



**MINORITY, WOMEN, DISADVANTAGED & EVANSTON BUSINESS ENTERPRISE (M/W/D/EBE)
DEVELOPMENT COMMITTEE**

**Wednesday, December 18, 2024, 6:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2402**

AGENDA

	Page
1. CALL TO ORDER/DECLARATION OF A QUORUM	
2. APPROVAL OF MINUTES	
A. <u>Approval of the September 18, 2024, Minutes</u> <u>Draft October 16, 2024 MINS</u>	3 - 4
3. GUEST INTRODUCTIONS	
4. OLD BUSINESS	
A. <u>Responsive Bidder Ordinance Discussion</u> <u>Draft Procurement Code 12.16.24</u>	5 - 32
B. <u>MWDEBE Award Proposal Update</u> <u>2024.04.MWDEBE Award Proposal</u>	33 - 35
C. <u>MWDEBE Small Business Survey Update</u> <u>MWDEBE Small Business Survey</u>	36 - 40
5. STAFF REPORTS	

A. **LEP Projects Tracking Updates**

B. **MWDEBE Tracking**

41 - 45

[MWDEBE Dec 2024 Tracking](#)

6. NEW BUSINESS

A. **2025 MWDEBE Development Committee Meeting Dates**

46

[DRAFT MWDEBE 2025 Memo Meeting Schedule](#)

7. OTHER BUSINESS

8. ADJOURNMENT

Order & Agenda Items are subject to change. Information about the Minority, Women & Evanston Business Enterprise Development Committee (M/W/EBE) is available at: www.cityofevanston.org/mwebecommittee. Questions can be directed to Tammi Nunez at 847-866-2935.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Facilities Management Office at 847-866-2916 (Voice) or 847-448-8064 (TTY)

**MINORITY, WOMEN, DISADVANTAGED & EVANSTON BUSINESS ENTERPRISE
(M/W/D/EBE)
DEVELOPMENT COMMITTEE**

Wednesday, October 16, 2024
6:00 P.M.
Meeting Minutes

MEMBERS PRESENT: Councilmember Bobby Burns, Jared Davis, Bonaventure Fandohan, Angela Pennisi, Michael McLean, and Ernest Noy

MEMBERS ABSENT: Councilmember Devon Reid, Kemone Hendricks, and Rachel Williams

STAFF PRESENT: Tammi Nunez, Purchasing Manager Joseph Fields, Workforce Development Manager; Jessica Cooper, Workforce Development Coordinator; Caroline McCraw, Digital Services Specialist

GUEST: Sally Mabadi, Darush Mabadi, Mike Abrams, Sarah Baresel, Peter Kelly, Clarence D. Weaver, Robert Orenstein, Kimberly H. Michele Millison, Eldridge Ford, Matthew Eadie, and Abigail Mahoney

PRESIDING MEMBER: Councilmember Bobby Burns

1. Declaration of a Quorum

With a quorum present, Councilmember (CM) Burns called the meeting to order at 6:09 PM.

2. Public Comments

A. No public comments were made during this session.

3. Approval of Minutes

E. Noy motioned to approve the minutes for September 18, 2024. Seconded by B. Fandohan. Motion passed, and all voted in favor of approving the minutes.

4. Old Business

A. MWDEBE Award Proposal

- A proposal was discussed to recognize Evanston-owned MWD businesses and other local businesses. two awards: one for an Evanston-owned MWD business and another for a non-MWD business. Eligibility requirements and the selection process were outlined.
- The award would include a promotional video and a business promotion and marketing consulting package.
- Funding sources include LEP penalty funds and the National League of Cities grant.
- A selection committee will be formed to determine the winning businesses.
- The committee discussed partnering with organizations like the Chamber of Commerce for the award presentation.

B. NU Update on the Stadium Project and Minority/Woman Goals

- Representatives from Northwestern and Turner Walsh provided an update on the Ryan Field Project.
- The project aims for a 35% spend commitment on minority and women-owned businesses.
- To date, \$133 million has been committed to these businesses.
- Local workforce hires are at 10%, with efforts to increase this number.
- The project is still in early stages, with peak employment expected in the summer.

C. MWDEBE Small Business Survey – Item held

5. New Business

A. City Webpages & Apps Update

- Caroline McCraw from IT presented updates on the city website and digital accessibility initiatives.
- The city plans a website redesign to improve navigation and accessibility, with a target completion by April 2026.
- Feedback from community and staff surveys highlighted issues with navigation and platform integration.
- The committee discussed the need for a more user-friendly and engaging online presence for the NWDEB.

6. Staff Reports

A. LEP Projects Tracking Updates

- An update on LEP compliance was provided, with a focus on projects not in compliance.
- The committee discussed challenges in finding local workers and the need to update the LEP list.
- The issue of union requirements for certain projects was also addressed.

7. Other Business

- The committee plans to continue discussions on the business awards proposal and the city website redesign.
- The survey on MWD businesses will be discussed in the next meeting.
- The committee will work on clarifying the LEP ordinance regarding funding from external sources.
- The meeting concluded with plans to continue discussions on the business survey and awards proposal in the next meeting

8. Adjournment

Lost a quorum at 7:01 PM.

Councilmember Burns ended the meeting at 7:50 PM.

Draft Evanston Procurement Code

WHEREAS, the City of Evanston is a unit of local government organized and operating under federal and state laws;

WHEREAS, codifying the City of Evanston's procurement processes will ensure greater transparency in public works projects, increase efficient use of taxpayer dollars, promote public safety, and is in the public interest;

WHEREAS, the City of Evanston seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects;

WHEREAS, the City of Evanston, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily ensured by awarding a construction contract solely on the basis of the lowest bid;

WHEREAS, the City of Evanston seeks to enhance its ability to identify the lowest "responsible bidder" on all public works construction projects by instituting more comprehensive submission requirements which are in compliance with Illinois law;

WHEREAS, the City of Evanston has a compelling proprietary interest in awarding contracts for public works construction projects in a manner that will yield successful project delivery in terms of work that is performed safely, at the lowest responsible cost, and in accordance with the highest possible standards of quality and efficiency;

WHEREAS, the City of Evanston has a compelling interest in ensuring that workers on public works construction projects are paid appropriate wages and receive appropriate benefits, as set forth in, and required by, the Illinois Prevailing Wage Act and the Federal Davis-Bacon and Related Acts;

WHEREAS, securing successful delivery of public works construction projects presents significant challenges due to the complex, unpredictable, and inherently dangerous nature of the construction industry, wherein errors in project planning or execution, including those caused by inexperienced or unqualified craft labor personnel, can result in serious safety risks, excessive cost overruns, flawed or inferior project quality, and disruptions in project schedules that may delay the use of critical government functions or facilities;

WHEREAS, the City of Evanston enacted the Local Employment Program (LEP) Ordinance, Section 1-17-1(C) in 2014, in an effort to increase the hiring of Evanston residents and Evanston construction apprentices on public works projects; and

WHEREAS, responsible bidder ordinances with apprenticeship standards increase the likelihood of contractors on publicly funded projects to use apprentices, resulting in a better local tax base and a safer, more efficient job site;

NOW, THEREFORE, BE IT ORDAINED by the City of Evanston that:

Article I. General Provisions

1.1. Short title.

This chapter may be referred to and cited as the Procurement Code.

1.2. Purpose of the Procurement Code.

The underlying purposes and policies of this Procurement Code are:

- (a) To specify, clarify, and modernize the rules governing procurement by the city;
- (b) To ensure the fair and equitable treatment of all persons who deal with the procurement system of the city;
- (c) To foster effective broad-based competition within the free enterprise system;
- (d) To provide safeguards for the maintenance of a procurement system of quality and integrity;
- (e) To ensure that workers on public works projects are paid appropriate wages and receive appropriate benefits in accordance with local, state, and federal law; and
- (f) To maximize to the fullest extent possible the purchasing value of the public funds of the city.

1.3. Definitions.

For the purposes of this Procurement Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Agencies. City offices, departments, boards, bureaus, committees, councils and commissions.

Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

City residents. Persons domiciled within the city.

City Manager. The City of Evanston City Manager or designee.

Competitive sealed bidding. The process whereby the City Manager or designee accepts sealed bids after public notice by newspaper advertisement.

Competitive sealed proposal. The process whereby the City Manager or designee accepts sealed proposals through request for proposals after adequate public notice.

Construction. Any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site.

Contract. All types of agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, construction, or redevelopment.

Contract modifications. Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Contractor. A person, partnership, corporation, or other entity that has contracted with, or is seeking to contract with, the City to construct a public improvement, to provide goods to, or perform services for or on behalf of the City. A contractor includes a contractor, subcontractor, vendor, or any person or entity who or which owns an interest of ten percent (10%) or more in a contractor, subcontractor, or vendor.

Contractual services. The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance, but not including employment agreements or collective bargaining agreements.

Debarment. An action taken by the City which results in a contractor being prohibited from bidding or proposing on, being awarded or performing work on a contract with the City. A contractor who has been determined by the City to be subject to such a prohibition is debarred.

Desk review. A method of monitoring compliance with the local employment program in which the City Manager or designee contacts a contractor or subcontractor to gather relevant information or request relevant documentation.

Disadvantaged-owned business enterprise. A firm that is at least fifty-one percent (51%) owned by one (1) or more disadvantaged individual (socially and economically) or, in the case of a publicly-held corporation, fifty-one percent (51%) of the stock of which is owned by one (1) or more disadvantaged individual (socially and economically) whose management and daily business operations are controlled by one (1) or disadvantaged individual (socially and

economically). The City Manager or designee shall determine which DBE certifications shall be accepted by the City.

Domicile. An individual's fixed and permanent home and principal establishment.

Eligible residents. City residents in zip codes 60201 and 60202.

Emergency work. Work necessitated by an imminent threat to the property of the city or the health, safety, or welfare of its citizens.

Evanston business. An entity which is located in or has one (1) or more offices located in the City (in zip codes 60201 and 60202) for a minimum of one (1) year and which performs a "commercially useful function." The business must be certified by the City in accordance with this Code.

General contractor. An entity that enters into a contract directly with the city. The general contractor may also be known as the prime contractor.

Local resident database. A database maintained by the City Manager or designee containing the names of local residents who have expressed interest in employment on City public works projects.

Minority-owned business. A business which is at least fifty-one percent (51%) owned by one (1) or more members of one (1) or more minority groups, or, in the case of a publicly-held corporation, at least fifty-one percent (51%) of the stock of which is owned by one (1) or more members of one (1) or more minority groups, whose management and daily operations are controlled by one (1) or more members of one (1) or more minority groups. The City Manager designee shall determine which MBE certifications shall be accepted by the City.

New hire. Any employee of a contractor who is not listed on the contractor's last quarterly tax statement and was hired prior to or during the commencement of work on a public works project contract subject to the requirements of the Local Employment Program.

Person. Any individual, business, partnership, corporation, joint venture, union, committee, club, other organization, group of individuals, or other legal entity..

Procurement. Buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, or construction, including all functions that pertain to the obtaining of any supply, service, or construction, such as description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration, construction.

Project Labor Agreement. A pre-hire collective bargaining agreement that is negotiated between the City of Evanston and an appropriate labor organization which sets out the basic terms and work conditions for that particular project.

Public works. Any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, moving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any public building, structure, airport facility, highway, roadway, street, alley, bridge, sewer, drain, ditch, sewage disposal plant, water work, parking facility, railroad, excavation, or other project, development, real property, or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project or development, real property or improvement herein described of any material or article of merchandise, which is paid for out of a public fund or out of a special assessment. The term also includes any public works leased by a political subdivision under a lease containing an option to purchase.

Public works contracts. Any contracts awarded by the city for public works.

Resident. Any person whose domicile is in the City. The domicile is an individual's one and only true, fixed and permanent home and principal establishment. In order to qualify as a resident for purposes of the local employment program, an individual must have established domicile within the City at least thirty (30) days prior to commencing work on any public works project subject to the local employment program.

Responsive bidder. A person who has submitted a bid that conforms in all material respects to the invitation for bids.

Responsible bidder. A person who possesses the experience, facilities, reputation, and financial resources required to fully perform the contract.

Subcontract. A contract that exists between the general contractor and a subcontractor or between subcontractors of any tier.

Subcontractor. An entity that enters into a contract with the general contractor or another subcontractor.

Supplies. All property, including but not limited to equipment, computer equipment, software, utilities, materials, commodities, printing, insurance, telecommunications equipment and services, and leases of real property, excluding land or a permanent interest in land. The word "supplies" includes both capital and operational needs.

Tier. The level of relationship to the prime contractor of a subcontractor who enters into a contract under a prime contractor or another subcontractor to perform a portion of the work on a project.

Women-owned business. A business which is at least fifty-one percent (51%) owned by one (1) or more women, or, in the case of a publicly-held corporation, fifty-one percent (51%) of the stock of which is owned by one (1) or more women, whose management and daily business operations are controlled by one (1) or more women. The City Manager or designee shall determine which WBE certifications shall be accepted by the City.

1.4. Severability.

If any provision of this Code or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Code that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Code is severable.

1.5. Materiality.

The requirements of this Procurement Code are a material part of the bid documents and the contract and the successful bidder shall insert this Procurement Code in all subcontracts.

1.6. Other Ordinances.

Any prior ordinance or portion thereof in conflict with this Procurement Code is hereby revoked.

1.7. Effective Date.

This Procurement Code shall take effect upon passage by City Council. Any bid submitted before the effective date shall be considered under the laws, policies, and procedures of the City of Evanston in effect at the time the bid was submitted.

Article II. City Manager.

2.1. Powers and duties.

- (a) Pursuant the powers established under Title 1, Chapter 8, the City Manager or designee shall:
- (i) Purchase supplies, services, and construction for all agencies of the city;
 - (ii) Exercise general supervision and control over all inventories of supplies belonging to the city;
 - (iii) Sell, trade, or otherwise dispose of surplus supplies belonging to the city;
 - (iv) Establish and maintain programs for the inspection, testing and acceptance of supplies, services, and construction;
 - (v) Open all bids submitted to the city;

- (vi) Make recommendations to the city council concerning the awarding of contracts for which bids have been received;
- (vii) Distribute or cause to be distributed to the various requesting agencies of the city such supplies as may be purchased by the department; and
- (viii) Transfer supplies to or between the various requesting agencies of the city.

(b) The City Manager or designee shall be empowered to:

- (i) Adopt, promulgate and from time to time revise rules and regulations, consistent with this Procurement Code, governing the management, procurement, control and disposal of any and all supplies, services and construction to be procured by the city;
- (ii) Adopt, promulgate and from time to time revise rules and regulations for the proper conduct of the City Manager or designee.
- (iii) Assume such related activities as may be assigned by the City Manager or designee;
- (iv) Submit to the city council an annual report describing the activities of the City's procurement practices.

Article III. Source Selection and Contract Formation

3.1. Methods of source selection and contract term length.

All city contracts involving amounts in excess of \$25,000 shall be awarded by competitive sealed bidding pursuant to this Procurement Code. All city purchasing and service contracts shall be limited to a maximum term of five years with no more than a one-year renewal extension period unless otherwise approved by the city council.

3.2. Sealed competitive bidding.

City contracts shall be let by sealed competitive bidding after advertisement, to the lowest responsible bidder, or to the highest responsible bidder depending upon whether the city is to expend or to receive money.

3.3. Advertisement for bids.

All proposals to award contracts involving amounts in excess of \$25,000 shall be published at least ten days, excluding Sundays and legal holidays, in advance of the date announced for the receiving of bids, in a secular English language daily newspaper of general circulation throughout the city and shall simultaneously be posted on the city website and readily accessible bulletin boards in the office of the City Manager or designee. Nothing contained in this section shall be construed to prohibit the City Manager or designee from placing additional announcements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to enable bidders to know

what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file at the time of the publication of the first announcement. Such advertisements shall also state the date, time and place assigned for the opening of bids and no bids shall be received at any time subsequent to the time indicated in the announcement. However, an extension of time may be granted for the opening of such bids upon publication in a secular English language daily newspaper of general circulation throughout the city of the date to which the bid opening has been extended. The time of the bid extension opening shall not be less than five days after the publication thereof, Sundays and legal holidays excluded.

3.4. Deposits.

A cashier's check, a certified check or a bid bond, as a deposit of good faith, in a reasonable amount but not in excess of 10% of the contract amount may be required of each bidder by the City Manager or designee in all bids involving amounts in excess of \$25,000 and, if so required, the advertisement for bids shall so specify.

3.5. Opening of bids.

All sealed bids must be publicly opened by the City Manager or designee and all such bids shall be open to public inspection.

3.6. Awarding of contracts; filing of purchase order or contract; public inspection.

The award of any contract let by sealed competitive bidding shall be made to the lowest responsible bidder or the highest responsible bidder as provided in this Procurement Code. Each bid, with the name of the bidder, shall be entered on a record which, along with the name of the successful bidder, shall, after award of the contract, be open to public inspection in the office of the City Manager or designee. An official copy of each awarded contract together with all necessary attachments, including assignments, shall be retained by the City Manager or designee in an appropriate file open to public inspection. The city council shall award all such contracts in excess of \$25,000. The City Manager or designee may award contracts for 25,000 or less.

3.7. Rejections of bids.

Any and all bids received in response to an advertisement may be rejected by the City Manager or designee.

3.8. Waiver of defects.

- (a) In awarding a contract pursuant to sealed competitive bidding, the city council may waive any variation from the bid requirements or defect in a bid which does not materially affect the competitive nature of the bid, is not in violation of any ordinance, statute, or law and does not prejudice the right of the public.

- (b) A variance or defect does not materially affect the bid if the terms of the bid are clear and unambiguous, the bid contains all essential elements of the contract, if the amount or competitive nature of the bid is not affected and if the bidder has not received an unfair advantage from having seen the competitor's bid documents.
- (c) In considering any waiver, the City Manager or designee shall attempt to secure the best work or materials at the lowest price practicable and shall make such determination in a manner as to fairly and reasonably accomplish such purpose with sole reference to the public interest.

3.9. Clarification of bid.

- (a) The City Manager or designee may request clarification of a bid or any part thereof. Clarification shall mean the communication between the city and the bidder regarding the bid. Such communication shall not change the bid, the competitive nature of all bids or violate any ordinance, statute or law.
- (b) In considering any clarification the City Manager or designee shall attempt to procure the best supply, service or construction at the lowest practicable price and shall make such clarifications in such a manner as to fairly and reasonably accomplish such purpose with the sole reference to the promotion of public interest.

3.10. Performance bonds of bidders.

Bond, with sufficient sureties, in such amount as shall be deemed adequate, not only to insure performance of contract in the time and manner prescribed in the contract, but also to save, indemnify, and keep harmless the city against all loss, damages, claims, liabilities, judgments, costs, and expenses which may in anywise accrue against the city in consequence of the granting of the contract, or which may in anywise result therefrom, may be required of each bidder upon contracts involving accounts in excess of \$25,000 when, in the opinion of the City Manager or designee, the public interest will be served thereby.

3.11. Competitive sealed proposals.

- (a) If the City Manager or designee determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the city in a particular instance, a contract may be entered into by competitive sealed proposals. The City Manager or designee may also provide by regulation that it is either not practicable or not advantageous to the city to procure specified types of supplies, services or construction by competitive sealed bidding.
- (b) In the event a contract is to be entered into pursuant to paragraph (a) of this section, the following shall apply:

- (i) Proposals shall be solicited through a request for proposals.
- (ii) Adequate public notice of the request for proposals shall be given in accordance with the rules and regulations promulgated by the City Manager or designee.
- (iii) The request for proposals shall state the relative importance of price and other evaluation factors.
- (iv) Proposals shall be opened in a manner so as to avoid disclosure of contents thereof to competing offerors during the process of negotiations.
- (v) The award of any contract pursuant to a competitive sealed proposal in excess of \$25,000 shall be made by the city council.

3.12. Small purchases.

Any procurement not exceeding \$25,000 shall be made in accordance with small purchase procedures delineated in the rules and regulations adopted by the City Manager or designee, provided, however, that procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

3.13. Sole source procurement.

A contract may be awarded for a supply, service or construction item without competition when, under regulations promulgated by the City Manager or designee, the City Manager or designee determines in writing that there is only one source for the required supply, service, or construction item. Sole source contracts in excess of \$25,000 shall be awarded by the city council. Sole source contracts that are \$25,000 or less may be awarded by the City Manager or designee.

3.14. Emergency contracts.

Purchases where an emergency immediately affects the public health, safety or welfare may be made without regard to the requirements of this chapter if authorized by the City Manager or designee; provided, however, that the City Manager or designee shall declare the emergency in writing setting out the nature of the emergency. The City Manager or designee shall inform the mayor, city council, and city clerk, in writing, of contracts entered into or purchases made pursuant to this section.

3.15. Professional services.

Contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important role shall not be subject to sealed competitive bidding. Professional services contracts shall be awarded pursuant to this Procurement Code.

3.16. Assignment of contracts.

No contract shall be assignable or sublet by the successful bidder without the consent of the city council.

3.17. Modification of contracts.

Contract modifications may be approved by the City Manager or designee if the expenditure is 10% or less of an original contract amount, or \$100,000 or less, whichever is lower, provided the modifications are otherwise in compliance with all applicable laws.

3.18. Purchases when competitive bidding is not reasonable.

A contract may be awarded pertaining to firefighting apparatus, including engines, towers and quints, without sealed competitive bidding or sealed competitive proposals when the City Manager or designee determines in writing that although there exists more than one responsible source, a competitive process cannot reasonably be used or if used will result in substantially higher cost to the city, will otherwise injure the city's financial interest, or will substantially impede the city's administrative functions.

