City of Carroll

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MEMO TO: Mike Pogge-Weaver, City Manager MSP-W

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: January 18, 2017

SUBJECT: Council Work Session
January 23, 2017
Competitive Bidding Laws

I. Iowa Construction Bidding Procedures Act
Iowa Code Chapter 26 (Attachment 1)

A. Definitions
B. 26.3 Competitive bids for public improvement contracts
C. Bid and Quote Thresholds – Cities $\leq$ 50,000 pop.

1. Horizontal Infrastructure

Competitive Bid : $ 47,000 (2017)
Competitive Quote: N/A

2. Vertical Infrastructure

Competitive Bid : $135,000 (2015)
Competitive Quote: $ 55,000 (2015)

D. 26.14 Competitive quotations for public improvements contracts

II. Purchasing Policy No. 0501 (Attachment 2)

4. Construction Contracts

III. 193 Iowa Administrative Code

A. 193B-5.4 (544A) Exceptions Matrix (Architects) (Attachment 3)
B. 193C-5.1 (542B) Licensed professional engineers and building construction (Attachment 4)

RMK:ds

attachments (4)

CHAPTER 26

PUBLIC CONSTRUCTION BIDDING

Referred to in §8A.311, §35A.10, §218.58, §256F4, §297.7, §314.1B, §330A.12, §331.341, §357.14, §357A.12, §364.4, §384.37, §384.53, §384.103, §386.6, §386.7, §390.3, §418.4

See also chapter 573

26.1	Short title.	26.9	Award of contract.
26.2	Definitions.	26.10	Opening and considering bids.
26.3	Competitive bids for public improvement contracts.	26.11	Delegation of authority.
26.4	Exemptions from competitive bids and quotations.	26.12	When hearing necessary.
26.5	Prohibited contracts.	26.13	Early release of retained funds.
26.6	Donated funds.	26.14	Competitive quotations for public improvement contracts.
26.7	Notice to bidders.	26.14A	Alternative procedures.
26.8	Bid security.	26.15	Structure demolition project.

26.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Construction Bidding Procedures Act"*.

2006 Acts, ch 1017, §1, 42, 43

26.2 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

1. *"Estimated total cost of a public improvement"* or *"estimated total cost"* means the estimated total cost to the governmental entity to construct a public improvement, including cost of labor, materials, equipment, and supplies, but excluding the cost of architectural, landscape architectural, or engineering design services and inspection.

2. *"Governmental entity"* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the state department of transportation.

3. *"Public improvement"* means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under chapter 419, emergency work or repair or maintenance work performed by employees of a governmental entity, and excluding a highway, bridge, or culvert project, and excluding construction or repair or maintenance work performed for a city utility under chapter 388 by its employees or performed for a rural water district under chapter 357A by its employees.

4. *"Repair or maintenance work"* means the preservation of a building, storm sewer, sanitary sewer, or other public facility or structure so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility or structure to its original condition with the same design.

2006 Acts, ch 1017, §2, 42, 43; 2007 Acts, ch 144, §1, 2

Referred to in §297.7, §314.1A, §314.1B, §331.341, §364.4, §384.20

26.3 Competitive bids for public improvement contracts.

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by posting a notice to bidders not less than thirteen and not more than forty-five days before the date for filing bids in a relevant contractor plan room service with statewide circulation and a relevant construction lead generating service with statewide circulation and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. If circumstances beyond the

control of the governmental entity cause a scheduled bid letting to be postponed and there are no changes to the project's contract documents, a notice to bidders of the revised date shall be posted not less than four and not more than forty-five days before the revised date for filing bids in a relevant contractor plan room service with statewide circulation and a relevant construction lead generating service with statewide circulation and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that a sufficient number of paper copies and, if available, electronic and digital copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution at no charge to prospective bidders, subcontractor bidders, suppliers, and plan room services. If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit shall not exceed two hundred fifty dollars per set which shall be refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

3. Sections 26.4 through 26.13 apply to all competitive bidding pursuant to this section.

2006 Acts, ch 1017, §3, 42, 43; 2007 Acts, ch 144, §3; 2009 Acts, ch 179, §107; 2010 Acts, ch 1184, §90; 2013 Acts, ch 90, §16; 2015 Acts, ch 7, §1; 2016 Acts, ch 1009, §1

Referred to in §8A.311, §26.4, §26.5, §26.12, §26.14, §26.14A, §28J.9, §35A.10, §73A.2, §73A.18, §105.11, §161C.2, §218.58, §273.14, §297.8, §314.1, §314.1B, §330A.12, §331.341, §357.14, §904.314, §904.315

Subsection 1 amended

26.4 Exemptions from competitive bids and quotations.

Architectural, landscape architectural, or engineering design services procured for a public improvement are not subject to sections 26.3 and 26.14.

2006 Acts, ch 1017, §4, 42, 43; 2007 Acts, ch 144, §4

Referred to in §26.3, §314.1

26.5 Prohibited contracts.

If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or as established in section 314.1B, a governmental entity shall not divide the public improvement project into separate parts, regardless of intent, if a resulting part of the public improvement project is not let in accordance with section 26.3.

2006 Acts, ch 1017, §5, 42, 43

Referred to in §26.3, §314.1

26.6 Donated funds.

If private funds are offered to a governmental entity for a building or an improvement to be used by the public and such funds are conditioned upon private construction of the building or improvement, this chapter shall not apply to the project if the governmental entity does not contribute any funds to such construction.

2006 Acts, ch 1017, §6, 42, 43

Referred to in §26.3, §314.1

26.7 Notice to bidders.

1. The notice to bidders shall adequately notify a potential bidder of a proposed bid and shall include the following items:

a. The time and place for filing sealed proposals.

b. The time and place sealed proposals will be opened and considered on behalf of the governmental entity.

c. The general nature of the public improvement on which bids are requested.

d. In general terms, when the work must be commenced and completed.

e. That each bidder shall accompany the bid with a bid security as defined in section 26.8 and as specified by the governmental entity.

f. Any further information which the governmental entity deems pertinent.

2. The notice to bidders may provide that bids will be received for the furnishing of all labor and materials and furnishing or installing equipment under one contract, or for parts thereof in separate sections.

3. On public improvements to be financed wholly or partially by special assessments against benefited property, the governmental entity, in the notice to bidders, may request aggregate bids for all projects included in any resolution of necessity, notwithstanding variations in the sizes of the improvements and notwithstanding that some parts of the improvements are assessable and some nonassessable, and may award the contract to the lowest responsive, responsible bidder submitting the lowest aggregate bid.

2006 Acts, ch 1017, §7, 42, 43
Referred to in §26.3, §314.1

26.8 Bid security.

1. Each bidder shall accompany its bid with a bid security as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, acceptable to the governmental entity, for the faithful performance of the contract, in an amount equal to one hundred percent of the amount of the contract. The bid security shall be in an amount fixed by the governmental entity, 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 the governmental entity may provide for a bidder's bond with corporate surety satisfactory to the governmental entity. The bidder's bond shall contain no conditions except as provided in this section.

2. The governmental entity shall fix the amount of bid security prior to ordering publication of the notice to bidders and such amount must equal at least five percent, but shall not exceed ten percent, of either the estimated total contract cost of the public improvement or the amount of each bid.

2006 Acts, ch 1017, §8, 42, 43; 2007 Acts, ch 144, §5
Referred to in §26.3, §26.7, §314.1

26.9 Award of contract.

The contract for the public improvement must be awarded to the lowest responsive, responsible bidder. However, contracts relating to public utilities or extensions or improvements thereof, as described in sections 384.80 through 384.94, may be awarded by the city as it deems to be in the best interests of the city. This section shall not be construed to prohibit a governmental entity in the award of a contract for a public improvement or a governing body of a city utility from providing, in the award of a contract for a public improvement, an enhancement of payments upon early completion of the public improvement if the availability of the enhancement payments is included in the notice to bidders, the enhancement payments are competitively neutral to potential bidders, the enhancement payments are considered as a separate item in the public hearing on the award of contract, and the total value of the enhancement payments does not exceed ten percent of the value of the contract.

