

Reprinted

JAN 26 1990

Place On Calendar

HOUSE FILE 2201
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 553)

Passed House, Date 2/20/90 (p. 480) Passed Senate, Date _____
Vote: Ayes 57 Nays 39 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disclosure of the names of all
2 subcontractors by bidders on a state procurement contract.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2201

1 Section 1. Section 18.6, Code Supplement 1989, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 14. Bidders on state procurement
4 contracts shall disclose on their bids the names of all
5 subcontractors which will work on the project being bid. A
6 general contractor who is awarded the contract shall notify
7 the subcontractor in writing of the award of the contract. A
8 subcontractor upon being notified that the general contractor
9 has been awarded the contract, shall notify the general
10 contractor within ten business days of the subcontractor's
11 intention to perform the subcontracting work. If a
12 subcontractor does not respond in ten business days or
13 notifies the general contractor that the subcontractor cannot
14 perform the work, the general contractor may contract with
15 another subcontractor to perform the work.

16 EXPLANATION

17 This bill requires bidders on state procurement contracts
18 to disclose on their bids the names of all subcontractors
19 which will work on the projects. A general contractor who
20 wins the bid must notify the subcontractors listed on the bid.
21 A subcontractor upon being notified has 10 business days to
22 notify the general contractor of the subcontractor's intention
23 to perform the work. If the subcontractor does not respond in
24 10 days, or cannot perform the work, the general contractor
25 may hire another subcontractor to do the work.

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HOUSE FILE 2201
FISCAL NOTE

A fiscal note for HOUSE FILE 2201 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House file 2201 amends section 18.6, Code of Iowa to require bidders on state procurement contracts to disclose on their bids the names of all subcontractors which will work on the project.

Fiscal Effect

House file 2201 would have no measurable fiscal impact on state appropriations.

(Source: Department of General Services)

(LSB 7775hv, PWA)

FILED FEBRUARY 1, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2201

-5157

Amend House File 2201 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 18.6, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14. A bidder awarded a state procurement contract shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract.

If a subcontractor named by a bidder awarded a state procurement contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

Sec. 2. Section 262.34, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A bidder awarded a contract shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

Sec. 3. NEW SECTION. 307.49 CONTRACT BIDS.

A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

Sec. 4. NEW SECTION. 601L.3A CONTRACT BIDS.

A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost."

2. Title page, line 1, by inserting after the word "names" the following: "and certain contract costs".

By PETERS of Woodbury

5157 FILED FEBRUARY 15, 1990

Adopted 2/20 (p. 48)

Am. December 2/22 Do Pass 3/12 (p. 982)

HOUSE FILE 2201
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 553)

(As Amended and Passed by the House February 20, 1990)

RePassed House, ^{per H-5840} Date 3/28/90 (p. 1508) Passed Senate, ^{as amended} Date 3/22/90 (p. 1264)
Vote: Ayes 60 Nays 35 Vote: Ayes 43 Nays 0
Approved April 6, 1990

A BILL FOR

1 An Act relating to the disclosure of the names and certain
2 contract costs of all subcontractors by bidders on a state
3 procurement contract.

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

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House Amendments _____

1 Section 1. Section 18.6, Code Supplement 1989, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 14. A bidder awarded a state procurement
4 contract shall disclose the names of all subcontractors, who
5 will work on the project being bid, within forty-eight hours
6 after the award of the contract.

7 If a subcontractor named by a bidder awarded a state
8 procurement contract is replaced, or if the cost of work to be
9 done by a subcontractor is reduced, the bidder shall disclose
10 the name of the new subcontractor or the amount of the reduced
11 cost.

12 Sec. 2. Section 262.34, Code 1989, is amended by adding
13 the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A bidder awarded a contract
15 shall disclose the names of all subcontractors, who will work
16 on the project being bid, within forty-eight hours after the
17 award of the contract. If a subcontractor named by a bidder
18 awarded a contract is replaced, or if the cost of work to be
19 done by a subcontractor is reduced, the bidder shall disclose
20 the name of the new subcontractor or the amount of the reduced
21 cost.

22 Sec. 3. NEW SECTION. 307.49 CONTRACT BIDS.

23 A bidder awarded a contract with the department shall
24 disclose the names of all subcontractors, who will work on the
25 project being bid, within forty-eight hours after the award of
26 the contract. If a subcontractor named by a bidder awarded a
27 contract is replaced, or if the cost of work to be done by a
28 subcontractor is reduced, the bidder shall disclose the name
29 of the new subcontractor or the amount of the reduced cost.

