

1 AN ACT concerning sanitary districts.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The North Shore Sanitary District Act is
5 amended by changing Section 11 as follows:

6 (70 ILCS 2305/11) (from Ch. 42, par. 287)

7 Sec. 11. Except as otherwise provided in this Section,
8 all contracts for purchases or sales by the municipality, the
9 expense of which will exceed the mandatory competitive bid
10 threshold, \$10,000, shall be let to the lowest responsible
11 bidder therefor upon not less than 14 days' public notice of
12 the terms and conditions upon which the contract is to be
13 let, having been given by publication in a newspaper of
14 general circulation published in the district, and the board
15 may reject any and all bids and readvertise. In determining
16 the lowest responsible bidder, the board shall take into
17 consideration the qualities and serviceability of the
18 articles supplied, their conformity with specifications,
19 their suitability to the requirements of the district, the
20 availability of support services, the uniqueness of the
21 service, materials, equipment, or supplies as it applies to
22 network integrated computer systems, the compatibility of the
23 service, materials, equipment or supplies with existing
24 equipment, and the delivery terms. Contracts for services in
25 excess of the mandatory competitive bid threshold \$10,000
26 may, subject to the provisions of this Section, be let by
27 competitive bidding at the discretion of the district board
28 of trustees. All contracts for purchases or sales that will
29 not exceed the mandatory competitive bid threshold of ~~\$~~10,000
30 ~~or less~~ may be made in the open market without publication in
31 a newspaper as above provided, but whenever practical shall

1 be based on at least 3 competitive bids. For purposes of
2 this Section, the "mandatory competitive bid threshold" is a
3 dollar amount equal to 0.1% of the total general fixed assets
4 of the district as reported in the most recent required audit
5 report. In no event, however, shall the mandatory competitive
6 bid threshold dollar amount be less than \$10,000, nor more
7 than \$40,000.

8 Cash, a cashier's check, a certified check, or a bid bond
9 with adequate surety approved by the board of trustees as a
10 deposit of good faith, in a reasonable amount, but not in
11 excess of 10% of the contract amount, may be required of each
12 bidder by the district on all bids involving amounts in
13 excess of the mandatory competitive bid threshold and, if so
14 required, the advertisement for bids shall so specify.

15 Contracts which by their nature are not adapted to award
16 by competitive bidding, including, without limitation,
17 contracts for the services of individuals, groups or firms
18 possessing a high degree of professional skill where the
19 ability or fitness of the individual or organization plays an
20 important part, contracts for financial management services
21 undertaken pursuant to "An Act relating to certain
22 investments of public funds by public agencies", approved
23 July 23, 1943, as now or hereafter amended, contracts for the
24 purchase or sale of utilities, contracts for materials
25 economically procurable only from a single source of supply,
26 contracts for the use, purchase, delivery, movement, or
27 installation of data processing equipment, software, or
28 services and telecommunications and interconnect equipment,
29 software, or services, contracts for duplicating machines and
30 supplies, contracts for goods or services procured from
31 another governmental agency, purchases of equipment
32 previously owned by an entity other than the district itself,
33 and leases of real property where the sanitary district is
34 the lessee shall not be subject to the competitive bidding

1 requirements of this Section.

2 In the case of an emergency affecting the public health
3 or safety so declared by the Board of Trustees of the
4 municipality at a meeting thereof duly convened, which
5 declaration shall require the affirmative vote of four of the
6 five Trustees elected, and shall set forth the nature of the
7 danger to the public health or safety, contracts totaling not
8 more than the emergency contract cap \$75,000 may be let to
9 the extent necessary to resolve such emergency without public
10 advertisement or competitive bidding. For purposes of this
11 Section, the "emergency contract cap" is a dollar amount
12 equal to 0.4% of the total general fixed assets of the
13 district as reported in the most recent required audit
14 report. In no event, however, shall the emergency contract
15 cap dollar amount be less than \$40,000, nor more than
16 \$100,000. The Resolution or Ordinance in which such
17 declaration is embodied shall fix the date upon which such
18 emergency shall terminate which date may be extended or
19 abridged by the Board of Trustees as in their judgment the
20 circumstances require. A full written account of any such
21 emergency, together with a requisition for the materials,
22 supplies, labor or equipment required therefor shall be
23 submitted immediately upon completion and shall be open to
24 public inspection for a period of at least one year
25 subsequent to the date of such emergency purchase. Within 30
26 days after the passage of the resolution or ordinance
27 declaring an emergency affecting the public health or safety,
28 the municipality shall submit to the Illinois Environmental
29 Protection Agency the full written account of any such
30 emergency along with a copy of the resolution or ordinance
31 declaring the emergency, in accordance with requirements as
32 may be provided by rule.

