

**ORDINANCE NO. 25-3**

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION,  
ARTICLE III, DEPARTMENTS, DIVISION 2, FINANCE BY  
RENUMBERING SECTIONS 2-89 THROUGH 2-93 AS SECTIONS 2-90  
THROUGH 2-94 AND BY AMENDING SECTION 2-89 OF THE CODE OF  
ORDINANCES, VILLAGE OF McCOOK, ILLINOIS**

**TERRANCE M. CARR**  
Mayor

**JOHN J. BUBASH, JR.**  
**VICTORIA L. CERNETIG**  
**ROBERT M. MANDEKICH**  
**ERICA PADILLA**  
**THOMAS M. PERRIN**  
**KEVIN RUSSELL**  
Trustees

**CHARLES SOBUS, SR.**  
Clerk

**LOUIS F. CAINKAR, LTD.**  
Village Attorney

**ORDINANCE NO. 25-3**

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, DEPARTMENTS, DIVISION 2, FINANCE BY RENUMBERING SECTIONS 2-89 THROUGH 2-93 AS SECTIONS 2-90 THROUGH 2-94 AND BY AMENDING SECTION 2-89 OF THE CODE OF ORDINANCES, VILLAGE OF McCOOK, ILLINOIS**

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of McCook, Cook County, Illinois, as follows:

**Section 1**

That Sections 2-89 through 2-93 of Chapter 2, Administration, Article III, Departments, Division 2, Finance, of the Code of Ordinances, Village of McCook, Illinois, are hereby renumbered as follows:

Sec. 2-89. –	Equal Opportunity in award of contracts, shall be renumbered as Section 2-90.
Sec. 2-90. –	Contractor Requirements – Generally, shall be renumbered as Section 2-91.
Sec. 2-91. –	Same – Public works projects, shall be renumbered as Section 2-92.
Sec. 2-92. –	Salaries of officers and employees shall be renumbered as Section 2-93.
Sec. 2-93. –	Returned checks, shall be renumbered as Section 2-94.
Sec. 2-94. – 2-110. –	Reserved, shall be renumbered as Section 2-95 – 2-110.

**Section 2**

That Section 2-89 of the Code of Ordinances, Village of McCook, Illinois, is hereby amended to read as follows:

**Sec. 2-89. Responsible bidder requirements for certain public works contracts.**

- (a) *Public Works.* For purposes of this section, the term “public works” shall mean the following for a contract estimated to be one hundred thousand dollars (\$100,000) or more: 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 the public fund or out of a special assessment.

- (b) *Bid submission requirements.* Each bidder for a public works project under this section must submit specific information and supporting documentation, verified under oath, on a form designated by the village and must be a determined by the village to be a responsible bidder.
- (c) *Incomplete submission by bidders.* It is the sole responsibility of the bidder to comply with all submission requirements at the time it submits its bid to the village. Bid submissions deemed inadequate or incomplete may result in a determination that the bidder is not a responsible bidder.
- (d) *Validity of pre-qualification classification.* Upon designation by the village 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 village, the contractor or subcontractor may be pre-qualified for future public works projects. A contractor's classification as "qualified" shall exempt the contractor or subcontractor from the comprehensive submission requirements for a period of 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 village by December 31 for the following 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 following year. The pre-qualification designation is solely within discretion of the village and the village specifically reserves the right to change or revoke the designation for a stated written reason. Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within 7 working days of such decision. Any contractor denied pre-qualification status may request reconsideration of the decision by submitting such request in writing to the mayor within 5 business days after the date of the notice of denial.
- (e) *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 village engineer.
- (f) *Multiple low bids.* When two or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots at a public meeting of the board of trustees unless one bidder is a local contractor and one is a non-local contractor, in which event the local contractor shall be awarded the contract.
- (g) *Project labor agreements.* The village may require the use of a project labor agreement when it approves bid specifications and the letting of a project out for bid. When so specified, the public works construction project covered under this section shall be performed under a project labor agreement in such form as prescribed and adopted by the village. Such agreements shall provide for decent wages and working conditions for qualified and skilled craftsmen and craftswomen, so as to achieve professionally and competently completed projects while maintaining labor peace and harmony in and amongst the various trade organizations. Any firm, union affiliated or not, may bid on any public works project that utilizes a project labor agreement provided that the successful bidder becomes party to the project labor agreement for the duration of the project. However, there shall be no obligation or requirement by any successful bidder to become affiliated with any trade union or association, and any such affiliation, or lack thereof, shall not be used, or considered by the village in making a determination to award a project to the lowest responsible bidder as defined by this section. In the event that no qualified bidders bid on a project or portion thereof, the village reserves the right to request new proposals without including the project labor agreement.

