

CHAPTER 4

MUNICIPAL PURCHASING

.01 COMPETITIVE BIDS TO BE OBTAINED.

Any labor, lease, goods, or services to be purchased, sale of personal property, equipment, or public improvement which is not to be paid for in whole or in part by a special assessment or special taxation, where the expenses or costs thereof will exceed \$25,000 shall be constructed or purchased either: (2019-9)

1. by a contract let to the lowest responsible bidder after advertising for bids, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds of all the council elected; or
2. in the manner following, if authorized by a vote of two-thirds of all the council elected, to-wit: the proper officers of departmental head shall make such purchase or shall superintend and cause such work or construction to be carried out but all material of the value of \$25,000 and upward used in any construction work or public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed herein. Nothing herein contained shall apply to any contract with the Federal Government or any agency thereof. (2019-9)

.02 EXCEPTIONS TO COMPETITIVE BID REQUIREMENTS.

Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, accounting and auditing, contracts for utility services such as water, heat, light, telephone or purchasing of educational matter shall not be subject to competitive bidding. Contracts that would be subject to the Local Government Professional Services Selection Act, 605 ILCS 5/7-203, for architectural, engineering, and land surveying services.

.03 SUPPLIES (2019-9)

It is not a requirement that supplies in excess of \$25,000 are set forth for bidding (Section 8-9-2 of the Illinois Municipal Code), however, every matter involving supplies that are in excess of \$15,000 will be brought before the Council to determine if a bidding process would, in fact, result in more competitive pricing for such items.

.04 PROCEDURE IN CONTACTS OVER \$25,000 (2019-9)

(a) Publication. All proposals to award purchase orders or contracts in excess of \$25,000 shall be published once at least ten (10) days in advance of the date announced for the receiving of bids, in a newspaper of general circulation throughout the City or County by the Clerk. Nothing herein shall be construed to prohibit the Clerk from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the City Council.

(b) Advertisements for bids. Advertisements for bids shall describe the character or subject matter of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference, to detailed plans and specifications on file in the office of the Clerk at the time of publication of the announcement. The advertisement shall also state the date, time and place assigned for the opening of bids, and such bids will be received at any time subsequent to the time indicated in the announcement.

(c) Deposit on bids. Cash, a cashier's check, or a certified check as a deposit of good faith, in a reasonable amount but not in excess of 10 percent (10%) of the contract or purchase amount, may be required of each bidder on all sums in excess of \$25,000 if specified in the bid announcement.

(d) Opening of sealed bids. All sealed bids shall be publicly opened by City Council. All bids shall be open

to public inspection in the office of the Clerk.

(e) Bid Award. The award of any purchase or contract in excess of \$25,000 shall be made by the City Council to the lowest or highest responsible bidder, depending on whether the City is to expend or receive money.

.05 EMERGENCY OR IMPRACTICAL (2019-9)

In the event of an emergency affecting the public health, welfare or safety so declared by the Mayor, a contract may be let or a purchase made, to the extent necessary to resolve such emergency without public advertisement in the sum not to exceed \$25,000. The Mayor shall file his authority for such expenditure in writing in the office of the Clerk and a copy to the City Council and shall provide the date or time when the emergency shall terminate and shall name the person authorized to make such expenditure or contract and the amount or amounts to be expended.

Furthermore, in certain instances, the City may determine that the circumstances do not lend themselves to a bidding process. Such matter shall be brought before the Council, setting for in detail the logistical reasons why bidding would not be practical. The Council can then vote to retain the bidding process or otherwise vote to waive the formal bidding requirements.

.06 CONTRACTS OR PURCHASES NOT EXCEEDING \$100. (2019-9)

A City officer may make purchases or award contracts not in excess of \$100 to the lowest or highest bidder, depending on whether the City is expending or receiving money, without authorization by the City Council or procurement of bids as set forth in this chapter. The sum herein authorized to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment, series, or partial payment on a larger amount nor shall it be expended in any manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is expended.

.07 CONTRACTS OR PURCHASE EXCEEDING \$100 AND NOT EXCEEDING \$2,000. (2019-9)

The City Superintendent has authority to make and/or approve departments requests of up to \$2,000 without authorization by the City Council or procurement of bids as set forth in this chapter. The sum herein authorized to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment, series, or partial payment on a larger amount nor shall it be expended in any manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is expended.

.08 CONTRACTS OR PURCHASES OF \$2,000 to \$25,000. (2019-9)

A City officer shall certify to the City Council all requisitions or purchase orders or proposed contracts in the sum of \$2,000 to \$25,000, together with all necessary attachments thereto, including written itemized statements, descriptions of transaction, quantity, and all other data and information relative to the transaction, contract, purchase or lease to properly enable the City Council to approve or disapprove the request. The City Council shall approve or disapprove the request. Approval by the Council of an expenditure, contract, lease or purchase shall empower the departmental head to enter into a contract to be executed by the Mayor on behalf of the City or to make the purchase. The approval or authorization by the Council may provide such other terms, conditions, directions, or restrictions as may be required by the Council.

.09 CONTRACTS EXEMPT FROM PURCHASING REGULATIONS.(2019-9)

The provisions of this chapter shall not apply to local improvement contracts, special assessments or to purchases or contracts otherwise specifically provided for by the Illinois Revised Statutes

.10 INVALID PURCHASE CONTRACTS. (2019-9)

Any purchase or contract executed in violation of this chapter shall be null and void as to the City and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the City.

.11 DISCLOSURE OF INTERESTS (2019-9)

Any public official or employee who has, or whose family members have, an interest in a transaction, either financial or otherwise, which is the subject of contract or bid that is part of this Chapter 4 shall disclose on the record the nature and extent of such interest. This disclosure obligation is in addition to the annual disclosure requirements of economic interests as set forth in the Illinois Governmental Ethic Act.