

INSTRUCTIONS TO BIDDERS

Activity ID 04-2020-020
Project Name 2020 Downtown Railroad Crossing Improvements
Fed/St. Project No.

The work comprising the above referenced project shall be constructed in accordance with the SUDAS Standard Specifications, 2019 Edition; and as further modified by the supplemental specifications and special provisions included in the contract documents. The Des Moines City Engineer is the Engineer. The terms used in the contract documents are defined in said SUDAS Standard Specifications. The City of Des Moines is the Contracting Authority on this project and shall hereinafter be referred to as the "Jurisdiction". Before submitting your bid, please review the SUDAS Standard Specifications, in particular, Division 1 - General Provisions and Covenants, including the sections regarding proposal requirements, bonding, contract execution and insurance requirements. Please be certain that all documents have been properly completed and submit them to the City Clerk, 1st Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 50309.

I. BID SECURITY

The bid security must be in the minimum amount of 10% of the total bid amount including all add alternates (do not deduct the amount of deduct-alternates). Bid security shall be as defined in Section 26.8 of the Iowa Code and shall be in the form of a cashier's check or certified check drawn on a state-chartered or federally chartered bank, or a certified share draft drawn on a state-chartered or federally chartered credit union, or a bid bond executed by a corporation authorized to contract as a surety in Iowa or satisfactory to the Jurisdiction. The bid bond must be submitted on the enclosed Bid Bond form (DSM Urban 04/20/98) as no other bid bond forms are acceptable. All signatures on the bid bond must be original signatures in ink; facsimile (fax) of any signature on the bid bond is not acceptable. Bid security other than said bid bond shall be made payable to the City of Des Moines. "Miscellaneous Bank Checks", and personal checks, as well as "Money Orders" and "Traveler's Checks" issued by persons, firms or corporations licensed under Chapter 533B of the Iowa Code, are not acceptable bid security. **NOTE: If the Bidder submits Bid Security in the form of a Bid Bond, and the Bidder wishes to have their Bid Bond returned to them after an approved contract and bond has been executed or after there is a rejection of all bids (in accordance with Iowa Code 26.10), the Bidder shall include a self-addressed envelope with the Bid Bond.**

II. SUBMISSION OF THE PROPOSAL AND IDENTITY OF BIDDER

- A. The proposal shall be sealed in an envelope, properly identified as the Proposal with the project title and the name and address of the bidder, and deposited with the Jurisdiction at or before the time and at the place provided in the Notice to Bidders. It is the sole responsibility of the bidder to see that its proposal is delivered to the Jurisdiction prior to the time for opening bids, along with the appropriate bid security sealed in the separate envelope identified as Bid Security and attached to the outside of the bid proposal envelope. Any proposal received after the scheduled time for the receiving of proposals will be returned to the bidder unopened and will not be considered. Bidders must either utilize the two envelopes provided with the Bidding documents, or Bidders provide their own two envelopes, for their proposals and bid security for submission of their bids.

Sales Tax: The bidder should not include sales tax in the bid pursuant to Iowa Code. A sales tax exemption certificate will be available for all material purchased for incorporation in the project.

Accessibility for individuals with disabilities. The City of Des Moines is pleased to provide accommodations to individuals with disabilities or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required.

B. All pages of the Proposal must be returned. The following documents shall be completed, signed and returned in the Proposal envelope.

PROPOSAL - Complete each of the following parts:

- Part B - Acknowledgement of Addenda, if any have been issued;
- Part C - Bid Items, Quantities and Prices;
- Part F - Additional Requirements; The following proposal attachment documents must be completed and attached:

<u>ITEM NO.</u>	<u>DESCRIPTION OF ATTACHMENT</u>
1.	Reciprocal Resident Bidder and Labor Force
2.	General
3.	Completion Provisions

- Part G - Identity of Bidder.

