

AN ACT concerning local government.

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

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

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

Sec. 11. Except as otherwise hereinafter provided, all contracts for purchases or sales by a sanitary district organized under this Act, the expense of which will exceed the mandatory competitive bid threshold, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all bids, and readvertise. In determining the lowest responsible bidder, the board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with specifications, their suitability to the requirements of the district, the availability of support services, the uniqueness of the service, materials, equipment, or supplies as it applies to network integrated computer systems, the compatibility of the service, materials, equipment or supplies with existing

equipment, and the delivery terms. Contracts for services in excess of the mandatory competitive bid threshold may, subject to the provisions of this Section, be let by competitive bidding at the discretion of the district board of trustees.

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

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

If a unit of local government performs non-emergency construction, alteration, repair, improvement, or maintenance work on the public way, the sanitary district may enter into an intergovernmental agreement with the unit of local government allowing similar construction work to be performed by the

sanitary district on the same project, in an amount no greater than \$100,000, to save taxpayer funds and eliminate duplication of government effort. The sanitary district and the other unit of local government shall, before work is performed by either unit of local government on a project, adopt a resolution by a majority vote of both governing bodies certifying work will occur at a specific location, the reasons why both units of local government require work to be performed in the same location, and the projected cost savings if work is performed by both units of local government on the same project. Officials or employees of the sanitary district may, if authorized by resolution, purchase in the open market any supplies, materials, equipment, or services for use within the project in an amount no greater than \$100,000 without advertisement or without filing a requisition or estimate. A full written account of each project performed by the sanitary district and a requisition for the materials, supplies, equipment, and services used by the sanitary district required to complete the project must be submitted by the officials or employees authorized to make purchases to the board of trustees of the sanitary district no later than 30 days after purchase. The full written account must be available for public inspection for at least one year after expenditures are made.

Contracts which by their nature are not adapted to award by competitive bidding, including, without limitation, contracts for the services of individuals, groups or firms possessing a

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

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

The competitive bidding requirements of this Section do not apply to contracts, including contracts for both materials and services incidental thereto, for the repair or replacement of a

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

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

shall the emergency contract cap dollar amount be less than \$40,000, nor more than \$100,000. The ordinance or resolution embodying the emergency declaration shall contain the date upon which such emergency will terminate. The board of trustees may extend the termination date if in its judgment the circumstances so require. A full written account of the emergency, together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the public health or safety, the District shall submit to the Illinois Environmental Protection Agency the full written account of any such emergency along with a copy of the resolution or ordinance declaring the emergency, in accordance with requirements as may be provided by rule.

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

by such sanitary district.

(Source: P.A. 92-195, eff. 1-1-02.)

Section 15. The Metropolitan Water Reclamation District Act is amended by changing Section 11.3 as follows:

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

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

All such purchase orders or contracts which shall involve amounts that will not exceed the mandatory competitive bid threshold, shall also be let in the manner prescribed above whenever practicable, except that after solicitation of bids, such purchase orders or contracts may be let in the open market, in a manner calculated to insure the best interests of the public. The provisions of this section are subject to any contrary provisions contained in "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed

July 13, 1937, as heretofore and hereafter amended. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than \$10,000 or more than \$40,000.

If a unit of local government performs non-emergency construction, alteration, repair, improvement, or maintenance work on the public way, the sanitary district may enter into an intergovernmental agreement with the unit of local government allowing similar construction work to be performed by the sanitary district on the same project, in an amount no greater than \$100,000, to save taxpayer funds and eliminate duplication of government effort. The sanitary district and the other unit of local government shall, before work is performed by either unit of local government on a project, adopt a resolution by a majority vote of both governing bodies certifying work will occur at a specific location, the reasons why both units of local government require work to be performed in the same location, and the projected cost savings if work is performed by both units of local government on the same project. Officials or employees of the sanitary district may, if authorized by resolution, purchase in the open market any supplies, materials, equipment, or services for use within the project in an amount no greater than \$100,000 without

advertisement or without filing a requisition or estimate. A full written account of each project performed by the sanitary district and a requisition for the materials, supplies, equipment, and services used by the sanitary district required to complete the project must be submitted by the officials or employees authorized to make purchases to the board of trustees of the sanitary district no later than 30 days after purchase. The full written account must be available for public inspection for at least one year after expenditures are made.

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

(Source: P.A. 92-195, eff. 1-1-02.)

