

ORDINANCE NO. 2013-03

AN ORDINANCE GOVERNING THE AWARDING OF CONTRACTS FOR PUBLIC WORKS PROJECTS IN THE VILLAGE OF PECATONICA, ILLINOIS

WHEREAS, pursuant to 65 ILCS 5/1-2-1 and other statutory provisions, the Village of Pecatonica, Winnebago County, Illinois (“Village”) is authorized and empowered to adopt and enforce the provisions of this Ordinance; and

WHEREAS, pursuant to 65 ILCS 65 ILCS 5/8-9-1, a municipality must let a contract for any work or public improvement to the lowest responsible bidder when the expense of that work or improvement exceeds \$20,000; and

WHEREAS, the Village desires to amend the Village of Pecatonica, IL Municipal Code (“Code”) to require such a bidding process for any construction or public improvement contract \$1,500 and to provide for rules and regulations relating to the same; and

WHEREAS, the Village President and the Board of Trustees now find that such an amendment is in the best interest of the Village and its residents;

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Village of Pecatonica, Winnebago County, Illinois as follows:

That the above recitals are incorporated by reference herein and made a part hereof.

That Chapter Nine of the Village of Pecatonica, IL Municipal Code; Article One: Administration is hereby created to read as follows:

Chapter Nine Public Works Contracts

Section 1 Public Works Contracts Exceeding \$1,500.

A. Except as otherwise provided by statute, all construction or other public improvements, the cost of which exceeds \$1,500, which are not to be paid for in whole or in part by special assessment or special taxation shall be constructed as follows:

1. By a contract let to the lowest responsible bidder, as that term is defined in Section 34-006 of this Code, after advertising for bids, except that the contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all trustees then holding office, or as otherwise allowed by statute.

2. The publication or advertisement required above shall be made not more than 20 and not less than 10 days prior to the date of opening of the sealed bids and need only be made once within the time specified, or more if so desired. The publication or advertisement may be either in a newspaper of general circulation within the Village or may be made by causing Village Clerk to direct a letter containing the specifications and requesting a bid thereon to all persons who perform the services required or are able to supply the materials to be purchased, or both. All bids submitted shall be sealed, and shall be opened by the Village Clerk, or his or her designee, in the presence of the Village Engineer, and the bids shall remain in the office of the Village Clerk, open to public inspection after the contract has been entered into. The Board of Trustees shall determine from the bids received pursuant to this Code which bid is in the best interest of the Village and upon reaching its determination shall enter into a contract with the lowest responsible bidder for the services or materials or both, which is deemed as being in the best interest of the Village.

B. The provisions of Section 1 of this section shall not apply to any contract with the state or federal government or any agency thereof.

C. Contracts which by their nature are not adapted to award by competitive bidding, including but not limited to, contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part shall not be subject to the competitive bidding requirements of this section.

Section 2 Lowest Responsible Bidder

A. "Lowest responsible bidder" for purposes of Section 34-005 and Section 34-006 of this Code shall mean a bidder who meets 1) all of the job specifications provided by the Village; 2) the following applicable criteria set forth below; and 3) has submitted evidence of compliance with each of the following, as applicable to the Village:

1. All applicable laws prerequisite to doing business in Illinois.

2. Evidence of compliance with the following:

a. Federal Employer Tax Identification Number or Social Security Number (for individuals); and

- 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).
 3. Certificates of insurance indicating the following coverage: general liability, workers' compensation, completed operations and performance, automobile, hazardous occupation, product liability, in the amounts set forth by the Village in each bid package, or where such amounts are not specified by the Village, in amounts so requested by the Village's Risk Management Provider.
 4. 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, and certifying receipt and compliance with the Village's Prevailing Wage Ordinance then in effect.
 5. 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 Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract.
 6. All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-1515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
 7. Submit proof of any professional trade license required by law for any trade or specialty area in which a bidder is seeking a contract award and disclose any suspension or revocation within the previous five (5) years of any professional trade license held by the company, or of any director, officer, or manager employed by the bidder.
 8. Provide information as to the substance abuse policy that pertains to all of the bidder's employees working on the project.
- B. The Village may also request evidence of and/or consider the following factors when identifying responsible bidder for the purpose of awarding contracts under this section;

1. The ability, capacity and skill of the bidder to perform the contract.
2. The capacity of the bidder to perform the contract promptly and efficiently, or within the time specific, without delay or interference.
3. The character, integrity, reputation, and experience of the bidder.
 - a. The quality of the bidder's past performance, including performance of the previous contract, whether or not such performance was within the Village.
 - b. The bidder's defaults under previous contracts, whether or not such contract was with the Village.
 - c. The previous and existing compliance by the bidder with laws and ordinances relating to the contract.
 - d. The financial ability of the bidder to perform the contract.
 - e. Any findings of non-responsibility by federal, state, or local agencies.
 - f. Any additional factors the Village determines relevant for the contract.

Nothing herein 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 or existing under any prior Resolution or Ordinance.

To the extent this Ordinance contradicts any previous Orders, Resolutions, Ordinances or parts of Orders, Resolutions, Ordinances of the Village, this Ordinance shall control and all other Orders, Resolutions, Ordinances, or parts of Orders, Resolutions, or Ordinances in conflict herewith are hereby repealed insofar as such conflicts exist.

All other Orders, Resolutions or Ordinances or parts of Orders, Resolutions or Ordinances of the Village, not in conflict with this Ordinance shall remain in full force and effect.

That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed and adopted by the Village board of Trustees of the Village of Pecatonica on this ____ day of _____, 2013.

AYES:

NAYS:

ABSENT:

APPROVED:

Village President

ATTEST:

Village Clerk

PUBLISHED: