

Ordinance No. 2017-26

AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, AMENDING THE WEST DUNDEE MUNICIPAL CODE TO INCREASE THE MANAGER'S PURCHASING AUTHORITY AND PROVIDE BIDDING REQUIREMENTS FOR PUBLIC WORKS CONTRACTS IN EXCESS OF \$25,000

WHEREAS, the Village of West Dundee, Kane County, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the West Dundee Municipal Code currently provides the Village Manager with authority to make purchases on behalf of the Village not exceeding \$5,000 or up to \$10,000, if the expense is repetitive and provided for in the budget, where prior action by the Board of Trustees is not required; and,

WHEREAS, section 8-9-1 of the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) sets forth the requirement that certain public works contracts exceeding \$25,000 be let to the lowest responsible bidder in accordance with procedures prescribed by local government ordinance; and,

WHEREAS, the Village believes it to be in the best interests of its residents to amend the West Dundee Municipal Code to increase the Village Manager's purchasing authority and to provide bidding requirements in accordance with the Illinois Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

Section 1: That the West Dundee Municipal Code is hereby amended by deleting Title 1, Chapter 7, Section 1-7B-7F.5. in its entirety and inserting in lieu thereof the following:

- "5. Acting as the village purchasing agent. In this capacity, the village manager or his designee shall develop a purchasing manual of procedures for the proper functioning of the purchase system; approve all purchases, not requiring prior action by the board of trustees and not exceeding ten thousand dollars (\$10,000.00) or up to fifteen thousand dollars (\$15,000.00), if the expense is a repetitive expense that is provided for in the budget (e.g., purchase of salt for the public works department); assist in the preparation of bid specifications and related documents for the board of trustees review and approval when required; and administer the board approved annual budget after adoption."

Section 2: That the West Dundee Municipal Code is hereby amended by adding the following Chapter 11 to Title 1:

"Chapter 11 BIDDING REQUIREMENTS

1-11-1: WHEN BIDS REQUIRED:

Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof shall exceed twenty-five thousand

dollars (\$25,000.00), shall be constructed by a contract let to the lowest responsible bidder after advertising for bids, unless waived by a vote of two-thirds of all trustees then holding office.

1-11-2: EXCEPTIONS:

The following are not subject to the bidding requirement set forth in Section 1-11-1:

- A. Purchase contracts, for either labor, materials or both, which by their nature are not adaptable to award by competitive bidding, such as, but not limited to, contracts for services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for supplies, materials, parts or equipment which are available only from a single source;
- B. Any collective bargaining agreement or employment contracts to which the village is a party;
- C. Any purchase, sale or lease of real property to which the village is a party;
- D. Contracts involving village grant or incentive programs;
- E. Development agreements;
- F. Contracts with or purchases from any other governmental entity;
- G. Purchases made pursuant to any joint purchasing program sponsored by the state or other governmental agency or association.

1-11-3: PROCEDURE FOR SOLICITING BIDS AND AWARDING CONTRACTS:

- A. Publication. All proposals to award purchase orders or contracts in excess of \$25,000 shall be published once at least ten days in advance of the date announced for receiving bids in a newspaper of general circulation throughout the village by the village clerk. Nothing herein shall be construed to prohibit the village clerk from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the board of trustees;
- B. Advertisement for bids. Advertisement for bids shall described the character of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference, to detailed plans and specifications on file in the office of the village clerk at the time of publication of the announcement. The advertisement shall also state the date, time and place assigned for submitting bids and for the opening of bids;
- C. Deposit on bids. Cash, a cashier's check or a certified check as a deposit of good faith, in a reasonable amount not in excess of 10% of the contract or purchase amount, may be required of each bidder on all sums in excess of \$25,000 if specified in the bid announcement;
- D. Opening of sealed bids. All sealed bids shall be opened publicly by the board of trustees. All bids shall be open to public inspection in the office of the village clerk;

E. Bid award. The award of any purchase or contract in excess of \$25,000 shall be made by the board of trustees to the lowest responsible bidder.”

Section 3: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

PASSED this 20th day of November, 2017.

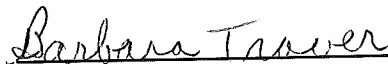
AYES: Trustees Kembitzky, Price, Hanley, Yuscka, Anderley and Wilbrandt
NAYS: None
ABSENT: None

APPROVED:



President

Attest:



Village Clerk