

1 AN ACT concerning sanitary districts.

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

4 Section 5. The North Shore Sanitary District Act is  
5 amended by changing Section 11 as follows:

6 (70 ILCS 2305/11) (from Ch. 42, par. 287)

7 Sec. 11. Except as otherwise provided in this Section,  
8 all contracts for purchases or sales by the municipality, the  
9 expense of which will exceed the mandatory competitive bid  
10 threshold \$10,000, shall be let to the lowest responsible  
11 bidder therefor upon not less than 14 days' public notice of  
12 the terms and conditions upon which the contract is to be  
13 let, having been given by publication in a newspaper of  
14 general circulation published in the district, and the board  
15 may reject any and all bids and readvertise. In determining  
16 the lowest responsible bidder, the board shall take into  
17 consideration the qualities and serviceability of the  
18 articles supplied, their conformity with specifications,  
19 their suitability to the requirements of the district, the  
20 availability of support services, the uniqueness of the  
21 service, materials, equipment, or supplies as it applies to  
22 network integrated computer systems, the compatibility of the  
23 service, materials, equipment or supplies with existing  
24 equipment, and the delivery terms. Contracts for services in  
25 excess of the mandatory competitive bid threshold \$10,000  
26 may, subject to the provisions of this Section, be let by  
27 competitive bidding at the discretion of the district board  
28 of trustees. All contracts for purchases or sales that will  
29 not exceed the mandatory competitive bid threshold of ~~\$~~10,000  
30 ~~or less~~ may be made in the open market without publication in  
31 a newspaper as above provided, but whenever practical shall

1 be based on at least 3 competitive bids. For purposes of  
2 this Section, the "mandatory competitive bid threshold" is a  
3 dollar amount equal to 0.1% of the greater of: (1) the total  
4 general fixed assets of the district as reported in the most  
5 recent required audit report or (2) the total insured  
6 property value of the district as provided for in the  
7 district's insurance policy in effect at the time of the bid  
8 solicitation. In no event, however, shall the mandatory  
9 competitive bid threshold dollar amount be less than \$10,000,  
10 nor more than \$100,000. Cash, a cashier's check, a certified  
11 check, or a bid bond with adequate surety approved by the  
12 board of trustees as a deposit of good faith, in a reasonable  
13 amount, but not in excess of 10% of the contract amount, may  
14 be required of each bidder by the district on all bids  
15 involving amounts in excess of the mandatory competitive bid  
16 threshold and, if so required, the advertisement for bids  
17 shall so specify.

18 Contracts which by their nature are not adapted to award  
19 by competitive bidding, including, without limitation,  
20 contracts for the services of individuals, groups or firms  
21 possessing a high degree of professional skill where the  
22 ability or fitness of the individual or organization plays an  
23 important part, contracts for financial management services  
24 undertaken pursuant to "An Act relating to certain  
25 investments of public funds by public agencies", approved  
26 July 23, 1943, as now or hereafter amended, contracts for the  
27 purchase or sale of utilities, contracts for materials  
28 economically procurable only from a single source of supply,  
29 contracts for the use, purchase, delivery, movement, or  
30 installation of data processing equipment, software, or  
31 services and telecommunications and interconnect equipment,  
32 software, or services, contracts for duplicating machines and  
33 supplies, contracts for goods or services procured from  
34 another governmental agency, purchases of equipment

1 previously owned by an entity other than the district itself,  
2 and leases of real property where the sanitary district is  
3 the lessee shall not be subject to the competitive bidding  
4 requirements of this Section.

