

1 AN ACT concerning highways.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 9-2-100 and 9-3-24 as follows:

6 (65 ILCS 5/9-2-100) (from Ch. 24, par. 9-2-100)

7 Sec. 9-2-100. Except as otherwise provided in Section
8 9-2-113, any work or other public improvement, to be paid for
9 in whole or in part by special assessment or special
10 taxation, when the expense thereof will exceed \$500, shall be
11 constructed by contract let to the lowest responsible bidder
12 in the manner prescribed in this Division 2. Such contracts
13 shall be approved by the president of the board of local
14 improvements.

15 Except as otherwise provided in Section 7-101 of the
16 Illinois Highway Code, in case of any work which it is
17 estimated will not cost more than \$500, if after receiving
18 bids it appears to the board of local improvements that the
19 work can be performed better and cheaper by the municipality,
20 the corporate authorities of the municipality shall perform
21 that work and employ the necessary help therefor. The cost of
22 that work by the municipality in no case shall be more than
23 the lowest bid received.

24 (Source: Laws 1961, p. 576.)

25 (65 ILCS 5/9-3-24) (from Ch. 24, par. 9-3-24)

26 Sec. 9-3-24. Except as otherwise provided in Section
27 7-101 of the Illinois Highway Code, all contracts for the
28 construction of any improvement to be paid by special
29 assessment when the expense thereof exceeds \$500 shall be let
30 to the lowest responsible bidder after advertisement for

1 bids, as hereinafter provided. However, if aid is received
2 from an agency of the Federal Government, and the application
3 for such aid is approved by an agency of the Federal
4 Government, no such letting of bids is required. If such
5 municipality determines to construct the improvement with the
6 aid from an agency of the Federal Government, then the
7 corporate authorities of any municipality shall make such
8 determination by resolution and file a certified copy of the
9 resolution setting out such determination in the court in
10 which the judgment on confirmation on the assessment has been
11 entered. Thereafter such municipality shall be authorized to
12 proceed with the construction of the improvement without
13 letting a contract therefor, in the manner hereinafter
14 provided.

15 Within 90 days after the judgment of confirmation of any
16 special assessment has been entered and if there is no appeal
17 perfected from the judgment of confirmation, or the judgment
18 of confirmation as to any property is appealed from, then if
19 the petitioner files in such cause a written election to
20 proceed with the work, notwithstanding such appeal, steps
21 shall be taken to let the contract for such work in the
22 manner hereinafter provided. If the judgment of confirmation
23 is stayed by order of a court, or if the petitioner filed no
24 election to proceed as herein provided, then the steps herein
25 provided for the letting of the contract for such work shall
26 be taken within 15 days after final determination of any stay
27 of the proceedings or of any such appeal, unless the
28 proceedings be abandoned as in this Division 3.

29 (Source: P.A. 84-551.)

30 Section 10. The Illinois Highway Code is amended by
31 changing Sections 5-401, 5-403, 6-201.7, and 7-101 as
32 follows:

1 (605 ILCS 5/5-401) (from Ch. 121, par. 5-401)

2 Sec. 5-401. Subject to the general supervisory powers of
3 the Department under this Code, all highways in the county
4 highway system shall be under the direct control and
5 supervision of the county board of the county in which such
6 county highways are located, and the county board shall
7 repair, maintain, and construct such county highways by
8 contract or with its own forces.

9 The following types of activities must be performed
10 exclusively through the use of competitively bid contracts
11 except for contracts concerning design and planning services
12 entered into under the Local Government Professional Services
13 Selection Act. The county may not use any of its own
14 employees to perform any part of these activities unless it
15 is considered an emergency.

16 (a) With respect to roads and shoulders:

17 (1) All operations on new alignment.

18 (2) Widening on an existing alignment.

19 (3) Extending the length of an existing route.

20 (4) Reconstruction of an existing route.

21 (5) Altering horizontal or vertical alignment.

