



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2817

Introduced 2/13/2018, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2305/11	from Ch. 42, par. 287
70 ILCS 2405/11	from Ch. 42, par. 310
70 ILCS 2605/11.3	from Ch. 42, par. 331.3
70 ILCS 2805/14	from Ch. 42, par. 425
70 ILCS 2905/5-4	from Ch. 42, par. 505-4

Amends the North Shore Water Reclamation District Act, the Sanitary District Act of 1917, the Metropolitan Water Reclamation District Act, and the Sanitary District Act of 1936. Increases mandatory competitive bid thresholds from \$40,000 to \$50,000, and provides that emergency contract cap dollar amounts may not be less than \$50,000 (rather than \$40,000). Provides that if a unit of local government performs non-emergency construction, alteration, repair, improvement, or maintenance work on the public way, a sanitary district may enter into an intergovernmental agreement with the unit of local government allowing similar construction work to be performed by the sanitary district on the same project, in an amount not in excess of \$100,000. Amends the Metro-East Sanitary District Act of 1974 making similar changes relating to allowing the sanitary district to enter into intergovernmental agreements. Further amends the Metro-East Sanitary District Act of 1974. Provides that all contracts for work to be done and supplies and materials to be purchased by the sanitary district in an amount exceeding \$20,000 (rather than \$10,000) shall be let to the lowest responsible bidder and amounts under \$20,000 (rather than \$10,000) may be let without competitive bidding if it is not practical to competitively bid the work, supplies, or materials. Effective immediately.

LRB100 17561 AWJ 32731 b

FISCAL NOTE ACT  
MAY APPLY

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 North Shore Water Reclamation District Act  
5 is 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, all  
8 contracts for purchases or sales by the municipality, the  
9 expense of which will exceed the mandatory competitive bid  
10 threshold, shall be let to the lowest responsible bidder  
11 therefor upon not less than 14 days' public notice of the terms  
12 and conditions upon which the contract is to be let, having  
13 been given by publication in a newspaper of general circulation  
14 published in the district, and the board may reject any and all  
15 bids and readvertise. In determining the lowest responsible  
16 bidder, the board shall take into consideration the qualities  
17 and serviceability of the articles supplied, their conformity  
18 with specifications, their suitability to the requirements of  
19 the district, the availability of support services, the  
20 uniqueness of the service, materials, equipment, or supplies as  
21 it applies to network integrated computer systems, the  
22 compatibility of the service, materials, equipment or supplies  
23 with existing equipment, and the delivery terms. Contracts for

1 services in excess of the mandatory competitive bid threshold  
2 may, subject to the provisions of this Section, be let by  
3 competitive bidding at the discretion of the district board of  
4 trustees. All contracts for purchases or sales that will not  
5 exceed the mandatory competitive bid threshold may be made in  
6 the open market without publication in a newspaper as above  
7 provided, but whenever practical shall be based on at least 3  
8 competitive bids. For purposes of this Section, the "mandatory  
9 competitive bid threshold" is a dollar amount equal to 0.1% of  
10 the total general fixed assets of the district as reported in  
11 the most recent required audit report. In no event, however,  
12 shall the mandatory competitive bid threshold dollar amount be  
13 less than \$10,000, nor more than \$50,000 ~~\$40,000~~.

14 Cash, a cashier's check, a certified check, or a bid bond  
15 with adequate surety approved by the board of trustees as a  
16 deposit of good faith, in a reasonable amount, but not in  
17 excess of 10% of the contract amount, may be required of each  
18 bidder by the district on all bids involving amounts in excess  
19 of the mandatory competitive bid threshold and, if so required,  
20 the advertisement for bids shall so specify.

21 Contracts which by their nature are not adapted to award by  
22 competitive bidding, including, without limitation, contracts  
23 for the services of individuals, groups or firms possessing a  
24 high degree of professional skill where the ability or fitness  
25 of the individual or organization plays an important part,  
26 contracts for financial management services undertaken

1 pursuant to "An Act relating to certain investments of public  
2 funds by public agencies", approved July 23, 1943, as now or  
3 hereafter amended, contracts for the purchase or sale of  
4 utilities, contracts for commodities including supply  
5 contracts for natural gas and electricity, contracts for  
6 materials economically procurable only from a single source of  
7 supply, contracts for services, supplies, materials, parts, or  
8 equipment which are available only from a single source or  
9 contracts for maintenance, repairs, OEM supplies, or OEM parts  
10 from the manufacturer or from a source authorized by the  
11 manufacturer, contracts for the use, purchase, delivery,  
12 movement, or installation of data processing equipment,  
13 software, or services and telecommunications and interconnect  
14 equipment, software, or services, contracts for duplicating  
15 machines and supplies, contracts for goods or services procured  
16 from another governmental agency, purchases of equipment  
17 previously owned by an entity other than the district itself,  
18 purchases of used equipment, purchases at auction or similar  
19 transactions which by their very nature are not suitable to  
20 competitive bids, 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 District may use a design-build procurement method for  
24 any public project which shall not be subject to the  
25 competitive bidding requirements of this Section provided the  
26 Board of Trustees approves the contract for the public project

1 by a vote of 4 of the 5 trustees. For the purposes of this  
2 Section, "design-build" means a delivery system that provides  
3 responsibility within a single contract for the furnishing of  
4 architecture, engineering, land surveying and related services  
5 as required, and the labor, materials, equipment, and other  
6 construction services for the project.

7 In the case of an emergency affecting the public health or  
8 safety so declared by the Board of Trustees of the municipality  
9 at a meeting thereof duly convened, which declaration shall  
10 require the affirmative vote of four of the five Trustees, and  
11 shall set forth the nature of the danger to the public health  
12 or safety, contracts totaling not more than the emergency  
13 contract cap may be let to the extent necessary to resolve such  
14 emergency without public advertisement or competitive bidding.  
15 For purposes of this Section, the dollar amount of an emergency  
16 contract shall not be less than \$50,000 ~~\$40,000~~, nor more than  
17 \$350,000. The Resolution or Ordinance in which such declaration  
18 is embodied shall fix the date upon which such emergency shall  
19 terminate which date may be extended or abridged by the Board  
20 of Trustees as in their judgment the circumstances require. A  
21 full written account of any such emergency, together with a  
22 requisition for the materials, supplies, labor or equipment  
23 required therefor shall be submitted immediately upon  
24 completion and shall be open to public inspection for a period  
25 of at least one year subsequent to the date of such emergency  
26 purchase.

1 To address operating emergencies not affecting the public  
2 health or safety, the Board of Trustees shall authorize, in  
3 writing, officials or employees of the sanitary district to  
4 purchase in the open market and without advertisement any  
5 supplies, materials, equipment, or services for immediate  
6 delivery to meet the bona fide operating emergency, without  
7 filing a requisition or estimate therefor, in an amount not in  
8 excess of \$100,000; provided that the Board of Trustees must be  
9 notified of the operating emergency. A full, written account of  
10 each operating emergency and a requisition for the materials,  
11 supplies, equipment, and services required to meet the  
12 operating emergency must be immediately submitted by the  
13 officials or employees authorized to make purchases to the  
14 Board of Trustees. The account must be available for public  
15 inspection for a period of at least one year after the date of  
16 the operating emergency purchase. The exercise of authority  
17 with respect to purchases for a bona fide operating emergency  
18 is not dependent on a declaration of an operating emergency by  
19 the Board of Trustees.

20 If a unit of local government performs non-emergency  
21 construction, alteration, repair, improvement, or maintenance  
22 work on the public way, the sanitary district may enter into an  
23 intergovernmental agreement with the unit of local government  
24 allowing similar construction work to be performed by the  
25 sanitary district on the same project, in an amount no greater  
26 than \$100,000, to save taxpayer funds and eliminate duplication

1 of government effort. The sanitary district and the other unit  
2 of local government shall, before work is performed by either  
3 unit of local government on a project, adopt a resolution by a  
4 majority vote of both governing bodies certifying work will  
5 occur at a specific location, the reasons why both units of  
6 local government require work to be performed in the same  
7 location, and the projected cost savings if work is performed  
8 by both units of local government on the same project.  
9 Officials or employees of the sanitary district may, if  
10 authorized by resolution, purchase in the open market any  
11 supplies, materials, equipment, or services for use within the  
12 project in an amount no greater than \$100,000 without  
13 advertisement or without filing a requisition or estimate. A  
14 full written account of each project performed by the sanitary  
15 district and a requisition for the materials, supplies,  
16 equipment, and services used by the sanitary district required  
17 to complete the project must be submitted by the officials or  
18 employees authorized to make purchases to the board of trustees  
19 of the sanitary district no later than 30 days after purchase.  
20 The full written account must be available for public  
21 inspection for at least one year after expenditures are made.

