




City of Aurora

Mayor's Office • 44 E. Downer Place • Aurora, Illinois 60507-2067 • 844-3612 • FAX 892-8967

Thomas J. Weisner
Mayor

MEMORANDUM

TO: Committee of the Whole

FROM: Mayor Thomas J. Weisner 

DATE: March 1, 2010

RE: An Ordinance Amending Chapter 2, Article V, Division 2, Section 2-331 Entitled "Definitions" of the City of Aurora Code of Ordinances

PURPOSE:

Attached is an ordinance amending Chapter 2, Article V, Division 2, Section 2-331 "Definitions" of the City of Aurora Code of Ordinances to better define "responsible bidder" for public work contracts.

BACKGROUND:

In early 2009, the City was contacted by the Indiana-Illinois-Iowa Foundation for Fair Contracting (III Foundation), a not-for-profit labor-management organization, regarding our responsible bidding ordinance. This organization put forward several persuasive arguments why and how our ordinance could be made to better protect the safety and financial value our residents receive for their tax dollars spent on public works contracts.

Additionally, the Minority and Women Business Opportunities Taskforce, which was convened in August of 2008 and given the charge to research and make recommendations to the city on ways to increase opportunities for minorities and women, recommended that one of the first steps the City should take would be to amend our ordinance regarding responsible bidding in order to include not only a definition of "responsible bidder" but also to include specific criteria to be met by bidders to ensure such responsibility.

DISCUSSION:

The III Foundation's stated goal in endorsing responsible bidder provisions is to promote fair contracting by providing a "level playing field" in the public construction arena for taxpayers, contractors and workers, and they had several changes in mind with regard to our ordinance. They recognized that, while the City is mandated by the State to utilize only "responsible bidders" at the same time, no comprehensive definition was provided by the State to determine what is a "responsible bidder." Additionally, not only does defining "responsible bidder" for purposes of public works contracts assist public officials in making sense of the responsible bidding requirements, it also helps to ensure that a responsible contractor performs the work in our community.

Likewise, the Taskforce recommended that the city amend its ordinance to ensure that when bidding, only "responsible bidders" are selected to provide goods and services to the City. It was the belief of the Taskforce that bids awarded under the City's current definition of "lowest responsible bidder" does not require bidders to be concerned with diversity objectives, safety issues and compliance with the law. Furthermore, we believe that amending the responsible bidder provision offers the City an additional layer of protection against legal challenges.

RECOMMENDATION

I recommend the City Council approve the amendment to Chapter 2, Article V, Division 2, Section 2-331 "Definitions" of the City of Aurora Code of Ordinances in order to amend the responsible bidder provisions of the Code.