The Bidder shall sign the proposal. The signature on the proposal and all proposal attachments must be an original signature in ink signed by the same individual who is the Company Owner or an authorized Officer of the Company; copies or facsimile of any signature will not be accepted. The **Bidder Status Form** (PROPOSAL Part F Item 2B), is required by the Iowa Labor Commissioner, pursuant to Iowa Admin. Code rule 875-156.2(1). The Bidder must complete and submit the **Bidder Status Form**, signed by an authorized representative of the Bidder, with their bid proposal. Under Iowa Admin. Code rule 875-156.2(1), failure to provide the **Bidder Status Form** with the bid may result in the bid being deemed non-responsive and may result in the bid being rejected. The **Worksheet: Authorization to Transact Business** from the Labor Commissioner is included on page 3 of 3 of the Instructions to Bidders, to assist Bidders in completing the **Bidder Status Form**.

C. Out-of-State Contractors:

1. Pursuant to Section 91C.7 of the Iowa Code, an out-of-state contractor, before commencing a contract in excess of five thousand dollars in value in Iowa, shall file a bond with the Division of Labor Services of the Iowa Department of Workforce Development. The contractor should contact 515-242-5871 for further information. Prior to contract execution, the City Engineer may forward a copy of this contract to the Iowa Department of Workforce Development as notification of pending construction work. It is the contractor's responsibility to comply with said Section 91C.7 before commencing this work.
2. Prior to entering into contract, the designated low bidder, if it be a corporation organized under the laws of a state other than Iowa, shall file with the Engineer a certificate from the Secretary of the State of Iowa showing that it has complied with all the provisions of Chapter 490 of the Code of Iowa, or as amended, governing foreign corporations. For further information contact the Iowa Secretary of State Office at 515-281-5204.

III. GENERAL

- A. All bid documents must be submitted as printed. No alterations, additions, or deletions are permitted. If the Bidder notes a requirement in the contract documents that the Bidder believes will require a conditioned or unsolicited alternate bid, the Bidder must immediately notify the Engineer in writing. The Engineer will issue any necessary interpretation by an addendum.
- B. Additional information regarding addenda, plan holders, bid tabulations, etc. can be found on the Engineering Department web site at <<http://www.dmgov.org/Departments/Engineering/Pages/BidsContracts.aspx>>.

Worksheet: Authorization to Transact Business

This worksheet may be used to help complete Part A of the Resident Bidder Status Form. If at least one of the following describes your business, you are authorized to transact business in Iowa.

- Yes___ No___ My business is currently registered as a contractor with the Iowa Division of Labor.
- Yes___ No___ My business is a sole proprietorship and I am an Iowa resident for Iowa income tax purposes.
- Yes___ No___ My business is a general partnership or joint venture. More than 50 percent of the general partners or joint venture parties are residents of Iowa for Iowa income tax purposes.
- Yes___ No___ My business is an active corporation with the Iowa Secretary of State and has paid all fees required by the Secretary of State, has filed its most recent biennial report, and has not filed articles of dissolution.
- Yes___ No___ My business is a corporation whose articles of incorporation are filed in a state other than Iowa, the corporation has received a certificate of authority from the Iowa secretary of state, has filed its most recent biennial report with the secretary of state, and has neither received a certificate of withdrawal from the secretary of state nor had its authority revoked.
- Yes___ No___ My business is a limited liability partnership which has filed a statement of qualification in this state and the statement has not been canceled.
- Yes___ No___ My business is a limited liability partnership which has filed a statement of qualification in a state other than Iowa, has filed a statement of foreign qualification in Iowa and a statement of cancellation has not been filed.
- Yes___ No___ My business is a limited partnership or limited liability limited partnership which has filed a certificate of limited partnership in this state, and has not filed a statement of termination.
- Yes___ No___ My business is a limited partnership or a limited liability limited partnership whose certificate of limited partnership is filed in a state other than Iowa, the limited partnership or limited liability limited partnership has received notification from the Iowa secretary of state that the application for certificate of authority has been approved and no notice of cancellation has been filed by the limited partnership or the limited liability limited partnership.
- Yes___ No___ My business is a limited liability company whose certificate of organization is filed in Iowa and has not filed a statement of termination.
- Yes___ No___ My business is a limited liability company whose certificate of organization is filed in a state other than Iowa, has received a certificate of authority to transact business in Iowa and the certificate has not been revoked or canceled.