3.19. Debarment or suspension.

- (a) The City Manager or designee is authorized to debar or suspend a vendor or contractor for just cause. A debarred or suspended vendor or contractor is prohibited from bidding or proposing or being awarded or performing work on a contract with the City during the period of debarment or suspension. The period of debarment or suspension shall be determined by the City Manager or designee in consultation with the Corporation Counsel on a case by case basis. Debarment or suspension may be lifted for good cause shown.
- (b) Reasons for debarment or suspension include, but are not limited to, the following:
 - (i) Commission of fraud or a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such a contract or subcontract;
 - (ii) Conviction or indictment under a state or federal statute of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a vendor or contractor;
 - (iii) Conviction or indictment under a state or federal antitrust statute;
 - (iv) A finding by a state or federal agency with statutory authority to adjudicate civil rights violations, or by a judge or jury in a state or federal court of competent

jurisdiction, that the vendor or contractor has violated state or federal civil rights statutes in its hiring or business practices.

- (v) Failure or default without good cause to perform in accordance with the terms of any contract and the associated supporting documents or unsatisfactory performance of any contract and the associated supporting documents with the City;
 - (vi) Disqualification or rejection of a bid by the vendor on three or more occasions within a three-year period;
 - (vii) Commission of an act or omission indicating a lack of business integrity or business honesty;
 - (viii) Debarment, disqualification or suspension by another government entity for any reason; or
 - (ix) Any federal or state funding that by law, rule, or regulation precludes the City from paying a vendor or contractor from that funding.
- (c) Before a vendor or contractor is debarred or suspended, written notice of debarment or suspension must be provided to that vendor or contractor. The notice must apprise the vendor or contractor of the reasons for the debarment or suspension and must inform the vendor or contractor of the right to be heard before the City Manager or designee. The City Manager or designee must grant a reasonable opportunity for the debarred or suspended contractor to be heard in the issue of debarment or suspension, if the vendor or contractor submits a request in writing within seven calendar dates of the mailing of the written notice. The City Manager or designee will make a final determination after consulting with the Corporation Counsel.

3.20. Prohibited contracts and bids.

- (a) No contract shall be let or bid accepted without prior approval of the council, nor shall any person or entity contracting with the city, without prior approval of the council, subcontract, assign, or sublet any contract for services or materials for the city with any person or entity that:
- (i) Is delinquent more than 60 days in paying any indebtedness owed to the city in any sum in excess of \$100, unless the person or entity has entered into a deferred payment plan to pay off the debt.;
 - (ii) Is in violation of any of the ordinances of the city and has so continued in the violation for more than 30 days after notice to abate has been serviced;

- (iii) Is delinquent more than 30 days in the payment of any tax, fee or fine which accrues to the city.
 - (iv) has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of five (5) years from the date of conviction.
- (b) Any contract let or any bid accepted in violation of this section may be declared void by the City Manager or designee or may be ratified and affirmed, provided the City Manager or designee determines that ratification is in the best interests of the City. If the contract is ratified and affirmed, it will be without prejudice to the City's rights to any appropriate damages.

3.21. Unauthorized charges against city contracts.

- (a) Any contract, with the exception of professional services contracts, for \$100,000 or less entered into by the city shall include a provision that shall read substantially as follows:

"This contract does not authorize an expenditure of city funds in excess of \$100,000 without the prior approval of the city council. The contractor agrees and acknowledges that absent such prior approval, it proceeds at its own risk with no guarantee of payment if the amount billed to the city exceeds \$100,000."

- (b) Professional services contracts for \$25,000 or less entered into by the city shall include a provision that shall read substantially as follows:

"This contract does not authorize an expenditure of city funds in excess of \$25,000 without the prior approval of the city council. The contractor agrees and acknowledges that absent such prior approval, it proceeds at its own risk with no guarantee of payment if the amount billed to the city exceeds \$25,000."

- (c) Any contract requiring city council approval shall include a provision that shall read substantially as follows:

"This contract does not authorize an expenditure of city funds in excess of the amount authorized by the city council unless the city council specifically approves an additional expenditure. The contractor agrees and acknowledges that absent such prior approval it proceeds at its own risk with no guarantee of payment if the amount billed to the city exceeds the amount authorized by the city council."

3.22. Joint Purchasing.

The City Manager or designee is authorized to purchase supplies in cooperation with:

- (1) The State of Illinois pursuant to "An Act authorizing certain governmental units to purchase personal property, supplies and services jointly" (30 ILCS 525/1 et seq.) as now or hereafter amended.
- (2) The Federal government pursuant to the Federal Property and Administrative Services Act of 1949, as amended, when authorized by the U.S. General Services Administration in accordance with its rules and regulations.

Article IV. Responsible Bidder Requirements.

4.1. Responsibility of bidders; determination.

Contracts subject to bidding requirements shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, the criteria listed in this Article shall be considered.

4.2. Bid submission requirements.

A bidder for the award of a public works contract estimated to be at least \$25,000 or more must submit the following information and supporting documentation verified under oath on a form designated by the City of Evanston in order for the bid to be accepted:

- (a) A copy of the Illinois Secretary of State's Department of Business Services online records showing that the bidder has a current corporate annual report on file. If the bidder is an individual, sole proprietor, or partnership, this subsection shall not apply;
- (b) Documents showing current registration with the Illinois Department of Revenue if the bidder has employees, including but not limited to a document with the account number or Illinois Business Tax number;
- (c) Documents showing current registration with the Illinois Department of Employment Security if the bidder has employees, including but not limited to a document with the Unemployment Insurance account number;
- (d) Disclosure of any federal, state, or local tax liens or tax delinquencies against the contractor or any officers of the contractor in the last five (5) years;
- (e) A statement that all employees are (i) covered under a current workers' compensation insurance policy and (ii) properly classified under such policy. If the bidder is insured with a carrier, the evidence of workers' compensation insurance shall be a copy of the "Information Page" of the bidder's workers' compensation policy and any continuation of that Information Page which includes the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class code.

- (f) A statement of compliance with all provisions of the Illinois Prevailing Wage Act (820 ILCS 130/1 et seq.) and all rules and regulations therein, for the past five (5) years. Such statement shall also provide that the contractor has reviewed the Prevailing Wage Act or federal Davis-Bacon and Related Acts, has reviewed and agrees to pay the applicable prevailing wage rates attached to the bid specifications, and will strictly comply with the Prevailing Wage Act or federal Davis-Bacon and Related Acts and related requirements. A contractor who has been found by the Illinois Department of Labor to be in violation of the Prevailing Wage Act twice within a three (3) year period shall be deemed not to be a Responsible Bidder for two (2) years from the date of the latest finding.
- (g) A copy of the written program for the prevention of substance abuse to be filed with a public body pursuant to the Substance Abuse Prevention on Public Works Projects Act (820 ILCS 265/1 et seq.). In the event a prospective bidder does not maintain an active substance abuse prevention policy, it can reach out to the Evanston Local Employment Program for assistance.
- (h) A statement that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances.
- (i) Documents showing any professional or trade license required by law or local ordinance for any trade or specialty area in which the contractor is seeking a contract award. Additionally, the contractor must disclose any suspension or revocation of such license held by the company, or of any director, officer, or manager of the company.
- (j) Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeable crafts dedicated exclusively to the transportation of material and equipment to and from the public works project. The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. Additional evidence of participation and graduation requirements may be requested by the City of Evanston at its discretion.
- (k) The bidder shall certify that all employees expected to perform work on the project have completed a 10-hour or greater safety program authorized by the Occupational Health and Safety Administration (OSHA). Only workers that have satisfactorily completed a 10-

hour or greater OSHA safety program will be allowed to participate on the project. The bidder must have copies of employee OSHA cards on file, and the City of Evanston may request the bidder provide copies of employees' OSHA cards; failure to produce an employee's OSHA card may result in a determination that the bidder is not a responsible bidder.

- (l) Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project. Each such subcontractor shall be required to adhere to the requirements set forth herein as though it were bidding directly to the City of Evanston. Each contractor shall submit all subcontractor information and supporting documentation to the City of Evanston prior to the subcontractor commencing work on the project. It shall be the responsibility of the bidder to ensure its subcontractors comply with all of the requirements of this Code, including the timely and complete submittals of all required documentation, and the full compliance with all obligations set forth in this Code and the project specifications. Failure of a successful bidder to submit the required subcontractor information or documentation may constitute a contractual default and/or breach by the bidder and may disqualify a bidder from performing work on future projects.
- (m) The bidder must provide evidence of relevant experience on similar size and scope projects in the past (5) years that indicate the necessary capacity to perform the project and must provide adequate reference(s) verifying the quality of work performed;
- (n) A local bidder must directly perform at least 20% of the services identified in the project solicitation. A bidder that is not a local contractor must directly perform at least 30% of the services identified in the project solicitation. The named bidder submitting the bid must be the entity directly performing the services. Any affiliates and/or subsidiaries shall not contribute to the minimum performance percentage required.
- (o) Statements as to past performance, which shall give an accurate and complete record of all public works projects completed in the past three (3) years by the contractor. Such statements shall include the name of the public body and the project, original contract price, final contract price, the names of all subcontractors used, if applicable, and a statement as to compliance with completion deadlines.
- (p) Any determinations by a court or governmental agency for violations of federal, state, or local laws, including but not limited to serious, willful or repeated violations of the Occupational Safety and Health Act, violations of contracting or antitrust laws, tax or licensing laws, environmental laws, or the Federal Davis-Bacon and Related Acts.

Any material changes to the contractor's status, at any time, must be reported in writing within fourteen (14) calendar days of its occurrence. Failure to comply with this requirement is grounds for the contractor to be deemed a non-responsible bidder.

4.3. Incomplete submissions by bidders and subcontractors.

- (a) It is the sole responsibility of the bidder to comply with all submission requirements at the time it submits its bid to the City of Evanston. Bidder submissions deemed inadequate or incomplete may result in a determination that the bidder is not a responsible bidder.
- (b) The submission requirements also apply to all subcontractors, except that the successful bidder shall submit all subcontractor submissions to the City of Evanston prior to the subcontractor commencing work on the project. Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, the City of Evanston may withhold all payments otherwise due for work performed by a subcontractor, until the subcontractor submits the required information, and the City of Evanston approves such information. Further, where the City of Evanston deems necessary, it may also require that the successful bidder remove the subcontractor from the project and replace it with a responsive and responsible subcontractor.

4.4. Lowest bidder not chosen.

When the award is not recommended to be given to the lowest bidder, a statement of the reason for such recommendation shall be prepared by the City Manager or designee.

4.5. Multiple low bids.

When two or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots at a public meeting of the City of Evanston, unless one bidder is a local contractor and one is a non-local contractor, in which event the local contractor shall be awarded the contract.

