
**THE CITY OF COUNTRYSIDE
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 22-28-O**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY CODE
REGARDING BIDDING AND CONTRACTING PROCEDURES AND
ESTABLISHING CONTRACTOR'S CERTIFICATIONS**

SEAN MCDERMOTT, Mayor

ELIZABETH KMET, Clerk

City Council Members

**MARK BENSON
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THOMAS MIKOLYZK
SCOTT MUSILLAMI
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CITY OF COUNTRYSIDE

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WHEREAS, the City of Countryside, Illinois, has enacted a City Code for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the City has adopted Chapter 7 of the City Code regarding bidding and contract procedures; and

WHEREAS, the Mayor and City Council further find that the best interest of the public is furthered by amending Chapter 7 of the City Code to as outlined below.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNTRYSIDE, ILLINOIS:

SECTION 1: That Section 4 of Title 1, Chapter 7, of the City of Countryside Municipal Code be amended as shown below to read as follows with additions in bold, underlined text and deletions in strikethrough text so that the same shall be read as follows:

1-7-1: COMPETITIVE BIDDING REQUIRED:

~~Any work or other public improvement which is not to be paid for in whole or in part by special assessment and all purchases of, and contracts for supplies and services, shall, except as specifically provided herein, be based whenever possible on competitive bids.~~
In accordance with the City's purchasing policies, any work or other public improvement ("Public Work") and all purchases of goods or services exceeding \$20,000 shall be subject to the competitive bidding process and shall be let, by free and open competitive bidding after advertisement, to the lowest cost responsible and qualified bidder or any other bidder whom the City Council deems to be in the best interest of the City unless a bid waiver is approved by City Council. Sealed bids shall be sought when a good or service is anticipated to cost more than \$20,000 either individually or in aggregate purchases made over the course of one fiscal year.

For purposes of this chapter, "Public Work" shall mean the following: any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, moving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any public building, structure, airport facility, highway, roadway, street, alley, bridge, sewer, drain, ditch, sewage

disposal plant, water work, parking facility, railroad, excavation, or other project, development, real property, or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project or development, real property or improvement herein described of any material or article of merchandise, which is paid for out of a public fund or out of a special assessment. The term also includes any public works leased by a political subdivision under a lease containing an option to purchase.

SECTION 2: That Section 4 of Title 1, Chapter 7, of the City of Countryside Municipal Code be amended as shown below to read as follows with additions in bold, underlined text and deletions in strikethrough text so that the same shall be read as follows:

1-7-4: ~~BULLETIN BOARD~~ WEBSITE:

The city shall also advertise all pending work or purchases by posting a notice on the ~~public bulletin board~~ **City's website** and ~~in the city hall.~~ (1970 Code §2-16.05, as amended)

SECTION 3: That Title 1, Chapter 7, of the City of Countryside Municipal Code be amended as shown below to read as follows with additions in bold, underlined text and deletions in strikethrough text so that the same shall be read as follows:

1-7-8: AWARD OF CONTRACTS:

A. Authority In City: The city council shall have the authority to award contracts within the purview of this chapter.

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 city to accept. In awarding the contract, in addition to price, the city council shall consider:

1. The ability, capacity and skill of the bidder to perform the contract to 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 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.

10. Whether the bidder has a place of business in the city. (1970 Code §2-16.09, as amended)

C. Performance Bonds: The city council shall have the authority to require a performance bond, before entering into a contract, in such amount as it shall find reasonably necessary to protect the best interests of the city. If any such bond is posted in cash, it shall be subject to the unclaimed bond forfeiture provisions of chapter 9 of this title. (Ord. 92-29-0, 10-14-1992)

D. Contractor's Certifications: The City Council shall only consider the award of a contract if the Contractor's Certification Form is submitted with all required bid materials. The Contractor's Certification Form, as it is from time to time amended by the City, requires the Bidder to certify, among other things, that the bidder meets or exceeds any and all local, county, state and/or federal requirements.

SECTION 4: That Title 1, Chapter 7, of the City of Countryside Municipal Code be amended as shown below to read as follows with additions in bold, underlined text and deletions in strikethrough text so that the same shall be read as follows:

1-7-14: LOWEST BIDDER NOT CHOSEN

When the award is not recommended to be given to the lowest bidder, a statement of the reason for such recommendation shall be prepared by the City Administrator.

1-7-15: MULTIPLE LOW BIDS

When two or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots at a public meeting of the City Council, unless one bidder is a local contractor and one is a non-local contractor, in which event the local contractor shall be awarded the contract.

1-7-16: PUBLIC RECORDS

All information submitted by a successful bidder pursuant to this Ordinance are public records subject to review pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).

1-7-17: MATERIALITY

The requirements of this Ordinance are a material part of the bid documents, and the contract and successful bidder shall insert this ordinance in all subcontracts.

SECTION 5: This Ordinance shall not be held to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatsoever affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred to any right accrued to claims arising before this Ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, as far as practicable. Any prior ordinance or portion thereof in conflict with this Ordinance is hereby revoked.

SECTION 6: That if any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The City Council declare hereby that they would have passed the remaining parts of this Ordinance, if they had known that such part or parts thereof would be declared unconstitutional.

SECTION 7: The City Clerk of the City of Countryside is directed hereby to publish this Ordinance in pamphlet form.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

	PRESENT	ABSENT	AYE	NAY	ABSTAIN
Benson			✓		
Finn			✓		
Frohlich			✓		
Mikolyzk			✓		
Musillami			✓		
Von Drasek			✓		
Mayor McDermott					
TOTAL			6		

ADOPTED this 13th day of July, 2022.
APPROVED by me the same date as adopted.

Sean R. McSunath
Mayor

ATTEST:

(SEAL)

Elizabeth Kmet
City Clerk

Published in pamphlet form by order of the
City Council this 13th day of July, 2022.

Elizabeth Kmet
City Clerk