

CITY OF DIXON

ORDINANCE NO. 2686

**ORDINANCE AMENDING ORDINANCE NO. 2674 ENTITLED,
"RESPONSIBLE BIDDER ORDINANCE"**

ADOPTED BY THE

COUNCIL

OF THE

CITY OF DIXON

THIS 7th DAY OF April, 2008

Published in pamphlet form by authority of the Council of the City of Dixon, this 7th day of April, 2008.

ORDINANCE NO. 2686

**ORDINANCE AMENDING ORDINANCE NO. 2674 ENTITLED,
"RESPONSIBLE BIDDER ORDINANCE"**

WHEREAS, the City of Dixon, Lee County, Illinois (the "City") passed Ordinance No. 2674 entitled "Responsible Bidder Ordinance" on January 7, 2008 ("Ordinance No. 2674"), which said ordinance requires entities bidding on public contracts to produce, among other things, evidence of proper registration with the Illinois Department of Revenue and Internal Revenue Service as well as evidence of participation in a medical hospitalization program and retirement or pension program for its employees; and

WHEREAS, the City desires to amend Ordinance No. 2674 to provide that the requirements of said ordinance apply only to entities that bid on public contracts in excess of twenty-five thousand and no/100's dollars (\$25,000.00).

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Dixon, Lee County, Illinois, as follows:

SECTION 1: The preambles to this Ordinance are true and correct and are hereby incorporated in this Section 1 as if fully set forth herein.

SECTION 2: Ordinance No. 2674 is hereby amended by adding the following paragraph after the paragraph which reads as follows: "ALSO BE IT FURTHER RESOLVED THAT the provision of satisfactory evidence ...":

"ALSO BE IT FURTHER RESOLVED THAT, except as may otherwise be provided in the City Code of the City of Dixon, the provisions of this Ordinance shall only apply to bids on a public contract in excess of twenty-five thousand and no/100's dollars (\$25,000.00)."

SECTION 3: In all other respects Ordinance No. 2674 shall remain in full force and effect.

SECTION 4: The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

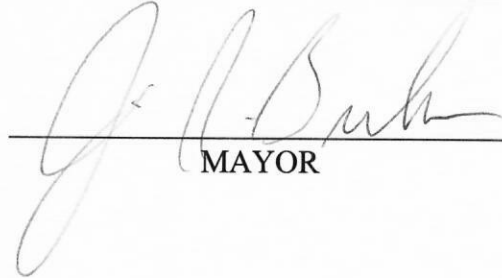
SECTION 5: All ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

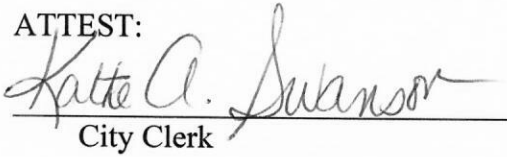
SECTION 6: The City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage

and approval, and publication as required by law.

Passed by the Mayor and the City Council of the City of Dixon on this 17th day of April, 2008.


MAYOR

ATTEST:

City Clerk

COMMISSIONERS	YEA	NAY
BLACKBURN	✓	
BRIDGEMAN	✓	
CONTRERAS	✓	
ELLY	✓	
MAYOR BURKE	✓	

Date 4/7/08
Motion Carried ✓
Motion Lost _____

STATE OF ILLINOIS)
) SS
COUNTY OF LEE)

CERTIFICATE

I, Kathe A. Swanson, certify that I am the duly elected and acting City Clerk of the City of Dixon, Lee County, Illinois.

I further certify that on April, 2007, the City Council of such City passed and approved Ordinance No. 2686, entitled Ordinance amending Ordinance No. 2674, entitled "Responsible Bidder Ordinance"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2686, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on April 7, 2008, 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 City Clerk.

Dated at Dixon, Illinois, this 7th day of April, 2008.

Kathe A. Swanson
City Clerk

(SEAL)

RESPONSIBLE BIDDER ORDINANCE

WHEREAS, the City of Dixon finds that it is in its best interest to define the term "responsible" as contained in competitive bidding statutes governing its purchases of construction goods and services;

WHEREAS, the City of Dixon wishes 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 work or supplies at the lowest cost practicable;

WHEREAS, the City of Dixon possesses great discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a "responsible" bidder in the exercise of its proprietary duties and responsibilities;

WHEREAS, the contracting authority of the City of Dixon is entrusted with the power to determine whether a respective bidder is the "lowest responsible bidder"; and,

WHEREAS, the City of Dixon solicits 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 community's welfare arising from each bid and in the exercise of its proprietary functions.

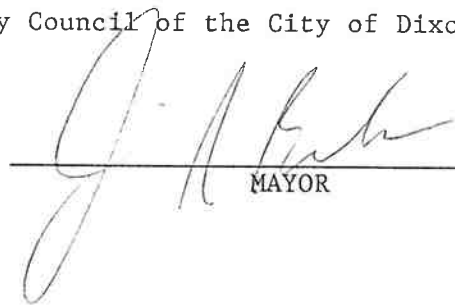
THEREFORE, BE IT RESOLVED THAT financial responsibility is an important factor in determining the lowest responsible bidder, and the City of Dixon, through its contracting authority, shall require an entity that bids on a public contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with 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 of Dixon prior to the award and during the term of the contract.

Additionally, the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can be reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority 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.

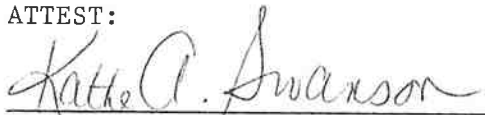
BE IT FURTHER RESOLVED THAT social responsibility is a concern in awarding public contracts, and the contracting authority may factor in its determination of whether a bidder is "responsible" such factors as bidder's record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration. Furthermore, the bidder shall be required to provide a certificate of insurance, designating the City of Dixon as an Additional Insured under all pertinent policies, specifying all required coverages, including general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability at such limits as the contracting authority deems appropriate to protect the interests of the City of Dixon.

ALSO BE IT FURTHER RESOLVED THAT the provision of satisfactory evidence by the bidding entity that it provides or participates in a medical hospitalization program for its employees, an apprenticeship and training program approved and registered with the U.S. Department of Labor's Bureau of Apprenticeship & Training for each of the trades of work contemplated under the awarded contract, a pension or retirement benefit program for its employees, with the premium or cost or contribution rate, as well as benefit configuration for each of the respective aforementioned programs, being no less than required under the Illinois Prevailing Wage Act, is minimally required to demonstrate that a bidding entity is "responsible".

Passed by the Mayor and the City Council of the City of Dixon on the 7th day of January, 2008.


MAYOR

ATTEST:


City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF LEE)

CERTIFICATE

I, Kathe A. Swanson, certify that I am the duly elected and acting City Clerk of the City of Dixon, Lee County, Illinois.

I further certify that on January 7, 2008, the City Council of such City passed and approved Ordinance No. 2674, entitled Responsible Bidder Ordinance

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2674, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on January 7, 2008, 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 City Clerk.

Dated at Dixon, Illinois, this 7th day of January, 2008.

Kathe A. Swanson
City Clerk

(SEAL)

COMMISSIONERS	YEA	NAY
BLACKBURN	✓	
BRIDGEMAN	✓	
CONTRERAS	✓	
KELLY	✓	
MAYOR BURKE	✓	

Date 1/7/08
Motion Carried ✓
Motion Lost _____