

Chapter 32: Purchasing Procedures

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Section

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Cross-reference:

Village Administrator; powers and duties relating to purchasing, see § 31.074(9)

§ 32.01 CONTRACTS OR PURCHASES NOT EXCEEDING \$500.

A Village officer may make purchases or award contracts not in excess of \$500 to the highest or lowest bidder, depending on whether the Village is expending or receiving money, without authorization by the Board of Trustees or procurement of bids as set forth in this chapter. The sum herein authorized to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment or partial payment on a larger amount nor shall it be expended in any manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is to be expended.

§ 32.02 CONTRACTS FOR \$1,500 OR MORE.

All contracts, of whatever character, pertaining to public improvement, or to the maintenance of the public property of a municipality involving an outlay of \$1,500 or more, shall be based upon specifications to be approved by the Board of Trustees.

§ 32.03 PROCEDURE FOR BIDDING ON CONTRACTS OF \$10,000 OR MORE.

(A) All work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation (including special service area taxes), and all purchases, orders, or contracts for supplies, materials, equipment, or contractual services except as otherwise provided herein, when the estimated costs thereof shall exceed \$10,000, shall be purchased from the lowest responsible bidder, after due notice inviting bids.

(1) Advertisement Publication. A notice inviting bids shall be published once at least ten (10) days in advance of the date announced for the receiving of bids, in a newspaper with general circulation within the Village. Nothing herein shall be construed

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to prohibit the Village Administrator from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the Board of Trustees.

(2) Scope of Advertisement. Advertisement for bids shall describe the character of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Village Administrator at the time of publication of the announcement. The advertisement shall also state the date, time and place assigned for the opening of bids, and such bids will be received at any time prior to the time indicated in the announcement.

(3) Deposit on bids. 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 required by the Board of Trustees upon failure on its 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 (but not in excess of 10% of the contract or purchase price) 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.

(4) Opening of sealed bids. All sealed bids shall be publicly opened by the Board of Trustees. All bids shall be open to public inspection in the office of the Village Administrator for a period of 48 hours before the award is made.

§ 32.04 PROCEDURE FOR VILLAGE BOARD AUTHORIZATION IN LIEU OF FORMAL BIDDING.

If authorized by a vote of two-thirds of the Village Board Trustees then holding office, the Village may enter into a contract without advertising for bids for those contracts which would otherwise follow Section 32.03. The minutes of the Village Board meeting at which the vote is taken must reflect the justification for the failure to competitively bid the contract.

§ 32.05 BID AWARD.

(A) 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 interests 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 to provide the service required;

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- (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 the 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; and
- (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 interests of the Village and to conform to the statutory requirements of such bonds.

§ 32.06 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.

§ 32.07 EXEMPTIONS.

The following categories shall be exempt from Sections 32.03 and 32.04:

- (A) Contracts with the federal government or any agency thereof; and
- (B) Professional services including, but not limited to, attorneys, engineers, real estate appraisers, surveyors, planner, auditors, health inspectors, and building inspectors; and
- (C) Other purchases or contracts specifically exempted from the competitive bidding requirement by Illinois statute.

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§ 32.08 EMERGENCY CONTRACTS.

In the event of an emergency affecting public health, welfare or safety so declared by the Village President, a contract may be let or a purchase made for work, supplies, materials or services, to the extent necessary to resolve such emergency without public advertisement. The President shall inform the Village Treasurer of such expenditure or contract and the amounts to be expended. The Treasurer shall prepare an addendum to the monthly cash disbursement statement.

A finding of such an emergency shall be made in an affirmative vote of at least two-thirds of the Board of Trustees then holding office no later than the first regular Village Board meeting held after such emergency expenditure or contract was entered into.

§ 32.09 INVALID PURCHASE CONTRACTS.

Any purchase or contract executed in violation of this chapter shall be null and void as to the Village and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the Village.

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