

# ORDINANCE

6-2006

## RESPONSIBLE BIDDER ORDINANCE

WHEREAS, the Harlem Township Board of Trustees finds that it is in its best interest to define the term "responsible" as contained in competitive bidding statutes governing its purchases of construction goods and services;

WHEREAS, the Harlem Township Board of Trustees wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable;

WHEREAS, the Harlem Township Board of Trustees possesses great discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract, when it solicits bids, and the criteria that bidders must meet in order to be considered a "responsible" bidder in the exercise of its proprietary duties and responsibilities;

WHEREAS, the contracting authority of the Harlem Township Board of Trustees is entrusted with the power to determine whether a respective bidder is the "lowest responsible bidder"; and,

WHEREAS, the Harlem Township Board of Trustees solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community's welfare arising from each bid and in the exercise of its proprietary functions.

THEREFORE, BE IT RESOLVED THAT financial responsibility is an important factor in determining the lowest responsible bidder, and the Harlem Township Board of Trustees, through its contracting authority, shall require an entity that bids on a public contract to produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with requirements of the Internal Revenue Service, Illinois Departments of Revenue and/or Registration, and Illinois Department of Employment Security registration requirements, as well as complying with the general business license requirements of the Harlem Township Board of Trustees prior to the award and during the term of the contract.

Additionally, the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory personnel, material, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.

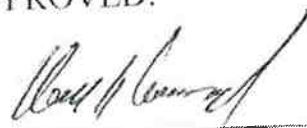
BE IT FURTHER RESOLVED THAT social responsibility is a concern in awarding public contracts, and the contracting authority may factor in its determination of whether a bidder is "responsible" such factors as bidder's record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration. Furthermore, the bidder shall be required to provide a certificate of insurance, designating Harlem Township Board of Trustees as an Additional Insured under all pertinent policies, specifying all required coverage's, including general liability, workers' compensation, completed operations, automobile, hazardous occupation, and product liability at such limits as the contracting authority deems appropriate to protect the interests of Harlem Township Board of Trustees.

ALSO BE IT FURTHER RESOLVED THAT the provision of satisfactory evidence by the bidding entity that it provides or participates in a medical hospitalization program for its employees, an apprenticeship and training program approved and registered with the U.S. Department of Labor's Bureau of Apprenticeship & Training for each of the trades of work contemplated under the awarded contract, a pension or retirement benefit program for its employees, with the premium or cost or contribution rate, as well as benefit configuration for each of the respective aforementioned programs, being no less than required under the Illinois Prevailing Wage Act, is minimally required to demonstrate that a bidding entity is "responsible".

FURTHER, the Clerk of Harlem Township shall attest to the same after the signature of the Supervisor of Harlem Township.


**PASSED THIS 10<sup>th</sup> DAY OF APRIL 2006**

APPROVED:



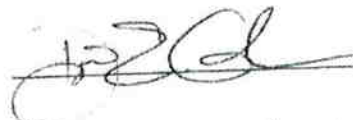


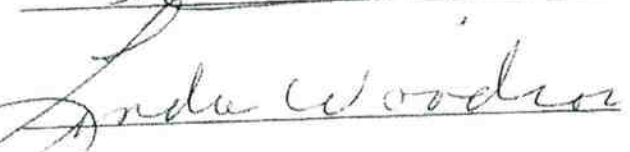
Supervisor of Harlem Township  
Douglas R. Aurand

ATTEST:



Clerk of Harlem Township  
Sheryl Crowley

TRUSTEES:

Ayes: 5

Nays: 0

Absent: 0

Abstain: 0