

## SAMPLE RESPONSIBLE BIDDER ORDINANCE

AN ORDINANCE AMENDING \_\_\_\_\_ OF THE \_\_\_\_\_  
CODE TO FURTHER DEFINING RESPONSIBLE BIDDER

WHEREAS, Chapter \_\_\_\_\_ of the \_\_\_\_\_  
County/City/Municipality  
Code regulates purchases and contracts entered into by the \_\_\_\_\_; and

WHEREAS, Although section \_\_\_\_\_ defines responsible bidder, that definition needs to  
Be expanded in the case of bidders for construction projects (construction of new facilities, renovation  
of current facilities or road construction projects) over \$25,000.00.

NOW, THEREFORE, BE ORDAINED, by the (Governing Body) of the \_\_\_\_\_ of  
\_\_\_\_\_, Illinois that the following definition be added to section \_\_\_\_\_ of  
County/City/Municipality  
the code.

Responsible bidder for construction contracts means a bidder who meets all of the job  
Specifications, the following applicable criteria, and submits evidence of such compliance:

- (1) All applicable laws prerequisite to doing business in Illinois.
- (2) 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).
- (3) Certificates of insurance indicating the following coverage's: general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.
- (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.
- (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 94-0515.

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.

BE IT FURTHER ORDAINED, that the Clerk of this \_\_\_\_\_ is hereby  
Governing Body  
authorized and directed to prepare and deliver a certified copy of this Ordinance amendment to  
\_\_\_\_\_ Purchasing Director.  
Governing Body

The above and foregoing ordinance amendment was adopted by the \_\_\_\_\_  
Governing Body  
of the County of \_\_\_\_\_, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## SAMPLE RESPONSIBLE BIDDER RESOLUTION

WHEREAS, the \_\_\_\_\_ finds that it is in its best interest to define the term "responsible" as contained in competitive bidding statutes governing its purchases of construction goods and services;

WHEREAS, the \_\_\_\_\_ wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work of supplies at the lowest cost practicable;

WHEREAS, the \_\_\_\_\_ possesses great discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a "responsible" bidder in the exercise of its proprietary duties and responsibilities;

WHEREAS, the contracting authority of the \_\_\_\_\_ is entrusted with the power to determine whether a respective bidder is the "lowest responsible bidder"; and,

WHEREAS, the \_\_\_\_\_ solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community's welfare arising from each bid and in the exercise of its proprietary functions.

THEREFORE, BE IT RESOLVED THAT financial responsibility is an important factor in determining the lowest responsible bidder, and the \_\_\_\_\_, through its contracting authority, shall require an entity that bids on a public contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with the requirements of the Internal Revenue Service, Illinois Departments of Revenue and/or Registration, and Illinois Department of Employment Security registration requirements, as well as complying with the general business license requirements of the \_\_\_\_\_ prior to the award and during the term of the contract.

Additionally, the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.

BE IT FURTHER RESOLVED THAT social responsibility is a concern in awarding public contracts, and the contracting authority may factor in its determination of whether a bidder is "responsible" such factors as bidder's record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration. Furthermore, the bidder shall be required to provide a certificate of insurance, designating \_\_\_\_\_ as an Additional Insured under all pertinent policies, specifying all required coverages, including general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability at such limits as the contracting authority deems appropriate to protect the interests of \_\_\_\_\_.

ALSO BE IT FURTHER RESOLVED THAT the provision of satisfactory evidence by the bidding entity that it provides or participates in a medical hospitalization program for its employees, an apprenticeship and training program approved and registered with the U.S. Department of Labor's Bureau of Apprenticeship & Training for each of the trades of work contemplated under the awarded contract, a pension or retirement benefit program for its employees, with the premium or cost or contribution rate, as well as benefit configuration for each of the respective aforementioned programs, being no less than required under the Illinois Prevailing Wage Act, is minimally required to demonstrate that a bidding entity is "responsible".