

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 05-098

ADOPTED: 11-14-05

SUBJECT: Best Bid Criteria

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 14th day of November, 2005 with the following members present:

William M. Burger
John E. Pizzino
Steven M. Meeks

Trustee Pizzino moved for the adoption of the following resolution:

Whereas, the Board of Trustees of Jackson Township, Stark County Ohio, (hereafter Board of Trustees of Jackson Township) are required by law to award certain contracts to the lowest and best bidders,

Whereas, the Board of Trustees of Jackson Township, based upon its experience and its consideration of other objective evidence, has determined that quality of workmanship, efficient operation, safety and timely completion of projects are not necessarily insured by awarding a construction project to the lowest bidder,

Whereas, the statutes requiring award to the lowest and best bidder do not define "best" and the law allows the Board of Trustees of Jackson Township broad discretion in determining who the best bidder is,

Whereas, the Board of Trustees of Jackson Township, based upon its experience and its consideration of their objective evidence, has determined that the lowest and best bidder for a purchase or a construction project can be identified only through the consideration of several factors in addition to the dollar amount of the bid.

Whereas, Ohio Revised Code (hereafter ORC) Sections 504.04(A)(1) and (2) authorize the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township local police, sanitary and other similar regulations,

BE IT RESOLVED THAT, pursuant to ORC Chapter 504 and ORC Sections 504.04(A)(1) and (2) or other law, that the Board of Trustees of Jackson Township:

- (1) Hereby determines that the following factors are significant in determining whether a bid is the lowest and best bid and may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to any contractor submitting a bid when awarding *all* competitively bid construction contracts:

- a. Bidder's familiarity with the project

- b. Adequacy of equipment for the project
- c. Bidder's record on similar construction projects
- d. Bidder's construction experience in the preceding twelve (12) months including the original contract price for each job undertaken, the cost of any change order and overruns
- e. Bidder's compliance with completion deadlines
- f. Bidder's prior performance on any project for Jackson Township
- g. Bidder's financial solvency
- h. Whether bidder has ever sued or been sued by a public entity over a public project
- i. Bidder's bonding record
- j. Bidder's compliance record with unemployment and workers' compensation laws
- k. Bidder's compliance record with federal and state wage laws
- l. Bidder's compliance record with the Fair Labor Standards Act (FLSA)
- m. Bidder's compliance record with Occupational Safety and Health Administration (OSHA) regulations
- n. Any other factor determined to be relevant by the Board of Trustees.

(2) Hereby determines, in certain circumstances, other factors are also significant in determining whether a bid is the lowest and best bid. These other factors may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to the two lowest responsive bidders when the dollar amounts of the two lowest responsive bids are within the following limits of each other:

- a. 15% if the lowest bid is at least \$50,000 but does not exceed \$100,000,
- b. 10% if the lowest bid is at least \$100,000 but does not exceed \$500,000,
- c. 5% if the lowest bid exceeds \$500,000.

If one of these circumstances exist, the following other factors are also significant in determining whether a bid is the lowest and best bid and may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to the two lowest responsive bidders:

- a. Experience of bidder's workforce
- b. The bidder's participation in an apprenticeship program and length of participation in such program
- c. The number of years bidder has been in the construction, renovation, maintenance or repair business
- d. Continuity of bidder's workforce
- e. Whether the company's headquarters are located in Stark County
- f. The number of Stark County residents employed by the bidder

(3) Hereby determines all bid specifications for construction, repair and renovation work for Jackson Township shall advise prospective bidders of all of the factors that may be taken into consideration by the Board of Trustees of Jackson Township in determining whether a bid is not only the lowest, but also the best bid. Bid specifications shall contain provisions conforming to Section 1 and 2 of this Resolution, including the attached bidder's profile form to enable a bidder to provide evidence to the Board of Trustees of Jackson Township for the bidder's compliance with, adherence to, or

satisfaction of, the various factors that may be considered by the Board in determining the lowest and best bid.

- (4) This Resolution shall fully replace any prior Resolution establishing best bid criteria and is effective on December 14, 2005.

Trustee MEEKS seconded the motion and upon roll call the vote resulted as follows:

Mr. Burger	<u>YES</u>
Mr. Pizzino	<u>YES</u>
Mr. Meeks	<u>YES</u>

The foregoing is a true and correct counterpart of Resolution Number 05- 098, duly adopted on November 14, 2005 and filed with me as the Township Clerk on November 15, 2005.

