

CITY OF ZANESVILLE, OHIO

The above offer is hereby accepted by and in behalf of the City of Zanesville, this ____ day of _____, 20__, it being understood that such acceptance together with the City Auditor's certification of the availability of funds, shall constitute a contract by and between said City of Zanesville and the bidder herein above described.

Date: _____, 20__

Donald L. Mason, Mayor

Scott A. Brown, Acting Public Service Director

Doug J. Merry, Interm Public Safety Director

I, the undersigned, Auditor of the City of Zanesville do hereby certify that the money with which to pay the above and foregoing contract, to wit: \$_____ is in the City Treasury to the credit of the _____ Fund, Account No _____ and not appropriated for any other purpose.

Date: _____, 20__

Andrew H. Body, City Auditor

The contract meets the requirements of Ordinance No. 73-21, amended by Ordinance No. 73-31 and 80-42.

Date: _____, 20__

Kade M. Haddox, Director of Budget & Finance; Contract Compliance Officer

I, the undersigned, Law Director of the City of Zanesville, Ohio, do hereby certify as follows:

I have examined the attached contract[s] and surety bonds and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legally binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

Date: _____, 20__

David J. Tarbert, Law Director

Note: Bidder may use BID GUARANTY & CONTRACT BOND in lieu of using Bid Bond [at time of bid] and Performance-Payment Bond [if awarded the contract].

BID GUARANTY & CONTRACT BOND

[Section 153.571, Ohio Revised Code]

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned:

_____ *[Name and Address]*

as Principal, and _____

_____ *[Name of Surety]*

_____ as Surety, are hereby held and firmly bound
into the City of Zanesville, hereinafter called the Obligee, in the penal sum of the dollar amount of the bid
submitted by the Principal to the Obligee on _____ to undertake the project know as:
_____ *[date]*

The penal sum referred to herein shall be the dollar amount of the Principal's bid to the Obligee, incorporating any additive or deductive alternate proposals made by the Principal on the date referred to above to the Obligee, which are accepted by the Obligee. In no case shall the penal sum exceed the amount

of: _____ Dollars [\$ _____]

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred-to project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent [10%] of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent [10%] of the penalty hereof between the amount specified in the bid, or the costs, in connection with the resubmission, of printing new contract documents, required advertising and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten [10] days after the awarding of the contract, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

Bid Guaranty & Contract Bond - Page 2

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the City of Zanesville against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, material persons, and laborers, for labor performed and materials furnished in carrying forward, performing, or completing of said contract; we agreeing and assenting that this undertaking shall be for the benefit of any material person or laborer having a just claim, as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract, or in or to the plans and specifications therefore, shall in any wise effect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions, or additions to the terms of the contract, or to the terms of the contract, or to the work, or to the specifications.

SIGNED AND SEALED this _____ day of _____, _____.

PRINCIPAL:

BY:

[Title]

SURETY:

SURETY COMPANY ADDRESS:

[Street]

BY:

[Attorney-in-Fact]

[State]

[ZIP]

SURETY AGENT:

[Name]

[Street]

[City]

[State]

[ZIP]

FORM OF NON-COLLUSION AFFIDAVIT

State of Ohio)
County of _____)

Bid Identification _____

Contractor _____, being first duly sworn,

deposes and says that he is _____ (sole owner,

a partner, president, secretary, etc.) of _____, the party making the foregoing bid; that such bid is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or any one else to put in a sham bid, or that any one shall refrain from bidding; that said bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of said bidder or of any other bidder, or to fix any overhead, profit, or cost element of such bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract or any one interested in the proposed contract; that all statements contained in such bid are true; and further, that said bidder has not, directly or indirectly, submitted his bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said bidder in his general business.

Signed _____

Title _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

SEAL

Notary Public

Bidders are charged with notice of Section 5719.042 of the Ohio Revised Code and agree that if this contract is awarded to them they will execute and submit the affidavit required by said section. The affidavit is to be incorporated into and made a part of this contract, and no payment shall be made with respect to this contract unless said statement has been so incorporated.

