

1 AN ACT concerning contracts.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-1022 as follows:

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000
9 inhabitants of services, materials, equipment or supplies in
10 excess of \$10,000, other than professional services, shall be
11 contracted for in one of the following ways:

12 (1) by a contract let to the lowest responsible
13 bidder after advertising for bids in a newspaper
14 published within the county or, if no newspaper is
15 published within the county, then a newspaper having
16 general circulation within the county; or

17 (2) by a contract let without advertising for bids
18 in the case of an emergency if authorized by the county
19 board.

20 (b) In determining the lowest responsible bidder, the
21 county board shall take into consideration the qualities of
22 the articles supplied; their conformity with the
23 specifications; their suitability to the requirements of the
24 county, availability of support services; uniqueness of the
25 service, materials, equipment, or supplies as it applies to
26 networked, integrated computer systems; compatibility to
27 existing equipment; and the delivery terms. The county board
28 also may take into consideration whether a bidder is a
29 private enterprise or a State-controlled enterprise and,
30 notwithstanding any other provision of this Section or a
31 lower bid by a State-controlled enterprise, may let a

1 contract to the lowest responsible bidder that is a private
2 enterprise.

3 (c) This Section does not apply to contracts by a county
4 with the federal government or to purchases of used
5 equipment, purchases at auction or similar transactions which
6 by their very nature are not suitable to competitive bids,
7 pursuant to an ordinance adopted by the county board.

8 (d) Blank. ~~Notwithstanding---the---provisions---of---this~~
9 ~~Section,---a---county---may---let---without---advertising---for---bids---in---the~~
10 ~~case---of---purchases---and---contracts,---when---individual---orders---do~~
11 ~~not---exceed---\$25,000,---for---the---use,---purchase,---delivery,---~~
12 ~~movement,---or---installation---of---data---processing---equipment,---~~
13 ~~software,---or---services---and---telecommunications---and~~
14 ~~inter-connect-equipment,---software,---and---services.~~

15 (Source: P.A. 90-517, eff. 8-22-97.)

16 Section 15. The Metropolitan Pier and Exposition
17 Authority Act is amended by changing Section 24 as follows:

18 (70 ILCS 210/24) (from Ch. 85, par. 1244)

19 Sec. 24. All contracts for the sale of property of the
20 value of more than \$10,000 or for any concession in or lease
21 of property of the Authority for a term of more than one year
22 shall be awarded to the highest responsible bidder, after
23 advertising for bids, except as may be otherwise authorized
24 by this Act. All construction contracts, when the cost will
25 exceed \$30,000, and contracts for supplies, materials,
26 equipment and services, when the cost thereof will exceed
27 \$10,000, shall be let to the lowest responsible bidder, after
28 advertising for bids, excepting (1) when repair parts,
29 accessories, equipment or services are required for equipment
30 or services previously furnished or contracted for, (2)
31 professional services contracted for in accordance with
32 Section 25.1 of this Act, (3) when services such as water,

1 light, heat, power, telephone (other than long-distance
2 service) or telegraph are required, and (4) when-contracts
3 for-the-use, purchase, delivery, movement, or installation of
4 data--processing--equipment,--software,---or---services---and
5 telecommunications--equipment,--software,--and--services--are
6 required,--and--(5) when the immediate delivery of supplies,
7 materials, equipment, or services is required and (i) the
8 chief executive officer determines that an emergency
9 situation exists; (ii) the contract accepted is based on the
10 lowest responsible bid after the Authority has made a
11 diligent effort to solicit multiple bids by telephone,
12 facsimile, or other efficient means; and (iii) the chief
13 executive officer submits a report at the next regular Board
14 meeting, to be ratified by the Board and entered into the
15 official record, stating the chief executive officer's reason
16 for declaring an emergency situation, the names of the other
17 parties solicited and their bids, and a copy of the contract
18 awarded.

19 All construction contracts involving less than \$30,000
20 and all other contracts involving less than \$10,000 shall be
21 let by competitive bidding whenever possible, and in any
22 event in a manner calculated to insure the best interests of
23 the public.

