

## Article 3 RBO Information

---

# **PURCHASING POLICY MANUAL**

**TOWN OF NORMAL, ILLINOIS**

**2017**

## TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>1</b>
<b>DEFINITIONS</b> .....	<b>1</b>
<b>ARTICLE 1. ETHICS AND CONFLICTS</b> .....	<b>1</b>
1-1. Code of Ethics .....	1
1-2. Policy on Conflicts of Interest .....	2
1-3. Gift Ban Policy .....	2
1-4. Green Purchasing Practices .....	3
<b>ARTICLE 2. AUTHORITY TO PURCHASE</b> .....	<b>3</b>
2-1. General Purchase Authority.....	3
2-2. General Policy for Soliciting Quotes.....	4
2-3. Joint Purchasing.....	4
2-5. Emergency Purchases .....	4
2-6. Exceptions.....	4
<b>ARTICLE 3. GENERAL CONSIDERATIONS</b> .....	<b>5</b>
3-1. Payment and Performance Bonds .....	5
3-2. Insurance.....	5
3-3. Indemnification.....	6
3-4. Prevailing Wage.....	6
3-5. Responsible Bidder—Apprentice Program .....	6
3-6. Local Preference Policy.....	6
3-7. Non-Discrimination.....	7
<b>ARTICLE 4. COMPETITIVE BIDDING REQUIREMENTS</b> .....	<b>8</b>
4-1. Competitive Bidding Generally .....	8
4-2. Preparation of the Bid Package .....	8
4-3. Invitation to Bid.....	8
4-4. General Terms, Conditions, and Instructions .....	9
4-5. Specifications.....	9
4-6. Bid Proposal Form.....	9
4-7. Bid Deposit .....	9
4-8. Certifications.....	9
4-9. Samples.....	10
4-10. Bidder Inquiries .....	10
4-11. Pre-Bid Conference.....	10
4-12. Bid Submission .....	10
4-13. Withdrawal and Revision of Bids.....	10
4-14. Premature Bid Opening .....	11
4-15. Bid Opening Procedures.....	11
4-16. Bid Review and Tabulation.....	11
4-17. Acceptance or Rejection of Bids by Town Council .....	12
4-18. Bid Award.....	12
4-19. Change Orders .....	13

<b>ARTICLE 5. PROFESSIONAL SERVICE CONTRACTS .....</b>	<b>13</b>
5-1. Professional Service Contracts Generally.....	13
5-2. RFP/RFQs for Professional Service Contracts .....	13
5-3. Evaluating RFQ/RFQ Responses .....	13
5-4. Confidentiality Issues .....	14
5-5. Selection of Architects, Engineers, and Surveyors.....	14
5-6. Further Negotiation .....	14

**SAMPLE FORMS**

## Introduction

The purpose of the Town of Normal Purchasing Policy Manual is to specify the appropriate documentation and level of approval that is required to purchase goods and services for use in the Town's operations in compliance with a sound internal control system and applicable laws and Town policy.

This purchasing manual governs all procurements for the Town of Normal, except as otherwise provided by State law or the Town of Normal Municipal Code. These procedures cover who is authorized to approve various procurements, the pricing determination requirements, the competitive bidding process, requests for proposals, and general requirements that apply to all purchases.

The Town of Normal is a home-rule municipality with authority to legislate in matters concerning its local government and affairs. The procedures set forth in this manual are established under the Town's home-rule authority.

---

## Definitions.

"Approved joint-purchasing agreement" means the State Joint Purchasing Program, the United States Conference of Mayors joint purchasing program (U.S. Communities Marketplace), or other joint-purchasing agreement approved by the City Manager.

"Procurement Officer" is the Finance Director or is any other person designated by the City Manager.

"Vendor" means any person executing a contract with the Town to supply products, services, or both.

---

## 1. Ethics, Conflicts, and Green-Purchasing Policies

### 1-1. Code of Ethics.

(a) All Town personnel engaged in purchasing and related activities have a duty to conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Town and its residents. Accordingly, Town employees shall strive to:

- (1) Ensure that public money is spent efficiently and effectively and in accordance with all applicable laws and Town policy.
- (2) Maintain proper confidentiality at all times.
- (3) Purchase without favor or prejudice.