30 Sec. 4. NEW SECTION. 601L.3A CONTRACT BIDS.

31 A bidder awarded a contract with the department shall
32 disclose the names of all subcontractors, who will work on the
33 project being bid, within forty-eight hours after the award of
34 the contract. If a subcontractor named by a bidder awarded a
35 contract is replaced, or if the cost of work to be done by a

1 subcontractor is reduced, the bidder shall disclose the name
2 of the new subcontractor or the amount of the reduced cost.

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SENATE AMENDMENT TO HOUSE FILE 2201

H-5840

1 Amend House File 2201, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 3, by striking the word
4 "procurement" and inserting the following:
5 "construction".

6 2. Page 1, line 8, by striking the word
7 "procurement" and inserting the following:
8 "construction".

9 3. Page 1, line 25, by inserting after the word
10 "bid" the following: "or who the bidder anticipates
11 will work on the project being bid".

12 4. Page 1, by inserting after line 29, the
13 following: "If a subcontractor is added by a bidder
14 awarded a contract, the bidder shall disclose the name
15 of the new subcontractor."

16 5. Page 1, by inserting after line 29 the
17 following:

18 "Sec. ____ . NEW SECTION. 314.15 DISADVANTAGED
19 BUSINESS ENTERPRISES -- RULES. The department of
20 transportation shall promulgate rules establishing
21 affirmative action requirements to encourage and
22 increase participation of disadvantaged individuals in
23 business enterprises in all federal aid projects made
24 available by and through the department.

25 6. Title page, line 3, by striking the word
26 "procurement" and inserting the following:
27 "construction".

28 7. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5840 FILED MARCH 23, 1990

House concurred 3/28 (p. 1508)

HOUSE FILE 2201

S-5525

1 Amend House File 2201, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "Sec. ____ . NEW SECTION. 314.15 DISADVANTAGED
6 BUSINESS ENTERPRISES -- RULES. The department of
7 transportation shall promulgate rules establishing
8 affirmative action requirements to encourage and
9 increase participation of disadvantaged individuals in
10 business enterprises in all federal aid projects made
11 available by and through the department.

By BERL E. PRIEBE
DALE L. TIEDEN

RICHARD F. DRAKE
DONALD V. DOYLE

S-5525 FILED MARCH 16, 1990

Adopted 3/22 (p. 1264)

HOUSE FILE 2201

S-5539

1 Amend House File 2201, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 3, by striking the word
4 "procurement" and inserting the following:
5 "construction".

6 2. Page 1, line 8, by striking the word
7 "procurement" and inserting the following:
8 "construction".

9 3. Page 1, line 25, by inserting after the word
10 "bid" the following: "or who the bidder anticipates
11 will work on the project being bid".

12 4. Page 1, by inserting after line 29, the
13 following: "If a subcontractor is added by a bidder
14 awarded a contract, the bidder shall disclose the name
15 of the new subcontractor."

16 5. Title page, line 3, by striking the word
17 "procurement" and inserting the following:
18 "construction".

By AL STURGEON

S-5539 FILED MARCH 16, 1990

Adopted 3/22 (p. 1264)

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 2201
BY (PROPOSED COMMITTEE ON
LABOR AND INDUSTRIAL
RELATIONS BILL BY SHERZAN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disclosure of the names of all
2 subcontractors by bidders on a state procurement contract.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 18.6, Code Supplement 1989, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 14. The director shall establish rules
4 requiring bidders on state procurement contracts to disclose
5 on the bid the names of all subcontractors which will work on
6 the project.

7 EXPLANATION

8 This bill requires bidders on state procurement contracts
9 to disclose on the bids the names of all subcontractors
10 working on the projects.

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HOUSE FILE 2201

AN ACT

RELATING TO THE DISCLOSURE OF THE NAMES AND CERTAIN CONTRACT COSTS OF ALL SUBCONTRACTORS BY BIDDERS ON A STATE CONSTRUCTION CONTRACT.

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

Section 1. Section 18.6, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14. A bidder awarded a state construction contract shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract.

If a subcontractor named by a bidder awarded a state construction contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

Sec. 2. Section 262.34, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A bidder awarded a contract shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

Sec. 3. NEW SECTION. 307.49 CONTRACT BIDS.

A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid or who the bidder anticipates will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost. If a subcontractor is added by a bidder awarded a contract, the bidder shall disclose the name of the new subcontractor.

Sec. 4. NEW SECTION. 314.15 DISADVANTAGED BUSINESS ENTERPRISES -- RULES.

The department of transportation shall promulgate rules establishing affirmative action requirements to encourage and increase participation of disadvantaged individuals in business enterprises in all federal aid projects made available by and through the department.

Sec. 5. NEW SECTION. 601L.3A CONTRACT BIDS.

A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a

subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2201, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 6, 1990

TERRY E. BRANSTAD
Governor