

ORDINANCE NO. 21-008

**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER
REQUIREMENTS ON CONSTRUCTION PROJECTS**

WHEREAS, the Forest Preserve District of DuPage County (hereinafter the "District") is a body corporate and politic, established and operating in conformance with the Downstate Forest Preserve Act, 70 ILCS 805/0.001 et seq.; and

WHEREAS, the District seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded contracts on construction projects; and

WHEREAS, the District, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily insured by awarding a construction contract solely on the basis of the low bid; and

WHEREAS, the District seeks to enhance its ability to identify the lowest "responsible bidder" on all construction projects by instituting more comprehensive submission requirements which are in compliance with Illinois law; and

WHEREAS, "An Ordinance Establishing Responsible Bidder Requirements on Construction Projects" will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 14-314; also known as Purchasing Policy for the Forest Preserve District of DuPage County, be amended to include:

Responsible bidder for construction contracts means a bidder for construction contracts advertised, awarded, and financed, in whole or in part, with District public funds, regardless of cost, excluding projects on private property; and who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

- a. All applicable laws prerequisite to doing business in Illinois, and all local ordinances; and not in conflict with any federal law.
- b. 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 No. 11375 (known as the Equal Opportunity Employer provisions).
- c. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, and automobile.
- d. Compliance with all provisions and exemptions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the Act.

- e. Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project prior to the subcontractor commencing work on the project.
- f. The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Office of Apprenticeship for each of the trades of work contemplated under the awarded contract.
- g. Evidence of participation in apprenticeship 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's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeship crafts dedicated exclusively to the transportation of material and equipment to and from the project. The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the project.
- h. All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
- i. All bidders must identify projects of a similar nature as being performed in the immediate past years with the name, address and telephone number of the contact person having knowledge of the project or three (3) references (name, address, and telephone number) with knowledge of the integrity and business practices of the contractor.


BE IT FURTHER ORDAINED, that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character 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, excluding those contracts advertised or awarded before this date.

BE IT FURTHER ORDAINED, that the Secretary is hereby directed to attach a certified copy of this Ordinance to Ordinance No. 14-314.

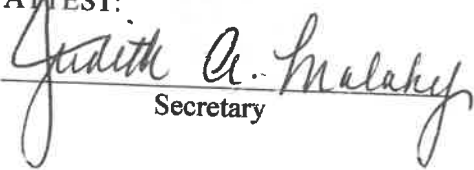
PASSED AND APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this 2nd day of February, 2021.

APPROVED:



President

ATTEST:



Secretary

ORDINANCE NO. 14-314

**PURCHASING POLICY FOR THE FOREST PRESERVE DISTRICT
OF DUPAGE COUNTY**

WHEREAS, the Forest Preserve District of DuPage County (hereinafter "District") established a Purchasing Policy in 1988 by Ordinance Number 88-424; and

WHEREAS, the 88-424 Purchasing Policy has become archaic and inefficient as a consequence of the amendments to and adoption of various laws by the Illinois legislature; and

WHEREAS, the President and Board of Commissioners of the District deem it necessary and appropriate to adopt a purchasing policy which is consistent with current State statute and maximizes efficiencies associated with purchasing to optimize the application of public resources; and

WHEREAS, the President and Board of Commissioners has the authority and power to establish a purchasing policy consistent with State statutes; and

WHEREAS, the adoption of such ordinance requires the repeal of Ordinance Number 88-424 and the Purchasing Policy adopted pursuant to said Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Commissioners of the Forest Preserve District of DuPage County as follows:

SECTION 1. Repeal Ordinance Number 88-424 is hereby repealed and rescinded in its entirety.

SECTION 2. Purchasing Policy Adopted. The following purchasing policy is hereby adopted by the Forest Preserve District of DuPage County. It shall apply to all supplies, materials, or work except those requiring personal confidence or necessary supplies under the control of monopolies where competitive bidding is impossible. This Policy shall not apply in any instance where legislation requires or provides an alternative purchasing method. Staff shall exercise sound discretion in determining whether to purchase through the bidding specifications set forth herein or whether to use a cooperative purchasing contract established by competitive or negotiated bidding procedures aligned with this Policy.

SECTION 3. Purchasing Policies by Contract Amount. The following guidelines shall be applied to District Contracts based on the amount of the supplies, materials, and work sought.

A. Contracts for Purchases over \$20,000: Competitive Bidding Required.

All purchases of supplies, materials or work to secure supplies, materials or work over \$20,000 shall, except as specifically excluded herein, be based wherever possible on competitive bids. Cooperative purchasing agreements which satisfy the minimum bidding requirements of the Governmental Joint Purchasing Act 30 ILCS 525/3 shall be deemed to satisfy this requirement. All bids in this category shall be opened in public on a date, time, and place specified in the District's bid specification.

Where the District bids directly, a notice inviting bids shall be published at least once in a newspaper circulating within the District no less than one week preceding the last day set for the receipt of proposals. The newspaper notice shall include a general description of the supplies, articles, works, or materials to be purchased, identify where bid blanks and specifications may be secured and the time and place for the opening of bids. Certain bid circumstances are exempt from advertising as per Section 2. Contracts for expenditures in excess of \$20,000 shall be let to the lowest responsible bidder.

