

PUBLISHED IN PAMPHLET FORM FOR THE FOLLOWING:

ORDINANCE 10-037

TITLED:

**AMENDING CHAPTER 8, SECTION 8-508 OF THE MUNICIPAL CODE
RE LOWEST RESPONSIBLE BIDDER**

**VILLAGE CLERK
VILLAGE OF BOLINGBROOK**

ORDINANCE NO. 10-037

**ORDINANCE AMENDING CHAPTER 8, SECTION 8-508 OF THE
MUNICIPAL CODE RE LOWEST RESPONSIBLE BIDDER**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt, and

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

WHEREAS, the Village solicits bids and/or proposals on many 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 in the exercise of its proprietary functions; and

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village to define the term "responsible bidder" as contained in competitive bidding statutes governing the purchase of construction goods and services;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE BOARD OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby adopted as findings of fact as if said recitals were fully set forth within this Section One.

SECTION TWO: A new Subparagraph (B)(6) shall be and is hereby added to Chapter 8, Article 5, Section 8-508 of the Municipal Code of the Village of Bolingbrook, which new Subparagraph 8-508(B)(6) shall hereafter be and read as follows:

- (6) Responsible Bidder for Construction and Building Contracts. In addition to other legal requirements, a responsible bidder for construction or building contracts means a bidder who has submitted evidence that it complies with all the job specifications and the following applicable criteria:
 - (a) All applicable laws and prerequisites to doing business in Illinois.

- (b) Evidence of compliance with the following:
 - (i) Federal Employer Tax Identification Number or Social Security Number (for individuals).
 - (ii) Provision of Section 2000(c) 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) Certificates of insurance indicating the following coverage: general liability, workers' compensation, completed operations, automobile, hazardous occupation and product liability in not less than the minimum amounts required by the Village.
- (d) Compliance with all provisions of the Illinois Prevailing Wage Act.
- (e) Documents evidencing any profession or trade license required by law or local ordinance for any trade or specialty area in which the contractor is seeking a contract award.
- (f) All contractors and subcontractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515.
- (g) The bidder and all of bidder's general and subcontractors shall participate in active apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each trade doing work contemplated under the contract to be awarded.
- (h) The foregoing responsible bidder requirements shall apply to all construction and/or building contracts exceeding \$25,000 let to the lowest responsible bidder as defined herein after advertising for bids for such construction and/or building contracts.

SECTION THREE: Those provisions of Section 8-508 of the Municipal Code which have not been expressly amended herein shall be and are hereby ratified and affirmed and shall remain in full force and effect.

SECTION FOUR: Any policy, resolution, ordinance or part thereof that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of the conflict.

SECTION FIVE: This ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form in the manner provided by law.

PASSED THIS 25th day of May, 2010.

AYES: 5 – Brown, Lawler, Morales, Morelli, Schanks

NAYS: None

ABSENT: 1 - Swinkunas

APPROVED THIS 25th day of May, 2010.

ATTEST: 
VILLAGE CLERK

MAYOR 

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK ON MAY 27, 2010.

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STATE OF ILLINOIS)
COUNTIES OF WILL) SS
AND DU PAGE)

I, Carol S. Penning, certify that I am the duly elected and acting Village Clerk of the Village of Bolingbrook, Will and DuPage Counties, Illinois.

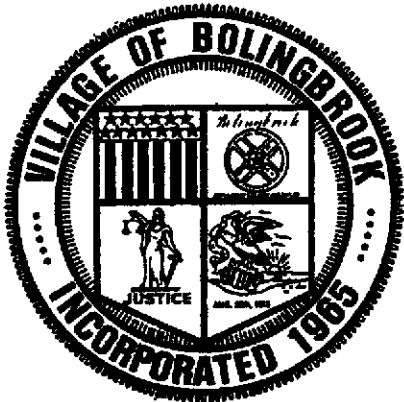
I further certify that on May 25, 2010, the Corporate Authorities of such municipality passed and approved Ordinance 10-037 entitled:

AMENDING CHAPTER 8, SECTION 8-508 OF THE MUNICIPAL CODE RE LOWEST RESPONSIBLE BIDDER

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance 10-037 including the Ordinance and a cover sheet thereof, was prepared on May 26, 2010. Copies of such Ordinance are available for public inspection upon request in the office of the Village Clerk.

DATED at Bolingbrook, Illinois, this 26th day of May, 2010.





Carol S. Penning, CMC
VILLAGE CLERK