

NOTICE TO BIDDERS & NOTICE OF HEARING

Sealed proposals will be received by the City Clerk of the City of Denison, Iowa, at City Hall, until 11:45 A.M. on the 9th day of April, 2010, for the furnishing of all labor and materials and performing all work for construction of the GRADING PARTIAL PARALLEL TAXIWAY TO R/W 12 and such other work as may be incidental thereto, as described in the plans and specifications therefor now on file in the office of the City Clerk entitled:

IMPROVEMENTS TO DENISON MUNICIPAL AIRPORT
GRADING PARTIAL PARALLEL TAXIWAY TO R/W 12
DENISON, IOWA
FAA PROJECT 3-19-0026-09

After the closing time for their receipt, the proposals will be opened and read aloud.

A public hearing on the improvements will be conducted by the Denison Airport Commission at a meeting to be held in the Gold Room at Cronk's Restaurant in Denison, Iowa at 12:10 P.M. on the 14th day of April, 2010. At said time and place, a hearing will be held on the proposed plans and specifications and proposed form of contract and estimate of costs for said improvements; and at said hearing, any interested person may appear and file objections thereto. After the closing of the public hearing, the results of the proposals received will be announced. Proposals will be acted upon by the Denison Airport Commission at said meeting, or at such later time as may then be fixed.

The improvements are located at the Denison Municipal Airport, 2 miles southwest of Denison, Iowa, and consist of the following approximate quantities of work:

Furnishing all labor, materials and equipment for the complete construction of Grading the Partial Parallel Taxiway to R/W 12 including 13,900 CY of Borrow Excavation; 11,300 CY Topsoiling; 240 LF 15 In. Dia. RCP; 216 LF 18 In. Dia. RCP; 1.0 Each Storm Sewer Manhole; 2.0 Each Storm Sewer Inlet; 6.0 Acres Seeding, Fertilizing & Mulching; 30 SY Erosion Control Mat and other miscellaneous and incidental items of construction.

Each proposal shall be made on a form furnished by the City and must be accompanied by a cashier's or certified 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 or a bid bond executed by a corporation authorized to contract as a surety in Iowa and filed in an envelope separate from the one containing the proposal, sealed and in an amount equal to **five percent (5%)** of the amount of the proposal, made payable to the Treasurer, City of Denison, and may be cashed by the City as liquidated damages in the event the successful bidder fails to enter into a contract within 10 days of award of contract and post bond satisfactory to the City insuring the faithful fulfillment of the contract as required by law and the specifications.

The successful bidder will be required to furnish separate performance and payment bonds, each in an amount equal to one hundred percent (100%) of the contract price, said bond will be issued by a responsible surety approved by the City, and shall guarantee the faithful performance of the contract and terms and conditions therein contained and maintenance of said improvements in good repair for not less than one (1) year from the time of acceptance of the improvements by the City.

Payment to the Contractor will be made in cash from funds on hand which may be legally used for such purposes. Payments to the contractor will be made monthly based on estimates of ninety-five percent (95%) of the work completed in an acceptable manner. Five percent (5%) of each project estimate will be retained and held as a suspended payment. Final payment will be made not less than thirty-one (31) days after completion of the work and acceptance by the City. Retention of unpaid funds and final payment, including interest, if applicable, shall be in accordance with Chapter 573, Code of Iowa, as amended.

Plans and specifications governing the furnishing of the proposed improvements have been prepared by Sundquist Engineering, P.C., Consulting Engineers, for the City, which plans and specifications and the proceedings referring to and defining said improvements are hereby made a part of this Notice and the proposed contract by reference, and the proposed contract shall be executed in compliance herewith. Copies of said plans, specifications and wage rate decision are now on file at the City Hall, Denison, Iowa, for examination by bidders. Copies of said plans, specifications and wage rate decision may be obtained from the Engineer at his office at 120 South Main Street, Denison, Iowa 51442, upon request and deposit of \$40.00, non-refundable; telephone 712/263-8118; Fax 712/263-2181.

Section 515 Airport and Airway Improvement Act of 1982. In accordance with the Davis-Bacon Act, as amended, the Contractor will be required to comply with the wage and labor requirements and to pay minimum wages in accordance with the schedule of wage rates established by the United States Department of Labor and attached as a Special Condition, Part A -Federal Requirements.

The wage rate determination of the Department of Labor incorporated in the advertised specifications may not include rates for some classifications. The bidder is responsible for ascertaining the rate payable for such classifications and whether area practice requires their use in accomplishing the work. No inference concerning area practice is to be drawn from their omission. Further, the omission will not, per se, establish any liability for increased labor costs resulting from the use of such classifications.

Notice to prospective contractors and subcontractors of nonsegregated facilities. The successful bidder will be required to submit a certification of Nonsegregated Facilities (included in the proposal form) and to notify prospective subcontractors of the requirement for such a certification where the subcontract exceeds \$10,000. See Special Provisions 16 & 17 of the Required Federal Clauses.

Compliance Reports - Executive Order 11246 as amended. Within 30 days after award of this contract, the Contractor/Subcontractor shall file a compliance report (Standard Form 100) if s/he has not submitted a complete compliance report within 12 months proceeding the date of award. This report is required if the Contractor/Subcontractor meets all of the following conditions:

1. Contractors/Subcontractors are not exempt based on 41 CFR 60-1,5.
2. Has 50 or more employees.
3. Is a prime contractor or first tier subcontractor.
4. There is a contract, subcontract, or purchase order amounting to \$50,000 or more.

