

# A BILL

FOR AN ACT TO ABOLISH THE OFFICES OF STATE PRINTER AND STATE BINDER, AND TO REVISE AND AMEND THE STATUTES IN RELATION TO STATE PRINTING AND BINDING AND TO PROVIDE FOR THE LETTING OF THE SAME BY CONTRACT.

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

Section 1. That sections 117 and 118 of chapter 5 of the code, and all acts and parts of  
2 acts creating or establishing the offices of state printer and state binder or providing for the  
3 election of such officials be and they are hereby repealed and the following enacted in lieu  
4 thereof, and that sections 138 and 141 be amended as hereinafter provided:

5 “Section 117. The executive council shall be and they are hereby declared to be ex-officio  
6 commissioners of public printing and binding, and they are authorized to contract for the  
7 printing and binding required by the state, as hereinafter provided, but nothing in this  
8 chapter shall be construed as preventing them from apportioning so much of the public  
9 printing and binding to the institution for the deaf and dumb as they may deem advisable,  
10 and the board of control of state institutions shall have exclusive control over their own  
11 printing and binding of all kinds, including their reports.

12 “1. The printing and binding of the state shall be divided into three classes, to be let  
13 in separate contracts, as follows:

14 “2. The printing and binding of all the bills for the two houses of the legislature, the  
15 journals of the senate and house of representatives together with such reports, communica-  
16 tions and other documents as enter into and make a part of said journals, including resolu-  
17 tions and such other matters as may be ordered by the two houses or either of them, other  
18 than in pamphlet form, constitute the first class and shall be let in one contract.

19 “3. The printing and binding of the governor's inaugural address and message, the  
20 official register and the regular reports of the various officers, inspectors, commissioners,  
21 boards or other bodies, required or authorized by law, including the laws and joint resolu-  
22 tions, constitute the second class and shall be let in one contract.

23 “4. The printing of all blanks, circulars and miscellaneous work necessary for the use  
24 of the state officers or executive department, other than such as are printed in pamphlet  
25 form, and all printing and binding not included in the foregoing classes, constitute the third  
26 class and shall be let in one contract.

27 "5. All printing and binding done under either or all of the above classes shall be  
28 executed and delivered under the terms, conditions and requirements of chapter 5 of the code.

29 "6. For the purpose of designation or distinction, the person, persons or firm that holds  
30 a contract, or contracts, to do printing or binding, or both, under this act, shall be known  
31 as the state printer or state binder, as the case may be, during the continuation of said con-  
32 tract; and whatever reference is made to the state printer or state binder in chapter 5 of the  
33 code, the same shall apply to the person, persons or firm who are doing the work as provided  
34 under their contract.

35 "Section 118. The commissioners of printing and binding shall, during the month of  
36 June, A. D. 1900, and every four years thereafter, cause a notice to be published once each  
37 week for four consecutive weeks in four newspapers of general circulation in this state,  
38 two of which and no more shall be published in the city of Des Moines; that sealed proposals  
39 will be received at the office of the secretary of state up to and until 12 o'clock, noon, of the  
40 fourth Wednesday in July, for the execution of the several classes of the state printing and  
41 binding in separate contracts as specified in section 117 of this chapter, for the term of four  
42 years from the 1st day of January, next ensuing.

43 "1. Such advertisements shall contain the maximum list of prices established by law,  
44 the amount of bonds required and such other information as said executive council may deem  
45 necessary. Each proposal shall be in writing, sealed and addressed to the secretary of state,  
46 and it shall be accompanied by a bond executed in due form by the bidders with at least two  
47 good and sufficient sureties, satisfactory to the executive council, in the penal sum of five  
48 thousand dollars (\$5,000) for the faithful performance, pursuant to this chapter, of such class  
49 or classes of state printing and binding as may be adjudged to the bidder, and for the  
50 payment of liquidated damages, by such bidder, to the state, of any excess of costs over  
51 the bid or bids of such bidder which the state may be obliged to pay for such work by the  
52 reason of the failure of such bidder to complete his contract; such bond shall be null and  
53 void if no contract is awarded him. No bid unaccompanied by such bond shall be enter-  
54 tained by the commissioners. The contract shall be let to the person or persons who shall  
55 bid to execute the work at the greatest per centum of discount from the maximum prices  
56 established by law, such per centum of discount to be uniform on every item of work,  
57 provided that all printing and binding for which provision has been made in this chapter,  
58 shall be performed in the state of Iowa, and in offices paying the union scale of wages,  
59 unless for cause as hereinafter provided.