(4) Ensure that all potential suppliers are provided with adequate and identical information upon which to base their offer or quotations and that and subsequent information is made available to all bidders.

(5) Establish and maintain procedures to ensure that fair and equal consideration is given to each offer or quotation received and that selection is based upon the lowest responsible bid or other appropriate criteria.

(b) The City Manager is responsible for determining if a violation of this Code of Ethics has occurred and if any disciplinary action is necessary in accordance with the Town's Personnel Code.

### **1-2. Policy on Conflicts of Interest.**

(a) No employee may participate in the purchasing process if the employee knows any of the following:

(1) The employee is contemporaneously employed by a bidder or vendor that is involved in the procurement transaction.

(2) The employee or any immediate family member holds a critical position with a bidder or vendor that is involved in the procurement transaction. A "critical position" means (i) an owner with an interest of more than 10%, (ii) an officer, director, trustee, partner, or similar position, or (iii) an employee who is substantially involved in the procurement transaction.

(3) The employee or any immediate family member has a financial interest arising from the procurement transaction.

(4) The employee or any immediate family member is negotiating or has an arrangement concerning prospective employment with a bidder or vendor that is involved in the procurement transaction.

(b) An employee's immediate family means a spouse, domestic partner, child, parent, sibling, and any other relative living in the same household as the employee.

(c) The City Manager is responsible for determining if a violation of this Conflict of Interest Policy has occurred and if any disciplinary action is necessary in accordance with the Town's Personnel Code.

### **1-3. Gift Ban.**

(a) Notwithstanding the prohibitions contained in the State Officials and Employees Ethics Act (5 ILCS 430/), no Town officer or employee may accept or solicit any gift from a prohibited source if that gift exceeds \$25 in value unless the gift qualifies as a listed exception set forth in 5 ILCS 430/10-15.

(b) An officer or employee does not violate this provision if he or she promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is a 501(c)(3) organization under the Internal Revenue Code.

**1-4. Green Purchasing Practices.**

(a) The Town is committed to Green Purchasing practices in obtaining goods and services. The Town shall consider environmentally-preferable products when appropriate.

(b) Nothing in this policy requires the procurement of products that do not adequately perform their intended use, requires procurement that excludes adequate competition, or requires the procurement of products that are unavailable at a reasonable price or at a reasonable time.

(c) An “environmentally-preferable product” means a product that meets any of the following criteria:

- (1) is durable, repairable, reusable, or recyclable;
- (2) has a minimum of packaging, toxic content, or chemical-hazard potential;
- (3) is resource or energy efficient in any or all phases of its manufacture, use, or disposal; or
- (4) its use or disposal minimizes or eliminates the Town’s potential environmental liability.

---

## 2. Authority to Purchase.

**2-1. General Purchase Authority.** No employee may purchase products or services on behalf of the Town without first seeking approval as required by this policy. All purchases require advanced approval of the appropriate Department Head or City Manager in accordance with the following guidelines:

Dollar Limit	Required Approval
Up to \$3,000	Department Head (or other employee authorized by City Manager)
\$3,000.01 - \$24,999.99	Department Head and City Manager
\$25,000 and above	Town Council

**2-2. General Policy for Soliciting Quotes.** Employees are responsible for obtaining quotes for purchases in the instances outlined below:

Dollar Limit	Quote/Bid Required
Up to \$3,000	No quotes are required, employees are encouraged to seek one or more quotes when possible or otherwise ensure that competitive prices are obtained.
\$3,000.01 - \$24,999.99	A requisition for a purchase must include either (i) a minimum of 3 quotes or (ii) sufficient justification to warrant purchase from a specific vendor.
\$25,000 and above	Must be competitively bid except as otherwise set forth in this Manual.

**2-3. Joint Purchasing.**

(a) The purchase of items available through an approved joint-purchasing agreement may be made without obtaining quotes or bids or prior Council approval.

