




April 10, 2024

TO: Public Works and Environmental Concerns Committee

THROUGH: Scott Niehaus, Village Manager

FROM: Carl Goldsmith, Director of Public Works 

SUBJECT: Responsible Bidder Ordinance

Per the request of Trustee Andrew Honig, Staff has begun the process of reviewing and evaluating whether the Village of Lombard should adopt a responsible bidder ordinance (RBO). According to the Illinois Economic Policy Institute, *“Responsible bidder ordinances (RBOs) are policy tools that establish objective criteria and verifiable standards for contractors bidding on public construction projects. They are designed to promote local standards of quality and craftsmanship. For example, RBOs typically require proof of participation in apprenticeship training programs, proof of certificates of insurance, prequalification surveys, and compliance with all local, state, and federal laws.”* The RBO process provides for a qualifications-based approach that works within the typical municipal low-bid system to provide quality by using professional, competent contractors who complete projects safely, on time, and on budget.

As of 2022, there are approximately 80 units of local government in the State of Illinois that have adopted Responsible Bidder Ordinances. While each Ordinance may have specific requirements, there are some common elements that most RBO’s contain. The RBOs contain language addressing the following items intended to “level the playing field”:

- A statement that requires the contractor will require all Federal, State and local laws in the performance of the contract;
- Evidence that the contractor has a Federal Employer Tax Identification (FEIN);
- The contractor, and all subcontractors, will provide the local government with a Certification of Insurance at levels set forth by the bidding agency;
- The contractor must comply with all provisions of the Illinois Prevailing Wage Act;
- The contractor shall disclose 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 prior to the subcontractor commencing work on the project;
- All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Certification Act, 820 ILCS 185/1 et seq.;
- All bidders must provide three (3) projects of a similar nature as being performed in the immediate past five (5) years with the name, address and telephone number of the contact person having knowledge of the project or three (3) references (name, address, and telephone number) with knowledge of the integrity and business practices of the contractor;

- For public works construction projects, the bidder and all bidder’s sub-contractors must participate in active apprenticeship and training programs approved and registered with the U.S. Department of Labor’s Office of Apprenticeship for each of the trades of work contemplated under the awarded contract. Many public agencies establish a threshold for the value of construction projects for which this provision is applicable. For example, the Village of Addison established a \$250,000 threshold for projects, while the Village of Bensenville established a threshold of \$100,000.

In review of the Village of Lombard’s Standard Specifications for Public Works Projects, we find that the Village meets or exceeds these criteria except for the requirement that contractors and subcontractors participate in an apprenticeship/training program. The Village certainly values training and education, as evidenced by the training of our own employees. However, no evidence has been found that contractor-specific apprenticeship/training programs translate to improved performance or reduced costs on their projects. The table below identifies methods that the Village has in place to ensure that contractors are performing the work in the most cost effective and efficient manner.

**Quality Assurance Measures for Lombard Public Works Construction Projects**

<b>Measure</b>	<b>Description</b>
<b>Project Specifications</b>	Project specifications are developed to detail all aspects of a project. Specifications outline product types, allowable materials, installation requirements, method of measurement, and basis of payment for each work item in the contract.
<b>Project Plans and Drawings</b>	Project plans are created by licensed design professionals to accurately define the work to be bid.
<b>Bidding Process</b>	During the bid process, prospective contractors have the ability to ask questions either during a pre-bid meeting or through written communication during the bid period. Questions are evaluated by staff and the design professional for the project and clarifications are provided to all bidders to assure equal access to relevant information and to enable accurate bidding.
<b>Safety and Health</b>	Project specifications require the contractor and subcontractors to meet safety standards established by OSHA. Specifications require the following, <i>“Equipment supplied to the Village must comply with all requirements and standards as specified by the Occupational Safety and Health Act. All guards and protectors as well as appropriate markings will be in place before delivery. Items not meeting any OSHA specifications will be refused.”</i>
<b>Quality of Work</b>	Specifications provide for a <b>Guarantee and Warranty</b> . The specifications state, <i>“All guarantees and warranties from manufacturers shall be furnished by the contractor and shall be delivered to the Management Analyst before final voucher on the contract is issued. The contractor warrants to the</i>

