ORDINANCE NUMBER 2009-O-002

AN ORDINANCE ESTABLISHING CRITERIA FOR THE DETERMINATION OF A RESPONSIBLE BIDDER FOR VILLAGE PUBLIC WORKS PROJECTS

WHEREAS, the Illinois Compiled Statues, including the Illinois Municipal Code, regulate purchases and contracts entered into by the Village of Tinley Park; and

WHEREAS, such Statutes grant to the Village the authority and discretion to determine what constitutes a "responsible bidder" and it is deemed necessary and advisable to establish criteria to better enable the Corporate Authorities of the Village to determine what constitutes a "responsible bidder" for Public Works Projects such as construction of a new municipal facilities, renovation of existing facilities and road and utility construction projects; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park have determined that it in the best interests of the Village and its residents to establish criteria for determining a "responsible bidder" for these types of projects as set forth below; and

WHEREAS, the Village is a Home Rule unit of government pursuant to Article VII Section 6 of the Illinois Constitution of 1970 and therefore is authorized, except as limited therein, to exercise any power and perform any function pertaining to its government and affairs;

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, pursuant to applicable law and the Village's home rule powers, as follows:

SECTION 1: That the above Whereas clauses are herein incorporated by references as the findings of this President and Board of Trustees of the Village, as completely as if fully recited herein at length.

SECTION 2: For purposes of this Ordinance "Village Public Works Project" is defined to mean any construction project undertaken by the Village to which the Illinois Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.* is applicable.

SECTION 3: That in order to be considered a "responsible bidder" on Village Public Works Project, a bidder must comply with the following criteria, and submit acceptable evidence of such compliance, in addition to any other requirements as determined from time to time by the Village for the specific type of work to be performed:

a) Compliance with all applicable laws and Village Codes and Ordinances prerequisite to

doing business in Illinois and in the Village;

b) Compliance with:

   a. Submittal of Federal Employer Tax Identification Number of Social Security Number (for individual), and

   b. Provision of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Federal Executive Order No. 11375 (known as the Equal Employment Opportunity Provisions);

c) Furnishing certificates of insurance indicating at least the following coverages at minimum limits established by the Village; general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability and professional liability;

d) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered by the Act;

e) Participation in apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training;

f) Compliance with the applicable provisions of the Illinois Human Rights Act and the rules of the Illinois Human Rights Commission, including the adoption of a written sexual harassment policy;

g) Furnishing of required performance and payment bonds;

h) Furnishing certification of no delinquency in the payment of any tax administered by the Illinois Department of Revenue;

i) Furnishing certification that the bidder is not barred from bidding or contracting as a result of a violation of either Section 33E or 33E-4 of Chapter 720, Article 5 of the Illinois Compiled Statutes; and

j) Furnishing evidence that the bidder has not only the financial responsibility but also the ability to respond to the needs of the Village by the discharge of the contractor's obligations in accordance with what is expected or demanded under the terms of the contract.

SECTION 4: That this Ordinance is not intended to and shall not under any circumstances supersede the Village of Tinley Park Local Vendor Purchasing Policy, as adopted by the Village in Resolution 2005-R-003, which shall remain in full force and effect. Attached hereto as Exhibit A.

SECTION 5: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form and this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this 17th Day of March, 2009, by the Corporate Authorities of the Village of Tinley Park on a roll call vote as follows:

AYES:Rea, Seaman, Hannon, Maher, Staunton

NAYS: **None**

ABSENT: **Bettenhausen**

APPROVED this 17th Day of March, 2009, by the President of the Village of Tinley Park.

Edward J. Zabrocki
Village President

ATTEST:

Laura J. Godette.
Deputy Village Clerk

EXHIBIT A

VILLAGE OF TINLEY PARK
LOCAL VENDOR PURCHASING POLICY

The Village of Tinley Park believes it is important to provide local vendors with opportunities to provide goods and services to the Village of Tinley Park. This belief is based upon the fact that the active uses of commercial properties in Tinley Park benefits the community through stabilization of property tax, the creation of local sales tax and the provision of employment opportunities for citizens of the community and surrounding region. In an effort to promote the aforementioned benefits, the Village of Tinley Park wishes to provide local vendors with preferential treatment when competing for contracts with the Village. A local vendor is defined as a business that has an actual business location within the Village of Tinley Park and is licensed by the Village. The Village will not award a contract to a local vendor when the difference between the local vendors bid and the otherwise lowest responsive and responsible bid exceeds the applicable percentage indicated as follows. As such, when considering contracts, the Village of Tinley Park reserves the right to forego the lowest responsive and responsible bid exceeds the applicable percentage indicated as follows. As such, when considering contracts, the Village of Tinley Park reserves the right to forego the lowest responsive and responsible bid in favor of a local vendor under the following circumstances:

Contract Value	Range (up to a maximum of)
$0 to $250,000	5%
$250,000 to $500,000	4%
$500,000 to $750,000	3%
$750,000 to $1,000,000	2%
$1,000,000 to $2,000,000	1%

Under no circumstances will any contract be awarded to a local vendor when the local vendor's bid exceeds the lowest responsive and responsible bid by $25,000 or more.

This policy shall **ONLY** apply if formal notice of the aforementioned criteria is provided as part of the bid specifications. In addition, it should be noted that the Village of Tinley Park shall not be obligated to forego the low bidder in favor of the local vendor under any circumstances. However, this policy simply provides the Village with the option of doing so when applicable. Furthermore, this policy shall not apply in any situation where any portion of the contract amount is being paid with funds other than Village monies. Specifically, this policy shall not apply in any situation where the Village has received a grant or otherwise received a source of funds other than its own funds.