DELINQUENT PERSONAL PROPERTY TAX AFFIDAVIT
[must be executed by the successful bidder]

STATE OF OHIO]

COUNTY OF _____]

_____, being first duly sworn, deposes and says that ___ he is

_____ *[sole owner, a partner, president, secretary, etc.]*

of _____, the successful bidder on the attached contract with the City of Zanesville, Ohio, for _____,

[describe or identify contract]

and for the purpose of complying with Section 5719.042 of the Ohio Revised Code, states that at the time the bid for said contract was submitted, and said bidder _____ charged with

[was] [was not]

delinquent personal property taxes on the General Tax list of personal property of a county in which the City of Zanesville has territory [Muskingum County]. The amount of such due and unpaid delinquent taxes, penalties and interest thereon is as follows:

Taxes	Penalties & Interest	County
\$ _____	\$ _____	_____
\$ _____	\$ _____	_____
\$ _____	\$ _____	_____

[Affiant]

Sworn to and subscribed before me this _____ day of _____, _____.

My commission expires:

Notary Public in and for

[date]

[County]

CITY OF ZANESVILLE
AFFIRMATIVE ACTION GUIDELINES

- I. Policy
That the company will have an equal employment opportunity policy. This policy should initiate or reaffirm a clear, explicit merit employment policy on hiring, upgrading, recruiting, etc.
- II. Dissemination of Policy Within Company
That the company will maintain or initiate appropriate steps to ensure that all employees understand the company's obligation under this policy and specifically instruct supervisory personnel in their responsibilities for carrying out this policy.
- III. Affirmative Action Program
That the company will maintain or initiate an Affirmative Action Program designed to ensure that there will be no discrimination on the basis of race, color, religion, sex, national origin, handicap, or veteran status.
- IV. Responsibility for Program
That the company will designate one of its officials as equal opportunity compliance officer for executing this agreement, including liaison with the Contract Compliance Officer.
- V. Hiring Practices
That the company will maintain or initiate hiring practices designated to achieve a reasonable representation of minority employees at every job level.
- VI. Testing
That the company will review its testing procedures to see that they meet the standards as prescribed by the affirmative action guidelines.
- VII. Recruitment Sources
That the company will specifically notify all sources of recruitment, including employment agencies, placement bureaus, colleges, universities, labor unions, etc., that it does not discriminate on basis of race, religion, color, sex or national origin, handicap or veteran status, that the company actively solicits minority group applicants and that it will discontinue the use of sources where it appears that direct or indirect discriminatory practices exist. (Please include copies of such notifications.)
- VIII. Changes in Employee Status
That the company will review all procedures relating to transfer, upgrading, downgrading and lay-off, to ensure that all such actions are taken without regard to race, religion, color, sex or national origin, handicap or veteran status.
- IX. Training
That the company will cooperate with available resources in utilizing training programs designed to admit minority (non-white) group members and females to regular employment with the company.
- X. Suppliers and Subcontractors
That the company shall obtain written assurance that these requirements have been read and they fully agree to this Affirmative Action Program, from all suppliers and/or subcontractors. Further, said supplier and/or subcontractor shall agree to become a part of the full implementation of said program.

SAMPLE POLICY STATEMENT

Each approved firm must have a written policy statement regarding equal employment opportunity. A sample policy statement is as follows:

"This company, its subsidiaries, and its divisions shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, and shall take such affirmative action as necessary to ensure that applicants are employed, and employees are treated equally during employment without regard to, race, color, religion, sex or national origin, handicap or veteran status."

Implementation of Equal Employment Opportunity Policy. The equal employment opportunity policy is implemented through an Affirmative Action Program. The program should be designed to hire qualified minority (non-white) persons and/or females in all of the various job categories when needed, and the firm should establish specific goals to increase the number of minorities (non-white) in the various job categories through hiring or promotion.

The City of Zanesville has approved some goals and timetables to serve as guidelines for firms with whom they do business. All firms doing business with the City should employ a representative number of minorities (non-white) in all job classifications within a five-year period, using the percentage of the non-white population as a goal. These firms should also establish specific goals and timetables for achieving their goals. Such goals and timetables shall be a part of a firm's Affirmative Action Program and shall be maintained on a year-by-year basis. If a firm cannot meet the established goals and timetables, it will be evaluated on its "good faith" effort; that is, whether the Affirmative Action Program is being followed in fact and whether every attempt is being made to attain the goals according to the timetables.