	<p><i>owner that materials and equipment furnished under the contract will be of good quality and new unless otherwise required or permitted by the contract documents and that the work will be free from defects in material and workmanship for one year from the date of issuance of the final payment by owner and any deficiencies shall be corrected by the contractor under this warranty immediately upon notification from the owner.”</i></p>
<b>Reference Checks</b>	<p>Reference checks are conducted to ascertain the competence of the apparent low bidder. If an unfavorable reference is identified, staff will conduct reference checks on the next lowest bidder.</p>
<b>Contractor Oversight</b>	<p>Village staff and our consulting engineers are utilized to oversee the performance of work and verify that it is performed in accordance with the project specifications. Project quantities are measured and verified for payment.</p>
<b>Materials Testing/Verification</b>	<p>Third party independent material testing companies are used to complete quality assurance testing of materials such as concrete and asphalt. Tests are done in accordance with ASTM standards for compliance with established material specifications such as compressive strength for concrete and compaction density for asphalt.</p>
<b>Liquidated Damages</b>	<p>Liquidated Damages clauses are included in contracts to protect the Village against schedule delays caused by the contractor. Liquidated Damages may be assessed per day of contract overrun in accordance with an established amount included in the specifications based on contract value.</p>
<b>Competency of Bidder</b>	<p>Upon request bidder should supply the Village with information pertaining to financial stability, available equipment, prior experience and conflicting working schedules which will be used in determining the responsible bidder.</p> <p>The Village includes language on what criteria the Village will use as the basis of awarding a bid:  <i>“No proposal will be accepted from or contract awarded to any person, firm or corporation that is in arrears or is in default to the Village of Lombard upon any debt or contract, or that is a defaulter, as surety or otherwise, upon any obligation to said Village, or that has failed to perform faithfully any previous contract with the Village.</i></p> <p><i>The Village of Lombard shall accept the bid of the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Village shall consider the following:</i></p>

	<ul style="list-style-type: none"> <li>a. <i>The ability, capacity, and skill of the bidder to perform the contract to provide the service required;</i></li> <li>b. <i>Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;</i></li> <li>c. <i>The character, integrity, reputation, judgment, experience, and efficiency of the bidder;</i></li> <li>d. <i>The quality of performance of previous contracts of services;</i></li> <li>e. <i>The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;</i></li> <li>f. <i>The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;</i></li> <li>g. <i>The quality, availability, and adaptability of the supplies or contractual services to the particular use required;</i></li> <li>h. <i>The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;</i></li> <li>i. <i>The number and scope of conditions attached to the bid;</i></li> <li>j. <i>Whether the bidder has a place of business in the Village;</i></li> <li>k. <i>Responsiveness to the exact requirements of the invitation to bid;</i></li> <li>l. <i>Ability to work cooperatively with the Village and its administration; and</i></li> <li>m. <i>Past records of the bidder's transaction with the Village or with other entities as evidence of the bidder's responsibility, character, integrity, reputation, judgment, experience, efficiency, and cooperativeness.</i></li> </ul> <p><i>The Village may reject any and all bids and may order a re-advertisement for new bids."</i></p>
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Apprenticeship/training programs are not currently required in the Village of Lombard’s bidding process. However, the Village is already required to include provisions for an apprenticeship/training program for projects that use Federal or State funding sources, such as Surface Transportation Program funds. If our locally funded projects were also to be limited to contractors with an apprenticeship/training program then we may reasonably anticipate some degree of increased contract costs. As an example, the Village of Lisle recently completed the Abbeywood and Green Trails Resurfacing Project, which utilized Federal Surface Transportation

Program funding. That project required the contractor to have an apprenticeship program amounting to \$7,900 of the total \$760,000 contract. The requirement for an apprentice cost the Village of Lisle an additional 1.12% and likely did not provide any additional quality or timeliness on the project. It is typical that contracts subject to an RBO include 500 hours for *Trainees* and 500 hours for *Trainees Training Program Graduate*, with each of these allocations resulting in additional cost for the project.

