

SB3071



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3071

Introduced 2/7/2014, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

75 ILCS 5/5-5
75 ILCS 16/40-45

from Ch. 81, par. 5-5

Amends the Illinois Local Library Act and the Public Library District Act of 1991. Provides that libraries are not required to accept the lowest contract bid for certain projects when the cost is in excess of \$20,000 if the bid does not meet the library's established specifications, terms of delivery, quality, and serviceability requirements. Sets forth the types of contracts that are not subject to competitive bidding. Exempts emergency expenditures from competitive bidding when the emergency expenditure is approved by 3/4 of the members of the board.

LRB098 17880 JLK 53004 b

A BILL FOR

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 Illinois Local Library Act is amended by
5 changing Section 5-5 as follows:

6 (75 ILCS 5/5-5) (from Ch. 81, par. 5-5)

7 Sec. 5-5. When the board determines ~~directors determine~~ to
8 commence the construction of the building or the remodeling,
9 repairing or improving of an existing library building or the
10 erection of an addition thereto, the purchase of the necessary
11 equipment for such library, or the acquisition of library
12 materials such as books, periodicals, recordings and
13 electronic data storage and retrieval facilities in connection
14 with either the purchase or construction of a new library
15 building or the expansion of an existing library building, they
16 may then revise the plan therefor or adopt a new plan and
17 provide estimates of the costs thereof, and shall, when the
18 cost is in excess of \$20,000, advertise for bids for the
19 construction of the building, or the remodeling, repairing or
20 improving of an existing library building or the erection of an
21 addition thereto, or the purchase of the necessary equipment
22 for such library, or the acquisition of library materials such
23 as books, periodicals, recordings and electronic data storage

1 and retrieval facilities in connection with either the purchase
2 or construction of a new library building or the expansion of
3 an existing library building, and shall let the contract or
4 contracts for the same, when the cost is in excess of \$20,000,
5 to the lowest responsible bidder or bidders.

6 The board shall not be required to accept a bid that does
7 not meet the library's established specifications, terms of
8 delivery, quality, and serviceability requirements. Contracts
9 which, by their nature, are not adapted to award by competitive
10 bidding, are not subject to competitive bidding, including, but
11 not limited to:

12 (1) contracts for the services of individuals
13 possessing a high degree of professional skill where the
14 ability or fitness of the individual plays an important
15 part;

16 (2) contracts for the printing of finance committee
17 reports and departmental reports;

18 (3) contracts for the printing or engraving of bonds,
19 tax warrants and other evidences of indebtedness;

20 (4) contracts for the maintenance or servicing of, or
21 provision of repair parts for, equipment which are made
22 with the manufacturer or authorized service agent of that
23 equipment where the provision of parts, maintenance, or
24 servicing can best be performed by the manufacturer or
25 authorized service agent;

26 (5) purchases and contracts for the use, purchase,

1 delivery, movement, or installation of data processing
2 equipment, software, or services and telecommunications
3 and interconnect equipment, software, and services;

4 (6) contracts for duplicating machines and supplies;

5 (7) contracts for utility services such as water,
6 light, heat, telephone or telegraph;

7 (8) contracts for goods or services procured from
8 another governmental agency;

9 (9) purchases of equipment previously owned by some
10 entity other than the library itself; and

11 (10) contracts for goods or services which are
12 economically procurable from only one source, such as for
13 the purchase of magazines, books, periodicals, pamphlets
14 and reports.

15 Contracts for emergency expenditures are also exempt from
16 competitive bidding when the emergency expenditure is approved
17 by 3/4 of the members of the board.

18 The board shall ~~and may~~ require from such bidders, ~~such~~
19 security for the performance of the bids determined by ~~as~~ the
20 board pursuant to law ~~shall determine~~. The board ~~directors~~ may
21 let the contract or contracts to one or more bidders, as they
22 shall determine.

23 (Source: P.A. 94-435, eff. 8-2-05.)

24 Section 10. The Public Library District Act of 1991 is
25 amended by changing Section 40-45 as follows:

1 (75 ILCS 16/40-45)

2 Sec. 40-45. Bids for construction, improvements, or
3 equipment purchases.

4 (a) When the trustees determine to commence constructing
5 the building, purchasing a site or a building, remodeling,
6 repairing, or improving an existing library building, erecting
7 an addition to an existing library building, or purchasing the
8 necessary equipment for the library, they may then revise the
9 plan or adopt a new plan and provide estimates of the costs of
10 the revised or new plan.

11 (b) The board shall, when the cost is in excess of \$20,000,
12 advertise for bids for constructing the building, remodeling,
13 repairing, or improving of an existing library building,
14 erecting an addition to an existing library building, or
15 purchasing the necessary equipment for the library and shall
16 let the contract or contracts for the project, when the cost is
17 in excess of \$20,000, to the lowest responsible bidder or
18 bidders. The board shall not be required to accept a bid that
19 does not meet the library's established specifications, terms
20 of delivery, quality, and serviceability requirements.
21 Contracts which, by their nature, are not adapted to award by
22 competitive bidding, are not subject to competitive bidding,
23 including, but not limited to:

24 (1) contracts for the services of individuals
25 possessing a high degree of professional skill where the

1 ability or fitness of the individual plays an important
2 part;

3 (2) contracts for the printing of finance committee
4 reports and departmental reports;

5 (3) contracts for the printing or engraving of bonds,
6 tax warrants and other evidences of indebtedness;

7 (4) contracts for the maintenance or servicing of, or
8 provision of repair parts for, equipment which are made
9 with the manufacturer or authorized service agent of that
10 equipment where the provision of parts, maintenance, or
11 servicing can best be performed by the manufacturer or
12 authorized service agent;

13 (5) purchases and contracts for the use, purchase,
14 delivery, movement, or installation of data processing
15 equipment, software, or services and telecommunications
16 and interconnect equipment, software, and services;

17 (6) contracts for duplicating machines and supplies;

18 (7) contracts for utility services such as water,
19 light, heat, telephone or telegraph;

20 (8) contracts for goods or services procured from
21 another governmental agency;

22 (9) purchases of equipment previously owned by some
23 entity other than the library itself; and

24 (10) contracts for goods or services which are
25 economically procurable from only one source, such as for
26 the purchase of magazines, books, periodicals, pamphlets,

1 and reports.

2 Contracts for emergency expenditures are also exempt from
3 competitive bidding when the emergency expenditure is approved
4 by 3/4 of the members of the board.

5 The board shall require from the bidders security for the
6 performance of the bids determined by the board pursuant to
7 law. The trustees may let the contract or contracts to one or
8 more bidders as they determine.

9 (Source: P.A. 94-435, eff. 8-2-05.)