

State Government: Carl, Chair; Hammond and Van Maanen.

*Amended for 5809 + De Pass 3/23 (p. 1252)*

SENATE FILE 465

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 159)

*(originally introduced 3/11/78, S.S. 159)*

Passed Senate, Date 3-31-83 (p. 1062) Passed House, Date 3-27-74 (p. 1331)

Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0

Approved May 11, 1984

*Re-passed Senate 4-2-84 (p. 1218)  
45-0*

# A BILL FOR

1 An Act relating to construction, repair, and improvement  
2 projects at institutions under the control of the  
3 department of social services.

*H-5809*

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

## SENATE FILE 465

H-5809

1 Amend Senate File 465, as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 20, by striking the words "of  
4 social services".  
5 2. Page 2, by striking lines 34 and 35 and  
6 inserting in lieu thereof the following:  
7 "Sec. 2. Sections 218.59, 218.60, 218.62, and  
8 218.63, Code 1983, are repealed. Sections 218.58,  
9 218.61, and 218.64, Code Supplement 1983, are  
10 repealed."  
11 3. Title page, line 3, by striking the word  
12 "social" and inserting in lieu thereof the word  
13 "human".

H-5809 FILED MARCH 23, 1984 BY COMMITTEE ON STATE GOVERNMENT  
*Adopted 3/27 (p. 1331)*

## HOUSE AMENDMENT TO SENATE FILE 465

S-5651

1 Amend Senate File 465, as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 20, by striking the words "of  
4 social services".  
5 2. Page 2, by striking lines 34 and 35 and  
6 inserting in lieu thereof the following:  
7 "Sec. 2. Sections 218.59, 218.60, 218.62, and  
8 218.63, Code 1983, are repealed. Sections 218.58,  
9 218.61, and 218.64, Code Supplement 1983, are  
10 repealed."  
11 3. Title page, line 3, by striking the word  
12 "social" and inserting in lieu thereof the word  
13 "human".

S-5651 FILED RECEIVED FROM THE HOUSE  
MARCH 29, 1984 *Senate concurred 4/2 (p. 1218)*

*SF 465*

1 Section 1. NEW SECTION. 218.58 CONSTRUCTION, REPAIR,  
2 AND IMPROVEMENT PROJECTS--EMERGENCIES--RULES.

3 1. The department shall prepare and submit to the state  
4 comptroller, as provided in section 8.23, a multiyear  
5 construction program including estimates of the expenditure  
6 requirements for the construction, repair, or improvement  
7 of buildings, grounds, or equipment at the institutions listed  
8 in section 218.1.

9 2. The commissioner shall have plans and specifications  
10 prepared for authorized construction, repair, or improvement  
11 projects costing over twenty-five thousand dollars. An  
12 appropriation for a project shall not be expended until the  
13 department has adopted plans and specifications and has  
14 completed a detailed estimate of the cost of the project,  
15 prepared under the supervision of a registered architect or  
16 registered professional engineer. Plans and specifications  
17 shall not be adopted and a project shall not proceed if the  
18 project would require an expenditure of money in excess of  
19 the appropriation.

20 <sup>H-580</sup>20 The commissioner of social services may employ a registered  
21 architect or registered professional engineer, and other  
22 technical staff necessary to complete authorized projects.  
23 The commissioner may secure consultant architectural or  
24 engineering services required to complete authorized projects.

25 3. The commissioner shall let all contracts under chapter  
26 23 for authorized construction, repair, or improvement of  
27 departmental buildings, grounds, or equipment. The department  
28 may advertise in a newspaper published at the seat of  
29 government in lieu of advertising in a newspaper in the county  
30 in which a project is located.

31 4. If the commissioner determines that emergency repairs  
32 or improvements estimated to cost more than twenty-five  
33 thousand dollars are necessary to assure the continued  
34 operation of a departmental institution, the requirements  
35 of subsections 2 and 3 for preparation of plans and

1 specifications and competitive procurement procedures are  
2 waived. The commissioner's determination of necessity for  
3 waiver shall be in writing and shall be entered in the project  
4 record for emergency repairs or improvements. Emergency  
5 repairs or improvements shall be accomplished using plans  
6 and specifications and competitive procurement procedures  
7 to the greatest extent possible, considering the necessity  
8 for rapid completion of the project. A waiver of the  
9 requirements of subsections 2 and 3 does not authorize an  
10 expenditure in excess of an amount otherwise authorized for  
11 the repair or improvement.

12 5. A claim for payment relating to a project shall be  
13 itemized on a voucher form pursuant to section 8.15, certified  
14 by the claimant and the architect or engineer in charge, and  
15 audited and approved by the department. Upon approval by  
16 the department, the voucher shall be forwarded to the state  
17 comptroller, who shall draw a warrant to be paid by the  
18 treasurer of state from funds appropriated for the project.  
19 A partial payment made before completion of the project does  
20 not constitute final acceptance of the work or a waiver of  
21 any defect in the work.

