

ORDINANCE NO. 23 – 035

AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATIVE), CHAPTER 9 (MUNICIPAL FINANCES), ARTICLE B (PURCHASING POLICIES AND GUIDELINES) SECTION 1 (GENERAL PROVISIONS), SECTION 2 (DEFINITIONS), SECTION 3 (PROCUREMENT SERVICES TEAM AND CHIEF PROCUREMENT OFFICER), AND SECTION 7 (PROCUREMENT OF CONSTRUCTION) OF THE NAPERVILLE MUNICIPAL CODE

Recitals

1. **WHEREAS**, the City of Naperville, DuPage and Will Counties, Illinois ("City"), seeks to ensure that only qualified contractors and subcontractors are awarded contracts on construction projects by instituting an additional requirement for construction projects; and
2. **WHEREAS**, the City is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, may exercise any power and perform any function pertaining to its government and affairs.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:

SECTION 1: The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 1 (General Provisions) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

1-9B-1: GENERAL PROVISIONS:

1. Short Title: * * *
2. Purposes: * * *
- 2.1 * * *
- 2.2 To provide for the fair and equitable treatment of all persons involved in public purchasing by the City; and

~~2.3. To maximize the purchasing value of public funds in procurement; and~~

~~2.34. To provide safeguards for maintaining a procurement system of quality and integrity.~~

3. Requirement Of Good Faith: * * *

4. Application: * * *

5. Public Access To Procurement Information: * * *

SECTION 3: Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 2 (Definitions) of the Naperville Municipal Code is hereby amended by deleting the stricken language as follows:

1-9B-2: - DEFINITIONS:

The words defined in this Article shall have the meanings set forth below whenever they appear in this Article or in any operational procedures promulgated thereunder:

CHANGE ORDER through INVITATION FOR BIDS * * *

LOCAL BUSINESS	An organization that sells goods and/or services to the public, either retail or wholesale, and maintains a physical location with on site staffing in any one or more of the postal zip codes located within a ten-mile radius of the intersection of Gartner Road and 75th Street (the approximate geographical center of town).
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PROCUREMENT through TERM CONTRACT * * *

SECTION 4: Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 3 (Procurement Services Team and Chief Procurement Officer) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

1-9B-3: - PROCUREMENT SERVICES TEAM AND CHIEF PROCUREMENT OFFICER:

1. Established: * * *

2. Authority: * * *

- 3. Duties: * * *
- 3.1. * * *
- 3.2 * * *
- 3.3. * * *

~~3.4. Establish and maintain programs to support and enhance opportunities for local businesses to participate in all source selection and contracting activities of the City through outreach programs and information sharing with area business support organizations.~~

3.45. Exercise general supervision over all inventories of supplies belonging to the City;

3.56. Sell, trade, or otherwise dispose of surplus property belonging to the City;

3.67. Establish and maintain programs for specification development, contract administration, inspection and acceptance, in cooperation with the City departments using the supplies, services, and construction; and

3.78. Ensure compliance with this Article by reviewing and monitoring procurements conducted by any designee, department or official delegated authority under Subsection 1-9B-3.5 of this Section.

- 4. Operational Procedures: * * *

- 5. Delegation To Other City Officials: * * *

SECTION 5: Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 7 (Procurement of Construction) of the Naperville Municipal Code is hereby amended by adding the underlined language as follows:

1-9B-7: - PROCUREMENT OF CONSTRUCTION:

- 1. Responsibility For Selection Of Project Delivery Method: * * *
- 2. Bid Security: * * *
- 3. Contract Performance And Payment Bonds: * * *

4. Insurance:

* * *

5. Apprentice and Training Program: Construction require evidence of participation in 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'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 over the past five (5) years the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeship crafts dedicated exclusively to the transportation of materials and equipment to and from the public works project. The required evidence includes, but is not limited to, a copy of applicable apprenticeship program certification that it has graduated least (5) five apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. Additional evidence of participation and graduation requirements may be requested by the Chief Procurement Officer or his/her designee.

SECTION 6: Savings Clause. If any provisions of this Ordinance or its application to any person or circumstance is held invalid or unenforceable by any court of competent jurisdiction, this invalidity or unenforceability does not affect any other provisions or application of this Ordinance, which can be given effect without the invalid or unenforceable provision or application. To achieve this purpose, the provisions of this Ordinance are declared to be severable.

SECTION 7: Effective date. This Ordinance shall take effect on January 1, 2024.

ADOPTED this 21st March day of March 2023.

AYES: ANDERSON, HINTERLONG, HOLZHAUER, KELLY, SULLIVAN,
 TAYLOR, WHITE

NAYS: CHIRICO, LEONG

APPROVAL this 22nd day of March 2023.



Steve Chirico
Mayor

ATTEST:



Grace Michalak
Records Clerk

