

**VILLAGE OF COAL VALLEY, ILLINOIS**  
**ORDINANCE NUMBER 26-01-001**

AN ORDINANCE AMENDING TITLE I VILLAGE GOVERNMENTAL ORGANIZATIONS AND OPERATIONS, DIVISION IV PURCHASING PROCEDURES, CHAPTER 1 PURCHASING; SECTION 5 FORMAL PURCHASING PROCEDURES.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF COAL VALLEY, ILLINOIS THAT THE FOLLOWING AMENDMENTS BE ADOPTED:

**TITLE I – VILLAGE GOVERNMENTAL ORGANIZATIONS AND OPERATIONS**  
**DIVISION IV PURCHASING PROCEDURES**

**CHAPTER 1 PURCHASING**

~~Section 5. FORMAL PURCHASING PROCEDURES.~~

~~When the estimated cost of supplies, equipment and services exceeds \$10,000, except as otherwise provided herein, all such supplies, equipment and services shall be purchased through formal bidding procedures from the lowest responsible bidder.~~

- ~~a. Bid Deposits. When deemed necessary, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to a return of surety when such has been required. A successful bidder shall forfeit any surety required upon failure to enter into a contract within ten (10) days after award.~~
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- ~~b. Bid Opening Procedure.~~
- ~~1. Sealed bids shall be submitted appropriately identified as bids on the outside of the envelope.~~
  - ~~2. Opening. Bids shall be opened in public at the time and place stated in the public notice.~~
  - ~~3. Tabulation. A tabulation of all bids received shall be posted for public inspection.~~
- ~~c. Rejection of Bids. Any one or more or all bids may be rejected where the public interest will be served thereby.~~
- ~~d. Bidders in Default to Village. A bid shall not be accepted from a bidder who is in default on a payment of taxes, licenses or other monies to the Village.~~
- ~~e. Award of Contract. Contracts shall be awarded to the lowest responsible bidder. In determining the "lowest responsible bidder", in addition to price, the following shall be considered:~~
- ~~1. The ability, capacity and skill of the bidder to provide the supplies, equipment and service required.~~
  - ~~2. Whether the bidder can provide the supplies, equipment and 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 the bidder under previous contracts.~~
  - ~~5. The previous and existing compliance by the bidder with laws and ordinances related to the contract.~~
  - ~~6. The sufficiency of the financial resources and ability of the bidder to perform the contract.~~
  - ~~7. The quality, availability and adaptability of the supplies, equipment and service to be provided for the particular use required.~~
  - ~~8. The ability of the bidder to provide future maintenance and services if such is required by the contract.~~
  - ~~9. The number and scope of conditions attached to a bid.~~
- ~~f. Award to Other than Low Bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for awarding the bid otherwise shall be prepared and filed with the other papers related to the transaction.~~
- ~~g. Tie Bids.~~
- ~~1. Local Bidders. If two or more bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a bidder whose place of business is located in the Village.~~
  - ~~2. Outside Bidders. Where subsection (1) above is not in effect, if two or more bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to one of the tie bidders by drawing lots in public.~~
- ~~a. Performance Bond. A performance bond may be required, before entering into a contract, in such amount as shall deemed reasonably necessary to protect the best interests of the Village.~~
- ~~b. Prohibition against Subdivision. No contract or purchase shall be subdivided to avoid the requirements of this Section.~~

## Section 5. FORMAL PURCHASING PROCEDURES.

- a. Definitions. For purposes of this Article, the following terms shall have the meanings ascribed to them:
  1. "Public works" shall have the same meaning as outlined in the Illinois Prevailing Wage Act, 820 ILCS 130/2.
  2. "Responsible Bidder" means a person or entity who submits a bid for a Village public works project and who, at a minimum, meets the criteria set forth herein.
  3. "IMPACT Agreement" means the Project Labor Agreement negotiated and executed by the Illowa Construction Labor and Management Council and its participating labor organizations.
  4. "Project Cost" means the total estimated cost of a public works project as outlined in the bid specifications.
- b. Bid Deposits. When deemed necessary, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to a return of surety when such has been required. A successful bidder shall forfeit any surety required upon failure to enter into a contract within ten (10) days after award.
- c. Bid Opening Procedure.
  1. Sealed bids shall be submitted appropriately identified as bids on the outside of the envelope.

2. Opening. Bids shall be opened in public at the time and place stated in the public notice.
  3. Tabulation. A tabulation of all bids received shall be posted for public inspection.
- d. Rejection of Bids. Any one or more or all bids may be rejected where the public interest will be served thereby.
  - e. Bidders in Default to Village. A bid shall not be accepted from a bidder who is in default on a payment of taxes, licenses, or other monies to the Village.
  - f. Award to Other than Low Bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for awarding the bid otherwise shall be prepared and filed with the other papers related to the transaction.
  - g. Tie Bids.
    1. Local Bidders. If two or more bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a bidder whose place of business is located in the Village.
    2. Outside Bidders. Where subsection (1) above is not in effect, if two or more bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to one of the tied bidders by drawing lots in public.
  - h. Performance Bond. A performance bond may be required, before entering into a contract, in such amount as shall be deemed reasonably necessary to protect the best interests of the Village.
  - i. Prohibition against Subdivision. No contract or purchase shall be subdivided to avoid the requirements of this Section.
  - j. Emergency Public Works Contracts. In the event of a bona fide emergency affecting public health or safety, the Village President may authorize a public works contract without adherence to the bidding and Responsible Bidder requirements of this Section, provided that the Village President reports the circumstances and the contract to the Village Board at the next regular meeting.
  - k. When the estimated cost of supplies, equipment, and services exceeds \$20,000, except as otherwise provided herein, all such supplies, equipment, and services shall be purchased through formal bidding procedures from the lowest responsible bidder, including all subcontractors. In addition to price, the following shall be considered:
    1. The ability, capacity, and skill of the bidder to provide the supplies, equipment, and service required.
    2. Whether the bidder can provide the supplies, equipment, and 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 the bidder under previous contracts.
    5. The previous and existing compliance by the bidder with laws and ordinances related to the contract.
    6. The sufficiency of the financial resources and ability of the bidder to perform the contract.