Another factor supporting the "good faith" effort is whether the firm has conducted an analysis of all major job categories at the facility to determine if minorities (non-white) are currently being underutilized in any one or more job categories. ("Underutilization" means having fewer minorities (non-white) in a particular job category than would reasonably be expected by their availability.) Consideration of "good faith" effort shall also be given to the following factors - -

1. The minority population of the labor area
2. The size of the minority (non-white) unemployment force in the labor area
3. The percentage of the minority (non-white) work force as compared with the total work force in the immediate labor area
4. The general availability of minorities having requisite skills in the immediate labor area
5. The availability of minorities having requisite skills in an area in which the facility can reasonably recruit
6. The availability of promotable minority employees within the facility's organization
7. The anticipated expansion, contraction and turnover of the work force
8. The existence of training institutions capable of training minorities in the requisite skills
9. The degree of training which the firm is reasonably able to undertake as a means of making all job classifications available to minorities
10. The use of recruitment sources where minorities can be secured

Every effort should be directed to increase materially the number of minorities at all levels and in all segments of the work force of the company with particular emphasis on segments of the work force where few, if any, minority persons are employed. Special attention should be given to the categories of officials and managers, professionals, technicians, sales workers, office and clerical, and skilled craftsmen.

CITY OF ZANESVILLE
AFFIRMATIVE ACTION ASSURANCE FORM

Introduction. All firms doing over \$5000 business in any 12-month period with the City of Zanesville must submit on a yearly basis this Affirmative Action Assurance form and use the attached guidelines in implementing its nondiscriminatory policy.

Name of Firm _____

Address _____

Telephone Number _____

Type of Business _____

I. Does your firm have a written equal employment opportunity policy (see sample)?

Yes _____

No _____

If so, attach statement copy. If not, would you accept the enclosed sample policy statement of the attached Affirmative Action Guidelines as your policy?

Yes _____

No _____

In accord with the Equal Employment Opportunity Ordinance number 73-21, as amended by 73-31, of the City of Zanesville this company hereby agrees that a program of affirmative action will be maintained to implement its nondiscrimination obligation in doing business with the City of Zanesville.

SIGNATURE

TITLE

DATE

PLEASE RETURN THIS FORM TO:
CITY OF ZANESVILLE
CONTRACT COMPLIANCE OFFICE
MUNICIPAL BUILDING
401 MARKET ST
ZANESVILLE, OHIO 43701

DO NOT WRITE BELOW THIS LINE

APPROVED _____

DISAPPROVED _____

COMMENTS:

DATE _____

CONTRACT COMPLIANCE OFFICER

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... usually that you record your total work force by occupational levels and indicate your goals for those levels for the next 12 months.

PRESENT WORK FORCE

Date Statistics Compiled _____

OCCUPATIONS	TOTAL MALES	MALE EMPLOYEES					TOTAL FEMALES	FEMALE EMPLOYEES					TOTAL ALL EMPLOYEES
		MINORITY GROUPS						MINORITY GROUPS					
		BLACK	ORIENTAL	AMERICAN INDIAN	SPANISH AMERICAN	OTHERS		BLACK	ORIENTAL	AMERICAN INDIAN	SPANISH AMERICAN	OTHERS	
OFFICIALS AND MANAGERS													
PROFESSIONALS													
TECHNICIANS													
SALES WORKERS													
OFFICE AND CLERICAL													
CRAFTSMEN (SKILLED)													
OPERATIVES (SEMI-SKILLED)													
LABORERS													
SERVICE WORKERS													
TOTAL													
TOTAL EMPLOYMENT FROM PREVIOUS REPORT IF ANY													
FIGURES FOR THE FOLLOWING CLASSIFICATIONS SHALL ALSO BE INCLUDED IN THE APPROPRIATE CATEGORY ABOVE THE "TOTAL" LINE													
APPRENTICES													
ON-THE-JOB TRAINEES	WHITE COLLAR												
	PRODUCTION												

12 month Projection (goals for next 12 months)

OCCUPATIONS	TOTAL MALES	MALE EMPLOYEES					TOTAL FEMALES	FEMALE EMPLOYEES					TOTAL ALL EMPLOYEES
		MINORITY GROUPS						MINORITY GROUPS					
		BLACK	ORIENTAL	AMERICAN INDIAN	SPANISH AMERICAN	OTHERS		BLACK	ORIENTAL	AMERICAN INDIAN	SPANISH AMERICAN	OTHERS	
OFFICIALS AND MANAGERS													
PROFESSIONALS													
TECHNICIANS													
SALES WORKERS													
OFFICE AND CLERICAL													
CRAFTSMEN (SKILLED)													
OPERATIVES (SEMI-SKILLED)													
LABORERS													
SERVICE WORKERS													
TOTAL													
TOTAL EMPLOYMENT FROM PREVIOUS REPORT IF ANY													
FIGURES FOR THE FOLLOWING CLASSIFICATIONS SHALL ALSO BE INCLUDED IN THE APPROPRIATE CATEGORY ABOVE THE "TOTAL" LINE													
APPRENTICES													
ON-THE-JOB TRAINEES	WHITE COLLAR												
	PRODUCTION												

