

PURCHASING

§ 35.30 CONTRACTS EXCEEDING \$2,000.

(A) All contracts, of whatever character, pertaining to public improvement, or to the maintenance of the public property of the Village, and which involve an outlay of funds between \$2,000 and \$10,000, shall be entered into in the following manner.

(1) Such contracts shall be based upon specifications approved by the Board of Trustees of the Village of Roscoe, or specifications approved by the Committee or Subcommittee of the Village Board which has responsibility over the subject matter for which the contract is being entered.

(2) Before any such contract is entered into, the Village President, Department Head, or Chair of the relevant Committee or Subcommittee of the Village Board, or their designated agent or agents, shall seek out written estimates of price or informal bids from 3 separate contractors or providers of such services or goods, and shall provide that such estimates or informal bids shall remain effective for 30 days following date of request.

(3) The President and Board of Trustees shall then review such written estimates and determine by ordinance which contractor or provider of goods or services, in the determination of the Village President and Board of Trustees, will best serve the interests of the Village of Roscoe, and shall authorize the Village President to negotiate for, and enter into a contract with, such contractor or provider on behalf of the Village of Roscoe.

(B) Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$10,000, shall be constructed as follows.

(1) By a contract let to the lowest responsible bidder after advertising for bids. This publication or advertisement shall be made not more than 20 and not less than 10 days prior to the date of opening of the sealed bids and need only be made once within the time specified, or more if so desired. The publication or advertisement may be either in a newspaper of general circulation within the Village or may be made by causing the Village Clerk to direct a letter containing the specifications and requesting a bid thereon to all persons who perform the services required or are able to supply the materials to be purchased, or both.

(2) All bids submitted shall be sealed, and shall be opened by the Village Clerk in the presence of a majority of the Board of Trustees, or a majority of the members of the Committee or Subcommittee of the Village Board having responsibility over the subject matter for which the contract is being entered, or, if specified by ordinance, those such officials or persons as may be designated by the corporate authorities.

(3) All bids shall remain in the office of the Village Clerk, open to public inspection after the contract has been entered into. The Board of Trustees shall determine from the bids received pursuant to this subchapter which bid is in the best interest of the Village and upon reaching its determination shall enter into a contract with the lowest responsible bidder for the services or materials or both, which is deemed as being in the best interest of the Village.

(C) Any contract entered into under any part of this section § [35.30](#), or as elsewhere provided by law, may be entered into by the proper officers without advertising for bids, if authorized by a vote of 2/3 of all Trustees then holding office.

(D) Any contract entered into under any part of this section § [35.30](#), or as elsewhere provided by law, may additionally be entered into in the following manner, if authorized by a vote of 2/3 of all Trustees then holding office: the Superintendent of Public Works, or other proper officers to be designated by ordinance, shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the Village shall pay by the day or hour, but all material of the value of \$10,000 and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance.

(E) The provisions of division (A) or (B) of this section shall not apply to any contract with the federal government, the State of Illinois, or any agency thereof.

(F) Contracts which by their nature are not adapted to award by competitive bidding, such as but not limited to contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for supplies, materials, parts or equipment which are available only from a single source, contracts for printing of finance committee pamphlets, comptroller's estimates, and departmental reports, contracts for the printing or engraving of bonds, water certificates, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, and contracts for the purchase of magazines, books, periodicals and similar articles of an educational or instructional nature, and the binding of the magazine, books, periodicals, pamphlets, reports and similar articles, shall not be subject to the competitive bidding requirements of this section.

(Prior Code, § 2-70) (Ord. 1984-5, passed 11-1-1984; Am. Ord. 2009-40, passed 6-18-2009; Am. Ord. 2015-06, passed 2-5-2015)

§ 35.32 RESPONSIBLE BIDDER.

Responsible bidder for construction or public works contracts means a bidder who meets all of the job Specifications, the following applicable criteria, and submits evidence of such compliance.

(A) All applicable laws prerequisite to doing business in Illinois.

(B) Be in compliance with, and show evidence of compliance with the following:

(1) Federal Employer Tax Identification Number or Social Security Number (for individuals);

(2) Provision of 42 U.S.C. Ch. 21, § 2000(e) and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions);

(3) Provide to the Village certificates of insurance indicating the following coverage's: general liability, workers' compensation, completed operations and performance, automobile,

hazardous occupation and product liability, in amounts set forth by the Village in each bid package, or where such amounts are not specified by the Village, in amounts so requested by the Village's risk management provider.

(4) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the act, and certifying receipt and compliance with the Village's prevailing wage ordinance then in effect;

(5) The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract;

(6) All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, ILCS Ch. 820, Act 185, §§ 1 *et seq.*;

(7) Submit proof of any professional or trade license required by law for any trade or specialty area in which a bidder is seeking a contract award; and disclose any suspension or revocation within the previous 5 years of any professional trade license held by the company, or of any director, officer, or manager employed by the bidder; and

(8) Provide information as to the substance abuse policy that pertains to all of the bidder's employees working on the project.

(C) *Additional criteria.* The Village may also request evidence of and/or consider the following factors when identifying responsible bidder for the purpose of awarding contracts under this section:

(1) The ability, capacity and skill of the bidder to perform the contract;

(2) The capacity of the bidder to perform the contract promptly and efficiently, or within the time specific, without delay or interference;

(3) The character, integrity, reputation, and experience of the bidder;

(4) The quality of the bidder's past performance, including performance of the previous contract, whether or not such performance was within the Village;

(5) The bidder's default under previous contract, whether or not such contract was with the Village;

(6) The bidder's failure to pay or satisfactory settle bills due on former contracts, whether or not such contract was with the Village;

(7) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

(8) The financial ability of the bidder to perform the contract;

(9) Any findings of non-responsibly by federal, state, or local agencies; and

(10) Any additional factors the Village determines relevant for the contract.

(D) *Applicability*. This section shall only apply to those contracts, which are let out for bid by the Village of Roscoe pursuant to the requirements set forth in § [35.30](#) of the Village of Roscoe Code of Ordinances.

(Ord. 2009-87, passed 12-17-2009)