### Section 3

That this ordinance is passed pursuant to the Village of McCook's Home Rule Powers under Article VII, Section 6, of the Illinois Constitution, and this ordinance hereby supersedes all State statutes in conflict herewith.

### Section 4

Upon its passage and approval, as required by law, this ordinance shall be in full force and effect. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of McCook, Cook County, Illinois, this 18<sup>th</sup> day of February, 2025.

\_\_\_\_\_  
CHARLES SOBUS, SR., Village Clerk

APPROVED by me this 18<sup>th</sup> day  
of February, 2025.

\_\_\_\_\_  
TERRANCE M. CARR, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of McCook, in accordance with law, this 18<sup>th</sup> day of February, 2025.

\_\_\_\_\_  
CHARLES SOBUS, SR., Village Clerk

## **Village of McCook Responsible Bidder Requirements**

In order to satisfy the responsible bidder requirements, as set forth in Section 2-89 of the McCook Code, each bidder must submit a completed affidavit regarding the following matters:

- (i) Unless the bidder is an individual, a copy of the Illinois Secretary of State's Department of Business Services online records which reflect that the bidder is in good standing with the State of Illinois
- (ii) Documents evidencing current registration with the Illinois Department of Revenue if the bidder has employees (*e.g.*, document with account number, Illinois Business Tax numbers).
- (iii) Documents evidencing current registration with the Illinois Department of Employment Security if the bidder has employees.
- (iv) Disclosure of any federal, state or local tax liens or tax delinquencies against the bidder or any officers of the bidder in the last five (5) years.
- (v) A statement that all bidder 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 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.
- (vi) 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 page the applicable prevailing wage rates attached to the bid specification, and will strictly comply with the Prevailing Wage Act or federal David-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.
- (vii) 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.*).
- (viii) 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.
- (ix) 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.
- (x) Evidence of the participation 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 positions 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 bidder will perform on the project.

- (xi) 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 10hour or greater OSHA safety program will be allowed to participate on the project. The failure to produce an employee's OSHA card upon request by the village may result in a determination that the bidder is not a responsible bidder.
- (xii) 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 village. Each contractor shall submit all subcontractor information and supporting documentation to the village prior to the subcontractor commencing work on the project. Failure of a successful Bidder to submit the required subcontractor information or documentation may constitute a contractual default and/or breach by the bidder and may disqualify a Bidder from performing work on future projects.
- (xiii) Bidder must provide evidence of relevant experience on similar size and scope projects in the past five (5) years that indicate the necessary capacity to perform the project and must provide adequate reference(s) verifying the quality of work performed.
- (xiv) 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 project, original contract price, final contract price, the names of all subcontractors used, if applicable, and a statement as to compliance with completion deadlines.
- (xv) Any determination by a court or government agency for violations of federal, state, or local laws, including but not limited to serious, willful or repeated violations of the Occupational Safety and Health Act (OSHA), violations of contracting or antitrust laws, tax or licensing laws, environmental laws, or the Federal David-Bacon and Related Acts.

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

It is the sole responsibility of the bidder to comply with all submission requirements at the time it submits its bid to the Village of McCook. 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 Village of McCook 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 Village of McCook may withhold all payments otherwise due for work performed by a subcontractor, until the subcontractor submits the required information and the Village of McCook approves such information. Further, where the Village of McCook deems necessary, the Village of McCook may also require that the successful bidder remove the subcontractor from the project and replace it with a responsive and responsible subcontractor.







Federal Employer I.D. #: \_\_\_\_\_

Social Security # (if an individual or sole proprietor): \_\_\_\_\_

Registered with Illinois Department of Revenue: Yes [ ] No [ ]

Describe supporting documentation attached (if "No," explain):

\_\_\_\_\_

Registered with Illinois Department of Employment Security: Yes [ ] No [ ]

Describe supporting documentation attached (if "No," explain):

\_\_\_\_\_

**Tax liens or tax delinquencies**

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 Yes [ ] No [ ]

"No" means "not applicable." If "yes," describe lien/delinquencies and resolution: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Workers' Compensation**

Contractor's employees who will perform work on the project are:

Covered under a current workers' compensation policy: Yes [ ] No [ ]

Properly classified under such policy: Yes [ ] No [ ]

Describe supporting documentation attached:

**Prevailing Wage Compliance**

Contractor has complied with all provisions of the Illinois Prevailing Wage Act and federal DavisBacon and related Acts, and all rules and regulations therein, for the past five (5) years.

