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VILLAGE BOARD

August 5, 2021

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Ms. Tylai M. Lask
Special Projects Manager
Indiana-Illinois-Iowa
Foundation for Fair Contracting
6170 Joliet Road, Suite 200
Countryside, Illinois 60625

Re: July 29, 2021 FOIA Request

Dear Ms. Lask:

I am pleased to help you with your July 29, 2021 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on July 29, 2021. You requested copies of the items indicated below:

"A signed current copy of any Village purchasing and contracting ordinance relating to the responsibility of a bidder is often referred to as a "Responsible Bidder Ordinance".

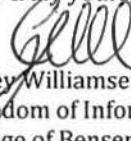
After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Ordinance No. 23-2019 entitled *"An Ordinance Amending Village Code Title 8, Public Ways and Property: Chapter 3, Public Improvements: Section 4 Bidding on Public Works or Other Public Improvements"*. (5 pgs.)

These are all the records found responsive to your request.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville

**VILLAGE OF BENSENVILLE
12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 23-2019

**An Ordinance Amending Village Code Title 8, Public Ways and Property;
Chapter 3, Public Improvements;
Section 4 Bidding on Public Works or Other Public Improvements**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 26th DAY OF FEBRUARY 2019**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 27th day of February, 2019

STATE OF ILLINOIS)
COUNTIES OF COOK)
SS AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 23-2019 entitled An Ordinance Amending Village Code Title 8, Public Ways and Property; Chapter 3, Public Improvements; Section 4 Bidding on Public Works or Other Public Improvements.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 27th day of February, 2019.





Corey Williamsen
Deputy Village Clerk

ORDINANCE # 23-2019

AMENDING VILLAGE CODE
TITLE 8, PUBLIC WAYS AND PROPERTY
CHAPTER 3, PUBLIC IMPROVEMENTS
SECTION 4, BIDDING ON PUBLIC WORKS OR
OTHER PUBLIC IMPROVEMENTS

WHEREAS, pursuant to Section 8-9-1 of the Municipal Code (65 ILCS 5), a municipality must let the contract for any work or other public improvement (which is not to be paid for in whole or in part by special assessment or special taxation) to the lowest responsive and responsible bidder when the expense of the work or improvement exceeds \$25,000, and

WHEREAS, a municipality may require, by Ordinance, a more restrictive limit to this Section, and

WHEREAS, the Village of Bensenville has historically reduced this limit to \$10,000 to match our purchasing and procurement policy and Code (Section 3-15), and

WHEREAS, the existing Village Code identifies a bidding limit of \$2,500 per Section 8-3-4, and

WHEREAS, the Village of Bensenville wishes to increase this level to match our purchasing policies.

NOW THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of Du Page and Cook, Illinois, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: Title 8, Chapter 3, Section 8-3-4 of the Village Code is hereby amended as follows:

8-3-4: BIDDING ON PUBLIC WORKS OR OTHER PUBLIC IMPROVEMENTS:  

A. For any public work or other public improvement to be undertaken by the village, which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed ~~two thousand five hundred dollars~~ (~~\$2,500.00~~) **ten thousand dollars (\$10,000.00)** (or such other minimum amount which may from time to time be provided by the Illinois municipal code), the public work or public improvement shall be constructed in the following manner:

1. By contract let to the lowest responsible bidder after advertising for bids; or
2. By a contract let without advertising for bids if previously authorized by a vote of two-thirds (2/3) of all of the trustees then holding office; or

3. If previously authorized by a vote of two-thirds (2/3) of all of the trustees then holding office, the village director of public works or such other proper officer designated by ordinance, shall superintend and cause to be carried out the construction of the public work or public improvement; provided, that the director of public works or the designated officer shall employ, exclusively, for the performance of all manual labor thereon, laborers and artisans whom the village shall pay by the day or hour. All material of a value of ~~two thousand five hundred dollars (\$2,500.00)~~ **ten thousand dollars (\$10,000.00)** and upward to be used in the construction of the public work or public improvement shall be purchased by contract let to the lowest responsible bidder after advertising for bids, unless the board of trustees shall previously authorize the letting of a contract for such materials without advertising for bids by a vote of two-thirds (2/3) of all the trustees then holding office. (Ord. 21-80, 6-5-1980; amd. Ord. 1-2013, 1-22-2013)

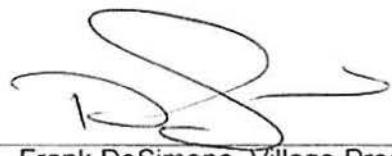
- B. "Responsible bidder for construction contracts over ~~one hundred thousand dollars (\$100,000.00)~~ **ten thousand dollars (\$10,000.00)**" means a bidder who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:
 1. All applicable laws 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 coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, and product 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 for each of the trades of work contemplated under the awarded contract.
 6. All contractors and subcontractors are required to turn in certified payrolls as specified in Illinois public act 94-0515 and follow all provisions of the employee classification act, 820 Illinois Compiled Statutes 185/1 et seq.
 7. All bidders must provide three (3) projects of a similar nature as being performed in the immediate past five (5) years with the name, address, and

telephone number of the contact person having knowledge of the project along with three (3) references (name, address, and telephone number) with knowledge of the integrity and business practices of the contractor. (Ord. 1-2013, 1-22-2013)

SECTION THREE: This Resolution shall take effect immediately upon its passage and approval as provided by law.

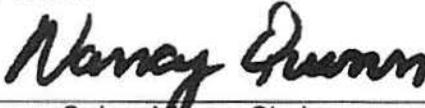
SECTION FOUR: This Ordinance is passed and approved by the President and Board of Trustees of the Village of Bensenville, Illinois, dated February 26, 2019.

Approved,



Frank DeSimone, Village President

ATTEST:



Nancy Quinn
Nancy Quinn, Village Clerk

AYES: Franz, Jaworska, Lomax, Panicola, Perez

NAYS: None

Absent: Carmona