contract to him.

Bidders shall not be permitted to withdraw their bids for a period of forty five (45) 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 and to Iowa domestic labor.

To the extent required by Iowa law, 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 allowed 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 by the state or foreign country in which the nonresident bidder is a resident. Failure to submit a fully completed Bidder Status Form with the Proposal may result in the Proposal being deemed nonresponsive and rejected.

Bidders shall be expected to comply with Chapters 91C and 103A of the Code of Iowa concerning the registration and bonding of construction contractors and the successful bidder shall be required to supply the City of Charles City with proof of said compliance.

Payment for said "New 1 Million Gallon Clearwell Tank Project," will be made from Community Development Block Grant (CDBG) funds, a State Revolving Fund Loan and the General Funds of the City of Charles City, or from such other funds as may be legally used for such purposes. Monthly estimates will be submitted to the ENGINEER and payment will be made to the CONTRACTOR in the amount of ninety-five percent (95%) of said estimate on or about the twentieth of the following month. Final payment will be made not sooner than thirty (30) days following final acceptance of the work by the City of Charles City.

The bidder's attention is called to the prompt payment to the subcontractors under Chapter 573.12 of the Code of Iowa.

Plans and specifications governing the construction of the proposed improvements have been prepared by SEH, 215 North Adams, Mason City, Iowa, which plans and specifications, and also prior proceedings of the Charles City, Iowa, 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, form of contract and cost estimate are now on file in the office of the City Clerk, for examination by bidders.

The City encourages bids from qualified minority and female contractors.

All bids shall NOT include Iowa Sales Tax for materials used in the project. Upon award, the successful bidder shall immediately provide a listing of subcontractors and associated Federal ID or Social Security Numbers for both the contractor and subcontractors. The City will register the contractor and subcontractors with the Iowa Department of Revenue and will provide appropriate certificates to the contractor for distribution and use.

Section 3 Clause

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.

Bids shall be directed to the City Clerk, securely sealed and endorsed upon the outside wrapper, "BID FOR THE NEW 1 MILLION GALLON CLEARWELL TANK PROJECT." The City of Charles City reserves the right to reject any and all Bids, to waive irregularities and informalities therein and to award the Contract in the best interests of the City of Charles City.

This notice is given by authority of the City of Charles City, Iowa.

By Dean Andrews
(Mayor)

ATTEST: Trudy O'Donnell
(City Clerk)

Posted to the Iowa League of Cities and the Master Builders of Iowa websites.

Section 7. All provisions set out in the attached form 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 August 3, 2022.

Mayor

Attest:

City Clerk