

# VILLAGE OF CARPENTERSVILLE

## ORDINANCE 2022- 31

### AN ORDINANCE AMENDING SECTION 3.04.010 OF THE CARPENTERSVILLE MUNICIPAL CODE CONCERNING RESPONSIBLE BIDDING WITH CONTRACTS

WHEREAS, the Village of Carpentersville, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the Village of Carpentersville to amend its ordinances concerning certain competitively bid contracts to ensure quality workmanship on municipal improvements and projects;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Illinois as follows:

**SECTION 1:** Section 3.04.010 of the Carpentersville Municipal Code is hereby amended, as follows (additions in underline, deletions with strikethrough):

#### **3.04.010 - PURCHASING AND LETTING OF CONTRACTS**

- A. The village manager shall be the purchasing agent for the village. He or she shall have authority and power to make, and supervise all necessary purchases of services, equipment, material, supplies, goods, and enter into contracts for any work or public improvement, provided, however, no contract shall be made or expense included unless an appropriation has been made concerning the contract or expense, and no contract or expense shall be authorized by the purchasing agent which exceeds \$25,000.00 for services or for other contracts of expenses described above without prior approval of the village board of trustees.
- B. All contracts or expenses for supplies or other purchases not a work or public improvement, the expense of which exceeds twenty-five thousand dollars (\$25,000.00), shall generally be bid in a like manner as any work or public improvement, as provided for below unless otherwise provided in the Code or unless the board of trustees waives the requirement by a majority vote of the trustees.

- C. The village manager shall establish a manual and procedure to regulate purchases entrusted to him or her, including the delegation of purchasing authority up to twenty-five thousand dollars (\$25,000.00).
- D. Notwithstanding the foregoing, in case of an extreme emergency affecting the public health or safety, the village manager may exceed the \$25,000.00 limitation, provided a full written account of any such emergency is filed with the village president and board of trustees setting forth in detail the basis upon which a determination was made that an emergency existed and providing an itemized account of the expenditure.
- E. Any work or public improvement (except those paid in whole or in part from special assessment or special taxation) when the expense exceeds \$25,000.00 shall be constructed and thereby bid in the manner provided by the Municipal Code of the state of Illinois (65 ILCS 5/8-9-1) All bids shall be solicited through advertisement for bids in a paper having a wide circulation within the village, appearing at least 10 days prior to the opening of bids. Plans and/or specifications shall be available 10 days prior to the opening of bids to bidders. Upon their return, the bids shall be publicly opened at the time and place specified in the advertisement for bids.
1. The village board of trustees shall thereafter let the work or public improvement to the lowest responsible bidder; provided, however, that the board always reserves the right to reject any and all bids. Any such contract provided for in this subsection, may be entered into by the proper village officers without advertising for bids, if authorized by a vote of two-thirds of all trustees then holding office. Further, contracts may be authorized by the trustees in any other manner permitted by laws of the state.
  2. For contracts subject to competitive bidding under this Subection E, in an amount exceeding \$100,000, the contractor shall provide, as part of the bid, proof of enrollment in an Apprenticeship Program that is registered and certified with the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship. If proof of enrollment is not received with an applicable bid, the bid shall not be accepted unless no other responsible bid is received with proof of enrollment and within the budget for the contract or if the village board of trustees does not require competitive bidding as otherwise prescribed by Code or law.
- F. Joint purchasing pursuant to the Governmental Purchasing Act, 30 ILCS 525/1 *et seq.*, is encouraged when possible and shall satisfy the public bidding requirements.
1. State purchasing. Certain items are annually let for bids by the State of Illinois procurement division. Any unit of government in the state may avail itself of these bid prices. Purchasing through the State of Illinois procurement division shall satisfy the requirement for bidding even though the purchase is in excess of twenty-five thousand dollars (\$25,000.00).
  2. Cooperative purchasing. It may also be beneficial for the village to join with other units of local government or entities that are so qualified under 320 ILCS 525/2 in

securing price quotations and bid letting. Participation in or sponsorship of a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more governmental units shall satisfy the requirement for bidding even though the purchase is in excess of twenty-five thousand dollars (\$25,000.00).

3. All cooperative purchasing conducted under this subsection shall be through contracts awarded through full and open competition and follow any applicable requirements set forth in the Governmental Purchasing Act and Illinois Procurement Code, 30 ILCS 500/1-1 *et seq.*

- G. Commodity purchasing. The village may also employ methods of internal price comparisons for bulk commodity purchases such as but not limited to salt, computer equipment, and software, up to one hundred thousand dollars (\$100,000.00) and such shall satisfy the requirement for bidding even though the purchase is in excess of twenty-five thousand dollars (\$25,000.00).
- H. Professional services. The village is not required to follow the bid requirements expressed in this subsection in seeking and entering contracts for services of individuals possessing a high degree of professional skill, as provided in 65 ILCS 5/8-10-4.

**SECTION 2:** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.


**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4:** This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 7<sup>th</sup> day of June, 2022, by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee John O'Sullivan	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Jeff Frost	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Maria Vela	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Jim Malone	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Humberto Garcia	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Trustee Brenda Sandoval	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
President John Skillman	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>

APPROVED THIS 21<sup>st</sup> DAY OF June, 2022

  
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Village President, John Skillman

(SEAL)

ATTEST: Debra Cernicka  
Village Clerk

Published: 6.21.22



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**CERTIFICATION**

I, Diane Cernekee, do hereby certify that I am the duly appointed, acting and qualified temporary Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 7<sup>th</sup> day of June, 2022, the foregoing Ordinance entitled, *An Ordinance Amending Section 3.04.010 of the Carpentersville Municipal Code concerning Responsible Bidding with Contracts*, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 2022-31\_\_\_\_, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 21<sup>st</sup> day of June, 2022, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 21<sup>st</sup> day of June, 2022.

Diane Cernekee  
Village Clerk  
Village of Carpentersville,  
Kane County, Illinois

(SEAL)