2006 Acts, ch 1017, §9, 42, 43
Referred to in §26.3, §26.10, §26.14, §314.1

26.10 Opening and considering bids.

1. The date and time that each bid is received by the governmental entity, together with the name of the person receiving the bid, shall be recorded on the envelope containing the bid. All bids received after the deadlines for submission of bids as stated in the project specifications shall not be considered and shall be returned to the late bidder unopened. The governmental entity shall open, announce the amount of the bids, and file all proposals received, at the time and place specified in the notice to bidders. The governmental entity may, by resolution, award the contract for the public improvement to the bidder submitting the lowest responsive,

responsible bid, determined as provided in section 26.9, or the governmental entity may reject all bids received, fix a new date for receiving bids, and order publication of a new notice to bidders. The governmental entity shall retain the bid security furnished by the successful bidder until the approved contract form has been executed, a bond has been filed by the bidder guaranteeing the performance of the contract, and the contract and bond have been approved by the governmental entity. The provisions of chapter 573, where applicable, apply to contracts awarded under this chapter.

2. The governmental entity shall promptly return the checks or bidder's bonds of unsuccessful bidders to the bidders as soon as the successful bidder is determined or within thirty days, whichever is sooner.

2006 Acts, ch 1017, §10, 42, 43; 2007 Acts, ch 144, §6
Referred to in §26.3, §314.1

26.11 Delegation of authority.

When bids are required for any public improvement, the governmental entity may delegate, by motion, resolution, or policy to the city manager, clerk, engineer, or other public officer, as applicable, the duty of receiving and opening bids and announcing the results. The officer shall report the results of the bidding with the officer's recommendations to the next regular meeting of the governmental entity's governing body or at a special meeting called for that purpose.

2006 Acts, ch 1017, §11, 42, 43; 2007 Acts, ch 144, §7
Referred to in §26.3, §314.1

26.12 When hearing necessary.

If the estimated total cost of a public improvement exceeds the competitive bid threshold in section 26.3, or as adjusted in section 314.1B, the governmental entity shall not enter into a contract for the public improvement until the governmental entity has held a public hearing and has approved the proposed plans, specifications, and form of contract, and estimated total cost of the public improvement. Notice of the hearing must be published as provided in section 362.3 and shall include a description of the public improvement and its location. At the hearing, any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated cost of the public improvement. After hearing objections, the governmental entity shall by resolution enter its decision on the plans, specifications, contract, and estimated cost. This section does not apply to the state.

2006 Acts, ch 1017, §12, 42, 43; 2016 Acts, ch 1009, §2
Referred to in §26.3, §314.1, §364.4, §384.20
Section amended

26.13 Early release of retained funds.

1. For purposes of this section:

a. *"Authorized contract representative"* means the person chosen by the governmental entity or the department to represent its interests or the person designated in the contract as the party representing the governmental entity's or the department's interest regarding administration and oversight of the project.

b. *"Department"* means the state department of transportation.

c. *"Substantially completed"* means the first date on which any of the following occurs:

(1) Completion of the public improvement project or the highway, bridge, or culvert project or when the work on the public improvement or the highway, bridge, or culvert project has been substantially completed in general accordance with the terms and provisions of the contract.

(2) The work on the public improvement or on the designated portion is substantially completed in general accordance with the terms of the contract so that the governmental entity or the department can occupy or utilize the public improvement or designated portion of the public improvement for its intended purpose. This subparagraph shall not apply to highway, bridge, or culvert projects.

(3) The public improvement project or the highway, bridge, or culvert project is certified as having been substantially completed by either of the following:

(a) The architect or engineer authorized to make such certification.

(b) The authorized contract representative.

(4) The governmental entity or the department is occupying or utilizing the public improvement for its intended purpose. This subparagraph shall not apply to highway, bridge, or culvert projects.