(b) The purchase of the item must be included in the currently approved annual budget. The Department Head must assure that the item is funded in the currently approved budget and must so inform the Finance Department in the requisition for the item.

**2-5. Emergency Purchases.**

(a) A Department Head is authorized to make an emergency purchase of less than \$25,000 if the failure to do so could result in an immediate and apparent loss to the Town. The Department Head must notify the City Manager of the emergency purchase at the first opportunity.

(b) All emergency purchases of \$25,000 or more that would otherwise require competitive bidding must be authorized by the City Manager. The City Manager must render a report of the emergency purchase under this subsection to the Town Council at or before its next regular meeting.

**2-6. Exemptions.**

(a) In some cases, it is difficult or impractical to require competitive bidding for a product or service. These purchases include:

- Sole-source Purchases—only one known supplier is available for that item.

- Redundant Purchases—the purchase of a second item that is the same or substantially the same as an item that had been recently competitively bid.
- Replacement Purchases—the purchase of furniture, carpeting, or other fixtures to match existing fixtures.

(b) If a Department Head believes that a purchase qualifies under this Section, then he or she must provide the City Manager with the justification for an exemption from the competitive-bidding requirement. The City Manager may grant an exemption from the competitive-bidding requirement if he or she determines that the purchase qualifies under this Section.

---

## 3. General Considerations

### 3-1. Payment and Performance Bonds.

(a) The successful bidder on any public-work contract in excess of \$50,000 is required to submit a payment bond and a performance bond in an amount equal to 100% of the total bid. The Town may require these bonds for any other contract.

(b) The company acting as surety for any bond under this section must be licensed to do business in the State of Illinois. The bonds must be in a form acceptable to the Corporation Counsel.

(c) The vendor must provide the appropriate bond within 10 calendar days after the award of the bid. The failure to post a satisfactory bond is grounds to forfeit the bid bond.

### 3-2. Insurance.

(a) For contracts issued through bidding and other appropriate contracts, the vendor must maintain appropriate insurance coverage. The insurance coverage must include comprehensive general liability, auto liability, professional liability (required only for professional service contracts), workers' compensation (including a waiver of subrogation), and umbrella coverage. The liability limits and other requirements must be specified in the bid document's General Terms, Conditions, and Instructions.

(b) The insurance policies must name the Town, its officers, agents, employees, representatives, and assigns as additional insured.

(c) The vendor must furnish to the Town satisfactory proof of coverage by a reliable company before commencing work. This proof shall consist of certificates executed by the insurance company and filed with the Town together with executed copies of an "Additional Insured Endorsement" form. The certificates must contain a clause to the effect that, for the duration of the contract, the insurance policy may be canceled, expired, or changes so as to the amount of coverage only after written notification at least 30 days in advance has been given to the Town. The certificates must list the Town of Normal, and its officers, agents, and employees as additional insureds on all required insurance policies except for professional liability.



**3-3. Indemnification.**

(a) To the fullest extent permitted by law, the vendor must agree to indemnify and defend the Town, its officers, agents, and employees against all suits and other claims arising in whole or in part from the vendor's the performance under the contract, including the performance of any employee or subcontractor. There may be an exception for a suit or claim caused solely by the actions of the Town or its officers, agents, or employees.

(b) The vendor must appear, defend, and pay all the charges of attorneys and all costs and other expenses arising from the suit or claim and must satisfy and discharge any judgment rendered against the Town, its officers, agents and employees.

(c) Requirements to provide bonds or insurance do not limit the vendor's requirement of indemnification.

**3-4. Prevailing Wage.** The vendor on all public works contracts must comply with the Prevailing Wage Act (820 ILCS 130/) and with the Prevailing Wage ordinance of the Town.

**3-5. Responsible Bidder – Apprentices Program.**

(a) For any public works contract exceeding \$100,000, a "responsible bidder" is a bidder who, in addition to meeting all other requirements, has an apprenticeship and training program with craft specific programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

(b) The requirement under this section does not apply to any contract that the City Manager determines to be an emergency purchase.