24 Each bidder shall disclose in his bid the name of each
25 individual having a beneficial interest, directly or
26 indirectly, of more than 7 1/2% in such bidding entity and,
27 if such bidding entity is a corporation, the names of each of
28 its officers and directors. The bidder shall notify the
29 Board of any changes in its ownership or its officers or
30 directors at the time such changes occur if the change occurs
31 during the pendency of a proposal or a contract.

32 In determining the responsibility of any bidder, the
33 Board may take into account past record of dealings with the
34 bidder, experience, adequacy of equipment, ability to

1 complete performance within the time set, and other factors
2 besides financial responsibility, but in no case shall any
3 such contracts be awarded to any other than the highest
4 bidder (in case of sale or concession or lease) or the lowest
5 bidder (in case of purchase or expenditure) unless authorized
6 or approved by a vote of at least three-fourths of the
7 members of the Board, and unless such action is accompanied
8 by a statement in writing setting forth the reasons for not
9 awarding the contract to the highest or lowest bidder, as the
10 case may be, which statement shall be kept on file in the
11 principal office of the Authority and open to public
12 inspection.

13 From the group of responsible bidders the lowest bidder
14 shall be selected in the following manner: to all bids for
15 sales the gross receipts of which are not taxable under the
16 "Retailers' Occupation Tax Act", approved June 28, 1933, as
17 amended, there shall be added an amount equal to the tax
18 which would be payable under said Act, if applicable, and the
19 lowest in amount of said adjusted bids and bids for sales the
20 gross receipts of which are taxable under said Act shall be
21 considered the lowest bid; provided, that, if said lowest bid
22 relates to a sale not taxable under said Act, any contract
23 entered into thereon shall be in the amount of the original
24 bid not adjusted as aforesaid.

25 Contracts shall not be split into parts involving
26 expenditures of less than \$10,000 (or \$30,000 in the case of
27 construction contracts) for the purposes of avoiding the
28 provisions of this Section, and all such split contracts
29 shall be void. If any collusion occurs among bidders or
30 prospective bidders in restraint of freedom of competition,
31 by agreement to bid a fixed amount or to refrain from
32 bidding, or otherwise, the bids of such bidders shall be
33 void. Each bidder shall accompany his bid with a sworn
34 statement that he has not been a party to any such agreement.

1 The Board shall have the right to reject all bids and to
2 readvertise for bids. If after any such readvertisement no
3 responsible and satisfactory bid, within the terms of the
4 advertisement, shall be received, the Board may award such
5 contract without competitive bidding, provided that it shall
6 not be less advantageous to the Authority than any valid bid
7 received pursuant to advertisement.

8 The Board shall adopt rules and regulations of general
9 application within 90 days of the effective date of this
10 amendatory Act of 1985 to carry into effect the provisions of
11 this Section.

12 (Source: P.A. 91-422, eff. 1-1-00.)

13 Section 20. The Park District Code is amended by
14 changing Section 8-1 as follows:

15 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

16 Sec. 8-1. Every park district shall, from the time of
17 its organization, be a body corporate and politic by such
18 name as set forth in the petition for its organization or
19 such name as it may adopt under Section 8-8 hereof and shall
20 have and exercise the following powers:

21 (a) To adopt a corporate seal and alter the same at
22 pleasure; to sue and be sued; and to contract in furtherance
23 of any of its corporate purposes.

24 (b) (1) To acquire by gift, legacy, grant or purchase,
25 or by condemnation in the manner provided for the exercise of
26 the power of eminent domain under Article VII of the Code of
27 Civil Procedure, approved August 19, 1981, as amended, any
28 and all real estate, or rights therein necessary for
29 building, laying out, extending, adorning and maintaining any
30 such parks, boulevards and driveways, or for effecting any of
31 the powers or purposes granted under this Code as its board
32 may deem proper, whether such lands be located within or

1 without such district; but no park district, except as
2 provided in paragraph (2) of this subsection, shall have any
3 power of condemnation in the manner provided for the exercise
4 of the power of eminent domain under Article VII of the Code
5 of Civil Procedure, approved August 19, 1981, as amended, or
6 otherwise as to any real estate, lands, riparian rights or
7 estate, or other property situated outside of such district,
8 but shall only have power to acquire the same by gift,
9 legacy, grant or purchase, and such district shall have the
10 same control of and power over lands so acquired without the
11 district as over parks, boulevards and driveways within such
12 district.