2. Payments made by a governmental entity or the department for the construction of public improvements and highway, bridge, or culvert projects shall be made in accordance with the provisions of chapter 573, except as provided in this section:

a. At any time after all or any part of the work on the public improvement or highway, bridge, or culvert project is substantially completed, the contractor may request the release of all or part of the retained funds owed. The request shall be accompanied by a sworn statement of the contractor that, ten calendar days prior to filing the request, notice was given as required by paragraphs "*f*" and "*g*" to all known subcontractors, sub-subcontractors, and suppliers.

b. Except as provided under paragraph "*c*", upon receipt of the request, the governmental entity or the department shall release all or part of the retained funds. Retained funds that are approved as payable shall be paid at the time of the next monthly payment or within thirty days, whichever is sooner. If partial retained funds are released pursuant to a contractor's request, no retained funds shall be subsequently held based on that portion of the work. If within thirty days of when payment becomes due the governmental entity or the department does not release the retained funds due, interest shall accrue on the amount of retained funds at the rate of interest that is calculated as the prime rate plus one percent per year as of the day interest begins to accrue until the amount is paid.

c. If labor and materials are yet to be provided at the time the request for the release of the retained funds is made, an amount equal to two hundred percent of the value of the labor or materials yet to be provided, as determined by the governmental entity's or the department's authorized contract representative, may be withheld until such labor or materials are provided.

d. An itemization of the labor or materials yet to be provided, or the reason that the request for release of retained funds is denied, shall be provided to the contractor in writing within thirty calendar days of the receipt of the request for release of retained funds.

e. The contractor shall release retained funds to the subcontractor or subcontractors in the same manner as retained funds are released to the contractor by the governmental entity or the department. Each subcontractor shall pass through to each lower tier subcontractor all retained fund payments from the contractor.

f. Prior to applying for release of retained funds, the contractor shall send a notice to all known subcontractors, sub-subcontractors, and suppliers that provided labor or materials for the public improvement project or the highway, bridge, or culvert project.

g. The notice shall be substantially similar to the following:

NOTICE OF CONTRACTOR'S REQUEST
FOR EARLY RELEASE OF RETAINED FUNDS

You are hereby notified that [name of contractor] will be requesting an early release of funds on a public improvement project or a highway, bridge, or culvert project designated as [name of project] for which you have or may have provided labor or materials. The request will be made pursuant to Iowa Code section 26.13. The request may be filed with the [name of governmental entity or department] after ten calendar days from the date of this notice. The purpose of the request is to have [name of governmental entity or department] release and pay funds for all work that has been performed and charged to [name of governmental entity or

department] as of the date of this notice. This notice is provided in accordance with Iowa Code section 26.13.

2006 Acts, ch 1017, §13, 42, 43; 2007 Acts, ch 144, §8; 2008 Acts, ch 1031, §19; 2016 Acts, ch 1011, §5
Referred to in §26.3, §314.1
Subsection 2, unnumbered paragraph 1 amended

26.14 Competitive quotations for public improvement contracts.

1. Competitive quotations shall be required for a public improvement having an estimated total cost that exceeds the applicable threshold amount provided in this section, but is less than the competitive bid threshold established in section 26.3.

2. Unless the threshold amounts are adjusted pursuant to section 314.1B, the following threshold amounts shall apply:

a. Sixty-seven thousand dollars for a county, including a county hospital.

b. Fifty-one thousand dollars for a city having a population of fifty thousand or more.

c. Fifty-one thousand dollars for a school district having a population of fifty thousand or more.

d. Fifty-one thousand dollars for an aviation authority created within a city having a population of fifty thousand or more.

e. Thirty-six thousand dollars for a city having a population of less than fifty thousand, for a school district having a population of less than fifty thousand, and for any other governmental entity.

f. The threshold amount applied to a city applies to a city hospital.

