



Sen. Pat McGuire

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LRB099 03754 AWJ 35269 a

1 AMENDMENT TO HOUSE BILL 245

2 AMENDMENT NO. _____. Amend House Bill 245 by replacing
3 everything after the enacting clause with the following:

4 "Section 3. The Illinois Procurement Code is amended by
5 adding Section 55-15 as follows:

6 (30 ILCS 500/55-15 new)

7 Sec. 55-15. Minimum amount for competitive bidding or
8 action by governing bodies of units of local government.

9 (a) For the purposes of this Section:

10 "Consumer price index" means the index published by the
11 Bureau of Labor Statistics of the United States Department of
12 Labor that measures the average change in prices of goods and
13 services purchased by all urban consumers, United States city
14 average, all items, 1982-84 = 100.

15 "Threshold amount" means the amount calculated by the chief
16 procurement officer pursuant to subsection (b) of this Section

1 that may be adopted by units of local government.

2 (b) On the effective date of this amendatory Act of the
3 99th General Assembly, the chief procurement officer appointed
4 under paragraph (4) of subsection (a) of Section 10-20 of this
5 Act shall calculate a threshold amount equal to \$20,000 plus
6 one-half the annual unadjusted percentage increase (but not
7 less than zero) in the consumer price index for the previous
8 average increase over the past 60 months of \$20,000. However,
9 the chief procurement officer shall every five years increase
10 the threshold amount by adding one-half the annual unadjusted
11 percentage increase (but not less than zero) in the consumer
12 price index for the previous average increase over the past 60
13 months of the threshold amount.

14 (c) This Section shall only apply to statutes that
15 explicitly reference this Section.

16 Section 5. The Illinois Municipal Code is amended by
17 changing Sections 4-5-11 and 8-9-1 as follows:

18 (65 ILCS 5/4-5-11) (from Ch. 24, par. 4-5-11)

19 Sec. 4-5-11. Except as otherwise provided, all contracts,
20 of whatever character, pertaining to public improvement, or to
21 the maintenance of the public property of a municipality
22 involving an outlay of \$10,000 or more, shall be based upon
23 specifications to be approved by the council. Any work or other
24 public improvement which is not to be paid for in whole or in

1 part by special assessment or special taxation, when the
2 expense thereof will exceed \$20,000, or, after the effective
3 date of this amendatory Act of the 99th General Assembly, the
4 last threshold amount adopted by resolution of the corporate
5 authorities of the municipality as calculated by the chief
6 procurement officer pursuant to Section 55-15 of the Illinois
7 Procurement Code, shall be constructed as follows:

8 (1) By a contract let to the lowest responsible bidder
9 after advertising for bids, in the manner prescribed by
10 ordinance, except that any such contract may be entered
11 into by the proper officers without advertising for bids,
12 if authorized by a vote of 4 of the 5 council members
13 elected; or

14 (2) In the following manner, if authorized by a vote of
15 4 of the 5 council members elected: the commissioner of
16 public works or other proper officers to be designated by
17 ordinance, shall superintend and cause to be carried out
18 the construction of the work or other public improvement
19 and shall employ exclusively for the performance of all
20 manual labor thereon, laborers and artisans whom the city
21 or village shall pay by the day or hour, but all material
22 of the value of \$20,000, or, after the effective date of
23 this amendatory Act of the 99th General Assembly, the last
24 threshold amount adopted by resolution of the corporate
25 authorities of the municipality as calculated by the chief
26 procurement officer pursuant to Section 55-15 of the

1 Illinois Procurement Code, and upward used in the
2 construction of the work or other public improvement, shall
3 be purchased by contract let to the lowest responsible
4 bidder in the manner to be prescribed by ordinance.

5 Nothing contained in this Section shall apply to any
6 contract by a municipality with the United States of America or
7 any agency thereof.

8 (Source: P.A. 94-435, eff. 8-2-05.)

