

1 AMENDMENT TO SENATE BILL 32

2 AMENDMENT NO. _____. Amend Senate Bill 32 by replacing
3 everything after the enacting clause with the following:

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 40,000, ~~\$107,000~~, shall be let to
10 the lowest responsible bidder therefor upon not less than 14
11 days' public notice of the terms and conditions upon which
12 the contract is to be let, having been given by publication
13 in a newspaper of general circulation published in the
14 district, and the board may reject any and all bids and
15 readvertise. In determining the lowest responsible bidder,
16 the board shall take into consideration the qualities and
17 serviceability of the articles supplied, their conformity
18 with specifications, their suitability to the requirements of
19 the district, the availability of support services, the
20 uniqueness of the service, materials, equipment, or supplies
21 as it applies to network integrated computer systems, the
22 compatibility of the service, materials, equipment or

1 supplies with existing equipment, and the delivery terms.
2 Contracts for services in excess of \$40,000 ~~\$10,000~~ may,
3 subject to the provisions of this Section, be let by
4 competitive bidding at the discretion of the district board
5 of trustees. All contracts for purchases or sales of \$40,000
6 ~~\$10,000~~ or less may be made in the open market without
7 publication in a newspaper as above provided, but whenever
8 practical shall be based on at least 3 competitive bids.
9 Cash, a cashier's check, a certified check, or a bid bond
10 with adequate surety approved by the board of trustees as a
11 deposit of good faith, in a reasonable amount, but not in
12 excess of 10% of the contract amount, may be required of each
13 bidder by the district on all bids involving amounts in
14 excess of \$40,000 and, if so required, the advertisement for
15 bids shall so specify.

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

1 the lessee shall not be subject to the competitive bidding
2 requirements of this Section.

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

8 In the case of an emergency affecting the public health
9 or safety so declared by the Board of Trustees of the
10 municipality at a meeting thereof duly convened, which
11 declaration shall require the affirmative vote of four of the
12 five Trustees elected, and shall set forth the nature of the
13 danger to the public health or safety, contracts totaling not
14 more than the emergency contract cap \$75,000 may be let to
15 the extent necessary to resolve such emergency without public
16 advertisement or competitive bidding. For purposes of this
17 Section, the "emergency contract cap" is a dollar amount
18 equal to 0.4% of the total general fixed assets of the
19 district as reported in the most recent required audit
20 report. In no event, however, shall the emergency contract
21 cap dollar amount be less than \$75,000 or more than \$250,000.

22 The Resolution or Ordinance in which such declaration is
23 embodied shall fix the date upon which such emergency shall
24 terminate which date may be extended or abridged by the Board
25 of Trustees as in their judgment the circumstances require.
26 A full written account of any such emergency, together with a
27 requisition for the materials, supplies, labor or equipment
28 required therefor shall be submitted immediately upon
29 completion and shall be open to public inspection for a
30 period of at least one year subsequent to the date of such
31 emergency purchase.

32 To address operating emergencies not affecting the public
33 health or safety, the Board of Trustees shall authorize, in
34 writing, officials or employees of the sanitary district to

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

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

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

1 mains and outlets of the respective sanitary sewers in the
2 district with any conduit, conduits, main pipe or pipes that
3 may be constructed by such sanitary district.

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

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

7 (70 ILCS 2405/11) (from Ch. 42, par. 310)

8 Sec. 11. Except as otherwise hereinafter provided, all
9 contracts for purchases or sales by a sanitary district
10 organized under this Act, the expense of which will exceed
11 \$40,000 ~~\$10,000~~, shall be let to the lowest responsible
12 bidder therefor upon not less than 14 days' public notice of
13 the terms and conditions upon which the contract is to be
14 let, having been given by publication in a newspaper of
15 general circulation published in the district, and the board
16 may reject any and all bids, and readvertise. In determining
17 the lowest responsible bidder, the board shall take into
18 consideration the qualities and serviceability of the
19 articles supplied, their conformity with specifications,
20 their suitability to the requirements of the district, the
21 availability of support services, the uniqueness of the
22 service, materials, equipment, or supplies as it applies to
23 network integrated computer systems, the compatibility of the
24 service, materials, equipment or supplies with existing
25 equipment, and the delivery terms. Contracts for services in
26 excess of \$40,000 ~~\$10,000~~ may, subject to the provisions of
27 this Section, be let by competitive bidding at the discretion
28 of the district board of trustees. Cash, a cashier's check, a
29 certified check, or a bid bond with adequate surety approved
30 by the board of trustees as a deposit of good faith, in a
31 reasonable amount, but not in excess of 10% of the contract
32 amount, may be required of each bidder by the district on all

1 bids involving amounts in excess of \$40,000 and, if so
2 required, the advertisement for bids shall so specify.

3 All contracts for purchases or sales of \$40,000 ~~\$10,000~~
4 or less may be made in the open market without publication in
5 a newspaper as above provided, but whenever practical shall
6 be based on at least 3 competitive bids.

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

28 The competitive bidding requirements of this Section do
29 not apply to contracts for construction of a facility or
30 structure for the sanitary district when the facility or
31 structure will be designed, built, and tested before being
32 conveyed to the sanitary district.