4.5. Local preference in contract award.

For purchases of goods or services in excess of \$25,000 and for all contracts let from requests for proposals and requests for qualifications with entirely City funds shall be awarded if: (1) the lowest bidding local vendor is a responsible bidder, (2) the lower responsible bidders are not local vendors, and (3) the lowest bidding local vendor's bid is higher than the nonlocal vendor by no more than 5% in the case of a city local vendor or by no more than 3% in the case of a county local vendor, then that local vendor should be considered the lowest responsible bidder. This provision shall not be applied to a contract if the funding source prohibits it through law, rule, or regulation. For purposes of this section, a "local vendor" is any responsible bidder that demonstrates by written documentation that it meets all of the following criteria:

- (a) The local vendor has established and maintained a physical presence in the city of Evanston, in the case of a city local vendor, or in Cook County outside the city, in the case of a county local vendor, by virtue of the ownership or lease of all or a portion of a commercial building for a period of not less than 12 consecutive months prior to the submission of a bid. The City may waive the one-year requirement if the entity provides evidence of a substantial commitment to Evanston or Cook County. Eligibility as a local vendor will be periodically reviewed and may be revoked at any time if the entity no longer meets the above requirements.
- (b) In determining whether a business has been located in Evanston or Cook County for not less than 12 consecutive months, the City will consider the following:
 - (i) Whether the vendor pays property and/or sales taxes in Evanston;
 - (ii) Whether the business entity's address or the address given on the federal and/or state income tax return is within Evanston; and
 - (iii) The date of issuance of an Evanston business license.
- (c) The local vendor employs a minimum of two full-time employees at the location in the city of Evanston in the case of a city local vendor or in Cook County, Illinois, outside the city, in the case of a county local vendor, and those employees spend the majority of their work time at the location in the city of Evanston, in the case of a city local vendor, or in Cook County outside the city, in the case of a county local vendor.
- (d) The local vendor is legally authorized to conduct business within the State of Illinois and the city of Evanston, in the case of a city local vendor, or in Cook County, outside the city, in the case of a county local vendor.
- (e) The local vendor performs a "commercially useful function."
 - (i) A local vendor performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the local vendor must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a local vendor is performing a commercially useful function, the City will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the credit claimed for its performance of the work and other relevant factors.

- (ii) A local vendor does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of local participation. In determining whether a local vendor is such an extra participant, the City will examine similar transactions, particularly those in which local vendors do not participate.
- (iii) If a local vendor does not perform or exercise responsibility for at least thirty (30) percent of the total cost of its contract with its own work force, or the local vendor subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, then it is not performing a commercially useful function.
- (iv) When a local vendor is presumed not to be performing a commercially useful function as provided in this Section, the local vendor may present evidence to rebut this presumption. The City may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

4.7. Prequalification.

- (a) A vendor or contractor which has previously satisfied all responsible bidding requirements is deemed prequalified for future City of Evanston public works projects. Prequalified vendors or contractors are exempt from the bid submission requirements in Section 4.2 for a period of 12 months. Prequalified vendors or contractors remain subject to all other bid submission requirements under this Procurement Code.
- (b) Prequalified vendors or contractors may reapply for prequalification after the initial 12-month period by submitting a form verified under oath and designated by the City of Evanston.
- (c) A vendor or contractor which does not reapply for prequalification shall have its prequalification status removed after the initial 12-month period has expired. Removed vendors or contractors remain eligible to bid on Evanston public works projects but must submit the documentation required to qualify as a responsible bidder under Section 4.2.
- (d) Denial or loss of prequalification status shall be in writing and shall be provided to the vendor or contractor within 7 business days of the determination. Any vendor or contractor denied or losing prequalification status may request reconsideration of the decision by submitting its request in writing to the City Manager or designee within 5 business days of receipt of notice of denial or loss.

4.8. Contract requirements.

(a) Prevailing wage.

- (i) The City Manager or designee shall include in all public works contracts the affirmative requirement that a bidder comply with the Prevailing Wage Act, as amended (820 ILCS 130/1 et seq.).
- (ii) All contractors and subcontractors on public works projects must submit certified payroll records on a monthly basis to the City Manager or designee pursuant to 820 ILCS 130/5 et seq., as amended.
- (iii) During the performance of or within one week of the conclusion of any public works contract, but in no event more than three times for any one project, the City Manager or designee may, upon written request, require the bidder to provide the City Manager or designee with such documentation as is reasonably necessary to demonstrate the bidder's compliance with the Prevailing Wage Act. The documentation requested by the City Manager or designee may include other information reasonably necessary to show compliance with these sections of the Prevailing Wage Act.
- (iv) If the information provided by the bidder reasonably shows a violation of the Prevailing Wage Act, then the City Manager or designee shall notify the bidder of the possible violation by certified mail. If the bidder does not cure the violation, or provide the City Manager or designee with sufficient information demonstrating compliance with the Prevailing Wage Act within five business days of the bidder's receipt of the City Manager or designee's written notice of possible violation, then the City Manager or designee, after consulting with the office of corporation counsel, shall refer this matter to the Illinois Department of Labor for the purpose of conducting an investigation and hearing to determine whether a violation has occurred.

(b) Employee benefit insurance.

- (i) The City Manager or designee shall include in all public works contracts the affirmative requirement that the bidder purchase and maintain insurance, at the bidder's expense, to cover claims for damage of bodily injury and death to bidder's employees brought under: (1) Illinois Workers' Compensation Law; (2) disability benefits laws; (3) occupational health laws; or (4) other similar employee benefit laws.
- (ii) The City Manager or designee shall require proof of insurance prior to the work beginning on the project.

4.9. Project Labor Agreements.

- (a) The City of Evanston may require the use of a Project Labor Agreement when it approves bid specifications and the letting of a project out for bid. When so specified, the public works construction projects covered under this Procurement Code shall be performed under a Project Labor Agreement in such form as prescribed and adopted by

the City of Evanston. Such agreements shall provide for decent wages and working conditions for qualified and skilled craftsmen and craftswomen so as to achieve professionally and competently completed projects; while maintaining labor peace and harmony in and amongst the various trades organizations.

- (b) Any firm, union affiliated or not, may bid on any City of Evanston project that uses a Project Labor Agreement, provided that the successful bidder becomes party to the Project Labor Agreement for the duration of the project. However, there shall be no obligation or requirement by any successful bidder to become affiliated with any trade union or association, and any such affiliation, or lack thereof, shall not be used, or considered by the City of Evanston in making a determination to award a project to the lowest responsible bidder as defined by this ordinance. In the event that no qualified bidders bid on a project or portion thereof, the City of Evanston reserves the right to request new proposals without including the Project Labor Agreement.
- (c) This Section shall not apply to private construction projects and/or developments in the City of Evanston.

Article V. Minority, Women, Disadvantaged, and Local Businesses

5.1 Policy.

It is the policy of the City of Evanston to promote and encourage the continuing economic development of businesses owned and operated by minorities, women, disadvantaged, or local residents and to ensure that these businesses participate in the city's procurement process as both prime contractors and subcontractors.

5.2 Goals

The City of Evanston establishes the goal of awarding not less than twenty-five percent (25%) of its contract awards to MBE, WBE, DBE and local businesses. The City of Evanston establishes the goal of awarding not less than three percent (3%) utilization of local businesses in its contract awards. The provisions of this Section shall be implemented by the City Manager or designee. The provisions of this Section do not guarantee contract participation.

5.3. Minority, Women, and Disadvantaged-owned businesses.

- (a) A minority-owned business enterprise ("MBE"), women-owned business enterprise ("WBE"), or disadvantage-business enterprise ("DBE") (collectively, "M/W/D/BE") must perform a "commercially useful function."
 - (i) An M/W/D/BE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a

commercially useful function, the M/W/D/BE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an M/W/D/BE is performing a commercially useful function, the City will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the M/W/D/BE credit claimed for its performance of the work and other relevant factors.

- (ii) An M/W/D/BE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of M/W/D/BE participation. In determining whether an M/W/D/BE is such an extra participant, the City will examine similar transactions, particularly those in which M/W/D/BEs do not participate.
 - (iii) If an M/W/D/BE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the M/W/D/BE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, then it is not performing a commercially useful function.
 - (iv) When an M/W/D/BE is presumed not to be performing a commercially useful function as provided in this Section, the M/W/D/BE may present evidence to rebut this presumption. The City may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.
- (b) Businesses that maintain a distribution warehouse or manufacturing operation will receive M/W/D/BE credit of sixty percent (60%). Those that do not maintain a distribution warehouse or manufacturing operation will be considered a broker and receive a five (5) percent credit.
- (c) Eligibility as a M/W/D/BE will be periodically reviewed and may be revoked at any time if the entity no longer meets the above requirements.

5.4. Local Employment Program.

- (a) Work hours and new hire requirements.
 - (i) Unless prohibited by federal, state, or local law, all contractors entering into contracts with the City for public works projects valued at two hundred fifty thousand dollars (\$250,000.00) shall ensure that:

- (1) Fifteen percent (15%) of the total work hours are performed at the construction site by local residents, as laborers and/or trade persons;
 - (2) A minimum of one (1) local resident is hired.
 - (ii) The effectiveness of the local employment program regarding the minimum percentage of work hours and residents hired will be evaluated by the City Manager or designee after two (2) years of implementation.
 - (iii) These requirements shall bind the contractor both with respect to persons working directly for the contractor and to subcontractors, regardless of tier or phase of the project, hired to perform any portion of the contracted work. The contractor shall ensure that subcontractors comply with the requirements of the local employment program. It shall be the responsibility and obligation of the contractor that all contracts are in overall compliance with this subsection and all the requirements listed herein.
 - (iv) Requirements of the local employment program are satisfied if the contractor already employs local residents sufficient to meet fifteen percent (15%) of the project's total work hours. Some or all of these requirements may be waived if a waiver is obtained from the City pursuant to this section.
- (b) Contracts, bid documents, subcontracts. Where appropriate and consistent with law, contracts and bid documents shall incorporate the local employment program by reference and shall provide that the failure of any contractor or subcontractor to comply with any of its requirements shall be deemed a material breach of the contract or subcontract entitling the City to all the remedies and damages available for material breach of a contract. All subcontracts shall expressly acknowledge the City's status as a third party beneficiary to the subcontract and further expressly acknowledge that the City, as a third party beneficiary, shall have the right to enforce the provisions of the local employment program. Contracts and bid documents shall require bidders, contractors and subcontractors to maintain records necessary for monitoring their compliance with the local employment program.
- (c) Automatic review. This subsection shall be reviewed to address any deficiencies on a bi-annual basis by the Minority, Women and Local Business Enterprise Development Committee.
- (d) Waiver.
- (i) The contractor may request that the City Manager or designee waive all or a portion of the requirements imposed under the local employment program. Such requests must be in writing and must be received by the City Manager or

designee prior to the award of any public works project contract. In order to apply for a waiver, the contractor must submit:

(1) Documentation to the City Manager or designee demonstrating that:

- a) The contractor utilized the local resident database to attempt to satisfy the local employment program hiring requirement.
- b) The contractor notified residents of the employment opportunities available for the project. Such notification must have appeared in the employment section of a newspaper of local general circulation. Additionally, the Illinois department of employment security's office located in Evanston, Illinois, must have been notified of the employment opportunities. All notices must have stated that all qualified applicants would receive consideration without regard to race, color, religion, sex or national origin.
- c) The contractor, for a contract utilizing union labor, contacted in writing Chicagoland labor unions to request a resident for employment on the project.

