



Office of the Chicago City
Clerk



O2011-7338

Office of the City Clerk

Tracking Sheet

Meeting Date: 9/8/2011

Sponsor(s): Dowell, Pat (3)
Burns, William D. (4)
And Others, And Others (0)

Type: Ordinance

Title: Amendment of Chapter 2-92 of Municipal by adding new
Section -375 regarding Responsible Bidder in Service
Contracts Ordinance

Committee(s) Assignment: Committee on Workforce Development and Audit

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO

Good Jobs, Quality Services: Responsible Bidder in Services Contracts Ordinance

WHEREAS, the City of Chicago expends substantial municipal funds for public services; a large portion of that money being derived from taxes paid by its residents; it is in the public interest, health, welfare and safety to let all janitorial, security and window washing services contracts of \$50,000 or more to the lowest, responsive, responsible bidder.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

Section 1. Added to the Municipal Code of Chicago, Chapter 2-92-375.

Section 2. Definitions. For purposes of Chapter 2-92-375, The terms "work" or "labor" shall mean the same as "services" and defined as janitorial, security and window washing services.

The term "lowest responsible bidder" is a bidder who meets all of the criteria in Section 3 and submits signed affidavit of evidence of such compliance with bid submittal package.

Section 3. Criteria.

- a. Compliance with all applicable laws pre-requisite to doing business in Illinois.
- b. Evidence of compliance with
 1. Federal employer tax identification number, or for sole proprietors social security number requirements.
 2. Provisions of the Equal Employment Opportunity Act of 1972 (42 U.S.C. 2000e through 2000e-17) and Federal Executive Order No. 11246 as amended by Federal Executive Order No. 11375.
 3. Provisions of the IL Wage Payment and Collection Act.
- c. Certificates of insurance indicating the following coverage necessary for the contract and in amounts specified in the bid specifications:
 1. General liability
 2. Worker's compensation
 3. Hazardous occupation
 4. Product liability
 5. Professional liability
- d. Proof of performance bond.
- e. Any determinations for violations of federal, state or local laws involving the employment relationship, including, but not limited to, OSHA, National Labor Relations Act or the McNamara Service Contract Act, shall lead to bidder disqualification.
- f. Compliance with all provisions of the Prevailing Wage Provisions of the Illinois Procurement Code 30 ILCS 500/25-60.

- g. Bidder must file with the State a signed statement that the bidder has reviewed the prevailing wage provisions of the Illinois Procurement Code, that the bidder has reviewed and agrees to pay the applicable prevailing wage rate as set forth in the wage rate schedule attached to the bid specifications, and that the bidder will strictly comply with Prevailing Wage Provisions of the Illinois Procurement Code 30 ILCS 500/25-60.
- h. All labor shall be covered by a health and hospital plan and a pension plan offered by the employer in compliance with Illinois Procurement Code 30 ILCS 500/25-60 Section (a)(2) for janitorial or security services. A statement of employee benefits must be completed and made part of the bid in order for the bid to be accepted.
- i. Proof of any professional license required by law for any trade or specialty area in which the bidder is seeking a contract award. Additionally, bidder must disclose any suspension or revocation of such license held by the company, or of any director, officer or manager employed by the bidder.
- j. A signed affidavit of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five years.
- k. Contractors shall attest to by a signed affidavit that it has classified its employees properly pursuant to the federal tax code and as clarified in current IRS regulations.
- l. Statements as to past performance shall be provided in a signed affidavit, which shall give an accurate and complete record of all work completed in the past three years by the contractor. Bidder shall give the names and addresses of the projects, original contract price, final contract price, and the names of all subcontractors used, if applicable, and a statement as to compliance with awarded contracts.

Section 4. Bid Selection.