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

10 In the case of an emergency affecting the public health  
11 or safety so declared by the Board of Trustees of the  
12 municipality at a meeting thereof duly convened, which  
13 declaration shall require the affirmative vote of four of the  
14 five Trustees elected, and shall set forth the nature of the  
15 danger to the public health or safety, contracts totaling not  
16 more than the emergency contract cap \$75,000 may be let to  
17 the extent necessary to resolve such emergency without public  
18 advertisement or competitive bidding. For purposes of this  
19 Section, the "emergency contract cap" is a dollar amount  
20 equal to 0.4% of the greater of: (1) the total general fixed  
21 assets of the district as reported in the most recent  
22 required audit report or (2) the total insured property value  
23 of the district as provided for in the district's insurance  
24 policy in effect at the time of the bid solicitation. In no  
25 event, however, shall the emergency contract cap dollar  
26 amount be less than \$40,000, nor more than \$400,000. The  
27 Resolution or Ordinance in which such declaration is embodied  
28 shall fix the date upon which such emergency shall terminate  
29 which date may be extended or abridged by the Board of  
30 Trustees as in their judgment the circumstances require. A  
31 full written account of any such emergency, together with a  
32 requisition for the materials, supplies, labor or equipment  
33 required therefor shall be submitted immediately upon  
34 completion and shall be open to public inspection for a

1 period of at least one year subsequent to the date of such  
2 emergency purchase.

3 To address operating emergencies not affecting the public  
4 health or safety, the Board of Trustees shall authorize, in  
5 writing, officials or employees of the sanitary district to  
6 purchase in the open market and without advertisement any  
7 supplies, materials, equipment, or services for immediate  
8 delivery to meet the bona fide operating emergency, without  
9 filing a requisition or estimate therefor, in an amount not  
10 in excess of \$40,000; provided that the Board of Trustees  
11 must be notified of the operating emergency. A full, written  
12 account of each operating emergency and a requisition for the  
13 materials, supplies, equipment, and services required to meet  
14 the operating emergency must be immediately submitted by the  
15 officials or employees authorized to make purchases to the  
16 Board of Trustees. The account must be available for public  
17 inspection for a period of at least one year after the date  
18 of the operating emergency purchase. The exercise of  
19 authority with respect to purchases for a bona fide operating  
20 emergency is not dependent on a declaration of an operating  
21 emergency by the Board of Trustees.

22 No Trustee shall be interested, directly or indirectly,  
23 in any contract, work or business of the municipality, or in  
24 the sale of any article, whenever the expense, price or  
25 consideration of the contract work, business or sale is paid  
26 either from the treasury or by any assessment levied by any  
27 Statute or Ordinance. No Trustee shall be interested,  
28 directly or indirectly, in the purchase of any property which  
29 (1) belongs to the municipality, or (2) is sold for taxes or  
30 assessments of the municipality, or (3) is sold by virtue of  
31 legal process in the suit of the municipality.

32 A contract for any work or other public improvement, to  
33 be paid for in whole or in part by special assessment or  
34 special taxation, In-all-other-respects-such-contracts shall

1 be entered into and the performance thereof controlled by the  
2 provisions of Division 2 of Article 9 of the "Illinois  
3 Municipal Code", approved May 29, 1961, as heretofore or  
4 hereafter amended, as near as may be. However, contracts may  
5 be let for making proper and suitable connections between the  
6 mains and outlets of the respective sanitary sewers in the  
7 district with any conduit, conduits, main pipe or pipes that  
8 may be constructed by such sanitary district.

9 (Source: P.A. 91-921, eff. 1-1-01.)

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

12 (70 ILCS 2405/11) (from Ch. 42, par. 310)

13 Sec. 11. Except as otherwise hereinafter provided, all  
14 contracts for purchases or sales by a sanitary district  
15 organized under this Act, the expense of which will exceed  
16 the mandatory competitive bid threshold \$10,000, shall be let  
17 to the lowest responsible bidder therefor upon not less than  
18 14 days' public notice of the terms and conditions upon which  
19 the contract is to be let, having been given by publication  
20 in a newspaper of general circulation published in the  
21 district, and the board may reject any and all bids, and  
22 readvertise. In determining the lowest responsible bidder,  
23 the board shall take into consideration the qualities and  
24 serviceability of the articles supplied, their conformity  
25 with specifications, their suitability to the requirements of  
26 the district, the availability of support services, the  
27 uniqueness of the service, materials, equipment, or supplies  
28 as it applies to network integrated computer systems, the  
29 compatibility of the service, materials, equipment or  
30 supplies with existing equipment, and the delivery terms.  
31 Contracts for services in excess of the mandatory competitive  
32 bid threshold \$10,000 may, subject to the provisions of this