PROPOSAL

To the Honorable Mayor and Members of the
City Council, City of Des Moines, Iowa

PROPOSAL: PART A - SCOPE

The City of Des Moines, hereinafter called the "Jurisdiction", has need of a qualified contractor to complete the work comprising the below referenced improvement. The undersigned Bidder hereby proposes to complete the work comprising the below referenced improvements or project as specified in the contract documents, which are officially on file with the Jurisdiction, in the Des Moines City Engineer's Office, at the prices hereinafter provided in Part C of this Proposal, for the following described improvements:

2020 Downtown Railroad Crossing Improvements, 04-2020-020

The improvement includes pavement removal, Hot Mix Asphalt (HMA) street approaches, Portland Cement Concrete (PCC) sidewalks, curbs and medians, pavement markings, and other incidental items; in accordance with the contract documents, including Plan File Nos. 616-200/217, at the following locations along the Iowa Interstate Railroad near W. Martin Luther King Jr. Parkway at S.W. 16th Street, S.W. 12th Street, S.W. 7th Street, S.W. 6th Street, S.W. 4th Street, S.W. Water Street, and at Grand Avenue east of 63rd Street, in the City of Des Moines, Iowa

PROPOSAL: PART B - ACKNOWLEDGEMENT OF ADDENDA

The Bidder hereby acknowledges that all addenda become a part of the contract documents when issued, and that each such addendum has been received and utilized in the preparation of this bid. The Bidder hereby acknowledges receipt of the following addenda by inserting the number of each addendum in the blanks below:

ADDENDUM NUMBER _____ ADDENDUM NUMBER _____
ADDENDUM NUMBER _____ ADDENDUM NUMBER _____

and certifies that said addenda were utilized in the preparation of this bid.

PROPOSAL: PART C - BID ITEMS, QUANTITIES AND PRICES

UNIT BID PRICE CONTRACTS: The bidder must provide all unit prices, the amount, the total construction cost, any alternate price(s), and the total construction cost plus any add-alternates if there are alternates on the proposal on Proposal Attachment: Part C - Bid Items, Quantities, and Prices. The total construction cost plus any alternates selected by the Jurisdiction shall be used for comparison of bids. The total construction cost plus any add-alternates shall be used for determining the sufficiency of the bid security.

BASE BID CONTRACTS: The bidder must provide any bid price(s), the total base bid price, any alternate price(s), and the total base bid plus any add-alternates if there are alternates on the proposal on Proposal Attachment: Part C - Bid Items, Quantities, and Prices. The total base bid plus any alternates selected by the Jurisdiction shall be used for comparison of bids. The total base bid plus any add-alternates shall be used for determining the sufficiency of the bid security.

PROPOSAL: PART D - GENERAL

The Bidder hereby acknowledges that the Jurisdiction, in advertising for public bids for this project, reserves the right to:

1. Reject any or all bids. Award of the contract, if any, to be to the lowest responsible, responsive bidder; and
2. Reject any or all alternates in determining the items to be included in the contract. Designation of the lowest responsible, responsive bidder to be based on comparison of the total bid plus any selected alternates; and
3. Make such alterations in the contract documents or in the proposal quantities as it determines necessary in accordance with the contract documents after execution of the contract. Such alterations shall not be considered a waiver of any conditions of the contract documents, and shall not invalidate any of the provisions thereof; and

The Bidder hereby agrees to:

1. Enter into a contract, if this proposal is selected, in the form approved by the Jurisdiction and provide the following documents:
 - Proof of registration with the Iowa Division of Labor in accordance with Chapter 91C of the Iowa Code by providing a valid Registration Number,
 - Proof of insurance by a Certificate(s) of Insurance,
 - A performance, maintenance, and payment bond; and
2. Forfeit bid security, not as a penalty but as liquidated damages, upon failure to enter into such contract and/or to furnish said documents and information as requested in Item 1 above acceptable to the Des Moines City Engineer; and
3. Commence the work on this project on or before a date to be specified in a written notice to proceed by the Jurisdiction, and to fully complete the project not later than July 24, 2020, and in accordance with the Completion Provisions; and to pay liquidated damages for noncompliance with said completion provisions at the rate of one thousand and 00/100 dollars (\$1,000.00) for each calendar day thereafter that the work remains incomplete.