22 (6) Replacing, modifying, or stabilizing any layer
23 in an existing road.

24 (7) Increasing the thickness of an existing road by
25 1/4 inch or more.

26 (b) With respect to structures:

27 (1) All operations involving a new structure.

28 (2) Replacement of an existing structure.

29 (3) Widening an existing structure.

30 (4) Replacing bridge rails or decks.

31 (c) With respect to drainage features:

32 (1) All operations involving new flood control or
33 prevention features.

34 (2) Installation or extension of curb, gutter, or

1 underdrain.

2 (3) Installation, replacement, or extension of
3 crossroad culverts.

4 However, gravel and macadam highways constructed or
5 partially constructed prior to July 1, 1929 as State aid
6 roads under the provisions of "An Act to revise the law in
7 relation to roads and bridges", approved June 27, 1913, as
8 amended, and required to be maintained equally by the county
9 and the Department under the provisions of Section 32 of that
10 Act shall continue to be so maintained.

11 (Source: Laws 1959, p. 196.)

12 (605 ILCS 5/5-403) (from Ch. 121, par. 5-403)

13 Sec. 5-403. When any highway construction projects by a
14 County are to be performed under the supervision and approval
15 of the Department the procedure shall be as follows:

16 The county board shall, by one or more resolutions,
17 specify the particular section or sections of highway to be
18 constructed and the amount or amounts to be used for such
19 construction. The resolution or resolutions shall be
20 submitted to the Department for its approval. One resolution
21 may be submitted for more than one project. When the
22 resolution or resolutions have been approved by the
23 Department, the county shall cause surveys, plans,
24 specifications and estimates of such construction to be made
25 and submitted to the Department for approval.

26 Upon receiving such approval, the county may advertise
27 for bids and let contracts for such construction to the
28 lowest responsible bidder; or with the approval of the
29 Department, and subject to the limitations in Section 5-401
30 of this Code, do the work itself with its own forces through
31 its-officers,-agents-and-employees. No contract shall be let
32 without the approval of the Department. The Department shall
33 have general supervision of such construction whether done by

1 the county or by contract. Upon completion of the
 2 construction, if it is found by the Department that such
 3 construction has been in accordance with the specifications,
 4 plans, surveys, and contracts (if the construction was by
 5 contract), the Department shall so certify to the county.

6 (Source: P.A. 77-632.)

7 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

8 Sec. 6-201.7. Construct, maintain and repair and be
 9 responsible for the construction, maintenance and repair of
 10 roads within the district, let contracts, employ labor, and
 11 purchase material and machinery therefor, subject to the
 12 limitations provided in this Code.

13 The following types of activities must be performed
 14 exclusively through the use of competitively bid contracts
 15 except for contracts concerning design and planning services
 16 entered into under the Local Government Professional Services
 17 Selection Act. The highway commissioner may not use any of
 18 its own employees to perform any part of these activities
 19 unless it is considered an emergency.

20 With respect to roads and shoulders:

- 21 (1) All operations on new alignment.
- 22 (2) Widening on an existing alignment.
- 23 (3) Extending the length of an existing route.
- 24 (4) Reconstruction of an existing route.
- 25 (5) Altering horizontal or vertical alignment.
- 26 (6) Replacing, modifying, or stabilizing any layer
 27 in an existing road.
- 28 (7) Increasing the thickness of an existing road by
 29 1/4 inch or more.

30 (b) With respect to structures:

- 31 (1) All operations involving a new structure.
- 32 (2) Replacement of an existing structure.
- 33 (3) Widening an existing structure.

1 (4) Replacing bridge rails or decks.

2 (c) With respect to drainage features:

3 (1) All operations involving new flood control or
4 prevention features.

5 (2) Installation or extension of curb, gutter, or
6 underdrain.

7 (3) Installation, replacement, or extension of
8 crossroad culverts.

