

CITY OF WAUKEGAN

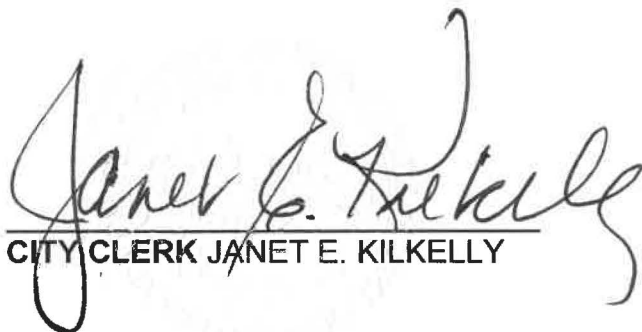
ORDINANCE NO. 23—O—89

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-458, ENTITLED, "PROCEDURE FOR CONTRACT BIDS" IN THE CITY OF WAUKEGAN

**ADOPTED AND PASSED BY THE CITY COUNCIL
OF THE CITY OF WAUKEGAN**

**ON THE 17th
DAY OF APRIL, 2023**

Published in pamphlet form by authority of the City Council, of the City of Waukegan, Lake County, Illinois, on the 18th day of APRIL, 2023


CITY CLERK JANET E. KILKELLY

ORDINANCE NO. 23—O—89

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-458, ENTITLED, “PROCEDURE FOR CONTRACT BIDS” IN THE CITY OF WAUKEGAN

WHEREAS, for purchases over \$25,000, the Waukegan City Code of Ordinances (“*City Code*”) requires a bidding process;

WHEREAS, the procedure for bidding process under the City Code currently requires that the City Clerk designate a time and place for the opening of bids;

WHEREAS, the City Council of the City of Waukegan finds that this is not the most efficient process because bids and projects requiring bids are typically staff-driven and opening should be, in the Mayor’s discretion, delegated to the department with the most knowledge of the project or to the Department of Finance for budget tracking purchases;

WHEREAS, the person responsible for and the location of the opening of bids must be included in the bidding documents provided to potential vendors and contractors;

WHEREAS, the City Council of the City of Waukegan finds that it is in the best interests of the residents of the City to amend Section 2-458 to provide for the Mayor’s designee to designate a time and place for the opening of bids; and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Waukegan, as follows:

SECTION 1: Chapter 2, Article VI, Division 2, Section 2-458 of the City Code entitled “Procedure for Contract Bids” shall be, and is hereby amended as set forth in *Exhibit A* attached to and, by this reference, made a part of this Ordinance.

SECTION 2: That the City Clerk is hereby directed to have the City Code of Waukegan clearly marked to indicate the aforesaid changes.

SECTION 3: All ordinances or parts of ordinances in conflict with terms of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed and approved this 17th day of **APRIL**, 2023.
ORDINANCE NO. 23—O—89
CITY OF WAUKEGAN



MAYOR ANN B. TAYLOR

ATTEST:



CITY CLERK JANET E. KILKELLY

ROLL CALL: Ald Hayes, Ald Bolton, Ald Seger, Ald Moisio, Ald Kirkwood, Ald Newsome, Ald Turner, Ald Rivera, Ald Florian.

AYES: Ald Hayes, Ald Bolton, Ald Seger, Ald Moisio, Ald Kirkwood, Ald Newsome, Ald Turner, Ald Rivera, Ald Florian.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

ORDINANCE NO. 23—O—89

EXHIBIT A

[Added text **bold and double underlined**; deleted text ~~struck through~~]

Sec. 2-458. - Procedure for contract bids.

