

 <b>Lake County Policy</b>	<b><i>INTERNAL USE ONLY</i></b>
	<b><i>Responsible Bidder Ordinance Policy</i></b>
	<b>Version: 1.0</b>
	<b>Date: 02/20/2020</b>

### **1.0 Purpose**

The purpose of this policy is to provide guidance on administration of Lake County's Responsible Bidder Ordinance 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.

### **2.0 Application**

This policy applies to all construction contracts financed, in whole or in part, with County public funds effective November 12, 2019. The Responsible Bidder's 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 all provisions of the Ordinance if they are not in concurrence with the Illinois Department of Transportation rules.

### **3.0 Description of Responsible Bidder**

A Responsible Bidder or Offeror is defined as 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. 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, who meets all 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. 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.

- d. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, and automobile.
- 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. 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.
- g. 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.
- 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 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.*

#### **4.1 Validation of Responsible Bidder**

Purchasing staff will include a Responsible Bidder Affidavit with all applicable publicly solicited procurements. Vendors shall be required to submit a complete Affidavit with their sealed bid. Purchasing staff will validate that they have received a completed Affidavit from all bidders. If a vendor does not submit a completed Affidavit, Purchasing staff will follow up to ensure that a completed form is on file and that the apparent low bidder indicates that they comply with the Responsible Bidder Ordinance.

If a vendor does not submit a completed Responsible Bidder Affidavit or indicate that they comply with the Responsible Bidder Ordinance they will be deemed a non-responsive and non-responsible bidder and excluded from the procurement process and withdrawn from further participation in the transaction.

#### **4.2 Exceptions Granted for Responsible Bidder Ordinance**

- a. All vendors wishing to contract with Lake County for public works construction contracts shall submit the Responsible Bidder Affidavit in advance of award. Federally funded construction projects, if such application would jeopardize the receipt or use of federal funds in support of such a project, and Division of Transportation projects, if they are not in concurrence with the Illinois Department of Transportation rules, are exempt from disclosing information
- b. All other vendors requesting an exception will be required to submit their request in writing. The Purchasing Agent will submit a finding to the County Administrator's Office that:

- i. the vendor has submitted a request for an exception; and
  - ii. Purchasing staff has validated that all other potential vendors are unable to comply in full with the Responsible Bidder's Ordinance; and
  - iii. the vendor in question has been determined to be the apparent low bidder and meets all of the other specifications for the public works construction project; and
  - iv. the award will be in the best interest of the County.
- c. Recommendation of award of contract with noted vendor exception will be included on the agenda for consideration of the appropriate standing committee of the Lake County Board.

#### **6.0 Related Ordinances and Policies**

- a. Lake County Purchasing Ordinance
- b. Responsible Bidder Ordinance

#### **7.0 Attachments**

- a. Responsible Bidder Affidavit



# RESPONSIBLE BIDDER AFFIDAVIT

Vendor Name:		Federal Employer Tax Identification #:	
Address:			
Contact Person:		Contact Phone #:	

- That the bidder agrees to and shall comply with the Equal Opportunity Employer provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order Number 11246, as amended, by Executive Order 11375, and has and shall comply with the Chapter 33 (Purchasing) of Title III of the Lake County Code of Ordinances, be amended to modify the definition of “Responsible Bidder or Offeror”.
- That bidder has Certificates of insurance in accordance with general terms and condition of the invitation for bid.
- That bidder hereby certifies that it shall comply with the provisions of the Illinois Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*, as amended). 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.*
- That the bidder hereby certifies: [check all that apply]

\_\_\_\_\_ bidder has not received any notices of violations of the Illinois Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*); **or**

\_\_\_\_\_ in the event any such notice has been received by bidder, a copy of any such notice is attached hereto; **or**

\_\_\_\_\_ in the event that bidder has received such a notice, any documentation demonstrating the resolution of any such notice is attached hereto (attach additional pages to explain how the matter has been resolved)

- All bidders must provide three (3) projects as detailed on the invitation for bid reference form.
- 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.
- 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.

I hereby acknowledge that the information above is accurate and complete, that I am an authorized signer on behalf of the vendor, that I have read and understand these requirements, and that I agree to update this information if there are any related changes by submitting a new Responsible Bidder Affidavit.

Authorized Signature:		Title:	
Printed Name:		Date:	

Vendors must insert “x” in the following box indicating exception and provide a brief narrative for exception.

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