


CITY OF LOVES PARK

ORDINANCE NO. 3941-14

**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER
REQUIREMENTS FOR PUBLIC WORKS PROJECTS**

ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF LOVES PARK, ILLINOIS, THIS
3RD DAY OF MARCH, 2014

**Published in Pamphlet Form by
authority of the Mayor and City Council
of the City of Loves Park, Illinois, this
4th day of March, 2014.**



Robert J. Burden, City Clerk

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**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS FOR
PUBLIC WORKS PROJECTS**

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the City of Loves Park, Illinois ("City") is authorized and empowered to adopt and enforce the provisions of this Ordinance; and

WHEREAS, the City expends substantial funds for the construction of public works, a portion of that money being derived from taxes paid by residents; and

WHEREAS, the City seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects; and

WHEREAS, the City, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily insured by awarding a construction contract solely on the basis of the low bid; and

WHEREAS, the City desires to set forth specific criteria to assist in identifying the lowest "responsible bidder" on those public works projects which the City is required to award to the lowest responsible bidder by law, by instituting more comprehensive qualifications and submission requirements which are in compliance with Illinois law; and

WHEREAS, this Ordinance will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY
COUNCIL OF THE CITY OF LOVES PARK, ILLINOIS:**

1. Recitals. The above recitals are incorporated by reference herein and made a part hereof.
2. Public Works. For purposes of this Ordinance, the term "public works" shall have the meaning given to it by Illinois case law and or Illinois statute, as may be promulgated or amended from time to time. Expressly excluded from the term "public works" are landscaping, mowing and snowplowing services.
3. Responsible Bidder – Contracts over \$35,000. In determining whether a bidder is a "responsible bidder" for the award of a public works contract, the cost of which is over \$35,000, the bidder must submit the following information and supporting documentation verified under oath on a form designated by the City, in order for the bid to be accepted:
 - A. Documents evidencing compliance with all applicable laws and ordinances pre-requisite to doing business in Illinois;

- B. A valid federal employer tax identification number or, if an individual, a valid social security number;
- C. Documents evidencing current registration with the Illinois Department of Revenue if bidder has employees (e.g. document with account number, Illinois Business Tax number);
- D. Documents evidencing current registration with the Illinois Department of Employment Security if bidder has employees (e.g. document with UI account number);

Disclosure of any federal, state or local tax liens or tax delinquencies against the contractor or any officers of the contractor in the last five (5) years.

- E. A statement that all employees are (i) covered under a current workers' compensation insurance policy and (ii) properly classified under such policy.

If the bidder is insured with a carrier, the evidence of workers' compensation insurance shall be a copy of the "Information Page" of the contractor's workers' compensation policy and any continuation of that Information Page which include the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class code;

- F. A statement of compliance with all provisions of the Illinois Prevailing Wage Act (820 ILCS 130/1 et seq.) and all rules and regulations therein, for the past five (5) years.

Such statement shall also provide that the contractor has reviewed the Prevailing Wage Act (or federal Davis-Bacon and related Acts), has reviewed and agrees to pay the applicable prevailing wage rates attached to the bid specifications, and will strictly comply with the Prevailing Wage Act (or federal Davis-Bacon and related Acts) and related requirements.

- G. A contractor who has been found by the Illinois Department of Labor to be in violation of the Prevailing Wage Act twice within a three (3) year period shall be deemed not to be a Responsible Bidder for two (2) years from the date of the latest finding;
- H. A statement of compliance with provisions of Section 2000e 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);
- I. A copy of the written program for the prevention of substance abuse to be filed with a public body pursuant to the Substance Abuse Prevention on Public Works Projects Act (820 ILCS 265/1 et seq.);

- J. A statement that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances;
- K. Disclosure of any federal, state or local claim for unpaid compensation (wages and/or fringe benefits) for contractor's employees filed against the bidder in the last five years, where such claim totals \$100,000 or more;
- L. Documents evidencing any professional or trade license required by law or local ordinance for any trade or specialty area in which the contractor is seeking a contract award. Additionally, the contractor must disclose any suspension or revocation of such license held by the company, or of any director, officer or manager of the company;
- M. Evidence of participation in apprenticeship and training programs applicable to the work to be performed on the project which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization. The required evidence includes a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project;
- N. Documents evidencing contractors safety and health activities and programs, including:
 - (i) a written safety policy statement signed by a company representative;
 - (ii) completed copies of OSHA Form 300A Summary of Work-Related Injuries and Illnesses for the past three (3) years (if applicable); and
 - (iii) The current year-to-date OSHA Form 300 Log of Work-Related Injuries and Illnesses (if applicable).
- O. Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project. Further, each such subcontractor shall be required to adhere to the requirements set forth herein as though it were bidding directly to the City. Each contractor shall submit all subcontractor information and supporting documentation to the City prior to the subcontractor commencing work on the project.