9 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

10 Sec. 8-9-1. In municipalities of less than 500,000 except
11 as otherwise provided in Articles 4 and 5 any work or other
12 public improvement which is not to be paid for in whole or in
13 part by special assessment or special taxation, when the
14 expense thereof will exceed \$20,000, or, after the effective
15 date of this amendatory Act of the 99th General Assembly, the
16 last threshold amount adopted by resolution of the corporate
17 authorities of the municipality as calculated by the chief
18 procurement officer pursuant to Section 55-15 of the Illinois
19 Procurement Code, shall be constructed either (1) by a contract
20 let to the lowest responsible bidder after advertising for
21 bids, in the manner prescribed by ordinance, except that any
22 such contract may be entered into by the proper officers
23 without advertising for bids, if authorized by a vote of
24 two-thirds of all the aldermen or trustees then holding office;
25 or (2) in the following manner, if authorized by a vote of

1 two-thirds of all the aldermen or trustees then holding office,
2 to-wit: the commissioner of public works or other proper
3 officers to be designated by ordinance, shall superintend and
4 cause to be carried out the construction of the work or other
5 public improvement and shall employ exclusively for the
6 performance of all manual labor thereon, laborers and artisans
7 whom the municipality shall pay by the day or hour; and all
8 material of the value of \$20,000, or, after the effective date
9 of this amendatory Act of the 99th General Assembly, the last
10 threshold amount adopted by resolution of the corporate
11 authorities of the municipality as calculated by the chief
12 procurement officer pursuant to Section 55-15 of the Illinois
13 Procurement Code, and upward used in the construction of the
14 work or other public improvement, shall be purchased by
15 contract let to the lowest responsible bidder in the manner to
16 be prescribed by ordinance. However, nothing contained in this
17 section shall apply to any contract by a city, village or
18 incorporated town with the federal government or any agency
19 thereof.

20 In every city which has adopted Division 1 of Article 10,
21 every such laborer or artisan shall be certified by the civil
22 service commission to the commissioner of public works or other
23 proper officers, in accordance with the requirement of that
24 division.

25 In municipalities of 500,000 or more population the letting
26 of contracts for work or other public improvements of the

1 character described in this section shall be governed by the
2 provisions of Division 10 of this Article 8.

3 (Source: P.A. 94-435, eff. 8-2-05.)

4 Section 10. The Conservation District Act is amended by
5 changing Section 6 as follows:

6 (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

7 Sec. 6. Officers and employees. As soon as possible after
8 the initial election or the initial appointments, as the case
9 may be, the trustees shall organize by selecting from their
10 members a president, secretary, treasurer, and other officers
11 as are deemed necessary, who shall hold office for 2 years in
12 the case of an elected board, or the fiscal year in which
13 elected in the case of an appointed board, and until their
14 successors are selected and qualify. Three trustees shall
15 constitute a quorum of the board for the transaction of
16 business if the district has 5 trustees. If the district has 7
17 trustees, 4 trustees shall constitute a quorum of the board for
18 the transaction of business. The board shall hold regular
19 monthly meetings. Special meetings may be called by the
20 president and shall be called on the request of a majority of
21 members, as may be required.

22 The board shall provide for the proper and safe keeping of
23 its permanent records and for the recording of the corporate
24 action of the district. It shall keep a proper system of

1 accounts showing a true and accurate record of its receipts and
2 disbursements, and it shall cause an annual audit to be made of
3 its books, records, and accounts.

4 The records of the district shall be subject to public
5 inspection at all reasonable hours and under regulations as the
6 board may prescribe.

7 The district shall annually make a full and complete report
8 to the county board of each county within the district and to
9 the Department of Natural Resources of its transactions and
10 operations for the preceding year. The report shall contain a
11 full statement of its receipts, disbursements, and the program
12 of work for the period covered, and may include recommendations
13 as may be deemed advisable.

14 Executive or ministerial duties may be delegated to one or
15 more trustees or to an authorized officer, employee, agent,
16 attorney, or other representative of the district.

17 All officers and employees authorized to receive or retain
18 the custody of money or to sign vouchers, checks, warrants, or
19 evidences of indebtedness binding upon the district shall
20 furnish surety bond for the faithful performance of their
21 duties and the faithful accounting for all moneys that may come
22 into their hands in an amount to be fixed and in a form to be
23 approved by the board.