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246, as amended). The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein. See Special Provision 15 of the required Federal Clauses.

Pre-award Compliance Review. Upon the request of the Department of Labor, a sponsor will not enter into contracts or approve the entry into contracts or subcontracts with any bidder, prospective prime contractor, or proposed subcontractor named by the Department of Labor until a pre-award compliance review has been conducted and approved with a determination that the bidder, prospective prime contractor or proposed subcontractor will be able to comply with the provisions of the Equal Opportunity Clause.

Nonprocurement List. The "Nonprocurement List" is that portion of the "List of Parties Excluded from Federal Procurement and Nonprocurement Programs" compiled, maintained, and distributed by GSA which contains the names and other information about persons or companies who have been debarred, suspended, or voluntarily excluded from participation in Federal programs. An individual or company named in the "Nonprocurement List" may not be awarded a grant, a contract, or a subcontract except as provided in 49 CFR Part 29. Sponsors are encouraged to subscribe to the List through the Government Printing Office (GPO).

Certification Regarding Disbarment, Suspension, Ineligibility, and Voluntary Exclusion. The bidder/offeror certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. See Special Provision 8 of the required Federal Clauses.

DBE Statement. The airport sponsor hereby notifies all bidders that it will affirmatively assure that disadvantaged business enterprises (DBE) are afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award. This will be done in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Programs, and 49 CFR Part 21, Nondiscrimination in Benefits For and Services to the Public.

Failure to carry out the DBE obligations and requirements described in these contract documents and in any referenced regulations constitutes a breach of contract.

The bidder shall make good faith efforts, as defined in Appendix A of 49 CFR Part 26, Regulations of the Office of the Secretary of Transportation, to subcontract a portion of the prime contract to small business concerns owned and controlled by socially and economically disadvantaged individuals (DBE). Individuals who are rebuttably presumed to be socially and economically disadvantaged include, women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.

Foreign Trade Restrictions. The Offeror's or Bidder's attention is called to the "Trade Restriction Clause - 49 CFR Part 30 as set forth herein. See special condition 7 of the require Federal Clauses.

Buy American Certificate (Jan. 1991). By submitting a bid/proposal under this solicitation, except for those items listed by the offeror below or on a separate and clearly identified attachment to this bid/proposal, the offeror certifies that steel and each manufactured product, are produced in the United States, as defined in the clause Buy American - Steel and Manufactured Products for Construction Contracts) and that components of unknown origin are considered to have been produced or manufactured outside the United States.

The bidder must supply all information required by the proposal form.

Bids must be submitted on the specified Proposal Form and acceptance by the Owner shall constitute a Contract.

Modification to bid documents may only be made by written addendum.

The proposal which is selected will be based on the lowest aggregate bid submitted for the base bid and any combination of the alternative bids. The Owner reserves the right to select any one of the combination of the base bid and alternates bids which best serves the Owner's interest.

Bids may be held by the City for a period not to exceed sixty (60) days from the date of the bid opening for the purpose of evaluating bids prior to award of contract.

The right is reserved, as the City may require, to reject any and all bids and to waive any informality in the bids received.

The work on the proposed contract shall be commenced within ten (10) calendar days after the City issues a Notice to Proceed and shall be completed within 40 working days after the notice to proceed. Liquidated damages in the amount of \$500 per day shall be assessed the contractor for each working day that work proceeds on the project beyond the specified number, excepting authorized extensions thereof. **All work shall be completed by September 30, 2010**, as long as the Notice to Proceed is issued by July 7, 2010. If the NTP is issued after July 7th, the completion date will be adjusted accordingly.

This Section and all subsequent sections are complementary to each other and all together constitute the full obligations of all parties.

Envelopes containing bids must be sealed and addressed to the City Clerk, City Hall, Denison, Iowa, and marked in the upper left hand corner as follows:

Bid of _____ (Name and address of contractor) _____ for Improvement of the Denison, Iowa Municipal Airport, GRADING PARTIAL PARALLEL TAXIWAY TO R/W 12; FAA AIP Project No. 3-19-0026-09. To be opened after 11:45 A.M. on April 9, 2010 at City Hall and presented to the Airport Commission at 12:15 o'clock P.M. (CDT), April 14, 2010.

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.

Before final payment will be made, the Contractor shall file with the City an original Consent to Release of Final Retained Funds from each supplier of materials - in excess of \$ 1,000.00 value - which have become part of this contract, and from all Subcontractors who performed over \$ 1000.00 worth of subcontract work.

It is understood that the schedule of minimum wage rates, as established by the Secretary of Labor and included as General Wage Decision Number IA08001 dated 01/02/2009 in the Appendix to the Specifications, are to govern on this project, and the bidder certifies that s/he has examined this schedule of wage rates and that the prices bid are based on such established wage rates.

Refer to the Instructions to Bidders regarding Sales Tax Exemption certificates and Iowa Sales/Use Tax.

Any prospective contractor who desires to submit a bid must obtain the plans, specifications and bid documents from the Owner or Engineer. Proposals submitted which have not been secured directly from the Owner or Engineer shall be rejected.

Published upon order of the Denison Airport Commission.

Publication Date:

DENISON AIRPORT COMMISSION

March 26, 2010._____

By: /s/ Marcia Bretey_____
City Clerk