

**ORDINANCE NO. 2008-01-06 AS AMENDED**  
**An Ordinance to establish Responsible Bidding Practices and**  
**Submission Requirements for Submitting Bids to Perform Construction Work**  
**on Public Works Projects**

WHEREAS, the City of Crown Point is required by law to award capital improvement contracts to the "lowest responsive and responsible" bidder;

WHEREAS, the City, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects requires all bidders meet certain minimum requirements in order to be a "responsive and responsible" bidder;

WHEREAS, applicable state law also requires that bidders meet certain minimum requirements in order to be a "responsive and responsible" bidder;

WHEREAS, the City seeks to enhance its ability to identify "responsive and responsible" bidders on all City public works construction projects by institution of more comprehensive submission requirements which are in compliance with Indiana State law;

WHEREAS, the "Responsible Bidding Practices and Submission Requirements" Ordinance will preserve administrative resources by insuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects; and,

WHEREAS, the "Responsible Bidding Practices and Submission Requirements" Ordinance will assure efficient use of taxpayer dollars, will promote public safety and is in the public interest:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CROWN POINT THAT:

**SECTION 1.** This Ordinance No. 2008-01-06 AS AMENDED which is entitled "Responsible Bidding Practices and Submission Requirements for Submitting Bids to Perform Construction Work on Public Works Projects," is hereby enacted and shall read as follows:

**I. Bid Submission Requirements:**

Contractors proposing to submit bids on any City of Crown Point project estimated to be at least seventy-five thousand dollars (\$75,000.00) or more must, prior to the opening of bids, submit a statement made under oath and subject to perjury laws, on a form designated by the City and must include:

(A) A copy of a print-out of the Indiana Secretary of State's on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply;

(B) A list identifying all former business names.

- (C) 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), or federal Davis-Bacon and related Acts;"
- (D) A statement on staffing capabilities, including labor sources;
- (E) 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 certificates or standards for these training programs.
- (F) A copy of a written plan for employee drug testing that: (i) covers all employees of the bidder who will perform work on the public work project; and (ii) meets, or exceeds, the requirements set forth IC 4-13-18-5 or IC 4-13-18-6;
- (G) The name and description of the management experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the project;
- (H) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and, disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder;
- (I) Evidence that the contractor is utilizing a surety company which is on the United States Department of Treasury's Listing of Approved Sureties; and
- (J) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five years.

The City reserves the right to demand supplemental information, from the bidder, (additional) verification any of the information provided by the bidder and may also conduct random inquiries of the bidder's current and prior customers.

## **II. Post-Bid Submissions from Subcontractors**

All bidders shall provide a written list that discloses the name, address, and type of work for each first-tier subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the public work project, including individuals performing work as independent contractors, within five (5) business days after the date the bids are due.

In addition, each such first-tier subcontractor shall be required to adhere to the requirements of Section I of this Ordinance as though it were bidding directly to the City, except that first-tier subcontractors shall submit the required information (including the name, address, and type of work for each of their first-tier subcontractors) to the successful bidder no later than five (5) business days after the subcontractor's first day of work on the public work project

and the bidder shall then forward said information to the City. Payment shall be withheld from any first-tier subcontractor who fails to timely submit said information until such information is submitted and approved by the City.

Upon request, the City may require any second and lower-tier subcontractors to provide the required information (including name, address, type of work on the project and the name of the higher-tier subcontractor). Payments shall be withheld from any second or lower-tiered contractor who fails to timely submit this information until this information is submitted and approved by the City. Additionally, the City may require the successful bidder and relevant subcontractor to remove the second or lower-tier subcontractor from the project and replace it with a responsive and responsible subcontractor.

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 City may withhold all payments otherwise due for work performed by a subcontractor, until the subcontractor submits the required information and the City approves such information. The City may also require that successful bidder to remove the subcontractor from the project and replace it with a responsive and responsible subcontractor.

The disclosure of a subcontractor ("Disclosed Subcontractor") by a bidder or a subcontractor shall not create any rights in the Disclosed Subcontractor. Thus, a bidder and/or subcontractor may substitute another subcontractor ("Substitute Subcontractor") for a Disclosed Subcontractor by giving the City written notice of the name, address, and type of work of the Substitute Subcontractor. The Substitute Subcontractor is subject to all of the obligations of a subcontractor under this Ordinance.

### **III. Validity of Pre-Qualification Classification**

Upon designation by the City 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 City, the contractor or subcontractor may be pre-qualified for future City public works projects. A contractor's classification as "qualified" shall exempt the contractor or subcontractor from the comprehensive submission requirements contained herein for a period of twelve (12) months. Thereafter, contractors or subcontractors who are pre-qualified must submit a complete application for continuation of "pre-qualified" standing, on a form provided by the City, (also referred to as the "short form") by December 31<sup>st</sup> 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 City public works projects.

