

Council Bill/General Ordinance No. 3001-2021

Sponsor: \_\_\_\_\_

AN ORDINANCE

AMENDING

**Chapter 27, “PURCHASING,” of the Moline Code of Ordinances, by amending Section 27-3100 “Competitive Sealed Bidding” subparagraph (c); and Section 27-3101 “Competitive Sealed Proposals” subparagraph (e); and by adding new Section 27-4104 “Neighborhood Impact” to Article IV.**

WHEREAS, the City of Moline is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City of Moline is authorized to contract for goods and services and to contract for the construction of public works through the use of competitive bidding (65 ILCS 5/8-9-1); and

WHEREAS, the City of Moline previously enacted Chapter 27 of the Code of Ordinances to establish procedures for competitive bidding and proposal; and

WHEREAS, the City wishes to amend Chapter 27 to address changes in the law, changes in grant programs, changes in response to the COVID-19 health emergency, and the evolving market for construction services; and

WHEREAS, the City Council of the City finds that the proposed amendments to Chapter 27 of the Code of Ordinances will promote the public health, safety and welfare, and that it is in the City’s best interests to amend the Code of Ordinances as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – That the facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

**Section 2** – That Chapter 27, “PURCHASING,” Section 27-3100(c) of the Moline Code of Ordinances, is hereby deleted in its entirety and in lieu thereof the following shall be substituted:

CHAPTER 27

Section 27-3100

...

(c) Bid Evaluation, Recommendation and Acceptance.

(1) Bids shall be unconditionally received without alteration or correction, except as authorized in the Moline Purchasing Code. Bids shall be evaluated based on the requirements set forth in Moline Code of Ordinances and in the invitation for bids, which may include additional

Council Bill/General Ordinance No. 3001-2021

Page 2 of 5

criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, availability of support services, compatibility with existing systems and equipment of the City, and suitability for a particular purpose. The City may also research and consider all publicly available information about the Bidder that is relevant to the published criteria. The criteria may also include information about cost, such as discounts, transportation costs, and total or life cycle costs. Telegraphic, electronic mail, facsimile, or other similar forms of bid submitted shall not be accepted unless specifically permitted by the terms of the invitation for bid. Only bids signed by a person authorized to sign a bid will be accepted. All bids and formal contracts shall be approved as to form by Corporate Counsel.

(2) For any project for the construction or demolition of any "public works" as defined in 820 ILCS 130/2, as interpreted by the Illinois Department of Labor, where the contract sum equals or exceeds \$75,000, the City shall consider all of the following criteria to determine the lowest responsive and responsible bidder and, therefore, each bidder shall certify or otherwise supply information concerning all of the following:

(a) Corporate standing and authority to transact business within the State of Illinois, including but not limited to current registration with the Illinois Department of Revenue, and the Illinois Department of Employment Security.

(b) Evidence of compliance with:

- i. Federal Employer Tax Identification Number or Social Security Number (for individuals).
- ii. "Equal Opportunity Employer" and Sexual Harassment Policy and Training requirements and provisions.

(c) Evidence of insurance coverage, including (but not limited to): general liability, workers' compensation, automobile, hazardous occupation, pollution, product liability and professional liability.

(d) Participation in apprenticeship and training programs applicable to the work to be performed on the project which are approved and registered with the United States Department of Labor's Office of Apprenticeship and Training (the City may require evidence, including a copy of all applicable apprenticeship standards and agreements for any apprentice(s) who will perform work on the public works project).

(e) Compliance with all the provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the Act.

(f) Disclosure of the names and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of this project.

(g) A copy of the written program for the prevention of substance abuse. Bidder shall also certify that only workers that are enrolled and tested in company-based controlled substance and alcohol testing programs will be allowed to participate on the project.

Council Bill/General Ordinance No. 3001-2021

Page 3 of 5

(h) Statements as to past performances, which shall give an accurate and complete record of all work projects completed in the last three (3) years by the contractor.

(i) The contractor and officers of the contractor disclose any tax lien or delinquency and any lien, determination or judgment concerning the contractor's failure to pay benefits in the last five (5) years.

(j) Bidder shall certify that all employees expected to perform work on the project have completed a 10-hour or greater OSHA safety program within the last five (5) years. Only workers that have satisfactorily completed a 10-hour or greater OSHA safety program will be allowed to participate on the project. The bidder must have copies of employee OSHA cards on file, and the City may request the bidder provide copies of employees' OSHA cards; failure to produce an employee's OSHA card may result in a determination that the bidder is not a responsible bidder.

(k) Bidder shall commit to employ local workers with strong consideration given to bidders employing residents of the City of Moline and/or the State of Illinois or explain in writing why such a commitment is not feasible or practical.

