

RESPONSIBLE BIDDER
ORDINANCE: #2004-5

WHEREAS, the Springfield Metropolitan Exposition and Auditorium Authority, a unit of Illinois Local Government, does, from time to time, prepare specifications, advertise for, and award bids, for the construction of various projects, and

WHEREAS, the Board of the said Authority desires to award the contracts for the construction of such projects to the lowest responsible bidder, in accord with the applicable Illinois law, and

WHEREAS, the said Board believes that it is the obligation of the Authority to comply with the various laws, both state and federal, which protect the health, safety, and welfare of the workers who are employed in the construction of its projects, and it is further the obligation of the Authority to encourage those to whom construction contracts are awarded to comply with such statutes as well, and it is further the obligation of the Authority to encourage those to whom construction contracts are awarded to develop and maintain apprenticeship and training programs in order to provide a pool of qualified and skilled workers in the area, and

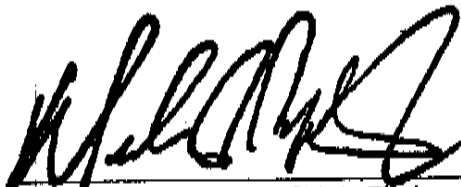
WHEREAS, the Authority desires to adopt ordinances and follow practices and procedures designed to ensure, to the maximum extent possible, that it, and those with whom it contracts, do comply with the said state and federal statutes, and do provide apprenticeship and training programs,

NOW THEREFORE BE IT ORDAINED by the Board of the Springfield Metropolitan Exposition and Auditorium Authority as follows:

- 1- That from and after the passage and approval of this ordinance according to law, all specifications of the construction or substantial renovation of any building, roadway, shelter, parking lot, or other capital project shall include a requirement that any person, firm, corporation, or other entity submitting a bid shall include a complete, accurate, and truthful listing and description of all citations, complaints, summons, decisions, determinations, judgments, or other allegations or findings of any violation of state or federal laws, which protect the health, safety, or welfare of workers, including but not limited to, OSHA, FMLA, FLSA, ADA, ADEA, NLRA, 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 venturers and partners, and also including parent and subsidiary corporations, and shall further include a statement that such bidder is a participant in, or qualifies for participation in, at least one apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and training.
- 2- That any bidder who willfully fails or refuses to include the information required in Paragraph one, or whose report is substantially incomplete, inaccurate, or untruthful, shall be disqualified and its bid rejected.

- 3- That the Board may reject any bid and disqualify any bidder whose report, or subsequent inquiry into the matters contained in such report, reveals any of the following:
- A. That 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 enumerated above, or otherwise, that the bidder has violated such a statute or regulation, and that such violation was:
 - i. Found to have been part of a pattern of similar violations, or
 - ii. One of three or more similar violations committed within the two years immediately preceding the submission of the bid, or
 - iii. Classified by an agency of the state or federal government as serious, or
 - iv. One which threatened the health or safety of the workers employed by the bidder, or
 - 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.
 - B. That the bidder does not participate in, or is not qualified to participate in, an apprenticeship.
- 4- That any person, firm, corporation, or other entity seeking to submit bids for any project of the Authority as herein described, which has been disqualified or had its bids rejected by the Board on three or more occasions within the three years immediately preceding the submission of the bid, which is then currently before the Board for consideration, shall be debarred from submitting further bids for such Authority projects for a period of one year following the rejection of the bid then currently being considered by the Board.

Passed this 18th day of October, 2004



Mike Coffey, Jr., SMEAA Chairman



Dick Schofield, SMEAA Secretary