

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; except that, if the board of trustees seeks to
15 purchase equipment directly from a dealer or an original
16 manufacturer in excess of \$50,000, then the contract for
17 purchase shall be let to the lowest responsible bidder after
18 advertising as required under subsection (b) of this Section.
19 The board is not required to accept a bid that does not meet
20 the district's established specifications, terms of delivery,
21 quality, and serviceability requirements. Contracts which, by
22 their nature, are not adapted to award by competitive bidding,
23 are not subject to competitive bidding, including, but not

1 limited to:

2 (1) contracts for the services of individuals
3 possessing a high degree of professional skill where the
4 ability or fitness of the individual plays an important
5 part;

6 (2) contracts for the printing of finance committee
7 reports and departmental reports;

8 (3) contracts for the printing or engraving of bonds,
9 tax warrants, and other evidences of indebtedness;

10 (4) contracts for the maintenance or servicing of, or
11 provision of repair parts for, equipment which are made
12 with the manufacturer or authorized service agent of that
13 equipment where the provision of parts, maintenance, or
14 servicing can best be performed by the manufacturer or
15 authorized service agent, or which involve proprietary
16 parts or technology not otherwise available;

17 (5) purchases and contracts for the use, purchase,
18 delivery, movement, or installation of data processing
19 equipment, software, or services and telecommunications
20 and interconnect equipment, software, and services;

21 (6) contracts for duplicating machines and supplies;

22 (7) contracts for utility services such as water,
23 light, heat, telephone or telegraph;

24 (8) contracts for goods or services procured from
25 another governmental agency;

26 (9) purchases of equipment previously owned by some

1 entity other than the district itself; and

2 (10) contracts for goods or services which are
3 economically procurable from only one source, such as for
4 the purchase of magazines, books, periodicals, pamphlets,
5 reports, and online subscriptions.

6 Contracts for emergency expenditures are also exempt from
7 competitive bidding when the emergency expenditure is approved
8 by a vote of 3/4 of the members of the board.

9 (b) Except as otherwise provided in subsection (a) of this
10 Section, all proposals to award contracts involving amounts in
11 excess of \$20,000 shall be published at least 10 days,
12 excluding Sundays and legal holidays, in advance of the date
13 announced for the receiving of bids, in a secular English
14 language newspaper of general circulation throughout the
15 district. In addition, a fire protection district that has a
16 website that the full-time staff of the district maintains
17 shall post notice on its website of all proposals to award
18 contracts in excess of \$20,000. Advertisements for bids shall
19 describe the character of the proposed contract or agreement
20 in sufficient detail to enable the bidders thereon to know
21 what their obligations will be, either in the advertisement
22 itself, or by reference to detailed plans and specifications
23 on file at the time of the publication of the first
24 announcement. Such advertisement shall also state the date,
25 time and place assigned for the opening of bids, and no bids
26 shall be received at any time subsequent to the time indicated

1 in the announcement. All competitive bids for contracts
2 involving an expenditure in excess of \$20,000 must be sealed
3 by the bidder and must be opened by a member of the board or an
4 employee of the district at a public bid opening at which the
5 contents of the bids must be announced. Each bidder must
6 receive at least 3 days' notice of the time and place of the
7 bid opening.

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

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

22 (Source: P.A. 101-41, eff. 7-12-19; 101-139, eff. 7-26-19;
23 102-138, eff. 1-1-22; 102-558, eff 8-20-21.)