

NOTICE TO BIDDERS
For the Taking of Construction Bids for the
FY 2023 CONSTRUCTION OF A FIBER-TO-THE-
PREMISE FEEDER/DISTRIBUTION AND
BACKBONE NETWORK PROJECT
In the City of Waterloo, Iowa

CONTRACT NO. 1088

RECEIVING OF BIDS

On behalf of the City of Waterloo and the Municipal Telecommunications Utility of the City of Waterloo, notice is hereby given that sealed proposals will be received by the City Clerk of the City of Waterloo, Iowa, at her office in the City Hall of the said City on the 15th day of June, 2023 before 1:00 p.m. for the construction of the **FY 2023 CONSTRUCTION OF A FIBER-TO-THE-PREMISE FEEDER/DISTRIBUTION AND BACKBONE NETWORK PROJECT, Contract No.1088** as described in detail in the plans and specifications now on file in the Office of the City Clerk. Proposals received after the deadline for submission of bids as stated herein shall not be considered and shall be returned to the late bidder unopened.

OPENING OF BIDS

All proposals received will be opened in the City Council Chambers at City Hall, in the City of Waterloo, Iowa, on the 15th day of June 2023 at 1:00 p.m.

Proposals will be considered by the Board of Trustees of the Municipal Telecommunications Utility at its meeting at 4:00 pm on June 21, 2023, in the Harold E. Getty Council Chambers in City Hall, 715 Mulberry Street, Waterloo, Iowa. The Board may approve awarding a Contract at said meeting, or at such other time and place as shall then be announced.

Proposals will be considered by the City of Waterloo City Council at its meeting at 5:30 P.M. on June 20 2023, in the Harold E. Getty Council Chambers in City Hall, 715 Mulberry Street, Waterloo, Iowa. The City Council anticipates making the award of Contract at its meeting at 5:30 P.M. on July 3, 2023, or at such other time and place as shall then be announced.

PUBLIC HEARINGS

The City Council of Waterloo, Iowa, will hold a public hearing on the proposed Plans, Specifications, Form of Contract, and Estimate of Costs for the construction of said improvements at 5:30 p.m. on the 20th day of June, 2023, in the Harold E. Getty Council Chambers in City Hall, 715 Mulberry Street, Waterloo, Iowa. At said hearing, any interested person may appear and file objections thereto or to the cost of the improvements.

The Board of Trustees of the Municipal Telecommunications Utility will hold a public hearing on the proposed Plans, Specification, Form of Contract, and Estimate of Costs for the construction of said improvements at 4:00 pm on June 21, 2023 at Harold E. Getty Council Chambers in City Hall, 715 Mulberry Street, Waterloo, Iowa. At said hearing, any interested person may appear and file objections thereto or to the cost of the improvements.

SCOPE OF WORK

The City seeks a Contractor to build the necessary components to create the high-speed FTTP XGS-PON communications Network (the Project) within the City's defined Service Area and prepare it to deliver backbone and fiber-to-the-home services. The system shall be a fully operational high-speed communications network supporting Internet protocol technology and allowing users access to and from the Internet. The Project requires the construction of a Fiber to the Premise feeder/distribution and a backbone network which will support XGS-PON technologies to be utilized to deliver best-effort and guaranteed services to its customers within the City Service Area.

The design (Attachment A) identifies the placement of FDH's located at the City data center and network PoP's. These locations will also house active electronics and splitters in support of the FTTP deployment. Fiber routes to be built by contractor and operated by the City and the Waterloo Telecommunications Utility will be utilized to interconnect these FDHs in a fiber ring topology.

Fiber routes are laid out logically to economically connect each service area back to the local cabinet located at the headend or alternate node site. Architecture is a star design for the feeder network and a ring connecting network nodes.

The Project will be located at various locations throughout the City.

Once construction of an FTTP area is complete, tested and running for 30 days, the Engineer will provide a certificate of substantial completion for that FTTP area. After substantial completion, the City/Utility shall be able to occupy or utilize the FTTP area for its intended purpose. The City/Utility shall complete One Call locates for all FTTPs that have received a certificate of substantial completion.

The City has active grant applications into federal funding agencies for portions of the backbone only (Division 2 work). In the event of a grant award, the City reserves the right to remove the Division 2 work from this Contract, with a reduction in fee to the Contractor equivalent to the bid price associated with the Division 2 work. The City anticipates that a decision regarding the Division 2 work will be made on or before August 1, 2023.

