

special penalties for specific provisions of this Chapter, nor shall such special penalties in any way limit the operation of this general penalty.

b. The minimum fine for engaging in construction activity without a license or registration, when required by Chapter 4, is One Thousand Dollars (\$1,000.00). (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-75 Stop Order.

Whenever any work is being done contrary to the provisions of this *Code*, the Department of Engineering may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Department of Engineering to proceed with the work. (Gen. Ord. No. 1, 1988, § 14, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-76 Right of Appeal.

All persons shall have the right to appeal the Department of Engineering's decision first through the Board of Public Works and Safety and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of *I.C.* § 22-13-2-7 and *I.C.* § 4-21.5-3-7. (Gen. Ord. No. 1, 1988, § 18, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-77 Remedies.

The Department of Engineering shall in the name of the City of Terre Haute bring actions in the City Court of the City of Terre Haute or Superior and Circuit Courts of Vigo County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Department of Engineering, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance. (Gen. Ord. No. 1, 1988, § 19, 2-18-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Sec. 7-78 through Sec. 7-79 Reserved for Future Use.

ARTICLE 2. RESPONSIBLE BIDDER.

Sec. 7-80 Purpose.

The Responsible Bidder Ordinance shall serve to define the term “responsible” as used in Indiana Code § 36-1-12-4, regarding competitive bidding.

Sec. 7-81 Applicability.

This Article of the *Terre Haute City Code* shall apply when:

a. The City is seeking a contract or service to perform public work. Public work, in this context, means the construction, reconstruction, alteration, or renovation of a public building, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by the City under a lease containing an option to purchase; and

b. The cost of the contract or service will be at least one-hundred fifty thousand dollars (\$150,000).

Sec. 7-82 Criteria.

A “responsible bidder” shall:

a. Affirm compliance with all applicable laws pre-requisite to doing business in Indiana;

b. Produce evidence of a federal employer taxpayer identification number or social security number (for sole proprietors);

c. Confirm that bidder shall not discriminate against an employee or applicant for employment because of race, color, religion, sex, or national origin and that the bidder shall ensure that applicants are employed, and employees are treated during employment, without regard to their race, color, religion, sex or national origin.

d. Provide the City with certificates of insurance indicating the coverage, when such is required in the bid or contract specifications.

e. Affirm, where worker’s compensation insurance is required under the bid specifications, that all employees are (1) covered under a current worker’s compensation insurance policy and (2) properly classified under such policy; and (3) provide to the Board of Public Works and Safety, on formal request from the Board of Public Works and Safety a copy of the “declarations pages” of the contractor’s workers compensation insurance policy which includes the name and addresses of the insured, as well as the class codes the compensation premium is based.

f. Indicate compliance with Indiana Code § 5-16-7 *et seq.*, the Indiana Common Construction Wage Act;

g. Submit proof of any professional or trade license required by law for any trade or specialty area in which a bidder is seeking a contract award; and disclose any suspension or revocation within the previous five (5) years of any professional trade license held by the company, or of any director, officer, or manager employed by bidder;

h. Upon bid opening by the Board of Public Works and Safety, the bid recipient shall supply the following information relative to subcontractors:

1. Business name and address;
2. Type of work to be performed and bids submitted; and
3. Statement of acknowledgment that subcontractor will comply with all applicable federal, state and local laws.

i. State that individuals who will perform work on the public works project on behalf on the contractor are properly classified as either (1) an employee or (2) an independent contractor under all applicable state and federal laws and local ordinances;

j. Provide information as to the substance abuse policy that pertains to all of the bidder's employees working on the project; and

k. Confirms that all apprentices to be used on the project are registered with an apprenticeship and training program approved and registered with the United States Department of Labor, Bureau of Apprenticeship and Training (or any state or federal successor agency).

Sec. 7-83 Certified Payroll.

All contractors and subcontractors are required to submit to the awarding agency, and General Contractor if applicable, an approved and detailed certified payroll on a weekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract.

Sec. 7-84 Additional Criteria.

The City may also request evidence of and/or consider the following factors when identifying responsible bidders for the purpose of awarding contracts under this Article:

- a. The ability, capacity, and skill of the bidder to perform the contract;
- b. The capacity of the bidder to perform the contract promptly and efficiently, or within the time specified, without delay or interference;
- c. The character, integrity, reputation, and experience of the bidder;
- d. The quality of the bidder's past performance, including performance of previous contracts, whether or not such performance was with the City;
- e. The bidder's default under previous contracts, whether or not such contract was with the City;

f. The bidder's failure to pay or satisfactorily settle bills due on former contracts, whether or not such contract was with the City;

g. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

h. The financial ability of the bidder to perform the contract;

i. A statement regarding and/or disclosure of:

1. Any determination by a court or government agency for violations of federal, state or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), Common Construction Wage Law, or the federal Davis-Bacon Act;

2. Any findings of "non-responsibility" by federal, state, or local departments;

j. Any additional factors the City determines relevant for the contract.

Sec. 7-85 Lowest Bidder Not Chosen.

When a contract is awarded to a bidder other than the lowest bidder, a statement of the reasons for such award shall be prepared by the City board or entity awarding the contract.

Sec. 7-86 Multiple Low Bids.

When two (2) or more responsible bidders submit the same low bid, the contract shall be granted to the bidder whose headquarters are geographically closest to the City of Terre Haute's corporation boundary; but if both low bidders are headquartered within the City of Terre Haute's corporation boundary, then the winning bid shall be determined by drawing lots in public at a meeting of the Board of Public Works & Safety.

Sec. 7-87 Access to Public Records Act.

All requests made by the public for submissions tendered under this Article by a contractor or sub-contractor shall be subject to disclosure pursuant to Indiana Code § 5-14-3-1 *et seq.*, the Indiana Access to Public Records Law.

Sec. 7-88 through Sec. 7-95 Reserved for Future Use.