**3-6. Local Preference Policy.**

(a) The Town recognizes that local businesses share income with the community in a variety of ways, including the payment of taxes, job creation, donations to local charities, membership in local organizations such as the Chamber of Commerce, sponsorship of local events and organizations, etc. The Town of Normal believes that such significant local contributions should be recognized when purchasing goods and services. Therefore, the Town seeks to provide that recognition by establishing a policy to give local businesses some preference when purchasing goods and services.

(b) A bidding preference shall be granted to bidders in a competitive bidding situation on the following scale:

- 5% (up to a maximum of \$2,500) on bids of up to \$50,000
- 4% (up to a maximum of \$10,000) on bids of up to \$250,000
- 3% (up to a maximum of \$30,000) on bids of up to \$1,000,000
- \$50,000 on bids of over \$1,000,000.

(c) The preferential discount will be applied to the low bid of all “Local Bidders” when determining the lowest responsible bid. This policy applies to the purchase of all goods and services that are purchased through a competitive-bidding process with a total cost of \$25,000 or greater.

(d) The Town acknowledges that any preference of local businesses may not result in burdensome or unreasonable costs to the taxpayers of the community nor should it restrict the Town from rejecting inferior products or services. This policy does not apply in situations where external funding sources do not permit local-preference-purchasing allowances or in situations where the goods or services being purchased are available through an approved joint-purchasing program. The Town reserves the right to waive or amend this policy when it deems appropriate.

(e) A local bidder shall indicate on the bid submission that the business qualifies as a “Local Bidder” under this policy. The Town of Normal is not responsible for investigating whether or not a business qualifies as a local bidder if the indication is not included on the submitted bid. The City Manager has the sole and final authority to resolve any disputes that may arise over this policy.

(f) A “Local Bidder” means any business that meets all of the following criteria:

- The business has established and maintained a physical presence within the County of McLean, via the ownership or lease of a building or a portion of a building, for a period of not less than 12 consecutive months; and
- The business employs a minimum of 2 full time employees at the McLean County location and that those employees spend the majority of their work day and work week at the McLean County location; and
- The business is legally authorized to conduct business within the State of Illinois and the County of McLean.

### **3-7. Non-Discrimination.**

(a) It is the policy of the Town of Normal that all potential bidders have an equal opportunity to submit bids and to compete on an equal basis for Town business.

(b) As a party to a public contract, each vendor and subcontractor must:

- Refrain from unlawful employment discrimination;
- Certify that it is an “equal opportunity employer” under the federal Civil Rights Act; and
- Comply with the federal Civil Rights Act, the Illinois Human Rights Act, and the Town’s Human Relations Ordinance.

## 4. Competitive Bidding Requirements

**4-1. Competitive Bidding Generally.** Unless otherwise provided, all purchases of goods or services of \$25,000 or more are subject to the competitive-bidding process and must be let by free and open competitive bidding, after advertisement, to the lowest responsible bidder or any other bidder whom the Town Council deems to be in the interest of the Town. Purchases of less than \$25,000 may be, but are not required to be, competitively bid.

### **4-2. Preparation of the Bid Package.**

(a) It is the responsibility of each respective department to ensure the proper preparation of the Bid Package.

(b) The Bid Package must contain, at least, the following information:

- Cover Sheet
- Table of Contents
- Bid Call
- Instructions to Bidders
- General Conditions
- Special Conditions
- Bid Proposal Form
- All required certification forms
- Contract Page

(c) The Department Head must review and approve the Bid Package and forward the bid document to the Town Clerk for publication. The Bid Package should not be forwarded to any prospective bidder before publication to ensure that all prospective bidders have equal time to complete the bid document.

(d) The Town Clerk is responsible for forwarding the legal notice to the newspaper for publication, to be published at least 10 days before the bid opening. The Department Head preparing the Bid Package shall also send a copy of the Invitation to Bid to potential bidders.

**4-3. Invitation to Bid.** The Invitation to Bid must include a general description of the articles or services to be purchased, state the location and times that the Bid Packages may be obtained and state the date, time, and place of the bid opening.

**4-4. General Terms, Conditions, and Instructions.** All bid packages must contain instructions properly notifying the bidder of Town policies and procedures related to bidding.

