



Date June 24, 2019

APPROVAL OF POST BID GENERAL CONTRACTOR QUALITY ASSURANCE QUESTIONNAIRE POLICY

WHEREAS, pursuant to Iowa Code §26.9 which requires that contracts for public improvements be awarded to the "lowest responsive, responsible bidder"; and

WHEREAS, Iowa law recognizes that a governmental entity may obtain information from the lowest responsive bidder to determine bidder's responsibility relating to the bidder's experience, number of employees, and ability to finance the cost of the public improvement; and

WHEREAS, the City Council in recognition of this and that Vertical Infrastructure Projects are designed for human occupancy and construction of these projects can be complex and difficult, desires to establish a policy requiring submission of the General Contractor Quality Assurance Questionnaire to the apparent lowest bidder on Vertical Infrastructure Projects as defined in the attached City of Des Moines Post Bid General Contractor Quality Assurance Questionnaire Policy.

NOW THEREFORE BE IT RESOLVED BY THE DES MOINES CITY COUNCIL that it hereby approves the attached City of Des Moines Post Bid General Contractor Quality Assurance Questionnaire Policy.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Kathleen Vanderpool
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

City of Des Moines Post Bid General Contractor Quality Assurance Questionnaire Policy

Background and Policy

Pursuant to Iowa Code §26.9 which requires that contracts for public improvements be awarded to the "lowest responsive, responsible bidder"; Iowa law recognizes that a governmental entity may obtain information from the lowest responsive bidder to determine bidder's responsibility relating to the bidder's experience, number of employees, and ability to finance the cost of the public improvement; the City Council hereby adopts this policy requiring submission of the General Contractor Quality Assurance Questionnaire to the apparent lowest bidder on Vertical Infrastructure Projects. The fully completed Questionnaire shall be submitted to the City of Des Moines Engineering Department within 14 calendar days of notification to the apparent lowest bidder. Contractors who do not complete the following questionnaire may be deemed non-responsive or non-responsible.

Definition of Vertical Infrastructure Project

"Vertical Infrastructure Project" for purposes of this Policy is defined as construction, addition, or major alteration of a facility that has or will require a certificate of occupancy that:

1. is to be bid and constructed by the City of Des Moines,
2. with an estimated construction cost in excess of \$1,000,000,
3. is funded without federal, state or other funding that would prohibit or limit use of the Questionnaire.

Council will be provided with the General Contractor Quality Assurance Questionnaire of the apparent lowest bidder for Council's consideration in determining the lowest responsive, responsible bidder in accordance with Section 26.9 of the Iowa Code.

**CITY OF DES MOINES
POST-BID INFORMATION**

**GENERAL CONTRACTOR QUALITY
ASSURANCE QUESTIONNAIRE**

GENERAL CONTRACTOR QUALITY ASSURANCE QUESTIONNAIRE

Pursuant to Iowa Code §26.9 which requires that contracts for public improvements be awarded to the "lowest responsive, responsible bidder," and also recognizes that a governmental entity may obtain information from the lowest responsive bidder to determine bidder's responsibility relating to the bidder's experience, number of employees, and ability to finance the cost of the public improvement, and in accordance with Iowa law allowing public entities to consider factors other than price in determining who is the lowest responsible bidder; the City of Des Moines does hereby provide the following Questionnaire to the bidder to whom award of a Contract is under consideration ("Contractor") submitting bids for work on the _____ ("Project"). The fully completed Questionnaire, with attachments, shall be submitted to the City of Des Moines Engineering Department **within 14 calendar days of notification** to the apparent lowest bidder. Contractors who do not complete the following questionnaire may be deemed to be non-responsive or non-responsible.

1. Full name of Contractor: _____
Address _____
Telephone _____ Fax _____
Email _____

2. All other names under which Contractor has operated in the past five (5) years:

3. Provide Contractors' Registration Number and full names of Registration Holders as per Iowa Construction Contractor Registration requirements:

Contractor Registration Expiration Date _____

4. Has Registration ever been suspended or revoked in any jurisdiction?
 Yes
 No
If "yes", provide information regarding suspension/revocation and attach all relevant documents.

5. Within the past five (5) years, has Contractor been debarred by any federal, state or local governmental entity from bidding on projects?
 Yes

No

If "yes", provide information related to debarment.