PROPOSAL: PART E - NON-COLLUSION AFFIDAVIT

The Bidder hereby certifies:

1. That this proposal is not affected by, contingent on, or dependent on any other proposal submitted for any improvement with the Jurisdiction; and
2. That no individual employed by the Bidder has employed any person to solicit or procure the work on this project, nor will any employee of the Bidder make any payment or agreement for payment of any compensation in connection with the procurement of this project; and
3. That no part of the bid price received by the Bidder was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the bid, other than the payment of their normal compensation to persons regularly employed by the Bidder whose services in connection with the construction of the project were in the regular course of their duties for the Bidder; and
4. That this proposal is genuine and not collusive or sham; that the Bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought, by agreement or collusion, or communication or conference, with any person, to fix the bid price of the Bidder or of any other bidder, and that all statements in this proposal are true; and
5. That the individual(s) executing this proposal have the authority to execute this proposal on behalf of the Bidder.

PROPOSAL: PART F - ADDITIONAL REQUIREMENTS

The Bidder hereby agrees to comply with the additional requirements listed below, which are included in this proposal and identified as proposal attachments:

<u>ITEM NO.</u>	<u>DESCRIPTION OF ATTACHMENT</u>
1.	Reciprocal Resident Bidder and Labor Force
2.	General
3.	Completion Provisions

PROPOSAL: PART G - IDENTITY OF BIDDER

The Bidder shall indicate whether the bid is submitted by a/an

- Individual, Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Company
- Joint-venture: all parties must join-in and execute all documents
- Other _____

By

Bidder

Signature

Name (Print/Type)

Title

Street Address

City, State, Zip Code

Telephone Number / Email Address

A contract will not be executed until the apparent low Bidder is registered with the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code. The Bidder should contact 515-242-5871 for registration information.

Engineering Department Staff will contact the apparent low Bidder and obtain the name and title of the company's owner, president, CEO, etc. if a different person than entered above.

NOTE: The signature on this proposal must be an original signature in ink; copies or facsimile of any signature will not be accepted.

PROPOSAL ATTACHMENT: PART C - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

This is a unit bid price contract. The bidder must provide all unit prices, the amount, the total construction cost, any alternate price(s), and the total construction cost plus any add-alternates if there are alternates on the proposal. The total construction cost plus any alternates selected by the Jurisdiction shall be used for comparison of bids. The total construction cost plus any add-alternates shall be used for determining the sufficiency of the bid security.

Activity ID 04-2020-020

<u>ITEM</u>	<u>ITEM CODE</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
0001	2010-108-E	Earthwork	LS	1.00	\$ _____	\$ _____
0002	6010-108-E	Manhole Adjustment, Minor	EA	2.00	\$ _____	\$ _____
0003	7010-108-A	Pavement, PCC, 8"	SY	38.00	\$ _____	\$ _____
0004	7010-108-F	Beam Curb	LF	123.00	\$ _____	\$ _____
0005	7010-108-G	Concrete Median	SY	5.00	\$ _____	\$ _____
0006	7020-108-E	HMA Railroad Crossing Approach, 16 in	TON	364.00	\$ _____	\$ _____
0007 *	7030-108-A	Removal of Sidewalk	SY	346.00	\$ _____	\$ _____
0008 *	7030-108-B	Removal of Curb	LF	123.00	\$ _____	\$ _____
0009	7030-108-E	Sidewalk, PCC, 6 in.	SY	240.00	\$ _____	\$ _____
0010	7030-108-E	Sidewalk, PCC, 6 in., Class A	SY	45.00	\$ _____	\$ _____
0011	7030-108-G	Detectable Warning	SF	250.00	\$ _____	\$ _____
0012 *	7040-108-H	Pavement Removal	SY	453.00	\$ _____	\$ _____
0013	8020-108-G	Painted Pavement Symbols, Waterborne	EA	3.00	\$ _____	\$ _____
0014 *	8030-108-A	Traffic Control	LS	1.00	\$ _____	\$ _____
0015 *	11,020-108-A	Mobilization and Railroad Coordination	LS	1.00	\$ _____	\$ _____
0016 *	11,050-108-A	Concrete Washout	LS	1.00	\$ _____	\$ _____
0017 *	Est. Ref. Notes	Railroad Protection Liability Insurance	LS	1.00	\$ _____	\$ _____
TOTAL CONSTRUCTION COST						\$ _____

*Item does not have to be included in 4-year maintenance bond but shall be covered by a 1-year maintenance bond.

