

Ordinance No. 17-52

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS UPDATING THE CODE OF THE VILLAGE OF EAST DUNDEE IN RESPONSE TO AN AMENDMENT TO THE ILLINOIS MUNICIPAL CODE INCREASING THE CONTRACT AMOUNT FOR WHICH BIDS ARE REQUIRED

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the “Village”) is a home-rule municipality created in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and,

WHEREAS, Public Act 100-0338, effective August 25, 2017 amends Section 8-9-1 of the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) to increase from \$20,000 to \$25,000 the amount of a public improvement or work where a bidding process and award to the lowest responsible bidder is required before entering into a contract; and,

WHEREAS, the Village desires to amend the Code of the Village of East Dundee to update it in accordance with the aforementioned amendment to the Illinois Municipal Code.

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

Section 1. That the Code of the Village of East Dundee is hereby amended by deleting Title III, Chapter 31, Section 31.17(C)(4) in its entirety and inserting in lieu thereof the following:

“(4) The Village Administrator shall have the authority to award contracts and approve the purchase of all materials, supplies, equipment and services for any department of the village in an amount up to and including \$25,000 for which funds are appropriated in the current budget.”

Section 2. That the Code of the Village of East Dundee is hereby amended by deleting Title III, Chapter 34, Section 34.01 in its entirety and inserting in lieu thereof the following:

“§34.01 COMPETITIVE BIDS TO BE OBTAINED.

Any labor, lease, goods or services to be purchased, sale of personal property, equipment or supplies or public improvement which is not to be paid for in whole or in part by a special assessment or special taxation, where the expenses or costs thereof will exceed \$25,000 shall be constructed or purchased:

(A) By a contract let to the lowest responsible bidder after advertising for bids.

(B) *Exception.* The section shall not apply to:

- (1) Contracts authorized by a vote of two-thirds of all members of the Village Board of Trustees then holding office upon a finding that an exception to the bidding requirements is necessary and in the best interests of the village;
- (2) Any collective bargaining agreement or employment contracts to which the village is a party;
- (3) Any purchase, sale or lease of real property to which the village is a party;
- (4) Service agreements;
- (5) Contracts involving village grant or incentive programs;
- (6) Development agreements;
- (7) Contracts with or purchases from another governmental entity;
- (8) Purchases made pursuant to any joint purchasing program sponsored by the state or other governmental agency or association;
- (9) Special assessments or other procurements controlled by statutory provisions; and
- (10) Sole source providers or contractors.”

Section 3. That the Code of the Village of East Dundee is hereby amended by deleting Title III, Chapter 34, Section 34.03 in its entirety and inserting in lieu thereof the following:

“§34.03 PROCEDURE IN CONTRACTS OVER \$25,000.

(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 the receiving of bids in a newspaper of general circulation throughout the village by the Clerk. Nothing herein shall be construed to prohibit the Clerk from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the Board of Trustees.

(B) *Advertisements for bids.* Advertisement for bids shall describe 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 Clerk at the time

of publication of the announcement. The advertisement shall also state the date, time and place assigned for the opening of bids and the bids will be received at any time subsequent to the time indicated in the announcement.

(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 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 or highest responsible bidder, depending on whether the village is to expend or receive money."

Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ADOPTED this 6th day of Nov, 2017 pursuant to a roll call vote as follows:

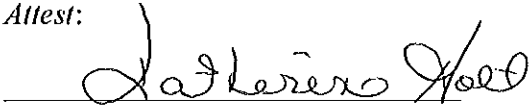
AYES: Trustees Lynam, Selep, Wood, Hall, Mahony and Andresen
NAYS: 0
ABSENT: 0

APPROVED by me this 6th day of Nov, 2017.



Village President

Attest:



Village Clerk