9 No contract shall be let for the construction or repair
10 of any road or part thereof in excess of the amount of
11 \$5,000, nor shall any material, machinery or other appliances
12 to be used in road construction or maintenance of roads in
13 excess of such amount be purchased, nor shall several
14 contracts each for an amount of \$5,000 or less be let for the
15 construction or repair of any road or part thereof when such
16 construction or repair is in reality part of one project
17 costing more than \$5,000, nor shall any material, machinery
18 or other appliance to be used therein be purchased under
19 several contracts each for an amount of \$5,000 or less, if
20 such purchases are essentially one transaction amounting to
21 more than \$5,000, without the written approval of the county
22 superintendent of highways in the case of road districts
23 other than consolidated township road districts or without
24 the written approval of the highway board of auditors in the
25 case of consolidated township road districts.

26 Except for professional services, when the cost of
27 construction, materials, supplies, new machinery or equipment
28 exceeds \$5,000, or \$10,000 in case of a district having a
29 population of 10,000 or more, the contract for such
30 construction, materials, supplies, machinery or equipment
31 shall be let, after the above written approval is obtained,
32 to the lowest responsible bidder after advertising for bids
33 at least once, and at least 10 days prior to the time set for
34 the opening of such bids, in a newspaper published within the

1 township or road district, or, if no newspaper is published
2 within the township or road district then in one published
3 within the county, or, if no newspaper is published within
4 the county then in a newspaper having general circulation
5 within the township or road district, but, in case of an
6 emergency, such contract may be let without advertising for
7 bids upon the approval of the County Superintendent of
8 Highways expressing in writing the existence of such
9 emergency and, in the case of consolidated township road
10 districts, upon the approval of the highway board of
11 auditors. For purposes of this Section "new machinery or
12 equipment" shall be defined as that which has been previously
13 untitled or that which shows fewer than 200 hours on its
14 operating clock and that is accompanied by a new equipment
15 manufacturer's warranty.

16 (Source: P.A. 86-1179; 86-1368; 86-1475.)

17 (605 ILCS 5/7-101) (from Ch. 121, par. 7-101)

18 Sec. 7-101. Streets and alleys, including bridges and
19 other structures, which are or will become part of the
20 municipal street system may be laid out, established,
21 constructed, reconstructed, altered, widened, relocated,
22 improved, maintained, repaired, and vacated by the respective
23 municipalities in the manner provided in the Illinois
24 Municipal Code, as heretofore or hereafter amended; provided
25 that the Department and counties may locate and extend State
26 and county highways into or through a municipality in the
27 manner provided in this Code.

28 The following types of activities must be performed
29 exclusively through the use of competitively bid contracts
30 except for contracts concerning design and planning services
31 entered into under the Local Government Professional Services
32 Selection Act. The municipality may not use any of its own
33 employees to perform any part of these activities unless it

1 is considered an emergency.

2 With respect to roads and shoulders:

- 3 (1) All operations on new alignment.
- 4 (2) Widening on an existing alignment.
- 5 (3) Extending the length of an existing route.
- 6 (4) Reconstruction of an existing route.
- 7 (5) Altering horizontal or vertical alignment.
- 8 (6) Replacing, modifying, or stabilizing any layer
9 in an existing road.
- 10 (7) Increasing the thickness of an existing road by
11 1/4 inch or more.

12 (b) With respect to structures:

- 13 (1) All operations involving a new structure.
- 14 (2) Replacement of an existing structure.
- 15 (3) Widening an existing structure.
- 16 (4) Replacing bridge rails or decks.

17 (c) With respect to drainage features:

- 18 (1) All operations involving new flood control or
19 prevention features.
- 20 (2) Installation or extension of curb, gutter, or
21 underdrain.
- 22 (3) Installation, replacement, or extension of
23 crossroad culverts.

24 In addition to the powers granted to municipalities by
25 the Illinois Municipal Code, municipalities have powers
26 granted and duties imposed by this Code.

27 (Source: Laws 1961, p. 1415.)