

1                                   **COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**  
2   **Ordinance No. 2022- 02**

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4                   **An Ordinance Amending the Municipal Code of the City of Hobart Concerning**  
5                   **the Submission Requirements for Bidders on City Public Works Projects and Responsible**  
6                   **Bidder Determination**

7  
8                   WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”)   
9 previously adopted Ordinance 2015-28, amended by Ordinance Number 2016-06, which in   
10 accordance with the applicable Indiana State Law, requires that the City, when awarding a public   
11 works contract where bids are required, to ensure that all bidders meet certain minimum   
12 requirements in order to be a “responsive and responsible” bidder; and

13  
14                   WHEREAS, the Council now seeks to enhance its ability to identify “responsive and   
15 responsible” bidders on all City construction projects by institution of more comprehensive   
16 submission requirements which are in compliance with state law including enhanced standards   
17 regarding apprenticeship and training programs and reporting requirements related to certified   
18 payroll reports; and

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20                   WHEREAS, the Council, through this Ordinance, desires to amend Ordinance 2015-28,   
21 under Sections 33.200 (5) regarding “responsive and responsible” bidder submission   
22 requirements in the interest of the public to assure the efficient use of taxpayer dollars and   
23 promote public safety.

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25                   THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart as   
26 follows:

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28                                   *SECTION ONE:* The Municipal Code of the City of Hobart   
29 (“Code”), in CHAPTER 33, CITY POLICIES under the Sub-Chapter entitled   
30 *Responsible Bidding Practices and Submission Requirements*, under §33.200 (E)   
31 entitled “Bid Submission Requirements” and inserting the following new language   
32 in lieu thereof to read as follows:

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34                                   ***RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS***

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36                   **§ 33.200            **BID SUBMISSION REQUIREMENTS.****

37  
38                   Contractors proposing to submit bids on any City of Hobart (“City”) project which are governed   
39 by City of Hobart bidding rules and policy, estimated to have a total construction cost of at least one hundred   
40 fifty thousand dollars (\$150,000.00) or more must, prior to the opening of bids, submit a statement made   
41 under penalty of perjury, on a form designated by the City and must include:

42  
43                   (A)       A copy of a print-out of the Indiana Secretary of State’s on-line records for the bidder dated   
44 within sixty (60) days of the submission of said document showing that the bidder is in existence, current   
45 with the Indiana Secretary of State’s Business Entity Reports, and eligible for a certificate of good standing.   
46 If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply;

47  
48                   (B)       A list identifying all former business names;

49  
50 (C) Any determinations by a court or governmental agency for violations of federal, state, or  
51 local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws,  
52 environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related  
53 Acts;

54  
55 (D) A statement on staffing capabilities, including labor sources;

56  
57 ~~(E) Evidence of participation in apprenticeship and training programs, applicable to the work~~  
58 ~~to be performed on the project, which are approved by and registered with the United States Department of~~  
59 ~~Labor's Office of Apprenticeship, or its successor organization. The required evidence includes a copy of~~  
60 ~~all applicable apprenticeship certificates or standards for these training programs;~~

61  
62 (E) Evidence of participation in apprenticeship and training programs applicable to the  
63 work to be performed on the project, which are approved by and registered with the United States  
64 Department of Labor's Office of Apprenticeship, or its successor organization. The required evidence  
65 includes but is not limited to a copy of all applicable apprenticeship standards or Apprenticeship  
66 Agreement(s) for any apprentice(s) who will perform work on the public works project, and evidence  
67 that each apprenticeship program has graduated at least five (5) apprentices in each of the past five  
68 (5) years for each construction craft the bidder will perform work on the project;

69  
70 (F) A copy of a written plan for employee drug testing that: (i) covers all employees of the  
71 bidder who will perform work on the public work project; and (ii) meets, or exceeds, the requirements set  
72 forth in I.C. §4-13-18-5 or I.C. §4-13-18-6;

