

# SB3478



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3478

Introduced 2/14/2020, by Sen. Chuck Weaver

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/11k

Amends the Fire Protection District Act. Provides that any procurement by a board of trustees involving the acquisition, by direct or beneficial ownership, of improvements to real estate by a fire protection district which results in an expenditure of district funds in excess of \$20,000 must be competitively bid.

LRB101 20045 AWJ 69576 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 Fire Protection District Act is amended by  
5 changing Section 11k as follows:

6 (70 ILCS 705/11k)

7 Sec. 11k. Competitive bidding; notice requirements.

8 (a) The board of trustees shall have the power to acquire  
9 by gift, legacy, or purchase any personal property necessary  
10 for its corporate purposes provided that all contracts for  
11 supplies, materials, or work involving an expenditure in excess  
12 of \$20,000 shall be let to the lowest responsible bidder after  
13 advertising as required under subsection (b) of this Section.  
14 The board is not required to accept a bid that does not meet  
15 the district's established specifications, terms of delivery,  
16 quality, and serviceability requirements. Contracts which, by  
17 their nature, are not adapted to award by competitive bidding,  
18 are not subject to competitive bidding, including, but not  
19 limited to:

20 (1) contracts for the services of individuals  
21 possessing a high degree of professional skill where the  
22 ability or fitness of the individual plays an important  
23 part;

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

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

5           (4) contracts for the maintenance or servicing of, or  
6 provision of repair parts for, equipment which are made  
7 with the manufacturer or authorized service agent of that  
8 equipment where the provision of parts, maintenance, or  
9 servicing can best be performed by the manufacturer or  
10 authorized service agent, or which involve proprietary  
11 parts or technology not otherwise available;

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

16           (6) contracts for duplicating machines and supplies;

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

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

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

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

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

4           (b) Except as otherwise provided in subsection (a) of this  
5 Section, all proposals to award contracts involving amounts in  
6 excess of \$20,000 shall be published at least 10 days,  
7 excluding Sundays and legal holidays, in advance of the date  
8 announced for the receiving of bids, in a secular English  
9 language newspaper of general circulation throughout the  
10 district. In addition, a fire protection district that has a  
11 website that the full-time staff of the district maintains  
12 shall post notice on its website of all proposals to award  
13 contracts in excess of \$20,000. Advertisements for bids shall  
14 describe the character of the proposed contract or agreement in  
15 sufficient detail to enable the bidders thereon to know what  
16 their obligations will be, either in the advertisement itself,  
17 or by reference to detailed plans and specifications on file at  
18 the time of the publication of the first announcement. Such  
19 advertisement shall also state the date, time and place  
20 assigned for the opening of bids, and no bids shall be received  
21 at any time subsequent to the time indicated in the  
22 announcement. All competitive bids for contracts involving an  
23 expenditure in excess of \$20,000 must be sealed by the bidder  
24 and must be opened by a member of the board or an employee of  
25 the district at a public bid opening at which the contents of  
26 the bids must be announced. Each bidder must receive at least 3

1 days' ~~days~~ notice of the time and place of the bid opening.

2 (c) In addition to contracts entered into under the  
3 Governmental Joint Purchasing Act, a board of trustees may  
4 enter into contracts for supplies, materials, or work involving  
5 an expenditure in excess of \$20,000 through participation in a  
6 joint governmental or nongovernmental purchasing program that  
7 requires as part of its selection procedure a competitive  
8 solicitation and procurement process.

9 (d) Subject to the exceptions under subsections (a) and  
10 (c), any procurement by a board of trustees involving the  
11 acquisition, by direct or beneficial ownership, of  
12 improvements to real estate by a fire protection district which  
13 results in an expenditure of district funds in excess of  
14 \$20,000 must be competitively bid in accordance with the  
15 procedures of subsection (b).

16 (Source: P.A. 101-41, eff. 7-12-19; 101-139, eff. 7-26-19;  
17 revised 8-19-19.)