

ORDINANCE NO. 3552

AN ORDINANCE TO AMEND SECTIONS 37.20 THROUGH 37.22, AWARDING OF PUBLIC WORKS CONTRACTS, OF CHAPTER 37 FINANCE AND REVENUE OF TITLE THREE ADMINISTRATION OF THE KEWANEE CITY CODE, AND DECLARING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AS PROVIDED BY LAW.

WHEREAS, Ordinance 3178 passed on September 14, 1998 established Sections 37.20 through 37.22 establishing regulations for awarding Public Works Contracts to the lowest Responsible Bidder ; and

WHEREAS, The City Council finds it to be in the best interest of the City of Kewanee to amend these regulations by making it mandatory that the contractor participate in an apprenticeship and training program to insure a qualified work force.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KEWANEE THAT:

**Section 1** Sections 37.20 through 37.22, Awarding of Public Works Contracts, of Chapter 37 Finance and Revenue of Title Three Administration of the Kewanee City Code shall be, and hereby are, amended by adding those words underlined (sample), and deleting those words shown as stricken through (~~sample~~), all at their respective locations. All other words, headings and terms shall remain unchanged.

*“AWARDING OF PUBLIC WORKS CONTRACTS*

§ 37.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*RESPONSIBLE BIDDER.* The term *RESPONSIBLE BIDDER* for public works contracts means a bidder who meets all of the applicable criteria, and submits evidence of such compliance:

- (1) All applicable laws prerequisite to doing business in Illinois;
- (2) Evidence of compliance with:
  - (a) Federal employer tax identification number or social security number (for individuals);
  - (b) Provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).

(3) Certificates of insurance indicating the following coverages: general liability, worker's compensation, completed operations, automobile, hazardous, product liability and professional liability.

(4) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the "act".

(5) Submits to the city a statement of bidders qualifications containing the information requested by said statement which is attached hereto and made a part hereof.

(6) Participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training, or employs a work staff with comparable training and/or work experience to insure a qualified work force.

#### § 37.21 CONSIDERATIONS WHEN SELECTING BIDDER.

In selecting the lowest responsible bidder, the city shall at least consider the following factors:

(A) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(B) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(C) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(D) The quality of performance of previous contracts or services.

(E) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(F) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide service.

(G) The quality, availability and adaptability of the supplies or contractual services for the use of the subject contract.

(H) The ability of the bidder to provide future maintenance and service for the use of the subject contract.

(I) The number and scope of conditions attached to the bid.

(J) Bidder's record of experience in constructing improvements of the size and type required in the bid specifications.

(K) Lowest bids received.

L) Bidder's record as the percentage of work sublet on previous contracts, subcontractors selected for contract including the name, address and number of employees for each subcontractor. Preference may be given to subcontractors employing local employees.

~~(M) Participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training, or employs a work staff with comparable training and/or work experience to insure a qualified work force.~~

§ 37.22 EXCLUSIONS TO COMPETITIVE BID REQUIREMENTS.

The City Council shall not be bound by the preceding requirements for the acceptance of a lowest responsible bid in the following circumstances.

(A) Contracts for purchases or service which are estimated to be an amount less than \$100,000.

(B) When determined by a two-thirds majority of the City Council that an emergency situation requires prompt action and the formal bidding process would not be in the best interests of the city.

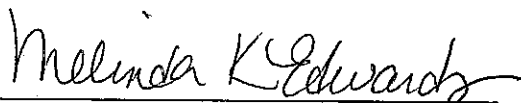
(C) In the event the public works project is funded through federal or state agencies in whole or in part, any requirement of said funding agency in conflict with the provisions contained in this subchapter shall supersede the provisions of this subchapter and shall apply to the bidding and awarding of bid procedure. ”

**Section 2** This Ordinance shall be in full force and effect immediately upon its passage and approval as provided by law.

**Section 3** Any Ordinance or part thereof in conflict with this Ordinance is hereby repealed.

Passed by the Council of the City of Kewanee, Illinois this 27<sup>th</sup> day of August, 2007.

ATTEST:



Melinda Edwards, City Clerk



Bruce Tossell, Mayor

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Bruce Tossell	X			
Councilwoman Doris Jean Blanks	X			
Councilman Duane Gillespie	X			
Councilman Andrew Koehler	X			
Councilwoman Kellie Wallace	X			