(2) Any additional documents requested by the City Manager or designee in order to evaluate the waiver request.

(e) City Manager.

- (i) The City Manager or designee shall determine, based on the required documentation and conditions cited by the contractor that make compliance unfeasible, whether to grant the waiver prior to the award of the contract. Examples of such conditions include, but are not limited to:
 - (1) Intermittent service by one (1) trade throughout the life of the project.
 - (2) Nonavailability of resident(s) necessary to fulfill craft position(s) required for the project.
- (ii) If circumstances arise subsequent to the issuance of the contract, the results of which the contractor believes will prevent satisfying the local employment program requirements, the contractor will immediately notify the City Manager or designee by requesting in writing a waiver of the percentage that cannot be met. The City Manager or designee shall meet with the applicant as necessary and issue a decision within five (5) business days, including a determination as to any retroactive liability for failure to achieve the goals for work undertaken prior to the application for such a waiver.

(f) Local resident selection.

- (i) It is the contractor's responsibility to meet the requirements of the local employment program. In order to satisfy the work hours and/or new hire requirements of the local employment program, contractors working under a collective bargaining agreement shall contact the appropriate local union hall to request a resident. If a resident is not available for dispatch by that union hall, the contractor shall contact the City Manager or designee or his or her designee to request an available local resident. The City Manager or designee will thereafter provide the name of a resident matching the qualifications defined by the contractor to the local union hall and that resident will be dispatched to the contractor within three (3) business days in accordance with the lawful hiring hall rules of the respective union. Failure of the City Manager or designee to provide an individual shall not relieve the contractor from their responsibility to comply with the local employment program.
- (ii) In order to satisfy the work hours and/or new hire requirement of the local employment program, contractors working in the absence of a collective bargaining agreement shall contact the City Manager or designee to request an available local resident from the local resident database. The City Manager or designee will provide the name of a resident matching the qualifications identified by the contractor within three (3) business days.

(g) Reporting requirements.

- (i) The contractor shall submit reports as required by the City in order to comply with the local employment program. These reports may include weekly certified payroll records for all crafts within five (5) working days of the end of each payroll period. Additionally, the City may require a weekly or monthly summary of the information that would be obtainable from the certified payroll regarding local hire by craft. These reports, if required, must show the person-hours on a laborer and/or trade person basis and, in the case of certified payroll records, identify the address, new hires, and trade and status journeyman or apprentice of all employees on the project. All reports must have an original signature and be signed by an authorized officer of the company under penalty of perjury. The City will make a copy of all required forms available to contractors.
- (ii) Nothing in the local employment program is intended to eliminate the requirement of a contractor to maintain certified payrolls or of the subcontractors to provide certified payrolls to the contractor, or for any contractor to provide certified payrolls to any party that requests them, as required under Illinois state law.

(h) Monitoring.

(i) The City Manager or designee will monitor compliance with the requirements of the local employment program by means including, but not limited to, desk reviews or on site monitoring. Audits of compliance may require the review of documents such as certified payrolls, canceled checks, or quarterly wage and withholding reports. Full scale investigations of noncompliance or violations will be on an as needed basis as determined by the City Manager or designee.

(ii) A contractor that fails to provide requested documents or misrepresents material facts in such documents shall be deemed to be noncompliant with the local employment program.

(i) Post-award meeting. At its discretion, the City Manager or designee may require the contractor to attend a post-award meeting to familiarize the contractor with the local employment program requirements and to identify the individual by position and name if available. If requested by the contractor post-award, or at any time during the project, the City shall hold such a meeting within ten (10) business days.

(j) Penalty.

(i) If the contractor or subcontractor should fail to meet the total percentage of resident project hours for any reason, without having received a waiver as outlined in this section, the City may impose a fine up to one percent (1.0%) of the approved project price in total. Contractors or subcontractors that are out of compliance due to a resident termination or resignation, shall immediately notify the City Manager or designee of this occurrence within two (2) business days. Subsequently, the contractor or subcontractor shall have five (5) additional business days to replace a terminated or resigned worker with another resident. If the contractor or subcontractor fails to make the replacement or to notify the City Manager of this occurrence, the offending party will also be subject to a penalty up to one percent (1.0%) of the approved project price. If the noncompliant contractor makes a good faith effort to replace the resident, the fine may be waived.

(ii) At the sole discretion of the City, a contractor or subcontractor that has violated the terms of the local employment program within a three-year period may be determined a non-responsible bidder and excluded from bidding on future projects for a period of not less than one (1) year.

(iii) At the sole discretion of the City, an employee that has been hired through the LEP may be removed from the program for a period of not less than one (1) year for failing to adhere to program guidelines or due to termination by the contractor

for cause. Such termination process will be reviewed by the City Manager or designee

- (k) Workforce reserve account. The City shall establish a reserve account for the deposit of all penalty funds within the general fund. This account may be utilized for the support of the LEP and other workforce development programs as follows:
 - (i) The MWEBE Committee shall receive a report on the balance of penalty funds as of the end of the fiscal year no later than March 31 after the close of that year.
 - (ii) The MWEBE Committee shall recommend utilization of these funds for placement in the next year's proposed budget in accordance with current LEP and workforce development program goals.
 - (iii) Both program goals and recommended expenditure of funds will be subject to approval by the City Council.

Article VI. Ethics and Conflicts of Interest.

6.1. Pecuniary interest in contracts.

- (a) Except as authorized by law, no city officers shall be interested, directly or indirectly, in their own names or in the name of any other person, association, trust, or corporation, in any contract, work, or business of the city, or in the sale of any article, whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from city funds or by any assessment levied by any statute or ordinance.
- (b) Except as authorized by law, no city officer shall be interested, directly or indirectly, in the purchase of any property which:
 - (i) Belongs to the city;
 - (ii) Is sold for taxes or assessments; or
 - (iii) Is sold by virtue of legal process at the suit of the city.
- (c) Nothing in this section shall prohibit an employee from being interested, directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in an agreement with the city for the development, re-development, rehabilitation, repair, and the like, of property located in Evanston, if such agreement is found by the city council to be in the best interests of the city. However, the city shall be precluded from entering into such agreements with employees involved in the planning, preparation, processing, approval, implementation, or oversight of the subject matter of the agreement. For purposes of this section, the terms "employee" and "employees" shall exclude officers, directors, and members of the corporate authorities.

(d) Any ordinance drafted pursuant to section (c) above must specify the employee's position with the city, the nature of the agreement sought, and indicate in the title that the contractor is a city employee. The ordinance shall be placed on the city council's agenda for consideration.

DRAFT

Award Proposal

To: Minority / Women / Disadvantaged / Evanston Business Enterprise
Development Committee
From: Angela Wilson Pennisi
Kemone Hendricks
Ernest Noy
Date: April 19, 2024

The purpose of the M/W/D/EBE Development is: *To identify and assess the needs of the M/W/D/EBE community on a regular basis, develop a program to address the established needs of the M/W/D/EBE community and the City of Evanston's vision is Creating the Most Livable City in America.*

Establishing two Community Service Awards that highlight the community contributions of M/W/D and Evanston small businesses supports both this vision and the purpose. We want more companies contributing to the livability and vibrancy of Evanston, and highlighting the contributions of M/W/D and Evanston businesses provides an avenue for promoting all nominees, encourages continued contributions to Evanston by these businesses, and allows the nominees and winners to promote their business through this recognition.

Eligibility Criteria:

We recommend two awards, one recognizing an Evanston-owned M/W/D business and another recognizing an Evanston-owned and based business without requiring M/W/D ownership.

Eligibility requirements would include consideration of Small Business Administration eligibility requirements:

-
- The business must be in operation and operate for profit
 - The business must not exceed the SBA definition of “small”, referencing the [North American Industry Classification System guidelines](#) related to sales and number of employees
 - The business must not be a type of [ineligible business](#)

Additionally, the business must be registered by the City of Evanston and must complete the MWDEBE survey as part of the verification process to support the MWDEBE Committee in compiling information about the needs of MWDEBE businesses.

Promoting the Award:

We recommend collaborating with the business districts, Special Service Area organizations, and [Enjoy Evanston](#) to promote the award. Once eligibility of the nominees has been confirmed, a selection committee would determine the winning businesses. The awards could be presented during the Chamber of Commerce’s Evanston MashUp or the Evanston Mayor’s State of the City Luncheon.

We anticipate funding the award and its promotion with the already awarded National League of Cities grant and/or the Local Employment Project (LEP) Penalty Fund. The MWDEBE Committee will also seek in-kind service donations for both promotional videos highlighting the nominees, as well as a valuable business promotion and marketing consulting package to be provided to the final award recipients.

Next Steps:

The MWDEBE Committee plans to issue a request for proposals to:

- Finalize the award name and service eligibility criteria
 - Ideas include Evanston Business Community Service or Impact Award, with the second award including the Minority/Women/Disadvantaged distinction, with the concept that “What is good for Evanston is good for business”
 - Could include additional criteria or considerations for selecting the recipient, such as:

-
- The degree to which the service or action has made a lasting or meaningful contribution to the community
 - The service should be non-remunerated or compensated
 - Length and degree of service
 - The extent to which the service is above and beyond their core business
 - The extent to which the community values the contribution
- Include a campaign strategy for publicizing the award
 - Collect the nominations and vetting nominees for meeting the award criteria
 - Propose the makeup of the award selection committee



Memorandum

To: Councilmember Bobbie Burns, MWDEBE Chair
MWDEBE Development Committee

From: Tammi Nunez, Purchasing Manager

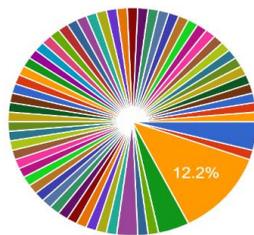
Subject: City of Evanston M/W/D/EBE Evanston Business Survey

Date: July 17, 2024

The City of Evanston M/W/D/EBE Evanston Business Survey link was live on the City of Evanston website and sent to Economic Development Evanston Business Owners and various city lists on April 17, 2024, via email. We had a total of 74 Business Owners respond to the survey. The survey results are as follows:

1. What stage of business are you in? 74 responses
 - 2% Seed & Development
 - 8% Startup
 - 41% Growth & Establishment
 - 19% Expansion
 - 31% Maturity

2. What types of services are offered by your firm?
74 responses



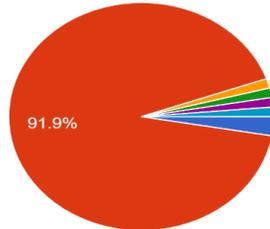
- Architecture, Engineering & Land Surv...
- Construction & Maintenance
- Consulting
- Equipment, Materials, Supplies
- Equipment Rental or Leasing
- Furniture and Office Supplies
- Machinery, Electrical and Electronic E...
- Office and Building Leasing

▲ 1/9 ▼

12.2%		Consulting
4.1%		Equipment, Material, Supplies
4.1%		Architecture, Engineering & Land Survey
2.7%		Retail
1.4%		Construction & Maintenance

3. Is your firm currently performing any contracts in Evanston or for the City of Evanston?

74 responses



- Yes (please include estimated contract value below in "Other" Field)
- No
- We are currently doing very little with the city, but we are maintaining the libraries website
- 2,500,000.00
- 250,000
- Approx. \$10,000 (two large & some smaller local projects)

4. Is your firm certified as a DBE, MBE, or WBE? 73 responses

16% Yes 84% No

5. If your firm is certified as an MBE or WBE, please check the boxes that apply to your work in connection with local contracts. 55 responses

80% non-Applicable
9% We directly bid or compete for work.