Any material changes to the contractor's status, at any time, must be reported in writing within ten (10) days of its occurrence to the City. The pre-qualification designation is solely within the discretion of the City and the City 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 City within five (5) business days of receipt of notice of denial.

#### **IV. Incomplete Submissions by Bidders**

It is the sole responsibility of the potential bidder to comply with all submission requirements applicable to the bidder in section I above by no later than the public bid opening. Post-bid submissions must be submitted in accordance with section II above. Submissions deemed inadequate, incomplete, or untimely by the City may result in the automatic disqualification of the bid.

#### **V. Responsive and Responsible Bidder Determination**

The City, after review of complete and timely submissions, shall, in its sole discretion, after taking into account all information in the submission requirements, determine whether a bidder is responsive and responsible. The City specifically reserves the right to utilize all information provided in the contractor or subcontractor's submission or any information obtained by the City through its own independent verification of the information provided by the contractor.

#### **VI. Certified Payroll**

For projects in which the cost is at least \$250,000, the successful bidder and all subcontractors working on a public work project shall submit a certified payroll report utilizing the federal form now known as a WH-347 which must be prepared on a weekly basis and submitted to the City within ten (10) calendar days after the end of each week in which the bidder or subcontractor performed its work on the public work project. These certified payroll reports shall identify the job title and craft of each employee on the project, e.g. journeyman electrician or apprentice electrician.

The City may withhold payment due for work performed by a bidder if the bidder fails to timely submit its certified payroll reports until such time as such certified payroll reports are submitted. The City may also withhold payment due for work performed by a subcontractor if the subcontractor fails to timely submit its certified payroll reports until such time as such certified payroll reports are submitted. The City shall not withhold payment to a bidder for work performed by the bidder or for work performed by subcontractors who have submitted their certified payroll reports, because one or more other subcontractors failed to timely submit their certified payroll reports.

#### **VII. Public Records**

All information submitted by a bidder or a subcontractor pursuant to this Ordinance, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (IC 5-14-3).

**VIII. Penalties for False, Deceptive or Fraudulent Statements/Information**

Any bidder that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the City shall be disqualified from bidding on all City projects for a period of three years and shall be charged with a Class A misdemeanor, which carries a maximum term of imprisonment of Three Hundred and Sixty Five (365) days and a maximum fine of \$5,000.00.

**IX. Severability**

If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

SECTION 1. It is hereby found and determined that all formal actions of this Council relating to the passage of this Ordinance were adopted in open meeting(s) of this Council and that all deliberations of this Council and its committees that resulted in such formal actions, were meetings open to the public, in compliance with all legal requirements and that the reading and adoption of this Ordinance complies with the City Code, as amended.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of adoption by the Common Council of the City of Crown Point.

**ORDINANCE NO. 2025-03-09**  
**AN ORDINANCE TO AMEND ORDINANCE 2008-01-06 AS**  
**CODIFIED IN CHAPTER 37 SECTION 20 OF THE CITY OF**  
**CROWN POINT, INDIANA CODE OF ORDINANCES**  
**RELATED TO RESPONSIBLE BIDDING PRACTICES**

**WHEREAS**, for the same sound exercise of fiduciary duty the City of Crown Point Common Council saw it fit to pass Ordinance 2008-01-06, as amended, establishing adherence to “Responsible Bidding Practices and Submission Requirements” for contractors submitting bids to perform construction work on public works projects to help ensure businesses approved by the City of Crown Point to receive taxpayer subsidized economic incentives on construction projects are responsible businesses;

**WHEREAS**, the City of Crown Point is authorized to grant or approve various economic incentives to support and encourage economic development projects within the City;

**WHEREAS**, development in the City of Crown Point remains robust and on growth trajectory indicative of continued utilization of economic incentives, including but not limited to tax abatements and economic development revenue bonds;

**WHEREAS**, the City of Crown Point has determined that establishing criteria to enhance its ability to identify responsible businesses applying for tax abatements and other economic incentives will promote the City’s economic health and welfare, will promote public safety and workforce development, and is in the public interest.

**NOW THEREFORE, BE IT ORDAINED** by the Common Council of the City of Crown Point, that:

**SECTION I.** Ordinance 2008-01-06 and §37.20 of the City of Crown Point, Indiana Code of Ordinances is hereby amended to read as follows:

**§ 37.20 BID SUBMISSION REQUIREMENTS.**

**1. Application and Process**

**(A)** This Ordinance shall apply to any public works construction project estimated to be at

least \$150,000.00 and any “new construction” project of at least \$150,000.00 financed in whole or part with economic development incentives, including but not limited to tax increment financing, tax credit, tax deduction, tax exemption, real property tax abatement, a grant, loan, loan guarantee, or other financial or economic development assistance; and

(B) The process for managing, tracking, and verifying documents submitted under this Ordinance shall be established by the City of Crown Point’ Departments of Public Works and Department of Economic Development.