**CITY OF ZANESVILLE
CONTRACT COMPLIANCE REVIEW FORM**

The following information covers the calendar year 20 ____.
This review is designed to evaluate your company's compliance with the Affirmative Action Program in employment as required by Ordinance 73-21, as amended by 73-31 and 80-42.

Name of Firm _____

Address _____

Telephone _____

Name of President or Manager _____

- I. How many employees have been hired in the past year _____; of these:
 - A. How many minority (non-white) employees were hired in the past year? _____
 - B. How many female employees were hired in the past year? _____
- II. How many promotions were awarded in the past year? _____; of these:
 - A. How many minority (non-white) employees were promoted in the past year? _____
 - B. How many female employees were promoted in the past year? _____

Complete the following: _____ Date Statistics Compiled _____

Occupations:	Male Employees					Female Employees					Total Employees	
	Total Males	Minority Groups				Total Females	Minority Groups					
		Black	Asian/ Pacific Islander	American Indian	Hispanic		Others	Black	Asian/ Pacific Islander	American Indian		Hispanic
Officials and Managers												
Professionals												
Technicians												
Sales Workers												
Office Clerical												
Craftsmen (Skilled)												
Operatives (Semiskilled)												
Laborers												
Service Workers												
Total												
Total Employment from Previous Report if Any												
Figures For The Following Classifications Shall Also Be Included In The Appropriate Category Above The Total Line												
Apprentices												
On the Job Trainees (White Collar)												
On the Job Trainees (Production)												

_____ Date

_____ Signature & Title

PLEASE RETURN THIS FORM TO:
CITY OF ZANESVILLE
CONTRACT COMPLIANCE OFFICE
401 MARKET STREET
ZANESVILLE, OHIO 43701

DO NOT WRITE BELOW THIS LINE

Approved _____

Contract Compliance Officer

CCO-30

ORDINANCE NO. 08-44(A)

AN ORDINANCE AMENDING CHAPTER 189 OF
THE CODIFIED ORDINANCES OF ZANESVILLE

WHEREAS, Chapter 189 of the Codified Ordinances of Zanesville pertains to the local bid preference; and

WHEREAS, the City of Zanesville is required by law to award construction contracts to the lowest and best bidder;

WHEREAS, the City of Zanesville, based upon its experience, has determined that several factors, in addition to the dollar amount of the bid, influence what makes a bid the best bid;

WHEREAS, the City of Zanesville, its citizens, local businesses and the local economy benefit when local labor is utilized in completion of projects for which the City of Zanesville issues bids;

WHEREAS, bidders are more likely to use local labor when there is a benefit to them in contracting with and utilizing local labor, or labor through the local trade unions; NOW THEREFORE,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio; that

SECTION ONE: Chapter 189 of the Codified Ordinances of the City of Zanesville is hereby amended by repealing all current provisions and replacing them with the following:

CHAPTER 189 LOCAL BID PREFERENCE

- | | |
|--|---|
| 189.01 System of preferences. | 189.04 Notice to bidders/
Bidder certifications. |
| 189.02 Materials/Supplies preferences. | 189.05 Definitions. |
| 189.03 Labor/Construction Services preferences | |

CROSS REFERENCES

Preference for Ohio and U.S. products - see Ohio R.C. 125.11 et seq., 717.21

189.01 SYSTEM OF PREFERENCES

Subject to the system of preferences set forth herein, contracts for the purchase of all equipment, materials or supplies, and contracts for the provision of labor and construction services, shall be awarded to the lowest and best bidder.

