



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1889

Introduced 2/26/2021, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

65 ILCS 5/8-9-1

from Ch. 24, par. 8-9-1

Amends the Illinois Municipal Code. Provides that, in municipalities of less than 500,000, any public work (currently, just "work") or other public improvement with expenses exceeding \$25,000 which is not to be paid for in whole or in part by special assessment or special taxation may be constructed by a contract let without public advertisement to the extent necessary to resolve a local state of emergency or local disaster if (i) the aldermen or trustees of a municipality, by a vote of two-thirds, have granted the mayor powers under a state of emergency, or the mayor has declared a local disaster under the Illinois Emergency Management Agency Act, with affirmation by resolution or ordinance by two-thirds of the aldermen or trustees of the municipality, and (ii) the resolution or ordinance granting the powers or affirming the local disaster has fixed the date upon which the state of emergency or local disaster shall terminate. Provides that the date that the state of emergency or local disaster shall terminate fixed in the resolution or ordinance may be extended or shortened by the aldermen or trustees in their judgment as the circumstances require. Defines "public work".

LRB102 16295 AWJ 21677 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 Illinois Municipal Code is amended by
5 changing Section 8-9-1 as follows:

6 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

7 Sec. 8-9-1. In municipalities of less than 500,000 except
8 as otherwise provided in Articles 4 and 5 any public work or
9 other public improvement which is not to be paid for in whole
10 or in part by special assessment or special taxation, when the
11 expense thereof will exceed \$25,000, shall be constructed
12 either (1) by a contract let to the lowest responsible bidder
13 after advertising for bids, in the manner prescribed by
14 ordinance, ~~except that any such contract may be entered into~~
15 ~~by the proper officers without advertising for bids, if~~
16 ~~authorized by a vote of two thirds of all the aldermen or~~
17 ~~trustees then holding office; or (2) if (i) the aldermen or~~
18 ~~trustees of a municipality, by a vote of two-thirds, have~~
19 ~~granted the mayor powers under Section 11-1-6 during a state~~
20 ~~of emergency, or the mayor has declared a local disaster under~~
21 ~~Section 11 of the Illinois Emergency Management Agency Act,~~
22 ~~with affirmation by resolution or ordinance by two-thirds of~~
23 ~~the aldermen or trustees of the municipality, and (ii) the~~

1 resolution or ordinance granting the powers or affirming the
2 local disaster has fixed the date upon which the state of
3 emergency or local disaster shall terminate, then contracts
4 may be let to the extent necessary to resolve the state of
5 emergency or local disaster without public advertisement. The
6 date that the state of emergency or local disaster shall
7 terminate fixed in the resolution or ordinance may be extended
8 or shortened by the aldermen or trustees in their judgment as
9 the circumstances require in the following manner, if
10 ~~authorized by a vote of two thirds of all the aldermen or~~
11 ~~trustees then holding office, to wit: the commissioner of~~
12 ~~public works or other proper officers to be designated by~~
13 ~~ordinance, shall superintend and cause to be carried out the~~
14 ~~construction of the work or other public improvement and shall~~
15 ~~employ exclusively for the performance of all manual labor~~
16 ~~thereon, laborers and artisans whom the municipality shall pay~~
17 ~~by the day or hour; and all material of the value of \$25,000~~
18 ~~and upward used in the construction of the work or other public~~
19 ~~improvement, shall be purchased by contract let to the lowest~~
20 ~~responsible bidder in the manner to be prescribed by~~
21 ~~ordinance.~~

22 Nothing ~~However, nothing~~ contained in this section shall
23 apply to any contract by a city, village or incorporated town
24 with the federal government or any agency thereof.

25 In every city which has adopted Division 1 of Article 10,
26 every such laborer or artisan shall be certified by the civil

1 service commission to the commissioner of public works or
2 other proper officers, in accordance with the requirement of
3 that division.

4 In municipalities of 500,000 or more population the
5 letting of contracts for work or other public improvements of
6 the character described in this section shall be governed by
7 the provisions of Division 10 of this Article 8.

8 As used in this Section, "public work" means all work and
9 public improvements, including, but not limited to, real
10 property constructed or demolished by any public body, or paid
11 for wholly or in part out of public funds including any
12 maintenance, repair, assembly, or disassembly of work
13 performed on equipment whether owned, leased, or rented.
14 "Public work" includes all projects financed in whole or in
15 part with bonds, grants, loans, or other funds made available
16 by or through the State or any unit of local government.

17 (Source: P.A. 100-338, eff. 8-25-17.)