Randy Gonzalez
Randy Gonzalez, Clerk

The foregoing resolution is approved as to form:

Neal Fitzgerald
Neal Fitzgerald, Law Director

BIDDER'S PROFILE

***This form must be submitted with each bid in order for the bid to be deemed responsive.**

Bidder's Name _____

Bidder's Address _____

Project being bid _____

Pursuant to the Resolution passed by the Board of Trustees of Jackson Township on _____ the Board of Trustees of Jackson Township may consider certain factors when analyzing bids for the awarding of capital improvement project. Pursuant to the law of the State of Ohio and the Resolution, the Board may determine that the lowest bid is not necessarily the best bid. Your sworn answers to these questions will provide the necessary information to be considered. No single factor will be controlling. The Board of Trustees of Jackson Township reserves the right to contact all firms and/or persons mentioned in the Bidder's Profile and to exercise its full discretion in determining the lowest and best bid.

- List public projects currently in progress or completed in the past 3 years by your firm. (If there are more than 10, list the 10 largest.)

Owner Entity	Type of Project	Bid Price	Final Price	Contact Person	Phone Number

- In the preceding 12 months, has your company completed all of its public contract by the original completion date? Yes _____ No _____
If not, what was the project and explain? _____

- Please complete the following work history for all projects in the preceding 12 months.

Project	Original Contract Price	Cost for Change Order or Overrun	Reasons for Change Order or Overrun

4. Has your company ever worked on a project for Jackson Township before?
 Yes _____ No _____
 If yes, what was the project and when was it performed? _____

5. Please complete the following equipment profile.

Make	Model	Size	Age	Quantity

6. If you do not have the necessary equipment for this project, how do you intend to obtain it? _____

7. List the names of material suppliers and subcontractors used currently or recently on projects most similar to the one being bid. (List 4 of each)

Supplier	Address	Contact Person	Phone Number

Subcontractor	Address	Contact Person	Phone Number

8. How many years has this firm been in business under its present name? _____
9. If the firm has been in business under any other name(s), please list.

10. Who is the owner of the firm? _____
11. Does the owner own any other construction businesses? Yes _____ No _____
If yes, please list. _____
12. Has ownership of this company changed in the past five years? Yes _____ No _____
If yes, list prior owners. _____
13. Are you able to provide the appropriate surety bond? Yes _____ No _____
14. Is your firm currently in bankruptcy? Yes _____ No _____
Has this firm or any other firm owned by the same owner been in bankruptcy in the past 5 years? Yes _____ No _____
15. Has your company ever sued or been sued by a public entity over a public project?
Yes _____ No _____
If yes, give a brief explanation. _____
16. In the past 5 years, have any performance bonds been activated against your company by owner/supervisors of projects? Yes _____ No _____
If yes, who activated the bond and when? _____
17. In the past 5 years, have you had to forfeit any contract? Yes _____ No _____
If yes, who was the contract with and when did this occur? _____
18. In the past 5 years, has your company been cited for violations of unemployment laws? Yes _____ No _____
If yes, explain. _____
19. In the past 5 years, has your company been cited for violation of workers' compensation laws? Yes _____ No _____
If yes, explain. _____

20. In the past 5 years, has your company been cited for violation of federal or state prevailing wage laws? Yes _____ No _____
If yes, explain. _____
21. In the past 5 years, has your company been cited for violation of the Fair Labor Standards Act (FLSA)? Yes _____ No _____
If yes, explain. _____
22. In the past 5 years, has your company been cited for violation of Occupational Safety and Health Administration (OSHA) regulation? Yes _____ No _____
If yes, explain. _____
23. Please complete the following employee profile.

Trade	# of Employees	Avg years experience	Avg years w/this company	Apprenticeship program

24. Have you or any of your employees participated in an apprenticeship program?
Yes _____ No _____
If Yes, describe the program, including who participated in it, what program they participated in, and the length of their participation. _____
25. Are your company headquarters located in Stark County? Yes _____ No _____
If yes, list address. _____
26. How many of the employees employed by you currently are residents of Stark County? Number = _____

I hereby attest to the accuracy of the answers I have given in the preceding Bidder's Profile and further attest to the fact that I am in a position to know the correct answers to these questions or have ascertained the correct answers from others in my company.

Signature and Title