

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 Sanitary District Act of 1917 is amended by  
5 changing Section 11 as follows:

6 (70 ILCS 2405/11) (from Ch. 42, par. 310)

7 Sec. 11. Except as otherwise hereinafter provided, all  
8 contracts for purchases or sales by a sanitary district  
9 organized under this Act, the expense of which will exceed the  
10 mandatory competitive bid threshold, shall be let to the  
11 lowest 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 newspaper of general circulation published in the district,  
15 and the board may reject any and all bids, and readvertise. In  
16 determining the lowest responsible bidder, the board shall  
17 take into consideration the qualities and serviceability of  
18 the 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

1 equipment, and the delivery terms. Contracts for services in  
2 excess of the mandatory competitive bid threshold may, subject  
3 to the provisions of this Section, be let by competitive  
4 bidding at the discretion of the district board of trustees.

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

12 Except for certain construction contracts as otherwise  
13 provided by this Section, all ~~All~~ contracts for purchases or  
14 sales that will not exceed the mandatory competitive bid  
15 threshold may be made in the open market without publication  
16 in a newspaper as above provided, but whenever practical shall  
17 be based on at least 3 competitive bids. For purposes of this  
18 Section, the "mandatory competitive bid threshold" is a dollar  
19 amount equal to 0.1% of the total general fixed assets of the  
20 district as reported in the most recent required audit report.  
21 In no event, however, shall the mandatory competitive bid  
22 threshold dollar amount be less than \$25,000 ~~\$10,000~~, nor more  
23 than \$100,000 ~~\$40,000~~.

24 Notwithstanding this Section, all construction contracts  
25 that the sanitary district reasonably expects to be in excess  
26 of \$60,000 but not in excess of \$100,000 may be made in the

1 open market without publication in a newspaper as otherwise  
2 provided in this Section, but, when practical, shall be based  
3 on at least 3 competitive bids that shall: (i) identify the  
4 scope of work; (ii) provide the same scope of work, cost  
5 estimates, and time for response to all contacted businesses;  
6 (iii) consider registered Illinois small businesses, business  
7 enterprises, including female-owned enterprises,  
8 minority-owned enterprises, and enterprises owned by persons  
9 with a disability, and veteran-owned firms; and (iv) attempt  
10 to avoid repetitive use of the same prime contractor in the  
11 same calendar year unless the same contractor is the lowest  
12 responsible bidder. When applicable, the bids must comply with  
13 the Prevailing Wage Act.

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 \$300,000 ~~\$100,000~~, to save taxpayer funds and eliminate  
21 duplication of government effort. The sanitary district and  
22 the other unit of local government shall, before work is  
23 performed by either unit of local government on a project,  
24 adopt a resolution by a majority vote of both governing bodies  
25 certifying work will occur at a specific location, the reasons  
26 why both units of local government require work to be

1 performed in the same location, and the projected cost savings  
2 if work is performed by both units of local government on the  
3 same project. Officials or employees of the sanitary district  
4 may, if authorized by resolution, purchase in the open market  
5 any supplies, materials, equipment, or services for use within  
6 the project in an amount no greater than \$300,000 ~~\$100,000~~  
7 without advertisement or without filing a requisition or  
8 estimate. A full written account of each project performed by  
9 the sanitary district and a requisition for the materials,  
10 supplies, equipment, and services used by the sanitary  
11 district required to complete the project must be submitted by  
12 the officials or employees authorized to make purchases to the  
13 board of trustees of the sanitary district no later than 30  
14 days after purchase. The full written account must be  
15 available for public inspection for at least one year after  
16 expenditures are made.

17 Contracts which by their nature are not adapted to award  
18 by competitive bidding, including, without limitation,  
19 contracts for the services of individuals, groups or firms  
20 possessing a high degree of professional skill where the  
21 ability or fitness of the individual or organization plays an  
22 important part, contracts for financial management services  
23 undertaken pursuant to "An Act relating to certain investments  
24 of public funds by public agencies", approved July 23, 1943,  
25 as now or hereafter amended, contracts for the purchase or  
26 sale of utilities, contracts for materials economically

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

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

17 The competitive bidding requirements of this Section do  
18 not apply to contracts, including contracts for both materials  
19 and services incidental thereto, for the repair or replacement  
20 of a sanitary district's treatment plant, sewers, equipment,  
21 or facilities damaged or destroyed as the result of a sudden or  
22 unexpected occurrence, including, but not limited to, a flood,  
23 fire, tornado, earthquake, storm, or other natural or man-made  
24 disaster, if the board of trustees determines in writing that  
25 the awarding of those contracts without competitive bidding is  
26 reasonably necessary for the sanitary district to maintain

1 compliance with a permit issued under the National Pollution  
2 Discharge Elimination System (NPDES) or any successor system  
3 or with any outstanding order relating to that compliance  
4 issued by the United States Environmental Protection Agency,  
5 the Illinois Environmental Protection Agency, or the Illinois  
6 Pollution Control Board. The authority to issue contracts  
7 without competitive bidding pursuant to this paragraph expires  
8 6 months after the date of the writing determining that the  
9 awarding of contracts without competitive bidding is  
10 reasonably necessary.

11 Where the board of trustees declares, by a 2/3 vote of all  
12 members of the board, that there exists an emergency affecting  
13 the public health or safety, contracts totaling not more than  
14 the emergency contract cap may be let to the extent necessary  
15 to resolve such emergency without public advertisement or  
16 competitive bidding. For purposes of this Section, the  
17 "emergency contract cap" is a dollar amount equal to 0.4% of  
18 the total general fixed assets of the district as reported in  
19 the most recent required audit report. In no event, however,  
20 shall the emergency contract cap dollar amount be less than  
21 \$100,000 ~~\$40,000~~, nor more than \$300,000 ~~\$100,000~~. The  
22 ordinance or resolution embodying the emergency declaration  
23 shall contain the date upon which such emergency will  
24 terminate. The board of trustees may extend the termination  
25 date if in its judgment the circumstances so require. A full  
26 written account of the emergency, together with a requisition

1 for the materials, supplies, labor or equipment required  
2 therefor shall be submitted immediately upon completion and  
3 shall be open to public inspection for a period of at least one  
4 year subsequent to the date of such emergency purchase. Within  
5 30 days after the passage of the resolution or ordinance  
6 declaring an emergency affecting the public health or safety,  
7 the District shall submit to the Illinois Environmental  
8 Protection Agency the full written account of any such  
9 emergency along with a copy of the resolution or ordinance  
10 declaring the emergency, in accordance with requirements as  
11 may be provided by rule.

12 A contract for any work or other public improvement, to be  
13 paid for in whole or in part by special assessment or special  
14 taxation, shall be entered into and the performance thereof  
15 controlled by Division 2 of Article 9 of the "Illinois  
16 Municipal Code", approved May 29, 1961, as heretofore and  
17 hereafter amended, as near as may be. The contracts may be let  
18 for making proper and suitable connections between the mains  
19 and outlets of the respective sewers in the district with any  
20 conduit, conduits, main pipe or pipes that may be constructed  
21 by such sanitary district.

22 (Source: P.A. 100-882, eff. 8-14-18.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.