

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**#13**Date: 12-16-2016Weekly Agenda Date: 12-20-16**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Supervisor Matthew Ung**WORDING FOR AGENDA ITEM:**

Approval of requirement for Quality Assurance and Responsible Bidder Questionnaire

ACTION REQUIRED:Approve Ordinance ☐Approve Resolution ☐Approve Motion ☒Give Direction ☐Other: Informational ☐Attachments ☒**EXECUTIVE SUMMARY:**

The topic of Quality Assurance for Bidding/General Contractors was previously brought before the board by Northwest Iowa Building Trades (NIBT). The goals were to improve the county's process to protect the county's liability, to more transparently receive bids, and to more appropriately define a responsible bidder as referred to in Iowa Code, "putting on notice" contractors that they are responsible for ensuring proper practices from sub-contractors. This issue being referred to the Policy Review Committee, which I chaired on Dec. 15, several trades-workers attended as concerned citizens representing carpenters and iron worker associations, as well. The Baker Group also provided valuable input. What began as a suggestion for a new policy was refined to a recommendation to this board for a new required practice--a questionnaire that will accomplish the aforementioned goals. Building Services Director Kenny Schmitz responsively drafted and adapted the attached Questionnaire to be approved by the Board of Supervisors. In response to input from NIBT, it was amended to include questions #9 and #12, and amended by County Attorney PJ Jennings with a more descriptive header/explanation of Iowa Code 26.9.

BACKGROUND:

I introduced the time-line of this issue and apologized to the concerned citizens in attendance that more timely action had not been taken, but despite this being the first review this committee (and myself) was undertaking, committed to walking away from the meeting with an actionable compromise for the next board meeting. The emphasis of the meeting was therefore to delineate what the Iowa Code requires, and what is most helpful/educational to require disclosure of in order to empower Building Services to prioritize truly responsible bidders.

I explained that outgoing supervisors expressed a strong preference in acting on this topic at the final meeting of 2016, and committed to finding a workable solution that solicited input from all parties. After a couple hours of discussion I made a motion to adopt a practice that appealed to the human resources director, the county attorney, the county auditor, the building services director, The Baker Group, and the trades-workers in attendance. The discussion also led to improvement ideas for the actual bidding documents themselves, regarding the county's proactive investigation to ensure compliance. The concerned citizens in attendance are once again to be commended for bringing this topic up to the county, which clearly needed to be broached.

Included in the backup material for the meeting was a Nov. 22 agenda item from Chairman Taylor, a Dec. 6 letter from Mr. Schmitz to the Policy Review Committee, documents on code and insurance requirements, and templates of questionnaires.

FINANCIAL IMPACT:

see "background"

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☒ No ☐

RECOMMENDATION:

see "action required"

ACTION REQUIRED / PROPOSED MOTION:

"Motion to adopt the Woodbury County Capital Improvement Projects Quality Assurance Questionnaire, which must be completed and included by all prospective General Contractors at time of bid submission."

Meeting Minutes, December 15th, 2016 @ 10:00AM

EIGHTH MEETING OF THE WOODBURY COUNTY POLICY REVIEW COMMITTEE

Location: Board Chambers, first floor of the Courthouse
620 Douglas Street, Sioux City, Iowa 51101

Members present: Matthew Ung, County Supervisor; Pat Gill, County Auditor, Ed Gilliland, Director of Human Resources; PJ. Jennings, County Attorney; Tonia Abell, Human Resources

Audience Attendees: Kenny Schmitz, County Building Services Director, John Malloy (IT Director), Shane Albrecht (Baker Group), David Jorgensen (Baker Group), Ernie Colt (NCSRCC), Felicia Hilton (NCSRCC), Scott Williams (President, NWIBCT), Reggie Torno (Northwest Building Trade), Abigail Sills, County Civil Attorney

Agenda

- I. Call to order ---Ung
- II. Public Comments
No public comments
- III. Approval of Agenda
Approved by consensus
- IV. New Business
 - A. **Misc. Updates** Performance Bond project
Per Gilliland, Review of Contractors liability follows module of contract and shouldn't add cost.
 - B. **Quality Assurance for Bidding (1st review of new practice)**
Ung began with introductory remarks. Time was needed for Building Services Director Kenny Schmitz to review state code, practices, and check for duplication. As there are three outgoing Board members, action is requested at the upcoming Tuesday board meeting.