22 The competitive bidding requirements of this Section do not  
23 apply to contracts, including contracts for both materials and  
24 services incidental thereto, for the repair or replacement of a  
25 sanitary district's treatment plant, sewers, equipment, or  
26 facilities damaged or destroyed as the result of a sudden or

1 unexpected occurrence, including, but not limited to, a flood,  
2 fire, tornado, earthquake, storm, or other natural or man-made  
3 disaster, if the board of trustees determines in writing that  
4 the awarding of those contracts without competitive bidding is  
5 reasonably necessary for the sanitary district to maintain  
6 compliance with a permit issued under the National Pollution  
7 Discharge Elimination System (NPDES) or any successor system or  
8 with any outstanding order relating to that compliance issued  
9 by the United States Environmental Protection Agency, the  
10 Illinois Environmental Protection Agency, or the Illinois  
11 Pollution Control Board. The authority to issue contracts  
12 without competitive bidding pursuant to this paragraph expires  
13 6 months after the date of the writing determining that the  
14 awarding of contracts without competitive bidding is  
15 reasonably necessary.

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

26 A contract for any work or other public improvement, to be



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

10 (Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)

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

13 (70 ILCS 2405/11) (from Ch. 42, par. 310)

14 Sec. 11. Except as otherwise hereinafter provided, all  
15 contracts for purchases or sales by a sanitary district  
16 organized under this Act, the expense of which will exceed the  
17 mandatory competitive bid threshold, shall be let to the lowest  
18 responsible bidder therefor upon not less than 14 days' public  
19 notice of the terms and conditions upon which the contract is  
20 to be let, having been given by publication in a newspaper of  
21 general circulation published in the district, and the board  
22 may reject any and all bids, and readvertise. In determining  
23 the lowest responsible bidder, the board shall take into  
24 consideration the qualities and serviceability of the articles

1 supplied, their conformity with specifications, their  
2 suitability to the requirements of the district, the  
3 availability of support services, the uniqueness of the  
4 service, materials, equipment, or supplies as it applies to  
5 network integrated computer systems, the compatibility of the  
6 service, materials, equipment or supplies with existing  
7 equipment, and the delivery terms. Contracts for services in  
8 excess of the mandatory competitive bid threshold may, subject  
9 to the provisions of this Section, be let by competitive  
10 bidding at the discretion of the district board of trustees.

11 Cash, a cashier's check, a certified check, or a bid bond  
12 with adequate surety approved by the board of trustees as a  
13 deposit of good faith, in a reasonable amount, but not in  
14 excess of 10% of the contract amount, may be required of each  
15 bidder by the district on all bids involving amounts in excess  
16 of the mandatory competitive bid threshold and, if so required,  
17 the advertisement for bids shall so specify.

18 All contracts for purchases or sales that will not exceed  
19 the mandatory competitive bid threshold may be made in the open  
20 market without publication in a newspaper as above provided,  
21 but whenever practical shall be based on at least 3 competitive  
22 bids. For purposes of this Section, the "mandatory competitive  
23 bid threshold" is a dollar amount equal to 0.1% of the total  
24 general fixed assets of the district as reported in the most  
25 recent required audit report. In no event, however, shall the  
26 mandatory competitive bid threshold dollar amount be less than

1 \$10,000, nor more than \$50,000 ~~\$40,000~~.

