



Robert Kosin <rkosin@barringtonhills-il.gov>

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## Fwd: Responsible Bidder Ordinance

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**Elaine Ramesh** <eramesh@barringtonhills-il.gov>

Fri, Dec 14, 2012 at 2:21 PM

To: Robert Kosin <rkosin@barringtonhills-il.gov>

Cc: Clerk <clerk@barringtonhills-il.gov>

----- Forwarded message -----

From: **David Sokolnicki** <dsokolnicki@iiffc.org>

Date: Fri, Dec 14, 2012 at 1:23 PM

Subject: Responsible Bidder Ordinance

To: "eramesh@barringtonhills-il.gov" <eramesh@barringtonhills-il.gov>

Dear Trustee Ramesh:

I am a monitor with the Indiana, Illinois, Iowa Foundation for Fair Contracting (Ill FFC). I am writing to request a meeting with you to discuss a Responsible Bidder Ordinance for the Village of Barrington Hills.

The Ill FFC is a labor-management organization established to support, promote, and encourage fair contracting by providing a "level playing field" in the public construction arena for contractors, workers, and taxpayers. To further this goal, the Ill FFC is contacting public bodies to discuss Responsible Bidder Ordinances, which help public officials determine who is a responsible bidder and help ensure that a responsible contractor performs work in your community. A draft ordinance is available on our website at: [http://www.iiffc.org/responsible\\_bidding.html](http://www.iiffc.org/responsible_bidding.html) under "Responsible Bidder Information."

I would appreciate the opportunity to meet with you to discuss Responsible Bidder Ordinances and anticipate that a meeting would last about 15 minutes. Please give me a call at [815-370-5374](tel:815-370-5374) or respond to this email so that we may discuss this matter further.

Sincerely,

David Sokolnicki

David Sokolnicki

Compliance Monitor

IIFFC

6170 Joliet Road Suite 200

Countryside Ill. 60525

Phone: [815-254-3332](tel:815-254-3332)

Cell: [815-370-5374](tel:815-370-5374)

Fax: [815-254-3525](tel:815-254-3525)

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Elaine M. Ramesh

Trustee, Village of Barrington Hills

To ensure compliance with the Open Meetings Act, elected or appointed members of the public body may reply to this message, but they should not forward it or send a copy of the reply to other members of the public body.



Robert Kosin <rkosin@barringtonhills-il.gov>

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## RE: Responsible Bidder Ordinance

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**Skip Gianopulos** <sgianopulos@barringtonhills-il.gov>

Fri, Dec 14, 2012 at 11:59 PM

To: David Sokolnicki <dsokolnicki@iiifc.org>

Cc: Robert Kosin <rkosin@barringtonhills-il.gov>

I am copying our Village Administrator, Bob Kosin. Please follow up directly with Bob on this topic. If Mr. Kosin believes it is necessary for me to participate in a meeting, I will be happy to attend.

Harold (Skip) Gianopulos, Jr.

Trustee

Village of Barrington Hills

112 Algonquin Road

Barrington Hills, IL 60010

[www.barringtonhills-il.gov](http://www.barringtonhills-il.gov)

To ensure compliance of the Open Meetings Act, recipients of this message should not forward it to other members of the public body. Members of the public body may reply to this message, but they should not send a copy of the reply to other members.

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**From:** David Sokolnicki [mailto:[dsokolnicki@iiiffc.org](mailto:dsokolnicki@iiiffc.org)]

**Sent:** Friday, December 14, 2012 1:21 PM

**To:** [sgianopulos@barringtonhills-il.gov](mailto:sgianopulos@barringtonhills-il.gov)

**Subject:** Responsible Bidder Ordinance

Dear Trustee Gianopulos:

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David Sokolnicki

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**AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS ON PUBLIC WORKS PROJECTS**

**WHEREAS**, the Village of Lakemoor ("Village") is a municipal corporation organized and operating under the laws of the State of Illinois;

**WHEREAS**, the Village expends substantial funds for the construction of public works, a portion of that money being derived from taxes paid by residents;

**WHEREAS**, the Village seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects;

**WHEREAS**, the Village, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily insured by awarding a construction contract solely on the basis of the low bid;

**WHEREAS**, the Village seeks to enhance its ability to identify the lowest "responsible bidder" on all public works construction projects by instituting more comprehensive submission requirements which are in compliance with Illinois State Law; and

**WHEREAS**, "An Ordinance Establishing Responsible Bidder Requirements on Public Works Projects" will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Board of Lakemoor, Illinois, that:

**Section 1. Public Works**

For purposes of this chapter, the term "public works" shall mean the following: any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, moving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any public building, structure, airport facility, highway, roadway, street, alley, bridge, sewer, drain, ditch, sewage disposal plant, water work, parking facility, railroad, excavation, or other project, development, real property, or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project or development, real property or improvement herein described of any material or article of merchandise, which is paid for out of a public fund or out of a special assessment. The term also includes any public works leased by a political subdivision under a lease containing an option to purchase.