13 (2) In addition to the powers granted in paragraph (1)
14 of subsection (b), a park district located in more than one
15 county, the majority of its territory located in a county
16 over 450,000 in population and none of its territory located
17 in a county over 1,000,000 in population, shall have
18 condemnation power in the manner provided for the exercise of
19 the power of eminent domain under Article VII of the Code of
20 Civil Procedure, approved August 19, 1981, as amended, or as
21 otherwise granted by law as to any and all real estate
22 situated up to one mile outside of such district which is not
23 within the boundaries of another park district.

24 (c) To acquire by gift, legacy or purchase any personal
25 property necessary for its corporate purposes provided that
26 all contracts for supplies, materials or work involving an
27 expenditure in excess of \$10,000 shall be let to the lowest
28 responsible bidder, considering conformity with
29 specifications, terms of delivery, quality, and
30 serviceability, after due advertisement, excepting contracts
31 which by their nature are not adapted to award by competitive
32 bidding, such as contracts for the services of individuals
33 possessing a high degree of professional skill where the
34 ability or fitness of the individual plays an important part,

1 contracts for the printing of finance committee reports and
2 departmental reports, contracts for the printing or engraving
3 of bonds, tax warrants and other evidences of indebtedness,
4 contracts for utility services such as water, light, heat,
5 telephone or telegraph, ~~contracts--for--the-use,~~ purchase,
6 ~~delivery,~~ ~~movement,~~ ~~or~~ ~~installation~~ ~~of~~ ~~data~~ ~~processing~~
7 ~~equipment,~~ ~~software,~~ ~~or~~ ~~services~~ ~~and~~ ~~telecommunications~~ ~~and~~
8 ~~interconnect~~ ~~equipment,~~ ~~software,~~ ~~or~~ ~~services,~~ contracts for
9 duplicating machines and supplies, contracts for goods or
10 services procured from another governmental agency, purchases
11 of equipment previously owned by some entity other than the
12 district itself, and contracts for the purchase of magazines,
13 books, periodicals, pamphlets and reports and excepting where
14 funds are expended in an emergency and such emergency
15 expenditure is approved by 3/4 of the members of the board.

16 All competitive bids for contracts involving an
17 expenditure in excess of \$10,000 must be sealed by the bidder
18 and must be opened by a member or employee of the park board
19 at a public bid opening at which the contents of the bids
20 must be announced. Each bidder must receive at least 3 days
21 notice of the time and place of the bid opening.

22 For purposes of this subsection, "due advertisement"
23 includes, but is not limited to, at least one public notice
24 at least 10 days before the bid date in a newspaper published
25 in the district or, if no newspaper is published in the
26 district, in a newspaper of general circulation in the area
27 of the district.

28 (d) To pass all necessary ordinances, rules and
29 regulations for the proper management and conduct of the
30 business of the board and district and to establish by
31 ordinance all needful rules and regulations for the
32 government and protection of parks, boulevards and driveways
33 and other property under its jurisdiction, and to effect the
34 objects for which such districts are formed.

1 (e) To prescribe such fines and penalties for the
2 violation of ordinances as it shall deem proper not exceeding
3 \$1,000 for any one offense, which fines and penalties may be
4 recovered by an action in the name of such district in the
5 circuit court for the county in which such violation
6 occurred. The park district may also seek in the action, in
7 addition to or instead of fines and penalties, an order that
8 the offender be required to make restitution for damage
9 resulting from violations, and the court shall grant such
10 relief where appropriate. The procedure in such actions
11 shall be the same as that provided by law for like actions
12 for the violation of ordinances in cities organized under the
13 general laws of this State, and offenders may be imprisoned
14 for non-payment of fines and costs in the same manner as in
15 such cities. All fines when collected shall be paid into the
16 treasury of such district.