22 6. Subject to the prior approval of the director in control  
23 of a departmental institution, minor projects costing five  
24 thousand dollars or less may be authorized and completed by  
25 the executive head of the institution through the use of day  
26 labor. A contract is not required if a minor project is to  
27 be completed with the use of inmate labor.

28 7. The department shall adopt rules pursuant to chapter  
29 17A for construction, repair, and improvement projects,  
30 relating to programming and design, the bidding and letting  
31 of contracts, procurement and construction management  
32 operations, consultant services, and emergency repairs and  
33 improvements.

H-585734 34 Sec. 2. Sections 218.58 through 218.64, Code 1983, are  
35 repealed.

EXPLANATION

1  
2 This bill repeals sections 218.58 through 218.64, relating  
3 to construction, repair, and improvement projects at the state  
4 institutions under the control of the department of social  
5 services, and replaces the sections with a new section 218.58.  
6 The new section updates the Code requirements to conform to  
7 current practices of the department in planning and contracting  
8 for construction, repair, and improvement projects at  
9 departmental institutions.

10 The department is required to submit its multiyear  
11 construction program to the state comptroller; to adopt plans  
12 and specifications and cost estimates for all projects costing  
13 over \$25,000; to let all contracts for projects costing over  
14 \$25,000 under chapter 23; to follow a detailed procedure for  
15 the payment of project claims; and to adopt rules to implement  
16 the requirements of the new section. The department is  
17 authorized to employ a registered architect or registered  
18 professional engineer; to secure consultant architectural  
19 or engineering services; to advertise for bids in a Des Moines  
20 newspaper; to proceed with emergency repairs or improvements  
21 to assure the continued operation of an institution without  
22 following the general requirements for plans and specifications  
23 and competitive procurement procedures; to use day labor for  
24 minor projects costing \$5000 or less; and to use inmate labor  
25 on minor departmental projects without contracting.

26 The bill takes effect July 1 following enactment.

27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 465

AN ACT

RELATING TO CONSTRUCTION, REPAIR, AND IMPROVEMENT PROJECTS  
AT INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENT OF  
HUMAN SERVICES.

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

Section 1. NEW SECTION. 218.58 CONSTRUCTION, REPAIR,  
AND IMPROVEMENT PROJECTS--EMERGENCIES--RULES.

1. The department shall prepare and submit to the state comptroller, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the institutions listed in section 218.1.

2. The commissioner shall have plans and specifications prepared for authorized construction, repair, or improvement projects costing over twenty-five thousand dollars. An appropriation for a project shall not be expended until the department has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a registered architect or registered professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

The commissioner may employ a registered architect or registered professional engineer, and other technical staff necessary to complete authorized projects. The commissioner may secure consultant architectural or engineering services required to complete authorized projects.

3. The commissioner shall let all contracts under chapter 23 for authorized construction, repair, or improvement of

departmental buildings, grounds, or equipment. The department may advertise in a newspaper published at the seat of government in lieu of advertising in a newspaper in the county in which a project is located.

4. If the commissioner determines that emergency repairs or improvements estimated to cost more than twenty-five thousand dollars are necessary to assure the continued operation of a departmental institution, the requirements of subsections 2 and 3 for preparation of plans and specifications and competitive procurement procedures are waived. The commissioner's determination of necessity for waiver shall be in writing and shall be entered in the project record for emergency repairs or improvements. Emergency repairs or improvements shall be accomplished using plans and specifications and competitive procurement procedures to the greatest extent possible, considering the necessity for rapid completion of the project. A waiver of the requirements of subsections 2 and 3 does not authorize an expenditure in excess of an amount otherwise authorized for the repair or improvement.

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section 8.15, certified by the claimant and the architect or engineer in charge, and audited and approved by the department. Upon approval by the department, the voucher shall be forwarded to the state comptroller, who shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

6. Subject to the prior approval of the director in control of a departmental institution, minor projects costing five thousand dollars or less may be authorized and completed by the executive head of the institution through the use of day labor. A contract is not required if a minor project is to be completed with the use of inmate labor.

7. The department shall adopt rules pursuant to chapter 17A for construction, repair, and improvement projects, relating to programming and design, the bidding and letting of contracts, procurement and construction management operations, consultant services, and emergency repairs and improvements.

Sec. 2. Sections 218.59, 218.60, 218.62, and 218.63, Code 1983, are repealed. Sections 218.58, 218.61, and 218.64, Code Supplement 1983, are repealed.

---

ROBERT T. ANDERSON  
President of the Senate

---

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 465, Seventieth General Assembly.

---

K. MARIE THAYER  
Secretary of the Senate

Approved May 11, 1984

---

TERRY E. BRANSTAD  
Governor