

## **SECTION 00 10 00 NOTICE TO BIDDERS**

Sealed bids for the work comprising "2024 Water System Improvements for the City of Essex," JEO Project No. 211417.00, QuestCDN No. 8775678, must be filed before 2:00 PM on September 3, 2025, in the office of the City Clerk, City Hall, 412 Iowa Ave, Essex, IA 51638. Bids received after the deadline for submission of bids shall not be considered and shall be returned to the late bidder unopened.

Sealed proposals will be opened and bids tabulated at 2:00 PM on September 3, 2025, in the Council Chambers, City Hall, 412 Iowa Ave, Essex, IA 51638, for consideration by the City Council at its meeting at 7:00 PM on September 10, 2025, in the Council Chambers at City Hall, 412 Iowa Ave, Essex, IA 51638. The City of Essex reserves the right to reject any or all bids, to waive informalities and irregularities in the form of the bid, and to enter into such contract, or contracts, as it shall deem to be in the best interest of the City.

The general nature of the public improvement is: Group A: Construction of a new 70,000 gallon storage tank and demolition of existing water tower. Group B: the installation of approximately 4,200 LF of trenched and bored 6" water main, and installation steel casing under Railroad and Highway ROW.

The work shall commence on the day indicated in the Notice to Proceed and shall be substantially complete within 455 calendar days and completed and ready for final payment within 485 calendar days from the date of the Notice to Proceed. Should the Contractor fail to complete the work in this timeframe, liquidated damages of \$700 per calendar day for substantial completion and \$350 per calendar day for final completion will be assessed for work not completed within the designated contract terms.

Each bidder shall accompany its bid with bid security as defined in Iowa Code Chapter 26, Section 26.8, and as specified by the City of Essex, in the amount of 5% of the bid, as fixed in the Instructions to Bidders.

Copies of the contract documents are on file with the City of Essex for examination by bidders. Complete digital project bidding documents are available at JEO's website at [jeo.com](http://jeo.com) at no charge. An optional paper set of project documents is available at no charge by contacting JEO Consulting Group, Inc. at 402.934.3680. In order to bid the project, the contract documents must be issued directly by JEO Consulting Group, Inc. or QuestCDN to the bidder.

To the extent allowed by Federal law and regulation, by virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa. Pursuant to 2 C.F.R. § 200.319, as adopted by the United States Department of Agriculture in 2 C.F.R. § 400.1, no such preference will be given except where applicable Federal statutes expressly mandate or encourage such preference.

The successful bidder will be required to furnish bonds in an amount equal to one-hundred percent (100 percent) of the contract price, said bonds to be issued by a responsible surety approved by the City Council and shall guarantee the faithful performance of the contract and 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 Contractor.

The project is partially funded by USDA Rural Development.

This project is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, §§ 70901-70953. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States.

The following waivers apply to this contract:

BABA De Minimis, Small Grants, and Minor Components

This project is also financed in part by the Community Development Block Grant (CDBG) program.

This agreement is for services related to a project that is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 117-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget's Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Contractor shall include Manufacturer's Certification for BABA requirements for all BABA-covered items to be incorporated into the infrastructure project. Contractor shall comply with BABA requirements, including coordination with manufacturers, distributors, and suppliers to correct deficiencies in any BABA documentation.

For any change orders, Contractor shall provide BABA documentation for any new products or materials required by the change.

Contractor shall designate the responsible parties for determining the final classifications for all project items.

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.

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.

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.

The contractor agrees to provide written notice of employment and contracting opportunities to all known Section 3 Workers and Section 3 Businesses.

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.

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.

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.

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.

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.

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.

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 Business Concerns are encouraged to respond to this proposal. A Section 3 Business Concern 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 YouthBuild participant.

Businesses that believe they meet the Section 3 criteria are encouraged to register as a Section 3 Business through HUD's website: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness>

To the extent required by Iowa law, to the extent allowed by Federal 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.

This notice is given by authority of the City of Essex.

/s/ Signature of responsible party for notification

Calvin Kinney, Mayor

Posted to Website of: Master Builders of Iowa  
Construction Update Network  
Iowa League of Cities  
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