17 (f) To manage and control all officers and property of
18 such districts and to provide for joint ownership with one or
19 more cities, villages or incorporated towns of real and
20 personal property used for park purposes by one or more park
21 districts. In case of joint ownership, the terms of the
22 agreement shall be fair, just and equitable to all parties
23 and shall be set forth in a written agreement entered into by
24 the corporate authorities of each participating district,
25 city, village or incorporated town.

26 (g) To secure grants and loans, or either, from the
27 United States Government, or any agency or agencies thereof,
28 for financing the acquisition or purchase of any and all real
29 estate, or rights therein, or for effecting any of the powers
30 or purposes granted under this Code as its Board may deem
31 proper.

32 (h) To establish fees for the use of facilities and
33 recreational programs of the districts and to derive revenue
34 from non-resident fees from their operations. Fees charged

1 non-residents of such district need not be the same as fees
2 charged to residents of the district. Charging fees or
3 deriving revenue from the facilities and recreational
4 programs shall not affect the right to assert or utilize any
5 defense or immunity, common law or statutory, available to
6 the districts or their employees.

7 (i) To make contracts for a term exceeding one year, but
8 not to exceed 3 years, notwithstanding any provision of this
9 Code to the contrary, relating to: (1) the employment of a
10 park director, superintendent, administrator, engineer,
11 health officer, land planner, finance director, attorney,
12 police chief, or other officer who requires technical
13 training or knowledge; (2) the employment of outside
14 professional consultants such as engineers, doctors, land
15 planners, auditors, attorneys, or other professional
16 consultants who require technical training or knowledge; and
17 (3) the provision of data processing equipment and services.
18 With respect to any contract made under this subsection (i),
19 the corporate authorities shall include in the annual
20 appropriation ordinance for each fiscal year an appropriation
21 of a sum of money sufficient to pay the amount which, by the
22 terms of the contract, is to become due and payable during
23 that fiscal year.

24 (j) To enter into licensing or management agreements
25 with not-for-profit corporations organized under the laws of
26 this State to operate park district facilities if the
27 corporation covenants to use the facilities to provide public
28 park or recreational programs for youth.

29 (Source: P.A. 92-614, eff. 7-8-02.)

30 Section 25. The North Shore Sanitary District Act is
31 amended by changing Section 11 as follows:

32 (70 ILCS 2305/11) (from Ch. 42, par. 287)

1 Sec. 11. Except as otherwise provided in this Section,
2 all contracts for purchases or sales by the municipality, the
3 expense of which will exceed the mandatory competitive bid
4 threshold, shall be let to the lowest responsible bidder
5 therefor upon not less than 14 days' public notice of the
6 terms and conditions upon which the contract is to be let,
7 having been given by publication in a newspaper of general
8 circulation published in the district, and the board may
9 reject any and all bids and readvertise. In determining the
10 lowest responsible bidder, the board shall take into
11 consideration the qualities and serviceability of the
12 articles supplied, their conformity with specifications,
13 their suitability to the requirements of the district, the
14 availability of support services, the uniqueness of the
15 service, materials, equipment, or supplies as it applies to
16 network integrated computer systems, the compatibility of the
17 service, materials, equipment or supplies with existing
18 equipment, and the delivery terms. Contracts for services in
19 excess of the mandatory competitive bid threshold may,
20 subject to the provisions of this Section, be let by
21 competitive bidding at the discretion of the district board
22 of trustees. All contracts for purchases or sales that will
23 not exceed the mandatory competitive bid threshold may be
24 made in the open market without publication in a newspaper as
25 above provided, but whenever practical shall be based on at
26 least 3 competitive bids. For purposes of this Section, the
27 "mandatory competitive bid threshold" is a dollar amount
28 equal to 0.1% of the total general fixed assets of the
29 district as reported in the most recent required audit
30 report. In no event, however, shall the mandatory competitive
31 bid threshold dollar amount be less than \$10,000, nor more
32 than \$40,000.