3. *a.* When a competitive quotation is required, the governmental entity shall make a good faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Good faith effort shall include advising all contractors who have filed with the governmental entity a request for notice of projects. The governmental entity shall provide such notice in a timely manner so that a requesting contractor will have a reasonable opportunity to submit a competitive quotation. Quotations may be obtained from contractors after the governmental entity provides a description of the work to be performed, including the plans and specifications prepared by an architect, landscape architect, or engineer, if required under chapter 542B, 544B, or 544A, and an opportunity to inspect the work site. The contractor shall include in the quotation the price for labor, materials, equipment, and supplies required to perform the work. If the work can be performed by an employee or employees of the governmental entity, the governmental entity may file a quotation for the work to be performed in the same manner as a contractor. If the governmental entity receives no quotations after making a good faith effort to obtain quotations from at least two contractors regularly engaged in such work, the governmental entity may negotiate a contract with a contractor regularly engaged in such work.

b. The governmental entity shall designate the time, place, and manner for filing quotations, which may be received by mail, facsimile, or electronic mail. The governmental entity shall award the contract to the contractor submitting the lowest responsive, responsible quotation subject to section 26.9, or the governmental entity may reject all of the quotations. The unconditional acceptance and approval of the lowest responsive, responsible quotation shall constitute the award of a contract. The governmental entity shall record the approved quotation in its meeting minutes. The contractor awarded the contract shall not commence work until the contractor's performance and payment bond has been approved by the governmental entity. A governmental entity may delegate the authority to award a contract, to execute a contract, to authorize work to proceed under a contract, or to approve the contractor's performance and payment bond to an officer or employee of the governmental entity. A quotation approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next regular or special meeting of the governing body.

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax and the premium cost for the performance and payment bond which a contractor identifies in its quotation shall be deducted from

the contractor's price for determining the lowest responsive, responsible quotation. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

2006 Acts, ch 1017, §14, 42, 43; 2007 Acts, ch 144, §9; 2009 Acts, ch 133, §10
Referred to in §26.4, §26.14A, §314.1A, §314.1B

26.14A Alternative procedures.

1. When competitive quotations are required under section 26.14 for a public improvement, the governmental entity may proceed, in lieu of competitive quotations, as if the estimated total cost of the public improvement exceeds the competitive bid threshold under section 26.3.

2. If the total estimated cost of the public improvement does not warrant either competitive quotations under section 26.14 or competitive bidding under section 26.3, the governmental entity may nevertheless proceed with competitive quotations or competitive bidding for the public improvement.

2007 Acts, ch 144, §10

26.15 Structure demolition project.

A governmental entity may enter into annual contracts with multiple contractors for structure demolition projects, with each project having a total estimated cost of one hundred thousand dollars or less, or each project having a total estimated cost equal to or less than the competitive bid threshold as established in section 314.1B. The governmental entity shall solicit contractors by publishing a notice as provided in section 362.3. A contractor is eligible to perform structure demolition work for the governmental entity after the contractor executes an annual demolition contract in a form satisfactory to the governmental entity, including a bond and insurance. For the twelve-month period following execution of the contract or contracts, the governmental entity may obtain competitive proposals from each eligible contractor as necessary for the demolition of structures. The contractor submitting the lowest responsible proposal shall enter into a contract addendum to perform the work.

2006 Acts, ch 1017, §15, 42, 43

CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject		Policy No.
Purchasing Policy		0501
Responsible Division(s), Office(s)	Related Policies & Procedures	
All		
Effective/Revision Date	Approval(s)	
11/28/88; 01/22/90	Rick Sonnenburg	

City of Carroll purchases of commodities and services shall be made in the following manner:

1. Autos/Trucks
   A. All purchasing shall be conducted via written sealed bids (opened simultaneously by a departmental representative with the City Clerk present), with the recommended lowest and/or best bid being taken to City Council for formal approval.
   B. Written sealed bids from out-of-town shall be accepted.
   C. Staff shall not seek out-of-town written sealed bids except under the following conditions:
      1. Solicitations may be sought from all State bidders.
      2. Unsolicited information received from out-of-town vendors may be used to invite those out-of-town vendors to bid when there is evidence their price may be competitive.
      3. No vendor or only one vendor exists within the Carroll City limits.
   D. If advantages exist which would make it beneficial to the City to purchase used autos/trucks, this policy may be waived by the Council. In such cases, Staff may negotiate a purchase price for said used auto/truck without dispersing a set of uniform specifications or taking written sealed bids. All such purchases shall be approved by the City Council.
   E. If from the best information available, it would be advantageous to the City to negotiate a purchase price for a new auto/truck, then the policy may be waived. All such purchases shall first be approved by City Council.