Included in the Village’s 2024 Capital Improvement Plan is Project ST 25 01 – St. Charles Road Resurfacing Project. This project includes the resurfacing of St. Charles Road from Grace Street to Illinois Rt. 53, as well as ADA improvements. The total budget for the project is \$1,980,000 with \$1,205,000 in Federal Surface Transportation Funds (STP). The Village was recently informed that the due to the funding source, the contract requires the inclusion of two (2) *Trainees Training Program Graduates* at 500 hours each, with a hourly rate of pay of \$15.00. This is a requirement based upon the State of Illinois RBO requirements, which all bidders will need to comply with. The additional cost to the Village for the apprenticeship training requirements is \$15,000 on the project. The Village anticipates that the inclusion of these *Trainees Training Program Graduates* will not increase the quality of the work nor the timeliness of project completion.

The Village has reviewed contracts executed in 2023 and determined that, in most cases, the contractors who performed exceptional work for the Village complied with all facets of an RBO except for having to include apprenticeship/training requirements. These contractors, through their affiliation with various labor unions, are likely able to comply with the requirement for apprenticeship/training participation. The following tables identify several capital project contracts that were awarded in 2023. In each case, the awarded contractor is highlighted. For each of these contracts, the Village would have had an increased cost if an RBO was in place due to the Trainee provision. The costs will vary based upon the hours necessary per job for the apprentice/training but provide an order of magnitude.

**2023 Asphalt Paving and Patching Contract**

Contractor Name	Bid Amount
RW Dunteman	\$1,311,666.75
<b>Brothers Asphalt Paving, Inc.</b>	<b>\$1,178,278.92</b>

**2023 Concrete Roadway Program Contract**

Contractor Name	Bid Amount
<b>G&amp;M Cement Construction</b>	<b>\$793,421.10</b>
Schroeder & Schroeder, Inc.	\$973,590.00
Triggi Construction, Inc.	\$1,041,410.00
RW Dunteman	\$1,189,522.00
A Lamp Concrete Contractors	\$1,448,681.25

**22<sup>nd</sup> Street Manhole Improvements Project**

Contractor Name	Bid Amount
<b>John Neri Construction Co., inc.</b>	<b>\$258,700.00</b>
A Lamp Concrete Contractors, Inc.	\$354,965.25

### **Downtown Sidewalks Project**

Contractor Name	Bid Amount
<b>RW Dunteman</b>	<b>\$2,864,779.70</b>
Alliance Contractors, Inc.	\$3,076,525.73
Martam Construction, Inc.	\$3,122,165.00
Landmark Contractors, Inc.	\$3,206,696.70

The summary tables above evidence that contractors have worked in Lombard with great success without the need to impose the additional requirements under a Responsible Bidder Ordinance. Many of these firms have worked in the Village for years and understand the “Lombard Way” of performing work on public works projects. Through these contractors, as well as countless others we have used in the past, we have completed projects on time and on budget. Last year, the Village completed projects included in the CIP with a budget to actual expense percentage of **-11.96%**. This represents a saving of \$1,222,790.08 in a single fiscal year. Staff does not believe that imposing the requirement for contractors to participate in an apprenticeship program will yield any benefit to the community beyond the successful capital project process in place in Lombard.

In summary, Staff recommends that the Village not implement a Responsible Bidders Ordinance. The Village’s current procurement process contains sufficient language to ensure that projects are performed by qualified contractors in the most cost-effective manner. The imposition of an apprenticeship/training program requirement will result in an increase in project costs and may also exclude qualified local contractors from bidding on projects.

Should you have any questions, please feel free to contact me.

