

**WORTH TOWNSHIP  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 558-23**

**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS  
ON PUBLIC WORKS PROJECTS IN WORTH TOWNSHIP,  
COOK COUNTY, ILLINOIS**

**ADOPTED BY THE  
TOWNSHIP BOARD OF WORTH TOWNSHIP**

**PATRICIA JOAN MURPHY, Township Supervisor  
EAMON J. MCMAHON, Township Clerk**

**JERRY HURCKES  
KELLY SEXTON-KELLY  
MYCHAL J. TOSCAS  
RICHARD J. LEWANDOWSKI  
Trustees**

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**WHEREAS**, Worth Township, Cook County, Illinois (the "Township"), is a duly organized and existing township and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Township Code, 60 ILCS 1/1-1, *et seq.*, and all laws amendatory thereto; and

**WHEREAS**, the Township expends substantial funds for the construction of public works, a portion of that money being derived from taxes paid by residents; and

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

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

**WHEREAS**, "An Ordinance Establishing Responsible Bidder Requirements on Public Works Projects in Worth Township, Cook County, Illinois" will ensure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED** by the Supervisor and Board of Trustees of the Town of Worth, Cook County, Illinois, that the bid provisions and requirements be and hereby are adopted for all new contracts for Public Works projects issued by Worth Township when said contracts are in an amount over Thirty Thousand Dollars (\$30,000.00) as follows:

**Section 1. Public works**

For purposes of this chapter, the term "public works" shall mean the following: any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, moving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any public building, structure, airport facility, highway, roadway, street, alley, bridge, sewer, drain, ditch, sewage disposal plant, water work, parking facility, railroad, excavation, or other project, development, real property, or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project or development, real property or improvement herein described of any material

or article of merchandise, which is paid for out of a public fund or out of a special assessment. The term also includes any public works leased by a political subdivision under a lease containing an option to purchase.

## **Section 2. Responsible Bidder**

Contracts subject to bidding requirements shall be awarded to the lowest responsible and responsive bidder as determined at the sole discretion of the Township Board. It is the sole responsibility of the bidder to comply with all submission requirements at the time it submits its bid to the Township. Bidder submissions deemed inadequate or incomplete may result in a determination that the bidder is not a responsible, responsive bidder. In determining the lowest responsible and responsive bidder, the Township Board shall consider the following as well as other criteria:

1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
2. The capacity of the bidder to perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience, and efficiency of the bidder including but not limited to past performance record; default under previous contracts, whether or not such contracts were with the Township; competency; and failure to pay or satisfactorily settle all bills due for labor and material on former contracts;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and financial ability of the bidder to perform the contract or service;
7. The quality, availability, and adaptability of the supplies, machinery, plant or other equipment or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract, including guarantees; and
9. Compliance with all other requirements of this Ordinance and upon consideration as may be provided herein.

In determining whether a bidder is a “responsible bidder” for the award of a public works contract the bidder must submit the following information and supporting documentation verified under oath on a form designated by the Township, in order for the bid to be accepted:

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

- B. A valid federal employer tax identification number or, if an individual, a valid social security number.
- C. Documents evidencing current registration with the Illinois Department of Revenue if bidder has employees (e.g., document with account number, Illinois Business Tax number).
- D. Documents evidencing current registration with the Illinois Department of Employment Security if bidder has employees (e.g., document with UI account number).
- E. Disclosure of any federal, state, or local tax liens or tax delinquencies against the contractor or any officers of the contractor in the last five (5) years.
- F. A statement that all employees are (i) covered under a current workers' compensation insurance policy and (ii) properly classified under such policy.

If the bidder is insured with a carrier, the evidence of workers' compensation insurance shall be a copy of the "Information Page" of the contractor's workers' compensation policy and any continuation of that Information Page which include the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class code.

- G. A statement of compliance with all provisions of the Illinois Prevailing Wage Act (820 ILCS 130/1, *et seq.*) and all rules and regulations therein, for the past five (5) years.

Such statement shall also provide that the contractor has reviewed the Prevailing Wage Act (or federal Davis-Bacon and related Acts), has reviewed and agrees to pay the applicable prevailing wage rates attached to the bid specifications, and will strictly comply with the Prevailing Wage Act (or federal Davis-Bacon and related Acts) and related requirements.

A contractor who has been found by the Illinois Department of Labor to be in violation of the Prevailing Wage Act twice within a three (3) year period shall be deemed not to be a Responsible Bidder for two (2) years from the date of the latest finding.

- H. A statement of compliance with provisions of Section 2000e 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).
- I. A copy of the written program for the prevention of substance abuse to be filed with a public body pursuant to the Substance Abuse Prevention on Public Works Projects Act (820 ILCS 265/1, *et seq.*).