60 "2. The commissioners of printing and binding shall within the three days after the  
61 expiration of the time for receiving proposals as aforesaid, proceed to open in public all

62 such proposals by them received, and shall award the contract for each class of printing  
63 and binding to the lowest responsible bidder thereof, unless it becomes apparent to the  
64 commissioners that a combination has been formed between the bidders to hold the prices  
65 higher than should be obtained under legitimate competition, then, and in that event, the  
66 commissioners shall have the power to reject any and all bids and go upon the open market  
67 and contract for the work in the most advantageous and economical manner under the  
68 provisions of this chapter; provided that nothing herein contained shall be construed so as to  
69 prevent the same person from becoming contractor for two or more classes of the printing  
70 and binding, if he shall be the lowest bidder therefor. If two or more persons bid the  
71 same and the lowest price for any class or classes of the printing and binding the commis-  
72 sioners shall award the contract to such one or more of them as in their opinion will best  
73 serve the interests of the state, having reference, however, to a division of the work, as  
74 far as practicable, among the several bidders aforesaid. If any of the printing and binding  
75 shall be executed without the city of Des Moines, all transportation of paper, copy, proof  
76 or printed sheets shall be at the expense of such contractor or contractors for said work.

77 "3. Within ten days after the acceptance of a bid, and notification thereof to the  
78 bidder, said commissioners shall cause a contract to be prepared to be entered into by said  
79 commissioners on the part of the state and such bidder, fully setting forth the terms and  
80 conditions under which the work to be done shall be executed. Such bidder shall, at the  
81 same time, execute a bond to the state in the sum of ten thousand dollars, with not less  
82 than three sureties, who shall be resident free holders of this state, and who shall justify  
83 under oath that they are worth over and above all debts and property exempt from execu-  
84 tion an amount equal to the amount named in such bond, conditioned for the faithful  
85 performance of all duties required of said bidder by law and by the terms and conditions  
86 of his contract; which bond shall be approved by said commissioners, and shall, together  
87 with the contract and all other papers relating thereto, be deposited in the office of the  
88 secretary of state.

89 "4. The commissioners may reject any and all work that is not done according to  
90 contract, and may withdraw the work from any contractor for unreasonable delay, and may  
91 go into the open market and contract for and have the same done, to be paid for in the same  
92 manner as would have been paid the original contractor; and if from any cause there is an  
93 excess of cost over and above what the same would have been furnished for by the original  
94 contractor, such excess of cost shall be charged to and collected from the original con-  
95 tractor, or shall be payable by and collected from the bondsmen for said original contractor;

96 and the action of the said commissioners shall be final and conclusive on said original  
97 contractor and his sureties.

98 "5. If any contractor shall fail in whole or in part to fulfill his contract the commis-  
99 sioners may cancel such contract, and having done so, shall notify him in writing, specify-  
100 ing their reasons for so doing. And the commissioners are hereby given power and  
101 authority in their discretion to enter into and carry out a new contract for the completion  
102 of the work contemplated under the original contract, in such manner as they may deem  
103 for the best interests of the state, and the original bidder whose contract is so canceled,  
104 shall be liable on his bond to the state in damages to the amount of the difference between  
105 the cost of the public printing and binding under his contract and the cost of the same under  
106 any subsequent contract or contracts made by the commissioners pursuant to law, for the  
107 execution of any such printing or binding during the remainder of the term of contract of  
108 the party so failing and for the expenses incurred in letting and negotiating such contract  
109 or contracts.

110 "6. It shall be the duty of the commissioners of public printing and binding in all  
111 cases of forfeitures mentioned in this chapter, to commence and prosecute to final judg-  
112 ment an action for the recovery thereof, together with damages and costs, which, when  
113 collected, shall be paid into the state treasury.

Sec. 2. Amend section 138 of chapter five of the code by striking out the first three  
2 lines of said section and inserting in lieu thereof the following:

3 "Sec. 138. The following prices are hereby established as the maximum prices for  
4 state printing:"

Sec. 3. Amend section 141 of chapter five of the code by striking out the first three  
2 lines of said section and inserting in lieu thereof the following:

3 "Sec. 141. The following prices are hereby established as the maximum prices for  
4 state binding:"