

27—6.2 (17A,26,161A,159,207,208) Contracts for public improvements.

6.2(1) *Definition.* As used in these rules, “public improvement” means any building or construction work, including abandoned mined land reclamation and maintenance, to be paid for in whole or in part by the use of state funds. Iowa Code section 73A.21, relating to reciprocal resident bidder preference, shall apply to division contracts for public improvements.

6.2(2) *Invitation for bids.* When the total estimated cost of a public improvement project exceeds the sum of \$100,000, the division shall advertise for sealed bids by posting a notice of “Invitation for Bids” on the department’s Web site, a relevant contractor plan room service with statewide circulation and a relevant construction lead generating service with statewide circulation not less than 13 days prior to the date set for receiving bids. Plans, specifications and the contract form shall be provided to all prospective bidders as provided in the invitation for bids.

6.2(3) *Invitation for bids.* The invitation for bids must state the following items:

- a. The time and place for filing sealed proposals.
- b. The time and place sealed proposals will be opened and considered on behalf of the division.
- c. The location and general nature of the public improvement on which bids are requested.
- d. The general terms when the work must be commenced and when it must be completed.
- e. Any further information or requirements which the division deems pertinent or advisable.

All sealed bids shall be publicly opened as specified in the invitation to bidders. The bids shall be tabulated and made available in a written form to any interested party.

6.2(4) *Solicitation of quotations.* Competitive quotations may be solicited on public improvement projects estimated by the division to cost less than \$100,000. At least three quotations shall be solicited unless there are an insufficient number of local, qualified contractors interested in the project.

6.2(5) *Failure to receive a qualified bid or quotation.* In the event that no qualified sealed bids or quotations are received, the division may negotiate a contract with a qualified contractor.

6.2(6) *Exceptions to the requirement for bids or quotations.* The administrator may authorize the negotiation of a contract for a public improvement project without first soliciting quotations or advertising for bids under the following circumstances.

a. If the contemplated project involves the provision of utility services or the construction of a utility system and it would not be practicable to allow someone other than the utility company to perform the work.

b. Where competition is precluded because of patent rights, secret processes, or control of basic raw materials.

c. Where the project involves work of such a specialized nature that only one firm or person can reasonably be expected to accomplish it.

d. Where the service or product is provided by a nonprofit private corporation, a government body or an educational institution.

e. When emergency repair of a public improvement is necessary and delay for advertising or solicitation of quotations might cause serious loss or injury to the state.