Schmitz pinpointed three objectives: view of the County procedure, compare areas of duplication with that of state code, and show merit to improve. The County is meeting requirements of Iowa, liability and coverage. The County has \$5 million aggregate for current specifics limit project contracts within contractual requirements. Schmitz recommended quality assurance questionnaire for bids over \$135,000. Discussion to any changes, including that of language would not be allowable. Gill then observed in the past exceptions were allowable under majority of the Board. Baker Group, David Jorgenson relayed their business provides a template to contractors which follows Code A132 & 232, standard for Iowa law. Sills advised public bid process be constant, if there are exceptions it opens for complaint. Sills then recommended transparency of bid process. Jennings further noted a line could be added, "exceptions subject to Board approval apply" and the need to follow process, except in the extreme. Concern whether specification under \$135,000 be put out for bid. Schmitz requested discussion for future agenda.

Ung noted there is no past practice and that the contract questionnaire would need to be of public record.

Jennings affirmed. Ung resolved an approved practice would be a pro-active approach to improve the process going forward.

In regards to the questionnaire, Schmitz commented he had revised it to 2 pages to keep shorter and eliminate redundancies. Schmitz believes this will reduce the amount of time contractors would need to fill out and return.

Discussion was open to public comment.

NSSRCC, Felicia Hilton voiced concern of subcontractors abiding by wage and hours by the absence of two particular questions weakens point to define responsible contractor.

Question #16 (Has Contractor ever failed to complete any work awarded to it?)

Question #20 (Contractor affirms that it will retain only subcontractors who will fully comply with bid specifications, including those that address requirements concerning labor)

Baker Group, Shane Albrecht affirmed the concern is valid, whereas subcontractors misclassify workers and allow 1099 with no benefits, including work comp. Albrecht recommended to go back to Contractor and ask for records, if suspicions arise. Jennings validated keeping question #20, it may not get all workers legitimate coverage, however the County would have defense if needed. Ung affirmed adding questions #16 and #20 agreeable.

Jorgensen questioned if contractor replies “yes” what actions would be taken. Jennings commented the County would need to look further into details and put contractor on notice. Schmitz not opposed to adding #16 and #20.

Ung agreed marking “yes” would not be an automatic no, but would trigger a review.

Schmitz advised a separate sheet be added by contractor to explain any red flags. The Baker Group and the committee agreed that certain language dealing with the county’s ability to investigate a bidder’s practices should be added to the actual bidding documents.

Motion by Ung to recommend to Board the adoption to follow process of Quality Assurance

Questionnaire with the addition of questions #16 and #20 and more descriptive header by legal.

Second by Gill. Passed 5-0.

C. Acceptable (Network) Use (6th review of new policy)

Gilliland agreeable to the wording of the policy and has no issue. Gilliland plans to review progressive disciplinary action steps needed based on the outcome of phishing campaign by WCICC. Actions can lead up to termination. Ung tasked Human Resources with the investigations of network use abuse. Jennings’ belief is that elected officials and managers will get policy out and stress disciplinary actions. Human Resources will disseminate the policy and investigate network abuse. Ung noted passage of this new policy will be a major topic at the January department head meeting. **Motion by Ung to add signature line and recommend to Board to adopt policy for acceptable network use for the January 3rd, 2017 board meeting. Second by Jennings. Passed 5-0.**

D. Human Resources

i. Review Contractors Liability – Discussed in items IV (a) and IV (b)

V. Policy item requests for future

A. Contract & Archival Procedure (2nd review of new policy)

B. Building Use Policy (2nd review of new policy)

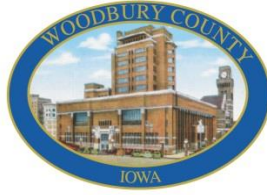
Jennings will get outside input and inform Ung of timetable to bring forward.

