

SECTION 017
LAWS AND REGULATIONS

1.0 Laws and Regulations

Contractor shall give all notices and comply with all Laws and Regulations applicable to furnishing and performance of the Work. Except where otherwise expressly required by applicable Laws and Regulations, neither the Sanitary District nor the Engineer shall be responsible for monitoring Contractor's compliance with any Laws or Regulations.

If Contractor observes that the Specifications or Plans are at variance with any Laws or Regulations, Contractor shall give Engineer prompt written notice thereof, and any necessary changes will be authorized. If Contractor performs any work knowing or having reason to know that it is contrary to such Laws and Regulations, and without such notice to Engineer, Contractor shall bear all costs arising therefrom; however, it shall not be Contractor's primary responsibility to make certain that the Specifications and Plans are in accordance with such Laws and Regulations.

Among the State laws to which the Contractor is subject are those listed below. The listing below is not intended to be all inclusive of the State and Local statutes affecting the Contractor or the work:

1.1 The Illinois Architectural Act IL Rev. Stat. 1975, ch. 10 1/2 et seq. relating to the practice of architecture;

1.2 The Protection of Adjacent Landowner's Act IL Rev. Stat. 1983, 111 1/2 51 et seq. relating to the duty of an owner or occupant of land upon which excavations are made in reference to the furnishing of lateral and subjacent support to adjoining lands and structure thereon;

1.3 The Regulation of Rivers, Lakes and Streams Act IL Rev. Stat. 1983, ch. 19 ff. relating to flood plains;

1.4 The Contracts for Public Works Act IL Rev. Stat. 1983 ch. 29 15 et seq. relating to bonds of contractors entering into contracts for public construction;

1.5 The Discrimination in Public Contracts Act IL Rev. Stat. 1983, ch. 29 17 et. seq. relating to the prohibition of discrimination and intimidation on account of race, creed, color, sex or national origin in employment under Contracts for Public Works;

1.6 The Wages of Employees on Public Works Act IL Rev. Stat. 1983, ch. 48 39 n et seq. relating to the regulation of laborers, mechanics and other workmen employed in any public works by the State, County, City or any public body or any political subdivision or by any one under contract for public works;

1.7 The Health and Safety Act IL Rev. Stat. 1983, ch. 48 137.1 et seq. relating to providing compensation for accidental injuries or death suffered in the course of employment within the State, and without the State where the contract of employment is made within this State;

1.8 The Workmen's Compensation Act IL Rev. Stat. 1983, ch. 48 138 et seq. relating to providing compensation for accidental injuries or death suffered in the course of employment within the State, and without the State where the contract of employment is made within this State;

1.9 The Medical Examination of Employees and Applicant Act IL Rev. Stat. 1983, ch. 48 172d et. seq. relating to forbidding employers to require employees or applicants for employment to pay the cost of medical examination required as a condition of employment;

1.10 The Occupational Diseases Act IL Rev. Stat. 1983, ch. 48 172.36 et seq. relating to providing remedies for injuries suffered or death resulting from occupational diseases incurred in the course of employment;

1.11 The Prevailing Wage Act IL Rev. Stat. 1987, ch. 48, par. 395-1, relating to the current Illinois Department of Labor Prevailing Wage for Peoria County as periodically revised.

2.0 Safety and Health Regulations

The Contractor shall comply with the Department of Labor Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (PL91-596) and under Section 107 of the Contract Work Hours and Safety Standards Act (PL91-54) or as amended. Nothing in these Acts shall be construed to supersede or in any manner effect any workers' compensation law or to enlarge or diminish or affect in any manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of employment.

3.0 Requirements for Greater Peoria Sanitary District Equal Employment Opportunity

In the event of the Contractor's noncompliance with any provision of this Equal Employment Opportunity Clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission's Rules and Regulations for Public Contracts, the Contractor may be declared non-responsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation.

During the performance of this Contract, the Contractor agrees as follows:

1. That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, ancestry or physical and/or mental disability; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
2. That, if it hires additional employees in order to perform this Contract, or any portion hereof, it will determine the availability (in accordance with the Commission's Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
3. That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin, age, ancestry or physical and/or mental disability.
4. That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the Contractor's obligations under the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts. If any such labor

organization or representative fails or refuses to cooperate with the Contractor in its efforts to comply with such Act and Rules and Regulations, the Contractor will promptly so notify the Illinois Fair Employment Practices Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.

5. That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.
6. That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.
7. That it will include verbatim or by reference the provisions of paragraphs 1 through 7 of this clause in every performance subcontract as defined in Section 2.10(b) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of paragraphs 1, 5, 6 and 7 in every supply subcontract as defined in Section 2.10(a) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and further it will promptly notify the contracting agency and the Illinois Fair Employment Practices Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no Contractor will utilize any subcontractor declared by the Commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

With respect to the two types of subcontracts referred to under paragraph 7 of the Equal Employment Opportunity Clause above, following is an excerpt of Section 2 of the FEPC's Rules and Regulations for Public Contracts:

"Section 2.10. The term "Subcontract" means any agreement, arrangement or understanding, written or otherwise, between a Contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

- (a) for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which in whole or in part, is utilized in the performance of any one or more contracts; or
- (b) under which any portion of the Contractor's obligation under any one or more contracts is performed, undertaken or assumed."

3.1 GPSD Ordinance No. 498, Affirmative Action Requirements

The Sanitary District's affirmative action requirements are detailed in District Ordinance No. 498 that is included as Appendix A in these specifications.

END OF SECTION

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