## Responsible Bidder Ordinances in Illinois

	County	Public Body	Date
1	<b>Bond</b>	Bond County	10/16/2001
2	<b>Boone</b>	Belvidere, City of	12/21/2009
3	<b>Bureau</b>	Bureau County Board	4/13/2002
4		Spring Valley, City of	11/7/2016
5	<b>Champaign</b>	Champaign County Board	8/20/2002
6	<b>Cook</b>	Bloom, Township of	2/27/2001
7		Calumet, Township of	1/9/2008
8		Chicago Heights, City of	3/19/2001
9		Cook County Board	10/2/2007
10		Forest Preserve of Cook County	9/9/2014
11		Crestwood, Village of	3/20/2014
12		Des Plaines, City of	1/3/2012
13		Forest Park, Village of	7/8/2019
14		High School District 218	8/9/2004
15		Illinois Comm. College District #515 (Prairie State College)	2/22/2021
16		Melrose Park, Village of	6/23/2008
17		North Lake, City of	10/27/2012
18		Oak Forest, City of	10/8/2002
19		Oak Lawn Park District	8/13/2007
20		Oak Lawn School District	5/17/2006
21		Oak Lawn, Village of	5/9/2007
22		Palos Hills, City of	1/20/2000
23		Schaumburg Township	1/1/2022
24		South Chicago Heights, Village of	2/18/2008
25		Tinley Park, Village of	5/3/2022
26	<b>Cumberland</b>	Cumberland County Board	11/12/2003
27	<b>DuPage</b>	Bensenville, Village of	1/22/2013
28		Bolingbrook, Village of	5/25/2010
29		Downers Grove Township	9/19/2019
30		DuPage County Board	3/12/2019
31		DuPage County Forest Preserve District	2/2/2021
32		Lisle, Village	2/21/2022
33		Naperville Township	8/14/2018
34		Westmont, Village of	9/13/2018
35		Winfield Township & Road District	8/1/2022
36	<b>Grundy</b>	Channahon, Village of	3/2/2009
37		County of Grundy	6/6/2009

38		Coal City, Village of	8/14/2000
39		East Brooklyn, Village of	3/2/2009
40		Gardner, Village of	10/25/1999
41		Morris, City of	2/19/2008
42		Wauponsee Township	6/8/2010
43	<b>Henry</b>	Kewanee, City of	9/23/2019
44	<b>Kane</b>	Aurora, City of	3/23/2010
45		Aurora Township	11/12/2020
46		Carpentersville, Village of	6/21/2022
47		Elgin, City of	3/23/2011
48		Fox Valley Park District	10/13/2018
49		North Aurora, Village of	9/21/2009
50	<b>Knox</b>	Knox County Board	4/28/2004
51	<b>Lake</b>	Lake County	11/12/2019
52		Lakemoor, Village of	9/1/2011
53		Waukegan, City of	1/22/2019
54	<b>LaSalle</b>	LaSalle County Board	12/8/1997
55		Marseilles, City of	12/18/1997
56		Ottawa, City of	8/4/2009
57		Peru, City of	7/20/2009
58		Streator, City of	3/22/2000
59	<b>Lee</b>	Dixon, City of	1/7/2008
60	<b>Macon</b>	Long Creek, Township of	11/24/2003
61		Macon County Board	9/14/2000
62		Oreana, Village of	1/1/2007
63	<b>Macoupin</b>	Macoupin County	10/13/2009
64	<b>Madison</b>	Maryville Community Library Dis.	8/8/2006
65	<b>Marion</b>	Marion County Board	12/11/2001
66	<b>McHenry</b>	Lakemoor, Village of	9/1/2011
67	<b>McLean</b>	Downs, Village of	9/3/1998
68		Normal, Town of	6/6/2005
69	<b>Mercer</b>	Joy, City of	10/20/2010
70		Keithsburg, City of	10/10/2011
71	<b>Peoria</b>	Peoria, City of	
72		Bartonville, Village of	1/11/2021
73	<b>Rock Island</b>	East Moline, City of	
74		Moline Housing Authority	
75		Moline, City of	1/19/2021
76		Rock Island, City of	11/21/2016
77		Rock Island County Board	10/18/2016