Prior to awarding a contract the City shall evaluate the bids received according to criteria and procedures contained in Sections 189.02 and 189.03. Contracts that only involve the purchase of equipment, materials or supplies shall be awarded in accordance with the criteria and procedures set forth in Section 189.02. Contracts that involve the provision of labor for construction, reconstruction, improvement, enlargement, alteration, repair, painting or decoration of a public improvement shall be awarded in accordance with the criteria and procedures set forth in Section 189.03. Contracts that involve both the purchase of equipment, materials or supplies as well as the provision of labor shall proceed under either Section but not both.

189.02. LOCAL MATERIALS/SUPPLIES BID PREFERENCE.

Contracts that only involve the purchase of equipment, materials or supplies shall be awarded in accordance with the following preferences:

(a) Buy America, Buy Ohio, Buy Muskingum County

- (1) Bids will first be evaluated to determine that a bidder's offering is for a domestic source end product as defined at 41 C.F.R. Section 1-6-101(d). Information furnished by the bidder pursuant to Section 189.03(b)(1) shall be relied upon in making this determination. Any bidder's offering that does not offer a domestic source end product shall be rejected, except where the contracting authority determines that certain articles, materials and supplies are not mined, produced or manufactured in the U.S. in sufficient and reasonably available commercial quantities and of a satisfactory quality.
- (2) Following the determination as to domestic source end products, remaining bids and proposals shall be evaluated in accordance with subsections (b) and (c) hereof so as to give preference to Muskingum County bids or Ohio bids or bidders who are located in a border state, provided that the border state imposes no greater restrictions than contained in this system of preferences.

(b) Buy Muskingum County Compliance.

- (1) Where the preliminary analysis of bids identifies the apparent low bid as a Muskingum County bid, the City shall proceed with its standard contract award practices and procedures.
- (2) Where the preliminary analysis identifies the apparent low bid as one other than a Muskingum County bid, the City shall consider the following factors:
 - A. Whether the goods or services can be procured in—County in sufficient and reasonably available quantities and of a satisfactory quality;
 - B. Whether a Muskingum County bid has been submitted;
 - C. Whether the lowest Muskingum County bid, if any, offers a price to the City deemed to be an excessive price. An "excessive price" shall be a price that exceeds by more than five percent (5%) the lowest non-Muskingum County bid submitted;
 - D. Whether the lowest Muskingum County bid, if any, offers a disproportionately inferior product or service.
- (3) Where the City determines that selection of the lowest Muskingum County bid, if any, will not result in an excessive price or disproportionately inferior product or service, the City shall propose a contract award to the low Muskingum County bid at the bid price quoted.
- (4) Where the City determines that it is not appropriate to award the contract to a Muskingum County bidder, the City shall proceed with the determination set forth in subsection (c) hereof.

(c) Buy Ohio Compliance

- (1) Where the preliminary analysis of bids identifies the apparent low bid as an Ohio bid or a bid from a border state, the City shall proceed with its standard contract award practices and procedures.
- (2) Where the preliminary analysis identifies the apparent low bid as one other than an Ohio bid or bid from a border state, the City shall consider the following factors:
 - A. Whether the goods or services can be procured in—State in sufficient and reasonably available quantities and of a satisfactory quality;

- B. Whether an Ohio bid has been submitted;
 - C. Whether the lowest Ohio bid, if any, offers a price to the City deemed to be an excessive price. An "excessive price" shall be a price that exceeds by more than five percent (5%) the lowest non-Ohio bid submitted;
 - D. Whether the lowest Ohio bid, if any, offers a disproportionately inferior product or service.
- (3) Where the City determines that selection of the lowest Ohio bid, if any, will not result in an excessive price or disproportionately inferior product of service, the City shall propose a contract award to the low Ohio bid at the bid price quoted.

189.03.LOCAL LABOR/CONSTRUCTION SERVICES BID PREFERENCE.

Contracts that involve the provision of labor for construction, reconstruction, improvement, enlargement, alteration, repair, painting or decoration for a public improvement, including any highway improvement, made by the City or in whole or in part supported by the City, except for a contract for financed in whole or in part by contributions or loans from any agency of the United States government, shall be awarded in accordance with the following preference:

