

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.

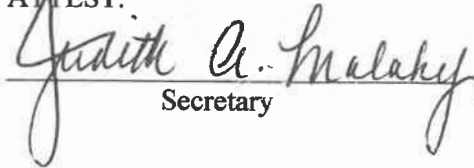
PASSED AND APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this 2nd day of February, 2021.

APPROVED:



President

ATTEST:



Secretary