

**TOWN OF LEYDEN
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. TO 2024-3
ORDINANCE NO. HO 2024-2**

**AN ORDINANCE AMENDING TITLE 1 “ADMINISTRATIVE”, CHAPTER 10
“PURCHASING POLICIES AND GUIDELINES”, SECTION 9 “HIGHWAY
COMMISSIONER PURCHASING” REGARDING RESPONSIBLE BIDDER
REQUIREMENTS**

BE IT ORDAINED BY THE TOWN SUPERVISOR AND BOARD OF TRUSTEES OF
THE TOWN OF LEYDEN, COOK COUNTY, ILLINOIS AND THE HIGHWAY
COMMISSIONER OF THE LEYDEN TOWNSHIP ROAD DISTRICT, as follows:

SECTION 1: The corporate authorities of the Town of Leyden (the “Town”) and the
Highway Commissioner of the Leyden Township Road District adopt and approve an amendment
to Title 1, “Administrative”, Chapter 10 “Purchasing Policies and Guidelines”, Section 9
“Highway Commissioner Purchasing” of the Town Code in its entirety to state as follows:

1-10-9: HIGHWAY COMMISSIONER PURCHASING:

The Highway Commissioner is authorized to let contracts, employ labor, and
purchase material and equipment for the construction, maintenance and repair of
roads within the Township Road District as provided by, and subject to the
limitations of article 6 of the Illinois Highway Code and other applicable provisions
of state law.

A. District Clerk: The town clerk, as ex officio district clerk of the township
road district, shall place advertisements for all highway bids and shall be present
when such bids are opened. The clerk shall also countersign and keep a complete
record of all warrants issued by the highway commissioner for budgeted road
district purposes.

B. District Treasurer: The Supervisor, as ex officio District Treasurer, shall pay
district monies in payment of the Highway Commissioner’s contracts upon warrant
of the Highway Commissioner provided the warrant is countersigned by the Town
Clerk.

C. The District Treasurer shall present, within thirty (30) days of the end of each fiscal year, a sworn itemized statement of receipts and disbursements of the district during the fiscal year just ended .

D. Lowest Bidder: Except for professional services, and in the case of emergencies, when contracts for the cost of construction, materials, supplies, machinery or equipment exceed thirty thousand dollars (\$30,000.00), said contracts shall be let to the lowest responsible bidder after advertising for bids at least once, and at least ten (10) days prior to the time set for the opening of such bids. For purposes of this subsection, "new machinery or equipment" is defined as that which has been previously untitled or that which shows fewer than two hundred (200) hours on its operating clock and that is accompanied by a new equipment manufacturer's warranty.

E. Bid Specifications And Instructions: Bid specifications shall include the following information:

1. A general statement describing the nature of the purchase or contract.
2. General instructions for submitting a bid or proposal.
3. General requirements for performing the business transaction.
4. Method of payment.
5. Technical specifications including a description of materials to be used and/or a detailed explanation of services to be provided.

F. Lowest Responsible Bidder: The following nonexclusive list of factors shall be considered in recommending the lowest responsible bidder to the Highway Commissioner from among those bidders who submit bids responsive to the bid notice and specifications.

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
2. Whether the bidder can 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.
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 ability of the bidder to perform the contract or provide the service.

7. The quality, availability and adaptability of the supplies 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.

9. The number and scope of conditions attached to the bid.

10. Bidder's record of experience in constructing improvements of the size and type required in the bid specifications.

11. Lowest bids received.

12. Bidder's record as to the percentage of work sublet on previous contracts.

G. Lowest Responsible Bidder For Public Works Projects: 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 acceptable to the Highway Commissioner in order for the bid to be accepted:

1. A copy of the Illinois Secretary of State's Department of Business Services online records evidencing that the bidder has a current corporate annual report on file. If the bidder is an individual, sole proprietor, or partnership, this subsection shall not apply.

2. Documents evidencing current registration with the Illinois Department of Revenue if bidder has employees (*e.g.*, document with account number, Illinois Business Tax number).

3. Documents evidencing current registration with the Illinois Department of Employment Security if bidder has employees (*e.g.*, document with UI account number).

4. 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.

5. 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 not insured with a carrier, the evidence of workers' compensation insurance shall be a copy of the "Information Page" of the bidder'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.

6. Compliance with all provisions of the Illinois Prevailing Wage Act, 820 ILCS 130/1, *et seq.*, including wages, medical and hospitalization insurance and retirement for those trades covered in the act.

7. A statement of compliance with all provisions of the Illinois Prevailing Wage Act and all applicable rules and regulations for the past five (5) years. Such statement(s) shall also provide that the contractor has reviewed the Illinois Prevailing Wage Act or federal Davis-Bacon and Related Act, has reviewed, and agrees to pay the applicable prevailing wage rates attached to the bid specifications, and will strictly comply with the Illinois Prevailing Wage Act or federal Davis-Bacon and Related requirements. A contractor who has been found by the Illinois Department of Labor to be in violation of the Illinois 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.

8. 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.*

9. 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.

10. 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, or manager of the company.

