

CHAPTER 12

BIDDING AND CONTRACT PROCEDURES**SECTION:**

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1-12-1: **COMPETITIVE BIDDING REQUIRED:** Any work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids. (Ord. 673, 6-2-1998)

1-12-2: **FORMAL CONTRACT PROCEDURE:** All work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders, or contracts for supplies, materials, equipment, or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed ten thousand dollars (\$10,000.00), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds ($\frac{2}{3}$) of the trustees then holding office. (Ord. 673, 6-2-1998)

1-12-3: ADVERTISEMENTS FOR BIDS: A notice inviting bids shall be published at least once in a newspaper with general circulation within the village. The village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the village office. (Ord. 673, 6-2-1998)

1-12-4: SCOPE OF NOTICE: The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and shall specify the time and place for opening bids. (Ord. 673, 6-2-1998)

1-12-5: BID DEPOSITS: When deemed necessary by the board of trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the board of trustees. A successful bidder shall forfeit any bid deposit upon failure on his part to enter into a contract within ten (10) days after the award.

Such bid deposit may be in the form of a certified check, bond, or letter of credit in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the village against all loss, damages, and claims that may accrue against the village as a consequence of the granting of the contract. (Ord. 673, 6-2-1998)

1-12-6: BID OPENING PROCEDURE:

- A. **Sealed:** Bids shall be submitted sealed to the village and shall be identified as bids on the envelope.
- B. **Opening:** Bids shall be opened in public at the time and place stated in the public notice.
- C. **Tabulation:** A tabulation of all bids received shall be made by the board of trustees or by a village employee in which event a tabulation of the bids shall be furnished to the board of trustees at its next meeting. (Ord. 673, 6-2-1998)

1-12-7: REJECTION OF BIDS: The Village, through its corporate authorities, shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby. (Ord. 673, 6-2-1998)

1-12-8: BIDDERS IN DEFAULT TO VILLAGE: The Village shall not accept the bid of a contractor who is in default on the payment of any taxes, licenses, or other money due the Village. (Ord. 673, 6-2-1998)

1-12-9: AWARD OF CONTRACT:

A. Authority In Village: The Board of Trustees shall have the authority to award contracts within the purview of this Section.

B. Lowest Responsible Bidder: Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:

1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

4. The quality of the performance of previous contracts or services;

5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

7. The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

9. The number and scope of conditions attached to the bid.

- C. **Performance Bonds:** The Board of Trustees shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interest of the Village and to conform to the statutory requirements for such bonds. (Ord. 673, 6-2-1998)

1-12-10: OPEN MARKET PROCEDURE: All work and purchases of supplies, materials, and services of less than the estimated value of ten thousand dollars (\$10,000.00) shall be made in the open market, without newspaper advertisement and without observing the procedures prescribed by this Chapter for the award of formal contracts in such a manner so as to ensure the best interest of the public after solicitation of bids on proposals by mail, telephone, facsimile transmission, or otherwise. (Ord. 673, 6-2-1998)

1-12-11: PROFESSIONAL SERVICES EXEMPT FROM BIDDING REQUIREMENTS: All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers, and architects, and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the Village without observing the bidding procedures prescribed by Section 1-12-9 of this Chapter for the award of formal contracts.

Regular employment contracts in the Municipal service shall likewise be exempt from the provisions of this Chapter. (Ord. 673, 6-2-1998)

1-12-12: EMERGENCY PURCHASES: In case of an apparent emergency that requires immediate work or purchase of supplies, materials, or services, the Board of Trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials, or services regardless of the amount of the expenditure. A finding of such an emergency shall be made in an affirmative vote of at least two-thirds ($\frac{2}{3}$) of the Board of Trustees at the time of such emergency contract or no later than the first regular Village Board meeting thereafter. (Ord. 673, 6-2-1998)

1-12-13: COOPERATIVE PURCHASING: The village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the village would be served thereby. (Ord. 673, 6-2-1998)

1-12-14: CONSTRUCTION PROJECT BIDS:

- A. Responsible Bidder:** "Responsible bidder for construction contracts" means a bidder who meets all of the following applicable criteria, and submits evidence of such compliance:
1. All applicable laws prerequisite to doing business in Illinois.
 2. Evidence of compliance with:
 - a. Federal employer tax identification number or social security number (for individual).
 - b. Provisions of section 2000(e) of chapter 21, title 42 of the United States Code and federal executive order 11246 as amended by executive order 11375 (known as the equal opportunity employer provisions).
 3. Certificates of insurance indicating the following coverage: general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.
 4. Compliance with all provisions of the Illinois prevailing wage act, including wages, medical and hospitalization insurance and retirement for those trades as covered by the act.
 5. Participation in apprenticeship and training programs approved and registered with the United States department of labor's bureau of apprenticeship and training.
- B. Cost:** The terms and conditions set forth herein shall only apply to the construction of new facilities, renovation of existing facilities and road construction projects that exceed twenty five thousand dollars (\$25,000.00) in expense. (Ord. 747, 8-21-2001)