2. Equipment
   A. All written sealed bids of $5,000 or more shall be opened simultaneously by a departmental representative with the City Clerk present, then taken to the City Council for formal approval. Purchasing of equipment with a value less than $5,000 may be by telephone quotes and approved by the City Manager. In the event telephone quotes are taken and circumstances change (such as all telephone quotes are over $5,000 or the department desires to purchase additional quantities which drives the total over $5,000), the purchasing process must stop and start over using sealed bids.
   B. Written sealed bids and quotes from out-of-town shall be accepted.

C. Staff shall not seek out-of-town written sealed bids or quotes except under the following conditions:
   1. Solicitations may be sought from all State bidders.
   2. Unsolicited information received from out-of-town vendors may be used to invite those out-of-town vendors to bid when there is evidence their price may be competitive.
   3. No vendor or only one vendor exists within the Carroll City limits.

D. If advantages exist which would make it beneficial to the City to purchase used equipment, this policy may be waived by the Council. In such cases, Staff may negotiate a purchase price for said used equipment without dispersing a set of uniform specifications or taking written sealed bids. All such purhcases exceeding $5,000 shall be approved by City Council.

E. If from the best information available, it would be advantageous to the City to negotiate a purchase price for a new piece of equipment, then the policy may be waived. All such purchases exceeding $5,000 shall first be approved by City Council.

3. Professional Services

A. When the cost of architectual, engineering and other construction related professional services (such as construction review, surveying, soil testing, construction related appraisals, and other construction related professional services) will exceed $5,000, the Council will be asked to 1) Determine the method of selecting the consultant, and 2) to make, with Staff recommendation, the final approval of the consultant or contractor. All such construction-related professional services of $5,000 or less shall be selected by the City Manager with input from City Staff.

B. All appraisal and medical professional services over $1,000 will be submitted to City Council for 1) determination of the method for selection and 2) final approval with Staff input. All appraisal and medical professional services of $1,000 or less shall be selected by the City Manager with Staff input.

C. All legal, financial, auditing and other professional services shall be submitted to City Council for 1) determining the method of selection and 2) for formal approval.

4. Construction Contracts

A. All bids/quotes/proposals/contracts, with the recommended lowest and/or best bid, shall be taken to City Council for formal approval. Projects over $25,000 must go to sealed bids opened simultaneously in the presence of the City Clerk. For projects under $25,000 Council shall determine the method of selection.

B. Written sealed bids and quotes from out-of-town shall be accepted.

C. Staff shall not seek out-of-town written sealed bids or quotes except under the following conditions:
   1. Solicitations may be sought from all State bidders.
   2. Unsolicited information received from out-of-town vendors may be used to invite those out-of-town vendors to bid when there is evidence their price may be competitive.
   3. No vendor or only one vendor exists within the Carroll City limits.

D. For purchases of $10,000 or more notices shall be placed in a newspaper of general circulation in Carroll stating for what, when and where written sealed bids shall be received.

5. Other Contracts

A. All written sealed bids, with the recommended lowest and/or best bid, shall be taken to City Council for formal approval.

B. Written sealed bids and quotes from out-of-town shall be accepted.

C. Staff shall seek out-of-town written sealed bids except under the following conditions:

1. Solicitations may be sought from all State bidders.
2. Unsolicited information received from out-of-town vendors may be used to invite those out-of-town vendors to bid when there is evidence their price may be competitive.
3. No vendor or only one vendor exists within the Carroll City limits.

D. For purchases of $10,000 or more notices shall be placed in a newspaper of general circulation in Carroll stating for what, when and where bids shall be received.

