

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 2-92 of the Municipal Code of Chicago is hereby amended by adding a new section 2-92-4XX, as follows:

2-92-4XX Contracts - Bid incentive for Chicago Jobs Plan commitments

(a) For purposes of this section only, the following definitions shall apply:

“Manufactured goods” means goods whose value, either in whole or in part, is derived from growing, producing, processing, assembling, or manufacturing activities.

“Covered manufactured goods contract” means any contract for the purchase of manufactured goods awarded by the city and whose cost is to be paid from funds belonging to or administered by the city; provided that a “contract” does not include: (i) a delegate agency contract; (ii) a lease of real property; (iii) a collective bargaining agreement; (iv) a contract for small orders as defined in Section 2-92-670 or (v) a construction contract as defined in Section 2-92-670.

“Chicago Jobs Plan” means a document submitted by an applicant for a covered manufactured goods contract or a contractor or participating subcontractor working on a covered manufactured goods contract that requires the applicant, contractor, or subcontractor to include in the applicant's application; provided that, where the applicant, contractor, or subcontractor is an Authorized Dealer or Distributor and not the manufacturer of the goods, the required information shall be provided by and reflect the workforce commitments of the manufacturer:

- (1) the minimum number of full-time equivalent jobs that shall be retained and created if the applicant is awarded the contract;
- (2) the minimum wage and benefit amounts, by job classification, for nonsupervisory workers on the contract;
- (3) a detailed description of and proposed amounts for training, by job classification.

Applicants seeking points under this section shall provide supporting documentation sufficient to verify the commitments described in the Chicago Jobs Plan. No points shall be awarded for commitments that are not supported by adequate documentation.

(b) (1) Unless otherwise prohibited by any federal, state, or local law, for any contract for

goods having an estimated contract value of \$100,000 or more advertised, or if not advertised awarded, after the effective date of this section, the chief procurement officer shall allocate to any qualified bidder, the following bid incentive:

Proposer's Chicago Jobs Plan's Total Dollar Commitment Value / Highest Chicago Jobs Plan's Total Dollar Commitment Value	X 5%	=	Total Bid Incentive Awarded
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The Chicago Jobs Plan Total Dollar Commitment Value will be calculated on a dollar-for-dollar basis as follows:

- (i) the Proposer's Chicago Jobs Plan Value for Wages and;
- (ii) the Proposer's Chicago Jobs Plan Value for Benefits; and
- (iii) the Proposer's Chicago Jobs Plan Commitment Value for Workforce Training.

The bid incentive is used only to calculate an amount to be used in evaluating the bid to determine the low bidder, and it does not affect the contract price.

(2) The chief procurement officer may determine not to include the Chicago Jobs Plan under this section, under the following conditions:

- (i) an emergency exists;
- (ii) for cooperative purchasing or construction contracts; or
- (iii) the Chief Procurement Officer otherwise concludes that the allocation of a bid incentive is not in the City's best interest.

(3) For all covered manufactured goods contracts advertised after the effective date of this section, the chief procurement officer shall include the bid incentive provision consistent with this section in all such advertising.

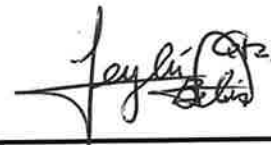
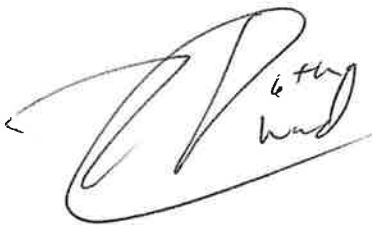
(c) For all contracts advertised after the effective date of this section, the chief procurement officer shall develop procedures, evaluation and scoring criteria, and all forms and guidance necessary to implement this Section.

(d) Contractors and participating subcontractors working on covered manufactured goods contracts shall be required to submit annual Chicago Jobs Plan reports to the chief procurement officer or any duly authorized representative thereof demonstrating compliance with the contractor's or participating subcontractor's Chicago Jobs Plan commitments. The chief procurement officer shall make the Chicago Jobs Plan and annual compliance reports available to the public. The Chicago Jobs Plan and quarterly compliance reports shall not be considered a trade secret under subsection (g) of Section 7 of the Illinois Freedom of Information Act or confidential, privileged, or otherwise exempt from disclosure under the Freedom of Information Act.

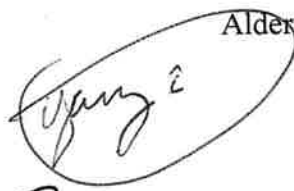
(e) The chief procurement officer may require, at the time of submission of a bid or at any time during the term of the contract, that the bidder or contractor submit an affidavit and other supporting documents demonstrating that the bid for which the bid incentive is being or was sought satisfies all pertinent requirements, including documentation regarding the bidder or contractor's workforce, wages, benefits, or training programs.

(f) The provisions of this Section shall be severable, and if the application of any clause, sentence, paragraph, or part of this Section to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, then the judgment shall not necessarily affect, impair, or invalidate the application of any clause, sentence, paragraph, or part of this Section or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

(g) Upon completion of the work, any contractor that has failed to meet the total dollar commitment value of their Chicago Jobs Plan for which a bid incentive was allocated shall be fined in an amount equal to three times the amount of the difference between the bid incentive allocated and the bid incentive that would have been allocated to that contractor for the total dollar commitment value actually fulfilled, unless the contractor can demonstrate that due to circumstances beyond the contractor's control, the contractor for good cause was unable to meet the total dollar commitment value of their initial Chicago Jobs Plan.



Alderman Jeylú B. Gutiérrez, 14th Ward



Paul J³⁰
Clt Tg. (29)

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Mary 22
Marty 13

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1th

Anthony Guayada (35)