6. Is your firm interested in being certified as a DBE, MBE, or WBE? 71 responses

52% Yes 48% No

7. Of which city services or business support are you currently aware? 37 responses

43% Storefront Modernization
16% Entrepreneurship Support Grant
5% Lending for Evanston and Northwestern Development (LEND)
35% Small Business Recovery Program

8. What city services or business support have you taken advantage of in the past? 14 responses

21% Storefront Modernization
29% Entrepreneurship Support Grant
14% Lending for Evanston and Northwestern Development (LEND)
36% Small Business Recovery Program

9. Which city services or business support would you like more information about? 42 responses

33% Great Merchant Grant
10% Storefront Modernization
26% Entrepreneurship Support Grant
12% Lending for Evanston and Northwestern Development (LEND)
19% Small Business Recovery Program

10. What is the biggest challenge for the growth of your business at this time (Please circle all letters that apply)?

70 responses



19%		Limited network for building business relationships
17%		Access to capital or funds for operational costs
17%		Inflation of other business costs, including costs of borrowing
11%		Inflation of wages
9%		Lack of qualified applicants for hiring or turnover

11. In what areas are you least confident in running your business (Please circle all letters that apply)? 65 responses

- 10% Understanding contracts, leases, liability, and insurance
- 19% Accounting and bookkeeping
- 9% Human resources management
- 14% Technology
- 31% Marketing
- 2% All other categories were less than

City of Evanston M/W/D/EBE Evanston Business Survey

12. What can anchor institutions and agencies do to collaborate with banks and alternative lenders, such as CDFIs and mission-based lenders, to support contracting by providing better access to capital?	13. How significant are bonding and insurance requirements as they relate to being financial obstacles for your businesses? What has your organization done to circumvent this requirement, if applicable?	14. What are the topics you are most interested in?	15. As a business owner, what is an immediate action you think can take that will increase your success in contracting?
32 Responses	44 Responses	38 Responses	44 Responses
Unsure; cannot say; None; I have no ideas on this; This question doesn't make sense to me.; I'm not sure what this means.	N/A; cannot say; None; I don't know; Not sure...	Unsure; In regards to what?; N/A; Cannot say; Any you have to offer	N/A/ Not interested in this. Unsure/
Help small businesses flesh out business plans and growth strategies.	N/A (I am a sole proprietor and no employees) I pay for Liability Insurance required by the state at rate of \$265. per year.	Contracts with Evanston and the State	Staffing; I'm a very busy sole proprietor that needs to add staff for growth.; Hiring quality personnel
Secure lower interest rates; Low interests SBA loans; Grant development; City	These are not obstacles; Not an obstacle	New developments and city projects requiring architectural or interior design services	Lower property taxes so we can compete with china; Eliminate the very high contract amount; lower businesses costs and eliminate red tape; Capital
Language access so we can share	The Cost of insurance;We have insurance; Liability insurance cost has increased substantially (69% increase this year).; We've been able to secure the insurance we need.	Collaborations; How to use social media.; How to connect with interested clients	Making it easier for shoppers by not giving somnys parking tickets. We loose many customers because of the parking regulations; Parking
lend capital earlier, with less personal guarantees, match grants with equity	Our trade association provides some of this for us.	How the city can help us sell food to events where they are a purchaser.	ED: We need to attract more potential buyers/renters to our space.
would not need if you would lower property taxes, what do we get for our taxes????	We have not circumvented it	How to become a WBE and how to work with the city as a contractor; aid in becoming MBE certified and help in securing and managing larger contracts.	We need more inquiries.; identify an information source to stay informed
Expand who qualifies for their services.	They are expensive but not yet obstacles.	Marketing and funding for startups.; grants, marketing and sales; Marketing and building a network of small businesses that are similar to my own.; Business development; Employee retention & Technology	How to Do Business with COE: More opportunities to work with the city. I think Local Business Entity should be just if not more valuable than some of the other classification entities.; Identifying and connecting with decision makers
Intuit, us bank	significant	How to access and qualify for municipal photography contracts.	To be honest, I haven't done anything because I didn't think there were any. Contracts we would qualify for. So I need to take a minute a loom into this.
I am not sure I understand not am I qualified to answer that question. Not my scope of practice. I have zero	Not significant. I have high professional costs; Not a problem; Not significant; insignificant	Would love to get local press interested on helping promote local businesses and using them as subject experts	As a business owner focused on operational optimization for nonprofits and cooperatives, an immediate action I can take to increase my success in contracting is to enhance my networking efforts with local nonprofits and community-based organizations. By actively participating in community events and workshops, and engaging more with local business groups, I can build stronger relationships that may lead to more contracting opportunities. This approach not only expands my professional network but also aligns with my mission of empowering community-focused organizations through improved operational strategies.
Provide workshops where we can receive assistance to apply for capital.	We can obtain the insurance we need to operate.	Signage and wayfinding consulting and design; I'd love to know how to make my office handicap accessible and if any grants are available	Business Networking; Start promoting my capabilities and market my skill.; More outreach to potential customers; Networking; Advertising; Do more sales calls; Build awareness of my business and website; jackweissassociates.com; I could use an updated web site.; step up networking, update marketing materials; Getting the word out across my network that I am open for business.; Joining one of the many business networking clubs (rotary, chamber of commerce, etc)
I wish I knew. Kicking-off my business this year has led to some unforeseen capital costs that could be offset with a small entrepreneurship loan. The obstacle at present is not having an income stream to serve as collateral.	Not an issue for my business as currently structured (B2B); We do not have this issue; They present no real barrier.	How to get Evanston to GROW Up and quit funding illegal immigrants through sanctuary city designation. We are being property taxed out of Evanston. I am on board with supporting our poor and unhoused. I am NOT on board with funding the housing and education of the world's poor. We are going to have to leave due to the majority "progressive" wing in Evanston.	Getting rid of the city's policy of lowest bid. We produce in Evanston and employ Evanston residents. We lose bids to companies they produce out of the city at a lower cost and therefor can undercut us. Evanston sends its dollars out of the city instead of supporting businesses that produce here in Evanston.
Engage in development through specific projects.	bonding should be eliminated from MBE, DBE, and WBE companies	Understanding the hiring process and correctly classifying employees vs ICs, technology use in my area of business	Smaller scale projects opportunities, a place where small business can find subcontracting opportunities if you are Evanston based, assistance with bids and marketing assistance. Workshops, centralized bidding for small contractors, creating a compliance process for us to be work ready with the City and its large contractors would be great. Many of us have the skills and documentation to work but projects are very large scale an unattainable for small businesses.
N/A - self funded; I have never borrowed money for my business	Workman's comp has really increased!	Access to capital and securing business with the City; Small business lending/support. City/county/state service contract opportunities.; Starting and running a business	

12. What can anchor institutions and agencies do to collaborate with banks and alternative lenders, such as CDFIs and mission-based lenders, to support contracting by providing better access to capital?	13. How significant are bonding and insurance requirements as they relate to being financial obstacles for your businesses? What has your organization done to circumvent this requirement, if applicable?	14. What are the topics you are most interested in?	15. As a business owner, what is an immediate action you think can take that will increase your success in contracting?
I have no idea; I don't know enough to answer this.; I don't know	None, we have had insurance since we started. It's a hard cost but necessary to doing business in my line of work.	Justice, Equity, Inclusivity, and Diversity issues, anything related to sustainable business and doing good business, and culture/community engagement innovation programs; Our client base is aging out, how do we get younger clients to know us	
Hold them accountable. CDFI's and CDI's are mandated by the government to lend to social and economically disadvantaged communities but they are not at the levels we need them to. How many lending products are going to truly BIPOC, veteran, women-owned businesses across these institutions? We know they aren't because of a myriad of systemically racist systems, but the organizations aren't moving to remedy this balance. Evanston can be a solution to this challenge by partnering with experts in the business community that are training these institutions to be more inclusive to meet their business goals to lend more. TOBY Agency is also a small disadvantaged business that has to jump through several hoops to get a business loan or line of credit, government contracts, or grants to operate my business. Never mind, I've served my country for over 20 years I still am required to go through 1000 certifications, trainings, to say I actually qualify for the disadvantage programs because of who I am and who my company supports. If other community organizations or lending to businesses without the many hurdles that the large ones aren't why aren't we raising voices to get those government resources removed from institutions that aren't being accountable and into the hands of those that want to do the right thing.	I haven't run into this issue yet, I'm sure it will be a constraint financially because it's a required out of pocket business expense for an entrepreneur that's more than likely fully self funding their company. If it's a requirement to even submit a proposal to an RFP or RFA then it will more than likely affect minorities from applying. Where would they get the budget expense to cover this required cost. As a person that spent 10 years working in federal government contracting for the US Department of State, I know the 100's of requirements we put into the listings to deter certain businesses from even applying (i.e. \$1m annual revenue, etc). That's the systemic racist structures I'm referring to. I've dedicated my company to being a solution to these systems. I am a part of a national corporate business coalition made up of CEO's from more than 3200 companies that have pledged DEI in their companies and working together to end systemic racism in business.	1. Digital Marketing Trends for Small Businesses: Covering the latest tools and strategies in digital marketing, including social media, content marketing, and SEO, to help small businesses enhance their online presence. 2. Effective Cash Flow Management: Essential tips and tools for managing cash flow, including budgeting, forecasting, and cash management strategies to keep businesses financially healthy. 3. Customer Relationship Management: Best practices for using CRM systems to improve customer relationships, increase customer retention, and drive sales growth. 4. E-commerce Optimization: Strategies for maximizing e-commerce platforms to increase sales, including website optimization, customer experience enhancements, and conversion rate optimization. 5. Remote Work and Team Management: Tips for managing remote teams effectively, including tools for collaboration, maintaining productivity, and building a remote work culture. 6. Cybersecurity for Small Businesses: Essential cybersecurity practices to protect sensitive business and customer data from cyber threats. 7. Local SEO and Community Engagement: Strategies for improving local SEO and engaging with community networks to drive local business and build brand loyalty.	
To address the challenge of accessing capital without relying solely on traditional loans, anchor institutions and agencies could foster partnerships that directly enhance deal flow for small businesses like mine. One creative approach could involve these institutions setting up a business matching system where small businesses are paired with larger companies or government agencies that require their services. This system would not only provide direct business opportunities but also help in building a reliable client base. Additionally, these anchor institutions could facilitate the creation of a cooperative fund. This fund would be managed by a consortium of small businesses, allowing members like myself to invest collectively and draw upon these resources when needed to cover operational costs or invest in growth opportunities. This reduces dependency on external funding sources and enhances our collective bargaining power and sustainability. Another innovative solution could be the development of micro-grant programs that target specific needs of small businesses undergoing pivots, such as mine. Grants could be awarded based on the potential impact or innovation level of the business model, helping to fuel growth without the burden of repayment. Moreover, anchor institutions could advocate for and support the implementation of legislation that incentivizes larger businesses to contract with local small businesses, thereby directly boosting deal flow. These policies could include tax breaks or subsidies for companies that demonstrate a consistent commitment to engaging with small businesses in their operational ecosystem. Implementing these initiatives would provide businesses like mine with the vital support needed to thrive without becoming dependent on traditional loan structures, aligning with my goal to bootstrap through enhanced deal flow and strategic partnerships.		How to bid on city projects, can the city scale down projects to give small businesses opportunities to bid on work or ensuring large contractors reach out to us or let us know how to subcontract from them. Emails like these from contractors who are looking for subs would be great. I personally and looking for work opportunities more than anything.	
		We have a vacant property at 2822 Central that we've been trying to sell or lease for over two years. The taxes continue to scare away prospective buyers/renters, as well as difficulty accessing capital.; Lower my property taxes.	