6. Commodities/Repairs

A. All written sealed bids/quotes shall be approved by the City Manager.

B. Written sealed bids and quotes from out-of-town shall be accepted.

C. Staff shall not seek out-of-town written sealed bids or quotes except under the following conditions:

1. Solicitations may be sought from all State bidders.
2. Unsolicited information received from out-of-town vendors may be used to invite those out-of-town vendors to bid when there is evidence their price may be competitive.
3. No vendor or only one vendor exists within the Carroll City limits.

193B—5.4(544A) Exceptions matrix. The following matrix is compiled to illustrate the exceptions outlined in Iowa Code section 544A.18 and rule 193B—5.2(544A). The laws and rules governing the Practice of Engineering are not illustrated herein.

BUILDINGS NEW CONSTRUCTION			
Building Use Type	**Description**	**Architect Required**	**Architect May Not Be Required**
Agricultural Use	Including grain elevators and feed mills		X
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet of gross floor area	X	
	More than two stories in height	X	
Detached Residential Use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	
	Outbuildings in connection with detached residential buildings		X
Educational Use		X	
Governmental Use		X	
Industrial Use		X	
Institutional Use		X	
Light Industrial Use			X
Places of assembly		X	
Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	
Factory-Built Buildings	Any height and size, if certified by a professional engineer licensed under Iowa Code chapter 542B		X
	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	**Description**		**Architect Required**	**Architect May Not Be Required**
Structural alterations to exempt buildings	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
Structural alterations to nonexempt buildings	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X	
Nonstructural alteration	Which does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
	Which maintains the previous type of use			X
Nonstructural alteration which changes the use of the building from any other use to:	A place of assembly of people or public gathering		X	
	Governmental use		X	
	Educational use		X	
	Hazardous use		X	
	A place of residence exempted	and is one, two or three stories in height and contains not more than 12 family dwelling units		X
	A place of residence not exempted otherwise	and is more than three stories in height	X	
		and containing more than 12 family dwelling units	X	
Nonstructural alterations which change the use of the building from industrial or warehouse to:	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X
		and is one story in height and greater than 10,000 square feet in gross floor area	X	
		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X
		and is two stories in height and greater than 6,000 square feet in gross floor area	X	
		and is more than two stories in height	X	
		and is greater than 10,000 square feet of gross floor area	X	
ALTERATIONS TO EXISTING BUILDINGS (CONT.)				
Nonstructural alterations to:	Agricultural Use	Including grain elevators and feed mills		X
	Churches and Accessory Building Uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
		Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
		Two stories in height, greater than 6,000 square feet in gross floor area	X	
		More than two stories in height	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	**Description**		**Architect Required**	**Architect May Not Be Required**
	Detached Residential Buildings	One, two or three stories in height, containing 12 or fewer family dwelling units		X
		More than 12 family dwelling units	X	
		More than three stories in height	X	
		Outbuildings in connection with detached residential buildings		X
	Educational Use		X	
	Governmental Use		X	
	Industrial Use		X	
	Institutional Use		X	
	Light Industrial Use			X
	Places of Assembly		X	
	Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		More than one story in height	X	
	Factory-Built Buildings	Any height and size if entire building is certified by a professional engineer licensed under Iowa Code chapter 542B		X
		One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X
		One or two stories in height, greater than 20,000 square feet in gross floor area	X	
		More than two stories in height	X	
		More than 20,000 square feet in gross floor area	X	

193C—1.5 (542B) Licensed professional engineers and building construction.

1.5(1) *Purpose.* This rule is intended to provide guidance to licensed professional engineers, other design professionals, unlicensed persons engaged in various aspects of building construction, building officials, owners, and others on when the services of a licensed professional engineer are required or may not be required in connection with new building construction and alterations to existing structures.