1 Section, be let by competitive bidding at the discretion of  
2 the district board of trustees. Cash, a cashier's check, a  
3 certified check, or a bid bond with adequate surety approved  
4 by the board of trustees as a deposit of good faith, in a  
5 reasonable amount, but not in excess of 10% of the contract  
6 amount, may be required of each bidder by the district on all  
7 bids involving amounts in excess of the mandatory competitive  
8 bid threshold and, if so required, the advertisement for bids  
9 shall so specify.

10 All contracts for purchases or sales that will not exceed  
11 the mandatory competitive bid threshold of--\$10,000--or--less  
12 may be made in the open market without publication in a  
13 newspaper as above provided, but whenever practical shall be  
14 based on at least 3 competitive bids. For purposes of this  
15 Section, the "mandatory competitive bid threshold" is a  
16 dollar amount equal to 0.1% of the greater of: (1) the total  
17 general fixed assets of the district as reported in the most  
18 recent required audit report or (2) the total insured  
19 property value of the district as provided for in the  
20 district's insurance policy in effect at the time of the bid  
21 solicitation. In no event, however, shall the mandatory  
22 competitive bid threshold dollar amount be less than \$10,000,  
23 nor more than \$100,000.

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  
27 possessing a high degree of professional skill where the  
28 ability or fitness of the individual or organization plays an  
29 important part, contracts for financial management services  
30 undertaken pursuant to "An Act relating to certain  
31 investments of public funds by public agencies", approved  
32 July 23, 1943, as now or hereafter amended, contracts for the  
33 purchase or sale of utilities, contracts for materials  
34 economically procurable only from a single source of supply,

1 contracts for the use, purchase, delivery, movement, or  
2 installation of data processing equipment, software, or  
3 services and telecommunications and interconnect equipment,  
4 software, or services, contracts for duplicating machines and  
5 supplies, contracts for goods or services procured from  
6 another governmental agency, purchases of equipment  
7 previously owned by an entity other than the district itself,  
8 and leases of real property where the sanitary district is  
9 the lessee shall not be subject to the competitive bidding  
10 requirements of this Section.

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

16 The competitive bidding requirements of this Section do  
17 not apply to contracts, including contracts for both  
18 materials and services incidental thereto, for the repair or  
19 replacement of a sanitary district's treatment plant, sewers,  
20 equipment, or facilities damaged or destroyed as the result  
21 of a sudden or unexpected occurrence, including, but not  
22 limited to, a flood, fire, tornado, earthquake, storm, or  
23 other natural or man-made disaster, if the board of trustees  
24 determines in writing that the awarding of those contracts  
25 without competitive bidding is reasonably necessary for the  
26 sanitary district to maintain compliance with a permit issued  
27 under the National Pollution Discharge Elimination System  
28 (NPDES) or any successor system or with any outstanding order  
29 relating to that compliance issued by the United States  
30 Environmental Protection Agency, the Illinois Environmental  
31 Protection Agency, or the Illinois Pollution Control Board.  
32 The authority to issue contracts without competitive bidding  
33 pursuant to this paragraph expires 6 months after the date of  
34 the writing determining that the awarding of contracts

1 without competitive bidding is reasonably necessary.

2 Where the board of trustees declares, by a 2/3 vote of  
3 all members of the board, that there exists an emergency  
4 affecting the public health or safety, contracts totaling not  
5 more than the emergency contract cap \$40,000 may be let to  
6 the extent necessary to resolve such emergency without public  
7 advertisement or competitive bidding. For purposes of this  
8 Section, the "emergency contract cap" is a dollar amount  
9 equal to 0.4% of the greater of: (1) the total general fixed  
10 assets of the district as reported in the most recent  
11 required audit report or (2) the total insured property value  
12 of the district as provided for in the district's insurance  
13 policy in effect at the time of the bid solicitation. In no  
14 event, however, shall the emergency contract cap dollar  
15 amount be less than \$40,000, nor more than \$400,000. The  
16 ordinance or resolution embodying the emergency declaration  
17 shall contain the date upon which such emergency will  
18 terminate. The board of trustees may extend the termination  
19 date if in its judgment the circumstances so require. A full  
20 written account of the emergency, together with a requisition  
21 for the materials, supplies, labor or equipment required  
22 therefor shall be submitted immediately upon completion and  
23 shall be open to public inspection for a period of at least  
24 one year subsequent to the date of such emergency purchase.