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

27 In the case of an emergency affecting the public health
28 or safety so declared by the Board of Trustees of the
29 municipality at a meeting thereof duly convened, which
30 declaration shall require the affirmative vote of four of the
31 five Trustees elected, and shall set forth the nature of the
32 danger to the public health or safety, contracts totaling not
33 more than the emergency contract cap may be let to the extent
34 necessary to resolve such emergency without public

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

24 To address operating emergencies not affecting the public
25 health or safety, the Board of Trustees shall authorize, in
26 writing, officials or employees of the sanitary district to
27 purchase in the open market and without advertisement any
28 supplies, materials, equipment, or services for immediate
29 delivery to meet the bona fide operating emergency, without
30 filing a requisition or estimate therefor, in an amount not
31 in excess of \$40,000; provided that the Board of Trustees
32 must be notified of the operating emergency. A full, written
33 account of each operating emergency and a requisition for the
34 materials, supplies, equipment, and services required to meet

1 the operating emergency must be immediately submitted by the
2 officials or employees authorized to make purchases to the
3 Board of Trustees. The account must be available for public
4 inspection for a period of at least one year after the date
5 of the operating emergency purchase. The exercise of
6 authority with respect to purchases for a bona fide operating
7 emergency is not dependent on a declaration of an operating
8 emergency by the Board of Trustees.

9 No Trustee shall be interested, directly or indirectly,
10 in any contract, work or business of the municipality, or in
11 the sale of any article, whenever the expense, price or
12 consideration of the contract work, business or sale is paid
13 either from the treasury or by any assessment levied by any
14 Statute or Ordinance. No Trustee shall be interested,
15 directly or indirectly, in the purchase of any property which
16 (1) belongs to the municipality, or (2) is sold for taxes or
17 assessments of the municipality, or (3) is sold by virtue of
18 legal process in the suit of the municipality.

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

30 (Source: P.A. 91-921, eff. 1-1-01; 92-195, eff. 1-1-02.)

31 Section 30. The Sanitary District Act of 1917 is amended
32 by changing Section 11 as follows:

1 (70 ILCS 2405/11) (from Ch. 42, par. 310)

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

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

31 All contracts for purchases or sales that will not exceed
32 the mandatory competitive bid threshold may be made in the
33 open market without publication in a newspaper as above
34 provided, but whenever practical shall be based on at least 3

1 competitive bids. For purposes of this Section, the
2 "mandatory competitive bid threshold" is a dollar amount
3 equal to 0.1% of the total general fixed assets of the
4 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 Contracts which by their nature are not adapted to award
9 by competitive bidding, including, without limitation,
10 contracts for the services of individuals, groups or firms
11 possessing a high degree of professional skill where the
12 ability or fitness of the individual or organization plays an
13 important part, contracts for financial management services
14 undertaken pursuant to "An Act relating to certain
15 investments of public funds by public agencies", approved
16 July 23, 1943, as now or hereafter amended, contracts for the
17 purchase or sale of utilities, contracts for materials
18 economically procurable only from a single source of supply,
19 ~~contracts for the use, purchase, delivery, movement, or~~
20 ~~installation of data processing equipment, software, or~~
21 ~~services and telecommunications and interconnect equipment,~~
22 ~~software, or services,~~ contracts for duplicating machines and
23 supplies, contracts for goods or services procured from
24 another governmental agency, purchases of equipment
25 previously owned by an entity other than the district itself,
26 and leases of real property where the sanitary district is
27 the lessee shall not be subject to the competitive bidding
28 requirements of this Section.

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

34 The competitive bidding requirements of this Section do

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

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

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

13 A contract for any work or other public improvement, to
14 be paid for in whole or in part by special assessment or
15 special taxation, shall be entered into and the performance
16 thereof controlled by Division 2 of Article 9 of the
17 "Illinois Municipal Code", approved May 29, 1961, as
18 heretofore and hereafter amended, as near as may be. The
19 contracts may be let for making proper and suitable
20 connections between the mains and outlets of the respective
21 sewers in the district with any conduit, conduits, main pipe
22 or pipes that may be constructed by such sanitary district.
23 (Source: P.A. 92-195, eff. 1-1-02.)

