

Ordinance No. G10-11

AN ORDINANCE
AMENDING TITLE 5 OF THE
ELGIN MUNICIPAL CODE, 1976, AS AMENDED,
ENTITLED "PROCUREMENTS"

WHEREAS, the City of Elgin is a home rule unit pursuant to Subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, pursuant to such section of the Illinois Constitution a home rule unit may exercise any power and perform any function pertaining to its governmental affairs; and

WHEREAS, the City of Elgin pursuant to its home rule powers has previously adopted a procurement ordinance pursuant to Title 5 of the Elgin Municipal Code, 1976, as amended, entitled "Procurements"; and

WHEREAS, the purpose of such procurement ordinance includes providing for the fair and equitable treatment of all persons involved in public purchasing by the city, to maximize the purchasing value of public funds and procurement, to obtain the best value for using departments, and to provide safeguards for maintaining a procurement system of quality and integrity; and

WHEREAS, the city council of the City of Elgin has determined that it is appropriate to amend the definitions within the City of Elgin's procurement ordinance to provide for a more comprehensive definition of a responsible bidder for certain contracts involving the city; and

WHEREAS, defining what constitutes a responsible bidder for certain city contracts and otherwise providing for procurements regulations for City of Elgin procurements pertains to the government and affairs of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Section 5.04.075 of the Elgin Municipal Code, 1976, as amended, entitled "Responsible Bidder or Offerer" be and is hereby further amended to read as follows:

"Responsible bidder or offerer" means a person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance. In addition to meeting such criteria a responsible bidder must also submit evidence of compliance with the following specific applicable criteria:

1. Documents evidencing compliance with all applicable laws and ordinances prerequisite to doing business in Illinois.

2. A valid federal employer tax identification number or, if an individual, a valid social security number.
3. A statement of compliance with the Equal Opportunity Employer provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and federal executive order number 11246, as amended, by executive order 11375 and evidence of compliance with the Equal Opportunity Employer provisions of Elgin Municipal Code Section 3.12.100, as amended.
4. Certificates of insurance indicating insurance coverages as set forth in a bid specification including general liability, workers' compensation, completed operations, automobile, hazardous occupations and products liability.
5. Evidence of a written sexual harassment policy in compliance with the provisions of the Illinois Human Rights Act (775 ILCS 5/2-105(A)(4), as amended).
6. A statement of compliance with the provisions of the Illinois Prevailing Wage Act (820 ILCS 130/1 *et seq.*, as amended).
7. Evidence of compliance with the Substance Abuse Prevention on Public Works Projects Act (820 ILCS 265/1 *et seq.*, as amended).
8. Evidence of relevant experience that indicates the necessary capacity to perform the project and adequate references verifying the quality of work performed."
9. For city construction projects (construction of new city facilities, renovation of existing city facilities or city road construction projects) over Fifty Thousand Dollars (\$50,000) evidence of participation in an apprentice and training programs applicable to the work to be performed on the project which are approved by and registered with the United States Department of Labor Office of Apprenticeship and Training or are reasonable equivalent to such programs.
10. For city construction projects (construction of new city facilities, renovation of existing facilities or city road construction projects) bidders must demonstrate a good-faith effort toward providing equal employment opportunities for persons to work as craftspersons, laborers, workers or mechanics consistent with the racial, ethnic and gender demographics of the labor force available in the Illinois Department of Employment Security Chicago-Naperville-Joliet Metropolitan Division which consists of Cook, DeKalb, DuPage, Grundy, Kane, Kendall, McHenry and Will counties."

Section 2. If any provision, clause, sentence, paragraph, section or part of this ordinance, or application thereof, to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or validate the remainder of this ordinance and the application of such provisions to other persons or circumstances shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved with the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such constitutional or invalid provisions, clause, sentence, paragraph, section or part thereof not been included.

Section 3. That all ordinances or parts or ordinances in conflict with the provisions of this ordinance be and are hereby repealed.

Section 4. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law. The amendatory provisions of this ordinance shall be applicable to bids issued after the effective date of this ordinance.

s/ Ed Schock

Ed Schock, Mayor

Presented: March 23, 2011
Passed: March 23, 2011
Omnibus Vote: Yeas: 7 Nays: 0
Recorded: March 23, 2011
Published: March 25, 2011

Attest:

s/ Diane Robertson

Diane Robertson, City Clerk

REPORTS/MINUTES RECEIVED AND ORDERED PLACED ON FILE

Councilmember Dunne made a motion, seconded by Councilmember Gilliam, to place the following reports and minutes on file. Upon a roll call vote: Yeas: Councilmembers Dunne, Gilliam, Kaptain, Prigge, Steffen, Warren, and Mayor Schock. Nays: None.

Cultural Arts Commission – February 14, 2011
Human Relations Commission – January 4 and February 8, 2011
Zoning and Subdivision Hearing Board – January 5 and February 16, 2011
Committee of the Whole – February 23, 2011
City Council – February 23, 2011