

Springfield, IL

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§ 38.35. Responsibility of bidders; determination.

(a) The director of the office of budget and management is empowered to award and execute contracts and settle claims on behalf of the city within the purview of this article which are for \$15,000 or less. The city council shall award all other contracts in excess of \$15,000 and approve the settlement of claims in excess of \$15,000.

(b) Contracts subject to bidding requirements shall be awarded to the lowest responsible bidder as determined at the sole discretion of the city council. In determining the lowest responsible bidder, the city council may consider the following as well as other criteria:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) The capacity of the bidder to perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder including but not limited to past performance record; default under previous contracts, whether or not such contract was with the city; competency; and failure to pay or satisfactorily settle all bills due for labor and material on former contracts;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(6) The sufficiency of the financial resources and financial ability of the bidder to perform the contract or service;

(7) The quality, availability and adaptability of the supplies, machinery, plant or other equipment or contractual services to the particular use required;

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract, including guarantees;

(9) Whether the bidder is entitled to local preference as set forth in this chapter;

(10) Whether 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 set forth in section 38.23 of this Code, or otherwise, that the bidder has violated such statutes or regulations, and that such violation was (i) found to have been part of a pattern of similar violations, (ii) one of three or more similar violations committed within the two years immediately preceding the submission of the bid, (iii) classified by an agency of the state or federal government as serious, (iv) one which threatened the health or safety of the workers employed by the bidder, (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.

A bidder who has been found by the Illinois Department of Labor to be in violation of the Prevailing Wage Act shall be deemed not to be a responsible bidder for two years from the date of the finding.

(c) When the award is not recommended to be given to the lowest bidder, a statement of the reasons for such award recommendation shall be prepared by the purchasing agent.

(d) When two or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots in public at a meeting of the city council; unless one

bidder is a local bidder and one is a nonlocal bidder, in which event the local bidder shall be awarded the contract.

(Ord. No. 824-10-92, § 1(Exh. A), 12-17-96; Ord. No. 855-12-96, § 1(Exh. A), 12-17-96;
Ord. No. 721-12-03, § 1, 12-16-03; Ord. No. 55-02-05, § 2, 2-1-05)