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ORDINANCE NO. 2007-6

**AN ORDINANCE RELATING TO THE LETTING OF
PUBLIC IMPROVEMENT CONTRACTS
AND CONTRACTS FOR SUPPLIES AND MATERIALS**

BE IT ORDAINED BY the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, as follows:

SECTION 1: There is hereby established the following bidding and contract procedures for public improvement contracts and contracts for supplies and materials for the Village of Chapin:

- (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 exceed \$20,000, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two thirds (2/3) of the trustees then holding office.
- (c) Advertisements for bids. A notice inviting bids shall be published at least once ten (10) days in advance of the announced date for receiving the bids in a newspaper with general circulation within the Village. The Village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Village hall. In addition, the notice inviting bids may be published in any other newspaper, trade journal or other publication to the extent deemed necessary and in the best interests of the Village, and/or as required by state or federal law.
- (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, if any, may be secured, shall state how and when bids are to be submitted, and shall specify the time and place for opening bids.

- (e) Bid deposits. 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 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 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.

- (f) Bid opening procedure.

- (1) Bids shall be submitted sealed to the Village and shall be identified as bids on the envelope.
- (2) Bids shall be opened in public at the time and place stated in the public notice.
- (3) A tabulation of all bids received shall be made by the board of trustees or by a Village employee, in which event a tabulation of the bids shall be furnished to the board of trustees at its next regular meeting.

- (g) Rejection of bids. The Village, through its corporate authorities, shall have the authority to reject any and all bids or parts of all bids when the public interest will be served thereby.

- (h) Bidders in default to Village. The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses, or other money due the Village.

- (i) Award of contract.

- (1) Authority in Village. The board of trustees 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 interests of the Village to accept. In awarding the contract, in addition to price, the board of trustees may 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;
- 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 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; and
- j. such other factors or circumstances as may fairly and reasonably reflect on a bidder's ability or responsibility to perform the contract.

(3) The Board of Trustees shall cause to be prepared a written statement outlining the factual basis for its decision to award a contract.

(4) 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 for such bonds.

(j) Open market procedure. All work and purchases of supplies, materials, and services of less than the estimated value of \$20,000 may 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

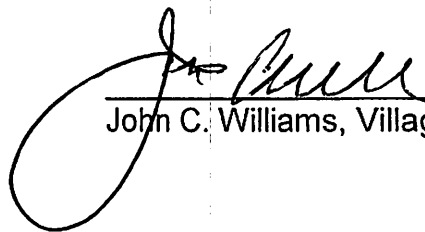
solicitation of bids or proposals by mail, telephone, facsimile transmission, or otherwise. The bids or proposals received shall be opened and considered as follows:

- (1) Bids and proposals shall be submitted sealed to the Village and shall be identified as bids or proposals on the envelope.
 - (2) Bids and proposals shall be opened in public at the time and place stated in the solicitation for bids or proposals.
 - (3) A tabulation of all bids or proposals received shall be made by the board of trustees or by a Village employee, in which event a tabulation of the bids or proposals shall be furnished to the board of trustees at its next regular meeting.
- (k) Professional services exempt from bidding requirements. All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers, and architects, and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the Village without observing the bidding procedures prescribed by this section for the award of formal contracts.
- Regular employment contracts in the municipal service shall likewise be exempt from the provisions of this ordinance.
- (l) Emergency purchases. In case of an apparent emergency that requires immediate work or purchase of supplies, materials or services, the Board of Trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, improvement, materials or supplies 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 (2/3) of the Board of Trustees at the time of such emergency contract or no later than the first regular Village board meeting thereafter.
- (m) Cooperative purchasing. The Village shall have the authority to join with other units of government in cooperative purchasing plans when the best interest of the Village would be served thereby.
- (n) Contracts involving State and/or Federal Funds. To the extent state and/or federal law and regulations require additional bidding requirements for public works and purchase of supplies, materials or services involving the use of state and/or federal funds, the Village shall comply with said laws and regulations.

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, shall be, and the same are, to the extent of such conflict, hereby repealed.

SECTION 3: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Chapin, Illinois, this 12 day of Sept, ~~2002~~ ²⁰¹⁷.



John C. Williams, Village President

(SEAL)

ATTEST:



Mikka Dinsmore Village Clerk

AYES: 5

NAYES: 0

ABSENT: 0

STATE OF ILLINOIS
COUNTY OF MORGAN

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) SS.
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CERTIFICATION

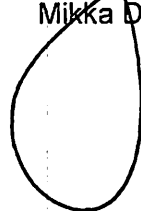
I, Mikka Dinsmore, the duly elected Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that attached copy of Ordinance No. 07-8 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Chapin, at a regular meeting of said Village Board held on the 12 day of Sept, 2007, all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, this 12 day of Sept, A.D., 2007.



Mikka Dinsmore, Village Clerk

(SEAL)



STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

PUBLICATION CERTIFICATE

I, Mikka Dinsmore, certify that I am the duly elected Village Clerk of the Village of Chapin, Morgan County, Illinois.

I further certify that on the 12 day of Sept, 2007, the President and Board of Trustees of the Village of Chapin, Illinois, passed and approved Ordinance No. 07-6, entitled:

**AN ORDINANCE RELATING TO THE
LETTING OF PUBLIC IMPROVEMENT CONTRACTS
AND CONTRACTS FOR SUPPLIES AND MATERIALS**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 07-6 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the Village Hall, commencing on the 12 day of Sept, 2007, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

Dated at Chapin, Illinois, this 12 day of Sept, 2007.

Mikka J. Dinsmore
VILLAGE CLERK

(SEAL)