

ORDINANCE NO. ORD-20-21

First Reading: July 6, 2020
Public Hearing: July 20, 2020

Approved: July 20, 2020
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Effective: August 3, 2020

PURCHASING, CONTRACTING AND SELLING PROCEDURE

AN ORDINANCE TO AMEND SECTION 1:312(20) OF CHAPTER 14 (PURCHASING, CONTRACTING AND SELLING PROCEDURE) OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 1:312(20) of Chapter 14 of the Code of the City of Ann Arbor be amended to read as follows:

1:312 (20) Responsible bidder means ~~a person who has the capability in all respects to perform fully the contract requirements and who fits the criteria identified in the invitation for bids.~~

a) For purchases or contracts for supplies, materials, equipment or other expenditure obligating the city in excess of \$25,000.00, a person who has the capability in all respects to perform fully the contract requirements and who fits the criteria identified in the invitation for bids.

b) For construction projects, a person or entity who has the capability in all respects to perform fully the contract requirements, fits the criteria identified in the invitation for bids, and who submits documentation or information meeting the following requirements for projects or contracts within the following tiers of estimated value:

i) Tier 1 - In excess of \$25,000.00 to \$100,000.00:

1. Bidder's state and local licenses, including license number(s), along with a statement confirming that all subcontractors, employees and other individuals working on the construction project will maintain current applicable licenses required by law for all licensed occupations and professions.

2. The qualifications of management and supervisory personnel to be assigned by the bidder to the project.

3. A statement from bidder that construction workers will not be misclassified as independent contractors in violation of state or federal law.

4. A statement from the bidder as to what percentage of its work force resides within the City of Ann Arbor, and what percentage resides in Washtenaw County, Michigan, and the same information for any subcontractors.
5. Documentation as to employee pay rates and whether the bidder provides health insurance, pension or other retirement benefits, paid leave, or other benefits to its employees.
6. A list of portions of the project bidder reasonably believes will be subcontracted, if applicable, and the names of the subcontractors.
7. Assurance that bidder is an equal opportunity employer and does not discriminate on the basis of race, sex, pregnancy, age, religion, national origin, marital status, sexual orientation or gender identity, height, weight, or disability.
8. Evidence of bidder's Equal Employment Opportunity Programs for minorities, women, veterans, returning citizens, and small businesses.
9. Proof of insurance for the project, including certificates of insurance, confirming existence and amount of coverage for liability, property damage, workers compensation, and any other insurances required by the proposed contract documents.
10. References from individuals or entities the bidder has worked for within the last five (5) years.
11. A list of projects completed within the past five (5) years of comparable size/complexity, including dates, clients, approximate dollar value, and size.
12. Bidder's debarment by any federal, state or local governmental unit and/or findings of non-responsibility or non-compliance with respect to any public or private construction project performed by the bidder.
13. A list of all of bidder's litigation and arbitrations currently pending and within the past five (5) years, including an explanation of each (parties, court/forum, legal claims, damages sought, and resolution).
14. Bidder's violations of state, federal or local laws or regulations, including OSHA or MIOSHA violations, state or federal prevailing wage laws, wage and hour laws, worker's

compensation or unemployment compensation laws, rules or regulations, issued to or against the bidder within the past five years.

15. Whether a Fitness for Duty Program (drugs and alcohol) will be used for employees working on the proposed job site, and if so, a description of the program.

ii) Tier 2 - \$100,001.00 to \$250,000.00:

1. All Tier 1 requirements.

2. Whether bidder has a MIOSHA-approved safety-training program for employees to be used on the proposed project job site, and if not, whether bidder has a safety training program.

3. Bidder's current workers compensation Experience Modification Rating ("EMR").

4. Whether masters, journeypersons, and/or apprentices are to be used on the project, and if so, the ratio of masters and journeypersons to apprentices proposed to be used on the construction project job site, documentation of master or journeyperson certification or status and the source for same, and if not, the qualifications of employees who will be assigned to work on the project.

5. Whether the bidder participates in a Registered Apprenticeship Program (RAP) registered with the United States Department of Labor Office of Apprenticeship or by a State Apprenticeship Agency recognized by the Office of Apprenticeship, and if not, bidders program for assessing the skills and qualifications of its employees.

6. Verification that the bidder is in compliance with all applicable state and federal laws and visa requirements regarding the hiring of non-US citizens, and disclosure of any work visas sought or obtained by the bidder, any of the bidder's subcontractors, or any of the bidder's employees or independent contractors, in order to perform any portion of the project.

iii) In excess of \$250,000.00:

1. All Tier 1 and 2 requirements.

2. Bidder's audited financial information current within the past twelve (12) months, such as a balance sheet, statement of operations, and bonding capacity. Evidence that bidder has financial resources to start up and follow through on the project(s) and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of the bidder's scope of work on the project. The written verification must be submitted by a licensed surety company rated "B+" (or better) in the current A.M. Best Guide and qualified to do business within the State of Michigan, and the same audited financial information for any subcontractor estimated to be paid more than \$100,000.00 related to any portion of the project.
- 4.—3. Evidence of any quality assurance program used by the bidder and the results of any such program on the bidder's previous projects.

Section 2. This Ordinance shall take effect ten days after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of July 20, 2020.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on July 23, 2020.

Jacqueline Beaudry, Ann Arbor City Clerk