

ORDINANCE

4-1

WHEREAS, Sangamon County, by and through its Highway Department, from time to time, prepares specifications, advertises, and awards bids, for the purchase of rock, gravel, aggregate, concrete, asphalt and other roadway construction and maintenance materials; and,

WHEREAS, the vendors who, after successfully bidding on a contract to, provide such materials to the County Board arrange for delivery to County storage sites, either in their own trucks or other appropriate vehicles for hauling such materials, or by contracting with companies who have the ability to provide for such delivery; and,

WHEREAS, the Sangamon County Board believes that it is the obligation of the sellers and haulers of such materials to comply with the various laws, both state and federal, which protect the health, safety, and welfare of the workers who are employed as drivers of such vehicles, as well as other persons rightfully along and upon the public streets and highways used in the delivery of such materials, and the physical integrity of the roads upon which such vehicles travel in making the said deliveries; and,

WHEREAS, the Sangamon County Board desires to adopt ordinances that require practices and procedures designed to ensure, to the maximum extent possible, and when otherwise not excepted by state or federal bidding requirements, that the vendors of such materials requiring contract hauling, and those with whom they contract for the delivery of such materials, comply with the said state and federal statutes, and commit to the achievement of the other goals set forth herein.

NOW THEREFORE BE IT RESOLVED, by the County Board of Sangamon County at its **REGULAR RECONVENED ADJOURNED SEPTEMBER SESSION** assembled this 14th day of October, A.D., 2008, as follows:

Section 1. That from and after the passage and approval of this ordinance according to law, all specifications for the purchase of rock, gravel, aggregate, concrete, asphalt and other roadway construction and maintenance materials, unless otherwise excepted by state or federal bidding requirements, shall include a requirement that any person, firm, corporation, or other entity submitting a bid shall include within its bid packet its certification that it will employ, or contract for the employment of the drivers of the vehicles that will deliver such materials, only persons who will operate such delivery vehicles in a manner designed to protect the health, safety, or welfare of such drivers as well as other persons rightfully along and upon the public streets and highways used by such delivery vehicles, and the physical integrity of the roads upon which such vehicles travel in making the said deliveries. Such certification shall also include an acknowledgment by the bidder that it understands that its contract for the sale and delivery of the specified materials may be suspended or canceled, or any subcontractor may be barred from performing work under the contract, at any time during the performance of the contract if any of the drivers employed by contractor or any subcontractor for the delivery of such materials is found to:

- a. Not possess a valid operator's permit for the operation of the delivery vehicle being operated.

b. Be operating the vehicle on roads prohibited from, or not designed for, carrying loads of the size and weight as such vehicles carry, whether loaded or empty, during the performance of said contracts.

c. Have traffic citations pending against him or her that will likely result in the suspension or revocation of his or her operator's license.

d. Be operating the delivery vehicle at a speed in excess of the posted limits, or at a speed greater than consistent with the safety of the driver and others lawfully along and upon the public way being used.

e. Be operating the vehicle while under the influence of drugs or alcohol in any manner prohibited by applicable laws and regulations.

f. Be operating the vehicle in such a manner that allows any of the materials in it to leave the confines of the vehicle and spill, overflow, scatter, fall upon, or litter the roadway or strike other vehicles or pedestrians on or about the roadway, unless directed to do so by the Sangamon County Highway Engineer or designee.

g. Be operating a vehicle employed in the delivery of the materials as herein described, that is not in proper working order or does not comply with the applicable laws and regulations, or lacks any of the safety features that are required or that might be reasonably be expected to be used in order to accomplish the purposes of this ordinance.

h. Have more than a total of 3 traffic citations or accidents, or any combination of 3 thereof, within a period of 3 years.

Section 2. That the Board may reject any bid and disqualify any bidder whose bid does not contain the certification described in Section 1, or whose bid includes false or incomplete information in the certification, or whose bid does not contain any of the following (subcontractors' certificates or documentation must be submitted before the subcontractor can begin work under the contract if contractor is unable to submit such as a part of the bid packet):

- a. Copies of certificates of insurance of the bidder, naming the County as an additional insured, and of all subcontractors.
- b. Proof from any contractor or subcontractor performing material hauling services of participation in a drug testing program that complies with all applicable laws and regulations.
- c. Copies of the motor vehicle records of all drivers employed by the contractor and all subcontractors unless otherwise prohibited by applicable law.
- d. Notification of any traffic violation or accident of any driver of the contractor and subcontractors during the period of time in which work is being performed under the contract within 7 days of such incident, regardless of whether such incident occurs while work is being performed under this contract.

Section 3. That the Board may suspend or cancel any contract for the sale and purchase of the materials described herein with a successful bidder, or any subcontractor may be barred from performing work under the contract, if any driver employed by the contract vendor or by a delivery company employed by such vendor is found to have violated any provision of Section 1 or Section 2.

Section 4. That any person, firm, corporation, or other entity seeking to submit bids for the sale to the County of the materials described herein, or perform work as a subcontractor under such a contract, which has been disqualified or had its bids rejected, or which has had a contract for the sale, or subcontract for the delivery, of materials canceled for any of the reasons specified herein, by the Board on two or more occasions within the three years immediately preceding the submission of the bid which is then currently before the Board for consideration, shall have its bid disqualified and shall be debarred from submitting further bids for such sales for a period of one year following the rejection of the bid then currently being considered by the Board.

Section 5. That this ordinance is effective from and after its passage according to law.

Respectfully submitted

[Handwritten signatures of committee members]

I, Joe Aiello, County Clerk in and for said County in the State of Illinois, and keeper of the records and files thereof as provided by Statute, do hereby certify the foregoing to be a true, perfect and complete copy of a RESOLUTION adopted by the County Board of Sangamon County at its REGULAR RECONVENED ADJOURNED SEPTEMBER SESSION, assembled this 14th day of October, A.D., 2008.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County at my office in Springfield in said County, this _____ day of October, A.D., 2008.

COUNTY CLERK

Road and Bridge Committee
Sangamon County Board