- (1) Where the preliminary analysis of bids identifies the apparent low bid as a Muskingum County business enterprise or an entity which will be utilizing a Local Work force , or an entity which will be utilizing a Local Trade Union, the City shall proceed with its standard contract award practices and procedures.
- (2) Where the preliminary analysis of bids identifies the apparent low bid as one other than a Muskingum County business enterprise or an entity which will not be utilizing a Local Work force or Local Trade Union, the City shall consider the following factors:
 - A. Whether the labor/construction services can be performed by a Muskingum County business enterprise or as an entity which utilizes a Local Work force or Local Trade Union;
 - B. Whether a bid from a Muskingum County business enterprise or an entity which will be utilizing a Local Work force or Local Trade Union, has been submitted;
 - C. Whether the lowest bid from a Muskingum County business enterprise or an entity which will be utilizing a Local Work force or Local Trade Union, if any, offers a price the City deemed to be an excessive price. An excessive price shall be a price that exceeds by more than five percent (5%) the lowest bid submitted.
- (3) Where the City determines that the labor/construction services can be performed by a Muskingum County business enterprise or as an entity which utilizes a Local Work force or Local Trade Union, and that selection of a Muskingum County business enterprise or an entity which will be utilizing a Local Work force or Local Trade Union, will not result in an excessive price, the City shall propose a contract award to said entity at the bid price submitted. Otherwise the City shall proceed with its standard contract award practices and procedures.

In order to insure compliance with the Local Workforce Credit pledge, the City will hold seven percent (7%) from the full amount of the bid until the end of the contract period. Upon presentation of proof of compliance in the form of final lists of names of addresses of staff employed on the project or letters from local trade unions demonstrating that the bidder hired from local trade unions for skilled laborers where possible, the City will release the final payment of the amount held. If the bidder does not demonstrate compliance, the bidder will forfeit the amount held and lose eligibility for Local Workforce Credit for a period not less than two years.

189.04. NOTICE TO BIDDERS; BIDDER CERTIFICATIONS.

(a) The City shall indicate in all its invitations to bid that it will apply a domestic Muskingum County and Ohio bid preference as outlined in this chapter in the evaluation and award of bids received. The City shall indicate in all its invitations to bid that it will apply a local workforce credit where appropriate (i.e. contracts for construction, reconstruction, improvement, enlargement, alteration, repair, painting or decoration of a public improvement, including any highway improvement, made by the City.)

(b) All invitations to bid and requests for proposals shall require the bidder to:

- (1) Complete and attest to the following:
"Buy American Act Certificate": The bidder or offeror hereby certifies that each end product, except the end products listed below, is a domestic source end product as defined in the Buy America Act, 41 U.S.C.A. 10a-10d; and that components of unknown origin have been considered to have been mined, produced or manufactured outside the United States. Excluded end products (show country or origin for each excluded end product):
- (2) Submit the following information:
 - A. Identify each product that is not an Ohio product, and identify each product that is not a Muskingum County product.
 - B. Represent that all other products for which prices are submitted are Ohio products or Muskingum County products as indicated.
 - C. Identify whether the bidder claims to quality as offering an Ohio product or as having significant Ohio economic presence.
 - D. Identify whether the bidder claims to quality as offering a Muskingum County product or has having significant Muskingum County economic presence.
(Ord. 87-144. Passed 9-23-87.)

(c) All bidders who are interested in qualifying for Local Workforce Credit shall complete an Affidavit of Eligibility for Local Workforce Credit providing the percentage of their staff that are Local Employees or detailing the Local Trade Unions with which they will contract for skilled labor.

189.05 DEFINITIONS

For purposes of this chapter the following definitions shall apply:

- (a) "Border state" means Michigan, Kentucky, Pennsylvania, Indiana and West Virginia.
- (b) "Lowest and best" means the lowest bidder that meets the requirements of bid specifications and predetermined evaluation criteria.
- (c) "Local Employees" means employees who live either in Muskingum County or in the contiguous counties, to wit, Coshocton County, Guernsey County, Licking County, Morgan County and Perry County.
- (d) "Local Work Force" means a work force that is comprised of more than 50% local employees.
- (e) "Local Trade Union" means a trade union providing skilled laborers, i.e. electricians, plumbers, heavy equipment operators located within Muskingum County.
- (f) "Muskingum County bid" means a bid received from a bidder offering Muskingum County products or a bidder demonstrating a significant Muskingum County economic presence.

