

**MONTGOMERY COUNTY ILLINOIS RESPONSIBLE BIDDER ORDINANCE
WITH 'MONTGOMERY FIRST' LOCAL BUSINESS ADJUSTMENT TO BID AWARD
ORDINANCE 2025- 12**

**AN ORDINANCE FURTHER DEFINING RESPONSIBLE BIDDER
AND PROVIDING A LOCAL BUSINESS ADJUSTMENT**

WHEREAS, the Montgomery County Board regulates purchases and contracts entered into by Montgomery County; now therefore

BE IT ORDAINED, by the Board of Montgomery County, Illinois, that the following definition be added to the County code: *Responsible bidder* for construction contracts means a bidder who meets all of the job specifications, the following applicable criteria, and submits evidence of such compliance:

- (1) All applicable laws prerequisite to doing business in Illinois
- (2) Evidence of compliance with
 - a. Federal Employer Tax Identification Number or Social Security Number (for individuals)
 - b. Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions)
- (3) Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation and product liability
- (4) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the act
- (5) The bidder and all bidder's sub-contractors must participate in active joint labor-management apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract.
- (6) All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.

BE IT FURTHER ORDAINED, that Montgomery County may authorize on certain public works or construction contracts the use of a "Montgomery First" Local Business Adjustment as set forth by the following criteria:

- (1) The Montgomery First Local Business Adjustment shall be up to a maximum of 5% of the contract price, but not more than \$50,000, whichever is less. In such instances, the bid documents shall specify that a Local Business Adjustment shall apply, and shall identify the percentage and maximum dollar amount of the adjustment.
- (2) When a Local Business Adjustment has been authorized and its application is requested by a local bidder, the following process shall be used to determine the lowest qualified bidder and for calculating the contract price:
 - a. The County shall apply an automatic downward adjustment of up to 5% of the contract price (or a maximum of \$50,000, whichever is less) toward a local bidder's bid if doing so will cause the local bidder's bid to match the bid of a non-local bidder who would otherwise be the lowest qualified bidder.

- b. This downward adjustment shall be applied automatically to the local bidder's bid as a reduction in their overall bid, and any bidder requesting the application of the local bidder adjustment shall acknowledge and agree to the potential of the reduction in their overall bid at the time of bid submission.
 - c. Should a bidder requesting the local business adjustment as part of their bid submittal be declared the lowest qualified bidder on the basis of a local business adjustment and thereafter decline to be awarded the project, that bidder shall be prohibited from requesting the application of a local business adjustment when bidding on contracts let by the County for a period of one year.
- (3) A local bidder is an individual or business entity that:
- a. Has a place of business located in Montgomery County, Illinois, for at least one year prior to the deadline for submitting bids, as registered with the Secretary of State, and
 - b. Can demonstrate for one year prior to the deadline for submitting bids that the person or entity has paid a minimum of \$5,000 in sales tax in Montgomery County, Illinois, and/or
 - c. Can demonstrate that at least 50% of their employees reside within Montgomery County, Illinois.
- (4) It shall be the responsibility of the bidder to request that the local business adjustment be applied to the bid and to provide sufficient documentation for the County to make a determination as to their local bidder status. Failure of a local bidder to include such a request in its submittal or failure of the local bidder to provide sufficient documentation for the County to verify eligibility for the adjustment at the time of the submittal will cause the local bidder to forfeit the application of the adjustment to the bid amount, even if the local bidder would have otherwise been eligible.
- (5) The oversight committee that recommends awarding the bid shall report utilization of the local business adjustment to the County Board at the time of the contract award.

BE IT FURTHER ORDAINED, that in order to provide meaningful work opportunities to the more than 800 Montgomery County residents represented by organized labor, to guard against delays due to labor conflicts and shortages of skilled workers, and to ensure highly-qualified individuals work on public projects, the Montgomery County Board may, at its discretion, consider attaching a Project Labor Agreement (PLA) to any public works or construction contract with an anticipated value of over \$100,000.

BE IT FURTHER ORDAINED, that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by the Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect immediately upon its adoption.

Adopted by the Board of Montgomery County this 8th day of July 2025.

AYES: 14 NAYS: 0 PRESENT: 14 ABSTAIN/ABSENT: 0

Signed: 
Doug Donaldson, Chairman

Attest: 
Sandy Leitheiser, County Clerk



MONTGOMERY FIRST

LOCAL BUSINESS APPLICATION

Return signed application in packet with sealed bid

- (1) The Montgomery First Local Business Adjustment shall be up to a maximum of 5% of the contract price, but not more than \$50,000, whichever is less. In such instances, the bid documents shall specify that a Local Business Adjustment shall apply, and shall identify the percentage and maximum dollar amount of the adjustment.
- (2) When a Local Business Adjustment has been authorized and its application is requested by a local bidder, the following process shall be used to determine the lowest qualified bidder and for calculating the contract price:
 - a. The County shall apply an automatic downward adjustment of up to 5% of the contract price (or a maximum of \$50,000, whichever is less) toward a local bidder's bid if doing so will cause the local bidder's bid to match the bid of a non-local bidder who would otherwise be the lowest qualified bidder.
 - b. This downward adjustment shall be applied automatically to the local bidder's bid as a reduction in their overall bid, and any bidder requesting the application of the local bidder adjustment shall acknowledge and agree to the potential of the reduction in their overall bid at the time of bid submission.
 - c. Should a bidder requesting the local business adjustment as part of their bid submittal be declared the lowest qualified bidder on the basis of a local business adjustment and thereafter decline to be awarded the project, that bidder shall be prohibited from requesting the application of a local business adjustment when bidding on contracts let by the County for a period of one year.
- (3) A local bidder is an individual or business entity that:
 - a. Has a place of business located in Montgomery County, Illinois, for at least one year prior to the deadline for submitting bids, as registered with the Secretary of State, and
 - b. Can demonstrate for one year prior to the deadline for submitting bids that the person or entity has paid a minimum of \$5,000 in sales tax in Montgomery County, Illinois, and/or
 - c. Can demonstrate that at least 50% of their employees reside within Montgomery County, Illinois.
- (4) It shall be the responsibility of the bidder to request that the local business adjustment be applied to the bid and to provide sufficient documentation for the County to make a determination as to their local bidder status. Failure of a local bidder to include such a request in its submittal or failure of the local bidder to provide sufficient documentation for the County to verify eligibility for the adjustment at the time of the submittal will cause the local bidder to forfeit the application of the adjustment to the bid amount, even if the local bidder would have otherwise been eligible.

Business Name: _____

Business Address: _____

City: _____ State: _____ Zip: _____

FEIN: _____ Number of Years in Business: _____

Number of Employees: _____ Percent of Employees Living In County: _____

Estimated Sales Tax Paid over the Previous 12 Months: _____

Business Owner(s): _____

Daytime Phone: _____ E-mail: _____

By signing this application, I certify to the best of my knowledge and belief that the application is true, complete and accurate, and that supporting documentation has been submitted as required. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812; 30 ILCS 708/120).

I consent that my bid may be lowered by up to 5% or a maximum of \$50,000 if doing so will cause my bid to match the bid of a non-local bidder who would otherwise be the lowest qualified bidder.

Signature: _____