33 The competitive bidding requirements of this Section do
34 not apply to contracts, including contracts for both

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

19 Where the board of trustees declares, by a 2/3 vote of
20 all members of the board, that there exists an emergency
21 affecting the public health or safety, contracts totaling not
22 more than the emergency contract cap \$40,000 may be let to
23 the extent necessary to resolve such emergency without public
24 advertisement or competitive bidding. For purposes of this
25 Section, the "emergency contract cap" is a dollar amount
26 equal to 0.4% of the total general fixed assets of the
27 district as reported in the most recent required audit
28 report. In no event, however, shall the emergency contract
29 cap dollar amount be less than \$40,000 or more than \$250,000.

30 The ordinance or resolution embodying the emergency
31 declaration shall contain the date upon which such emergency
32 will terminate. The board of trustees may extend the
33 termination date if in its judgment the circumstances so
34 require. A full written account of the emergency, together

1 with a requisition for the materials, supplies, labor or
 2 equipment required therefor shall be submitted immediately
 3 upon completion and shall be open to public inspection for a
 4 period of at least one year subsequent to the date of such
 5 emergency purchase.

6 A contract for any work or other public improvement, to
 7 be paid for in whole or in part by special assessment or
 8 special taxation. ~~In all other respects such contract~~ shall
 9 be entered into and the performance thereof controlled by
 10 Division 2 of Article 9 of the "Illinois Municipal Code",
 11 approved May 29, 1961, as heretofore and hereafter amended,
 12 as near as may be. The contracts may be let for making proper
 13 and suitable connections between the mains and outlets of the
 14 respective sewers in the district with any conduit, conduits,
 15 main pipe or pipes that may be constructed by such sanitary
 16 district.

17 (Source: P.A. 88-542, eff. 5-27-94; 88-572, eff. 8-11-94;
 18 89-235, eff. 8-4-95; 89-558, eff. 7-26-96.)

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

21 (70 ILCS 2805/14) (from Ch. 42, par. 425)

22 Sec. 14. Except as otherwise provided in this Section,
 23 all contracts for purchases or sales by the sanitary
 24 district, the expense of which will exceed \$40,000 ~~\$10,000~~,
 25 shall be let to the lowest responsible bidder therefor upon
 26 not less than 14 days' public notice of the terms and
 27 conditions upon which the contract is to be let, having been
 28 given by publication in a daily or weekly newspaper published
 29 in the district or, if there is no newspaper published in the
 30 district, in a newspaper published in the county and having
 31 general circulation in the district, and the board may reject
 32 any and all bids, and readvertise. Contracts for services in

1 excess of 40,000 \$10,000 may, subject to the provisions of
2 this Section, be let by competitive bidding at the discretion
3 of the district board of trustees. All contracts for
4 purchases or sales of \$40,000 \$10,000 or less may be made in
5 the open market without publication in a newspaper as above
6 provided, but whenever practical shall be based on at least 3
7 competitive bids. Cash, a cashier's check, a certified check,
8 or a bid bond with adequate surety approved by the board of
9 trustees as a deposit of good faith, in a reasonable amount,
10 but not in excess of 10% of the contract amount, may be
11 required of each bidder by the district on all bids involving
12 amounts in excess of \$40,000 and, if so required, the
13 advertisement for bids shall so specify.

14 Contracts which by their nature are not adapted to award
15 by competitive bidding, including, without limitation,
16 contracts for the services of individuals, groups or firms
17 possessing a high degree of professional skill where the
18 ability or fitness of the individual or organization plays an
19 important part, contracts for financial management services
20 undertaken pursuant to the Public Funds Investment Act,
21 contracts for the purchase or sale of utilities, contracts
22 for materials economically procurable only from a single
23 source of supply and leases of real property where the
24 sanitary district is the lessee shall not be subject to the
25 competitive bidding requirements of this Section.

26 The competitive bidding requirements of this Section do
27 not apply to contracts for construction of a facility or
28 structure for the district when the facility or structure
29 will be designed, built, and tested before being conveyed to
30 the district.

31 Where the board of trustees declares, by a 2/3 vote of
32 all members of the board, that there exists an emergency
33 affecting the public health or safety, contracts totaling not
34 more than the emergency contract cap \$40,000 may be let to

1 the extent necessary to resolve such emergency without public
2 advertisement or competitive bidding. For purposes of this
3 Section, the "emergency contract cap" is a dollar amount
4 equal to 0.4% of the total general fixed assets of the
5 district as reported in the most recent required audit
6 report. In no event, however, shall the emergency contract
7 cap dollar amount be less than \$40,000 or more than \$250,000.

8 The ordinance or resolution embodying the emergency
9 declaration shall contain the date upon which such emergency
10 will terminate. The board of trustees may extend the
11 termination date if in its judgment the circumstances so
12 require. A full written account of the emergency, together
13 with a requisition for the materials, supplies, labor sr
14 equipment required therefor shall be submitted immediately
15 upon completion and shall be open to public inspection for a
16 period of at least one year subsequent to the date of such
17 emergency purchase.

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