33 To address operating emergencies not affecting the public
34 health or safety, the Board of Trustees shall authorize, in

1 writing, officials or employees of the sanitary district to
2 purchase in the open market and without advertisement any
3 supplies, materials, equipment, or services for immediate
4 delivery to meet the bona fide operating emergency, without
5 filing a requisition or estimate therefor, in an amount not
6 in excess of \$40,000; provided that the Board of Trustees
7 must be notified of the operating emergency. A full, written
8 account of each operating emergency and a requisition for the
9 materials, supplies, equipment, and services required to meet
10 the operating emergency must be immediately submitted by the
11 officials or employees authorized to make purchases to the
12 Board of Trustees. The account must be available for public
13 inspection for a period of at least one year after the date
14 of the operating emergency purchase. The exercise of
15 authority with respect to purchases for a bona fide operating
16 emergency is not dependent on a declaration of an operating
17 emergency by the Board of Trustees.

18 No Trustee shall be interested, directly or indirectly,
19 in any contract, work or business of the municipality, or in
20 the sale of any article, whenever the expense, price or
21 consideration of the contract work, business or sale is paid
22 either from the treasury or by any assessment levied by any
23 Statute or Ordinance. No Trustee shall be interested,
24 directly or indirectly, in the purchase of any property which
25 (1) belongs to the municipality, or (2) is sold for taxes or
26 assessments of the municipality, or (3) is sold by virtue of
27 legal process in the suit of the municipality.

28 A contract for any work or other public improvement, to
29 be paid for in whole or in part by special assessment or
30 special taxation, In-all-ether-respects-such-contracts shall
31 be entered into and the performance thereof controlled by the
32 provisions of Division 2 of Article 9 of the "Illinois
33 Municipal Code", approved May 29, 1961, as heretofore or
34 hereafter amended, as near as may be. However, contracts may

1 be let for making proper and suitable connections between the
2 mains and outlets of the respective sanitary sewers in the
3 district with any conduit, conduits, main pipe or pipes that
4 may be constructed by such sanitary district.

5 (Source: P.A. 91-921, eff. 1-1-01.)

6 Section 10. The Sanitary District Act of 1917 is amended
7 by changing Section 11 as follows:

8 (70 ILCS 2405/11) (from Ch. 42, par. 310)

9 Sec. 11. Except as otherwise hereinafter provided, all
10 contracts for purchases or sales by a sanitary district
11 organized under this Act, the expense of which will exceed
12 the mandatory competitive bid threshold, \$10,000, shall be
13 let to the lowest responsible bidder therefor upon not less
14 than 14 days' public notice of the terms and conditions upon
15 which the contract is to be let, having been given by
16 publication in a newspaper of general circulation published
17 in the district, and the board may reject any and all bids,
18 and readvertise. In determining the lowest responsible
19 bidder, the board shall take into consideration the qualities
20 and serviceability of the articles supplied, their conformity
21 with specifications, their suitability to the requirements of
22 the district, the availability of support services, the
23 uniqueness of the service, materials, equipment, or supplies
24 as it applies to network integrated computer systems, the
25 compatibility of the service, materials, equipment or
26 supplies with existing equipment, and the delivery terms.
27 Contracts for services in excess of the mandatory competitive
28 bid threshold \$10,000 may, subject to the provisions of this
29 Section, be let by competitive bidding at the discretion of
30 the district board of trustees.

