

ORDINANCE NO. 5010

## AN ORDINANCE AMENDING THE TOWN PURCHASING MANUAL

WHEREAS, the Town of Normal is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the Town of Normal has adopted by ordinance a Purchasing Manual governing the purchases of goods and services by the Town of Normal; and

WHEREAS, unless waived by the Town Council, all purchases exceeding \$10,000 in value are required to be competitively bid and awarded to the lowest responsible bidder; and

WHEREAS, by approval of Ordinance Number 4901, the Town Purchasing Manual was amended to define the term "responsible bidder" for contracts for the construction of public works requiring the payment of prevailing wages; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Normal to provide exceptions to the requirement that responsible bidders for the purchase of construction contracts for public works which require the payment of prevailing wages, have in place an active apprenticeship and training program approved and registered by the United States Department of Labor's Bureau of Apprenticeship and Training.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE TOWN OF NORMAL, ILLINOIS:

SECTION ONE: That the Purchasing Manual for the Town of Normal be and the same is hereby amended by revising the following definition in said manual with underscores indicating additions to text:

Responsible bidder for construction contracts for public works which require the payment of prevailing wages under the Town of Normal Prevailing Wage Ordinance, means a bidder who meets all of the job specifications as required in the bid documents and as determined by the Town of Normal and has in place an apprenticeship and training program with craft specific programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. The foregoing shall not apply to contracts less than \$100,000.00 in value nor to contracts determined by the City Manager to be an emergency purchase. The Purchasing Director shall require contractors to certify compliance with this provision by executing a certification substantially similar to Exhibit A attached hereto.

SECTION TWO: That the Town Clerk be and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION THREE: That this Ordinance shall take effect ten days after the date of its publication.

SECTION FOUR: That this Ordinance is adopted pursuant to Home Rule Authority granted the Town of Normal by Article 7, Section 6, of the Illinois Constitution, 1970.

APPROVED:

Christopher Koos  
President of the Board of Trustees of the  
Town of Normal, Illinois

ATTEST:

Wendell J. Bupp  
Town Clerk

(SEAL)

The foregoing ordinance was voted upon and passed by the President and Board of Trustees of the Town of Normal on the 6<sup>th</sup> day of June, 2005, with 6 voting aye; 0 abstaining; 1 voting nay; and 0 absent.

	AYE	NAY	OTHER		AYE	NAY	OTHER
Councilwoman Reece	✓			Councilman Chambers		✓	
Councilman Nielsen	✓			Councilwoman Gaines	✓		
Councilman Fritzen	✓			Mayor Koos	✓		
Councilman Lawlis	✓						

The foregoing ordinance was approved by the President and Board of Trustees of the Town of Normal on the 7<sup>th</sup> day of June, 2005.

The foregoing ordinance was published in pamphlet form on the 7<sup>th</sup> day of June, 2005.

EXHIBIT A

APPRENTICESHIP AND TRAINING CERTIFICATION  
(DOES NOT APPLY TO FEDERAL AID PROJECTS)

In accordance with the provisions of the Town Purchasing Manual, the bidder certifies that it is a participant, either as an individual or as a part of a group program, in the approved apprenticeship and training programs applicable to each type of work or craft that the bidder will perform with its own forces. The bidder further certifies for work that will be performed by subcontract that each of its subcontractors submitted for approval either (a) is, at the time of such bid participating in an approved, applicable apprenticeship and training program; or (b) will, prior to commencement of performance of work pursuant to this contract begin participation in an approved apprenticeship and training program applicable to the work of the subcontract. The Town at any time before or after award may require the production of a copy of each applicable Certificate of Registration issued by the United States Department of Labor evidencing such participation by the contractor and any or all of its subcontractors. Applicable apprenticeship and training programs are those that have been approved and registered with the United States Department of Labor. The bidder shall list in the space below, the official name of the program sponsor holding the Certificate of Registration for all of the types of work or crafts in which the bidder is a participant and that will be performed with the bidder's forces. Types of work or craftwork that will be subcontracted shall be included and listed as subcontract work. The list shall also indicate any type of work or craft job category that does not have an applicable apprenticeship or training program. The bidder is responsible for making a complete report and shall make certain that each type of work or craft job category that will be utilized on the project is accounted for and listed.

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The requirements of this certification and disclosure are a material part of the contract and the contractor shall require this certification provision to be included in all approved subcontracts. In order to fulfill this requirement, it shall not be necessary that an applicable program sponsor be currently taking or that it will take applications for apprenticeship, training or employment during the performance of the work of this contract.

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Contractor

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Date