

1                                    AMENDMENT TO SENATE BILL 32

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 32, AS AMENDED,  
3 by inserting the following in its proper numeric sequence:

4            "Section 20. The Metropolitan Water Reclamation District  
5 Act is amended by changing Sections 11.3, 11.6, 11.7, 11.10,  
6 and 11.13 as follows:

7            (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

8            Sec. 11.3. Except as provided in Sections 11.4 and 11.5,  
9 all purchase orders or contracts involving amounts in excess  
10 of the mandatory competitive bid threshold \$10,000 and made  
11 by or on behalf of the sanitary district for labor, services  
12 or work, the purchase, lease or sale of personal property,  
13 materials, equipment or supplies, or the granting of any  
14 concession, shall be let by free and open competitive bidding  
15 after advertisement, to the lowest responsible bidder or to  
16 the highest responsible bidder, as the case may be, depending  
17 upon whether the sanitary district is to expend or receive  
18 money.

19            All such purchase orders or contracts which shall involve  
20 amounts that will not exceed the mandatory competitive bid  
21 threshold of \$10,000 or less, shall also be let in the manner  
22 prescribed above whenever practicable, except that after

1 solicitation of bids, such purchase orders or contracts may  
2 be let in the open market, in a manner calculated to insure  
3 the best interests of the public. The provisions of this  
4 section are subject to any contrary provisions contained in  
5 "An Act concerning the use of Illinois mined coal in certain  
6 plants and institutions", filed July 13, 1937, as heretofore  
7 and hereafter amended. For purposes of this Section, the  
8 "mandatory competitive bid threshold" is a dollar amount  
9 equal to 0.1% of the total general fixed assets of the  
10 district as reported in the most recent required audit  
11 report. In no event, however, shall the mandatory  
12 competitive bid threshold dollar amount be less than \$10,000  
13 or more than \$40,000. The competitive bidding requirements  
14 of this Section do not apply to contracts for construction of  
15 a facility or structure for the Metropolitan Water  
16 Reclamation District of Chicago when the facility or  
17 structure will be designed, built, and tested before being  
18 conveyed to the district.

19 Notwithstanding the provisions of this Section, the  
20 sanitary district is expressly authorized to establish such  
21 procedures as it deems appropriate to comply with state or  
22 federal regulations as to affirmative action and the  
23 utilization of small and minority businesses in construction  
24 and procurement contracts.

25 (Source: P.A. 83-835.)

26 (70 ILCS 2605/11.6) (from Ch. 42, par. 331.6)

27 Sec. 11.6. The head of each department shall notify the  
28 purchasing agent of those officers and employees authorized  
29 to sign requests for purchases. Requests for purchases shall  
30 be void unless executed by an authorized officer or employee  
31 and approved by the purchasing agent. Requests for purchases  
32 may be executed, approved and signed manually or  
33 electronically.

1           Officials and employees making requests for purchases  
2 shall not split or otherwise partition for the purpose of  
3 evading the competitive bidding requirements of this Act, any  
4 undertaking involving amounts in excess of the mandatory  
5 competitive bid threshold \$107,000.

6           (Source: P.A. 87-1125.)

7           (70 ILCS 2605/11.7) (from Ch. 42, par. 331.7)

8           Sec. 11.7. All proposals to award purchase orders or  
9 contracts involving amounts in excess of the mandatory  
10 competitive bid threshold \$107,000 shall be published at least  
11 12 calendar days in advance of the date announced for the  
12 receiving of bids, in a secular English language newspaper of  
13 general circulation in said sanitary district and shall be  
14 posted simultaneously on readily accessible bulletin boards  
15 in the principal office of the sanitary district. Nothing  
16 contained in this section shall be construed to prohibit the  
17 placing of additional advertisements in recognized trade  
18 journals. Advertisements for bids shall describe the  
19 character of the proposed contract or agreement in sufficient  
20 detail either in the advertisement itself or by reference to  
21 plans, specifications or other detail on file at the time of  
22 publication of the first announcement, to enable the bidders  
23 to know what their obligation will be. The advertisement  
24 shall also state the date, time and place assigned for the  
25 opening of bids. No bids shall be received at any time  
26 subsequent to the time indicated in the announcement;  
27 however, an extension of time may be granted for the opening  
28 of such bids upon publication in the same newspaper of  
29 general circulation in said sanitary district stating the  
30 date to which bid opening has been extended. The time of the  
31 extended bid opening shall not be less than 5 days after  
32 publication, Sundays and legal holidays excluded.