## Section 2. Responsible Bidder

In determining whether a contractor is a "responsible bidder" for the award of a public works contract the contractor must submit the following information and supporting documentation verified under oath on a form designated by the Village, in order for the bid to be accepted:

- A. Documents evidencing compliance with all applicable laws and ordinances pre-requisite to doing business in Illinois;
- B. A valid federal employer tax identification number or, if an individual, a valid social security number;
- C. A statement of compliance with provisions of Section 2000e 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);

D. Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project. Further, each such subcontractor shall be required to adhere to the requirements set forth herein as though it were bidding directly to the Village. Each contractor shall submit all subcontractors information and supporting documentation to the Village no later than the date and time of the contract award;

E. Certificates of insurance showing the following coverage necessary for the project:

- i. General liability (\$1 million minimum coverage);
- ii. Workers' compensation (statutory limits); and
- iii. Automobile liability.

Amounts not herein listed shall be determined by the awarding agency and set forth in the bid specifications;

F. A statement of compliance with all provisions of the Illinois Prevailing Wage Act (820 ILCS 130/1 et seq.), and all rules and regulations therein, for the past five (5) years.

Such statement shall also provide that the contractor has reviewed the Prevailing Wage Act (or federal Davis-Bacon and related Acts), has reviewed and agrees to pay the applicable prevailing wage rates attached to the bid specifications, and will strictly comply with the Prevailing Wage

Act (or federal Davis-Bacon and related Acts) and related requirements. A contractor who has been found by the Illinois Department of Labor to be in violation of the

Prevailing Wage Act twice within a three (3) year period shall be deemed not to be a Responsible Bidder for two (2) years from the date of the latest finding;

G. Evidence of participation in apprenticeship and training programs applicable to the work to be

performed on the project which are approved by and registered with the United States

Department of Labor's Office of Apprenticeship, or its successor organization. The required

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evidence includes a copy of all applicable apprenticeship standards and Apprenticeship

Agreement(s) for any apprentice(s) who will perform work on the public works project;

H. A copy of the written program for the prevention of substance abuse to be filed with a public

body pursuant to the Substance Abuse Prevention on Public Works Projects Act (820 ILCS 265/1

et seq.);

I. A statement that individuals who will perform work on the public works project on behalf of the

contractor are properly classified as either (i) an employee or (ii) an independent contractor

under all applicable state and federal laws and local ordinances;

J. A statement that all employees are (i) covered under a current workers' compensation insurance

policy and (ii) properly classified under such policy.

If the contractor is insured with a carrier, the evidence of workers' compensation insurance shall

be a copy of the "Information Page" of the contractor's workers' compensation policy and any

continuation of that Information Page which include the name and address of the insured, as well

as the class codes the compensation premium is based on and the total estimated remuneration

per class code;

K. 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.

The required evidence includes a copy of the summary plan description(s) or similar

document(s); and

L. Documents evidencing 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 Village

within fourteen (14) days of its occurrence. Failure to comply with this requirement is grounds for the

contractor to be deemed a non-responsible bidder.

### **Section 3. Additional Criteria Available**

If all of the above criteria are otherwise satisfied the Village may also consider the following factors, in its discretion, in awarding the project if such information is requested:

A. Statements as to past performance, which shall give an accurate and complete record of all public works projects completed in the past three (3) years by the contractor. Such statements shall include the name of the public body and the project, original contract price, final contract price, and the names of all subcontractors used, if applicable, and a statement as to compliance with completion deadlines; and/or

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B. Any determinations by a court or governmental agency for violations of federal, state, or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), or federal Davis-Bacon and related Acts.

