

AN ORDINANCE WAIVING THE REQUIREMENTS OF THE VILLAGE OF WESTCHESTER PURCHASING POLICIES AND PROCEDURES MANUAL AND RATIFYING THE EXECUTION OF A SALES ORDER AND MASTER SERVICES AGREEMENT WITH ADP, LLC FOR PAYROLL PROCESSING SERVICES

WHEREAS, the corporate authorities of the Village of Westchester (the "Village") may, by a vote of two-thirds of the trustees then holding office, waive the requirement of the Village of Westchester Purchasing Policies and Procedures Manual to obtain three written quotes for purchases in excess of Ten Thousand Five Hundred Dollars (\$10,000.00) and less than Twenty Thousand Dollars (\$20,000.00); and

WHEREAS, the corporate authorities of the Village are desirous of accepting a proposal from ADP, LLC for payroll processing services, in an amount not to exceed \$15,458.65.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Westchester, Cook County, Illinois, as follows:

Section 1. The corporate authorities of the Village hereby waive the requirement of the Westchester Purchasing Policies and Procedures Manual to obtain three written quotes for purchases in excess of Ten Thousand Five Hundred Dollars (\$10,000.00) and less than Twenty Thousand Dollars (\$20,000.00) and hereby ratify the execution of a Sales Order and Master Services Agreement with ADP, LLC, in an amount not to exceed \$15,458.65, a copy of which are attached hereto as Exhibit "A" and made a part hereof, subject to the execution of the Contractor Certification For by ADP, LLC., a copy of which is attached hereto as Exhibit "B".

Section 2. This Ordinance shall be in full force and effect upon its adoption as provided by law.

ADOPTED this 17th day of December, 2019, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u> A </u>		
Cathy Kuratko	<u> A </u>	Frank Perry	<u> A </u>
Tracy Hart Markey	<u> A </u>	Nick Steker	<u> A </u>

President Gattuso _____

APPROVED this 17th day of December, 2019.

Paul Gattuso
Paul Gattuso, Village President

ATTEST:

Stanley V. Kolodziej
Stanley V. Kolodziej, Village Clerk

EXHIBIT "A"

EXHIBIT "B"

CONTRACTOR CERTIFICATION FORM

The assurances hereinafter made by ADP, LLC (hereinafter the "Contractor") are each a material representation of fact upon which reliance is placed by the Village of Westchester in entering into the contract with the Contractor. The Village of Westchester may terminate the contract if it is later determined that the Contractor rendered a false or erroneous assurance.

I, _____, hereby certify that I am the _____ of
(Name of Owner or Officer) (Title or Office)

_____, and as such, hereby represent and warrant to the
(Name of Contractor)

VILLAGE OF WESTCHESTER, a municipal corporation, (hereinafter the "Village") that the Contractor and its shareholders holding more than five percent (5%) of the outstanding shares of the corporation, its officers and directors are:

- (a) not delinquent in the payment of taxes to the Illinois Department of Revenue in accordance with 65 ILCS 5/11-42.1-1;
- (b) not barred from contracting as a result of a violation of either Section 33E-3 (bid rigging) or 33E-4 (bid-rotating) of the Criminal Code of 1961 (720 ILCS 5/33E-3 and 5/33E-4);
- (c) not in default, as defined in 5 ILCS 385/2, on an educational loan, as defined in 5 ILCS 385/1.

In addition, the Contractor hereby represents and warrants to the Village, that:

- (A) the Contractor, pursuant to 30 ILCS 580/1 *et seq.* ("Drug-Free Workplace Act"), will provide a drug-free workplace by:
 - (1) Publishing a statement:
 - a. Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance including cannabis, is prohibited in the Contractor's workplace;
 - b. Specifying the actions that will be taken against employees for violations of such prohibition;
 - c. Notifying the employee that, as a condition of employment on such Contract, the employee will;

- i. Abide by the terms of the statement;
 - ii. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
 - (2) Establishing a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. the Contractor's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation, and employee assistance program; and
 - d. the penalties that may be imposed upon employees for drug violations;
 - (3) Making it a requirement to give a copy of the statement required by Subsection (A)(1) to each employee engaged in the performance of the Contract, and to post the statement in a prominent place in the workplace;
 - (4) Notifying the Village within ten (10) days after receiving notice under paragraph(A)(1)e from an employee or otherwise receiving actual notice of such conviction;
 - (5) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted, as required by 30 ILCS 580/5;
 - (6) Assisting employees in selecting a course of action in the event drug counseling treatment and rehabilitation is required and indicating that a trained referral team is in place;
 - (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of this section;
- (B) the Contractor has not excluded and will not exclude from participation in, denied the benefits of, subjected to discrimination under, or denied employment to any person in connection with any activity funded under the contract on the basis of race, color, age, religion, national origin, disability, or sex;

- (C) no Village officer, spouse or dependent child of a Village officer, agent on behalf of any Village officer or trust in which a Village officer, the spouse or dependent child of a Village officer or a beneficiary is a holder of any interest in the Contractor; or, if the Contractor's stock is traded on a nationally recognized securities market, that no Village officer, spouse or dependent child of a Village officer, agent on behalf of any Village officer or trust in which a Village officer, the spouse or dependent child of a Village officer or a beneficiary is a holder of more than one percent (1%) of the Contractor, but if any Village officer, spouse or dependent child of a Village officer, agent on behalf of any Village officer or trust in which a Village officer, the spouse or dependent child of a Village officer or a beneficiary is a holder of less than one percent (1%) of such Contractor, the Contractor has disclosed to the Village in writing the name(s) of the holder of such interest;
- (D) no officer or employee of the Village has solicited any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to the government employment or the official position of the employee or officer from the Contractor in violation of Chapter 2.88 of the Municipal Code of the Village of Westchester;
- (E) the Contractor has not given to any officer or employee of the Village any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to the government employment or the official position of the employee or officer in violation of Chapter 2.88 of the Municipal Code of the Village of Westchester;
- (F) neither it nor any of its principals, shareholders, members, partners, or affiliates, as applicable, is a person or entity named as a Specially Designated National and Blocked Person (as defined in Presidential Executive Order 13224) and that it is not acting, directly or indirectly, for or on behalf of a Specially Designated National and Blocked Person and that the Contractor and its principals, shareholders, members, partners, or affiliates, as applicable, are not, directly or indirectly, engaged in, and are not facilitating, the transactions contemplated by this Agreement on behalf of any person or entity named as a Specially Designated National and Blocked Person;
- (G) the Contractor acknowledges that, pursuant to the provisions of the Illinois Freedom of Information Act, (5 ILCS 140/1 *et seq.*), documents or records prepared or used in relation to work performed under this agreement are considered a public record of the Village; and therefore, within thirty (30) days of