**4-5. Specifications.** The specifications must state the standards acceptable to the Town. The specifications may not be developed in a manner intended so specifically exclude a potential bidder on a technicality or developed in such a manner that only one bidder is possible. The specifications must be broad enough to invite competition but not so expansive as to invite a potentially low bid on an item that is not desired or in the best interest of the Town.

**4-6. Bid Proposal Form.**

(a) All bids must be submitted on a Bid Proposal Form supplied by the Town. All prices must be entered in ink. The Bid Proposal Form must be signed by an appropriate officer or employee of the vendor.

(b) If several items are being bid at one time and a vendor cannot bid on all items, then the vendor must mark all items on which they are not bidding with the words "No Bid."

(c) Any correction on the Bid Proposal Form must be initialed in ink by the person signing the original bid proposal. In case of a difference between unit price and extension, the lowest price is deemed to be correct.

**4-7. Bid Deposit.**

(a) A bid deposit to guarantee that the successful bidder will sign a contract) is required for (i) all construction bids of \$25,000 or more or (ii) any other bid for which the Town deems it appropriate to require a bid deposit.

(b) The amount of the bid deposit is 5% of the bid amount or any greater amount as the Town deems appropriate. The bid deposit must be in the form of a bid bond, cashier's check, certified check, or other approved security.

(c) After the award of the contract, the Town will promptly return the bid deposit of each unsuccessful bidder in accordance with Section 4-18.

(d) The Procurement Officer may waive the requirement for the bid deposit for all bidders if he or she deems it to be in the best interest of the Town.

**4-8. Certifications.** Each vendor is required to submit the Town's Contractor Certification Form. The Certification Form should be included in the Bid Package, with the completed Certification Form to be submitted with the bid response. If, for any reason, the Certification Form is not included in the Bid Package, then the successful bidder must complete and return the Certification Form to the Town prior to the commencement of any work under the contract.

**4-9. Samples.** If samples are to be submitted with a bid, those samples will be held until a bid award is made. If a vendor wishes to submit a sample for trial use, then the product must be presented at no cost or obligation to the Town.

**4-10. Bidder Inquiries.** Only the City Manager, affected Department Head, or Procurement Officer may respond to bidder inquiries. Inquiries, other than those made at a pre-bid conference, must be submitted in writing. Answers to all written inquiries will be provided in writing to all bidders by addendum.

**4-11. Pre-Bid Conference.** Departments are encouraged to schedule a pre-bid conference, sufficiently in advance of a bid opening, to explain the Town's policies, procedures, and specifications and hear questions from prospective bidders.

**4-12. Bid Submission.**

(a) All bid responses must be submitted in a sealed envelope and marked as indicated in the bid instructions. Bid responses may not be accepted by telephone, facsimile, email, or similar means.

(b) The bids must be received before the time and date stated in the bid instructions. The Town shall reject any response received after that date and time, regardless of any reason for the delayed receipt. Upon receipt, the Town clerk shall date-stamp the sealed envelope containing the bid response.

(c) The bid responses shall be kept in the vault or other secure location and may not leave the Town Clerk's control until after the bids are opened and publicly read aloud.

**4-13. Withdrawal and Revision of Bids.**

(a) A bidder may withdraw or revise a bid prior to the time that bids must be received.

(b) A bidder may withdraw a bid by submitting a written request to the Town Clerk.

(c) Revisions may be made by submitting a new Bid Form with the notation "Revised Bid" and the date of submission to the Town Clerk prior to the time that bids must be received. This change must be submitted in a separate envelope marked the same as the original bid with the words "Revised Bid" and the date the revision is submitted. At the bid opening, the Town Clerk shall announce that a revision has been submitted and the date the revision was submitted. Upon opening of the bid, the Town Clerk shall open the envelope with the revision, read the revised price, and add the revised form to the original bid packet.

**4-14. Premature Bid Opening.**

(a) If any person opens a sealed bid before the determined date and time for the opening, then the person must immediately submit a written report to the Procurement Officer stating the time of the premature opening and the circumstances behind it. The written report must also state as a fact that the information contained in the bid documents has not been disclosed to the public, any potential bidder, or any Town employee. The bid and the written report must be forwarded to the Procurement Officer.