2 If a unit of local government performs non-emergency  
3 construction, alteration, repair, improvement, or maintenance  
4 work on the public way, the sanitary district may enter into an  
5 intergovernmental agreement with the unit of local government  
6 allowing similar construction work to be performed by the  
7 sanitary district on the same project, in an amount no greater  
8 than \$100,000, to save taxpayer funds and eliminate duplication  
9 of government effort. The sanitary district and the other unit  
10 of local government shall, before work is performed by either  
11 unit of local government on a project, adopt a resolution by a  
12 majority vote of both governing bodies certifying work will  
13 occur at a specific location, the reasons why both units of  
14 local government require work to be performed in the same  
15 location, and the projected cost savings if work is performed  
16 by both units of local government on the same project.  
17 Officials or employees of the sanitary district may, if  
18 authorized by resolution, purchase in the open market any  
19 supplies, materials, equipment, or services for use within the  
20 project in an amount no greater than \$100,000 without  
21 advertisement or without filing a requisition or estimate. A  
22 full written account of each project performed by the sanitary  
23 district and a requisition for the materials, supplies,  
24 equipment, and services used by the sanitary district required  
25 to complete the project must be submitted by the officials or  
26 employees authorized to make purchases to the board of trustees

1 of the sanitary district no later than 30 days after purchase.  
2 The full written account must be available for public  
3 inspection for at least one year after expenditures are made.

4 Contracts which by their nature are not adapted to award by  
5 competitive bidding, including, without limitation, contracts  
6 for the services of individuals, groups or firms possessing a  
7 high degree of professional skill where the ability or fitness  
8 of the individual or organization plays an important part,  
9 contracts for financial management services undertaken  
10 pursuant to "An Act relating to certain investments of public  
11 funds by public agencies", approved July 23, 1943, as now or  
12 hereafter amended, contracts for the purchase or sale of  
13 utilities, contracts for materials economically procurable  
14 only from a single source of supply, contracts for the use,  
15 purchase, delivery, movement, or installation of data  
16 processing equipment, software, or services and  
17 telecommunications and interconnect equipment, software, or  
18 services, contracts for duplicating machines and supplies,  
19 contracts for goods or services procured from another  
20 governmental agency, purchases of equipment previously owned  
21 by an entity other than the district itself, and leases of real  
22 property where the sanitary district is the lessee shall not be  
23 subject to the competitive bidding requirements of this  
24 Section.

25 The competitive bidding requirements of this Section do not  
26 apply to contracts for construction of a facility or structure

1 for the sanitary district when the facility or structure will  
2 be designed, built, and tested before being conveyed to the  
3 sanitary district.

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

24 Where the board of trustees declares, by a 2/3 vote of all  
25 members of the board, that there exists an emergency affecting  
26 the public health or safety, contracts totaling not more than

1 the emergency contract cap may be let to the extent necessary  
2 to resolve such emergency without public advertisement or  
3 competitive bidding. For purposes of this Section, the  
4 "emergency contract cap" is a dollar amount equal to 0.4% of  
5 the total general fixed assets of the district as reported in  
6 the most recent required audit report. In no event, however,  
7 shall the emergency contract cap dollar amount be less than  
8 \$50,000 ~~\$40,000~~, nor more than \$100,000. The ordinance or  
9 resolution embodying the emergency declaration shall contain  
10 the date upon which such emergency will terminate. The board of  
11 trustees may extend the termination date if in its judgment the  
12 circumstances so require. A full written account of the  
13 emergency, together with a requisition for the materials,  
14 supplies, labor or equipment required therefor shall be  
15 submitted immediately upon completion and shall be open to  
16 public inspection for a period of at least one year subsequent  
17 to the date of such emergency purchase. Within 30 days after  
18 the passage of the resolution or ordinance declaring an  
19 emergency affecting the public health or safety, the District  
20 shall submit to the Illinois Environmental Protection Agency  
21 the full written account of any such emergency along with a  
22 copy of the resolution or ordinance declaring the emergency, in  
23 accordance with requirements as may be provided by rule.

24 A contract for any work or other public improvement, to be  
25 paid for in whole or in part by special assessment or special  
26 taxation, shall be entered into and the performance thereof

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

8 (Source: P.A. 92-195, eff. 1-1-02.)