11. Documentation evidencing the bidder actively participates, and has actively participated for at least 12 months before the date of the bid opening, 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 past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeable 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; 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 bidder will perform on the project; and additional evidence of participation and graduation requirements as may be requested by the Highway Commissioner at its discretion.

12. Bidder shall certify that all employees expected to perform work on the project have completed a 10-hour or greater OSHA safety program. Only workers that have satisfactorily completed a 10-hour or greater OSHA safety program will be allowed to participate on the project. The bidder must have copies of the employee OSHA cards on file, and the Highway Commissioner may request the bidder provide copies of employee's OSHA cards; failure to produce an employee's OSHA card may result in a determination that the bidder is not a responsible bidder.

13. All contractors and sub-contractors are required to turn in certified payrolls pursuant to Illinois Prevailing Wage Act, and comply with all provisions of the Employee Classification Act, 820 ILCS 185/1, *et seq.*

14. Documentation 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 as though it were bidding directly to the Highway Commissioner. Each contractor shall submit all subcontractor information and supporting documentation to the Highway Commissioner prior to the subcontractor commencing work on the project.

15. Disclosure of any determinations by a court or governmental agency for violations of federal, state, or local laws, including but not limited to serious, willful, or repeated violations of the Occupations Safety and Health Act (OSHA), violations of contracting or antitrust laws, tax or licensing laws, environmental laws, or the Federal Davis-Bacon and Related Acts.

16. 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, the names of all subcontractors used, if applicable, and a statement as to compliance with completion deadlines.

Upon designation by the Highway Commissioner that a contractor's or subcontractor's submission in anticipation of a bid is complete and timely, and upon any further consideration deemed necessary by the Highway Commissioner, the contractor or subcontractor may be pre-qualified for future Highway Commissioner public works projects. A contractor's classification as "qualified" shall exempt the contractor or sub-contractor from the comprehensive submission requirements for a period of twelve (12) months. Thereafter, contractors or subcontractors who are

prequalified must submit a complete application for continuation of "pre-qualified" standing, on a form provided by the Highway Commissioner (also referred to as the "short form") by December 31st for the upcoming calendar year. Failure by any pre-qualified contractor or subcontractor to timely submit its complete application for continuation of "pre-qualified" standing shall result in automatic removal of the designation, effective January 1 of the upcoming year. However, the "removed" contractor or subcontractor shall still be permitted to bid on Highway Commissioner public works projects. The pre-qualification designation is solely within the discretion of the Highway Commissioner and the Highway Commissioner specifically reserves the right to change or revoke the designation for a stated written reason(s). Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven (7) working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to the Highway Commissioner within five (5) business days of receipt of notice of denial.

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

For the purpose of this subsection, the term "public works" shall have the same meaning as the definition of "Public works" provided by the Illinois Prevailing Wage Act as may be amended from time-to-time.

H. Incomplete Submissions. It is the bidder's sole responsibility to comply with all submission requirements at the time it submits its bid to the Highway Commissioner. Bidder submissions deemed inadequate or incomplete may result in a determination that the bidder is not a responsible bidder. The submission requirements also apply to all subcontractors, except that the successful bidder shall submit all subcontractor submissions to the Highway Commissioner prior to the subcontractor commencing work on the project. Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, the Highway Commissioner may withhold all payments otherwise due for work performed by a subcontractor until the subcontractor submits the required submission to the Highway Commissioner. If a subcontractor fails to submit the required information, the Highway Commissioner may require that the successful bidder remove the subcontractor from the project and replace it with a responsive and responsible contractor.

I. Rejection Of Bids: The Highway Commissioner has exclusive responsibility and discretion to reject any or all bids.

J. Performance And Payment Bonds: Whenever required by the terms of the bid or by state law, successful bidders shall be required to submit performance and payment bonds with sufficient sureties to ensure performance of the contract and to save the Leyden Township Road District and the Town harmless from the wage and material payment claims of laborers, subcontractors and material men.

K. Assignment Of Contracts: No contract shall be assignable or sublet by the successful bidder without the written consent of the board of trustees.

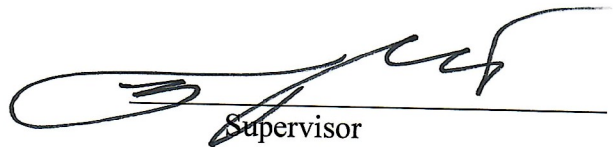
SECTION 2: This Ordinance shall be in full force and effect immediately upon its passage and approval as provided by law.

PASSED this 13th day of February, 2024.

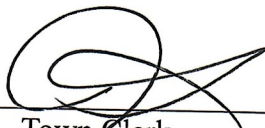
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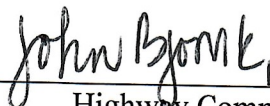
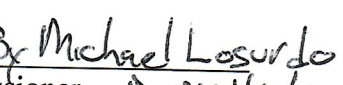
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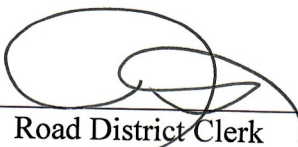

Supervisor

ATTEST:


Town Clerk

 By 
Highway Commissioner Deputy Highway
Leyden Township Road District Commissioner

ATTEST:


Road District Clerk