

ITEM #: 38  
DATE: 03-24-26  
DEPT: ADMIN

## COUNCIL ACTION FORM

**SUBJECT: DETERMINATION OF NON-RESPONSIBLE CONTRACTOR FOR THE PURPOSE OF BIDDING ON CITY PROJECTS**

### **BACKGROUND:**

The City Council agenda for March 10, 2026 contained an item asking the City Council to determine whether Jordison Construction, Urbandale, IA should be declared to be non-responsible for the purpose of bidding on City of Ames construction contracts. The original report to the City Council is attached.

At that time, the discussion was tabled to the March 24, 2026 meeting. The reason for the tabling related to an objection from an attorney representing Jordison Construction regarding the amount of notice provided to Jordison prior to the March 10 Council meeting.

The City Attorney has since had conversations with Jordison's attorney. A memo has been prepared by the City Attorney recommending an alternative course of action to those presented in the March 10 Council Action Form.

**The City Attorney's recommendation is to accept Jordison Construction's offer to withdraw its pending bid for the Resource Recovery and Recycling Campus project, and not proceeding with a determination on whether Jordison is a non-responsible bidder.** The memo is attached.

### **ALTERNATIVES:**

1. Accept Jordison Construction's bid withdrawal for the Resource Recovery and Recycling Campus project, and address Jordison's status as a responsible bidder on a case-by-case basis for future bids.
2. Do not accept Jordison Construction's bid withdrawal.
3. Refer this item to staff for further information.

### **CITY MANAGER'S RECOMMENDED ACTION:**

The City is dependent on contractors to perform construction work on City infrastructure. State law requires contracts to be awarded to the lowest responsive, responsible bidder. Following further analysis, the City Attorney recommends that the City Council permit Jordison to withdraw its pending bid with the City for the Resource Recovery and Recycling Campus project, and that the City Council evaluate whether Jordison is a responsible bidder on a case-by-case basis when considering the award of future bids.

Therefore, it is the recommendation of the City Manager that the City Council follow the City Attorney's recommendation and adopt Alternative No. 1, as described above.

**ATTACHMENT(S):**

March 10 Council Action Form

Mallory Law Letter.pdf

Memo from City Attorney