9 Section 15. The Metropolitan Water Reclamation District  
10 Act is amended by changing Section 11.3 as follows:

11 (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

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

22 All such purchase orders or contracts which shall involve  
23 amounts that will not exceed the mandatory competitive bid  
24 threshold, shall also be let in the manner prescribed above

1 whenever practicable, except that after solicitation of bids,  
2 such purchase orders or contracts may be let in the open  
3 market, in a manner calculated to insure the best interests of  
4 the public. The provisions of this section are subject to any  
5 contrary provisions contained in "An Act concerning the use of  
6 Illinois mined coal in certain plants and institutions", filed  
7 July 13, 1937, as heretofore and hereafter amended. For  
8 purposes of this Section, the "mandatory competitive bid  
9 threshold" is a dollar amount equal to 0.1% of the total  
10 general fixed assets of the district as reported in the most  
11 recent required audit report. In no event, however, shall the  
12 mandatory competitive bid threshold dollar amount be less than  
13 \$10,000 or more than \$50,000 ~~\$40,000~~.

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



1 location, and the projected cost savings if work is performed  
2 by both units of local government on the same project.  
3 Officials or employees of the sanitary district may, if  
4 authorized by resolution, purchase in the open market any  
5 supplies, materials, equipment, or services for use within the  
6 project in an amount no greater than \$100,000 without  
7 advertisement or without filing a requisition or estimate. A  
8 full written account of each project performed by the sanitary  
9 district and a requisition for the materials, supplies,  
10 equipment, and services used by the sanitary district required  
11 to complete the project must be submitted by the officials or  
12 employees authorized to make purchases to the board of trustees  
13 of the sanitary district no later than 30 days after purchase.  
14 The full written account must be available for public  
15 inspection for at least one year after expenditures are made.

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

22 (Source: P.A. 92-195, eff. 1-1-02.)

23 Section 20. The Sanitary District Act of 1936 is amended by  
24 changing Section 14 as follows:

1 (70 ILCS 2805/14) (from Ch. 42, par. 425)

2 Sec. 14. Except as otherwise provided in this Section, all  
3 contracts for purchases or sales by the sanitary district, the  
4 expense of which will exceed the mandatory competitive bid  
5 threshold, shall be let to the lowest responsible bidder  
6 therefor upon not less than 14 days' public notice of the terms  
7 and conditions upon which the contract is to be let, having  
8 been given by publication in a daily or weekly newspaper  
9 published in the district or, if there is no newspaper  
10 published in the district, in a newspaper published in the  
11 county and having general circulation in the district, and the  
12 board may reject any and all bids, and readvertise. Contracts  
13 for services in excess of the mandatory competitive bid  
14 threshold may, subject to the provisions of this Section, be  
15 let by competitive bidding at the discretion of the district  
16 board of trustees. All contracts for purchases or sales that  
17 will not exceed the mandatory competitive bid threshold may be  
18 made in the open market without publication in a newspaper as  
19 above provided, but whenever practical shall be based on at  
20 least 3 competitive bids. For purposes of this Section, the  
21 "mandatory competitive bid threshold" is a dollar amount equal  
22 to 0.1% of the total general fixed assets of the district as  
23 reported in the most recent required audit report. In no event,  
24 however, shall the mandatory competitive bid threshold dollar  
25 amount be less than \$10,000, nor more than \$50,000 ~~\$40,000~~.

26 If a unit of local government performs non-emergency

1 construction, alteration, repair, improvement, or maintenance  
2 work on the public way, the sanitary district may enter into an  
3 intergovernmental agreement with the unit of local government  
4 allowing similar construction work to be performed by the  
5 sanitary district on the same project, in an amount no greater  
6 than \$100,000, to save taxpayer funds and eliminate duplication  
7 of government effort. The sanitary district and the other unit  
8 of local government shall, before work is performed by either  
9 unit of local government on a project, adopt a resolution by a  
10 majority vote of both governing bodies certifying work will  
11 occur at a specific location, the reasons why both units of  
12 local government require work to be performed in the same  
13 location, and the projected cost savings if work is performed  
14 by both units of local government on the same project.  
15 Officials or employees of the sanitary district may, if  
16 authorized by resolution, purchase in the open market any  
17 supplies, materials, equipment, or services for use within the  
18 project in an amount no greater than \$100,000 without  
19 advertisement or without filing a requisition or estimate. A  
20 full written account of each project performed by the sanitary  
21 district and a requisition for the materials, supplies,  
22 equipment, and services used by the sanitary district required  
23 to complete the project must be submitted by the officials or  
24 employees authorized to make purchases to the board of trustees  
25 of the sanitary district no later than 30 days after purchase.  
26 The full written account must be available for public

1 inspection for at least one year after expenditures are made.