(l) Bidder provides written record of compliance with State of Illinois Equal Employment Opportunity requirements for public works projects, including the hiring of women and minority workers to perform the contracted work.

(m) Any other factors which are relevant to the determination of a bidder's ability to carry out the requirements of the project in accordance with what may be expected or demanded under the terms of the contract. Where required by State law or the terms of a grant, the ability of the bidder to fulfill MBE/WBE/DBE/VBE requirements may apply.

(3) The Director of Engineering is authorized to develop, on an annual basis, a list of pre-qualified "responsible bidders" for the purpose of soliciting bids and making a market for the contracts proposed to be let by the City. Following the completion or termination of any contract let under this section, the City Engineer assigned to the Project shall, together with the Director of Public Works, evaluate the performance of the contractor and prepare a written report to the Director of Engineering (that shall also be available to City Council) and the Director or Engineering may consider that report as a preliminary memorandum for the Director's use in evaluating and updating the list of pre-qualified responsible bidders accordingly. A contractor that is not included on the list of pre-qualified bidders or removed from the list of pre-qualified bidders may appeal the decision of the Director of Engineering to the City Administrator for final determination.

(4) The Director of Engineering shall present all recommendations to disqualify a contractor as "not responsible" for any project let under this Section to the City Administrator who, after consulting with Corporate Counsel, shall make the determination as to whether the bidder is a responsible bidder. Any bidder that the City Administrator determines is not "responsible" may have the right of appeal to the full City Council unless exigent circumstances concerning the

Council Bill/General Ordinance No. 3001-2021

Page 4 of 5

timing of the work to be performed that was the subject of the bidding process make such an appeal impractical.

**Section 3** – That Chapter 27, “PURCHASING,” Section 27-3101(e) of the Moline Code of Ordinances is hereby deleted in its entirety and in lieu thereof the following shall be substituted:

CHAPTER 27

Section 27-3101

...

(e) Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with “responsible offerors” who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussion, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors. For any project for the construction or demolition of any “public works” as defined in 820 ILCS 130/2, as interpreted by the Illinois Department of Labor, where the contract sum equals or exceeds \$75,000, the City shall consider the requirements of Section 27-3100(c) to determine the lowest “responsible offeror.”

**Section 4** – That Chapter 27, “PURCHASING, Article IV is hereby amended to add Section 27-4104 of the Moline Code of Ordinances as follows:

CHAPTER 27

27-4104 NEIGHBORHOOD IMPACT

(a) The Director of Engineering shall, in the course of design for each project involving the construction or demolition of a “public work” as defined in 820 ILCS 130/2, determine whether the project will, during the course of construction or demolition, have a significant impact on one or more businesses or residential households that are adjacent or proximate to the project location. For those projects that the Director of Engineering determines will have such an impact, the Director of Engineering shall, prior to publishing the plans and specifications to the market, host a meeting (which may be conducted by electronic means) at which the design professionals for the project will present the project and during which the neighboring properties (owners and tenants) will have an opportunity to comment and raise concerns. The Director of Engineering shall cause notice of the meeting to be given to the neighboring properties by mail, signage and notice on the City website. The design professionals shall, as reasonable, consider the concerns of the neighboring properties when completing the plans and specifications to be presented to the market. The meeting shall be held sufficiently in advance of issuing the bid to allow concerns to be considered and the project documents amended prior to bidding.

Council Bill/General Ordinance No. 3001-2021

Page 5 of 5

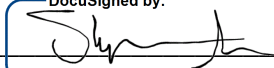
(b) For any project involving the construction or demolition of a “public work” as defined in 820 ILCS 130/2 for which the Director of Engineering has determined that the project will have a significant impact on one or more businesses or residential households that are adjacent or proximate to the project location, the specifications for the project shall require the Contractor to host, prior to mobilization, a meeting (which may be conducted by electronic means) with the neighboring properties at which the Contractor will introduce its project management team and its points of contact for the neighbors during the course of construction. Notice of the meeting shall be given by mail, signage and notice on the City website.

**Section 5** – That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of the conflict, expressly repealed on the effective date of this ordinance.

**Section 6** - That all provisions of this ordinance shall be deemed severable and, in the event any provision of this ordinance, or any application thereof, shall be found invalid or unenforceable, such finding shall not affect all other provisions of this ordinance and all other lawful applications thereof.

**Section 7** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

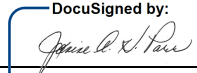
CITY OF MOLINE, ILLINOIS

DocuSigned by:  
  
\_\_\_\_\_  
Mayor BAC43CBA499A402...

\_\_\_\_\_  
January 19, 2021  
Date

Passed: \_\_\_\_\_ January 19, 2021

Approved: \_\_\_\_\_ February 2, 2021

Attest: \_\_\_\_\_  
DocuSigned by:  
  
\_\_\_\_\_  
City Clerk