- (g) "Ohio bid" means a bid received from a bidder offering Ohio products or a bidder demonstrating a significant Ohio economic presence.
- (h) "Muskingum County business enterprise" means a domestic corporation, sole proprietorship, partnership or joint venture whose principal place of business is located in Muskingum County. If one party to a joint venture has its principal place of business in Muskingum County, the joint venture shall be considered as having its principal place of business in Muskingum County.
- (i) "Ohio business enterprise" means a domestic corporation, sole proprietorship, partnership or joint venture whose principal place of business is located in Ohio. If one party to a joint venture has its principal place of business in Ohio, the joint venture shall be considered as having its principal place of business in Ohio.
- (j) "Muskingum County products" means products which are mined, excavated, produced, manufactured, raised or grown in the County by a person where the input of Muskingum County products, labor, skill or other services constitutes no less than twenty-five percent (25%) of the manufactured cost. With respect to mined products, such products shall be mined or excavated in Muskingum County.
- (k) "Ohio products" means products which are mined, excavated, produced, manufactured, raised or grown in the State by a person where the input of Ohio products, labor, skill or other services constitutes no less than twenty-five percent (25%) of the manufactured cost. With respect to mined products, such products shall be mined or excavated in Ohio.
- (l) "Produced" means processing, mining, developing and making of a thing into a new article, with a distinct character in use, through the application of input within Muskingum County or the State of products, labor, skill or other services. Produced does not include the mere assembling or putting together of non-Ohio products, including materials, manufacturer's supplies, merchandise, goods, ware and foodstuffs.
- (m) "Significant Muskingum County economic presence" means business organizations that:
 - (1) Have sales offices, divisions, sales outlets or manufacturing facilities in Muskingum County of which facilities demonstrate capital investment to Muskingum County; and
 - (2) Pay required taxes to Muskingum County.
- (n) "Significant Ohio economic presence" means business organizations that:
 - (1) Have sales offices, divisions, sales outlets or manufacturing facilities in Ohio of which facilities demonstrate capital investment to Ohio;
 - (2) Pay required taxes to the State; and
 - (3) For corporations, are registered and licensed to do business in the State with the Office of the Secretary of State.
(Ord. 87-144. Passed 9-28-87.)

SECTION TWO: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 9, 2008

ATTEST:

Joan L. Ziemer
JOAN ZIEMER
CLERK OF COUNCIL

Ted Zakany
TED ZAKANY
PRESIDENT PRO-TEMP OF
COUNCIL

APPROVED: June 10, 2008

Howard S. Zwelling
HOWARD S. ZWELLING
MAYOR

This legislation approved as to form:

Law Director's Office

BUY AMERICAN ACT CERTIFICATE

The bidder or offeror hereby certifies that each end product, except the end products listed below, is a domestic source end product as defined in the Buy American Act, 41 USC 10a - 10d and 48 C.F.R. Part 25; and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded end products [*show country or origin for each excluded end product*]:

[*date*]

[*Bidder*]

BAAC-1

BUY MUSKINGUM COUNTY/BUY OHIO CERTIFICATE

The bidder or offeror hereby certifies that all products for which prices are submitted are Muskingum County products as defined by City of Zanesville, Ohio, Ordinance No. 87-144 except the following:

The bidder or offeror hereby certifies that all products for which prices are submitted are Ohio products as defined by City of Zanesville, Ohio, Ordinance No. 87-144 except the following:

The bidder or offeror hereby certifies [*check all that apply*]:

- Bidder claims to qualify as offering a Muskingum County product.
- Bidder claims to qualify as having significant Muskingum County economic presence.
- Bidder claims to qualify as offering an Ohio product.
- Bidder claims to qualify as having a significant Ohio economic presence.
- Bidder has its principle place of business in Muskingum County.
- Bidder has its principle place of business in Ohio.
- Bidder's principle place of business is _____
[street address, city, state, ZIP code]

Date: _____

Bidder [*signature*]

BMC/BOC-1

STATE OF OHIO :

COUNTY OF _____ : SS

AFFIDAVIT OF ELIGIBILITY FOR LOCAL WORKFORCE CREDIT

The undersigned being duly cautioned and sworn hereby states:

A) The entity submitting a bid on this project has a total of _____ employees, that _____ of those employees are "Local Employees" as defined in Chapter 189 of the Codified Ordinances of the City of Zanesville, and therefore the percentage of employees that are Local Employees is _____%.

Or,

B) The entity submitting a bid on this project will be utilizing the following Local Trade Unions as defined in Chapter 189 of the Codified Ordinances of the City of Zanesville.

FURTHER AFFIANT SAYETH NAUGHT.

Sworn to and subscribed before me by _____ on this the _____ day of _____, 2008.

Notary Public