NOTE: It is understood that the above quantities are estimated for the purpose of this bid. All quantities are subject to revision by the City. Quantity changes which amount to twenty (20) percent or less of the total bid shall not affect the unit bid price of that item.

PROPOSAL ATTACHMENT: PART F - ADDITIONAL REQUIREMENTS
ITEM 1 - RECIPROCAL RESIDENT BIDDER AND LABOR FORCE

Iowa Code section 73A.21 provides for a Reciprocal Resident Bidder and Labor Force preference.

Because of the nature of this project (i.e. Federal-aid participation), the Reciprocal Resident Bidder and Labor Force preference,

shall not apply to this project, and the bidder need not complete the Resident Bidder Information below.

shall apply to this project, and the bidder shall complete the Resident Bidder Information below.

To implement section 73A.21, the Iowa Labor Commissioner adopted chapter 156 of the Iowa Administrative Code, "Bidder Preferences in Government Contracting". Iowa Admin. Code rule 875-156.2(1) requires each bidder to complete the attached Bidder Status Form. The Bidder must complete and submit the Bidder Status Form, signed by an authorized representative of the bidder, with their bid Proposal. Under Iowa Admin. Code rule 875-156.2(1), failure to provide the statement with the bid may result in the bid being deemed nonresponsive and may result in the bid being rejected.

Bidder Status Form

To be completed by all bidders

Part A

Please answer "Yes" or "No" for each of the following:

- Yes _____ No _____ My company is authorized to transact business in Iowa.
(To help you determine if your company is authorized, please review the "Worksheet: Authorization to Transact Business", on page 3 of the "Instructions to Bidders".)
- Yes _____ No _____ My company has an office to transact business in Iowa.
- Yes _____ No _____ My company's office in Iowa is suitable for more than receiving mail, telephone calls, and e-mail.
- Yes _____ No _____ My company has been conducting business in Iowa for at least 3 years prior to the first request for bids on this project.
- Yes _____ No _____ My company is not a subsidiary of another business entity or my company is a subsidiary of another business entity that would qualify as a resident bidder in Iowa.

If you answered "Yes" for each question above, your company qualifies as a resident bidder. Please complete Parts B and D of this form.

If you answered "No" to one or more questions above, your company is a nonresident bidder. Please complete Parts C and D of this form.

To be completed by resident bidders

Part B

My company has maintained offices in Iowa during the past 3 years at the following addresses:

- Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: _____
City, State, Zip: _____
- Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: _____
City, State, Zip: _____
- Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: _____
City, State, Zip: _____

You may attach additional sheet(s) if needed.

To be completed by non-resident bidders

Part C

1. Name of home state or foreign country reported to the Iowa Secretary of State: _____
2. Does your company's home state or foreign country offer preferences to bidders who are residents? Yes ___ No ___
3. If you answered "Yes" to question 2, identify each preference offered by your company's home state or foreign country and the appropriate legal citation.

You may attach additional sheet(s) if needed.

To be completed by all bidders

Part D

I certify that the statements made on this document are true and complete to the best of my knowledge and I know that my failure to provide accurate and truthful information may be a reason to reject my bid.
Firm Name: _____

Signature: _____ Date: _____

You must submit the completed form to the governmental body requesting bids per 875 Iowa Administrative Code Chapter 156.

This form has been approved by the Iowa Labor Commissioner.

309-6001 02-14

**PROPOSAL ATTACHMENT: PART F - ADDITIONAL REQUIREMENTS
ITEM 2 - GENERAL**

1. The work under this proposal shall be constructed in accordance with the SUDAS Standard Specifications, 2019 Edition, and as further modified by the supplemental specifications and special provisions included in the contract documents.

