

COUNCIL ACTION FORM**SUBJECT:** 2021/22 SHARED USE PATH SYSTEM EXPANSION – IOWAY CREEK**BACKGROUND:**

This program provides for the construction of shared-use paths on street rights-of-way, adjacent to streets, and through greenbelts. The Metropolitan Transportation Plan (MTP) identifies those paths that separate bicycle traffic from higher-speed automobile traffic. **This project will construct a shared use path along loway Creek from S. 5th Street to 0.5 miles east of S. Duff Ave, as shown in the attachment.**

Because this project funding includes Iowa Department of Transportation (DOT) Transportation Alternatives Program (TAP) funds, the project must follow Iowa DOT letting policies and was let by the Iowa DOT. On September 20, 2022, bids for the project were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>	<i>DBE %</i>
<i>Engineer's Estimate</i>	\$ 918,210.35	3% Goal
CON-STRUCT, INC.	\$ 979,078.42	1.04%
JASPER CONSTRUCTION SERVICES, INC.	\$1,157,505.20	3.00%
HOWREY CONSTRUCTION, INC.	\$1,210,557.75	3.02%

The table below shows the revenues and expenses for this project:

	<u>Revenue</u>	<u>Expenses</u>
Local Option Sales Tax	\$ 521,800	
AAMPO TAP Funds (80% of Construction, up to \$560,000)	\$ 560,000	
Local Option Sales Tax (Savings from 2020/21 SUP – Vet Med Trail)	\$ 100,000	
Construction (Low bid pending DBE process)G		\$ 979,078.42
Engineering and Administration (Estimated)		\$ 175,000.00
	<u>\$1,181,800</u>	<u>\$ 1,154,078.42</u>

To comply with federal regulations, the DOT sets Disadvantaged Business Enterprises (DBE) goals for projects. The DBE goal for this project is 3% of the total bid amount. When a bidder has not met the established DBE goal, the DOT has an evaluation process, including an appeal process, to determine if the bidder made a “Good Faith Effort” to achieve the DBE goal in order to be considered a responsive bidder. The DOT is currently in this process reviewing the bid from Con-Struct, Inc.

ALTERNATIVES:

1. a. Accept the report of bids for the 2021/22 Shared Use Path System Expansion – loway Creek.
b. Delay the award of bid and gather more information.
2. a. Accept the report of bids for the 2021/22 Shared Use Path System Expansion – loway Creek.
b. Reject award and direct staff to modify the project for a future Iowa DOT bid letting.
3. Do not proceed with the project.

MANAGER'S RECOMMENDED ACTION:

Given that the DOT is still in the process to determine whether the apparent low bidder should be considered a responsive bidder, more time is needed before a recommendation of award can be made.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.