

LEONARD L. BOSWELL  
3rd DISTRICT, IOWA

OFFICES:  
1427 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 226-3806

300 EAST LOCUST STREET  
SUITE 320  
DES MOINES, IA 50309  
(515) 282-1909

TOLL FREE IOWA NUMBER  
1-888-432-1984

<http://boswell.house.gov>

Congress of the United States  
House of Representatives  
Washington, DC 20515-1503

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February 4, 2011

John Freitag  
Supervisor, Construction Investigation Unit  
Indiana, Illinois and Iowa  
Foundation for Fair Contracting  
6170 Joliet Road, Suite 200  
Countryside, IL 60525

Dear Mr. Freitag:

Re: Responsible Bidder Requirements

I am writing in support of a comprehensive Responsible Bidder Ordinance for all public construction projects in the community. As you know, Chapter 26.9 of the Iowa Code directs government entities to award public improvement contracts to the "lowest responsive, responsible bidder." However, very few government entities define "responsible," this leads to the public improvement contract being awarded to the lowest-cost bidder, which is not always a responsible bidder.

Government entities may define the term "responsible bidder" by resolution, ordinance, or simply by adding responsible bidder language to job specifications in the bid packet. Responsible bidder requirements provide assurance that the contractor awarded the project is in compliance with laws prerequisite to doing business in Iowa. It holds the proper licenses to perform the required work, and has a substance abuse program in place.

Establishing responsible bidder criteria also protects local economies through the employment of expertly trained workers with increased safety awareness, by helping ensure workers on the project have received adequate OSHA training and have access to training approved by the United States Department of Labor's Office of Apprenticeship. A well-trained workforce decreases liability for the government entity and helps ensure the highest quality product for taxpayers.

In sum, establishing responsible bidder requirements provides assurances that your community has the best contractor performing work on public construction projects and will get the greatest value for taxpayer dollars. Accordingly, I encourage you to discuss a comprehensive Responsible Bidder Ordinance for your community.

Sincerely,



Leonard L. Boswell  
Member of Congress

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