



HB3048 93rd Illinois General Assembly Public Act 93-0642 Effective Date, June 1, 2004

Synopsis of Public Act 93-0642

Amends the Illinois Procurement Code. Provides that to be considered a responsible bidder on a construction contract for purposes of the Code, a bidder must comply with certain requirements and must present satisfactory evidence of that compliance to the appropriate construction agency. The requirements include compliance with laws concerning the bidder's entitlement to conduct business in Illinois, compliance with the Prevailing Wage Act, compliance with federal "Equal Employment Opportunities" provisions, having certain insurance coverage, and participation in federally approved apprenticeship and training programs.

Public Act 93-0642

AN ACT relating to procurement.

*Be it enacted by the People of the State of Illinois,
represented in the General Assembly:*

*Section 5. The Illinois Procurement Code is amended by
adding Section 30-22 as follows:*

(30 ILCS 500/30-22 new)

Sec. 30-22. Construction contracts; responsible bidder requirements. To be considered a responsible bidder on a construction contract for purposes of this Code, a bidder must comply with all of the following requirements and must present satisfactory evidence of that compliance to the appropriate construction agency:

(1) The bidder must comply with all applicable laws concerning the bidder's entitlement to conduct business in Illinois.

(2) The bidder must comply with all applicable provisions of the Prevailing Wage Act.

(3) The bidder must comply with Subchapter VI ("Equal Employment Opportunities") of Chapter 21 of Title 42 of the United States Code (42 U.S.C. 2000e and following) and with Federal Executive Order No. 11246 as amended by Executive Order No. 11375.

(4) The bidder must have a valid Federal Employer Identification Number or, if an individual, a valid Social Security Number.

(5) The bidder must have a valid certificate of insurance showing the following coverages: general liability, professional liability, product liability, workers' compensation, completed operations, hazardous occupation, and automobile.

(6) The bidder and all bidder's subcontractors must participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

The provisions of this Section 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.



NOTICE OF HB 3048 REQUIREMENTS

NOTICE

NEW APPRENTICESHIP TRAINING REQUIREMENT

Illinois Governor Rod R. Blagojevich has signed into law amendments to the Illinois Procurement Code that impact all bidders on CDB projects. Effective June 1, 2004, all bidders must participate in apprenticeship and training programs that are both approved by and registered with the U.S. Department of Labor's Bureau of Apprenticeship and Training. The program must be in the same trades that the firm performs. In addition, the requirement also applies to subcontractors.

Applicants for CDB prequalification will be further notified of the requirement, and CDB contract bid forms will require bidders to certify that they, and their subcontractors for the project are, at the time of bid, participating in an approved apprenticeship and training program. The bid form provision and the revised Section 01010 is available online. Proof of compliance may be requested.

See www.legis.state.il.us to read the new law, HB 3048 (Public Act 93-0642). For further information, or to inquire on how to participate or how a program complying with the new requirement can be set up in your area, please call Dave Wyatt at the U.S. Department of Labor at 312/596-5508, or see the U.S. Department of Labor website at www.doleta.gov/atels_bat/.

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Excerpt from CDB: Bidding & Contract Requirements Document 00300 – Bid Form

THE BIDDER MAKES THE FOLLOWING REPRESENTATIONS AND CERTIFICATIONS:

- A. A surety company has agreed to issue Bonds required by the Bid Documents for this work if this bid is accepted by CDB.
- B. The Bidder is not barred from contracting with any unit of state or local government as a result of violating the bid rigging or bid rotating provisions contained in 720 ILCS 5/33E-3 and 720 ILCS 5/33E-4.
- C. The Bidder is not barred from contracting with the State of Illinois as a result of a bribery conviction per 30 ILCS 505/10.2.
- D. The Bidder and its subcontractors are in compliance with the Illinois Procurement Code, 30 ILC 500/30-22, Apprenticeship and Training Program requirement as defined in Project Manual Section 01010.

Referenced Portion of CDB: Project Manual Section 01010 – Project Summary

1. APPRENTICESHIP TRAINING REQUIREMENT

- 1. Effective June 1, 2004, all bidders and all their subcontractors must be participants in apprenticeship and training programs that are both approved by and registered with the U.S. Department of Labor's Bureau of Apprenticeship and Training. The program(s) must be in the same trade(s) in which the firm performs work
- 2. A statement to the above effect has been added to the Representations and Certifications section of the Bid Form (00300). Bidders must be a member of an approved apprenticeship program prior to beginning work on the project.
- 3. CDB, at any time before or after award, may require the production of a copy of each applicable Certificate of Registration issued by the United States Department of Labor evidencing such participation by the contractor and each of its subcontractors. Unless otherwise directed in writing by CDB, applicable apprenticeship and training programs are those that have been approved and registered with the United States Department of Labor
- 4. In order to fulfill this requirement, it shall not be necessary that an applicable program sponsor be currently taking or that it will take applications for apprenticeship, training or employment during the performance of the work of this contract.
- 5. For information on how to participate in or set up a program, contractors may call David Wyatt at the U.S. Department of Labor (312/596-5508) or check the USDOL website: www.doleta.gov/atels_bat/.



Bureau of Local Roads and Streets Manual 2005 Edition

12-3(4) LETTING AND CONTRACT AWARD - MFT and State Funds

July 2005

12-3.03 Lettings

12-3.03(a) General

It is important to note that if proposals are issued to contractors with the intent of soliciting bids, eligibility for bidding is generally assumed unless communicated otherwise. If the contractor is a responsible bidder meeting the acceptance criteria of the local agency and IDOT, the award will be made to the contractor with the lowest bid once the bids are opened. It is therefore important to ensure that each contractor is a responsible bidder prior to opening bids, and if practical, prior to issuing proposals.

1. The bidder must comply with all applicable laws concerning the bidder's entitlement to conduct business in Illinois.
2. The bidder must comply with all applicable provisions of the Prevailing Wage Act.
3. The bidder must comply with Subchapter VI ("Equal Employment Opportunities") of Chapter 21 of Title 42 of the United States Code (42 U.S.C. 2000e and following) and with Federal Executive Order No. 11246 as amended by Executive Order No. 11375.
4. The bidder must have a valid Federal Employer Identification Number or, if an individual, a valid Social Security Number.
5. The bidder must have a valid certificate of insurance showing the following coverage: general liability, professional liability, product liability, workers' compensation, completed operations, hazardous occupation, and automobile.
6. The bidder and all bidders' subcontractors must participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. The bidder must certify as such when submitting a bid.
7. The bidder is not disqualified from bidding on MFT- and State-funded work by the department.

If a bidder does not comply with these requirements or fails to submit proper certification, the bidder is considered not responsible and the non-responsible bidder's proposal shall not be opened.