Yes [ ] No [ ]

Contractor has reviewed the applicable prevailing wage law, including the Illinois Prevailing Wage Act, and federal Davis-Bacon Act. Yes [ ] No [ ]

Contractor will pay the applicable prevailing wage rates. Yes [ ] No [ ]

Contractor will strictly comply with applicable prevailing wage laws. Yes [ ] No [ ]

Contractor has not been found by the Illinois Department of Labor to be in violation of the Illinois Prevailing Wage Act twice within the past three year period.

("Yes" indicates compliance with the Act): Yes [ ] No [ ]

If the above answer is "No," list the date(s) of the Department's finding of a violation:

---

---

---

**EOE Compliance**

Contractor is in 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). Yes [ ] No [ ]

**Substance Abuse**

Contractor complies with the Substance Abuse Prevention on Public Works Projects Act by:

Attaching a written substance abuse program in effect for its employees that meets or exceeds the requirements of the Act; or: Yes [ ] No [ ]

Attaching applicable provision from a collective bargaining agreement in effect for its employees that deals with the subject matter of the Act. Yes [ ] No [ ]

**Employee Classification**

Contractor's employees who will perform work on the project are properly classified as an employee or independent contractor under all applicable state and federal laws and local ordinances (Form B). N/A [ ] Yes [ ] No [ ]

**Unpaid Compensation**

Contractor provides disclosure of any federal, state or local claim for unpaid compensation (wages and/or fringe benefits) to contractor’s employees filed against the contractor in the last five years, where such claim totals \$100,000 or more. N/A  Yes  No

If “yes,” describe claim and resolution: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Professional or Trade Licenses**

Contractor will possess all applicable professional and trade licenses required for performing the Contract work: Yes  No

<b>License</b>	<b>Number</b>	<b>Date Issued</b>	<b>Current Expiration</b>	<b>Holder of License</b>

If any of the above license(s) have been revoked or suspended, state the date and reason for suspension/revocation:

**Participation in Approved Apprenticeship Program(s)**

Contractor participates 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 organizations and 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. Yes  No

Describe supporting documentation attached (e.g. Standards of Apprenticeship, Apprenticeship Agreement):

---

---

**Safety & Health Activities**

Contractor provides information regarding its safety and health activities and programs, including:

OSHA cards on file showing 10-hour or greater safety programs completed for all employees participating on project, if requested Yes [ ] No [ ]

**Bidder**

Provided evidence of relevant experience on similar size and scope projects in the past (5) years that indicate the necessary capacity to perform the project. Yes [ ] No [ ]

Directly performed, without the use of affiliates and/or subsidiaries, at least \_\_\_\_\_% of the services identified in the project solicitation. Yes [ ] No [ ]

**Subcontractors**

Contractor disclosed the name and address of each subcontractor for whom the contractor has accepted a bid and/or intends to hire on any part of the project (Form A). Yes [ ] No [ ]

Contractor provided this *Affidavit of Compliance* to all of the above-referenced subcontractors. Yes [ ] No [ ]

**Documentation Attached** (Contractor must initial next to each item):

\_\_\_\_\_ **Form A:** Name and address of subcontractors from whom Contractor has accepted a bid or intends to hire to perform work on any part of the project.

**NOTE:** All subcontractors shall complete and submit an Affidavit of Compliance no later than the date the subcontractor commences work on the project.

\_\_\_\_\_ **Form B:** List of individuals who will perform work on the project on behalf of the Contractor, verifying that each individual is properly classified as an employee or independent contractor. Contractor also verifies that all Contractor's employees are covered under a current workers' compensation policy, properly classified under the workers' compensation policy, and covered by a health and welfare and retirement plan.

\_\_\_\_\_ **Form C** Additional Information (if required)

\_\_\_\_\_ **Certificate of Good Standing**  
(or other evidence of compliance with laws pre-requisite to doing business in the state)

\_\_\_\_\_ **Illinois Department of Revenue registration**

\_\_\_\_\_ **Illinois Department of Employment Security registration**

\_\_\_\_\_ **Standards of Apprenticeship/Apprentice Agreements**

\_\_\_\_\_ **Substance Abuse Prevention program** (or applicable provision from CBA in effect)

\_\_\_\_\_ **Written Safety Policy Statement signed by company representative**

\_\_\_\_\_ **OSHA cards evidencing 10-hour or greater safety program completed, if requested**

\_\_\_\_\_ **Workers' Compensation Coverage**

\_\_\_\_\_ **Professional or Trade Licenses**

**Form A**

**Subcontractors who will Perform Work on the Project**

<b>Name</b>	<b>Address</b>	<b>Work to be Performed</b>


**Form B**

**Individuals who will perform work on the project**

List all individuals who will perform work on this project with the following information:

- 1. Individual is an employee (E) or independent contractor (I);
- 2. Individual’s trade classification (indicate apprenticeship status where appropriate);
- 3. Employee (E) is covered under Contractor’s current workers’ compensation (WC) policy;
- 4. Employee’s (E) county of residence.

Name	E/I	Trade	WC - Y/N	County of residence


**Form C** **Additional Information Required**

If required in the bid specifications, Contractor shall complete items I and/or II below:

I. Statement of past three (3) years' experience on public construction projects.

<b>Public Body/ Project Name/Year</b>	<b>Reference Name/ Phone #</b>	<b>Original Price/ Final price</b>	<b>Subcontractors</b>




II. List 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.

<b>Date</b>	<b>Law</b>	<b>Determination</b>	<b>Penalty</b>

**BIDDER VERIFICATION**

I certify that I am authorized to execute this Affidavit of Compliance on behalf of the Contractor set forth on page one (1), that I have personal knowledge of all the information set forth herein and that all statements, representations, information and documents provide in or with this Affidavit and attachments hereto are true and accurate.

The Contractor may report any change in any of the facts stated in this Affidavit within fourteen (14) days of the effective date of such change by completing and submitting a new Affidavit. Failure to comply with this requirement is grounds for the Contractor to be deemed a nonresponsible bidder.

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Name of Authorized Officer (Print or Type)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

State of Illinois  
County of \_\_\_\_\_

Subscribed and sworn to before  
me this \_\_\_\_ day of  
\_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public Signature & Seal

**SUBCONTRACTOR VERIFICATION**

I certify that I am authorized to execute this Affidavit of Compliance on behalf of the Contractor set forth on page one (1), that I have personal knowledge of all the information set forth herein and that all statements, representations, information and documents provide in or with this Affidavit and attachments hereto are true and accurate.

The Contractor may report any change in any of the facts stated in this Affidavit within fourteen (14) days of the effective date of such change by completing and submitting a new Affidavit. Failure to comply with this requirement is grounds for the project owner to withhold payment due for work performed.

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Name of Authorized Officer (Print or Type)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

State of Illinois  
County of \_\_\_\_\_

Subscribed and sworn to before  
me this \_\_\_\_\_ day of  
\_\_\_\_\_, 202\_\_.

\_\_\_\_\_

Notary Public Signature & Seal



(5) apprentices in each of past (5) years

Yes [ ] No [ ]

*Affidavit of Compliance Checklist-Page 1 of 2*

Contract No. \_\_\_\_\_

**Safety and Health Information:**

OSHA 10-hour or greater safety  
program for all employees working  
on project

Yes [ ] No [ ]

List of subcontractors (if applicable):

N/A [ ] Yes [ ] No [ ]

Evidence of relevant experience:

N/A [ ] Yes [ ] No [ ]

Evidence of direct performance (35%):

N/A [ ] Yes [ ] No [ ]

Additional Criteria (if applicable):  
]

Statements as to past performance

N/A [ ] Yes [ ] No [ ]

No violations of federal/state/local laws

N/A [ ] Yes [ ] No [ ]

]

**Responsible Bidder Affidavit of Compliance Checklist**

**For Village of McCook Office Use Only**

**Project:**

**Contract Number:**

**Business Name:**

**Business Address:**

**Contact Person:**

**Fax:**

**Phone:**

**E-mail:**

Evidence of compliance with laws pre-requisite to doing business in the State Yes  No

Valid Federal FEIN or SS# Yes  No

Evidence of registration with Illinois Department of Revenue N/A  Yes  No

Evidence of registration with Illinois Department of Employment Security N/A  Yes  No

Disclosure of tax liens or delinquencies against contractor in last 5 years Yes  No

List of employees covered under workers' compensation policy,  
verification that employees are properly classified and evidence of coverage N/A  Yes  No

Statement of past compliance with the Illinois Prevailing Wage Act and  
agreement to pay prevailing wages on this project Yes  No

Compliance with Equal Opportunity Employer provisions Yes  No

Written substance abuse prevention program or certification  
that employees are covered under a collective bargaining agreement Yes  No

Verification that individuals are properly classified as  
employees or independent contractors N/A  Yes  No

Disclosure for any federal, state, or local claim for unpaid compensation to  
contractor's employees filed against the contractor in the last 5 years N/A  Yes  No

Required professional or trade licenses: N/A  Yes  No

Evidence of participation in applicable apprenticeship program(s) graduating



