

..Title

Ordinance establishing responsible bidder requirements on public works projects.

..Staff Summary

- Lake County 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.
- The ordinance will apply for all construction contracts in excess of \$100,000 financed, in whole or in part, with County public funds.
- The ordinance shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project.
- Division of Transportation projects shall be exempt from provisions of the Ordinance if they are not in concurrence with Illinois Department of Transportation rules.
- Responsible bidders shall comply with all applicable laws prerequisite to doing business in Illinois, the County Purchasing Ordinance and not conflict with any federal law.
- Responsible bidders and 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.
- Notice will be provided to the potential vendors who may be impacted by the County's municipal partners impacted by the changes to Chapter 33 of Title 3 of the Lake County Code of Ordinances that will become effective September 10, 2019.

..Body

ORDINANCE

WHEREAS, the County of Lake 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 Lake 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 Lake, 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 Lake 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, “An Ordinance 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 §33.05 of Chapter 33 (Purchasing) of Title III of the Lake County Code of Ordinances, be amended to modify the definition of “*Responsible Bidder or Offeror*” to read:

Responsible Bidder or Offeror: (1) 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.

(2) Responsible bidder for construction contracts in excess of One Hundred Thousand Dollars (\$100,000) means a bidder for public works construction contracts advertised, awarded, and financed, in whole or in part, with County public funds, exceeding One Hundred Thousand Dollars (\$100,000) and who meets all of the job specifications, including 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 of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the Act.
- e. 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.
- f. 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.
- g. 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 purposes of this definition, "public works" is defined as set forth in the Employee Classification Act, 820 ILCS185/1, et seq.

The provisions contained in this subsection 2 of the definition of "Responsible Bidder or Offeror" shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project. Division of Transportation projects shall be exempt from provisions contained in this subsection 2 of the definition of "Responsible Bidder or Offeror" that are not in concurrence with Illinois Department of Transportation rules.

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, the ordinance shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project; and

BE IT FURTHER ORDAINED, Division of Transportation projects shall be exempt from provisions of the Ordinance if they are not in concurrence with Illinois Department of Transportation rules; and

BE IT FURTHER ORDAINED, responsible bidders shall comply with all applicable laws prerequisite to doing business in Illinois, the County Purchasing Ordinance and not conflict with any federal law; and

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; and

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

DATED at WAUKEGAN, LAKE COUNTY, ILLINOIS, on November 12, 2019.