2024 MWDEBE Goal Compliant													
Dept.	Date	RFP/Bid #	Project Title	Total Project Amount	% MWEBE	Name of MWEBE	M BE	W BE	E BE	D BE	Subcontract Amount	MBE Group	
PWA	2/12/2024	BID 23-55	Ecology Center Renovation	\$2,318,999		Bodala, LLC, DBA Central Rug and Carpet (LEP Eligible)							
					6.2%	Central Rug and Carpet			X		\$ 142,743.00		
					5.6%	JH Plumbing Solutions, Inc	X				\$ 129,000.00	Hispanic or Latino (C)	
					12.5%	Windy City Heating & Cooling, Inc	X				\$ 289,500.00	Hispanic or Latino (C)	
PWA	2/12/2024	RFP 23-38	Solar Power Purchase Agreement @Robert Crown Community Ctr.	N/A		Verde Solutions LLC							
					25.0%	BA Lighting LLC dba BA Solutions		X			N/A		
February Total				\$2,318,999.00							\$ 561,243.00		
Total to Date				\$2,318,999.00	24%		2	1	1	0	\$ 561,243.00		
PWA	3/11/2024	RFP 23-53	Pavement Condition Evaluation Project	\$82,592.00		Infrastructure Management Services, LLC							
					3.6%	Barricade Lites Inc.	X				\$3,000.00	Black or African American (C)	
PWA	3/11/2024	BID 23-56	St. Light Improvement Proj.	\$483,271.00		Utility Dynamics Corporation (LEP Eligible)							
					25%	Everlights Inc.				X	\$121,000.00		
PWA	3/25/2024	RFP 23-54	Towing Services	TBD		North Shore Towing							
								X			N/A		
March Total				\$565,863.00							\$124,000.00		
Total to Date				\$2,884,862.00	24%		3	1	2	1	\$ 685,243.00		
PWA	4/29/2024	No Proj #	2024 Capital Improvements Proj's. Construction Engr.	\$343,049.00		Terra Engineering Ltd., (LEP Eligible)							
					25%	Terra Engineering Ltd.,		X			\$343,049.00		
PWA	4/29/2024	Bid 24-05	2024 Water Main Improvements Project	\$4,578,387.00		Joel Kennedy Constructing Corp., (LEP Eligible)							
					2.18%	Orient Express Service, Co.	X				\$100,000.00	Asian (C)	
					2.18%	Menini Trucking, Inc		X			\$100,000.00		
					0.98%	J.A.C.K. Contractor Services		X			\$43,928.00		
					0.25%	Chicago Cut Concrete Cutting, Inc.		X			\$11,250.00		
					2.18%	Ozinga			X		\$100,000.00		
					1.23%	Nels Johnson - SavATree			X		\$56,542.00		
PWA	4/29/2024	No Proj #	2024 Roofing and Envelope Repairs	\$595,316.00		Garland/DBS, Inc. (LEP Eligible- partial waiver approved)							
					6%	Futurity 19		X			\$37,475.00		
					29%	Kedmout Waterproofing		X			\$171,600.00		
PWA	4/29/2024	Bid 24-06	Independence & Larimer Park Renov.	\$3,384,000.00		All-Bry Construction Company							
					32%	CPMH Construction	X				\$1,084,000	Black or African American (C)	
ED	4/29/2024	RFP 24-02	2024 Great Merchant Grants Prog. & Business District Landscaping	\$74,679.00		Herrera Landscape & Snow Removal							
					25%	Herrera Landscape & Snow Removal			X		\$ 74,679.00		
ED	4/29/2024	RFP 24-09	2024-2025 Business District Maint. Proj.	\$380,000.00		BrightView Landscapes, LLC (Not LEP-eligible)							
					41.45%	Maza Construction Corporation	X				\$157,500.00	Hispanic or Latino (C)	
April Total				\$9,355,431.00							\$2,280,023.00		
Total to Date				\$12,240,293.00	24%		6	6	5	1	\$ 2,965,266.00		
PWA	5/13/2024	Bid 24-11	2024 Rebuild IL/MFT St. Resurfacing Project	\$2,711,904.14		J.A. Johnson Paving Company (Not LEP-eligible)							
					12.6%	Galaxy Underground, Inc.		X			\$341,976.00		
PWA	5/13/2024	No Proj #	MFT Street Resurfacing Construction Eng.	\$100,190.00		Christopher B. Burke Engineering							
					25%	Christopher B. Burke Engineering			X		\$100,190.00		
May Total				\$2,812,094.14							\$442,166.00		
Total to Date				\$15,052,387.14	23%		6	7	6	1	\$ 3,407,432.00		
CD	6/10/2024	RFP 24-10	Inspection and Plan Review Services	\$50,000.00		SAFEbuilt Illinois, LLC							
					25%	EC Purdy & Assoc.	X				\$12,500.00	Black or African American (C)	
PWA	6/10/2024	Bid 24-26	Sidewalk & St. Light Improvement Project	\$1,181,221.75		Alliance Contractors, Inc.,							
					1.4%	Work Zone Safety	X				\$15,868.00	Caucasian	

2024 MWDEBE Goal Compliant												
Dept.	Date	RFP/Bid #	Project Title	Total Project Amount	% MWEBE	Name of MWEBE	M BE	W BE	E BE	D BE	Subcontract Amount	MBE Group
					0.7%	Precision Pavement Markings	X				\$8,029.75	Black or African American (C)
					7.1%	Rico Enterprises, Inc.		X			\$83,200.00	
ED	6/10/2024	RFP 24-19	Downtown EV Civic Plaza Plan, Engagement, Design, & Implementation	\$98,765.00		Living Habitats, LLC,						
					25%	Living Habitats, LLC,		X			\$98,765.00	
PWA	6/24/2024	BID 24-21	2024 Rebuild IL/MFT St. Resurfacing Project	\$2,711,904.14		J.A. Johnson Paving Company						
					12.6%	Galaxy Underground, Inc		X			\$341,976.00	
June Total				\$4,041,890.89							\$560,338.75	
Total to Date				\$19,094,278.03	21%		9	10	6	1	\$ 3,967,770.75	
PWA	7/22/2024	BID 24-18	Evanston Dog Beach Access Project	\$693,577.00		John Keno & Company, Inc						
					6.0%	Paul Herrera Construction Co	X				\$42,000.00	
PWA	7/22/2024	RFP 24-15	Environmental Equity Investigation	\$149,500.00		MKSK, Inc.						
					26%	Added Dimension		X			\$38,500.00	
July Total				\$843,077.00							\$80,500.00	
Total to Date				\$19,937,355.03	20%		10	11	6	1	\$ 4,048,270.75	
PWA	8/26/2024	BID 24-20	Renovations at Bent Park Field House	\$624,980.00		Ampol Group International Inc.						
					5%	Shirrena G. Houston LLC DBA SGH General Contractor LLC	X	X			\$31,249.00	
					5%	Millers Heating & Cooling Consultants, Inc.	X				\$31,249.00	
					15%	Dependable Building Services				X	\$93,747.00	
					3%	Anderson Lock Company		X			\$19,229.00	
					1%	Avid Consulting, Inc.			X		\$4,500.00	
PWA	8/26/2024	No Proj #	2025 Annual Projects Survey, Design, & Const. Eng. Svcs.	\$297,600.00		TERRA Engineering, Ltd.						
					25%	Terra Engineering Ltd		X			\$297,600.00	
CMO	8/26/2024	No Proj #	Eng. Landscape Architectural Design Svcs. South Fountain Sq. Plaza	\$65,046.00		Teska Associates						
					25%	Teska Associates			X		\$65,046.00	
August Total				\$987,626.00							\$542,620.00	
Total to Date				\$20,924,981.03	22%		12	14	8	2	\$4,510,390.75	
PWA	9/9/2024	BID 24-30	Lead Svcs. Line Private Side Replace Pilot Proj.	\$1,342,130.00		Bolder Contractors, Inc. (DCEO Funding_Not LEP Eligible)						
					9%	JG Demo, Inc.	X				\$88,375.00	
					4.7%	Arteaga Landscapes & Erosion Control, LLC	X				\$46,850.00	
					0.5%	Smith Maintenance Co	X				\$5,000.00	
					4%	Sonican Trucking, Inc.	X				\$40,000.00	
					8%	Sheridan Plumbing & Sewer, Inc.		X			\$80,000.00	
					2%	Menini Trucking Inc.		X			\$20,000.00	
PWA	9/23/2024	BID 24-33	2024 Small Diameter Sewer Cleaning	\$143,933.20		Pipe View LLC dba Pipe View America						
					25%	Argo Construction LLC				X	\$36,072.00	
September Total				\$1,486,063.20							\$316,297.00	
Total to Date				\$22,411,044.23	22%		16	16	8	3	\$4,826,687.75	
CMO	10/14/2024	RFP 24-07	Adaptive Use & Rehabilitation of 2603 Sheridan Rd, Harley Clarke Mansion & Grounds	\$29,293,010.00		Celadon Construction Corporation NFP						
					29%	Blackwood Group, LLC	X				\$8,502,975.00	
					0.20%	Ramsey Historic Consultants, Inc		X			\$55,000.00	
					0.80%	Assemble Design Workshop PLLC		X			\$247,050.00	
					0.10%	Engage Civil Inc.	X				\$25,300.00	
					0.20%	Shah Ragan Arjona PLLC DBA	X				\$60,000.00	
					0.30%	Revive Architecture LLC			X		\$72,145.00	
PWA	10/28/2024	RFP 24-27	Wtr. Utility Perimeter Fence Security Eng. Design Svcs	\$437,896.00		T.Y. Lin International Great Lakes, Inc. (Not LEP Eligible)						