## 2. Requirements

(A) Upon approval of an application for an economic development incentive, and prior to issuing any building permit for the project, an applicant shall submit a list of contractors and subcontractors, including independent contractors, who will perform work on the project, along with documentation of the following verified under oath by each contractor and subcontractor, subject to perjury laws:

(1) A copy of a print-out of the Indiana Secretary of State’s on-line records for the business dated within sixty (60) days of the submission of said documents showing that the business is in existence, current with the Indiana Secretary of State’s Business Entity Reports, and eligible for a certificate of good standing.

(2) A list identifying all former business names.

(3) Any determinations by a court of 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), or federal Davis-Bacon and related Acts.

(4) A statement on staffing capabilities, including labor sources.

(5) Evidence of participation in apprenticeship training programs, approved by and registered with the United States Department of Labor Office of Apprenticeship or successor organizations, applicable to the work to be performed on the project; and evidence that all apprenticeship programs have graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the contractor or subcontractor will perform on the project. Evidence of graduation rates are not required for apprentice able 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; and documentation from each applicable apprenticeship program certifying that is has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the

contractor or subcontractor will perform on the project. Additional evidence of participation and graduation requirements may be requested by the City at its discretion.

(6) A copy of a written plan for employee drug testing that: (i) covers all employees of the contractor/subcontractor who will perform work on the public works project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6.

(7) The name and description of the experience of each of the contractors or subcontractors project managers and superintendents expected to work on the project.

(8) Proof of any professional or trade license required by law for any trade or specialty area in which a contractor or subcontractor will perform work; and disclosure of any suspension or revocation within the previous five (5) years of any professional or trade license held by the company, or any director, officer, or manager employed by the company.

(9) Evidence that the contractor or subcontractor is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties.

(10) A written statement of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years.

(11) A statement that all individuals who will perform work on the project on behalf of contractors or subcontractors will be properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances.

(12) A list of projects of similar size and scope of work that the contractor or subcontractor has performed in the State of Indiana within three (3) years prior to the date on which the bid is due.

(B) Applicant shall notify the City of any change to the list of contractors and subcontractors performing work on the project within five (5) calendar days of such change and shall provide the City with the documentation required in section II (a) within ten (10) calendar days of such change.

(C) Upon request by the City, an applicant shall obtain payroll information from any contractor or subcontractor on the project and provide the information to the City within five (5) days of being requested.

(D) The City shall not issue a building permit for the project until an applicant submits all documentation requested in section II (a) and the City has verified the information

provided.

(E) The requirements of section II shall be included in the economic development incentive agreement entered into by the City and an applicant.

3. Public Records

The documentation submitted pursuant to this Ordinance, including payroll records, are public records subject to review pursuant to the Indiana Access to Public Records Act.

4. Termination and Repayment

The City may terminate and require repayment of the economic incentive where applicable, if an applicant fails to comply with the requirements or Section II. The City will follow the procedures set forth in the parties' economic development incentive agreement for termination and repayment of benefits, or other applicable agreement.

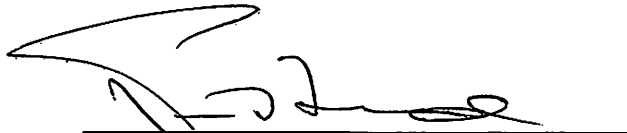
5. Severability

If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall remain in full force and effect with the invalid provision.

**SECTION II.** It is hereby found and determined that all formal actions of the Common Council of the City of Crown Point, Indiana relating to the passage of this Ordinance were adopted in open meetings of the Council and that all deliberations of the Council that resulted in such formal actions, were meetings open to the public, in compliance with all legal requirements and that the reading and adoption of this Ordinance complies with the City's Code of Ordinances, as amended from time to time.

**SECTION III.** This Ordinance shall be in full force and effect from and after the date of adoption by the Common Council of the City of Crown Point, Indiana.

**PASSED AND ADOPTED** by the Common Council of the City of Crown Point, Indiana, on this ~~3rd~~<sup>7th</sup> day of ~~March~~<sup>April</sup>, 2025.

  
Peter D. Land, Mayor

ATTEST:

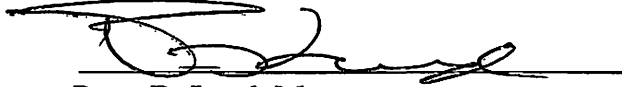
  
David B. Benson, Clerk/Treasurer

Presented by me to Presiding Officer of the Common Council of the City of Crown Point, Indiana, this ~~3<sup>rd</sup>~~<sup>7<sup>th</sup></sup> day of ~~March~~<sup>April</sup>, 2025.



David B. Benson, Clerk/Treasurer

Approved by me, the Presiding Officer of the Common Council of the City of Crown Point, Indiana, this ~~3<sup>rd</sup>~~<sup>7<sup>th</sup></sup> day of ~~March~~<sup>April</sup>, 2025.



Peter D. Land, Mayor

SCANNED

BY SB  
DATE 4/10/25