



February 10, 2009

Kane County Board  
Kane County Government Center  
719 Batavia Avenue, Building A  
Geneva, Illinois 60134

Honorable Members of the Kane County Board:

The Aurora-based Finishing Contractors Association of Illinois (FCAI) is pleased to provide this letter of support for the adoption of a responsible bidder ordinance.

For over 7 years, the FCAI has represented the interest of as many as 400 union finishing contractors in the State of Illinois, many located and/or performing work in Kane County. As such, we have been important contributors to the local economy, generating as many as four million paid hours of work annually during the rapid development and growth of Kane and surrounding counties. Our work includes painting and decorating, drywall finishing, glass and architectural metal works within the commercial, residential, industrial and institutional sectors of the market.

Consequently, we were very pleased to learn that the Kane County Board is considering the adoption of a responsible bidder ordinance. We believe such an ordinance is consistent and necessary for the furtherance of the County Government's commitment to innovative and strategic provision of essential and effective public services in a fiscally prudent manner; steward of the natural and economic resources that make up our unique urban and rural communities; and promoting an environment that advocates health, welfare and safety. Moreover, as local business owners who speak also for our employees, we appreciate the Board's commitment to citizen communication, input and involvement in governing.

The quality of contractors selected to provide construction services financed with public funds is a matter of great importance. As trustees of those funds, it is easy to assume that the public desires cost savings over all other priorities. However, we have repeatedly learned that the awarding of bids without asking whether a bidder is "responsible" leads to poor quality work, project failures, litigation and a variety of related negative consequences.

Often, it is the *irresponsibility* of low bidders that leads to their low bids, as they commit to contracts that require cost cutting on their end through the use of substandard

materials, payment of lower wages than what was represented on bids (despite claiming to pay the Prevailing Wage), use of undocumented workers who have no means of addressing their mistreatment and evasion of laws requiring workers' compensation insurance and payment of taxes.

Through relatively simple inquiries, the likelihood of such unscrupulous practices can be assessed. Whether a bidder is "responsible" includes whether or not they consistently abide by the law (do they, in fact, regularly pay the Prevailing Wage when required, carry workers' compensation insurance for all their employees on all previous work they were awarded, fulfill contractual obligations, etc.?). When they claim their workers are trained craftsmen within their respective trades, this claim should also be tested (how do their workers acquire trade-specific skills, was such training acquired from a recognized and evaluated training program, etc.?).

Without such inquiries, the practices of unscrupulous contractors cut against many government interests: the public receives poor quality services, the employees of these low bidders are exploited, the companies and employees of responsible contracting firms lose work that might otherwise have gone to them and the taxpayers lose the benefits of wage and tax revenue that would have filtered back into the regional economy.

For these reasons the Illinois Municipal Code (65 ILCS 5/), the Illinois Procurement Code (30 ILCS 500/), and procurement provisions of many counties, cities, village and public boards overseeing school districts, park districts and public works already contain provisions to ensure that the lowest *responsible* bidder is selected to perform public work.

For a contractors association like the FCAI, responsible bidding is not a liberal or conservative, Democrat or Republican, union or nonunion issue; it is a matter of ensuring a competitive marketplace, rewarding responsible and qualified business owners with work they are trained and prepared to do, protecting the public against poor quality work, and ensuring the fiscal health of local communities that depend on a healthy revenue stream.

Please adopt the proposed responsible bidder ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Vandegraft". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping tail.

Rick Vandegraft  
President