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

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

Sec. 14. Except as otherwise provided in this Section, all contracts for purchases or sales by the sanitary district, the expense of which will exceed the mandatory competitive bid threshold, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice of the terms

and conditions upon which the contract is to be let, having been given by publication in a daily or weekly newspaper published in the district or, if there is no newspaper published in the district, in a newspaper published in the county and having general circulation in the district, and the board may reject any and all bids, and readvertise. Contracts for services in excess of the mandatory competitive bid threshold may, subject to the provisions of this Section, be let by competitive bidding at the discretion of the district board of trustees. All contracts for purchases or sales that will not exceed the mandatory competitive bid threshold may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than \$10,000, nor more than \$40,000.

If a unit of local government performs non-emergency construction, alteration, repair, improvement, or maintenance work on the public way, the sanitary district may enter into an intergovernmental agreement with the unit of local government allowing similar construction work to be performed by the sanitary district on the same project, in an amount no greater than \$100,000, to save taxpayer funds and eliminate duplication

of government effort. The sanitary district and the other unit of local government shall, before work is performed by either unit of local government on a project, adopt a resolution by a majority vote of both governing bodies certifying work will occur at a specific location, the reasons why both units of local government require work to be performed in the same location, and the projected cost savings if work is performed by both units of local government on the same project. Officials or employees of the sanitary district may, if authorized by resolution, purchase in the open market any supplies, materials, equipment, or services for use within the project in an amount no greater than \$100,000 without advertisement or without filing a requisition or estimate. A full written account of each project performed by the sanitary district and a requisition for the materials, supplies, equipment, and services used by the sanitary district required to complete the project must be submitted by the officials or employees authorized to make purchases to the board of trustees of the sanitary district no later than 30 days after purchase. The full written account must be available for public inspection for at least one year after expenditures are made.

Cash, a cashier's check, a certified check, or a bid bond with adequate surety approved by the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount, may be required of each bidder by the district on all bids involving amounts in excess

of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall so specify.

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

Where the board of trustees declares, by a 2/3 vote of all members of the board, that there exists an emergency affecting the public health or safety, contracts totaling not more than the emergency contract cap may be let to the extent necessary to resolve such emergency without public advertisement or competitive bidding. For purposes of this Section, the "emergency contract cap" is a dollar amount equal to 0.4% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the emergency contract cap dollar amount be less than \$40,000, nor more than \$100,000. The ordinance or resolution embodying the emergency declaration shall contain the date upon

which such emergency will terminate. The board of trustees may extend the termination date if in its judgment the circumstances so require. A full written account of the emergency, together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the public health or safety, the District shall submit to the Illinois Environmental Protection Agency the full written account of any such emergency along with a copy of the resolution or ordinance declaring the emergency, in accordance with requirements as may be provided by rule.

(Source: P.A. 91-547, eff. 8-14-99; 92-195, eff. 1-1-02.)

Section 25. The Metro-East Sanitary District Act of 1974 is amended by changing Section 5-4 as follows:

(70 ILCS 2905/5-4) (from Ch. 42, par. 505-4)

Sec. 5-4. All contracts for work to be done and supplies and materials to be purchased by the sanitary district, the expense of which will exceed \$10,000, shall be let to the lowest responsible bidder therefor, upon not less than 21 days public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a

newspaper of general circulation published in the district, and the board may reject any and all bids and readvertise. All purchases or sales of \$10,000 or less may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. No person may be employed on the work except citizens of the United States, or those who in good faith have declared their intention to become citizens, and 8 hours constitutes a day's work.

If a unit of local government performs non-emergency construction, alteration, repair, improvement, or maintenance work on the public way, the sanitary district may enter into an intergovernmental agreement with the unit of local government allowing similar construction work to be performed by the sanitary district on the same project, in an amount no greater than \$100,000, to save taxpayer funds and eliminate duplication of government effort. The sanitary district and the other unit of local government shall, before work is performed by either unit of local government on a project, adopt a resolution by a majority vote of both governing bodies certifying work will occur at a specific location, the reasons why both units of local government require work to be performed in the same location, and the projected cost savings if work is performed by both units of local government on the same project. Officials or employees of the sanitary district may, if authorized by resolution, purchase in the open market any

supplies, materials, equipment, or services for use within the project in an amount no greater than \$100,000 without advertisement or without filing a requisition or estimate. A full written account of each project performed by the sanitary district and a requisition for the materials, supplies, equipment, and services used by the sanitary district required to complete the project must be submitted by the officials or employees authorized to make purchases to the board of trustees of the sanitary district no later than 30 days after purchase. The full written account must be available for public inspection for at least one year after expenditures are made.

(Source: P.A. 94-445, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.