

ORDINANCE NO. 4627

**AN ORDINANCE AMENDING ORDINANCE NO. 4163
ENTITLED: "AN ORDINANCE CONCERNING
RESPONSIBLE BIDDERS ON PUBLIC WORKS
CONTRACTS"**

WHEREAS, on March 21, 2005, the City Council of the City of Peru, an Illinois home rule municipal corporation, (hereinafter "City") duly passed and adopted Ordinance No. 4163 entitled: "AN ORDINANCE CONCERNING RESPONSIBLE BIDDERS ON PUBLIC WORKS CONTRACTS" (hereinafter "Responsible Bidders Ordinance"); and

WHEREAS, the City is otherwise subject to the terms of the Prevailing Wage Act, 820 ILCS 130/1 et. seq. (hereinafter "Act") and the City must comply with 65 ILCS 5/8-9-1 (hereinafter "Statute") which provides that contracts advertised for bids shall be awarded to the lowest responsible bidder; and

WHEREAS, the term "responsible bidder" is not otherwise defined by the Statute; and

WHEREAS, the City Council of the City finds and determines that it is advisable to define "responsible bidder" to avoid disputes on the award of contracts governed by the Act; and

WHEREAS, it is necessary to amend the Responsible Bidders Ordinance to provide that it shall not apply to projects if such application would jeopardize any federal funding of the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PERU, LASALLE COUNTY, ILLINOIS, A HOME RULE MUNICIPAL CORPORATION, AS FOLLOWS:

The Responsible Bidders Ordinance is hereby amended in its entirety to read as follows:

Section 1: To the extent and as required by the Prevailing Wage Act, 830 ILSC 130/1 et. seq. (hereinafter "Act") and 65 ILCS 5/8-9-1 (hereinafter "Statute"), a "responsible bidder" for

public improvement projects let for bid shall meet the following criteria and submit evidence of compliance:

- (a) Compliance with all applicable laws prerequisite to doing business in the State of Illinois and, if applicable, in the City;
- (b) Certificates of insurance indicating coverages for general liability, workers' compensation, completed operations, and vehicle coverage;
- (c) Compliance with all provisions of the Act;
- (d) Certified as a "responsible bidder" by a designated committee of the City, consisting of the Mayor and two aldermen appointed by the Mayor, no less than 5 days prior to the last date for the return of the bids by a submission from the bidders to the City that the bidder is competent in the trades for which the bid is submitted. Such submission shall include, but not be limited to, a summary of all training for all those performing work, a work history of those performing work, and letters of recommendations from recent customers; and
- (e) Compliance with one or more of the following:
 - (i) Participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for the trade for which the bid is submitted;
 - (ii) Licensed by the State of Illinois for the trade for which the bid is submitted; and
 - (iii) Pre-certified as qualified by the Illinois Department of Transportation, Illinois Capital Development Board, or other State of Illinois agency for the trade for which the bid is submitted.

SECTION 2: The provisions of this Ordinance shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project.

SECTION 3: This Ordinance shall be effective immediately from and after its passage and approval according to law.

PRESENTED, PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Peru, Illinois, by an aye and nay roll call vote, with 8 voting aye, 0 voting nay, 0 absent, and Mayor Harl not voting, which meeting was held on the 20th day of July, 2009.




APPROVED: July 20, 2009



Scott Harl, Mayor

ATTEST:



David R. Bartley
City Clerk

<u>Aldermen</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Mertel	X		
O'Beirne	X		
Waldorf	X		
Potthoff	X		
Ferrari	X		
Mikyska	X		
Ankiewicz	X		
Wren	X		