

CHAPTER 28
CONSTRUCTION, REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

S. F. 146

AN ACT relating to procedures for construction, repair and improvement of public buildings.

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

Section 1. Section 23.2, Code 1981, is amended to read as follows:

23.2 NOTICE OF HEARING. Before any municipality shall enter into any contract for any public improvement to cost ~~five~~ twenty-five thousand dollars or more, the governing body proposing to make ~~such the~~ contract shall adopt proposed plans and specifications and proposed form of contract ~~therefor~~, fix a time and place for hearing ~~thereon~~ at ~~such the~~ municipality affected ~~thereby~~ or other nearby convenient place, and give notice ~~thereof~~ by publication in at least one newspaper of general circulation in ~~such the~~ municipality at least ten days before ~~said the~~ hearing.

Sec. 2. Section 23.18, Code 1981, is amended to read as follows:

23.18 BIDS REQUIRED--PROCEDURE. When the estimated total cost of construction, erection, demolition, alteration or repair of any public improvement exceeds ~~five~~ twenty-five thousand dollars, the municipality shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done, the first of which shall be not less than fifteen days prior to the date set for receiving bids, and shall let the work to the lowest responsible bidder submitting a sealed proposal, ~~provided, however,~~ However, if in the judgment of the municipality bids received ~~be are~~ not acceptable, all bids may be rejected and new bids requested. All bids must be accompanied, in a separate envelope, by a deposit of money or certified check in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The municipality shall fix ~~said the~~ bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The checks or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check or deposit of money of the successful bidder shall be returned upon execution of the contract documents. This section shall not apply to the construction, erection, demolition, alteration or repair of any public improvement when the contracting procedure for the doing of the work is provided for in another provision of law.

Sec. 3. Section 111A.6, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1014, is amended to read as follows:

Upon the adoption by a county of this chapter, the county board of supervisors may appropriate an amount of money as provided in section 423,

subsection 3, paragraph d, of this Act. The board of supervisors may levy an annual tax as provided in section 421, subsection 6, of this Act. The board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual levy nor to extend over a period of more than ten years ~~unless the purchases are~~. The county conservation board shall not otherwise contract an obligation in excess of the moneys immediately available for the purposes of that obligation except for projects to be financed from unobligated funds and or committed federal matching or state grants. The county conservation board is subject to the contract letting procedures in section 340, subsections 1, 2, and 4, of this Act. Gifts, contributions and bequests of money and rent, licenses, fees, charges, and other revenue received by the county conservation board shall be used for the purchase of ~~land, property, and equipment~~ and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified. Upon request of the county conservation board, the county board of supervisors may issue general county purpose bonds for the purposes in section 440, subsection 2, paragraph c, subparagraph (2), of this Act as provided in sections 441 and 443 through 448 of this Act.

Sec. 4. Section 218.59, Code 1981, is amended to read as follows:

218.59 PLANS AND SPECIFICATIONS. ~~Said~~ The commissioner shall cause plans and specifications to be prepared for all improvements authorized and costing over ~~five~~ twenty-five thousand dollars. No appropriation for any improvement shall be expended until the adoption of suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of ~~such~~ the improvement.

No plans shall be adopted, and no improvement shall be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 5. Section 218.60, Code 1981, is amended to read as follows:

218.60 LETTING OF CONTRACTS--REPAIRS OR ALTERATIONS. The commissioner shall, in writing, let all contracts for authorized improvements costing in excess of ~~five~~ twenty-five thousand dollars to the lowest responsible bidder, after such advertisement for bids as the commissioner may deem proper in order to secure full competition. The commissioner may reject all bids and readvertise. ~~Provided,--however,--if--the--improvement--be--the--repair--or--alteration--of--any--building--or--grounds--and--is--not--new--construction--and--the--estimated--cost--thereof--does--not--exceed--twenty-five--thousand--dollars,--the--commissioner--with--the--approval--of--the--executive--council--may--proceed--with--such--repairs--or--alterations--under--a--negotiated--contract--on--such--terms--as--the--commissioner--and--the--executive--council--may--determine--to--be--for--the--best--interests--of--the--state.~~

Sec. 6. Section 262.34, Code 1981, is amended to read as follows:

262.34 IMPROVEMENTS--ADVERTISEMENT FOR BIDS. When the estimated cost of construction, repairs, or improvement of buildings or grounds under charge of the state board of regents ~~shall exceed ten~~ exceeds twenty-five thousand dollars, the ~~said~~ board shall advertise for bids for the contemplated

improvement or construction and shall let the work to the lowest responsible bidder, ~~provided, however,~~ However, if in the judgment of the board bids received be are not acceptable, the ~~said~~ board may reject all bids and proceed with the construction, repair, or improvement by such method as the board may determine. All plans and specifications for repairs or construction, together with bids thereon, shall be filed by the board and be open for public inspection. All bids submitted under ~~the provisions of~~ this section shall be accompanied by a deposit of money or a certified check in such an amount as the board may prescribe.

Sec. 7. Section 297.7, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. Sections 23.2 and 23.18 are applicable to the construction and repair of school buildings. Before construction of a school building for which the cost of construction exceeds twenty-five thousand dollars, the board of directors of a school district shall send a copy of the plans to the building consultant in the department of public instruction for review. The board of directors may submit for review a copy of the plans for repair or renovation of a school building. The building consultant shall return the plans together with any recommendations to the board of directors within thirty days following the receipt of the plans.

Sec. 8. Section 297.8, Code 1981, is amended to read as follows:

297.8 EMERGENCY REPAIRS. When emergency repairs costing more than ~~twenty~~ twenty-five thousand dollars are necessary in order to prevent the closing of any school, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to prevent the closing of the school.

Sec. 9. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 423, subsection 3, paragraph d, is amended to read as follows:

d. To the county conservation fund, for the maintenance of lands under the jurisdiction of the state conservation commission, by agreement under section 111.27, and for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board, without approval of the state appeal board, may temporarily transfer unobligated moneys to the county conservation fund in anticipation of or to match committed receipts of private assistance or federal or state aid funds ~~from the--heritage--conservation-and-recreation-service~~, the moneys to be returned to the general fund within five years or upon receipt of federal or state funds, if that occurs first.

Approved June 14, 1981