- (a) *Specifications.* All contracts when the expense thereof will exceed \$25,000.00, shall be based on specifications prepared under the direction of the mayor procuring the goods or services, or their designee(s), and advertised for quotes and/or bids. When deemed necessary by the mayor or their designee(s), completion of notarized city application forms by the bidders may be required, and/or bid deposits shall be prescribed in the public notices inviting bids. The amount of such deposits shall be in an amount no greater than ten percent and in a form prescribed by the invitation to bid. All bid deposits shall be returned to unsuccessful bidders within five days of the contract award.
- (b) *Advertisement.* Advertisement for bids shall be placed on the city's website no less than ten days prior to the date of receiving or opening such bids. At the discretion of the mayor, or their designee(s), advertisements for bids may also be placed in a newspaper of general circulation printed and published in the city, the last advertisement to be no less than ten days prior to the date of receiving or opening such bids.
- (c) *Bids opened.* All bids submitted shall be sealed. All sealed bids shall be opened by the ~~city clerk or their designee in the council chambers or~~ **the City officer or employee designated by the Mayor** at such other place as determined by ~~the city clerk~~ **Mayor's designee**, at a time determined by ~~the city clerk~~ **them and included** in the notice to bidders and shall remain open to public inspection until the award of contract is made.
- (d) *Award; right to reject.* The council shall determine the most advantageous bid for the city, but shall always in every such advertisement reserve the right to reject any and all bids. The council may take into consideration the quality of material and responsibility of any and all bidders.
- (e) *Specifications on file.* During the pendency of advertisement of a proposed contract, specifications therefor shall be on file in the office of the department head for which the contract is to be let, subject to the inspection of all parties desiring to bid.
- (f) *Council actions.* Nothing in this division shall preclude the council from directing advertisement on contracts and specifications for bids on contracts in lesser amounts than \$25,000.00, if in their opinion it would be advantageous to the city to do so.
- (g) *Bids; tabulation and approval.* All bids shall be tabulated by the mayor, or their designee(s) who are procuring goods or services. No bidder or representative of any bidder shall appear before the committee or approach any member of the council concerning such bid, unless requested to do so by the committee. The committee may, in its discretion, reject any bid wherein the bidder or a representative has sought to change or alter the written terms of his bid, or approach any officer of the city or council member in respect thereto after the bids have been submitted.
- (h) *Performance bonds.* To protect the interest of the city, a performance bond in an amount deemed adequate by the city council may be required from the successful bidder before entering into the contract. If such bond is required and is not provided within 15 days of the

award of such contract, the award shall be void. The contractor shall furnish such other bonds or insurance as may be required by law, the city or specifications. The amounts and types of these bonds and insurance shall be set forth in the bid specifications.

- (i) *Exceptions to competitive bidding requirement.* Notwithstanding any provision of this division to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:
- (1) The city council may authorize a purchase or award a contract, without complying with the provisions of this division provided that, while in public session, it has received competent information and data supporting the fact that the product or service desired is provided by only one person or firm.
 - (2) By a vote of two-thirds of the corporate authorities, the city council may authorize the purchase of materials, supplies, equipment and services or order work performed by city or non-city forces upon a finding supported by competent information or data that such purchase or work is necessary to meet a bona fide operating emergency. Such emergency shall be explained on the record.
 - (3) Any agreement involving acquisition of service, equipment or article entered into with another governmental entity, including without limitation any supply pools set up by any other governmental agency in accordance with the Governmental Joint Purchasing Act, 30 ILCS 525.
 - (4) All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers, architects, insurance and city planners may be entered into by the city without observing the bidding procedures prescribed by this division for the award of contracts.
 - (5) Contracts which by their nature are not adapted to award by competitive bidding, such as, but not limited to, contracts for the services of individuals possessing a high degree of skill where the ability or fitness of the individual plays an important part may be entered into by the city without observing the bidding procedures prescribed by this division for the award of contracts.
 - (6) In all contracts, other than for works or other public improvements, which are not to be paid for in whole or in part by special assessment or special taxation, when the expenses thereof will exceed \$25,000.00 the city council may, by a vote of two-thirds of the corporate authorities elected, elect not to require the bidding procedure provided under this division when the city chooses to purchase items under a state contract.
 - (7) By vote of two-thirds of the corporate authorities, the city council may waive any bid requirement, including without limitation, the need to obtain at least three bids. The good-faith basis for this waiver must be stated on the record.
 - (8) Contracts for utility services such as water, light, heat, or telephone.