(b) The Procurement Officer must notify the affected bidder of the prematurely opened bid by the most expeditious means possible. The bidder may have the bid returned for placement in another sealed envelope or permit the Procurement Officer to reseal the envelope. If resealing the bid, the Procurement Officer shall note on the envelope the name of the person as agent of the bidder who has authorized the resealing of the envelope and attach the written report to the envelope, which shall be retained in the bid file for public inspection.

**4-15. Bid Opening Procedures.**

(a) Bid proposals must be publicly opened and read aloud in a designated place on the date and time specified in the Bid Call. The Town Clerk or his or her representative presides at all bid openings. The Department Head of the department issuing the bid or the Procurement Officer, or their designee, shall attend to witness the bid openings. Each person attending the bid opening must sign a sign-in sheet.

(b) Upon opening, all bid packages become a matter of public record and are available for copying and inspection in accordance with the Freedom of Information Act or other law.

(c) If bid deposits are required, they shall be forwarded to the Finance Director immediately following the bid opening.

**4-16. Bid Review and Tabulation.**

(a) After opening, the Clerk shall provide all bids to the Department Head of the department issuing the bids. The Department Head must tabulate the bids to include (i) the bidder's name, (ii) bidder's address, (iii) confirmation of any required bid deposit, (iv) unit prices and total bid price. The Department Head must return the original bids and the tabulation to the Town Clerk to be placed on file and made available for public copy and inspection.

(b) The Department Head shall forward a copy of the of the tabulation to the Procurement Officer and to the City Manager along with the Department Head's recommendation for the bid award to the lowest responsible bidder. The determination of the lowest responsible bidder should be based on the following:

- (1) The bidder's ability, capacity, and skill to perform the contract.
- (2) Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference.
- (3) The bidder's character, integrity, reputation, judgment, and experience.

(4) The quality of the bidder's performance on previous contracts.

(5) The previous and existing compliance by the bidder with laws and ordinances related to the contract.

(6) The equipment, personnel, facilities and available to the bidder to perform the contract.

(7) The bidder's ability to provide future maintenance and service.

(9) Bidder's ability to cooperatively work with the Town and its staff.

(10) The amount and conditions, if any, of the bid.

(c) If the Department Head recommends that a bid be awarded to any bidder other than the lowest responsible bidder, then the Department Head must submit a written justification for the recommendation.

(d) The recommendation of Town Staff shall be forwarded to the Town Council for consideration.

#### **4-17. Acceptance or Rejection of Bids by Town Council.**

(a) The ultimate authority to accept, reject, or waive bidding technicalities rests with the Town Council.

(b) The Town Council has the right to reject any and all bids.

(c) The Town Council has the right to waive technicalities in bidding.

(d) If Town Staff believes that bids should be rejected or that a technicality should be waived, then the City Manager shall recommend the rejection or waiver and set forth the reasons for that recommendation.

#### **4-18. Bid Award.**

(a) Within 14 days after the award of the contract by the Town Council, the Department Head will mail letters to all bidders notifying them of the bid results and will contact the successful bidder to provide a contract. After the signed contract is returned, it shall be signed by the Town official designated to execute the contract in the resolution or ordinance awarding the contract. If no individual is so designated, the contract shall be signed by the Mayor. The executed contract must be forwarded to the Town Clerk.

(b) In addition to the contract, the Department Head shall issue a purchase order to the successful bidder. If the bid is for several items or materials to be purchased over a period of time, then the Department Head shall notify the successful bidder by letter and issue purchase orders as the items are obtained or requested.

(c) The purchase is not consummated until the contract is executed and the vendor has received the purchase order.

(d) Signed contracts, certificates of insurance, and performance and payment bonds must be obtained from the vendor before work begins.

(e) The Town Clerk is responsible for handling bid bonds. The bid bond of the accepted bidder may be returned only after the contract is executed and the certificates of insurance and required performance and payment bonds have been delivered to the Town.

The remaining bid deposits will be returned within 14 days after the Town Council has awarded the contract.