2024 MWDEBE Goal Compliant												
Dept.	Date	RFP/Bid #	Project Title	Total Project Amount	% MWEBE	Name of MWEBE	M BE	W BE	E BE	D BE	Subcontract Amount	MBE Group
					21.4%	Rubinos & Mesia Engineers, Inc.,	X				\$93,760.00	
					11.3%	GSG Consultants, Inc.	X				\$49,500.00	
PWA	10/28/2024	No Proj #	2025 Motor Fuel Tax (MFT) Funded Street Resurfacing Project	\$278,800.00		Terra Engineering Ltd., (MFT Funding_Not LEP Eligible)						
					25%	Terra Engineering Ltd.,		X			\$278,800.00	
CMO	10/28/2024	RFP 24-29	Lighting Design & Installation Under CTA & Metra Bridges	\$246,240.00		Leni Schwendinger Light Projects						
					25%	Leni Schwendinger Light Projects		X			\$246,240.00	
October Total				\$30,255,946.00							\$9,630,770.00	
Total to Date				\$52,666,990.23	27%		21	20	9	3	\$14,457,457.75	
PWA	11/11/2024	BID 24-34	West Filter Plant Dehumidification System	\$247,786.00		Air Comfort LLC						
					2%	RD's HVAC	X				\$5,000.00	
PWA	11/25/2024	No Proj #	Fire Station 5 Metal Panel Replacement	\$418,260.00		Garland/DBS, Inc.						
					5.6%	Bodala DBA Central Rug & Carpet			X		\$23,200.00	
November Total				\$666,046.00							\$28,200.00	
Total to Date				\$53,333,036.23	27.0%		22	20	10	3	\$14,485,657.75	
PRCS	12/9/2024	RFP 24-50	Soccer Recreational Programming & Camp	\$35,000.00	25%	Evanston Soccer Association						
						Evanston Soccer Association			X		\$35,000.00	
PRCS	12/9/2024	RFP 24-51	Chess Recreational Programming,	\$36,000.00		Fambro Management, LLC dba Chess Scholars						
					25%	Fambro Management, LLC dba Chess Scholars	X				\$36,000.00	
PRCS	12/9/2024	RFP 24-52	Pickleball Programming	\$38,500.00		City Courts Management						
					51%	Toss & Spin, LLC	X				\$19,635.00	
December Total				\$109,500.00							\$90,635.00	
Total to Date				\$53,442,536.23	27%		24	20	11	3	\$14,576,292.75	

2024 MWDEBE Goal Waived							
Dept.	Date	RFP/Bid #	Base Bid Amount	Project Title	Company	Reason Waived	Comments:
PWA	2/12/2024	BID 23-58	\$1,577,362.00	Service Center North Fuel Island Replacement Project	Stenstrom Petroleum Services Group (Rockford, IL)	Self-perform work: Precludes Subcontracting Opportunities	Work is highly technical and specialized work in nature and recognized the limited number of potential qualified vendors.
PWA	2/26/2024	BID 24-04	\$571,431.25	2024 CIPP Sewer Rehabilitation – Contract A	National Power Rodding Corp., (Chicago, IL)	Self-perform work: Highly skilled & specialized work (CIPP lining is relatively specialized work. As a 'trenchless technology', work is done to minimize or eliminate disturbance at ground level.)	CIPP sewer lining process occurs through existing manholes, where a new pipe is essentially installed within the old existing pipe. The process for smaller diameter sewers (<36") typically takes less than a day, and requires no excavation.
PWA	3/11/2024	RFP 23-59	\$38,744.00	Ice Refrig Maint. Svcs. Robert Crown Community Center	PremiStar LLC, (Wood Dale, IL)	Self-perform the work; They will utilize their technicians to perform the services requested.	Although PremiStar LLC., will attempt to use Boiler Source, HILLCO and RHL Insulation, WBE certified supply vendors for common materials, supplies, parts, etc.
PWA	3/25/2024	BID 23-14	\$69,189.25	2024 Summer Bus Transportation	Compass Transportation, (Chicago, IL)	Commodity Purchase	Commodity Purchase
PWA	3/25/2024	BID 24-01	\$115,000.00	Dredging of the Church Street Boat Harbor	Kovilic Construction Co., Inc. (Franklin Park, IL)	Self-performing the work	The process of dredging in an environment such as Lake Michigan requires the knowledge and experience of operating an excavator in water of varying depths and currents
PWA	4/29/2024	BID 24-03	\$542,680.00	Service Center Building D - 2024 Parking Garage Restoration	Monson Nicholas Inc., (Villa Park, IL)	Self-performing the work	Monson Nicholas Inc., specializes in the type of work being performed and does not subcontract the labor for this type of work. They will self-perform all work. The waiver request and explanation were reviewed and approved to be valid by the Project Manager.
PWA	5/13/2024	RFP 24-14	\$188,105.00	Robert Crown HVAC Maintenance	Great Lakes Plumbing & Heating Co. (Westmont, IL)	Self-performing the work	The contractor must be the original equipt. manufacturer/authorized vendor of the OEM RCCC's HVAC system equipt./use factory-trained technicians/must maintain an independent license for Schneider Electric's EcoStructure system for equipt. monitoring.
PWA	5/13/2024	RFP 24-16	\$73,950.00	30" Filter Backwash Valves with Hydraulic Actuators	Independent Mechanical Industries (Elk Grove Village, IL)	Self-performing the work	The pipefitter is the sole trade on the project. The valves have been purchased and supplied by the City.
PWA	5/13/2024	BID 24-16	\$375,201.59	FY 2024, 2025, and 2026 Distribution System Materials	Water Products Company (Aurora, IL)	Commodity Purchase	Commodity Purchase
CD	6/10/2024	RFP 24-10	\$90,000.00	Inspection and Plan Review Services	B&F Construction Code Svcs, Inc. (Elgin, IL)	Self-performing the work	To maintain the framework of their company's standards and minimize risk B & F Construction Code Services
PWA	7/8/2024	No Proj #	\$93,300.00	Water Service Installation to 2527 Oakton Street	Joel Kennedy Constructing Corp., (Chicago, IL)	Funding - Precludes Subcontracting Opportunities	Funding is provided from the American Rescue Plan Act Fund (RFQ 22-45) for Private Side Lead Service Line Replacements.
CMO	7/22/2024	RFP 24-25	\$40,000.00	Callan Plaza Planning Services	MKSK, Inc., (Chicago, IL)	Funding - Precludes Subcontracting Opportunities	Funding is provided from the American Rescue Plan Act Fund

2024 MWDEBE Goal Waived							
Dept.	Date	RFP/Bid #	Base Bid Amount	Project Title	Company	Reason Waived	Comments:
PRCS	12/9/2024	RFP 24-41	\$39,000.00	Fitness Instruction	Marla Lampert (Lincolnwood, IL)	Precludes subcontracting opportunities	Primary contractor is women owned/ not certified. Staff is projecting \$65,000 in revenues and approximately \$39,000 in expenses for 2025.
PRCS	12/9/2024	RFP 24-40	\$77,000.00	Martial Arts Instruction	Connelly Academy, (Wilmette, IL)	Precludes subcontracting opportunities	The PRCS program precludes subcontracting opportunities and Connelly Academy will self-perform all work with assistance of senior student volunteers.
PRCS	12/9/2024	RFP 24-48	\$122,500.00	Tennis Recreational Programming and Camp	Sports for Life, (Highland Pk, IL)	Precludes subcontracting opportunities	I believe that Evanston's programming is growing, so I am extremely open to some kind of partnership. I've been in contact with M/W/D/EBE and trying to build a partnership,
PRCS	12/9/2024	RFP 24-47	\$70,000.00	Volleyball Instruction & Camp	EVP Academies, LLC, (Michigan City, IN)	Precludes subcontracting opportunities	Due to specialized training and will self-perform all work. current market does not have enough qualified instructors to perform the many tasks in the elements that exist outdoors.
PRCS	12/9/2024	RFP 24-53	\$26,000.00	Referee and Umpire Services	Official Finders, LLC., (St. Charles, IL)	Precludes subcontracting opportunities	Due to specialized training
PRCS	12/9/2024	RFP 24-58	\$32,795.00	Youth and Adult Outdoor Adventure Programming	The Bus for Outdoor Access & Teaching (Milwaukee, WI)	Precludes subcontracting opportunities	BOAT is a non-profit organization and holds no certification
PRCS	12/9/2024	RFP 24-54	\$32,000.00	General Sports Recreational Programming	North Shore Kids Sports LLC, dba i9 Sports (Chicago, IL)	Precludes subcontracting opportunities	Due to their limited ability to partner with external firms considering the proprietary nature of their sports programs, content, and child privacy policies
PRCS	12/9/2024	RFP 24-52	\$42,000.00	Ultimate Frisbee Instruction	Chicago Union (Chicago, IL)	Precludes subcontracting opportunities	Chicago Union is a non-certified small business and stated, "As we grow and new opportunities to subcontract become possible, we are committed to engaging M/W/D/EBEs and look forward to supporting these businesses."
PWA	12/9/2024	RFP 24-35	\$50,000.00	Hydraulic Modeling Services	Carollo Engineers, Inc., (Chicago, IL)	Self-perform Work	Because of the specialized nature of the hydraulic modeling work and the limited annual budget
ADM	12/9/2024	BID 24-44	\$28,487.50	Rental & Service Portable Toilets & Handwashing Stations Various City Events & Locations	LRS Portables, LLC, (Rosemont, IL)	Commodity Purchase	Commodity Purchase
PWA	12/9/2024	BID 24-24	\$150,000.00	Street Light LED Fixtures	Graybar Electric, (Itasca, IL)	Commodity Purchase	Commodity Purchase



Memorandum

To: Members of the M/W/D/EBE Development Committee

From: Tammi Nunez, Purchasing Manager

Subject: Approval of the 2025 Meeting Schedule

Date: December 18, 2024

Recommended Action:

Staff recommends approval of the M/W/D/EBE Development Committee's proposed 2025 meeting schedule.

Summary:

The M/W/D/EBE Development Committee meeting is held in person every month on the third Wednesday at the Lorraine H. Morton Civic Center, 2100 Ridge Ave., Evanston, IL 60201, Room 2402. The meeting's start time is 6:00 p.m. Due to the city's move to 909 Davis, the location of BCC's meetings will change after March 31, 2025, and will be communicated later.

2025 M/W/D/EBE Committee Meeting Schedule
Wednesday, January 15, 2025
Wednesday, February 19, 2025
Wednesday, March 19, 2025
Wednesday, April 16, 2025 (*)
Wednesday, May 21, 2025
Wednesday, June 18, 2025
Wednesday, July 16, 2025
Wednesday, September 17, 2025
Wednesday, October 15, 2025 (*)
Wednesday, December 17, 2025
Months No Meeting Scheduled: August and November

(*) Date conflicts with the observance of a religious holiday.