

RESOLUTION NO. 04 - 2021

**Responsible Business Practices and Submission Requirements
for Projects Receiving Economic Incentives from the County of LaPorte**

WHEREAS, for the same sound exercise of fiduciary duty the Board of Commissioners of LaPorte County, Indiana saw fit to pass Ordinance No. 2021-7 establishing adherence to “Responsible Bidding Practices and Submission Requirements” for contractors submitting bids to perform construction work on public works projects, this Resolution helps to ensure businesses approved by the LaPorte County Redevelopment Commission (“Redevelopment Commission”) to receive taxpayer subsidized economic incentives on construction projects are responsible businesses.

WHEREAS the Redevelopment Commission is authorized to grant or approve various economic incentives to support and encourage economic development projects in the County;

WHEREAS development in the Redevelopment Commission remains robust and on growth trajectory indicative of continued utilization of economic incentives, including but not limited to tax abatements; and

WHEREAS, the Redevelopment Commission has determined that establishing criteria to enhance its ability to identify responsible businesses applying for tax abatements and other economic incentives will promote the County's economic health and welfare, will promote public safety and workforce development, and is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the LaPorte County Redevelopment Commission that:

SECTION 1. This Resolution No. 2021-02, entitled “Responsible Business Practices and Submission Requirements for Projects Receiving Economic Incentives,” is hereby enacted and shall read as follows:

I. Application and Process

- (a) This Resolution shall apply to any construction project financed in whole or in part with economic development incentives, including but not limited to tax increment financing, tax credit, tax deduction, tax exemption, property tax abatement, a grant, loan, loan guarantee, or other financial or economic development assistance; and
- (b) The process for managing, tracking, and verifying documents submitted under this Resolution shall be established by the LaPorte County Redevelopment Commission.

II. Requirements

- (a) Upon approval of an application for an economic development incentive, and prior to issuing any building permit for the project, the Applicant shall submit a list of contractors and subcontractors, including independent contractors, who will perform work on the project, along with documentation of the following verified under oath by each contractor and subcontractor:

- (1) A copy of a print-out of the Indiana Secretary of State's on-line records for the business dated within sixty (60) days of the submission of said document showing that the business is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing;
- (2) A list identifying all former business names;
- (3) Any determinations by a court of governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts;
- (4) A statement on staffing capabilities, including labor sources;
- (5) Evidence of participation in apprenticeship training programs, approved by and registered with the United States Department of Labor Office of Apprenticeship or successor organization, applicable to the work to be performed on the project; and evidence that all apprenticeship programs have graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the contractor or subcontractor will perform on the project. Evidence of graduation rates are not required for apprentice able crafts dedicated exclusively to the transportation of material and equipment to and from the public works 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 public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the contractor or subcontractor will perform on the project. Additional evidence of participation and graduation requirements may be requested by the Redevelopment Commission at its discretion.

- (6) A copy of a written plan for employee drug testing that: (i) covers all employees of the contractor/subcontractor who will perform work on the public works project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;
- (7) The name and description of the experience of each of the contractors or subcontractors project managers and superintendents expected to work on the project;
- (8) Proof of any professional or trade license required by law for any trade or specialty area in which a contractor or subcontractor will perform work; and disclosure of any suspension or revocation within the previous five (5) years of any professional or trade license held by the company, or of any director, officer, or manager employed by the company;

- (9) Evidence that the contractor or subcontractor is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties;
 - (10) A written statement of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years;
 - (11) A statement that all individuals who will perform work on the project on behalf of contractors or subcontractors will be properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances;
 - (12) A list of projects of similar size and scope of work that the contractor or subcontractor has performed in the State of Indiana within three (3) years prior to the date on which the bid is due;
- (b) Applicant shall notify the Redevelopment Commission of any change to the list of contractors and subcontractors performing work on the project within five (5) calendar days of such change, and shall provide the County with the documentation required in section II (a) within ten (10) calendar days of such change.
- (c) Upon request by the Redevelopment Commission, Applicant shall obtain payroll information from any contractor or subcontractor on the project and provide the information to the County within five (5) days of being requested.
- (d) The County shall not issue a building permit for the project until the Applicant submits all documentation requested in section II(a) and the LaPorte County Redevelopment Commission has verified the information provided.
- (e) The requirements of section II shall be included in the economic development incentive agreement entered into by the Redevelopment Commission and Applicant.

III. Public Records

The documentation submitted pursuant to this Resolution, including payroll records, are public records subject to review pursuant to the Indiana Access to Public Records Law.

IV. Termination and Repayment

The County may terminate and require repayment of the economic incentive where applicable, if Applicant fails to comply with the requirements of Section II. The County will follow the procedures set forth in the parties' economic development incentive agreement for termination and repayment of benefits, or other applicable agreement.


V. Severability

If any provision of this Resolution is found to be invalid, the remaining provisions of this Resolution shall not be affected by such a determination. These other provisions of this Resolution shall remain in full force and effect with the invalid provision.

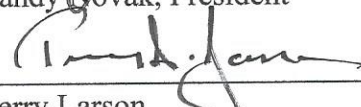
SECTION 2. It is hereby found and determined that all formal actions of the Redevelopment Commission relating to the passage of this Resolution were adopted in open meeting(s) of this Commission and that all deliberations of this Commission that resulted in such formal actions, were meetings open to the public, in compliance with all legal requirements and that the reading and adoption of this Resolution complies with the County Code, as amended.

SECTION 3. This Resolution shall be in full force and effect from and after the date of adoption by the LaPorte County Redevelopment Commission.

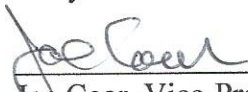
REDEVELOPMENT COMMISSIONERS



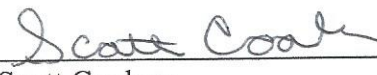
Randy Novak, President



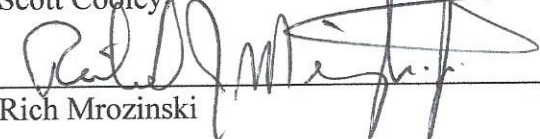
Terry Larson



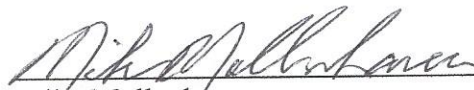
Joe Coar, Vice-President



Scott Cooley



Rich Mrozinski

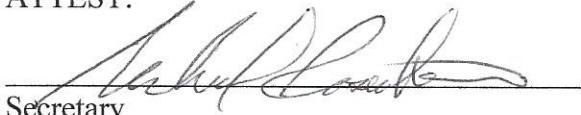


Mike Mollenhauer



Mike Rosenbaum

ATTEST:


Secretary

Presented to the Redevelopment Commission of LaPorte, Indiana, this 27th day of October, 2021.