**4-19. Change Orders.**

(a) A change order is a change in a contract term, other than as specifically provided for in the contract, that authorizes or necessitates any increase or decrease of the cost of the contract or in the time of completion.

(b) A valid request for a change order must meet the following criteria:

(1) the change was not reasonably foreseeable at the time that the contract was signed;

(2) the change must be germane to the original contract; and

(3) the change is authorized by law and in the best interest of the Town.

(c) Any change order that, when added to all other changes to the contract, either (i) increases the cost of the contract by \$10,000 or more or (ii) increases the time of completion by 30 days or more must be approved by the City Manager. The City Manager shall inform the Council of each change order so approved. Department Heads may approve all other change orders.

(d) Any change order to a public works contract that, when added to all other changes in the contract, increases the original price of the contract or any subcontract by 50% or more requires portion of the contract covered by the change order to be resubmitted to bidding in the same manner as the original contract. This provision is required under the Public Works Contract Change Order Act (50 ILCS 525/) and takes precedence over any other provision of this Section.

---

## 5. Professional Service Contracts

**5-1. Professional Service Contracts Generally.**

(a) "Professional Services" means services where, due to their nature or complexity, the skill or specialized knowledge, experience, expertise, and ability of the vendor is a significant factor in determining their ability to meet the Town's needs.

(b) Due to the individualized nature of the services, Professional Services are ill suited to competitive bidding, and alternative procurement processes are necessary.

**5-2. RFP/RFQs for Professional Service Contracts.**

(a) Requests for proposals or for qualifications ("RFP/RFQ") for Professional Services may be solicited by the Department Head or City Manager.

(b) The RFP/RFQ should contain all of the following:

(1) A work statement or performance specification.

(2) Timeframes in which the work is to be completed.



- (3) Specific criteria to be used in evaluating the proposal/qualifications.
- (c) The RFP/RFQ should require that the response include all of the following:
  - (1) An understanding of the problem or program, the work to be performed, and the approach to be used to achieve the objectives, including the detailing of tasks.
  - (2) Facility and capability data, including related experiences and resumes of key personnel.
  - (3) If not specified in the RFP/RFQ, the timeframe of milestone accomplishment.
  - (4) Pricing.

**5.3. Evaluating RFP/RFQ responses.** The following criteria should be used when evaluating a RFP/RFQ response:

- (1) General quality of response:
  - (a) Responsiveness to terms, conditions, and timeframes;
  - (b) Completeness and thoroughness; and
  - (c) Understanding of the problem and the work to be performed and of the approach to be used.
- (2) Organization and personnel:
  - (a) Evidence of good organizational and management practices;
  - (b) Qualifications of personnel; and
  - (c) Experience and past performance.
- (3) Price.

**5.4. Confidentiality issues.**

(a) In order to avoid the disclosure of confidential information to competing professionals or firms, the opening of a RFP/RFQ response is not open to the public.

(b) Any person submitting a RFP/RFQ response is responsible for identifying in their submittal which information constitutes “trade secrets or commercial or financial information” that may be exempt from disclosure under Section 7(1)(g) of the Freedom of Information Act. In responding to a FOIA request, the Town will not redact any information under that exemption that is not so identified. In responding to the request the Town retains the discretion to determine whether the identified information qualifies for the exemption. The RFP/RFQ should contain a notification of the responsibility to identify exempt information.

**5.5. Selection of Architects, Engineers, and Surveyors.** The Local Government Professional Services Selection Act requires the Town to follow specific procedures when hiring an architect, engineer, or land surveyor. Those statutory procedures must be followed unless (i) the Town has a satisfactory relationship for services with one or more firms, (ii) an emergency situation exists, or (iii) the cost of the services is expected to be less than \$25,000. If none of these conditions apply, then the Town must solicit proposals and adhere to the statutory requirements for those professions.

**5.6. Further negotiation.** A RFP/RFQ is not a bid and does not constitute a contractual requirement. RFP/RFQ's may be negotiated after opening. Any contract resulting from negotiations should be provided or reviewed by the Corporation Counsel.