



Rep. Anthony DeLuca

Filed: 3/10/2023

10300HB1602ham001

LRB103 03462 AWJ 58867 a

1 AMENDMENT TO HOUSE BILL 1602

2 AMENDMENT NO. _____. Amend House Bill 1602 by replacing
3 everything after the enacting clause with the following:

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

6 (70 ILCS 2405/11) (from Ch. 42, par. 310)

7 Sec. 11. Except as otherwise hereinafter provided, all
8 contracts for purchases or sales by a sanitary district
9 organized under this Act, the expense of which will exceed the
10 mandatory competitive bid threshold, shall be let to the
11 lowest responsible bidder therefor upon not less than 14 days'
12 public notice of the terms and conditions upon which the
13 contract is to be let, having been given by publication in a
14 newspaper of general circulation published in the district,
15 and the board may reject any and all bids, and readvertise. In
16 determining the lowest responsible bidder, the board shall

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

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

19 Except for certain construction contracts as otherwise
20 provided by this Section, all ~~All~~ contracts for purchases or
21 sales that will not exceed the mandatory competitive bid
22 threshold may be made in the open market without publication
23 in a newspaper as above provided, but whenever practical shall
24 be based on at least 3 competitive bids. For purposes of this
25 Section, the "mandatory competitive bid threshold" is a dollar
26 amount equal to 0.1% of the total general fixed assets of the

1 district as reported in the most recent required audit report.
2 In no event, however, shall the mandatory competitive bid
3 threshold dollar amount be less than \$25,000 ~~\$10,000~~, nor more
4 than \$100,000 ~~\$40,000~~.

5 Notwithstanding this Section, all construction contracts
6 that the sanitary district reasonably expects to be in excess
7 of \$60,000 but not in excess of \$100,000 may be made in the
8 open market without publication in a newspaper as otherwise
9 provided in this Section, but, when practical, shall be based
10 on at least 3 competitive bids that shall: (i) identify the
11 scope of work; (ii) provide the same scope of work, cost
12 estimates, and time for response to all contacted businesses;
13 (iii) consider registered Illinois small businesses, business
14 enterprises, including female-owned enterprises,
15 minority-owned enterprises, and enterprises owned by persons
16 with a disability, and veteran-owned firms; and (iv) attempt
17 to avoid repetitive use of the same prime contractor in the
18 same calendar year unless the same contractor is the lowest
19 responsible bidder. When applicable, the bids must comply with
20 the Prevailing Wage Act.

21 If a unit of local government performs non-emergency
22 construction, alteration, repair, improvement, or maintenance
23 work on the public way, the sanitary district may enter into an
24 intergovernmental agreement with the unit of local government
25 allowing similar construction work to be performed by the
26 sanitary district on the same project, in an amount no greater

1 than \$300,000 ~~\$100,000~~, to save taxpayer funds and eliminate
2 duplication of government effort. The sanitary district and
3 the other unit of local government shall, before work is
4 performed by either unit of local government on a project,
5 adopt a resolution by a majority vote of both governing bodies
6 certifying work will occur at a specific location, the reasons
7 why both units of local government require work to be
8 performed in the same location, and the projected cost savings
9 if work is performed by both units of local government on the
10 same project. Officials or employees of the sanitary district
11 may, if authorized by resolution, purchase in the open market
12 any supplies, materials, equipment, or services for use within
13 the project in an amount no greater than \$300,000 ~~\$100,000~~
14 without advertisement or without filing a requisition or
15 estimate. A full written account of each project performed by
16 the sanitary district and a requisition for the materials,
17 supplies, equipment, and services used by the sanitary
18 district required to complete the project must be submitted by
19 the officials or employees authorized to make purchases to the
20 board of trustees of the sanitary district no later than 30
21 days after purchase. The full written account must be
22 available for public inspection for at least one year after
23 expenditures are made.

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

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

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

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

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

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

1 shall the emergency contract cap dollar amount be less than
2 \$100,000 ~~\$40,000~~, nor more than \$300,000 ~~\$100,000~~. The
3 ordinance or resolution embodying the emergency declaration
4 shall contain the date upon which such emergency will
5 terminate. The board of trustees may extend the termination
6 date if in its judgment the circumstances so require. A full
7 written account of the emergency, together with a requisition
8 for the materials, supplies, labor or equipment required
9 therefor shall be submitted immediately upon completion and
10 shall be open to public inspection for a period of at least one
11 year subsequent to the date of such emergency purchase. Within
12 30 days after the passage of the resolution or ordinance
13 declaring an emergency affecting the public health or safety,
14 the District shall submit to the Illinois Environmental
15 Protection Agency the full written account of any such
16 emergency along with a copy of the resolution or ordinance
17 declaring the emergency, in accordance with requirements as
18 may be provided by rule.

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

1 conduit, conduits, main pipe or pipes that may be constructed
2 by such sanitary district.

3 (Source: P.A. 100-882, eff. 8-14-18.)

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