

Ordinance No. 07-11-06-04

RESPONSIBLE BIDDER ORDINANCE

WHEREAS, the Mayor and City Council of the City of Wilmington find that it is in the best interest of the City to define the term “responsible,” as contained in competitive bidding statutes governing the City’s purchases of construction goods and services; and

WHEREAS, the Mayor and City Council wish to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best goods and services at the lowest cost practicable; and

WHEREAS, the Mayor and City Council possess great discretion in determining the “lowest responsible bidder” and are entitled to specify the terms of the contract when the City solicits bids and the criteria that bidders must meet in order to be considered a “responsible” bidder in the exercise of the City’s proprietary duties and responsibilities; and

WHEREAS, the Mayor and City Council are entrusted with the power to determine whether a respective bidder is the “lowest responsible bidder”; and

WHEREAS, the Mayor and City Council solicit bids and/or proposals on many different types of construction contracts, with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the City’s welfare arising from each bid and in the exercise of the City’s proprietary functions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1:

Financial responsibility is an important factor in determining the lowest responsible bidder, and the Mayor and City Council of the City of Wilmington shall require an entity that bids on a public contract to produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including but not limited to evidence demonstrating that the entity possesses or complies with the requirements of the Internal Revenue Service, Illinois Departments of Revenue and/or Registration and Illinois Department of Employment Security registration requirements, as well as complying with the general business license requirements of the City prior to the award and during the term of the contract.

SECTION 2:

The Mayor and City Council, in order to make a determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications. The Mayor and City Council may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The Mayor and City Council shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints delineated in the request for bids and/or proposals. The Mayor and City Council shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.

SECTION 3:

Social responsibility is a concern in awarding public contracts, and the Mayor and City Council may factor in their determination of whether a bidder is “responsible” such factors as the bidder’s record of conformity with environmental, labor and health and safety laws, including but not limited to compliance with the requirements of the U.S. Department of Labor’s Occupational Safety and Health Administration. Furthermore, the bidder shall be required to provide a certificate of insurance, designating the City of Wilmington as an Additional Insured under all pertinent policies, specifying all required coverages, including but not limited to general liability, workers’ compensation, completed operations, automobile, hazardous occupation and product liability at such limits as the Mayor and City Council deem appropriate to protect the interests of the City. The Mayor and City Council reserve the right to award a contract to one who is not the lowest bidder where this is done in the public interest, without fraud, unfair dealing or favoritism, and where there is a sound and reasonable basis for the award as made.

SECTION 4:

A bidding entity shall demonstrate that it is “responsible” by providing, at a minimum, satisfactory evidence that it provides or participates in an apprenticeship and training program approved and registered with the U.S. Department of Labor’s Bureau of Apprenticeship and Training.

SECTION 5: SEVERABILITY

This Ordinance and every provision hereof shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs, provisions and sections and parts of phrases, clauses, sentences, paragraphs, provisions and sections not ruled void or unconstitutional shall continue in full force and effect.

SECTION 6: REPEALER

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 7: EFFECTIVE DATE

This Ordinance shall be in full force and effect following its passage and approval.

PASSED this 6th day of **November, 2007** with 8 members voting aye, ___ members voting nay, the Mayor ___ voting, with ___ members abstaining or passing and said vote being:

Floyd Combes	<u>Aye</u>	Russ Gilmour	<u>Aye</u>
Larry Hall	<u>Aye</u>	Joe Hermes	<u>Aye</u>
Helen Hoppe	<u>Aye</u>	Jonathan Mietzner	<u>Aye</u>
Marty Orr	<u>Aye</u>	Frank Studer	<u>Aye</u>

Sheila Long
SHEILA LONG, CITY CLERK

APPROVED this 6th day of **November, 2007**.

Roy Strong
ROY STRONG, MAYOR

(SEAL)

ATTEST:

Sheila Long
SHEILA LONG, CITY CLERK