Alternate Sales Tax:

Section 1020, 1.08, B, of the Supplemental Specifications shall apply. The bidder should not include sales tax in the bid. A sales tax exemption certificate will be available for all material purchased for incorporation in the project.

2. The Bidder hereby acknowledges that the City of Des Moines in advertising for public bids for this work reserves the right to give a limited notice to proceed of a duration not longer than three months. This limited notice to proceed shall be given where all necessary right-of-way has not yet been acquired. The limited notice to proceed will allow construction to proceed as far as possible and practical on the right-of-way, which has been acquired.
3. The Bidder hereby acknowledged and agrees:
 - To comply with the Equal Employment Opportunity Program included in the City of Des Moines Contract Compliance Program, which is available at the following website <[http://www.dmgov.org/Departments/Engineering/PDF/Contract%20Compliance%20Program%20\(June%202017\).pdf](http://www.dmgov.org/Departments/Engineering/PDF/Contract%20Compliance%20Program%20(June%202017).pdf)> or from the City Engineer's Office.
 - To comply with any and all applicable provisions of the Des Moines Human Rights Ordinance, Chapter 62, of the Des Moines Municipal Code.
 - Not to discriminate against any employees, or applicants for employment, on the basis of age, race, religion, creed, color, sex, sexual orientation, national origin, ancestry, disability, familial status or gender identity.
4. The City's Overall Annual DBE/TSB Goal for calendar year 2020 is 5.94%, which represents a target that the City would like to achieve in including DBE/TSB participation on City contracts; and is not a mandatory goal for this project. The Certified Directory of DBEs is available at the following website <<https://secure.iowadot.gov/DBE/Directory/Index/>>. The Certified Directory of TSBs is available at the following website <<https://iowaeda.dynamics365portals.us/tsb-search/>>

**PROPOSAL ATTACHMENT: PART F - ADDITIONAL REQUIREMENTS
ITEM 3 - COMPLETION PROVISIONS**

The bidder hereby agrees to commence and complete the work in accordance with the attached Completion Provisions

**PROPOSAL ATTACHMENT: PART F – ADDITIONAL REQUIREMENTS
ITEM 3 – COMPLETION PROVISIONS**

The Bidder hereby agrees to:

1. Once the Notice to Proceed has been issued, the Railroad will notify the City and Contractor a minimum of 14 calendar days prior to the start date of the first railroad crossing. The Railroad anticipates work will commence early June 2020 and anticipates will be fully completed by July 24, 2020.
2. Undertake and schedule work in compliance with intermediate completion provisions as described below. The work to be completed by the intermediate completion date shall be such work as required to satisfy the intermediate completion date description.

Intermediate Completion Date:

The Contractor shall coordinate with the Railroad to complete all work necessary to return traffic to normal operations within 7 calendar days after the start date of each crossing. The anticipated work for the Railroad is estimated to be 2 to 3 calendar days for each crossing. Saturday and Sunday will be considered working days if conditions are suitable to work, except during large City weekend events that will require temporary suspension of activities and temporary tear down of the traffic control. Such events include but are not limited to, the Ironman Triathlon on the weekend of June 21, 2020. Crossing sites are to be worked on consecutively in a sequence determined by the Railroad and Engineer.

The Contractor shall complete all work necessary to return traffic to normal operations within seven calendar days for each crossing, unless authorized by the Engineer; and to pay liquidated damages for noncompliance with said completion provision in the amount of one thousand and no/100 dollars (\$1000.00) for each calendar day thereafter.

3. Work at two different crossing sites concurrently is allowed if one of the sites has returned traffic to normal operations. This is to allow work to be completed outside of the drive lanes of the site open to traffic.
4. If the Contractor fails to properly coordinate with the Railroad and is not available when the Railroad has completed crossings, the Contractor will be required to coordinate and obtain any additional necessary permits, flaggers, insurance, etc. required by the Railroad to complete the work within the Railroad Right-of-Way at no additional cost to the City.
5. Pay separate sums of liquidated damages that will be assessed for each of the conditions described hereinbefore, and they shall be cumulative if multiple conditions have not been satisfied.