78		Rock Island County Forest Preserve Dis.	1/15/2019
79		Silvis, City of	12/20/2016
80	<b>Sangamon</b>	Springfield, City of	1/1/1988
81		Springfield Park District	9/18/2007
82	<b>Whiteside</b>	Whiteside County Board	9/15/2009
83	<b>Will</b>	Bolingbrook, Village of	5/25/2010
84		Channahon, Village of	3/2/2009
85		Crest Hill, City of	4/6/2009
86		Forest Preserve of Will County	8/8/2019
87		Joliet, City of	2/5/2007
88		Joliet Junior College	6/10/1905
89		Joliet Township	1/23/2007
90		Lockport, City of	7/7/2005
91		Lockport Township/Lockport Township HWY Department	3/9/2009
92		Manhattan, Village of	8/21/2001
93		Will County Board	11/20/2008
94		Wilmington, City of	11/6/2007
95	<b>Winnebago</b>	Harlem Township	4/10/2006
96		Loves Park, City of	3/3/2014
97		Machesney Park, Village of	10/3/2005
98		Pecatonica, Village of	11/17/2020
99		Rockford, City of	3/29/2004
100		Rockford Park District	4/5/2013
101		Rockford Township	12/21/2010
102		Rockton, Village of	1/22/2013
103		Roscoe, Village of	9/3/2019
104		South Beloit, Village of	11/3/2008

**ORDINANCE NO. 23 – 035**

**AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATIVE), CHAPTER 9 (MUNICIPAL FINANCES), ARTICLE B (PURCHASING POLICIES AND GUIDELINES) SECTION 1 (GENERAL PROVISIONS), SECTION 2 (DEFINITIONS), SECTION 3 (PROCUREMENT SERVICES TEAM AND CHIEF PROCUREMENT OFFICER), AND SECTION 7 (PROCUREMENT OF CONSTRUCTION) OF THE NAPERVILLE MUNICIPAL CODE**

**Recitals**

1. **WHEREAS**, the City of Naperville, DuPage and Will Counties, Illinois (“City”), seeks to ensure that only qualified contractors and subcontractors are awarded contracts on construction projects by instituting an additional requirement for construction projects; and
2. **WHEREAS**, the City is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, may exercise any power and perform any function pertaining to its government and affairs.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:**

**SECTION 1:** The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

**SECTION 2:** Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 1 (General Provisions) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

**1-9B-1: GENERAL PROVISIONS:**

- |                 |   |   |   |
|-----------------|---|---|---|
| 1. Short Title: | * | * | * |
| 2. Purposes:    | * | * | * |
| 2.1             | * | * | * |
| 2.2             |   |   |   |
- 2.2 To provide for the fair and equitable treatment of all persons involved in public purchasing by the City; and

~~2.3. To maximize the purchasing value of public funds in procurement; and~~

2.34. To provide safeguards for maintaining a procurement system of quality and integrity.

3. Requirement Of Good Faith: \* \* \*

4. Application: \* \* \*

5. Public Access To Procurement Information: \* \* \*

**SECTION 3:** Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 2 (Definitions) of the Naperville Municipal Code is hereby amended by deleting the stricken language as follows:

**1-9B-2: - DEFINITIONS:**

The words defined in this Article shall have the meanings set forth below whenever they appear in this Article or in any operational procedures promulgated thereunder:

CHANGE ORDER through INVITATION FOR BIDS \* \* \*

LOCAL BUSINESS	An organization that sells goods and/or services to the public, either retail or wholesale, and maintains a physical location with on site staffing in any one or more of the postal zip codes located within a ten-mile radius of the intersection of Gartner Road and 75th Street (the approximate geographical center of town).
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PROCUREMENT through TERM CONTRACT \* \* \*

**SECTION 4:** Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 3 (Procurement Services Team and Chief Procurement Officer) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