- J. A statement that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances.
- K. Disclosure of any federal, state, or local claim for unpaid compensation (wages and/or fringe benefits) for contractor's employees filed against the bidder in the last five years, where such claim totals \$100,000 or more.
- L. Documents evidencing any professional or trade license required by law or local ordinance for any trade or specialty area in which the contractor is seeking a contract award. Additionally, the contractor must disclose any suspension or revocation of such license held by the company, or of any director, officer, or manager of the company.
- M. Evidence of participation in apprenticeship 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. The required evidence includes a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project.
- N. Documents evidencing contractors' safety and health activities and programs, including:
  - (i) a written safety policy statement signed by a company representative;
  - (ii) completed copies of OSHA Form 300A Summary of Work-Related Injuries and Illnesses for the past three (3) years (if applicable); and
  - (iii) the current year-to-date OSHA Form 300 Log of Work-Related Injuries and Illnesses (if applicable).
- O. 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. Further, each such subcontractor shall be required to adhere to the requirements set forth herein as though it were bidding directly to the Township. Each contractor shall submit all subcontractor information and supporting documentation to the Township prior to the subcontractor commencing work on the project.

Any material changes to the contractor's status, at any time, must be reported in writing to the Township within fourteen (14) days of its occurrence. Failure to comply with this requirement is grounds for the contractor to be deemed a non-responsible, non-responsive bidder.

### **Section 3. Additional Criteria Available**

If all of the above criteria in Section 2 of this Ordinance are otherwise satisfied and credits considered, the Township may also consider the following factors, at its discretion, in awarding the project if such information is requested:

- A. Statements as to past performance, which shall give an accurate and complete record of all public works projects completed in the past three (3) years by the contractor. Such statements shall include the name of the public body and the project, original contract price, final contract price, and the names of all subcontractors used, if applicable, and a statement as to compliance with completion deadlines; and/or
- B. Any determinations by a court or 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), the National Labor Relations Act (NLRA), or federal Davis-Bacon and related Acts.

The Township also adopts a preference for businesses located in Worth Township for the purposes of determining the lowest responsible and responsive bidder in order to help stimulate local business development and foster a strong local economy. The Township shall consider this factor in awarding a project if all of the criteria provided for in Section 2 of this Ordinance are otherwise satisfied. The local preference established by this Section shall in no way be construed to inhibit, limit, or restrict the right, or obligation of the Township to compare and review the quality of materials proposed for purchase, and to compare and review the qualifications, character, responsibility, and fitness of all persons, firms or corporations submitting bids or proposals.

These additional factors and criteria may be considered when two or more responsible, responsive bidders have submitted the same low bid. However, nothing herein shall limit the Township's application or use of these additional factors to such a scenario.

**Section 4.     Lowest Bidder Not Chosen**

When the award is not recommended to be given to the lowest bidder, a statement of the reason for such recommendation shall be prepared by the Township, through its designated engineer or architect, subject to approval by the Township Board, as the case may be.

**Section 5.     Materiality**

The requirements of this Ordinance are a material part of the bid documents and the contract, and the successful bidder shall insert this Ordinance in all subcontracts.

**Section 6.     Severability**

If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions or applications of this Ordinance which can be given effect without the invalid portions or applications and, to this end, the portions of this Ordinance are severable.

**Section 7.     Other Ordinances**

Any prior ordinance or portion thereof in conflict with this Ordinance is hereby revoked.

**Section 8. Effective Date**

This Ordinance shall take effect upon passage by the Supervisor and Board of Trustees of Worth Township, Cook County, State of Illinois.


**ADOPTED** by the Supervisor and Board of Trustees of the Township of Worth, Cook County, Illinois this 28th day of September 2023, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Hurckes	X			
Sexton-Kelly	X			
Toscas	X			
Lewandowski			X	
Supervisor Murphy	X			
TOTAL	4		1	

**APPROVED** by the Board of Trustees on September 28, 2023.

  
Patricia Joan Murphy  
Township Supervisor

ATTEST:

  
Eamon J. McMahon  
Township Clerk

COUNTY OF COOK            )  
  ) SS  
STATE OF ILLINOIS        )

**CLERK’S CERTIFICATE**


I, Eamon J. McMahon, certify that I am the elected and duly qualified Clerk of Worth Township, Cook County, Illinois (the “Township”) and, as such, I am the keeper of the records and files of the Township and its Supervisor and Trustees (collectively, the “Township Board”). I further certify as follows:

Attached to this Certificate is a true, correct, and complete copy of Township Ordinance No. 558-23, entitled:

**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS  
ON PUBLIC WORKS PROJECTS IN WORTH TOWNSHIP,  
COOK COUNTY, ILLINOIS**

This Ordinance was duly passed and approved by the Township Board at a duly noticed meeting held on the \_\_\_ day of October, 2023. I do further certify that a quorum of said Township Board was present at said meeting, and that the Township Board complied with all the requirements of the Illinois Open Meetings Act in connection with said meeting.

Given under my hand and official seal at Worth Township, Cook County, Illinois, this 28th day of September, 2023.

  
Eamon J. McMahon  
Township Clerk

