

Council Bill/General Ordinance No. 3030-2021

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 27, "PURCHASING," of the Moline Code of Ordinances, Section 27-4103, "Legal Requirements," by adding procedural amendments to conform with the requirements cited in the recent HUD audit.

WHEREAS, the City of Moline ("**City**") is a home rule municipal corporation organized and operating in accordance with the Constitution and laws of the State of Illinois; and

WHEREAS, Moline Code of Ordinances' Chapter 27 contains the City's purchasing policies and procedures; and

WHEREAS, on occasion, the City utilizes federal funding to undertake certain projects; and

WHEREAS, the City wishes to update the Moline Code of Ordinances to ensure compliance with current federal regulations; and

WHEREAS, the Mayor and City Council find that adopting this Ordinance is in the City's best interest and will promote the public health, safety, and welfare by promoting the City's eligibility for continued federal funding for City projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 - The forgoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

Section 2 - That Chapter 27, "PURCHASING," of the Moline Code of Ordinances, Section 27-4103, "Legal Requirements," is hereby amended by adding procedural amendments to conform with the requirements cited in the recent HUD audit, which shall read as follows (additions underlined and deletions ~~struck through~~):

"SEC. 27-4103. LEGAL REQUIREMENTS.

If a procurement is funded in whole or part by federal or state funds, then the specifications and general conditions or contract shall state all applicable requirements of federal or state public policy including, but not limited to, and as applicable based on the funding source:

- (1) Equal employment opportunity;
- (2) Fair labor standards;
- (3) Energy conservation;

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- (4) Prevailing wages;
- (5) Environmental protection;
- (6) Buy American or other labor or material preferences;
- (7) Affirmative action and contract set asides;
- (8) Wage, hour, and other contractor record keeping requirements;
- (9) Patent, copyright, and other intellectual property ownership protections; ~~and~~
- (10) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (11) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (12) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (13) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
- (14) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
- (15) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in Section 27-4103(10) through (14); and
- (16) ~~(10)~~ Other similar socioeconomic programs.

In addition, the specifications and general conditions, or the contract, shall state any mandatory legal requirements, including, without limitation, and as applicable, compliance with the Solid Waste Disposal Act, Section 6002, as amended by the Resource Conservation and Recovery Act.”

Section 3 - All ordinances, resolutions, and parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 4 - This Ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found

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to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 5 - That this Ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

DocuSigned by:
S. Kaypato

Mayor 8D16AB8EFE254D4...

November 2, 2021
Date

Passed: _____
November 2, 2021

Approved: _____
November 9, 2021

Attest: _____
DocuSigned by:
Jessie L. Payne

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City Clerk