33           Cash, cashier's check or a certified check payable to the

1 clerk and drawn upon a bank, as a deposit of good faith, in a  
2 reasonable amount not in excess of 10% of the contract  
3 amount, may be required of each bidder by the purchasing  
4 agent on all bids involving amounts in excess of the  
5 mandatory competitive bid threshold \$10,000. If a deposit is  
6 required, the advertisement for bids shall so specify.  
7 Instead of a deposit, the purchasing agent may allow the use  
8 of a bid bond if the bond is issued by a surety company that  
9 is listed in the Federal Register and is authorized to do  
10 business in the State of Illinois.  
11 (Source: P.A. 89-89, eff. 6-30-95.)

12 (70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)  
13 Sec. 11.10. Every contract or purchase order involving  
14 amounts in excess of the mandatory competitive bid threshold  
15 \$10,000 shall be signed by the president or other duly  
16 authorized officer of the board of commissioners, by the  
17 general superintendent, by the clerk and by the purchasing  
18 agent. Each bid with the name of the bidder shall be entered  
19 upon a record which shall be open to public inspection in the  
20 office of the purchasing agent. After the award is made, the  
21 bids shall be entered in the official records of the board of  
22 commissioners.

23 All purchase orders or contracts involving amounts that  
24 will not exceed the mandatory competitive bid threshold of  
25 \$10,000-~~or less~~ shall be let by the purchasing agent. They  
26 shall be signed by the purchasing agent and the clerk. All  
27 records pertaining to such awards shall be open to public  
28 inspection for a period of at least one year subsequent to  
29 the date of the award.

30 An official copy of each awarded purchase order or  
31 contract together with all necessary attachments thereto,  
32 including assignments and written consent of the purchasing  
33 agent shall be retained by the purchasing agent in an

1 appropriate file open to the public for such period of time  
2 after termination of contract during which action against the  
3 municipality might ensue under applicable laws of limitation.  
4 Certified copies of all completed contracts and purchase  
5 orders shall be filed with the clerk. After the appropriate  
6 period, purchase orders, contracts and attachments in the  
7 clerk's possession may be destroyed by direction of the  
8 purchasing agent.

9 The provisions of this Act are not applicable to joint  
10 purchases of personal property, supplies and services made by  
11 governmental units in accordance with Sections 1 through 5 of  
12 "An Act authorizing certain governmental units to purchase  
13 personal property, supplies and services jointly," approved  
14 August 15, 1961.

15 (Source: P.A. 83-835.)

16 (70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

17 Sec. 11.13. Bond, with sufficient sureties, in such  
18 amount as shall be deemed adequate by the purchasing agent  
19 not only to insure performance of the contract in the time  
20 and manner specified in said contract but also to save,  
21 indemnify and keep harmless the sanitary district against all  
22 liabilities, judgments, costs and expenses which may in  
23 anywise accrue against said sanitary district in consequence  
24 of the granting of the contract or execution thereof shall be  
25 required for all contracts relative to construction,  
26 rehabilitation or repair of any of the works of the sanitary  
27 district and may be required of each bidder upon all other  
28 contracts in excess of the mandatory competitive bid  
29 threshold \$10,000 when, in the opinion of the purchasing  
30 agent, the public interest will be better served thereby.

31 In accordance with the provisions of "An Act in relation  
32 to bonds of contractors entering into contracts for public  
33 construction", approved June 20, 1931, as amended, all

1 contracts for construction work, to which the sanitary  
2 district is a party, shall require that the contractor  
3 furnish bond guaranteeing payment for materials and labor  
4 utilized in the contract.

5 (Source: P.A. 83-835.)".