BID BOND

KNOW ALL BY THESE PRESENTS:

That we, _____, as Principal, and
_____, as Surety, are held and firmly
bound unto the City of Des Moines, as Obligee (hereinafter the "Jurisdiction"), in the penal sum of
_____ dollars

(\$ _____) lawful money of the United States, for which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns jointly and severally, firmly by these presents.

The Principal has submitted to the Jurisdiction a proposal to enter into a contract in writing, for the following described improvements:

2020 Downtown Railroad Crossing Improvements, 04-2020-020

The improvement includes pavement removal, Hot Mix Asphalt (HMA) street approaches, Portland Cement Concrete (PCC) sidewalks, curbs and medians, pavement markings, and other incidental items; in accordance with the contract documents, including Plan File Nos. 616-200/217, at the following locations along the Iowa Interstate Railroad near W. Martin Luther King Jr. Parkway at S.W. 16th Street, S.W. 12th Street, S.W. 7th Street, S.W. 6th Street, S.W. 4th Street, S.W. Water Street, and at Grand Avenue east of 63rd Street, in the City of Des Moines, Iowa

The Surety hereby stipulates and agrees that the obligations of the Surety and its Bond will be in no way impaired or affected by any extension of the time within which the Jurisdiction may accept the Bid or execute a Contract; and the Surety does hereby waive notice of any such extension.

In the event that any actions or proceedings are initiated with respect to this Bond, the parties agree that the venue will be Polk County, State of Iowa. If legal action is required by the Jurisdiction against the Surety or Principal to enforce the provisions of this bond or to collect the monetary obligation accruing to the benefit of the Jurisdiction, the Surety or Principal agrees to pay the Jurisdiction all outlay and expense incurred by the Jurisdiction in enforcing any of the provisions of this Bond. All rights, powers, and remedies of the Jurisdiction are cumulative and not alternative and are in addition to all rights, powers and remedies given to the Jurisdiction by law. The Jurisdiction may proceed against the Surety for any amount guaranteed hereunder whether action is brought against Principal or whether or not the Principal is joined in the action. As used herein, the phrase "all outlay and expense" is not to be limited in any way, but includes the actual and reasonable costs and expenses incurred by the Jurisdiction including interest, benefits and overhead where applicable. Accordingly, "all outlay and expense" would include but not be limited to all contract or employee expense, outside experts, attorneys fees (including overhead expenses of the Jurisdiction's staff attorneys), and all costs and expenses of litigation as they are incurred by the Jurisdiction.

If the proposal by the Principal is accepted and the Principal enters into a contract with the Jurisdiction in accordance with the terms of the proposal, including the provision of insurance and bond as specified in the contract documents with good and sufficient surety for the faithful performance of the contract, for the prompt payment of labor and material furnished in the prosecution of the work, and for the maintenance of the improvements as may be required in the contract documents or, in the event the Principal does not enter into a contract and provide the required insurance and bonds, the Principal pays the penal sum to the Jurisdiction, then this obligation will become null and void; otherwise, the Surety shall pay to the Jurisdiction the full amount of the bid bond, together with court costs, attorney's fees, and any other expense of recovery.

Signed and sealed this _____ day of _____, 20 _____

SURETY:

Surety Company

By _____

Signature Attorney-in-Fact/Officer

Name of Attorney-in-Fact/Officer

Company Name

Company Address

City, State Zip Code

Company Telephone Number

PRINCIPAL:

Bidder

By _____

Signature

Name

Title

Address

City, State Zip Code

Telephone Number

NOTE:

1. All signatures on this bid bond must be original signatures in ink; copies or facsimile of any signature will not be accepted.
2. This bond must be sealed with the Surety's raised, embossed seal.
3. The Certificate or Power of Attorney accompanying this bond must be valid on its face and sealed with the Surety's raised, embossing seal, or security watermark.
4. The name and signature of the Surety's Attorney-in-Fact/Officer entered on this bond must be exactly as listed on the Certificate or Power of Attorney accompanying this bond.