

SB0085



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0085

Introduced 2/3/2021, by Sen. Win Stoller

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.

LRB102 04167 AWJ 14184 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
12 excess of \$20,000 shall be let to the lowest responsible
13 bidder after advertising as required under subsection (b) of
14 this Section. The board is not required to accept a bid that
15 does not meet the district's established specifications, terms
16 of delivery, quality, and serviceability requirements.
17 Contracts which, by their nature, are not adapted to award by
18 competitive bidding, are not subject to competitive bidding,
19 including, but not 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
15 in sufficient detail to enable the bidders thereon to know
16 what their obligations will be, either in the advertisement
17 itself, or by reference to detailed plans and specifications
18 on file at the time of the publication of the first
19 announcement. Such advertisement shall also state the date,
20 time and place assigned for the opening of bids, and no bids
21 shall be received at any time subsequent to the time indicated
22 in the announcement. All competitive bids for contracts
23 involving an expenditure in excess of \$20,000 must be sealed
24 by the bidder and must be opened by a member of the board or an
25 employee of the district at a public bid opening at which the
26 contents of the bids must be announced. Each bidder must

1 receive at least 3 days' ~~days~~ notice of the time and place of
2 the bid opening.

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

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

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