

(Form of Notice to Bidders)

NOTICE TO BIDDERS AND NOTICE OF PUBLIC HEARING

JURISDICTION OF **CITY OF CUMMING, IOWA** PUBLIC IMPROVEMENT PROJECT

CUMMING SANITARY SEWER IMPROVEMENTS

Public Hearing on Proposed Contract Documents and Estimated Cost for Improvement

Notice is hereby given that a public hearing will be held by the **City of Cumming, Iowa** on the proposed Contract Documents (plans, specifications, and form of contract) and estimated cost for the improvement at its meeting at **6:00 P.M.** on **January 26, 2026**, in **City Council Chambers, City Hall, 649 N. 44th Street, Cumming, IA 50061** for the **Cumming Sanitary Sewer Improvements**.

Time and Place for Filing Sealed Proposals

Sealed bids for the work comprising each improvement as stated below must be filed before **10:00 A.M.** according to the clock **the office of City Clerk**, on **January 27, 2026**, in the office of the **City Clerk's Office, City Hall, 649 N. 44th Street, Cumming, IA 50061**. Bids received after the deadline for submission of bids as stated herein shall not be considered and shall be returned to the late bidder unopened.

Time and Place Sealed Proposals Will be Opened and Considered

Sealed proposals will be opened and bids tabulated at **10:00 A.M.** on **January 27, 2026**, in the **City Council Chambers, City Hall, 649 N. 44th Street, Cumming, IA 50061** for consideration by the **City of Cumming** at its meeting on **February 9, 2026, at 6:00 P.M. at City Hall, 649 N. 44th Street, Cumming, IA 50061**.

Commencement of Work

Work on the improvement shall be commenced immediately upon approval of the contract by the Council and be completed as stated below.

Contract Documents

Hard copies of the contract documents are available from McClure Engineering Company, 1535 SW Market Street, Suite 200, Ankeny, IA 50023. The initial set is free of charge to prospective bidders, i.e. qualified general contractors. A fee of Twenty Dollars (\$20.00) per set will apply to additional sets and to bidding documents requested by other than prospective bidders. This fee is refundable, provided the following conditions are met. 1. The plans and specifications are returned complete and in good usable condition. 2. And they are returned within fourteen (14) calendar days after the award of the project. An individual must call (515) 512-1361 in advance to reserve a paper copy.

An electronic version of the contract documents, bidding documents, and plans are available at no cost by clicking on the "Bidding Documents" link at www.mcclurevision.com and choosing **Cumming Sanitary Sewer Improvements** or at www.QuestCDN.com and inputting Quest Project Number 9996665. Downloads of the Contract Documents require the user to register for a free membership at www.QuestCDN.com.

Preference of Products and Labor

By virtue of statutory authority, 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 lawfully required under Iowa statutes.

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 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.

General Nature of the Public Improvement

Cumming Sanitary Sewer Improvements, located north of Cumming Avenue in the Old Town area of the City of Cumming, Iowa. Improvements include the full reconstruction of 44th Street, 43rd Street, Alice Ave., Birch Ave., Callison Ave., Dawson Ave., Fielding Ave. and Greenlee Ave. Full reconstruction includes installation of a new sanitary sewer main and abandoning the existing septic sewer system; storm sewer installation and water main relocation; and PCC paving of streets, sidewalks, and driveways.

Bid Security

Each bidder shall accompany its bid with bid security as defined in Iowa Code Section 26.8, as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, in a form acceptable to the Jurisdiction, for the faithful performance of the contract, in an amount equal to 100% of the amount of the contract. The bidder's security shall be in the amount equal to ten percent (10%) percent of the bid price and shall be in the form of a cashier's check or a certified check drawn on an FDIC insured bank in Iowa or on an FDIC insured 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 on the form provided in the contract documents with corporate surety satisfactory to the Jurisdiction. The bid shall contain no condition except as provided in the specifications.

The City of Cumming reserves the right to defer acceptance of any bid for a period of thirty (30) calendar days after receipt of bids and no bid may be withdrawn during this period. The bid security of unsuccessful bidders shall be promptly returned as soon as the successful bidder is determined or within thirty (30) days, whichever is sooner.

Performance, Payment, and Maintenance Bond

Each successful bidder will be required to furnish a corporate surety bond in an amount equal to 100% of its contract price. Said bond shall be issued by a responsible surety approved by City of Cumming and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment of all material and labor, and protect and save harmless the City of Cumming from claims and damages of any kind caused by the operations of the contract and shall also guarantee the maintenance of the improvement caused by failures in materials and construction for a period of two years from and after acceptance of the contract. The guaranteed maintenance period for new paving shall be four years.

Title VI Compliance

The City of Cumming, 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 insure 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.

Payment

Payments will be made on the basis of estimates prepared by the Contractor and approved by the Engineer, solely for the purpose of payment; approval by the Engineer, or the City Council, shall not be deemed as approval or acceptance of the workmanship or materials. The Contractor will be compensated for 97% of the work completed during a payment period, with the remaining 3% being retained in accordance with the Iowa Code. Regular payments approved by the Engineer will be made following the next scheduled City Council meeting. The retainage payment will be released thirty-one (31) days following acceptance of the project by the City of Cumming as per provisions in the Iowa Code.

Sales Tax Exemption

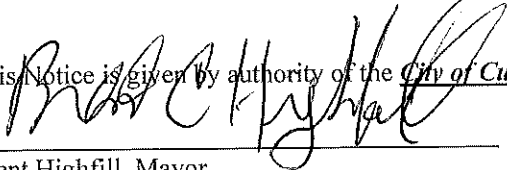
The City of Cumming will issue a sales tax exemption certificate to the Contractor for all material purchased for incorporation into the project. Sales tax exemption certificates are applicable only for the specific project for which the sales tax exemption certificate is issued.

Completion of Work

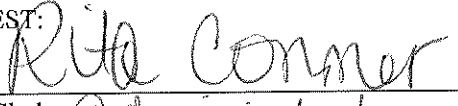
Contractor shall substantially complete all project work no later than October 29, 2027. Substantial completion for the overall project shall be defined as all paving of streets, sidewalks and driveways, all utilities (including services), grading, permanent erosion control, and permanent seeding completed. Should the contractor fail to complete the work in this timeframe, liquidated damages of Three Thousand Five Hundred Dollars (\$3,500.00) per calendar day will be assessed for work not completed within the designated contract term.

The City of Cumming 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 jurisdiction.

This Notice is given by authority of the City of Cumming


Brent Highfill, Mayor

ATTEST:


City Clerk Administrator

Published in the Des Moines Register.

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

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 December 22, 2025.



Mayor

Attest:



City Clerk Administrator

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On motion and vote, the meeting adjourned.


Mayor

Attest:


City Clerk Administrator

ATTESTATION CERTIFICATE:

STATE OF IOWA
COUNTY OF WARREN
CITY OF CUMMING

SS:

I, the undersigned, City Clerk of the City of Cumming, 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 Cumming Sanitary Sewer Improvements Project 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 posting of a Notice to Bidders announcing the time and place fixed therefor.

WITNESS MY HAND this 22 day of December, 2025


City Clerk Administrator