#### **Section 4. Incomplete Submissions by Bidders and Subcontractors**

It is the sole responsibility of the contractor to comply with all submission requirements at the time it submits its bid to the Village. The submission requirements also apply to all subcontractors, except that the

contractor shall submit all subcontractor submissions to the Village no later than the date and time of the

contract award. Contractor and/or subcontractor submissions deemed inadequate or incomplete may result in a determination that the contractor is not a responsible bidder.

#### **Section 5. Lowest Bidder Not Chosen**

When the award is not recommended to be given to the lowest bidder, a statement of the reason for such

recommendation shall be prepared by the purchasing agent.

#### **Section 6. Multiple Low Bids**

When two or more responsible bidders submit the same low bid, the contract award shall be determined

by drawing lots at a public meeting of the Village Board, unless one bidder is a local contractor and one is

a non-local contractor, in which event the local contractor shall be awarded the contract.

#### **Section 7. Public Records**

All information submitted by a contractor or subcontractor pursuant to this Ordinance are public records

subject to review pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).

#### **Section 8. Materiality**

The requirements of this Ordinance are a material part of the bid documents and the contract and the successful bidder shall insert this Ordinance in all subcontracts.

#### **Section 9. Severability**

If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid,

such invalidity shall not affect other portions or applications of this Ordinance which can be given effect

without the invalid portions or applications and, to this end, the portions of this Ordinance are severable.

#### **Section 10. Other Ordinances**

Any prior ordinance or portion thereof in conflict with this Ordinance is hereby revoked.

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#### **Section 11. Effective Date**

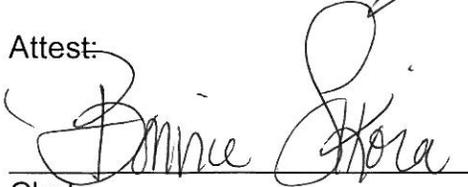
This Ordinance shall take effect upon passage by the Village Board of Lakemoor, Illinois.

This Ordinance was passed by the Village Board of Lakemoor, Illinois on this 25th day of August, 2011.

This Ordinance was approved by the Mayor of the Village of Lakemoor, Illinois on this 1<sup>st</sup> day of September, 2011.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk

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Text

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- PREFACE
- ADOPTING ORDINANCE
- Title 1 - ADMINISTRATIVE
  - Chapter 1: OFFICIAL VILLAGE CODE
  - Chapter 2: SAVING CLAUSE
  - Chapter 3: DEFINITIONS
  - Chapter 4: GENERAL PENALTY
  - Chapter 5: PRESIDENT AND BOARD
  - Chapter 6: VILLAGE OFFICERS
  - Chapter 7: CONTRACTS
    - 1-7-1: INTEREST IN VILLAGE CODE
    - 1-7-2: CONTRACTS FOR PUBLIC IMPROVEMENTS; BIDS NECESSARY
  - Chapter 8: CORPORATE SEAL
  - Chapter 9: MUNICIPAL REVENUE
- Title 2 - BOARDS AND COMMISSIONS
- Title 3 - BUSINESS REGULATIONS
- Title 4 - BUILDING REGULATIONS
- Title 5 - ZONING REGULATIONS
- Title 6 - OFFICIAL COMPREHENSIVE ZONING ORDINANCE
- Title 7 - HEALTH AND SANITATION
- Title 8 - POLICE REGULATIONS
- Title 9 - VEHICLE REGULATIONS
- Title 10 - ROADS AND BRIDGES

**1-7-2: CONTRACTS FOR PUBLIC IMPROVEMENTS; BIDS NECESSARY:**

All contracts for the making of any public improvement to be paid for, in whole or in part, by a special assessment and any work or other the expense thereof shall exceed four thousand dollars (\$4,000.00), shall be let to the lowest responsible bidder, after not less than ten (10) or fifteen (15) days' notice of a call for such bids published in such newspaper as the Trustees or Board of Local Improvements may by resolution determine, and posting such call for bids in three (3) of the most public places in the Village, as is provided by Statute. Such notice need give only a general description of the work, detailed drawings, plans and specifications of which shall be on file with the Village Clerk. Such contracts shall be approved by the President of the Village. Provided, however, any such contract except one for the making of a public improvement to be paid for in whole or in part by a special assessment, may be entered into by the proper Village officer, without advertising for bids, and without such approval, if specially approved by a majority of two-thirds ( $\frac{2}{3}$ ) of the Trustees in office. (Ord. 84-36, 10-22-84)