6. On a separate sheet, list construction projects in value in excess of \$5 million dollars that Contractor has in progress, giving the name of the project, owner, architect, contract amount, key Contractor personnel, percent complete and scheduled completion date.
7. On a separate sheet, list the major projects Contractor has completed in the past three (3) years, giving the name of the project, owner, architect, contract amount, Officer in Charge, Project Manager, Project Superintendent and any other key Contractor personnel, date of completion and percentage of the total project performed by your own employees.
8. On a separate sheet, identify the individuals Contractor intends to be the Officer in Charge, Project Manager, Project Superintendent and any other key personnel on this project. Include a resume and/or recent work history for each identified individual.
9. On a separate sheet, for work Contractor intends to self-perform on the project; specify the level of training and experience Contractors' employees have had. Further indicate whether or not any such training has been in a United States Department of Labor (DOL) certified apprentice program. In the event Contractor intends to utilize apprentice workers on the Project, Contractor must be able to provide, upon Owners' request, documentation that each apprentice worker utilized on the Project is properly registered as participating in a DOL certified apprentice program or substantially equivalent apprenticeship program.
10. On a separate sheet, list the Contractors last five (5) completed projects, and for each, the scheduled completion date and the final completion date, noting any owner approved extensions.
11. Within the past three(3) years, has Contractor defaulted on a contract, or been disqualified, removed or otherwise prevented from bidding on or completing any project
 Yes
 No
If "yes", provide the year of the incident, name, address and telephone number of the owner of the project, project name and location.
12. Has Contractor ever been unable to obtain a bond or been denied a bond?
 Yes
 No
If "yes", please provide all relevant details.

13. On a separate sheet, list all surety/bonding companies Contractor has utilized in the past five (5) years.

14. Has Contractor ever declared bankruptcy or been in receivership?

Yes

No

If "yes" please provide all relevant details.

15. Is Contractor currently being investigated for or previously been found to have violated in the past five (5) years any of the following state or federal laws: Iowa Minimum Wage Act; Iowa Non-English Speaking Employees Act; Iowa Child Labor Act; Iowa Labor Commissioner's Right to Inspect Premises, Iowa Compensation Insurance Act; Employment Security Act; Iowa Competition Act; Iowa Income, Corporate and Sales Tax Code; a "willful" violation of the Iowa or Federal Occupational Safety and Health Act; Iowa Employee Registration Requirements; Iowa Hazardous Chemical Risks Act; Iowa Wage Payment Collection Act; Federal Income and Corporate Tax Code; The National Insurance Security Act; The Fair Labor Standards Act:

Yes

No

If "yes" please explain:

16. Has Contractor ever failed to complete any work awarded to it?

Yes

No

If "yes" provide all relevant details.

17. Are there any judgments, arbitration proceedings or suits pending or outstanding against Contractor or its officers that relate to, arise out of or are in the course of the Contractor's business?

Yes

No

If "yes" provide all relevant details.

18. Has Contractor filed any lawsuit or demanded arbitration with regard to any construction contract within the past five (5) years?

Yes

No

If "yes" provide all relevant details.

19. Has Contractor been found by a court or agency of competent jurisdiction to be delinquent in meeting its obligations under local, state or federal tax laws within the last five (5) years? ("delinquent" shall include, but is not limited to: failure to file, failure to pay or imposition of tax liens)
- Yes
 No
20. Contractor affirms that it will retain only subcontractors who can fully comply with the bid specifications, including those that address requirements concerning labor.
- Yes
 No
21. Contractor affirms that it will be responsible for ensuring that each subcontractor meets quality assurance specifications.
- Yes
 No
22. Contractor agrees to submit to the City of Des Moines Engineering Department a list of all intended subcontractors **within 14 calendar days of notification** to the apparent lowest bidder. (In the event Contractor wishes to replace any originally- designated subcontractor, such may only occur with the approval of City of Des Moines. Such approval will not be unreasonably withheld)
- Yes
 No
23. Contractor attests that it will comply with each of the following:
- Iowa's Minimum Wage Law.
- Yes
 No
- Maintain workers' compensation insurance or be qualified as a self-insurer and provide proof of insurance or ability to self-insure upon request.
- Yes
 No
- Properly license all Contractor employees with the appropriate licensing authority.
- Yes
 No
24. Contractor will make available to City or City's representative, upon City's request, documentation to satisfy the City, in City's sole discretion, that the Contractors' workers utilized on this project are actual employees, with unemployment and workers' compensation coverage, not "leased employees" or independent contractors.
- Yes
 No

25. That Contractor will provide with this Questionnaire, the name, address, phone number and name of contact for three (3) entities which will provide references.

Yes

No

26. Contractor will only utilize on-site employees who have completed the Occupational Safety and Health Act (OSHA) 10 hour Construction Industry Training Program.

Yes

No

Provide Contractor's Federal ID Number _____

Provide Name and address of Contractor's Registered Agent _____

(Please continue to signature page)

I hereby certify, that (1) all of the information provide by me in this Questionnaire is true and correct to the best of my knowledge; (2) I am authorized to sign this Questionnaire on behalf of the Contractor whose name appears in Question #1; (3) if any of the information I have provided herein becomes inaccurate, prior to execution of any Project Contract. I will immediately provide City Engineering Department with updated accurate information in writing; and (4) I hereby authorize any person or entity named herein to provide City Engineering Department with whatever information might be required to verify this Questionnaire.

THIS STATEMENT MUST BE NOTORIZED

NAME OF CONTRACTOR _____

BY: _____
Signature Title

Type/Print Name Date

STATE OF IOWA, _____ County, ss:

Subscribed and sworn to before me by the said _____ on this day of
_____, 20 _____

Notary Public in and for the State of Iowa

Contractor Name

ENGINEERING DEPARTMENT
CITY OF DES MOINES, IOWA

**SPECIAL PROVISION
CONTRACTUAL REQUIREMENTS**

ON

(INCLUDE IMPROVEMENT)

**SUBCONTRACTOR QUALITY ASSURANCE
BID REQUIREMENTS**

The following requirements are intended to be included in the Quality Assurance Sections of the Bid Specifications which the Contractor will, along with all other quality assurance requirements, be required to manage:

FOR ALL SUBCONTRACTORS

Subcontractor must not be under current investigation for or previously have been found to have violated in the last five (5) years any of the following state or federal laws: Iowa Minimum Wage Act, Iowa Non-English Speaking Employees Act, Iowa Child Labor Act, Iowa Labor Commissioner's Right to Inspect Premises, Iowa Compensation Insurance Act, Iowa Employment Security Act, Iowa Competition Act, Iowa Income, Corporate and Sales Tax Code, a "willful" violation of the Iowa or Federal Occupational Safety and Health Act, Iowa Employee Registration Requirements, Iowa Hazardous Chemical Risks Act, Iowa Wage Payment Collection Act, Federal Income and Corporate Tax Code, The National Insurance and Social Security Act, The Fair Labor Standards Act. Subcontractor must notify the Contractor of any current investigation of Subcontractor for violation of any of the above laws.

Subcontractor will only utilize Subcontractor on-site employees that have completed the Occupational Safety and Health Act (OSHA) 10 hour Construction Industry Training Program.

Subcontractor must properly license all employees with the appropriate licensing authority.

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Subcontractor at all levels, that is even a subcontractor of a subcontractor, will only utilize workers on this Project that have unemployment and workers compensation coverage provided by the subcontractor by which the worker is employed. Subcontractor will make available to Contractor or City such documentation that is necessary to satisfy City, in City's sole discretion, that subcontractor is in compliance with this provision.

FOR SELECT SUBCONTRACTS

These requirements shall apply to the following Subcontracts:

List those subcontracts that will apply

In the event Subcontractor intends to utilize apprentice workers, Subcontractor must participate in an apprentice or training program approved by the United States Department of Labor (DOL) or substantially equivalent apprenticeship or training program which has graduated at least one apprentice in the immediately preceding three-year period. Subcontractor must provide, upon City's or Contractor's request, documentation of such participation.

Subcontractor is not required to use apprentices on the Project. If subcontractor chooses to employ apprentices on this Project, subcontractor must provide upon request, evidence that each of the apprentices on the Project is participating in and registered with a DOL-approved apprentice or training program or substantially equivalent apprenticeship or training program.