# MARYVILLE COMMUNITY LIBRARY DISTRICT

## AN ORDINANCE TO FURTHER DEFINING RESPONSIBLE BIDDER and ADOPT ITS USE ON ALL CONSTRUCTION PROJECTS

Ordinance No. **2005/06-013**

WHEREAS, the Maryville Community Library District finds that it is in its best interest to define the term 'responsible' as contained in the competitive bidding statutes governing its purchases of construction goods and services;

WHEREAS, the Maryville Community Library District wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable;

WHEREAS, the Maryville Community Library District possesses great discretion in determining the 'lowest responsible bidder' and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a 'responsible' bidder in the exercise of its proprietary duties and responsibilities;

WHEREAS, the Maryville Community Library District is entrusted with the power to determine whether a respective bidder is the 'lowest responsible bidder'; and,

WHEREAS, the Maryville Community Library District solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the district's welfare arising from each bid and in the exercise of its proprietary functions,

NOW, THEREFORE, BE IT ORDAINED, by the Maryville Community Library District, Illinois that the following definitions be added;

Responsible bidder for construction contracts means a bidder who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance;

1. All applicable laws prerequisite to doing business in Illinois.

2. Evidence of compliance with

a. Federal Employer Tax Identification Number or Social Security Number (for individuals)
b. Provision of Section 2000(e) 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).

3. Certificates of insurance indicating the following coverage's: general liability, workers' compensation, completed operations, automobile,

hazardous occupation, product liability, and professional liability.

4. Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the act.

5. The bidder and all bidder's subcontractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

6. All contractors and subcontractors are required to turn in certified payroll on a weekly basis as specified in Public Act 94-0515.

BE IT FURTHER ORDAINED, that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by the Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect immediately upon its adoption.

There was a motion by Roger Shoup and a second by Louis Ray.

Adopted this 8th$^{h}$ day of August 2006 pursuant to a roll call vote as follows.

Ayes: Cange, Kicielinski, Mauck, Ray, Semanisin, Shoup and Votoupal.
Nays: None.

Approved this 8th day of August, 2006.

Secretary

President

BE IT FURTHER ORDAINED that the Secretary of the Maryville Community Library District will enter into the records of the District, this Ordinance.

The above and foregoing ordinance was adopted by the Maryville Community Library District of the County of Madison, Illinois, this 8th day of August, 2006.

## Secretary's Certification

I, Diane Semanisin, Secretary of the Maryville Community Library District, Madison County, Illinois, hereby certify that the above forgoing Ordinance **2005/06 – 013**, **Responsible Bidder Ordinance,** is a true, correct and complete copy of the ordinance; that the same was duly adopted at the meeting duly held and convened on the 8th day of August, 2006, and the same has not been altered or changed in any respect and is in full force and effect.

Dated the 8th day of August, 2006.

Diane Semanisin

Secretary of the Board