24 Section 35. The Regional Transportation Authority Act is
25 amended by changing Section 4.06 as follows:

26 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

27 Sec. 4.06. Public bidding.

28 (a) The Board shall adopt regulations to ensure that the
29 construction or acquisition by the Authority or a Service
30 Board other than the Chicago Transit Authority of services or
31 public transportation facilities (other than real estate)
32 involving a cost of more than \$10,000 and the disposition of

1 all property of the Authority or a Service Board other than
2 the Chicago Transit Authority shall be after public notice
3 and with public bidding. Such regulations may provide for
4 exceptions to such requirements for acquisition of repair
5 parts, accessories, equipment or services previously
6 furnished or contracted for; for the immediate delivery of
7 supplies, material or equipment or performance of service
8 when it is determined by the concurrence of two-thirds of the
9 then Directors that an emergency requires immediate delivery
10 or supply thereof; for goods or services that are
11 economically procurable from only one source; for contracts
12 for the maintenance or servicing of equipment which are made
13 with the manufacturers or authorized service agent of that
14 equipment where the maintenance or servicing can best be
15 performed by the manufacturer or authorized service agent or
16 such a contract would be otherwise advantageous to the
17 Authority or a Service Board, other than the Chicago Transit
18 Authority, except that the exceptions in this clause shall
19 not apply to contracts for plumbing, heating, piping,
20 refrigeration and automatic temperature control systems,
21 ventilating and distribution systems for conditioned air, and
22 electrical wiring; for goods or services procured from
23 another governmental agency; ~~for purchases and contracts for~~
24 ~~the use or purchase of data processing equipment and data~~
25 ~~processing systems software;~~ for the acquisition of
26 professional or utility services; and for the acquisition of
27 public transportation equipment including, but not limited
28 to, rolling stock, locomotives and buses, provided that: (i)
29 it is determined by a vote of 2/3 of the then Directors of
30 the Service Board making the acquisition that a negotiated
31 acquisition offers opportunities with respect to the cost or
32 financing of the equipment, its delivery, or the performance
33 of a portion of the work within the State or the use of goods
34 produced or services provided within the State; (ii) a notice

1 of intention to negotiate for the acquisition of such public
2 transportation equipment is published in a newspaper of
3 general circulation within the City of Chicago inviting
4 proposals from qualified vendors; and (iii) any contract with
5 respect to such acquisition is authorized by a vote of 2/3 of
6 the then Directors of the Service Board making the
7 acquisition. The requirements set forth in this Section shall
8 not apply to purchase of service agreements or other
9 contracts, purchases or sales entered into by the Authority
10 with any transportation agency or unit of local government.

11 (b) (1) In connection with two-phase design/build
12 selection procedures authorized in this Section, a Service
13 Board may authorize, by the affirmative vote of two-thirds of
14 the then members of the Service Board, the use of competitive
15 selection and the prequalification of responsible bidders
16 consistent with applicable federal regulations and this
17 subsection (b).

18 (2) Two-phase design/build selection procedures
19 shall consist of the following:

20 (i) A Service Board shall develop, through
21 licensed architects or licensed engineers, a scope
22 of work statement for inclusion in the solicitation
23 for phase-one proposals that defines the project and
24 provides prospective offerors with sufficient
25 information regarding the Service Board's
26 requirements. The statement shall include criteria
27 and preliminary design, and general budget
28 parameters and general schedule or delivery
29 requirements to enable the offerors to submit
30 proposals which meet the Service Board's needs. When
31 the two-phase design/build selection procedure is
32 used and the Service Board contracts for development
33 of the scope of work statement, the Service Board
34 shall contract for architectural or engineering

1 services as defined by and in accordance with the
2 Architectural, Engineering, and Land Surveying
3 Qualifications Based Selection Act and all
4 applicable licensing statutes.

5 (ii) The evaluation factors to be used in
6 evaluating phase-one proposals must be stated in the
7 solicitation and must include specialized experience
8 and technical competence, capability to perform,
9 past performance of the offeror's team (including
10 the architect-engineer and construction members of
11 the team) and other appropriate technical and
12 qualifications factors. Each solicitation must
13 establish the relative importance assigned to the
14 evaluation factors and the subfactors that must be
15 considered in the evaluation of phase-one proposals
16 on the basis of the evaluation factors set forth in
17 the solicitation. Each design/build team must
18 include a licensed design professional independent
19 from the Service Board's licensed architect or
20 engineer and a licensed design professional must be
21 named in the phase-one proposals submitted to the
22 Service Board.

