

55-02-05
**AN ORDINANCE AMENDING CHAPTER 38 OF THE 1988 CITY OF
SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, BY ADDING SECTION
38.23 AND AMENDING SECTIONS 38.35 AND 38.46, ALL PERTAINING TO BIDS
FOR PUBLIC WORKS CONTRACTS, AS AMENDED**

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, it is in the best interest of the City of Springfield to amend Chapter 38 of the 1988 City of Springfield Code of Ordinances, as amended, by adding Section 38.23 pertaining to requirements for specifications for public works contracts, amending Section 38.35 pertaining to the determination of responsibility of bidders, and amending Section 38.46 pertaining to debarment or suspension.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SPRINGFIELD, ILLINOIS:**

Section 1: The City Council of the City of Springfield, Illinois, hereby amends Chapter 38, of the 1988 City of Springfield Code of Ordinances, as amended, by adding the following Section 38.23 pertaining to requirements for specifications for public works contracts, as follows:

§ 38.23. Requirements for specifications for public works contracts.

(a) The specifications committee shall include in all specifications for public works contracts a requirement that any person, firm, corporation, or other entity submitting a bid for a public works contract include in such bid:

(1) a complete, accurate, and truthful listing and description of all citations, complaints, summons, decisions, determinations, judgments, or other allegations or findings relating to any violation of state or federal laws, which protect the health, safety, or welfare of workers, including but not limited to the Occupational Health and Safety Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the National Labor Relations Act, the Federal Civil Rights Act, the Illinois Human Rights Act, the Illinois Wage and Hour Law, and the Prevailing Wage Act, filed against it or any entity with whom it is submitting the bid, including joint ventures and partners, and also including parent and subsidiary corporations or entities; and

(2) a statement that such bidder is a participant or is qualified to be a participant in applicable at least one apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

(b) Any bidder who willfully fails or refuses to include the information required in paragraph (a) of this section, or whose report of such information is substantially incomplete, inaccurate, or untruthful, shall be disqualified and its bid shall be rejected.

Section 2: The City Council of the City of Springfield, Illinois, hereby amends Chapter 38, Section 38.35 of the 1988 City of Springfield Code of Ordinances, as amended, pertaining to the determination of responsibility of bidders, as follows:

§ 38.35. Responsibility of bidders; determination.

- (a) (Language shall remain the same.)
- (b) Contracts subject to bidding requirements shall be awarded to the lowest responsible bidder as determined at the sole discretion of the city council. In determining the lowest responsible bidder, the city council may consider the following as well as other criteria:
 - (1) – (8) (Language shall remain the same.)
 - (9) Whether the bidder is entitled to local preference as set forth in this chapter;
 - (10) Whether there has been a finding, determination, or judgment by an agency of the state or federal government charged with the responsibility of enforcing laws and regulations which protect the health, safety, or welfare of workers, as set forth in Section 38.23 of this Code, or otherwise, that the bidder has violated such statutes or regulations, and that such violation was (i) found to have been part of a pattern of similar violations, (ii) one of three or more similar violations committed within the two years immediately preceding the submission of the bid, (iii) classified by an agency of the state or federal government as serious, (iv) one which threatened the health or safety of the workers employed by the bidder, (v) one resulting in the payment of back wages and benefits of \$5,000 or more, or (vi) one that resulted or could have resulted in the debarment of the bidder from contracting with the state or federal government, or any agency thereof;
 - ~~(11) Whether the bidder participates, or is qualified to participate, in an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.~~

A bidder who has been found by the Illinois Department of Labor to be in violation of the Prevailing Wage Act shall be deemed not to be a responsible bidder for two years from the date of the finding.

- (c)–(d) (Language shall remain the same.)

Section 3: The City Council of the City of Springfield, Illinois, hereby amends Chapter 38, Section 38.46 of the 1988 City of Springfield Code of Ordinances, as amended, pertaining to debarment or suspension, as follows:

§38.46. Debarment or suspension.

The mayor is authorized to debar or suspend a vendor or contractor for just cause. No vendor or contractor shall be debarred or suspended until an opinion regarding the same has been obtained from the corporation counsel and until procedures recommended by the corporation counsel have been followed. The period of debarment shall be determined by the mayor on a case by case basis, but shall not exceed three years. Reasons for debarment or suspension include without limitation the following:

(a)-(c) (Language shall remain the same.)

(d) Failure or default without good cause to perform in accordance with the terms of any contract or unsatisfactory performance of any contract; or

(e) Disqualification or rejection of a bid by the vendor on three or more occasions within a three year period; or


(e)(f) Debarment, disqualification or suspension by another government entity for any reason.

Section 4: The City Clerk is hereby directed to publish this ordinance in pamphlet form.

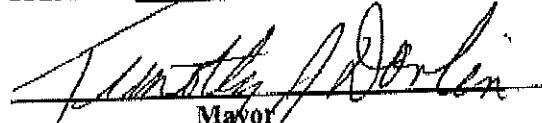
Section 5: This ordinance shall become effective immediately upon its passage and publication in pamphlet form.

PASSED: Feb. 1, 2005

RECORDED: Feb. 3, 2005

ATTEST: 
City Clerk

SIGNED: Feb. 3, 2005


Mayor

Approved as to legal sufficiency:

Requested by: Alderman Mahoney
and Alderman Bartolomucci

JJ / 1-10-05
Office of Corporation Counsel / Date