

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 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

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

24 Contracts which by their nature are not adapted to award
25 by competitive bidding, including, without limitation,
26 contracts for the services of individuals, groups or firms
27 possessing a high degree of professional skill where the
28 ability or fitness of the individual or organization plays an
29 important part, contracts for financial management services
30 undertaken pursuant to "An Act relating to certain
31 investments of public funds by public agencies", approved
32 July 23, 1943, as now or hereafter amended, contracts for the
33 purchase or sale of utilities, contracts for materials
34 economically procurable only from a single source of supply,

1 contracts for the use, purchase, delivery, movement, or
2 installation of data processing equipment, software, or
3 services and telecommunications and interconnect equipment,
4 software, or services, contracts for duplicating machines and
5 supplies, contracts for goods or services procured from
6 another governmental agency, purchases of equipment
7 previously owned by an entity other than the district itself,
8 and leases of real property where the sanitary district is
9 the lessee shall not be subject to the competitive bidding
10 requirements of this Section.

11 The competitive bidding requirements of this Section do
12 not apply to contracts for construction of a facility or
13 structure for the district when the facility or structure
14 will be designed, built, and tested before being conveyed to
15 the district.

16 In the case of an emergency affecting the public health
17 or safety so declared by the Board of Trustees of the
18 municipality at a meeting thereof duly convened, which
19 declaration shall require the affirmative vote of four of the
20 five Trustees elected, and shall set forth the nature of the
21 danger to the public health or safety, contracts totaling not
22 more than the emergency contract cap \$75,000 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, nor more than
30 \$100,000. The Resolution or Ordinance in which such
31 declaration is embodied shall fix the date upon which such
32 emergency shall terminate which date may be extended or
33 abridged by the Board of Trustees as in their judgment the
34 circumstances require. A full written account of any such

1 emergency, together with a requisition for the materials,
2 supplies, labor or equipment required therefor shall be
3 submitted immediately upon completion and shall be open to
4 public inspection for a period of at least one year
5 subsequent to the date of such emergency purchase. Within 30
6 days after the passage of the resolution or ordinance
7 declaring an emergency affecting the public health or safety,
8 the municipality shall submit to the Illinois Environmental
9 Protection Agency the full written account of any such
10 emergency along with a copy of the resolution or ordinance
11 declaring the emergency, in accordance with requirements as
12 may be provided by rule.

13 To address operating emergencies not affecting the public
14 health or safety, the Board of Trustees shall authorize, in
15 writing, officials or employees of the sanitary district to
16 purchase in the open market and without advertisement any
17 supplies, materials, equipment, or services for immediate
18 delivery to meet the bona fide operating emergency, without
19 filing a requisition or estimate therefor, in an amount not
20 in excess of \$40,000; provided that the Board of Trustees
21 must be notified of the operating emergency. A full, written
22 account of each operating emergency and a requisition for the
23 materials, supplies, equipment, and services required to meet
24 the operating emergency must be immediately submitted by the
25 officials or employees authorized to make purchases to the
26 Board of Trustees. The account must be available for public
27 inspection for a period of at least one year after the date
28 of the operating emergency purchase. The exercise of
29 authority with respect to purchases for a bona fide operating
30 emergency is not dependent on a declaration of an operating
31 emergency by the Board of Trustees.

32 No Trustee shall be interested, directly or indirectly,
33 in any contract, work or business of the municipality, or in
34 the sale of any article, whenever the expense, price or

1 consideration of the contract work, business or sale is paid
 2 either from the treasury or by any assessment levied by any
 3 Statute or Ordinance. No Trustee shall be interested,
 4 directly or indirectly, in the purchase of any property which
 5 (1) belongs to the municipality, or (2) is sold for taxes or
 6 assessments of the municipality, or (3) is sold by virtue of
 7 legal process in the suit of the municipality.

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

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

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

22 (70 ILCS 2405/11) (from Ch. 42, par. 310)

23 Sec. 11. Except as otherwise hereinafter provided, all
 24 contracts for purchases or sales by a sanitary district
 25 organized under this Act, the expense of which will exceed
 26 the mandatory competitive bid threshold \$10,000, shall be let
 27 to the lowest responsible bidder therefor upon not less than
 28 14 days' public notice of the terms and conditions upon which
 29 the contract is to be let, having been given by publication
 30 in a newspaper of general circulation published in the
 31 district, and the board may reject any and all bids, and
 32 readvertise. In determining the lowest responsible bidder,

1 the board shall take into consideration the qualities and
2 serviceability of the articles supplied, their conformity
3 with specifications, their suitability to the requirements of
4 the district, the availability of support services, the
5 uniqueness of the service, materials, equipment, or supplies
6 as it applies to network integrated computer systems, the
7 compatibility of the service, materials, equipment or
8 supplies with existing equipment, and the delivery terms.
9 Contracts for services in excess of the mandatory competitive
10 bid threshold \$10,000 may, subject to the provisions of this
11 Section, be let by competitive bidding at the discretion of
12 the district board of trustees.