31 Cash, a cashier's check, a certified check, or a bid bond
32 with adequate surety approved by the board of trustees as a

1 deposit of good faith, in a reasonable amount, but not in
 2 excess of 10% of the contract amount, may be required of each
 3 bidder by the district on all bids involving amounts in
 4 excess of the mandatory competitive bid threshold and, if so
 5 required, the advertisement for bids shall so specify.

6 All contracts for purchases or sales that will not exceed
 7 the mandatory competitive bid threshold of \$10,000 or less
 8 may be made in the open market without publication in a
 9 newspaper as above provided, but whenever practical shall be
 10 based on at least 3 competitive bids. For purposes of this
 11 Section, the "mandatory competitive bid threshold" is a
 12 dollar amount equal to 0.1% of the total general fixed assets
 13 of the district as reported in the most recent required audit
 14 report. In no event, however, shall the mandatory competitive
 15 bid threshold dollar amount be less than \$10,000, nor more
 16 than \$40,000.

17 Contracts which by their nature are not adapted to award
 18 by competitive bidding, including, without limitation,
 19 contracts for the services of individuals, groups or firms
 20 possessing a high degree of professional skill where the
 21 ability or fitness of the individual or organization plays an
 22 important part, contracts for financial management services
 23 undertaken pursuant to "An Act relating to certain
 24 investments of public funds by public agencies", approved
 25 July 23, 1943, as now or hereafter amended, contracts for the
 26 purchase or sale of utilities, contracts for materials
 27 economically procurable only from a single source of supply,
 28 contracts for the use, purchase, delivery, movement, or
 29 installation of data processing equipment, software, or
 30 services and telecommunications and interconnect equipment,
 31 software, or services, contracts for duplicating machines and
 32 supplies, contracts for goods or services procured from
 33 another governmental agency, purchases of equipment
 34 previously owned by an entity other than the district itself,

1 and leases of real property where the sanitary district is
2 the lessee shall not be subject to the competitive bidding
3 requirements of this Section.

4 The competitive bidding requirements of this Section do
5 not apply to contracts for construction of a facility or
6 structure for the sanitary district when the facility or
7 structure will be designed, built, and tested before being
8 conveyed to the sanitary district.

9 The competitive bidding requirements of this Section do
10 not apply to contracts, including contracts for both
11 materials and services incidental thereto, for the repair or
12 replacement of a sanitary district's treatment plant, sewers,
13 equipment, or facilities damaged or destroyed as the result
14 of a sudden or unexpected occurrence, including, but not
15 limited to, a flood, fire, tornado, earthquake, storm, or
16 other natural or man-made disaster, if the board of trustees
17 determines in writing that the awarding of those contracts
18 without competitive bidding is reasonably necessary for the
19 sanitary district to maintain compliance with a permit issued
20 under the National Pollution Discharge Elimination System
21 (NPDES) or any successor system or with any outstanding order
22 relating to that compliance issued by the United States
23 Environmental Protection Agency, the Illinois Environmental
24 Protection Agency, or the Illinois Pollution Control Board.
25 The authority to issue contracts without competitive bidding
26 pursuant to this paragraph expires 6 months after the date of
27 the writing determining that the awarding of contracts
28 without competitive bidding is reasonably necessary.

29 Where the board of trustees declares, by a 2/3 vote of
30 all members of the board, that there exists an emergency
31 affecting the public health or safety, contracts totaling not
32 more than the emergency contract cap \$40,000 may be let to
33 the extent necessary to resolve such emergency without public
34 advertisement or competitive bidding. For purposes of this

1 Section, the "emergency contract cap" is a dollar amount
2 equal to 0.4% of the total general fixed assets of the
3 district as reported in the most recent required audit
4 report. In no event, however, shall the emergency contract
5 cap dollar amount be less than \$40,000, nor more than
6 \$100,000. The ordinance or resolution embodying the emergency
7 declaration shall contain the date upon which such emergency
8 will terminate. The board of trustees may extend the
9 termination date if in its judgment the circumstances so
10 require. A full written account of the emergency, together
11 with a requisition for the materials, supplies, labor or
12 equipment required therefor shall be submitted immediately
13 upon completion and shall be open to public inspection for a
14 period of at least one year subsequent to the date of such
15 emergency purchase. Within 30 days after the passage of the
16 resolution or ordinance declaring an emergency affecting the
17 public health or safety, the District shall submit to the
18 Illinois Environmental Protection Agency the full written
19 account of any such emergency along with a copy of the
20 resolution or ordinance declaring the emergency, in
21 accordance with requirements as may be provided by rule.

