

JAN 14 2004  
TRANSPORTATION

HOUSE FILE 2025  
BY BAUDLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act changing the bid letting requirements for the construction  
2 of county bridges.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2025

1 Section 1. NEW SECTION. 309.39A ADVERTISEMENT AND  
2 LETTING -- BRIDGE CONSTRUCTION.

3 All contracts for bridge construction work and materials  
4 for which the engineer's estimate exceeds one hundred fifty  
5 thousand dollars, except surfacing materials obtained from  
6 local pits or quarries, shall be advertised and let at a  
7 public letting.

8 Sec. 2. Section 309.40, Code 2003, is amended to read as  
9 follows:

10 309.40 ADVERTISEMENT AND LETTING -- ROAD CONSTRUCTION.

11 All contracts for road ~~or-bridge~~ construction work and  
12 materials for which the engineer's estimate exceeds fifty  
13 thousand dollars, except surfacing materials obtained from  
14 local pits or quarries, shall be advertised and let at a  
15 public letting.

16 Sec. 3. Section 309.40A, unnumbered paragraph 1, Code  
17 2003, is amended to read as follows:

18 Notwithstanding section 309.39A or 309.40, a county may  
19 contract for the emergency repair, restoration, or  
20 reconstruction of a highway or bridge under the county's  
21 jurisdiction without advertising for bids if all of the  
22 following conditions are met:

23 Sec. 4. Section 309.41, unnumbered paragraph 1, Code 2003,  
24 is amended to read as follows:

25 Contracts not embraced within the provisions of section  
26 309.39A, 309.40, or 309.40A shall be either advertised and let  
27 at a public letting; or, where the cost does not exceed the  
28 engineer's estimate, let through informal bid procedure by  
29 contacting at least three qualified bidders prior to letting  
30 the contract. The informal bids received together with a  
31 statement setting forth the reasons for use of the informal  
32 procedure and bid acceptance shall be entered in the minutes  
33 of the board of supervisors meeting at which such action was  
34 taken.

35 Sec. 5. Section 314.1, subsection 2, Code 2003, is amended

1 to read as follows:

2     2. Notwithstanding any other provision of law to the  
3 contrary, a public improvement that involves the construction,  
4 reconstruction, or improvement of a highway, bridge, or  
5 culvert and that has a cost in excess of the applicable  
6 threshold in section 73A.18, 262.34, 297.7, 309.39A, 309.40,  
7 310.14, 313.10, or 384.96, as modified by the bid threshold  
8 subcommittee pursuant to section 314.1B, shall be advertised  
9 and let for bid, except such public improvements that involve  
10 emergency work pursuant to section 309.40A, 313.10, 384.95, or  
11 384.103, subsection 2. However, a public improvement that has  
12 an estimated total cost to a city in excess of a threshold of  
13 fifty thousand dollars, as modified by the bid threshold  
14 subcommittee pursuant to section 314.1B, and that involves the  
15 construction, reconstruction, or improvement of a highway,  
16 bridge, or culvert that is under the jurisdiction of a city  
17 with a population of more than fifty thousand, shall be  
18 advertised and let for bid.

19     Sec. 6. Section 314.1B, subsection 2, paragraph b, Code  
20 2003, is amended to read as follows:

21     b. A bid threshold shall not be adjusted to an amount that  
22 is less than the bid threshold applicable to a city or county  
23 on July 1, 2002, as provided in section 73A.18, 309.40,  
24 310.14, 314.1, or 384.96, or on July 1, 2004, as provided in  
25 section 309.39A. An adjusted bid threshold shall take effect  
26 as provided in subsection 3, and shall remain in effect until  
27 a new adjusted bid threshold is established and becomes  
28 effective as provided in this section.

29     Sec. 7. Section 331.341, subsections 1 and 3, Code 2003,  
30 are amended to read as follows:

31     1. When the estimated cost of a public improvement, other  
32 than improvements which may be paid for from the secondary  
33 road fund, exceeds the amount specified in section 309.39A or  
34 309.40, the board shall follow the contract letting procedures  
35 provided for cities in sections 384.95 to 384.103. However,

1 in following those sections the board shall substitute the  
2 word "county" for the word "city", section 331.305 for section  
3 362.3, shall consider "governing body" to mean the board, and  
4 shall exclude references to a city utility, utility board of  
5 trustees, or public utilities. As used in this section,  
6 "public improvement" means the same as defined in section  
7 384.95 as modified by this subsection.

8 3. Contracts for improvements which may be paid for from  
9 the secondary road fund shall be awarded in accordance with  
10 sections ~~309.40~~ 309.39A to 309.43, 310.14, 314.1, 314.2, and  
11 other applicable state law.

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#### EXPLANATION

13 This bill creates a new Code section that provides that all  
14 contracts for county bridge construction for which the  
15 engineer's estimate exceeds \$150,000 must be advertised and  
16 let for public bid. Currently, all contracts for county road  
17 or bridge construction which are estimated to exceed \$50,000  
18 must be advertised and let at public bid. The requirements  
19 for county road construction contracts are unchanged.

20 The bill also makes coordinating amendments referring to  
21 the new Code section to provide that certain emergency county  
22 bridge construction projects can be let without public bids;  
23 that certain county bridge construction contracts not embraced  
24 within the provisions of the new Code section can be let by  
25 public bid or informal bids; that certain county bridge  
26 construction contracts in excess of the applicable threshold,  
27 as modified by the bid threshold subcommittee, must be  
28 advertised and let for public bid; that the bid threshold for  
29 county bridge construction contracts cannot be adjusted to an  
30 amount that is less than \$150,000; that when the estimated  
31 cost of a county bridge construction project exceeds \$150,000  
32 and is not payable from the secondary road fund, the contract  
33 letting and award procedures provided for cities are  
34 applicable; and that contracts for county bridge construction  
35 payable from the secondary road fund must be awarded in

1 accordance with the provisions of Code sections 309.39A,  
2 309.40A to 309.43, 310.14, 314.1, 314.2, and other applicable  
3 state laws.

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