24 All contracts for supplies, material, or work involving an
25 expenditure in excess of \$20,000, or, after the effective date
26 of this amendatory Act of the 99th General Assembly, the last

1 threshold amount adopted by resolution of the board of the
2 district as calculated by the chief procurement officer
3 pursuant to Section 55-15 of the Illinois Procurement Code,
4 shall be let to the lowest responsible bidder, after due
5 advertisement, excepting work requiring personal confidence or
6 necessary supplies under the control of monopolies, where
7 competitive bidding is impossible. All contracts for supplies,
8 material, or work shall be signed by the president of the board
9 and by any other officer as the board in its discretion may
10 designate.

11 (Source: P.A. 94-454, eff. 8-4-05; 95-54, eff. 8-10-07.)

12 Section 15. The Downstate Forest Preserve District Act is
13 amended by changing Section 8 as follows:

14 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

15 Sec. 8. Powers and duties of corporate authority and
16 officers; contracts; salaries.

17 (a) The board shall be the corporate authority of such
18 forest preserve district and shall have power to pass and
19 enforce all necessary ordinances, rules and regulations for the
20 management of the property and conduct of the business of such
21 district. The president of such board shall have power to
22 appoint such employees as may be necessary. In counties with
23 population of less than 3,000,000, within 60 days after their
24 selection the commissioners appointed under the provisions of

1 Section 3a of this Act shall organize by selecting from their
2 members a president, secretary, treasurer and such other
3 officers as are deemed necessary who shall hold office for the
4 fiscal year in which elected and until their successors are
5 selected and qualify. In the one district in existence on July
6 1, 1977, that is managed by an appointed board of
7 commissioners, the incumbent president and the other officers
8 appointed in the manner as originally prescribed in this Act
9 shall hold such offices until the completion of their
10 respective terms or in the case of the officers other than
11 president until their successors are appointed by said
12 president, but in all cases not to extend beyond January 1,
13 1980 and until their successors are selected and qualify.
14 Thereafter, the officers shall be selected in the manner as
15 prescribed in this Section except that their first term of
16 office shall not expire until June 30, 1981 and until their
17 successors are selected and qualify.

18 (b) In any county, city, village, incorporated town or
19 sanitary district where the corporate authorities act as the
20 governing body of a forest preserve district, the person
21 exercising the powers of the president of the board shall have
22 power to appoint a secretary and an assistant secretary and
23 treasurer and an assistant treasurer and such other officers
24 and such employees as may be necessary. The assistant secretary
25 and assistant treasurer shall perform the duties of the
26 secretary and treasurer, respectively in case of death of such

1 officers or when such officers are unable to perform the duties
2 of their respective offices. All contracts for supplies,
3 material or work involving an expenditure in excess of \$20,000,
4 or, after the effective date of this amendatory Act of the 99th
5 General Assembly, the last threshold amount adopted by
6 resolution of the board of the forest preserve district as
7 calculated by the chief procurement officer pursuant to Section
8 55-15 of the Illinois Procurement Code, shall be let to the
9 lowest responsible bidder, after advertising at least once in
10 one or more newspapers of general circulation within the
11 district, excepting work requiring personal confidence or
12 necessary supplies under the control of monopolies, where
13 competitive bidding is impossible. Contracts for supplies,
14 material or work involving an expenditure of \$20,000, or, after
15 the effective date of this amendatory Act of the 99th General
16 Assembly, the last threshold amount adopted by resolution of
17 the board of the forest preserve district as calculated by the
18 chief procurement officer pursuant to Section 55-15 of the
19 Illinois Procurement Code, or less may be let without
20 advertising for bids, but whenever practicable, at least 3
21 competitive bids shall be obtained before letting such
22 contract. All contracts for supplies, material or work shall be
23 signed by the president of the board of commissioners or by any
24 such other officer as the board in its discretion may
25 designate.

26 (c) The president of any board of commissioners appointed

1 under the provisions of Section 3a of this Act shall receive a
2 salary not to exceed the sum of \$2500 per annum and the salary
3 of other members of the board so appointed shall not exceed
4 \$1500 per annum. Salaries of the commissioners, officers and
5 employees shall be fixed by ordinance.