C. IT: Social Media, Retention, USB/Thumb Drive Storage, Cloud Storage and Mobile Device Management

VI. Discussion: Committee reauthorization for 2017 by Board of Supervisors

Ung suggested keeping policy committee going. Ung plans to chair committee if approved and would like to add a 2nd Supervisor to sit on committee in 2017. Committee members all agreed to stay with committee if approved, and agreed the committee has done some great work. Next meeting if committee approved will be scheduled in late January or early February 2017.

VII. Meeting adjourned 11:50AM



WOODBURY COUNTY CAPITAL IMPROVEMENT PROJECTS

QUALITY ASSURANCE QUESTIONNAIRE

Woodbury County is requesting that the following questionnaire be completed by all prospective General Contractors and must be included, prior to or at the time of bid submission. Pursuant to Iowa Code 26.9, contracts for public improvements must be awarded to the "lowest responsive, responsible bidder". Factors other than price may be considered when making the award. This questionnaire is only applicable to public improvements which exceed the competitive bid amount set pursuant to Iowa Code 26.3, 26.14 and 314.1B, currently \$135,000.00.

Company/Contracting Firm: _____

Owner/ Representative: _____

Address: _____

Main Telephone: _____ E-Mail: _____

1. Within the past Five (5) years, has the Contractor been disbarred by any Federal, State, or Local government entity from bidding projects? _____ Yes _____ No
2. Within the past Five (5) years, has the Contractor- defaulted on a contract, been disqualified, removed or otherwise prevented from bidding on, or completing a Government, State, or Local project? _____ Yes _____ No
3. Within the past five (5) years has the Contractor been found by a court or agency of competent jurisdiction, to be delinquent (delinquent shall include but not limited to failure to file, failure to pay, or imposition tax liens) in meeting its obligation under Federal, State, or Local tax laws? _____ Yes _____ No

4. Within the past Five (5) years has the Contractor been unable to obtain, or been denied a bond? _____ Yes _____ No
5. Within the past Five (5) years has the Contractor declared bankruptcy or been under receivership? _____ Yes _____ No
6. Within the past Five (5) years has the Contractor filed any lawsuits, or sought arbitration with regard to any construction project? _____ Yes _____ No
7. Are any lawsuits, legal proceedings, arbitration, or judgment's pending/ outstanding against the Contractor, its owner, or officers? _____ Yes _____ No
8. Within the past Five (5) years has the Contractor been found to have violated any of the following Federal or State Laws:
Iowa Child Labor Act; Iowa Labor Commissioner's Right to Inspect Premises; Iowa Compensation Insurance Act; Iowa Competition Act; Iowa Employee Registration Requirements; Iowa Hazardous Chemicals Risks Act; Iowa Income Corporate and Sales Tax Code; Iowa Minimum Wage Act; Iowa Non-English Speaking Employee Act; Iowa Wage Payment Collection Act; Iowa or Federal Occupational Safety and Health Act; Federal Income or Corporate Tax Code; The National Insurance Act; or Fair Labor Standards Act? _____ Yes _____ No
9. Has the Contractor ever failed to complete any work awarded to it? _____ Yes _____ No
10. If you answered yes to any Question #1-9 please explain each on attached sheet.
11. On a separate sheet provide the following:
- Three (3) references the company completed projects with in the past Three (3) years. Include entities; contact name, address, and current telephone number.
 - List all Surety/ Bonding Companies utilized by the company in the past Three (3) years.
12. Contractor affirms that it will retain only subcontractors who will fully comply with the bid specifications, including those that address requirements concerning all labor laws? _____ Yes _____ No

Signature

Date