BEGINNING AND COMPLETION DATES

The contract will be signed and mobilization shall be commenced within five (5) working days after receipt of "Notice to Proceed." The "Notice to Proceed" is expected to be issued on or about July 7, 2023. The Project shall be substantially completed on or before December 31st, 2026.

METHOD OF PAYMENT TO CONTRACTOR

Payments will be made on the basis of estimates prepared by the Contractor and approved by the Engineer, solely for the purpose of payment; approval by the Engineer, or the City Council, shall not be deemed as approval or acceptance of the workmanship or materials. The

Contractor will be compensated for 95% of the work completed during a payment period, with the remaining 5% being retained in accordance with the Iowa Code. Regular payments approved by the Engineer will be made following the next scheduled City Council meeting. Final payment will be made thirty-one (31) days after completion of the work and final acceptance by the Council. Before final payment is made, vouchers showing that all subcontractors and workmen and all persons furnishing materials have been fully paid for such materials and labor will be required unless the City is satisfied that material, men, and laborers have been paid.

PLANS AND SPECIFICATIONS

Plans and Specifications governing the construction of the proposed improvements have been prepared by Magellan which plans and specifications and also the prior proceedings of the City Council referring to and defining said proposed improvements are hereby made a part of this notice, and the proposed contract by reference shall be executed in compliance therewith.

Plans and Specifications are available for review only from the Engineering Department. Complete digital Plans and Specifications are available at:

MANDATORY PRE-BID MEETING

A mandatory pre-bid meeting will be held virtually. Attendance is mandatory to respond to the 2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1088. The meeting location and ID and Code are listed below. If this information should change, updated information will be posted at the website listed below.

<https://www.cityofwaterlooioowa.com/government/municipalgovernmentbids.php> .

Pre-Bid Meeting -- **Date: June 6, 2023 / Time: 1:00 P.M. – 3:00 P.M. CST.**

Join Teams Meeting -- **Date: June 6, 2023 / Time: 1:00 P.M. – 3:00 P.M. CST.**

Topic: Telecom Pre-Construction Meeting

Time: June 6, 2023 01:00 PM Central Time (US and Canada)

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 212 482 613 572

Passcode: KhHqBH

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 872-395-5811,,759783295#](#) United States, Chicago

Phone Conference ID: 759 783 295#

[Find a local number](#) | [Reset PIN](#)

Project Calendar Anticipated Event Dates:

- Issuance of the Notice to Bidders June 1, 2023
- Mandatory Pre-Bid Meeting June 6, 2023
- Final Submission of Contractors' Questions June 8, 2023
- Response to Contractors' Questions June 9, 2023
- Bids Due June 15, 2023
- City consideration of bids June 20, 2023
- City public hearing on Plans, Specifications, Form of Contract & Estimate of Cost June 20, 2023
- Utility consideration of bids June 21, 2023
- Utility public hearing on Plans, Specifications, Form of Contract & Estimate of Cost June 21, 2023
- City Award of Contract July 3, 2023
- Utility Award of Contract July 5, 2023
- Contract Signed and Mobilization Commences July 7, 2023
- Commence Construction August 7, 2023
- Complete Construction No Later Than December 31, 2026

CONTRACT AWARD

A contract will be awarded to the lowest responsive, responsible bidder.

The City reserves the right to reject any or all bids, re-advertise for new bids, and to waive informalities in the bids submitted.

Bids may be held by the City of Waterloo, Iowa, for a period not to exceed thirty (30) days from the day of the opening of bids for the purpose of reviewing the bids and investigating the responsibility of bidders, prior to awarding the contract.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced with the State of Iowa and preference will be given to local domestic labor in the construction of the improvement.

PROPOSALS SUBMITTED

The bidder shall submit bids on the items listed in the proposal. The bidder shall clearly write or type the unit bid price and the bid item extension (Unit Price x Estimated Qty) in numerals on the blanks provided. Should there be any discrepancy between the unit bid price and extension, the City of Waterloo shall consider the unit bid price as being the valid unit bid price.

The bidder has the option to submit a computer-generated spreadsheet in lieu of the portion of the Form of Bid or Proposal, which includes the Bid Item Number, Description, Unit, Estimated Quantity, Unit Bid Price, Total Bid Price and Total Bid. The computer-generated spreadsheet shall include all of the information listed in that portion of the Form of Bid or Proposal as well as bear the signature of the Prime Contractor submitting the bid. For the bidders who submit a computer-generated spreadsheet, the TOTAL BID (with alternates, if applicable) shall also be indicated in the space(s) provided on the Form of Bid or Proposal.