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



1 district.

2 (Source: P.A. 88-542, eff. 5-27-94; 88-572, eff. 8-11-94;  
3 89-235, eff. 8-4-95; 89-558, eff. 7-26-96.)

4 Section 15. The Sanitary District Act of 1936 is amended  
5 by changing Section 14 as follows:

6 (70 ILCS 2805/14) (from Ch. 42, par. 425)

7 Sec. 14. Except as otherwise provided in this Section,  
8 all contracts for purchases or sales by the sanitary  
9 district, the expense of which will exceed the mandatory  
10 competitive bid threshold \$10,000, shall be let to the lowest  
11 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 daily or weekly newspaper published in the district or, if  
15 there is no newspaper published in the district, in a  
16 newspaper published in the county and having general  
17 circulation in the district, and the board may reject any and  
18 all bids, and readvertise. Contracts for services in excess  
19 of the mandatory competitive bid threshold \$10,000 may,  
20 subject to the provisions of this Section, be let by  
21 competitive bidding at the discretion of the district board  
22 of trustees. All contracts for purchases or sales that will  
23 not exceed the mandatory competitive bid threshold of \$10,000  
24 or less may be made in the open market without publication in  
25 a newspaper as above provided, but whenever practical shall  
26 be based on at least 3 competitive bids. For purposes of  
27 this Section, the "mandatory competitive bid threshold" is a  
28 dollar amount equal to 0.1% of the greater of: (1) the total  
29 general fixed assets of the district as reported in the most  
30 recent required audit report or (2) the total insured  
31 property value of the district as provided for in the  
32 district's insurance policy in effect at the time of the bid

1 solicitation. In no event, however, shall the mandatory  
2 competitive bid threshold dollar amount be less than \$10,000,  
3 nor more than \$100,000. Cash, a cashier's check, a certified  
4 check, or a bid bond with adequate surety approved by the  
5 board of trustees as a deposit of good faith, in a reasonable  
6 amount, but not in excess of 10% of the contract amount, may  
7 be required of each bidder by the district on all bids  
8 involving amounts in excess of the mandatory competitive bid  
9 threshold and, if so required, the advertisement for bids  
10 shall so specify.

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

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

28       Where the board of trustees declares, by a 2/3 vote of  
29 all members of the board, that there exists an emergency  
30 affecting the public health or safety, contracts totaling not  
31 more than the emergency contract cap \$40,000 may be let to  
32 the extent necessary to resolve such emergency without public  
33 advertisement or competitive bidding. For purposes of this  
34 Section, the "emergency contract cap" is a dollar amount

1 equal to 0.4% of the greater of: (1) the total general fixed  
2 assets of the district as reported in the most recent  
3 required audit report or (2) the total insured property value  
4 of the district as provided for in the district's insurance  
5 policy in effect at the time of the bid solicitation. In no  
6 event, however, shall the emergency contract cap dollar  
7 amount be less than \$40,000, nor more than \$400,000. The  
8 ordinance or resolution embodying the emergency declaration  
9 shall contain the date upon which such emergency will  
10 terminate. The board of trustees may extend the termination  
11 date if in its judgment the circumstances so require. A full  
12 written account of the emergency, together with a requisition  
13 for the materials, supplies, labor sr equipment required  
14 therefor shall be submitted immediately upon completion and  
15 shall be open to public inspection for a period of at least  
16 one year subsequent to the date of such emergency purchase.  
17 (Source: P.A. 91-547, eff. 8-14-99.)