22 A contract for any work or other public improvement, to
23 be paid for in whole or in part by special assessment or
24 special taxation, In-all-ether-respects-such--contraet shall
25 be entered into and the performance thereof controlled by
26 Division 2 of Article 9 of the "Illinois Municipal Code",
27 approved May 29, 1961, as heretofore and hereafter amended,
28 as near as may be. The contracts may be let for making proper
29 and suitable connections between the mains and outlets of the
30 respective sewers in the district with any conduit, conduits,
31 main pipe or pipes that may be constructed by such sanitary
32 district.

33 (Source: P.A. 88-542, eff. 5-27-94; 88-572, eff. 8-11-94;
34 89-235, eff. 8-4-95; 89-558, eff. 7-26-96.)

1 Section 15. The Sanitary District Act of 1936 is amended
2 by changing Section 14 as follows:

3 (70 ILCS 2805/14) (from Ch. 42, par. 425)

4 Sec. 14. Except as otherwise provided in this Section,
5 all contracts for purchases or sales by the sanitary
6 district, the expense of which will exceed the mandatory
7 competitive bid threshold, \$10,000, shall be let to the
8 lowest responsible bidder therefor upon not less than 14
9 days' public notice of the terms and conditions upon which
10 the contract is to be let, having been given by publication
11 in a daily or weekly newspaper published in the district or,
12 if there is no newspaper published in the district, in a
13 newspaper published in the county and having general
14 circulation in the district, and the board may reject any and
15 all bids, and readvertise. Contracts for services in excess
16 of the mandatory competitive bid threshold \$10,000 may,
17 subject to the provisions of this Section, be let by
18 competitive bidding at the discretion of the district board
19 of trustees. All contracts for purchases or sales that will
20 not exceed the mandatory competitive bid threshold of ~~\$~~10,000
21 ~~or less~~ may be made in the open market without publication in
22 a newspaper as above provided, but whenever practical shall
23 be based on at least 3 competitive bids. For purposes of
24 this Section, the "mandatory competitive bid threshold" is a
25 dollar amount equal to 0.1% of the total general fixed assets
26 of the district as reported in the most recent required audit
27 report. In no event, however, shall the mandatory competitive
28 bid threshold dollar amount be less than \$10,000, nor more
29 than \$40,000.

30 Cash, a cashier's check, a certified check, or a bid bond
31 with adequate surety approved by the board of trustees as a
32 deposit of good faith, in a reasonable amount, but not in
33 excess of 10% of the contract amount, may be required of each

1 bidder by the district on all bids involving amounts in
2 excess of the mandatory competitive bid threshold and, if so
3 required, the advertisement for bids shall so specify.

4 Contracts which by their nature are not adapted to award
5 by competitive bidding, including, without limitation,
6 contracts for the services of individuals, groups or firms
7 possessing a high degree of professional skill where the
8 ability or fitness of the individual or organization plays an
9 important part, contracts for financial management services
10 undertaken pursuant to the Public Funds Investment Act,
11 contracts for the purchase or sale of utilities, contracts
12 for materials economically procurable only from a single
13 source of supply and leases of real property where the
14 sanitary district is the lessee shall not be subject to the
15 competitive bidding requirements of this Section.