BID SECURITY REQUIRED

All bids must be accompanied in a separate envelope by a certified or cashier's check drawn on an Iowa bank, or a bank chartered under the laws of the United States, a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, or bid bond, (on the form furnished by the City) payable to the City of Waterloo, Iowa, in the sum of not less than five percent (5%) of the bid submitted, which certified check, certified share draft or bid bond will be held as security that the Bidder will enter into a Contract for the construction of the work and will furnish the required bonds, and in case the successful Bidder shall fail or refuse to enter into the Contract and furnish the required bonds, his bid security may be retained by said City as agreed upon liquidated damages. If bid bond is used, it must be signed by both the Bidder and the surety or surety's agent. Signature of surety's agent must be supported by accompanying Power of Attorney.

PERFORMANCE & PAYMENT BONDS

The successful bidder will be required to furnish a "Performance Bond" and a "Payment Bond" within ten (10) days after forms are presented to bidder in an amount equal to one hundred percent (100%) of the contract price, said bond to be issued by a responsible surety approved by the City Council and shall guarantee the faithful performance of the contract and the terms and conditions therein contained, and shall guarantee the prompt payment of all materials and labor and protect and save harmless the City from claims of any kind caused by the operations of the contractor.

MAINTENANCE BOND

Before the Contractor shall be entitled to receive final payment for work done under this contract, it shall execute and file a maintenance bond in the penal sum of not less than 100% of the total amount of the contract guaranteeing the maintenance of the improvement caused by failures in materials and construction for a period of two (2) years from and after acceptance of the Contract.

CONTRACT COMPLIANCE PROGRAM / SUBCONTRACTING

The program proposes numerical projections regarding utilization of Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) as Subcontractors, vendors and suppliers in the performance of Contracts awarded by the City of Waterloo, Iowa.

A goal of at least ten percent (10%) for MBE participation on all City funded construction projects that are estimated at \$50,000.00 or more. A goal of at least two percent (2%) for WBE participation on all City funded construction projects that are estimated at \$50,000.00 or more. Any project funded in part or in total with federal funds shall follow the respective agencies contract compliance program and goals. The Prime Contractor shall make "good-faith efforts" to meet the Contract Compliance MBE/WBE goals. The MBE/WBE subcontractors, suppliers or vendors must provide the Prime Contractor a reasonably competitive price for the service being rendered or the Contractor is not required to accept their bid.

LIQUIDATED DAMAGES

Time is an essential element of this contract. It is important that the work be diligently pursued

to completion. If the work is not completed within the specified contract period, plus authorized extensions, the contractor shall pay to the City Liquidated Damages in the amount of one thousand dollars (\$1,000.00) per day, for each day, as further described herein, in excess of the authorized time.

Days beyond the specified contract period for which Liquidated Damages will be charged will be working days that the contractor does, or could have worked, from Monday through Saturday. Sundays will be counted only if work is performed. Partial working days will be considered as a full working day. Days not chargeable for Liquidated Damages will include rain days, Sunday if no work is done, and legal holidays.

Working days will cease to be charged when only punch list items remain to be completed. Punch list items do not include contract bid items or approved change/extra work orders.

When the Contractor believes the project to be substantially completed, a written notice stating the same shall be submitted to the Engineer and a request made for a Punch List. If the work under the Contract extends beyond the normal construction season for such work the Contractor shall submit to the Engineer in writing a request that working days counted toward the project be suspended until work is resumed the following construction season.

This amount is not construed as a penalty. These damages are for the cost to the City of providing the required additional inspection, engineering and contract administration.

PRE-CONSTRUCTION CONFERENCE

Before the work is commenced on this contract, a conference shall be held for the purpose of discussing the contract. Attendance at the conference is strongly encouraged.

BIDDER STATUS

Attention of bidders is called to compliance with the provisions of the Resident Bidder/Non-Resident Bidder requirements.

Each bidder submitting a bid shall execute and include with the bid, a Bidder Status Form in the form herein provided.

Failure to submit a fully completed Bidder Status Form with the bid may result in the bid being deemed nonresponsive and rejected.

SALES TAX

This project is subject to sales tax. The Contractor will keep track of sales tax as required by the State of Iowa. The Contractor will keep the sales tax for the Fiber-To-The-Premise (FTTP) and the backbone separately. The City may apply for a sales tax refund on portions of the project after City Council acceptance.