

## ORDINANCE

09 - O - 61

### AN ORDINANCE OF THE CITY OF WAUKEGAN, AMENDING THE CITY CODE TO ESTABLISH RESPONSIBLE AND RESPONSIVE BIDDER REQUIREMENTS ON CERTAIN PUBLIC WORKS PROJECTS

WHEREAS the City of Waukegan is a home-rule municipality of the State of Illinois, and as such has those powers pursuant to the Constitution of the State of Illinois which are not specifically reserved to the State itself; and

WHEREAS, subject to said Constitutional provision, a home-rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, welfare, and morals; and

WHEREAS, the City of Waukegan wishes to amend its Code of Ordinances to add requirements to its definition of "Lowest Responsible Bidder" in certain cases of bidding on public works construction contracts.

NOW, THEREFORE, be it ordained by the City Council of the City of Waukegan, as follows:

**Section 1:** Section 2-459 of the Code of Ordinances of the City of Waukegan is amended to add new sub-section (c), as follows:

(c) *Public Works contracts in excess of \$150,000 in value -- "Lowest Responsible Bidder"*. In addition to price and to the requirements set out above, in determining whether a contractor is a "responsible or responsive bidder" for the award of a public works contract in excess of \$150,000 value, the contractor shall submit the information and supporting documentation set forth below in order for the bid to be considered. All required documentation shall be submitted at the same time as the bid itself to the City of Waukegan Engineering Department. For the purposes of this section, the term "public works" shall have the same definition as found in the Illinois Prevailing Wage Act, 820 ILCS 130.1, *et seq.*:

- (1) All applicable laws pre-requisite to doing business in Illinois.
- (2) Evidence of compliance with
  - (a) Federal Employer Tax Identification Number or Tax Identification Number (for individuals)
  - (b) A statement of compliance with provisions of Federal Equal Opportunity Employer requirements
- (3) Certificates of insurance indicating at a minimum the coverages required by the City Code, Chapter 6-27, sub-section 122.2 for

contractor registration in the City, and all coverages required by Illinois State law.

- (4) Compliance with all provisions of the Illinois Prevailing Wage Act, 820 ILCS 130.1, *et seq.*
- (5) Evidence of participation in apprenticeship and training programs which are approved by the United States Department of Labor, Bureau of Apprenticeship and Training. The required evidence includes a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform on the public works project.
- (6) A statement listing all employees who will perform work on the public works project and evidence that all listed employees are covered by a health and welfare plan and a retirement plan.
- (7) Evidence of any professional or trade license required by law or local ordinance for any trade or specialty area in which the contractor is seeking a contract award. Additionally, the contractor must disclose any suspension or revocation of such license held by the company, or of any director, officer, or manager of the company

Any material changes to the contractor's status, at any time, must be reported in writing to the City within fourteen (14) days of its occurrence. Failure to comply with this requirement is grounds for the contractor to be deemed non-responsible and non-responsive.


**Section 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

**Section 3:** This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.



MAYOR ROBERT G. SABONJIAN

ATTEST:

  
WAYNE MOTLEY, City Clerk

Presented and Read at a regular meeting of the Waukegan City Council on the 6th  
day of July, 2009.

Passed and Approved at a regular meeting of the Waukegan City Council on the 6th day of  
July, 2009.

**ROLL CALL:** Alderman Rivera, Cunningham, Koncan, Moisió, Figueroa,  
Newsome, TenPas, Needham, and Larsen

**AYES:** Aldermen Rivera, Cunningham, Koncan, Moisió, Figueroa,  
Newsome, TenPas, Needham and Larsen

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None