**1-9B-3: - PROCUREMENT SERVICES TEAM AND CHIEF PROCUREMENT OFFICER:**

1. Established: \* \* \*

2. Authority: \* \* \*

- 3. Duties: \* \* \*
- 3.1. \* \* \*
- 3.2 \* \* \*
- 3.3. \* \* \*

~~3.4. Establish and maintain programs to support and enhance opportunities for local businesses to participate in all source selection and contracting activities of the City through outreach programs and information sharing with area business support organizations.~~

3.45. Exercise general supervision over all inventories of supplies belonging to the City;

3.56. Sell, trade, or otherwise dispose of surplus property belonging to the City;

3.67. Establish and maintain programs for specification development, contract administration, inspection and acceptance, in cooperation with the City departments using the supplies, services, and construction; and

3.78. Ensure compliance with this Article by reviewing and monitoring procurements conducted by any designee, department or official delegated authority under Subsection 1-9B-3.5 of this Section.

4. Operational Procedures: \* \* \*

5. Delegation To Other City Officials: \* \* \*

**SECTION 5:** Title 1 (Administrative), Chapter 9 (Municipal Finances), Article B (Purchasing Policies and Guidelines), Section 7 (Procurement of Construction) of the Naperville Municipal Code is hereby amended by adding the underlined language as follows:

**1-9B-7: - PROCUREMENT OF CONSTRUCTION:**

- 1. Responsibility For Selection Of Project Delivery Method: \* \* \*
- 2. Bid Security: \* \* \*
- 3. Contract Performance And Payment Bonds: \* \* \*

4. Insurance: \* \* \*

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 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 (5) five 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.

**SECTION 6: Savings Clause.** If any provisions of this Ordinance or its application to any person or circumstance is held invalid or unenforceable by any court of competent jurisdiction, this invalidity or unenforceability does not affect any other provisions or application of this Ordinance, which can be given effect without the invalid or unenforceable provision or application. To achieve this purpose, the provisions of this Ordinance are declared to be severable.

**SECTION 7: Effective date.** This Ordinance shall take effect on January 1, 2024.

ADOPTED this 21<sup>st</sup> March day of March 2023.

AYES:        ANDERSON, HINTERLONG, HOLZHAUER, KELLY, SULLIVAN,  
                 TAYLOR, WHITE

NAYS:        CHIRICO, LEONG

APPROVAL this 22<sup>nd</sup> day of March 2023.



Steve Chirico  
Mayor

ATTEST:



Grace Michalak  
Records Clerk

COPY



Ordinance

FI-O-0020-19

**A RESOLUTION ESTABLISHING RESPONSIBLE  
BIDDER REQUIREMENTS ON PUBLIC  
WORKS PROJECTS**

WHEREAS, the County of DuPage is a body corporate and politic, existing pursuant to the Illinois Counties Code, 55 ILCS 5/1-1001, et seq.), and

WHEREAS, the County of DuPage seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects; and

WHEREAS, the County of DuPage, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily insured by awarding a construction contract solely on the basis of the low bid; and

WHEREAS, the County of DuPage seeks to enhance its ability to identify the lowest “responsible bidder” on all public works construction projects by instituting more comprehensive submission requirements which are in compliance with Illinois law; and

WHEREAS, “A Resolution Establishing Responsible Bidder Requirements on Public Works Projects” will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED that §2-300.1-201; also known as Part B of Chapter 2 of Article V of the DuPage County Code, be amended to read:

*(35) Responsible Bidder or Offeror:* A person (firm) who has the capability in all respects to perform fully the public works contract requirements, and the experience, personnel, integrity, reliability, facilities capacity, equipment, acceptable past performance and credit which will assure good faith performance.

For purposes of this definition, “public works” is defined as set forth, and may be amended from time to time, in the Employee Classification Act, 820 ILCS185/1, et seq.

