

House File 2338 - Introduced

HOUSE FILE 2338
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 542)

(COMPANION TO SF 2170 BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

- 1 An Act modifying the notice requirements for public improvement
- 2 projects.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 26.3, subsection 1, Code 2016, is amended
2 to read as follows:

3 1. If the estimated total cost of a public improvement
4 exceeds the competitive bid threshold of one hundred thousand
5 dollars, or the adjusted competitive bid threshold established
6 in [section 314.1B](#), the governmental entity shall advertise for
7 sealed bids for the proposed public improvement by ~~publishing~~
8 posting a notice to bidders. ~~The notice to bidders shall be~~
9 ~~published at least once, not less than four~~ twenty and not
10 more than forty-five days before the date for filing bids, ~~in~~
11 ~~a newspaper published at least once weekly and having general~~
12 ~~circulation in the geographic area served by the governmental~~
13 ~~entity. Additionally, the governmental entity may publish~~
14 ~~a notice in a relevant contractor organization publication~~
15 ~~and a relevant contractor plan room service with statewide~~
16 ~~circulation, provided that a notice is posted~~ and on an
17 internet site sponsored by either a governmental entity or a
18 statewide association that represents the governmental entity.
19 If circumstances beyond the control of the governmental entity
20 cause a scheduled bid letting to be postponed and there are
21 no changes to the project's contract documents, a notice to
22 bidders of the revised date shall be posted not less than four
23 and not more than forty-five days before the revised date for
24 filing bids in a relevant contractor organization publication
25 and a relevant contractor plan room service with statewide
26 circulation and on an internet site sponsored by either a
27 governmental entity or a statewide association that represents
28 the governmental entity.

29 Sec. 2. Section 26.12, Code 2016, is amended to read as
30 follows:

31 **26.12 When hearing necessary.**

32 If the estimated total cost of a public improvement exceeds
33 the competitive bid threshold in [section 26.3](#), or as adjusted
34 in [section 314.1B](#), the governmental entity shall not enter into
35 a contract for the public improvement until the governmental

1 entity has held a public hearing and has approved the proposed
 2 plans, specifications, and form of contract, and estimated
 3 total cost of the public improvement. Notice of the hearing
 4 must be published as provided in [section 362.3](#) and shall
 5 include a description of the public improvement and its
 6 location. At the hearing, any interested person may appear
 7 and file objections to the proposed plans, specifications,
 8 contract, or estimated cost of the public improvement. After
 9 hearing objections, the governmental entity shall by resolution
 10 enter its decision on the plans, specifications, contract, and
 11 estimated cost. [This section](#) does not apply to the state.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
 14 the explanation's substance by the members of the general assembly.

15 Current law requires that a governmental entity must
 16 advertise for sealed bids on public improvements at least four
 17 days before the date for filing bids. This bill requires a
 18 governmental entity to advertise at least 20 days before the
 19 date for filing bids.

20 The bill removes a requirement that the advertisement for
 21 bids be published at least once weekly in a newspaper with
 22 general circulation in the geographic area served by the
 23 governmental entity. The bill requires that the advertisement
 24 be posted in a relevant contractor organization publication
 25 and a relevant contractor plan room service with statewide
 26 circulation and on the internet site of a governmental entity
 27 or a statewide association representing the governmental
 28 entity.

29 The bill also provides that if circumstances beyond the
 30 governmental entity's control cause a bid letting to be
 31 postponed without changing the project's contract documents,
 32 the bid must be advertised at least four days before and not
 33 more than 45 days after the date for filing bids, and must be
 34 posted in the same manner as described above.