Staff in making its recommendation for the "lowest responsible bidder" shall take into consideration not only the bidder's proposed price but also all other factors associated with the bid that may impact the overall cost to the District.

B. Contracts for Supplies, Materials or Work Involving Expenditures of \$20,000 or Less. Contracts for supplies, materials or work involving an expenditure of \$20,000 or less may be let without advertising for bids but when practicable at least three competitive proposals shall be obtained before letting contracts. Staff shall use open market procedures to solicit bids of supplies, materials or work. District staff may solicit quotes by any one or more of the following methods: (a) direct mail request to prospective bidders; (b) telephone call; (c) posted notice on the District's website; (d) publication in a newspaper; (e) e-mail, internet quote, or other electronic posting on the District's website.

C. Contracts for \$3,000 or Less. Responsible management staff of the District may enter into a contract or a work order for supplies, materials or work having a value of up to \$3,000 where the money for the supplies, materials or work have previously been budgeted by the President and Board of Commissioners.

D. Change in Law. If the Illinois legislature changes the advertising requirements, or otherwise amends statutory requirements for contracting for Forest Preserve District's, staff is authorized to apply the amended statutes for purchasing without amendment of this Purchasing Policy.

SECTION 4. Bidder List. For any contract District staff may solicit sealed bids from all responsible prospective bidders who have requested that their names be on the "bidder's list" which District staff shall maintain. District staff may solicit persons on the bidder's list by sending them a copy of the newspaper notice described above.

SECTION 5. Prohibition Against Subdividing or Stacking Contracts. No contract shall be subdivided, nor shall contracts be stacked, in order to avoid the requirements of this Ordinance. This prohibition shall not prevent the repetitive purchase of routine supplies, materials or work where such purchases are customarily purchased in bulk over periods of time as needed based upon consumption.

SECTION 6. Records. District staff shall keep a record of all open market purchase quotations submitted by any bidder and such records shall be open to public inspection.

SECTION 7. Bonds. District staff shall require performance, payment, and/or maintenance bonds where prescribed by law. The District may also require performance, payment, and maintenance bonds where such bonds are deemed necessary and in the best interest of the District as determined by the Executive Director or the District's corporate counsel.

SECTION 8. Emergency Purchases. An emergency purchase shall mean a situation in which delay caused by adherence to the requirements of this Ordinance would eminently threaten the public health, safety or welfare, structural integrity of an asset, and where the immediate purchase of supplies, materials or work is necessary in order to prevent or mitigate the threat.

In the case of an emergency purchase, responsible management staff are hereby empowered to procure supplies, materials or work at the lowest obtainable price and only to the extent necessary to relieve the emergency. Thereafter, as soon as is reasonably possible, the President or Executive Director shall communicate the purchase and situation to the Board of Commissioners.

BE IT FURTHER RESOLVED that the Secretary is hereby authorized and directed to transmit certified copies of this Resolution to the Executive Director, and the Director, Office of Finance.

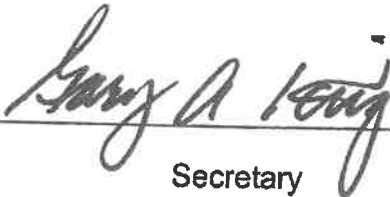
PASSED and APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this 1st day of July, 2014.

APPROVED:



President

ATTEST:



Secretary


Ayes: 7

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)

I, GARY A. KING, SECRETARY OF THE FOREST PRESERVE
COMMISSION IN THE COUNTY AND STATE AFORESAID, AND
KEEPER OF THE RECORDS AND FILES THEREOF, DO HEREBY
CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF
AN ORDINANCE

PASSED BY THE BOARD OF COMMISSIONERS AT A MEETING
HELD AT THE DISTRICT HEADQUARTERS, 3 SOUTH 580
NAPERVILLE ROAD, WHEATON, ILLINOIS, ON THE 1ST DAY OF
JULY, A.D., 2014.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT WHEATON,
ILLINOIS, THIS 2ND DAY OF JULY, A.D., 2014.



SECRETARY
FOREST PRESERVE COMMISSION
DU PAGE COUNTY, ILLINOIS


STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)

I, JUDITH A. MALAHY, SECRETARY OF THE FOREST PRESERVE
COMMISSION OF DUPAGE COUNTY IN THE STATE OF ILLINOIS, AND
KEEPER OF THE RECORDS AND FILES THEREOF, DO HEREBY
CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF

ORDINANCE 21-008

EXECUTED AT THE DISTRICT HEADQUARTERS, 3 SOUTH 580 NAPERVILLE
ROAD, WHEATON, ILLINOIS, ON THE 2nd DAY OF FEBRUARY A.D., 2021.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT WHEATON,
ILLINOIS, THIS 4th DAY OF FEBRUARY A.D., 2021.



SECRETARY
FOREST PRESERVE COMMISSION
DU PAGE COUNTY, ILLINOIS