- a. Multiple Low Bids. When two or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots in the presence of the responsible bidders involved; unless one bidder is a local bidder and one is a non-local bidder, in which event the local bidder shall be awarded the contract. For the purposes of this section only, local bidder shall be defined as any bidder with its headquarters, not a subsidiary, is in Illinois.
- b. Bid Selection Process must be consistent with Article IV. Minority-Owned and Women-Owned Business Enterprise Procurement Program.
- c. Any and all bids received in response to an advertisement may be rejected by the purchasing agent if the bidder is not deemed responsible, or the character or quality of the services, supplies, materials, equipment or labor does not conform to requirements or if the public interest may otherwise be served thereby. Per Ch. 24, par. 8-10-12 of the Illinois Municipal Purchasing Act.

Section 5. Bidder / Contractor Disqualification.

- a. Failure to produce evidence of and signed affidavit of requirements by the close of bidding shall result in the bidder's disqualification.

- b. Any bidder that willfully makes, or causes to be made, a false, deceptive or fraudulent statement, or submits false, deceptive or fraudulent information in connection with any submission made to the shall be permanently disqualified from bidding, and shall be removed from any current contract for services.
- c. Any determinations for violations of federal, state or local laws including but not limited to violations of OSHA, the National Labor Relations Act or the McNamara Service Contract Act shall lead to bidder disqualification, and/or removal from any current contract for services.
- d. A bidder who has been found to be in violation of the prevailing wage provisions of the Illinois Procurement Code twice within a 3 year period shall be deemed not to be a responsible bidder for 4 years from the date of the latest finding, and shall be removed from any current contract for services.

Section 6. Debarments. For any second or subsequent violation of these provisions determined by the Chicago Department of Procurement Services, which is within 3 years of an earlier violation, the Department shall add the employer or entity's name to the debarments list to be posted on the Department's official website. Upon such notice, the Department shall notify the violating employer or entity. No city service contract shall be awarded to an employer or entity appearing on the list until 4 years has elapsed from the date of the last violation. The Inspector General shall have the authority to conduct investigations and shall make the determination if the violating employer or entity shall be added to the list of Debarments or removed from any current contract for services.

Section 7. Rights of Action. An interested party or person aggrieved by a violation of this Act or any rule adopted under this Act by an employer or entity may file a complaint with the City of Chicago office of Inspector General. The Inspector General shall have the authority to conduct investigations and make the determination if the city may collect the cost and fees associated with findings against the violating contractor. In addition, an interested party may file suit in circuit court, in the county where the alleged offense occurred or where any person who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. An interested party who has suffered damages related to a violation in this act is entitled to collect:

- a. the amount of any lost wages, salary, employment
- b. compensatory damages and an amount up to \$500 for each violation of this Act or any rule adopted under this Act;
- c. in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and
- d. Attorney's fees and costs.

Section 8. The right of an interested party or aggrieved person to bring an action under this Section terminates upon the passing of 3 years from date the contract was awarded. This limitations period is tolled if an employer or entity has deterred a person's exercise of rights under this Act.

Section 9. Materiality. The requirements of this Act are a material part of the contract and the successful bidder shall insert this Act in all subcontracts.

Section 10. Severability. If any portion of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions or applications of this Act which can be given effect without the invalid portions or applications, and to this end, the portions of this Act are severable.

Section 11. Effective Date. This Ordinance shall be effective as of the date of its passage.

Pat Dowell

Pat Dowell
Alderman, 3rd Ward

Will Burns

Will Burns
Alderman, 4th Ward

Robert J. Smith - 2nd Ward

James Appleman 46

[Signature] 45

Lester V. Houston 5th

Frank Malin 26

Joe Marino 1st

[Signature] 15th

[Signature] 22

[Signature] 30

Joseph A. Moore 49

Walter [Signature]

[Signature] 47

[Signature]

Mary E. O'Connor 41

Scotty Walker 38th

Nicholas Sparto 36th

~~_____~~
35th

Scotty Walker

Nanif Jeli 25th

Bob A # (6)

A.M. -

_____ 33

Linda Jackson 24th

_____ 24

John A. Pope 10th

James Abden II

Rebrah J. Baker 29th

_____ 0th