16 Where the board of trustees declares, by a 2/3 vote of
17 all members of the board, that there exists an emergency
18 affecting the public health or safety, contracts totaling not
19 more than the emergency contract cap \$40,000 may be let to
20 the extent necessary to resolve such emergency without public
21 advertisement or competitive bidding. For purposes of this
22 Section, the "emergency contract cap" is a dollar amount
23 equal to 0.4% of the total general fixed assets of the
24 district as reported in the most recent required audit
25 report. In no event, however, shall the emergency contract
26 cap dollar amount be less than \$40,000, nor more than
27 \$100,000. The ordinance or resolution embodying the emergency
28 declaration shall contain the date upon which such emergency
29 will terminate. The board of trustees may extend the
30 termination date if in its judgment the circumstances so
31 require. A full written account of the emergency, together
32 with a requisition for the materials, supplies, labor or
33 equipment required therefor shall be submitted immediately
34 upon completion and shall be open to public inspection for a

1 period of at least one year subsequent to the date of such
2 emergency purchase. Within 30 days after the passage of the
3 resolution or ordinance declaring an emergency affecting the
4 public health or safety, the District shall submit to the
5 Illinois Environmental Protection Agency the full written
6 account of any such emergency along with a copy of the
7 resolution or ordinance declaring the emergency, in
8 accordance with requirements as may be provided by rule.

9 (Source: P.A. 91-547, eff. 8-14-99.)

10 Section 20. The Metropolitan Water Reclamation District
11 Act is amended by changing Sections 11.3, 11.6, 11.7, 11.10,
12 and 11.13 as follows:

13 (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

14 Sec. 11.3. Except as provided in Sections 11.4 and 11.5,
15 all purchase orders or contracts involving amounts in excess
16 of the mandatory competitive bid threshold \$10,000 and made
17 by or on behalf of the sanitary district for labor, services
18 or work, the purchase, lease or sale of personal property,
19 materials, equipment or supplies, or the granting of any
20 concession, shall be let by free and open competitive bidding
21 after advertisement, to the lowest responsible bidder or to
22 the highest responsible bidder, as the case may be, depending
23 upon whether the sanitary district is to expend or receive
24 money.

25 All such purchase orders or contracts which shall involve
26 amounts that will not exceed the mandatory competitive bid
27 threshold of \$10,000 or less, shall also be let in the manner
28 prescribed above whenever practicable, except that after
29 solicitation of bids, such purchase orders or contracts may
30 be let in the open market, in a manner calculated to insure
31 the best interests of the public. The provisions of this
32 section are subject to any contrary provisions contained in

1 "An Act concerning the use of Illinois mined coal in certain
 2 plants and institutions", filed July 13, 1937, as heretofore
 3 and hereafter amended. For purposes of this Section, the
 4 "mandatory competitive bid threshold" is a dollar amount
 5 equal to 0.1% of the total general fixed assets of the
 6 district as reported in the most recent required audit
 7 report. In no event, however, shall the mandatory
 8 competitive bid threshold dollar amount be less than \$10,000
 9 or more than \$40,000.

10 Notwithstanding the provisions of this Section, the
 11 sanitary district is expressly authorized to establish such
 12 procedures as it deems appropriate to comply with state or
 13 federal regulations as to affirmative action and the
 14 utilization of small and minority businesses in construction
 15 and procurement contracts.

16 (Source: P.A. 83-835.)

17 (70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

18 Sec. 11.6. The head of each department shall notify the
 19 purchasing agent of those officers and employees authorized
 20 to sign requests for purchases. Requests for purchases shall
 21 be void unless executed by an authorized officer or employee
 22 and approved by the purchasing agent. Requests for purchases
 23 may be executed, approved and signed manually or
 24 electronically.

25 Officials and employees making requests for purchases
 26 shall not split or otherwise partition for the purpose of
 27 evading the competitive bidding requirements of this Act, any
 28 undertaking involving amounts in excess of the mandatory
 29 competitive bid threshold \$10,000.

30 (Source: P.A. 87-1125.)