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

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

21 Where the board of trustees declares, by a 2/3 vote of all  
22 members of the board, that there exists an emergency affecting  
23 the public health or safety, contracts totaling not more than  
24 the emergency contract cap may be let to the extent necessary  
25 to resolve such emergency without public advertisement or  
26 competitive bidding. For purposes of this Section, the

1 "emergency contract cap" is a dollar amount equal to 0.4% of  
2 the total general fixed assets of the district as reported in  
3 the most recent required audit report. In no event, however,  
4 shall the emergency contract cap dollar amount be less than  
5 \$50,000 ~~\$40,000~~, nor more than \$100,000. The ordinance or  
6 resolution embodying the emergency declaration shall contain  
7 the date upon which such emergency will terminate. The board of  
8 trustees may extend the termination date if in its judgment the  
9 circumstances so require. A full written account of the  
10 emergency, together with a requisition for the materials,  
11 supplies, labor or equipment required therefor shall be  
12 submitted immediately upon completion and shall be open to  
13 public inspection for a period of at least one year subsequent  
14 to the date of such emergency purchase. Within 30 days after  
15 the passage of the resolution or ordinance declaring an  
16 emergency affecting the public health or safety, the District  
17 shall submit to the Illinois Environmental Protection Agency  
18 the full written account of any such emergency along with a  
19 copy of the resolution or ordinance declaring the emergency, in  
20 accordance with requirements as may be provided by rule.

21 (Source: P.A. 91-547, eff. 8-14-99; 92-195, eff. 1-1-02.)

22 Section 25. The Metro-East Sanitary District Act of 1974 is  
23 amended by changing Section 5-4 as follows:

24 (70 ILCS 2905/5-4) (from Ch. 42, par. 505-4)

1           Sec. 5-4. All contracts for work to be done and supplies  
2 and materials to be purchased by the sanitary district, the  
3 expense of which will exceed \$20,000 ~~\$10,000~~, shall be let to  
4 the lowest responsible bidder therefor, upon not less than 21  
5 days public notice of the terms and conditions upon which the  
6 contract is to be let, having been given by publication in a  
7 newspaper of general circulation published in the district, and  
8 the board may reject any and all bids and readvertise. All  
9 purchases or sales of \$20,000 ~~\$10,000~~ or less may be made in  
10 the open market without publication in a newspaper as above  
11 provided, but whenever practical shall be based on at least 3  
12 competitive bids. No person may be employed on the work except  
13 citizens of the United States, or those who in good faith have  
14 declared their intention to become citizens, and 8 hours  
15 constitutes a day's work.

16           If a unit of local government performs non-emergency  
17 construction, alteration, repair, improvement, or maintenance  
18 work on the public way, the sanitary district may enter into an  
19 intergovernmental agreement with the unit of local government  
20 allowing similar construction work to be performed by the  
21 sanitary district on the same project, in an amount no greater  
22 than \$100,000, to save taxpayer funds and eliminate duplication  
23 of government effort. The sanitary district and the other unit  
24 of local government shall, before work is performed by either  
25 unit of local government on a project, adopt a resolution by a  
26 majority vote of both governing bodies certifying work will

1 occur at a specific location, the reasons why both units of  
2 local government require work to be performed in the same  
3 location, and the projected cost savings if work is performed  
4 by both units of local government on the same project.  
5 Officials or employees of the sanitary district may, if  
6 authorized by resolution, purchase in the open market any  
7 supplies, materials, equipment, or services for use within the  
8 project in an amount no greater than \$100,000 without  
9 advertisement or without filing a requisition or estimate. A  
10 full written account of each project performed by the sanitary  
11 district and a requisition for the materials, supplies,  
12 equipment, and services used by the sanitary district required  
13 to complete the project must be submitted by the officials or  
14 employees authorized to make purchases to the board of trustees  
15 of the sanitary district no later than 30 days after purchase.  
16 The full written account must be available for public  
17 inspection for at least one year after expenditures are made.  
18 (Source: P.A. 94-445, eff. 1-1-06.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.