

February 13, 1963.
Cities and Towns.

Pass 2/26

House File 236 *Substituted*
By RILEY, DUFFY, DENMAN, *for S.F. 390*
FRAZIER and PAUL. *3/28*

Passed House, Date *3-25-63*

Passed Senate, Date *3-28-63*

Vote: Ayes *97* Nays *0*

Vote: Ayes *46* Nays *0*

Approved *4-4-63*

Passed on file 3/25

A BILL FOR

An Act to amend chapters three hundred ninety-one (391), three hundred ninety-one A (391A) and four hundred seventeen (417), Code 1962, relating to resolutions of necessity and award of contracts for public improvements in cities and towns.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section three hundred ninety-one point
2 eighteen (391.18), Code 1962, is amended by adding at the end
3 thereof the following:

4 "The council may include any number of streets for
5 improvement in one resolution of necessity and may include
6 any number of sewer lines for improvement in one resolution
7 of necessity."

1 Sec. 2. Section three hundred ninety-one point thirty-
2 one (391.31), Code 1962, is amended by adding at the end
3 thereof the following:

4 "A city or town, in its notice to bidders, may request
5 aggregate bids for all projects included in any resolution of
6 necessity, notwithstanding variations in the sizes of the
7 improvements and notwithstanding that some parts of the
8 improvement are assessable and some non-assessable, and may
9 award the contract to the bidder submitting the lowest
10 aggregate bid."

1 Sec. 3. Section three hundred ninety-one A point twelve

2 (391A.12), Code 1962, is amended by adding at the end thereof
3 the following:

4 "The council may include any number of streets for
5 improvement in one resolution of necessity and may include
6 any number of sewer lines for improvement in one resolution
7 of necessity."

1 Sec. 4. Section three hundred ninety-one A point seventeen
2 (391A.17), Code 1962, is amended by inserting after the word
3 "provided." in line nine (9) the following:

4 "A city or town, in its notice to bidders, may request
5 aggregate bids for all projects included in any resolution
6 of necessity, notwithstanding variations in the sizes of the
7 improvements and notwithstanding that some parts of the
8 improvement are assessable and some non-assessable, and may
9 award the contract to the bidder submitting the lowest
10 aggregate bid."

1 Sec. 5. Section four hundred seventeen point seventeen
2 (417.17), Code 1962, is amended by adding at the end thereof
3 the following:

4 "The council may include any number of streets for
5 improvement in one resolution of necessity and may include
6 any number of sewer lines for improvement in one resolution
7 of necessity."

1 Sec. 6. Section four hundred seventeen point fifty-one
2 (417.51), Code 1962, is amended by adding at the end thereof
3 the following:

4 "A city or town, in its notice to bidders, may request
5 aggregate bids for all projects included in any resolution
6 of necessity, notwithstanding variations in the sizes of

- 7 the improvements and notwithstanding that some parts of the
- 8 improvement are assessable and some non-assessable, and may
- 9 award the contract to the bidder submitting the lowest
- 10 aggregate bid.”

EXPLANATION OF HOUSE FILE 236

The law relating to special assessments has been interpreted to require cities and towns to take separate bids on separate parts of street and sanitary sewer projects. For example, a project may include several widths of streets, several thicknesses of pavement and several sizes of sewer pipe.

Also under the present law, the cost of such things as bringing a street to grade, removing trees and other work preparatory to paving is not assessable against the benefited property and must be paid for with city funds. Separate bids must be taken for the assessable portion of such projects and also for the non-assessable portion. This results oftentimes in the work being awarded to more than one contractor for the same project with resultant delays, interference, duplication of machinery and lack of coordination in work schedules.

The proposed bill would promote efficiency and economy on these projects by permitting cities and towns to include the various parts of a project in one resolution of necessity and to award the bid to the lowest aggregate bidder. Separate resolutions of necessity would still be required (1) for street projects and (2) for sanitary sewer projects.