

1 AN ACT concerning local government.

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

4 Section 5. The Metropolitan Water Reclamation District Act
5 is amended by changing Sections 11.3 and 11.5 as follows:

6 (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

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

17 All such purchase orders or contracts which shall involve
18 amounts that will not exceed the mandatory competitive bid
19 threshold, shall also be let in the manner prescribed above
20 whenever practicable, except that after solicitation of bids,
21 such purchase orders or contracts may be let in the open
22 market, in a manner calculated to insure the best interests of
23 the public. The provisions of this section are subject to any

1 contrary provisions contained in "An Act concerning the use of
2 Illinois mined coal in certain plants and institutions", filed
3 July 13, 1937, as heretofore and hereafter amended. For
4 purposes of this Section, the "mandatory competitive bid
5 threshold" is a dollar amount equal to 0.1% of the total
6 general fixed assets of the district as reported in the most
7 recent required audit report. In no event, however, shall the
8 mandatory competitive bid threshold dollar amount be less than
9 \$60,000 ~~\$10,000 or more than \$40,000.~~

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

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

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

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

20 (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

21 Sec. 11.5. In the event of an emergency affecting the
22 public health or safety, so declared by action of the board of
23 trustees, which declaration shall describe the nature of the
24 injurious effect upon the public health or safety, contracts
25 may be let to the extent necessary to resolve such emergency

1 without public advertisement. The declaration shall fix the
2 date upon which such emergency shall terminate. The date may
3 be extended or abridged by the board of trustees as in its
4 judgment the circumstances require.

5 The executive director appointed in accordance with
6 Section 4 of this Act shall authorize in writing and certify to
7 the director of procurement and materials management those
8 officials or employees of the several departments of the
9 sanitary district who may purchase in the open market without
10 filing a requisition or estimate therefor, and without
11 advertisement, any supplies, materials, equipment or services,
12 for immediate delivery to meet bona fide operating emergencies
13 where the amount thereof is not in excess of \$100,000 ~~\$50,000~~;
14 provided, that the director of procurement and materials
15 management shall be notified of such emergency. A full written
16 account of any such emergency together with a requisition for
17 the materials, supplies, equipment or services required
18 therefor shall be submitted immediately by the requisitioning
19 agent to the executive director and such report and
20 requisition shall be submitted to the director of procurement
21 and materials management and shall be open to public
22 inspection for a period of at least one year subsequent to the
23 date of such emergency purchase. The exercise of authority in
24 respect to purchases for such bona fide operating emergencies
25 shall not be dependent upon a declaration of emergency by the
26 board of trustees under the first paragraph of this Section.

1 (Source: P.A. 95-923, eff. 1-1-09; 96-165, eff. 8-10-09.)