



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4783

Introduced 2/6/2024, by Rep. Kimberly Du Buclet

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2605/11.3

from Ch. 42, par. 331.3

70 ILCS 2605/11.5

from Ch. 42, par. 331.5

Amends the Metropolitan Water Reclamation District Act. Provides that the mandatory competitive bid threshold for the District may not be less than \$100,000 (rather than less than \$10,000 or more than \$40,000). Provides that the District's executive director shall authorize in writing specified officials or employees who may purchase in the open market without filing a requisition or estimate to purchase and without advertisement any supplies, materials, equipment or services for immediate delivery to meet bona fide operating emergencies where the amount is not in excess of \$100,000 (rather than \$50,000).

LRB103 36322 AWJ 66420 b

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 Metropolitan Water Reclamation District Act  
5 is amended by changing Sections 11.3 and 11.5 as follows:

6 (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

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

17 All such purchase orders or contracts which shall involve  
18 amounts that will not exceed the mandatory competitive bid  
19 threshold, shall also be let in the manner prescribed above  
20 whenever practicable, except that after solicitation of bids,  
21 such purchase orders or contracts may be let in the open  
22 market, in a manner calculated to insure the best interests of  
23 the public. The provisions of this section are subject to any

1 contrary provisions contained in "An Act concerning the use of  
2 Illinois mined coal in certain plants and institutions", filed  
3 July 13, 1937, as heretofore and hereafter amended. For  
4 purposes of this Section, the "mandatory competitive bid  
5 threshold" is a dollar amount equal to 0.1% of the total  
6 general fixed assets of the district as reported in the most  
7 recent required audit report. In no event, however, shall the  
8 mandatory competitive bid threshold dollar amount be less than  
9 \$100,000 ~~\$10,000 or more than \$40,000~~.

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

1 any supplies, materials, equipment, or services for use within  
2 the project in an amount no greater than \$100,000 without  
3 advertisement or without filing a requisition or estimate. A  
4 full written account of each project performed by the sanitary  
5 district and a requisition for the materials, supplies,  
6 equipment, and services used by the sanitary district required  
7 to complete the project must be submitted by the officials or  
8 employees authorized to make purchases to the board of  
9 trustees of the sanitary district no later than 30 days after  
10 purchase. The full written account must be available for  
11 public inspection for at least one year after expenditures are  
12 made.

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

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

20 (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

21 Sec. 11.5. In the event of an emergency affecting the  
22 public health or safety, so declared by action of the board of  
23 trustees, which declaration shall describe the nature of the  
24 injurious effect upon the public health or safety, contracts  
25 may be let to the extent necessary to resolve such emergency

1 without public advertisement. The declaration shall fix the  
2 date upon which such emergency shall terminate. The date may  
3 be extended or abridged by the board of trustees as in its  
4 judgment the circumstances require.

5 The executive director appointed in accordance with  
6 Section 4 of this Act shall authorize in writing and certify to  
7 the director of procurement and materials management those  
8 officials or employees of the several departments of the  
9 sanitary district who may purchase in the open market without  
10 filing a requisition or estimate therefor, and without  
11 advertisement, any supplies, materials, equipment or services,  
12 for immediate delivery to meet bona fide operating emergencies  
13 where the amount thereof is not in excess of \$100,000 ~~\$50,000~~;  
14 provided, that the director of procurement and materials  
15 management shall be notified of such emergency. A full written  
16 account of any such emergency together with a requisition for  
17 the materials, supplies, equipment or services required  
18 therefor shall be submitted immediately by the requisitioning  
19 agent to the executive director and such report and  
20 requisition shall be submitted to the director of procurement  
21 and materials management and shall be open to public  
22 inspection for a period of at least one year subsequent to the  
23 date of such emergency purchase. The exercise of authority in  
24 respect to purchases for such bona fide operating emergencies  
25 shall not be dependent upon a declaration of emergency by the  
26 board of trustees under the first paragraph of this Section.

1 (Source: P.A. 95-923, eff. 1-1-09; 96-165, eff. 8-10-09.)