31 (70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

32 Sec. 11.7. All proposals to award purchase orders or

1 contracts involving amounts in excess of the mandatory
2 competitive bid threshold \$10,000 shall be published at least
3 12 calendar days in advance of the date announced for the
4 receiving of bids, in a secular English language newspaper of
5 general circulation in said sanitary district and shall be
6 posted simultaneously on readily accessible bulletin boards
7 in the principal office of the sanitary district. Nothing
8 contained in this section shall be construed to prohibit the
9 placing of additional advertisements in recognized trade
10 journals. Advertisements for bids shall describe the
11 character of the proposed contract or agreement in sufficient
12 detail either in the advertisement itself or by reference to
13 plans, specifications or other detail on file at the time of
14 publication of the first announcement, to enable the bidders
15 to know what their obligation will be. The advertisement
16 shall also state the date, time and place assigned for the
17 opening of bids. No bids shall be received at any time
18 subsequent to the time indicated in the announcement;
19 however, an extension of time may be granted for the opening
20 of such bids upon publication in the same newspaper of
21 general circulation in said sanitary district stating the
22 date to which bid opening has been extended. The time of the
23 extended bid opening shall not be less than 5 days after
24 publication, Sundays and legal holidays excluded.

25 Cash, cashier's check or a certified check payable to the
26 clerk and drawn upon a bank, as a deposit of good faith, in a
27 reasonable amount not in excess of 10% of the contract
28 amount, may be required of each bidder by the purchasing
29 agent on all bids involving amounts in excess of the
30 mandatory competitive bid threshold \$10,000. If a deposit is
31 required, the advertisement for bids shall so specify.
32 Instead of a deposit, the purchasing agent may allow the use
33 of a bid bond if the bond is issued by a surety company that
34 is listed in the Federal Register and is authorized to do

1 business in the State of Illinois.

2 (Source: P.A. 89-89, eff. 6-30-95.)

3 (70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

4 Sec. 11.10. Every contract or purchase order involving
5 amounts in excess of the mandatory competitive bid threshold
6 \$10,000 shall be signed by the president or other duly
7 authorized officer of the board of commissioners, by the
8 general superintendent, by the clerk and by the purchasing
9 agent. Each bid with the name of the bidder shall be entered
10 upon a record which shall be open to public inspection in the
11 office of the purchasing agent. After the award is made, the
12 bids shall be entered in the official records of the board of
13 commissioners.

14 All purchase orders or contracts involving amounts that
15 will not exceed the mandatory competitive bid threshold of
16 \$10,000-or-less shall be let by the purchasing agent. They
17 shall be signed by the purchasing agent and the clerk. All
18 records pertaining to such awards shall be open to public
19 inspection for a period of at least one year subsequent to
20 the date of the award.

21 An official copy of each awarded purchase order or
22 contract together with all necessary attachments thereto,
23 including assignments and written consent of the purchasing
24 agent shall be retained by the purchasing agent in an
25 appropriate file open to the public for such period of time
26 after termination of contract during which action against the
27 municipality might ensue under applicable laws of limitation.
28 Certified copies of all completed contracts and purchase
29 orders shall be filed with the clerk. After the appropriate
30 period, purchase orders, contracts and attachments in the
31 clerk's possession may be destroyed by direction of the
32 purchasing agent.

33 The provisions of this Act are not applicable to joint

1 purchases of personal property, supplies and services made by
2 governmental units in accordance with Sections 1 through 5 of
3 "An Act authorizing certain governmental units to purchase
4 personal property, supplies and services jointly," approved
5 August 15, 1961.

6 (Source: P.A. 83-835.)

7 (70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

8 Sec. 11.13. Bond, with sufficient sureties, in such
9 amount as shall be deemed adequate by the purchasing agent
10 not only to insure performance of the contract in the time
11 and manner specified in said contract but also to save,
12 indemnify and keep harmless the sanitary district against all
13 liabilities, judgments, costs and expenses which may in
14 anywise accrue against said sanitary district in consequence
15 of the granting of the contract or execution thereof shall be
16 required for all contracts relative to construction,
17 rehabilitation or repair of any of the works of the sanitary
18 district and may be required of each bidder upon all other
19 contracts in excess of the mandatory competitive bid
20 threshold \$10,000 when, in the opinion of the purchasing
21 agent, the public interest will be better served thereby.

22 In accordance with the provisions of "An Act in relation
23 to bonds of contractors entering into contracts for public
24 construction", approved June 20, 1931, as amended, all
25 contracts for construction work, to which the sanitary
26 district is a party, shall require that the contractor
27 furnish bond guaranteeing payment for materials and labor
28 utilized in the contract.

29 (Source: P.A. 83-835.)