73  
74 (G) The name and description of the management experience of each of the bidder's project  
75 managers and superintendents that bidder intends to assign to work on the project;

76  
77 (H) Proof of any professional or trade license required by law for any trade or specialty area in  
78 which bidder is seeking a contract award; and, disclosure of any suspension or revocation within the  
79 previous five years of any professional or trade license held by the company, or of any director, office or  
80 manager employed by the bidder;

81  
82 (I) Evidence that the contractor is utilizing a surety company which is on the United States  
83 Department of Treasury's Listing of Approved Sureties; and

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85 (J) A written statement of any federal, state or local tax liens or tax delinquencies owed to any  
86 federal, state or local taxing body in the last five years;

87  
88 (K) A statement that individuals who will perform work on the public work project on behalf  
89 of the bidder will be properly classified as either (i) an employee or (ii) an independent contractor, under  
90 all applicable state and federal laws and local ordinances;

91  
92 (L) A list of projects of similar size and scope of work that the bidder has performed in the  
93 State of Indiana within three (3) years prior to the date on which the bid is due;

94  
95 (M) For the 36-month period preceding the date for submission of bids subject to this section,  
96 provide copies of any performance bonds supported by qualified sureties covering you or your work for  
97 another named insured as to which a claim or bond foreclosure was asserted, providing details of the  
98 circumstances surrounding the claim or foreclosure and the resolution of same.

99 (Ord. 2016-06)

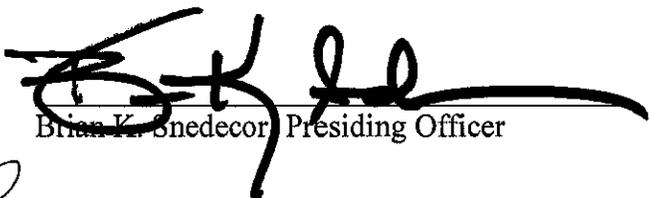
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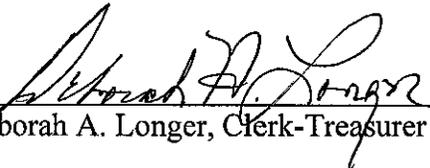
The City reserves the right to require the submission of additional written supplemental information, from the bidder, including additional verification of any of the information provided by the bidder and may also conduct random inquiries on the bidder's qualifications with the bidder's current and prior customers.  
(Ord. 2015-28)

*SECTION TWO:* This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36- 3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

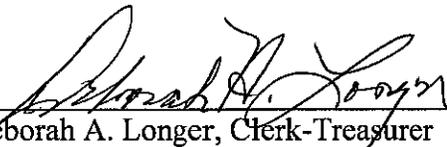
*SECTION THREE:* All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 19<sup>th</sup> day of January, 2022.

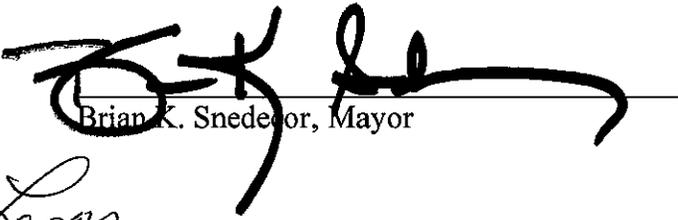
  
Brian K. Snedecor, Presiding Officer

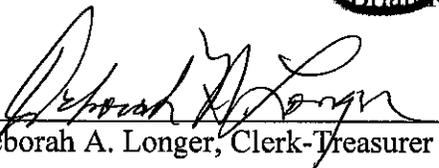
ATTEST:   
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 19<sup>th</sup> day of September, 2021 at the hour of 6:55 pm

  
Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 19<sup>th</sup> day of January, 2022.

  
Brian K. Snedecor, Mayor

ATTEST:   
Deborah A. Longer, Clerk-Treasurer