23 (iii) On the basis of the phase-one proposal
24 the Service Board shall select as the most highly
25 qualified the number of offerors specified in the
26 solicitation and request the selected offerors to
27 submit phase-two competitive proposals and cost or
28 price information. Each solicitation must establish
29 the relative importance assigned to the evaluation
30 factors and the subfactors that must be considered
31 in the evaluation of phase-two proposals on the
32 basis of the evaluation factors set forth in the
33 solicitation. A Service Board may negotiate with
34 the selected design/build team after award but prior

1 to contract execution for the purpose of securing
2 better terms than originally proposed, provided the
3 salient features of the design/build solicitation
4 are not diminished. Each phase-two solicitation
5 evaluates separately (A) the technical submission
6 for the proposal, including design concepts or
7 proposed solutions to requirements addressed within
8 the scope of work, and (B) the evaluation factors
9 and subfactors, including cost or price, that must
10 be considered in the evaluations of proposals.

11 (iv) A design/build solicitation issued under
12 the procedures in this subsection (b) shall state
13 the maximum number of offerors that are to be
14 selected to submit competitive phase-two proposals.
15 The maximum number specified in the solicitation
16 shall not exceed 5 unless the Service Board with
17 respect to an individual solicitation determines
18 that a specified number greater than 5 is in the
19 best interest of the Service Board and is consistent
20 with the purposes and objectives of the two-phase
21 design/build selection process.

22 (v) All designs submitted as part of the
23 two-phase selection process and not selected shall
24 be proprietary to the preparers.

25 (Source: P.A. 89-664, eff. 8-14-96.)

26 Section 40. The School Code is amended by changing
27 Section 10-20.21 as follows:

28 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

29 Sec. 10-20.21. Contracts. To award all contracts for
30 purchase of supplies, materials or work or contracts with
31 private carriers for transportation of pupils involving an
32 expenditure in excess of \$10,000 to the lowest responsible

1 bidder, considering conformity with specifications, terms of
2 delivery, quality and serviceability, after due
3 advertisement, except the following: (i) contracts for the
4 services of individuals possessing a high degree of
5 professional skill where the ability or fitness of the
6 individual plays an important part; (ii) contracts for the
7 printing of finance committee reports and departmental
8 reports; (iii) contracts for the printing or engraving of
9 bonds, tax warrants and other evidences of indebtedness; (iv)
10 contracts for the purchase of perishable foods and perishable
11 beverages; (v) contracts for materials and work which have
12 been awarded to the lowest responsible bidder after due
13 advertisement, but due to unforeseen revisions, not the fault
14 of the contractor for materials and work, must be revised
15 causing expenditures not in excess of 10% of the contract
16 price; (vi) contracts for the maintenance or servicing of, or
17 provision of repair parts for, equipment which are made with
18 the manufacturer or authorized service agent of that
19 equipment where the provision of parts, maintenance, or
20 servicing can best be performed by the manufacturer or
21 authorized service agent; (vii) (blank); purchases---and
22 ~~contracts--for--the--use,--purchase,--delivery,--movement,--or~~
23 ~~installation--of--data--processing--equipment,--software,--or~~
24 ~~services--and--telecommunications--and--interconnect--equipment,~~
25 ~~software,--and--services;~~ (viii) contracts for duplicating
26 machines and supplies; (ix) contracts for the purchase of
27 natural gas when the cost is less than that offered by a
28 public utility; (x) purchases of equipment previously owned
29 by some entity other than the district itself; (xi) contracts
30 for repair, maintenance, remodeling, renovation, or
31 construction, or a single project involving an expenditure
32 not to exceed \$20,000 and not involving a change or increase
33 in the size, type, or extent of an existing facility; (xii)
34 contracts for goods or services procured from another

