

**RESOLUTION 2015-01: The Board of Trustees of Illinois Central College Establishing Guidelines for Determining the “Lowest Responsible Bidder” on Construction Contracts Awarded Pursuant to 110 ILCS 805/3-27.1**

**INTRODUCTION**

Illinois Central College (“ICC” or “College”) is a community college organized and operating under the Public Community College Act (“Act”) of the State of Illinois (110 ILCS 805/1-1 et seq.). The ICC community college district covers all or part of ten counties.

ICC is committed to offering to its students a comprehensive community college program, including courses in liberal arts and sciences, general education, adult education courses and courses in occupational, semi-technical or technical fields leading directly to employment. ICC’s core values are formed on the belief that individuals have worth and dignity in their own right and should be educated to the fullest extent of their abilities and motivations.

Pursuant to the Act, ICC must award all contracts for repair, maintenance, remodeling, renovation, or construction involving an expenditure in excess of \$50,000 to the lowest responsible bidder considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except for certain types of contracts specifically enumerated in the Act (110 ILCS 805/3-27.1).

The College’s new construction, renovation, and repair projects typically have strict construction schedules that must be adhered to in order to permit relocation of College operations and activities during off-peak periods and to minimize disruption of scheduled classes. The ability, skill and capacity of the bidder to perform the required services in a timely manner in strict accordance with the construction schedule is of vital concern to the College in managing both operations and its construction projects.

The Illinois Community College Act grants to the Board of Trustees of ICC the authority and discretion to determine which of the bidders on a construction contract constitutes the “lowest responsible bidder” and it is deemed necessary and advisable by the Board of Trustees to establish criteria to better enable the administration and trustees of ICC to determine which bidder constitutes the “lowest responsible bidder” for awarding contracts for the construction of new College facilities and the renovation, repair or replacement of existing College facilities.

In order to foster the education, worth and dignity of individuals working on ICC’s construction projects, ICC has a compelling interest in supporting active apprenticeship and training programs for each of the trades that will provide workers under contracts awarded by competitive bid pursuant to Section 3-27.1 of the Act.

By fostering and supporting a highly skilled construction workforce on ICC’s construction projects, this will facilitate lower costs over the lifetime of the completed project for building, repairs, and maintenance.

In order to foster the worth and dignity of individuals working on ICC's construction projects, ICC has a compelling interest in supporting the laws of the United States and the State of Illinois that provide that workers be paid the prevailing wage, that workers not be discriminated against in any manner prohibited by law, and that workers have a safe working environment.

NOW, THEREFORE, be it resolved by the Board of Trustees of Illinois Central College that the following requirements be applied by Illinois Central College in defining who is a "responsible bidder" in addition to any other requirements as determined by ICC for the specific type of work to be performed, and the requirements specifically stated in Section 3-27.1 of the Act.

### **SECTION ONE**

In determining which bidder is a "responsible bidder" on the College's public works construction projects, the bidder, and its subcontractors, must comply with the following criteria and submit acceptable evidence of such compliance, in addition to other requirements as determined from time to time by the College for the specific types of work to be performed:

- a) Compliance with all applicable laws prerequisite to doing business in the State of Illinois;
- b) Federal Employee Tax Identification Number or Social Security Number (for individual);
- c) Certificates of insurance and the proper additional insured endorsements of coverage establishing that the bidder, and its subcontractors, have the requisite types and limits of insurance coverage required under the contract documents for the particular project;
- d) Compliance with the Equal Employment Opportunities/Affirmative Action provisions of the Illinois Human Rights Act (775 ILCS 5/2-105) and provisions of Section 2000(a) 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 provision);
- e) Compliance by the bidder and its subcontractors with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered by the Prevailing Wage Act and filing certified payroll records with the College in the time and manner required by the Prevailing Wage Act;
- f) Participation by the bidder and its subcontractors in apprenticeships and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeships and Training for each of the trades of work contemplated under the award of the contract.

## **SECTION TWO**

In determining whether the bidding entity is responsible, the bidder shall provide to the College such information as the College may reasonably request (including, but not limited to, information regarding projects of a similar nature, which were completed in the past five years with the name, address, and telephone number of an owner's representative having knowledge of the project). The College shall use such information to assist in making its determination that the bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids. In determining whether the bidding entity is responsible, the College may also request information from the bidder and consider, among other relevant factors, the bidder's record of conformity with environmental, labor, and health and safety laws, including compliance with the requirements of the U.S. Department of Labor's Occupational Safety and Health Administration, and the bidder's record in undertaking good faith efforts to utilize small, minority and women owned businesses as subcontractors on prior projects.

## **SECTION THREE**

On projects in which the construction budget exceeds \$500,000.00, the College shall include as part of the contract documents, a project labor agreement when the College determines that a project labor agreement advances the College's interests of cost, efficiency, quality, safety, timeliness, skilled labor force, labor stability, or the participation of minority and women owned businesses in the construction project. When it has been determined by the College that a project labor agreement is appropriate for a particular project, the College shall in good faith negotiate a project labor agreement with the appropriate labor organizations engaged in the construction industry.

## **SECTION FOUR**

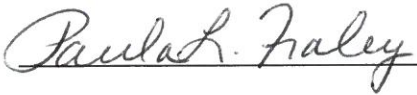
This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED AND APPROVED THIS 19<sup>TH</sup> DAY OF FEBRUARY, 2015.

COMMUNITY COLLEGE DISTRICT NO. 514  
OF PEORIA, TAZEVELL, WOODFORD,  
MARSHALL, MCLEAN, BUREAU, LOGAN,  
LIVINGSTON, MASON, AND STARK  
COUNTIES, ILLINOIS

By   
Chair

ATTEST:

  
Secretary