1.5(2) *General guidelines.* Given the wide range of buildings covered by this rule and the unique issues which may arise with respect to specific buildings, it is not possible to establish definitive criteria which will universally resolve when building construction or alterations will or will not implicate the practice of professional engineering, as defined in Iowa Code sections 542B.2(8) and 542B.27(1). For example, while the construction of a single-family residence would not generally require the services of a licensed professional engineer, unique or unconventional features of a particular site or design may necessitate complex structural calculations or other services which fall within the definition of professional engineering. As a result, this rule should be interpreted as providing only general guidelines on when a licensed professional engineer is required or may not be required.

1.5(3) *Applicability.* The board will consider the guidelines provided in this rule when enforcing Iowa Code chapter 542B, including when determining whether an unlicensed person has engaged in the practice of professional engineering. This rule is not intended to constrain building officials or other public officials in their enforcement of other laws, rules, regulations or ordinances. A building code official, for example, may require that certain documents be prepared by a licensed professional engineer or that certain construction inspections be performed by a licensed professional engineer whether or not the guidelines in this rule would so require. This rule only addresses the practice of professional engineering and does not address the practice of architecture. Similar guidelines with respect to the practice of architecture may be found at 193B—Chapter 5.

1.5(4) *Definitions.* The definitions set forth in 193B—5.1(544A) shall apply to this rule.

1.5(5) *Guidelines for new construction.* The following matrix describes by building type and use when the services of a licensed professional engineer are required or may not be required in connection with new building construction:

BUILDINGS NEW CONSTRUCTION			
Building Use Type	**Description**	**Engineer Required**	**Engineer May Not Be Required**
Agricultural Use	Facilities for private use only and individually owned and operated facilities including grain elevators and feed mills		X
	Corporate-owned facilities or publicly owned facilities including grain elevators and feed mills	X	
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet in gross floor area	X	
	More than two stories in height	X	
Detached Residential Use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	
	Outbuildings in connection with detached residential buildings		X
Educational Use		X	
Governmental Use	When the occupancy is of another building use type listed herein, those provisions shall apply	X	
Industrial Use		X	
Institutional Use		X	
Light Industrial Use			X
Places of assembly		X	
Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	
Factory-Built Buildings	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

1.5(6) *Guidelines for alterations to existing buildings.* The following matrix describes by alteration type when the services of a licensed professional engineer are required or may not be required in connection with alterations to existing buildings:

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	**Description**		**Engineer Required**	**Engineer May Not Be Required**
Structural alterations to exempt buildings under Iowa Code section 544A.18	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
Structural alterations to buildings that are not exempt	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X	
Nonstructural alteration	Which does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
	Which maintains the previous type of use			X
Nonstructural alteration which changes the use of the building from any other use to:	A place of assembly of people or public gathering		X	
	Governmental use		X	
	Educational use		X	
	Hazardous use		X	
	A place of residence exempted	and is one, two or three stories in height and contains not more than 12 family dwelling units		X
	A place of residence not exempted otherwise	and is more than three stories in height	X	
		and containing more than 12 family dwelling units	X	
Nonstructural alterations which change the use of the building from industrial or warehouse to:	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X
		and is one story in height and greater than 10,000 square feet in gross floor area	X	
		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X
		and is two stories in height and greater than 6,000 square feet in gross floor area	X	
		and is more than two stories in height	X	
		and is greater than 10,000 square feet of gross floor area	X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	**Description**		**Engineer Required**	**Engineer May Not Be Required**
Nonstructural alterations to:	Agricultural Use	Including grain elevators and feed mills		X
	Churches and Accessory Building Uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
		Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
		Two stories in height, greater than 6,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Detached Residential Buildings	One, two or three stories in height, containing 12 or fewer family dwelling units		X
		More than 12 family dwelling units	X	
		More than three stories in height	X	
		Outbuildings in connection with detached residential buildings		X
	Educational Use		X	
	Governmental Use	When the occupancy is of another building use type listed herein, those provisions shall apply	X	
	Industrial Use		X	
	Institutional Use		X	
	Light Industrial Use			X
	Places of Assembly		X	
	Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		More than one story in height	X	
	Factory-Built Buildings	One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X
		One or two stories in height, greater than 20,000 square feet in gross floor area	X	
		More than two stories in height	X	
		More than 20,000 square feet in gross floor area	X	