

AN ORDINANCE ESTABLISHING CRITERIA FOR THE DETERMINATION OF A RESPONSIBLE BIDDER FOR COMPETITIVE BIDS OF THE THORN CREEK BASIN SANITARY DISTRICT IN COOK AND WILL COUNTIES, ILLINOIS

WHEREAS, the Illinois Compiled Statutes, including the Sanitary District Act of 1917 and the Illinois Municipal Code, require competitive bidding of certain purchases and contracts entered into by the Thorn Creek Basin Sanitary District (District); and

WHEREAS, such statutes grant to the District the authority and discretion to determine what constitutes a "responsible bidder" and it is deemed necessary and advisable to establish criteria to determine who constitutes a "responsible bidder."

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Thorn Creek Basin Sanitary District, Counties of Will and Cook, in the State of Illinois, as follows:

SECTION 1:

In determining which bidder is a "responsible bidder" for all competitive bids required by 70 ILCS 2405/11, the bidder must comply with the following criteria, and submit acceptable evidence of such compliance, in addition to any other requirements as determined from time to time by the District for the specific type of work to be performed:

- (a) All applicable laws and municipal Codes and Ordinances prerequisite to doing business in Illinois and the municipality in which the project is located;
- (b) Evidence of compliance with:
 - (i) Submittal of Federal Employer Tax Identification Number or Social Security Number (for individual); and
 - (ii) 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).
- (c) Certificates of insurance indicating at least the following coverage's at minimum limits established by the District: general liability, worker's compensation, completed operations, automobile, product liability, and professional liability;
- (d) The applicable provisions of the Illinois Human Rights Act and the rules of the Illinois Human Rights Commission;
- (e) Adoption of a Sexual Harassment Policy pursuant to Illinois Public Act 87-1257;
- (f) Ability to obtain Performance and Payment Bonds; if required by the project from a surety company named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in Circular 570 (amended) by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury.
- (g) No delinquency in payment to the District of any fees or contracts;
- (h) Certificate that the bidder is not barred from bidding or contracting as a result of a violation of either section 33E of 33E-4 of Ch. 720, Article 5 of the Illinois Compiled Statutes; and
- (i) Evidence that the bidder has not only the financial responsibility but also the ability, experience and equipment to respond by the discharge of the contractor's obligations in accordance with what is expected or demanded under the terms of the contract.

SECTION 2:

For competitive bids required by 70 ILCS 2405/11 and meeting the definition of the "construction of public works" based on the Prevailing Wage Act (820 ILCS 130), a "responsible bidder" must also comply with all applicable provisions of the Prevailing Wage Act.

SECTION 3:

For competitive bids greater than \$100,000 and covered by Section 2, a "responsible bidder" must participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

SECTION 4:

The Board of Trustees may establish different criteria for determining the "responsible bidder" for a particular project by the adoption of a resolution when it has been determined that the criteria in this Ordinance is not in the best interest of the District for the particular project.

SECTION 5:

The provisions of this Ordinance shall not apply to federal or state funded construction projects if such applications would jeopardize the receipt or use of federal or state funds in support of such projects.

SECTION 6:

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Severability:

If any provision, paragraph, word or section of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall continue to be in full force and effect.

Conflict:

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict; provided, however, that the foregoing repeal shall have no effect on the right of the District to collect any sum due and unpaid under any prior Ordinance.

Effective Date:

The above and foregoing Ordinance was passed and enacted at a regular meeting of the Board of Trustees of the THORN CREEK BASIN SANITARY DISTRICT held on the 21st day of October, 2005.