

**AN ORDINANCE AMENDING  
SECTION 1.04 OF THE CODE OF ORDINANCES  
OF ROCKFORD PARK DISTRICT  
RELATING TO BIDDING AND DEFINING "RESPONSIBLE BIDDER"**

**ORDINANCE 2013-O-03**

**WHEREAS**, Chapter One Section 1.04 of the Rockford Park District Code of Ordinances defines certain terms contained in this Code of Ordinances; and

**WHEREAS**, the term "responsible bidder" is presently defined; and

**WHEREAS**, the term "responsible bidder" should be more precisely defined; and

**WHEREAS**, Chapter One Section 1.04 defines responsible bidder, it is in the best interests of the Rockford Park District for that definition to be expanded in projects involving bidders for: 1) construction of new facilities, renovation of current facilities, or road construction projects over \$10,000; and, 2) for all contracts for electrical work, or fire protection work, or heating, ventilation, and air conditioning ("HVAC") work, or plumbing work (regardless of the dollar amount of the contract) (as those terms are defined by the Rockford Park District, in its discretion).

**WHEREAS**, the Rockford Park District also desires to include the bidder's commitment to job site safety in the analysis of a "responsible bidder."

**NOW THEREFORE, BE ORDAINED**, by the Commissioners of the Rockford Park District, Illinois that Section 1.04 of the Code shall be amended to read as follows:

(15) Responsible bidder for: a) all construction contracts in excess of \$10,000, and; b) for all contracts (regardless of their dollar amount) for electrical work, and/or for fire protection work, and/or for HVAC work and/or for plumbing work, (as defined by the Rockford Park District, in its discretion), means a bidder who, for construction contracts of new facilities, renovation of current facilities, or road construction projects over \$10,000 or who, related to the performance of maintenance involving, electrical, and/or for fire protection work, HVAC and/or plumbing work (as defined by the Rockford Park District in its discretion) on facilities and/or projects meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

- (1) All applicable laws prerequisite to doing business in Illinois.
- (2) Evidence of compliance with
  - (a) Federal Employer Tax Identification Number or Social Security Number (for individuals).
  - (b) Provision 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 11375 (known as the Equal Opportunity Employer provisions).
  - (c) Documents evidencing current registration with the Illinois Department of Revenue (i.e. UI account number);

- (d) Disclosure of any federal, state or local tax liens or tax delinquencies against the contractor or any officers of the contractor in the last five (5) years.
- (3) Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.
- (4) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, submission of certified payroll records, medical and hospitalization insurance and retirement for those trades covered in the act.
- (5) Participation in apprenticeship and training programs applicable to the work to be performed on the projects which are approved by and registered with the United States Department of Labor's Office of Apprenticeship and Training.
- (6) Documents evidencing any professional or trade license required by law or local ordinance for any trade or specialty area in which the contractor is seeking a contract award. Additionally, the contract must disclose any suspension or revocation of such license held by the company, or of any director, officer or manager of the company.
- (7) A statement that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances.
- (8) Compliance with all provisions of the Illinois Substance Abuse Prevention on Public Works Projects Act; which compliance and evidence of same, shall be required on all Rockford Park District public works projects regardless of dollar amount of such project(s).
- (9) Participation in contractor's safety and health activities and programs including: (i) a written safety policy statement signed by a company representative; and (ii) a completed Contractor Safety & Health Questionnaire.
- (10) Maintains a written safety manual that applies to, or will be modified to fit, the project at issue.
- (11) Ensures all sub-contractors hired by the responsible bidder to perform duties on Rockford Park District public works projects are in compliance with all requirements of the responsible bidder ordinance for: a) all construction contracts in excess of \$10,000, and; b) for all contracts (regardless of their dollar amount) for electrical work, and/or for fire protection work, and/or for HVAC work and/or for plumbing work, (as defined by the Rockford Park District, in its discretion).

**BE IT FURTHER ORDAINED** that all contracts required by Section 8-1(c) of the Illinois Park District Code to be competitively bid, shall be let by the Commissioners to the lowest responsive and responsible bidder, after compliance with the Park District Code.

**BE IT FURTHER ORDAINED**, that nothing herein adopted shall be construed to affect any existing contract to the extent that its provisions are inconsistent with the amendments set forth in this amended ordinance, nor shall it be construed to affect any suit or proceeding now pending in any court or any other accrued rights, existing liability or previously pending cause or causes of action under any prior Resolution or Ordinance nor shall any right or remedy of any character otherwise be lost, impaired, or affected by the Ordinance.

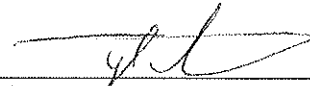
**BE IT FURTHER ORDAINED**, that this Ordinance amendment shall be in full force and effect immediately upon its adoption and publication in pamphlet form as required by law.

Passed at a special monthly meeting of said Board of Park Commissioners of said


**BOARD APPROVED**

Rockford Park District this \_\_\_\_\_ day of APR 05 2013, \_\_\_\_\_

Rockford Park District  
Board of Commissioners  
APPROVED.

  
\_\_\_\_\_  
President, Board of Park Commissioners

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Park Commissioners

ACTION TAKEN: 4/5/2013 Ayes 5 Nays 0 Abstain 0 Absent 0

**Senate Bill 1859 Status Report:**

5/16/2013 Passed both houses  
8/12/2013 Govenor Approved  
8/12/2013 Public Act 98-0313