7. The quality, availability, and adaptability of the supplies, equipment, and service to be provided for the particular use required.
  8. The ability of the bidder to provide future maintenance and services if the contract requires such.
  9. The number and scope of conditions attached to a bid.
- I. When the estimated cost of a **public works project** equals or exceeds \$250,000, the contract shall be awarded through formal bidding procedures to the lowest responsible bidder through formal bidding procedures from the lowest responsible bidder, including all subcontractors. In addition to price, the following shall be considered.
1. Corporate standing and authority to transact business within the State of Illinois, including but not limited to current registration with the Illinois Department of Revenue and the Illinois Department of Employment Security.
  2. Evidence of compliance with:
    - i. Federal Employer Tax Identification Number or Social Security Number (for individuals).
    - ii. "Equal Opportunity Employer" and Sexual Harassment Policy and Training requirements and provisions.
  3. Evidence of insurance coverage, including (but not limited to): general liability, workers' compensation, automobile, hazardous occupation, pollution, product liability, and professional liability.
  4. Participation in apprenticeship and training programs applicable to the work to be performed on the project which are approved and registered with the United States Department of Labor's Office of Apprenticeship and Training (the Village may require evidence, including a copy of all applicable apprenticeship standards and agreements for any apprentice(s) who will perform work on the public works project).
  5. Where no applicable United States Department of Labor-registered apprenticeship program is reasonably available for a particular trade in the region, the Village may waive this requirement upon a specific finding that the bidder has demonstrated equivalent training and safety programs.
  6. Compliance with all the provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance, and retirement for those trades as covered in the Act.
  7. Disclosure of the names and addresses of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of this project.
  8. A copy of the written program for the prevention of substance abuse. Bidder shall also certify that only workers who are enrolled and tested in company-based controlled substance and alcohol testing programs will be allowed to participate in the project.

9. Statements as to past performances, which shall give an accurate and complete record of all work projects completed in the last three (3) years by the contractor.
  10. The contractor and officers of the contractor disclose any tax lien or delinquency and any lien, determination, or judgment concerning the contractor's failure to pay benefits in the last five (5) years.
  11. Bidder shall certify that all employees expected to perform work on the project have completed a 10-hour or greater local safety program within the last five (5) years. 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 employee OSHA cards on file, and the Village may request the bidder provide copies of employees' OSHA cards; failure to produce an employee's OSHA card may result in a determination that the bidder is not a responsible bidder.
  12. Bidder shall commit to employ local workers with strong consideration given to bidders employing residents of the Village, Rock Island County, Quad Cities surrounding areas, and/or the State of Illinois, or explain in writing why such a commitment is not feasible or practical.
  13. Bidder provides a written record of compliance with the State of Illinois Equal Employment Opportunity requirements for public works projects, including the hiring of women and minority workers to perform the contracted work.
  14. Any other factors which are relevant to the determination of a bidder's ability to carry out the requirements of the project in accordance with what may be expected or demanded under the terms of the contract. Where required by State law or the terms of a grant, the ability of the bidder to fulfill MBE/WBE/DBE/VBE requirements shall be considered where required by State law or as determined by the Village Board to be in the best interest of the Village.
- m. For any project for the construction or demolition of any public works, where the contract sum equals or exceeds \$250,000, the Village shall have the contract bid and constructed under the terms of the Illowa Construction Labor and Management Council's IMPACT Agreement, the terms of which are fully incorporated herein.
1. All bid specifications for projects subject to this Section shall include a provision stating that the successful bidder and all of its subcontractors of every tier shall be bound by the terms of the IMPACT Agreement.
  2. Failure of a bidder to agree to be bound by the IMPACT Agreement shall render the bid non-responsive.
  3. The Village Board of Trustees reserves the right to waive the requirements of this Section for a specific project by a two-thirds (2/3) majority vote if it finds that the application of this requirement is not in the Village's best interest for that project.
  4. All contractors performing work under an IMPACT Agreement that falls within the job classifications of the Illinois Department of Labor Prevailing Wage Rate Determinations shall be signatories to the craft listed with such craft classification.

5. All contractors must directly perform at least 51 percent of the services identified in the invitation for bid. Subcontractors, affiliates, and/or subsidiaries shall not contribute to the minimum performance percentage required.
6. All contractors acting as construction managers shall secure a bond for the entire project up to \$15 million.
7. Apprentice ratios shall be as provided in each respective craft's local labor agreement
- n. The Village Board of Trustees may, by majority vote, apply the Responsible Bidder requirements and/or the IMPACT Agreement requirement to projects with a lesser cost if it finds that doing so is in the best interest of the Village.
- o. That if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
- p. That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.
- q. That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

PASSED AND APPROVED this 14 day of January, 2026

Roll Call Vote

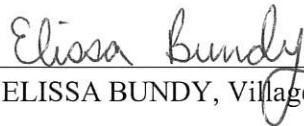
Ayes: 6

Nays: \_\_\_\_\_

Absent/Abstained: \_\_\_\_\_



MICHAEL BARTELS, President



Attest: ELISSA BUNDY, Village Clerk