Any material changes to the contractor's status, at any time, must be reported in writing to the City within fourteen (14) days of its occurrence. Failure to comply with this requirement is grounds for the contractor to be deemed a non-responsible bidder.

4. Additional Criteria Available. The City may require other information which it deems necessary for a specific public works project.
5. Incomplete Submission by Bidders and Subcontractors. It is the sole responsibility of the contractor to comply with all submission requirements at the time it submits its bid to the City. Contractor submissions deemed inadequate or incomplete may result in a determination that the contractor is not a responsible bidder.

The submission requirements also apply to all subcontractors, except that the contractor shall submit all subcontractor submissions to the City prior to the subcontractor commencing work on the project. Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder; provided, a subcontractor may not be authorized to begin work on the public works project until the subcontractor submits the required information and the City approves such information.

6. Multiple Low Bids. When two or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots at a public meeting of the City Council.
7. Public Records. All information submitted by a contractor or subcontractor pursuant to this Ordinance are public records and may be subject to review pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).
8. State Law. This Ordinance shall not alter the City's current obligation under state law or other City ordinances with regard to its bidding processes.
9. Materiality. The requirements of this Ordinance are a material part of the bid documents and the contract and the successful bidder shall insert this Ordinance in all subcontracts.
10. Statutory Authority. The requirements of this Ordinance shall be deemed to be in addition to any other statutory requirement which is applicable to any given public works project.
11. Severability. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions or applications of this Ordinance which can be given effect without the invalid portions or applications and, to this end, the portions of this Ordinance are severable.
12. Other Ordinances. Any prior ordinance or portion thereof in conflict with this Ordinance is hereby revoked.
13. Effective Date. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

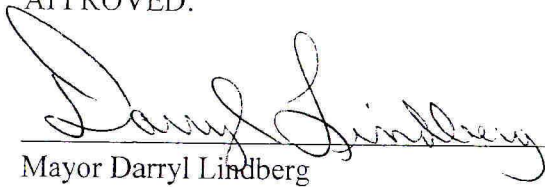
AYES: 9 Ayes (Aldermen Little, Frykman, Peterson, Holmes, Schlensker, Novak, Hobel, Jacobson, Jury) 1 Absent (Alderman Pruitt)

NAYS: 0

ABSENT: (Alderman Pruitt)

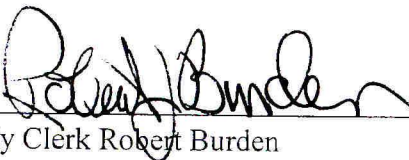
PASSED AND APPROVED the 3rd day of March, 2014.

APPROVED:



Mayor Darryl Lindberg

ATTEST:



City Clerk Robert Burden

PUBLISHED: In pamphlet form March 4, 2014 as required by Ordinance.

STATE OF ILLINOIS)
COUNTY OF WINNEBAGO)
CITY OF LOVES PARK)

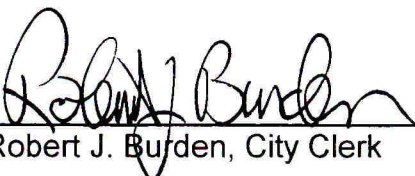
CERTIFICATE

I, ROBERT J. BURDEN, certify that I am the duly elected and acting Municipal Clerk of the City of Loves Park, Winnebago County, Illinois.

I further certify that on March 3, 2014, the Corporate Authorities passed Ordinance No. 3941-14, entitled "An Ordinance Establishing Responsible Bidder Requirements for Public Works Projects," and by its terms, that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3941-14, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 4, 2014, and continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection, upon request, in the office of the municipal clerk.

Dated at Loves Park, Illinois, this March 4, 2014.



Robert J. Burden, City Clerk