
City of Naperville, Illinois

1-9B-7: PROCUREMENT OF CONSTRUCTION:

1. Responsibility For Selection Of Project Delivery Method: The Chief Procurement Officer, in consultation with the appropriate City department or agency, shall have discretion to select the appropriate project delivery method. In determining which method to use, the Chief Procurement Officer shall consider the City's requirements, its resources, and the capabilities of potential contractors.
2. Bid Security: Bid security shall be required for all construction contracts awarded by competitive sealed bidding, in accordance with applicable law. Bid security may be required for construction contracts awarded by competitive sealed proposals or other methods. Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the Chief Procurement Officer.
 - 2.1. Amount: Bid security shall be in an amount equal to at least ten percent (10%) of the amount of the bid.
 - 2.2. Rejection Of Bids: When the invitation for bids requires security, noncompliance requires that the bid be rejected unless it is determined that the bid fails to comply only in a nonsubstantial manner with the security requirements.
 - 2.3. Withdrawal Of Bids: If a bidder is permitted to withdraw its bid before award as provided in Subsection 1-9B-4.1.5 of this Article, no action shall be taken against the bidder or the bid security.
3. Contract Performance And Payment Bonds:
 - 3.1. When Required: When a construction contract is awarded in excess of ten thousand dollars (\$10,000.00), the following bonds or security shall be delivered to the City and shall become binding on the parties upon the execution of the contract:
 - 3.1.1. A performance bond satisfactory to the City, executed by a surety company authorized to do business in the State or otherwise secured in a manner satisfactory to the City, in an amount equal to one hundred percent (100%) of the price specified in the contract; and
 - 3.1.2. A payment bond satisfactory to the City, executed by a surety company authorized to do business in the State or otherwise secured in a manner satisfactory to the City, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred percent (100%) of the price specified in the contract.
 - 3.2. Authority To Require Additional Bonds: Nothing in this Section shall be construed to limit the authority of the Chief Procurement Officer to require other forms of security to assure timely, faithful, and uninterrupted performance.
4. Insurance:
 - 4.1. Contractor's Insurance: Contractors and subcontractors performing any construction work for the City shall maintain for the duration of the project and any extensions thereof insurance coverages as specified by the Chief Procurement Officer.
 - 4.2. Errors And Omissions Insurance: The Chief Procurement Officer may require professional services firms to provide appropriate errors and omissions insurance to cover architectural and engineering services.
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

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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 five (5) 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.

(Ord. 04-156, 9-7-2004; Ord. No. 23-035, § 5, 3-21-2023)