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

20 All contracts for purchases or sales that will not exceed
21 the mandatory competitive bid threshold of--\$10,000--or--less
22 may be made in the open market without publication in a
23 newspaper as above provided, but whenever practical shall be
24 based on at least 3 competitive bids. For purposes of this
25 Section, the "mandatory competitive bid threshold" is a
26 dollar amount equal to 0.1% of the total general fixed assets
27 of the district as reported in the most recent required audit
28 report. In no event, however, shall the mandatory competitive
29 bid threshold dollar amount be less than \$10,000, nor more
30 than \$40,000.

31 Contracts which by their nature are not adapted to award
32 by competitive bidding, including, without limitation,
33 contracts for the services of individuals, groups or firms
34 possessing a high degree of professional skill where the

1 ability or fitness of the individual or organization plays an
2 important part, contracts for financial management services
3 undertaken pursuant to "An Act relating to certain
4 investments of public funds by public agencies", approved
5 July 23, 1943, as now or hereafter amended, contracts for the
6 purchase or sale of utilities, contracts for materials
7 economically procurable only from a single source of supply,
8 contracts for the use, purchase, delivery, movement, or
9 installation of data processing equipment, software, or
10 services and telecommunications and interconnect equipment,
11 software, or services, contracts for duplicating machines and
12 supplies, contracts for goods or services procured from
13 another governmental agency, purchases of equipment
14 previously owned by an entity other than the district itself,
15 and leases of real property where the sanitary district is
16 the lessee shall not be subject to the competitive bidding
17 requirements of this Section.

18 The competitive bidding requirements of this Section do
19 not apply to contracts for construction of a facility or
20 structure for the sanitary district when the facility or
21 structure will be designed, built, and tested before being
22 conveyed to the sanitary district.

23 The competitive bidding requirements of this Section do
24 not apply to contracts, including contracts for both
25 materials and services incidental thereto, for the repair or
26 replacement of a sanitary district's treatment plant, sewers,
27 equipment, or facilities damaged or destroyed as the result
28 of a sudden or unexpected occurrence, including, but not
29 limited to, a flood, fire, tornado, earthquake, storm, or
30 other natural or man-made disaster, if the board of trustees
31 determines in writing that the awarding of those contracts
32 without competitive bidding is reasonably necessary for the
33 sanitary district to maintain compliance with a permit issued
34 under the National Pollution Discharge Elimination System

1 (NPDES) or any successor system or with any outstanding order
2 relating to that compliance issued by the United States
3 Environmental Protection Agency, the Illinois Environmental
4 Protection Agency, or the Illinois Pollution Control Board.
5 The authority to issue contracts without competitive bidding
6 pursuant to this paragraph expires 6 months after the date of
7 the writing determining that the awarding of contracts
8 without competitive bidding is reasonably necessary.

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

1 accordance with requirements as may be provided by rule.

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

13 (Source: P.A. 88-542, eff. 5-27-94; 88-572, eff. 8-11-94;
14 89-235, eff. 8-4-95; 89-558, eff. 7-26-96.)

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

17 (70 ILCS 2805/14) (from Ch. 42, par. 425)

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

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

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

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

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

1 the district.

2 Where the board of trustees declares, by a 2/3 vote of
3 all members of the board, that there exists an emergency
4 affecting the public health or safety, contracts totaling not
5 more than the emergency contract cap \$40,000 may be let to
6 the extent necessary to resolve such emergency without public
7 advertisement or competitive bidding. For purposes of this
8 Section, the "emergency contract cap" is a dollar amount
9 equal to 0.4% of the total general fixed assets of the
10 district as reported in the most recent required audit
11 report. In no event, however, shall the emergency contract
12 cap dollar amount be less than \$40,000, nor more than
13 \$100,000. The ordinance or resolution embodying the emergency
14 declaration shall contain the date upon which such emergency
15 will terminate. The board of trustees may extend the
16 termination date if in its judgment the circumstances so
17 require. A full written account of the emergency, together
18 with a requisition for the materials, supplies, labor sr
19 equipment required therefor shall be submitted immediately
20 upon completion and shall be open to public inspection for a
21 period of at least one year subsequent to the date of such
22 emergency purchase. Within 30 days after the passage of the
23 resolution or ordinance declaring an emergency affecting the
24 public health or safety, the District shall submit to the
25 Illinois Environmental Protection Agency the full written
26 account of any such emergency along with a copy of the
27 resolution or ordinance declaring the emergency, in
28 accordance with requirements as may be provided by rule.
29 (Source: P.A. 91-547, eff. 8-14-99.)".