6 (d) Whenever a forest preserve district owns any personal
7 property that, in the opinion of three-fifths of the members of
8 the board of commissioners, is no longer necessary, useful to,
9 or for the best interests of the forest preserve district, then
10 three-fifths of the members of the board, at any regular
11 meeting or any special meeting called for that purpose by an
12 ordinance or resolution that includes a general description of
13 the personal property, may authorize the conveyance or sale of
14 that personal property in any manner that they may designate,
15 with or without advertising the sale.

16 (Source: P.A. 97-851, eff. 7-26-12; 98-463, eff. 8-16-13.)

17 Section 20. The Park District Code is amended by changing
18 Section 8-1 as follows:

19 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

20 Sec. 8-1. General corporate powers. Every park district
21 shall, from the time of its organization, be a body corporate
22 and politic by the name set forth in the petition for its
23 organization, the specific name set forth in this Code, or the
24 name it may adopt under Section 8-9 and shall have and exercise

1 the following powers:

2 (a) To adopt a corporate seal and alter the same at
3 pleasure; to sue and be sued; and to contract in furtherance of
4 any of its corporate purposes.

5 (b) (1) To acquire by gift, legacy, grant or purchase, or
6 by condemnation in the manner provided for the exercise of the
7 power of eminent domain under the Eminent Domain Act, any and
8 all real estate, or rights therein necessary for building,
9 laying out, extending, adorning and maintaining any such parks,
10 boulevards and driveways, or for effecting any of the powers or
11 purposes granted under this Code as its board may deem proper,
12 whether such lands be located within or without such district;
13 but no park district, except as provided in paragraph (2) of
14 this subsection, shall have any power of condemnation in the
15 manner provided for the exercise of the power of eminent domain
16 under the Eminent Domain Act or otherwise as to any real
17 estate, lands, riparian rights or estate, or other property
18 situated outside of such district, but shall only have power to
19 acquire the same by gift, legacy, grant or purchase, and such
20 district shall have the same control of and power over lands so
21 acquired without the district as over parks, boulevards and
22 driveways within such district.

23 (2) In addition to the powers granted in paragraph (1) of
24 subsection (b), a park district located in more than one
25 county, the majority of its territory located in a county over
26 450,000 in population and none of its territory located in a

1 county over 1,000,000 in population, shall have condemnation
2 power in the manner provided for the exercise of the power of
3 eminent domain under the Eminent Domain Act or as otherwise
4 granted by law as to any and all real estate situated up to one
5 mile outside of such district which is not within the
6 boundaries of another park district.

7 (c) To acquire by gift, legacy or purchase any personal
8 property necessary for its corporate purposes provided that all
9 contracts for supplies, materials or work involving an
10 expenditure in excess of \$20,000, or, after the effective date
11 of this amendatory Act of the 99th General Assembly, the last
12 threshold amount adopted by resolution of the board of the park
13 district as calculated by the chief procurement officer
14 pursuant to Section 55-15 of the Illinois Procurement Code,
15 shall be let to the lowest responsible bidder after due
16 advertisement. No district shall be required to accept a bid
17 that does not meet the district's established specifications,
18 terms of delivery, quality, and serviceability requirements.
19 Contracts which, by their nature, are not adapted to award by
20 competitive bidding, such as contracts for the services of
21 individuals possessing a high degree of professional skill
22 where the ability or fitness of the individual plays an
23 important part, contracts for the printing of finance committee
24 reports and departmental reports, contracts for the printing or
25 engraving of bonds, tax warrants and other evidences of
26 indebtedness, contracts for utility services such as water,

1 light, heat, telephone or telegraph, contracts for the use,
2 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 some entity other than the district itself, and contracts
9 for the purchase of magazines, books, periodicals, pamphlets
10 and reports are not subject to competitive bidding. Contracts
11 for emergency expenditures are also exempt from competitive
12 bidding when the emergency expenditure is approved by 3/4 of
13 the members of the board.

14 All competitive bids for contracts involving an
15 expenditure in excess of \$20,000, or, after the effective date
16 of this amendatory Act of the 99th General Assembly, the last
17 threshold amount adopted by resolution of the board of the park
18 district as calculated by the chief procurement officer
19 pursuant to Section 55-15 of the Illinois Procurement Code,
20 must be sealed by the bidder and must be opened by a member or
21 employee of the park board at a public bid opening at which the
22 contents of the bids must be announced. Each bidder must
23 receive at least 3 days notice of the time and place of the bid
24 opening.

25 For purposes of this subsection, "due advertisement"
26 includes, but is not limited to, at least one public notice at

1 least 10 days before the bid date in a newspaper published in
2 the district or, if no newspaper is published in the district,
3 in a newspaper of general circulation in the area of the
4 district.

5 (d) To pass all necessary ordinances, rules and regulations
6 for the proper management and conduct of the business of the
7 board and district and to establish by ordinance all needful
8 rules and regulations for the government and protection of
9 parks, boulevards and driveways and other property under its
10 jurisdiction, and to effect the objects for which such
11 districts are formed.

12 (e) To prescribe such fines and penalties for the violation
13 of ordinances as it shall deem proper not exceeding \$1,000 for
14 any one offense, which fines and penalties may be recovered by
15 an action in the name of such district in the circuit court for
16 the county in which such violation occurred. The park district
17 may also seek in the action, in addition to or instead of fines
18 and penalties, an order that the offender be required to make
19 restitution for damage resulting from violations, and the court
20 shall grant such relief where appropriate. The procedure in
21 such actions shall be the same as that provided by law for like
22 actions for the violation of ordinances in cities organized
23 under the general laws of this State, and offenders may be
24 imprisoned for non-payment of fines and costs in the same
25 manner as in such cities. All fines when collected shall be
26 paid into the treasury of such district.

1 (f) To manage and control all officers and property of such
2 districts and to provide for joint ownership with one or more
3 cities, villages or incorporated towns of real and personal
4 property used for park purposes by one or more park districts.
5 In case of joint ownership, the terms of the agreement shall be
6 fair, just and equitable to all parties and shall be set forth
7 in a written agreement entered into by the corporate
8 authorities of each participating district, city, village or
9 incorporated town.

10 (g) To secure grants and loans, or either, from the United
11 States Government, or any agency or agencies thereof, for
12 financing the acquisition or purchase of any and all real
13 estate, or rights therein, or for effecting any of the powers
14 or purposes granted under this Code as its Board may deem
15 proper.

16 (h) To establish fees for the use of facilities and
17 recreational programs of the districts and to derive revenue
18 from non-resident fees from their operations. Fees charged
19 non-residents of such district need not be the same as fees
20 charged to residents of the district. Charging fees or deriving
21 revenue from the facilities and recreational programs shall not
22 affect the right to assert or utilize any defense or immunity,
23 common law or statutory, available to the districts or their
24 employees.

25 (i) To make contracts for a term exceeding one year, but
26 not to exceed 3 years, notwithstanding any provision of this

1 Code to the contrary, relating to: (1) the employment of a park
2 director, superintendent, administrator, engineer, health
3 officer, land planner, finance director, attorney, police
4 chief, or other officer who requires technical training or
5 knowledge; (2) the employment of outside professional
6 consultants such as engineers, doctors, land planners,
7 auditors, attorneys, or other professional consultants who
8 require technical training or knowledge; (3) the provision of
9 data processing equipment and services; and (4) the purchase of
10 energy from a utility or an alternative retail electric
11 supplier. With respect to any contract made under this
12 subsection (i), the corporate authorities shall include in the
13 annual appropriation ordinance for each fiscal year an
14 appropriation of a sum of money sufficient to pay the amount
15 which, by the terms of the contract, is to become due and
16 payable during that fiscal year.

17 (j) To enter into licensing or management agreements with
18 not-for-profit corporations organized under the laws of this
19 State to operate park district facilities if the corporation
20 covenants to use the facilities to provide public park or
21 recreational programs for youth.

22 (Source: P.A. 98-325, eff. 8-12-13; 98-772, eff. 7-16-14.)

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