

**ORDINANCE 2010-25**

**Responsible Bidder Ordinance**

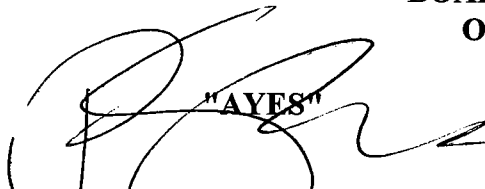
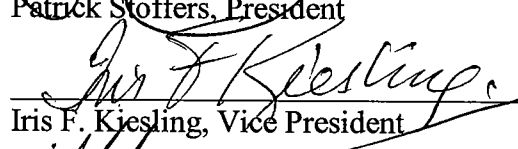
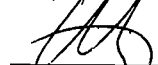
**WHEREAS**, the Monroe County undertakes a variety of public improvements, some of which Bidding is required under Indiana Code; and,

**WHEREAS**, the Indiana Code refers to allowing bids awarded only to Responsible bidders; and,

**WHEREAS**, the Monroe County Board of Commissioners feel it is in the best interest of the County and bidders to have a written policy regarding who is a responsible bidder.

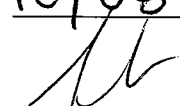
**NOW, THEREFORE**, be it ordained by the Monroe County Commissioners that the Monroe County Code be amended to include the attached exhibit A as Code section 275.

**BOARD OF COMMISSIONERS  
OF MONROE COUNTY**

  
"AYES"  
\_\_\_\_\_  
Patrick Stoffers, President  
  
\_\_\_\_\_  
Iris F. Kiesling, Vice President  
  
\_\_\_\_\_  
Mark Stoops, Member

"NAYS"  
\_\_\_\_\_  
Patrick Stoffers, President  
\_\_\_\_\_  
Iris F. Kiesling, Vice President  
\_\_\_\_\_  
Mark Stoops, Member

ATTEST: 10/08, 2010

  
\_\_\_\_\_  
Amy Gerstman, Auditor

## CHAPTER 275

### RESPONSIBLE BIDDER

#### 275-1. Purpose

The Responsible Bidder Ordinance shall serve to define the term "responsible as used in Indiana Code 36-1-12-4.

#### 275-2. Applicability

This Chapter of the Monroe County Code shall apply when:

(a) The County is seeking a contract or service to perform public work. Public work, in this context, means the construction, reconstruction, alteration, or renovation of a public building, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by the County under a lease containing an option to purchase; and

(b) The cost of the contract or service will be at least one-hundred-fifty thousand dollars (\$150,000).

#### 275-3. Criteria.

A "responsible bidder" shall meet all the bid and contract specifications, and shall:

(a) Affirm compliance with all applicable laws pre-requisite to doing business in Indiana;

(b) Produce evidence of a federal employer taxpayer identification number or social security number (for sole proprietors);

(c) Confirm compliance with Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11375 (known as the Equal Opportunity Employer Provisions);

(d) Provide the County with certificates of insurance indicating the following coverage, when such is required in the bid or contract specifications, and in amounts stated in the bid specifications or contract:

- (1) General liability;
- (2) Worker's compensation;
- (3) Completed operations;
- (4) Automobile;
- (5) Hazardous occupation;
- (6) Product liability;
- (7) Professional liability;
- (8) Pollution liability;

- (9) Asbestos abatement liability;
- (10) Property insurance; and
- (11) Any additional insurance required by the bid specifications or contract;

(e) Affirm, where workers' compensation insurance is required under the bid specifications, that all employees are (1) covered under a current worker's compensation insurance policy and (2) properly classified under such policy; and also, where worker's compensation insurance is required under the bid specifications, submit a copy of the "Declarations Page(s)" of the contractor's workers' compensation insurance policy if the contractor is insured with a carrier, and any continuation of the worker's compensation insurance Declarations Page(s) which includes 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; and, upon the City's request, submit a copy of any worker's compensation insurance annual premium audit documents.

(f) Indicate compliance with Indiana Code § 5-16-7 et. seq., the Indiana Common Construction Wage Act;

(g) 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 five (5) years of any professional trade license held by the company, or of any director, officer or manager employed by the bidder;

(h) At the time of submitting the bid, disclose the name and address of each subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the project, and disclose the amount of each subcontractor's bid to the general contractor; each subcontractor who will perform work valued in excess of the threshold set forth in Section 275-2(b) of the Monroe County Code shall be required to adhere to the submission requirements set forth herein as though it were bidding directly to the Monroe County, and must file the appropriate required documents at least five (5) days prior to commencement of work by the subcontractor;

(j) State that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (1) an employee or (2) an independent contractor under all applicable state and federal laws and local ordinances;

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

(l) Confirm that all apprentices to be used on the project are registered with an apprenticeship and training program approved and registered with the United States Department of Labor, Bureau of Apprenticeship and Training (or any state or federal successor agency).

#### **275-4**

#### **Certified Payroll.**

All contractors and subcontractors are required to submit to the awarding

agency, and General Contractor if applicable, an approved and detailed certified payroll on a weekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract.

**275-5**

**Additional Criteria.**

The County may also request evidence of and/or consider the following factors when identifying responsible bidders for the purpose of awarding contracts under this Chapter:

- (a) The ability, capacity, and skill of the bidder to perform the contract;
- (b) The capacity of the bidder to perform the contract promptly and efficiently, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, and experience of the bidder;
- (d) The quality of the bidder's past performance, including performance of previous contracts, whether or not such performance was with the County;
- (e) The bidder's default under previous contracts, whether or not such contract was with the County;
- (f) The bidder's failure to pay or satisfactorily settle bills due on former contracts, whether or not such contract was with the County;
- (g) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
- (h) The financial ability of the bidder to perform the contract;
- (i) A statement regarding and/or disclosures of:
  - (1) Any determination by a court or government agency for violations of federal, state, or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), Common Construction Wage Law, or the federal Davis-Bacon Act;
  - (2) Any findings of "non-responsibility" by federal, state, or local departments;
- (j) Any additional factors the County determines relevant for the contract.

**275-6**

**Lowest Bidder Not Chosen.**

When the contract is awarded to a bidder other than the lowest bidder, a statement of the reasons for such award shall be prepared by Monroe County.

**275-7 Multiple Low Bids.**

When two or more responsible bidders submit the same low bid, the contract shall be granted to the bidder whose headquarters are geographically closest to the Monroe County; but if both low bidders are headquartered within the Monroe County, then the winning bid shall be determined by drawing lots in public at a meeting of the Board of County Commissioners;

**275-8 Access to Public Records Act.**

All submissions tendered under this Chapter by a contractor or sub-contractor shall be public records subject to review pursuant to Indiana Code § 5-14-3-1 et seq., the Indiana Access to Public Records Law.

**275-9 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.

**266-16. Effective Date**

This Ordinance is effective upon passage.

[end of chapter]