

1-9-5: BIDDING AND CONTRACT PROCEDURES :

A. 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.

B. 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 meet or 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 city council then holding office.

C. Advertisement For Bids: A notice inviting bids shall be published at least once in a newspaper with general circulation within the City. The City shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the City Hall.

D. 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.

E. Bid Deposits:

1. Prescribed In Notice: When deemed necessary by the City Council, bid deposits shall be prescribed in the public notices inviting bids.

2. Unsuccessful Bidders: Unsuccessful bidders shall be entitled to return of their bid deposits upon the award of the contract by the City Council.

3. Forfeiture By Successful Bidder: A successful bidder shall forfeit any bid deposit required by the City Council upon failure on his/her part to enter into a contract within ten (10) days after the award.

4. Form Of Deposit: 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 City against all loss, damages, and claims that may accrue against the City as a consequence of the granting of the contract.

F. Bid Opening Procedure:

1. Sealed: Bids shall be submitted sealed to the City Clerk and shall be identified as bids on the envelope.

2. Opening: Bids shall be opened in public at the time and place stated in the public notice.

3. Tabulation: A tabulation of all bids received shall be made by the City Council or by a City employee, in which event a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

G. Rejection Of Bids: The City, 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.

H. Bidders In Default: The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses, or other money due the City.

I. Award Of Contract:

1. Authority: The City Council shall have the authority to award contracts within the purview of this Section.

2. 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:

- a. The ability, capacity, and skill of the bidder to perform the contract to provide the service required;
- b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- c. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- d. The quality of the performance of previous contracts or services with this or other governmental bodies;
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- g. The quality, availability, and adaptability of the equipment, supplies or contractual services to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- i. The number and scope of conditions attached to the bid.
- j. The City Council may, by resolution, appoint or designate someone or a committee to investigate and report to the Council his, her or its findings regarding the qualifications of each bidder. Said report or reports may be used by the Council

in determining who is a responsible bidder.

3. Performance Bonds: The City Council 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 interests of the City and to conform to the statutory requirements for such bonds.

J. 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 procedure prescribed by this section for the award of formal contracts in such a manner so as to ensure the best interests of the public after solicitation of bids on proposals by mail, telephone, facsimile transmission, or otherwise.

K. Professional Service Contracts: All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers, and architects, and any other profession whose ethical code involves, prohibits or discourages involvement in normal bidding procedures, may be entered into by the City without observing the bidding procedures prescribed by this section for the award of formal contracts.

L. Regular Employment Contracts: Regular employment contracts in the Municipal service shall likewise be exempt from the provisions of this section.

M. Emergency Purchases: In case of an apparent emergency that requires immediate work or purchase of supplies, materials, or services, the City Council 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 City Council at the time of such emergency contract or no later than the first regular City Council meeting thereafter.

N. Cooperative Purchasing: The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. (1997 Code)

O. Execution Of Contracts: The Mayor, or any other person designated by the Council, may sign on behalf of the City any contract authorized by the Council. No contract may be entered into without the authority of the Council. (Ord. 0-16-12, 9-26-2016)

Notes

¹ 2. 65 ILCS 5/8-9-1.