Responsible bidder for construction contracts means a bidder for public works construction contracts advertised, awarded, and financed, in whole or in part, with County public funds, regardless of cost, excluding projects on private property; and who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

- a. All applicable laws prerequisite to doing business in Illinois, and all local ordinances; and not in conflict with any federal law.
- b. Evidence of compliance with
  - (a) Federal Employer Tax Identification Number or Social Security Number (for individuals)

Ordinance

FI-O-0020-19

- (b) Provision of Section 2000(e) 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).
- c. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, and automobile.
  - d. Compliance with all provisions and exemptions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the Act.
  - e. 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 prior to the subcontractor commencing work on the project.
  - f. The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the U.S. Department of Labor's Office of Apprenticeship for each of the trades of work contemplated under the awarded contract.
  - g. All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
  - h. All bidders must provide three (3) projects of a similar nature as being performed in the immediate past five (5) years with the name, address and telephone number of the contact person having knowledge of the project or three (3) references (name, address, and telephone number) with knowledge of the integrity and business practices of the contractor.

BE IT FURTHER ORDAINED, that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by the Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance amendment shall be in full force and effect immediately upon its adoption, excluding those contracts advertised or awarded before this date.



Ordinance

FI-O-0020-19

BE IT FURTHER ORDAINED, that the DuPage County Clerk, is hereby directed to prepare and deliver a certified copy of this Ordinance to the County of DuPage Finance Department.

Enacted and approved this 12th day of March, 2019 at Wheaton, Illinois



DANIEL J. CRONIN, CHAIRMAN  
DU PAGE COUNTY BOARD

Attest:

  
JEAN KACZMAREK, COUNTY CLERK

Ayes 17  
Nays 1

COPY

**ORDINANCE NO. 21-008**

**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER  
REQUIREMENTS ON CONSTRUCTION PROJECTS**

WHEREAS, the Forest Preserve District of DuPage County (hereinafter the "District") is a body corporate and politic, established and operating in conformance with the Downstate Forest Preserve Act, 70 ILCS 805/0.001 et seq.; and

WHEREAS, the District seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded contracts on construction projects; and

WHEREAS, the District, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily insured by awarding a construction contract solely on the basis of the low bid; and

WHEREAS, the District seeks to enhance its ability to identify the lowest "responsible bidder" on all construction projects by instituting more comprehensive submission requirements which are in compliance with Illinois law; and

WHEREAS, "An Ordinance Establishing Responsible Bidder Requirements on Construction Projects" will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 14-314; also known as Purchasing Policy for the Forest Preserve District of DuPage County, be amended to include:

Responsible bidder for construction contracts means a bidder for construction contracts advertised, awarded, and financed, in whole or in part, with District public funds, regardless of cost, excluding projects on private property; and who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

- a. All applicable laws prerequisite to doing business in Illinois, and all local ordinances; and not in conflict with any federal law.
- b. Evidence of compliance with
  - (a) Federal Employer Tax Identification Number or Social Security Number (for individuals)
  - (b) Provision of Section 2000(e) 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).
- c. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, and automobile.
- d. Compliance with all provisions and exemptions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the Act.

- e. 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 prior to the subcontractor commencing work on the project.
- f. The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Office of Apprenticeship for each of the trades of work contemplated under the awarded contract.
- g. Evidence of 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 construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeship crafts dedicated exclusively to the transportation of material and equipment to and from the 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 project.
- h. All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
- i. All bidders must identify projects of a similar nature as being performed in the immediate past years with the name, address and telephone number of the contact person having knowledge of the project or three (3) references (name, address, and telephone number) with knowledge of the integrity and business practices of the contractor.

BE IT FURTHER ORDAINED, that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by the Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance amendment shall be in full force and effect immediately upon its adoption, excluding those contracts advertised or awarded before this date.

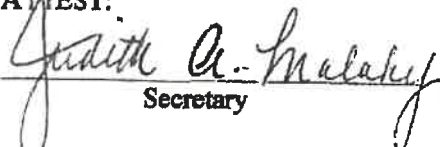
BE IT FURTHER ORDAINED, that the Secretary is hereby directed to attach a certified copy of this Ordinance to Ordinance No. 14-314.

PASSED AND APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this 2<sup>nd</sup> day of February, 2021.

APPROVED:

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary

COPY