1 governmental agency; (xiii) contracts for goods or services
2 which are economically procurable from only one source, such
3 as for the purchase of magazines, books, periodicals,
4 pamphlets and reports, and for utility services such as
5 water, light, heat, telephone or telegraph; and (xiv) where
6 funds are expended in an emergency and such emergency
7 expenditure is approved by 3/4 of the members of the board.
8 All competitive bids for contracts involving an expenditure
9 in excess of \$10,000 must be sealed by the bidder and must be
10 opened by a member or employee of the school board at a
11 public bid opening at which the contents of the bids must be
12 announced. Each bidder must receive at least 3 days' notice
13 of the time and place of the bid opening. For purposes of
14 this Section due advertisement includes, but is not limited
15 to, at least one public notice at least 10 days before the
16 bid date in a newspaper published in the district, or if no
17 newspaper is published in the district, in a newspaper of
18 general circulation in the area of the district.
19 (Source: P.A. 86-411; 87-414.)

20 Section 45. The Public Community College Act is amended
21 by changing Section 3-27.1 as follows:

22 (110 ILCS 805/3-27.1) (from Ch. 122, par. 103-27.1)
23 Sec. 3-27.1. Contracts. To award all contracts for
24 purchase of supplies, materials or work involving an
25 expenditure in excess of \$10,000 to the lowest responsible
26 bidder considering conformity with specifications, terms of
27 delivery, quality, and serviceability; after due
28 advertisement, except the following: (a) contracts for the
29 services of individuals possessing a high degree of
30 professional skill where the ability or fitness of the
31 individual plays an important part; (b) contracts for the
32 printing of finance committee reports and departmental

1 reports; (c) contracts for the printing or engraving of
2 bonds, tax warrants and other evidences of indebtedness; (d)
3 contracts for materials and work which have been awarded to
4 the lowest responsible bidder after due advertisement, but
5 due to unforeseen revisions, not the fault of the contractor
6 for materials and work, must be revised causing expenditures
7 not in excess of 10% of the contract price; (e) contracts for
8 the maintenance or servicing of, or provision of repair parts
9 for, equipment which are made with the manufacturer or
10 authorized service agent of that equipment where the
11 provision of parts, maintenance, or servicing can best be
12 performed by the manufacturer or authorized service agent;
13 (f) ~~purchases-and-contracts-for-the-use, purchase, delivery,~~
14 ~~movement, or installation of data processing equipment,~~
15 ~~software, or services and telecommunications and~~
16 ~~inter-connect equipment, software and services;~~ (g)
17 contracts for duplicating machines and supplies; (g)(h)
18 contracts for the purchase of natural gas when the cost is
19 less than that offered by a public utility; (h)(i) purchases
20 of equipment previously owned by some entity other than the
21 district itself; (i)(j) contracts for repair, maintenance,
22 remodeling, renovation, or construction, or a single project
23 involving an expenditure not to exceed \$15,000 and not
24 involving a change or increase in the size, type, or extent
25 of an existing facility; (j)(k) contracts for goods or
26 services procured from another governmental agency; (k)(l)
27 contracts for goods or services which are economically
28 procurable from only one source, such as for the purchase of
29 magazines, books, periodicals, pamphlets and reports, and for
30 utility services such as water, light, heat, telephone or
31 telegraph; and (l)(m) where funds are expended in an
32 emergency and such emergency expenditure is approved by 3/4
33 of the members of the board.

34 All competitive bids for contracts involving an

1 expenditure in excess of \$10,000 must be sealed by the bidder
2 and must be opened by a member or employee of the board at a
3 public bid opening at which the contents of the bids must be
4 announced. Each bidder must receive at least 3 days' notice
5 of the time and place of such bid opening. For purposes of
6 this Section due advertisement includes, but is not limited
7 to, at least one public notice at least 10 days before the
8 bid date in a newspaper published in the district, or if no
9 newspaper is published in the district, in a newspaper of
10 general circulation in the area of the district.

11 The provisions of this Section do not apply to guaranteed
12 energy savings contracts entered into under Article V-A.

13 (Source: P.A. 87-1023; 88-173.)