Taylorsville Executive Order

Criteria to Evaluate Lowest Responsive Responsible Bidder

Utah Code Ann. § 11-39-101, *et seq.*, provides in part that if a city intends to undertake a building improvement or public works project paid for by the City and the estimated cost of building improvements or public works projects exceed the bid limit (as defined therein) and the City determines to proceed with the building improvements or public works project, then the City shall enter into a contract for the completion of the building improvements or public works project with the lowest responsive responsible bidder. Lowest responsive responsible bidder means, among other things, a prime contractor who satisfies the local entities criteria relating to financial strength, past performance, integrity, reliability, and other factors that the local entity uses to assess the ability of the bidder to perform fully and in good faith the contract's requirements. The Mayor hereby enters this Executive Order that the term "lowest responsive responsible bidder" shall include evaluation of the following criteria:

1. That the contractor and subcontractors, if any, demonstrate to the city's satisfaction that the contractor and subcontractor have and will maintain an offer of quality health insurance coverage for the contractor's and subcontractor's employees and the employee's dependents.

2. That the contractor and subcontractor, if any, demonstrate to the city's satisfaction that the contractor has and will maintain a drug and alcohol testing policy during the period of the contract that applies to all covered individuals employed or hired by the contractor or subcontractor and subject the covered individuals to random testing under the drug and alcohol testing policy.

3. That the contractor and subcontractor, if any, demonstrate to the city's satisfaction that the contractor and subcontractor have and will maintain a program to actively recruit and/or employ veterans.

4. That the contractor and subcontractors, if any, demonstrate to the city's satisfaction that the contractor and subcontractor has and will maintain a job training program, such as by way of example and not limitation, a Federal, State and/or City recognized job training program.

5. That the contractor and subcontractors, if any, demonstrate to the city's satisfaction that the contractor and subcontract has and will maintain a safety program.

As used herein:

1. “Contractor” means a person or entity who is or may be awarded a construction contract for building improvements and public works projects.

2. “Covered individual” means an individual, who, on behalf of a contractor or subcontractor, provides services directly related to design or construction contract and is in a safety sensitive position, including a design position that has responsibilities that directly affect the safety of a building improvement or public works project.

3. “Drug and alcohol testing policy” means a policy under which a contractor or subcontractor tests a covered individual to establish, maintain, or enforce a prohibition of (i) the manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, or (ii) the impairment of judgment or physical abilities due to the use of drugs or alcohol.

4. “Health benefit plan” means a policy that provides health care insurance, provides major medical expense insurance, or is offered as a substitute for hospital or medical expense insurance such as a hospital confinement indemnity or limited benefit plan. Health benefit plan does not include a policy that provides benefits solely for accidents, dental, income replacement, long-term care, a Medicare supplement, a specific disease, vision, or a short-term limited duration where it is offered and marketed as supplemental health insurance.

5. “Qualified health insurance coverage” means at the time the contract is entered into or renewed:

(a) a health benefit plan and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan determined by the Children’s Health Insurance Program under Utah Code Ann. § 26-40-106(2)(a) or a successor, and a contribution level of 50% of the premiums for the employee and the dependents of the employee who reside or work in the state in which:

i. the employer pays at least 50% of the premium for the employee and the dependents of the employee; and

ii. for purposes of calculating actuarial equivalency under this provision:

(1) rather than benchmark plan deductibles, and the benchmark plan out-of-pocket maximum based on income levels:

(A) the deductible is $1,000 per individual and $3,000 per family; and
(B) the out-of-pocket maximum is $3,000 per individual and $9,000 per family;

(b) dental coverage is not required; or

(c) a federally qualified, high-deductible health plan that at a minimum:

i. has a deductible that is either:

(1) the lowest deductible permitted for a federally qualified, high-deductible plan;

(2) or a deductible that is higher than the lowest deductible permitted for a federally qualified, high-deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified, high-deductible plan and the deductible for employer-offered federal qualified, high-deductible plan;

(A) has an out-of-pocket maximum that does not exceed three times the amount of the annual deductible;

(B) and the employer pays 60% of the premium for the employee and the dependents of the employee who work or reside in the state of Utah.

6. "Random testing means that a covered individual is subject to periodic testing for drugs and alcohol in accordance with the drug and alcohol testing policy and on the basis of random selection process.

7. "Subcontractor" means any person or entity who may be awarded a contract with a contractor or another subcontractor to provide services or labor for the construction of building improvements and public works projects. Subcontractor includes a trade, contractor, or specialty contractor but does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.

8. "Veteran" means an individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions, or any individual incurring an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty.