

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 10. 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 lowest
11 responsible bidder therefor upon not less than 14 days' public
12 notice of the terms and conditions upon which the contract is
13 to be let, having been given by publication in a newspaper of
14 general circulation published in the district, and the board
15 may reject any and all bids, and readvertise. In determining
16 the lowest responsible bidder, the board shall take into
17 consideration the qualities and serviceability of the articles
18 supplied, their conformity with specifications, their
19 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 required,
11 the advertisement for bids shall so specify.

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

22 If a unit of local government performs non-emergency
23 construction, alteration, repair, improvement, or maintenance
24 work on the public way, the sanitary district may enter into an
25 intergovernmental agreement with the unit of local government
26 allowing similar construction work to be performed by the

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

24 Contracts which by their nature are not adapted to award by
25 competitive bidding, including, without limitation, contracts
26 for the services of individuals, groups or firms possessing a

1 high degree of professional skill where the ability or fitness
2 of the individual or organization plays an important part,
3 contracts for financial management services undertaken
4 pursuant to "An Act relating to certain investments of public
5 funds by public agencies", approved July 23, 1943, as now or
6 hereafter amended, contracts for the purchase or sale of
7 utilities, contracts for materials economically procurable
8 only from a single source of supply, contracts for the use,
9 purchase, delivery, movement, or installation of data
10 processing equipment, software, or services and
11 telecommunications and interconnect equipment, software, or
12 services, contracts for duplicating machines and supplies,
13 contracts for goods or services procured from another
14 governmental agency, purchases of equipment previously owned
15 by an entity other than the district itself, and leases of real
16 property where the sanitary district is the lessee shall not be
17 subject to the competitive bidding requirements of this
18 Section.

19 The competitive bidding requirements of this Section do not
20 apply to contracts for construction of a facility or structure
21 for the sanitary district when the facility or structure will
22 be designed, built, and tested before being conveyed to the
23 sanitary district.

24 The competitive bidding requirements of this Section do not
25 apply to contracts, including contracts for both materials and
26 services incidental thereto, for the repair or replacement of a

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

18 Where the board of trustees declares, by a 2/3 vote of all
19 members of the board, that there exists an emergency affecting
20 the public health or safety, contracts totaling not more than
21 the emergency contract cap may be let to the extent necessary
22 to resolve such emergency without public advertisement or
23 competitive bidding. For purposes of this Section, the
24 "emergency contract cap" is a dollar amount equal to 0.4% of
25 the total general fixed assets of the district as reported in
26 the most recent required audit report. In no event, however,

1 shall the emergency contract cap dollar amount be less than
2 \$40,000, nor more than \$100,000. The ordinance or resolution
3 embodying the emergency declaration shall contain the date upon
4 which such emergency will terminate. The board of trustees may
5 extend the termination date if in its judgment the
6 circumstances so require. A full written account of the
7 emergency, together with a requisition for the materials,
8 supplies, labor or equipment required therefor shall be
9 submitted immediately upon completion and shall be open to
10 public inspection for a period of at least one year subsequent
11 to the date of such emergency purchase. Within 30 days after
12 the passage of the resolution or ordinance declaring an
13 emergency affecting the public health or safety, the District
14 shall submit to the Illinois Environmental Protection Agency
15 the full written account of any such emergency along with a
16 copy of the resolution or ordinance declaring the emergency, in
17 accordance with requirements as may be provided by rule.

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

1 by such sanitary district.

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

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

5 (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

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

16 All such purchase orders or contracts which shall involve
17 amounts that will not exceed the mandatory competitive bid
18 threshold, shall also be let in the manner prescribed above
19 whenever practicable, except that after solicitation of bids,
20 such purchase orders or contracts may be let in the open
21 market, in a manner calculated to insure the best interests of
22 the public. The provisions of this section are subject to any
23 contrary provisions contained in "An Act concerning the use of
24 Illinois mined coal in certain plants and institutions", filed

1 July 13, 1937, as heretofore and hereafter amended. For
2 purposes of this Section, the "mandatory competitive bid
3 threshold" is a dollar amount equal to 0.1% of the total
4 general fixed assets of the district as reported in the most
5 recent required audit report. In no event, however, shall the
6 mandatory competitive bid threshold dollar amount be less than
7 \$10,000 or more than \$40,000.

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

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

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

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

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

19 (70 ILCS 2805/14) (from Ch. 42, par. 425)

20 Sec. 14. Except as otherwise provided in this Section, all
21 contracts for purchases or sales by the sanitary district, the
22 expense of which will exceed the mandatory competitive bid
23 threshold, shall be let to the lowest responsible bidder
24 therefor upon not less than 14 days' public notice of the terms

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

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 Cash, a cashier's check, a certified check, or a bid bond
23 with adequate surety approved by the board of trustees as a
24 deposit of good faith, in a reasonable amount, but not in
25 excess of 10% of the contract amount, may be required of each
26 bidder by the district on all bids involving amounts in excess

1 of the mandatory competitive bid threshold and, if so required,
2 the advertisement for bids shall so specify.

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

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

1 which such emergency will terminate. The board of trustees may
2 extend the termination date if in its judgment the
3 circumstances so require. A full written account of the
4 emergency, together with a requisition for the materials,
5 supplies, labor or equipment required therefor shall be
6 submitted immediately upon completion and shall be open to
7 public inspection for a period of at least one year subsequent
8 to the date of such emergency purchase. Within 30 days after
9 the passage of the resolution or ordinance declaring an
10 emergency affecting the public health or safety, the District
11 shall submit to the Illinois Environmental Protection Agency
12 the full written account of any such emergency along with a
13 copy of the resolution or ordinance declaring the emergency, in
14 accordance with requirements as may be provided by rule.

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

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

18 (70 ILCS 2905/5-4) (from Ch. 42, par. 505-4)

19 Sec. 5-4. All contracts for work to be done and supplies
20 and materials to be purchased by the sanitary district, the
21 expense of which will exceed \$10,000, shall be let to the
22 lowest responsible bidder therefor, upon not less than 21 days
23 public notice of the terms and conditions upon which the
24 contract is to be let, having been given by publication in a

1 newspaper of general circulation published in the district, and
2 the board may reject any and all bids and readvertise. All
3 purchases or sales of \$10,000 or less may be made in the open
4 market without publication in a newspaper as above provided,
5 but whenever practical shall be based on at least 3 competitive
6 bids. No person may be employed on the work except citizens of
7 the United States, or those who in good faith have declared
8 their intention to become citizens, and 8 hours constitutes a
9 day's work.

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 duplication
17 of government effort. The sanitary district and the other unit
18 of local government shall, before work is performed by either
19 unit of local government on a project, adopt a resolution by a
20 majority vote of both governing bodies certifying work will
21 occur at a specific location, the reasons why both units of
22 local government require work to be performed in the same
23 location, and the projected cost savings if work is performed
24 by both units of local government on the same project.
25 Officials or employees of the sanitary district may, if
26 authorized by resolution, purchase in the open market any

1 supplies, materials, equipment, or services for use within the
2 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 trustees
9 of the sanitary district no later than 30 days after purchase.
10 The full written account must be available for public
11 inspection for at least one year after expenditures are made.
12 (Source: P.A. 94-445, eff. 1-1-06.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.