

CITY OF MARSHALL

ORDINANCE NO. 2023-O 18

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION. ARTICLE VI.
FINANCE. SEC. 2-309. BIDDING AND CONTRACT REQUIREMENTS.

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall,
Clark County, Illinois, this 13 day of March, 2023.

published on or before the fifth day preceding the last day set for submission of bids. The city shall also advertise all such 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 the following:
- (1) A general description of the work to be performed or the articles to be purchased;
 - (2) Where specifications may be secured;
 - (3) The time and place for opening bids;
 - (4) The requirement, if any, for bid deposits;
 - (5) Requirements regarding labor and material bonds and performance bonds (required for contracts for public works - 30 ILCS 550/1);
 - (6) The deadline and place for submission of bids;
 - (7) Any other provisions applicable to the particular contract that will enable prospective bidders to bid intelligently.
- (e) *Labor and material bonds and performance bonds.* When motor fuel tax funds, federal-aid funds, or other funds received from the state are not used, the city may allow the contractor to provide a nondiminishing irrevocable bank letter of credit, in lieu of the required bond, on contracts under \$100,000.00. Any such bank letter of credit shall contain all provisions required for bonds as required by Section 1 of the Public Construction Bond Act (30 ILCS 550/1).
- (f) *Bid deposits.* When deemed necessary by the city council, bid deposits shall be included 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 city council. A successful bidder shall forfeit any bid deposit required by the city council upon failure on his 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 city against all loss, damages and claims that may accrue against the city as a consequence of the granting of the contract.

(g) *Bid opening procedure.*

- (1) *Sealed.* Bids shall be submitted sealed to the city 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, by a city employee or by an agent of the city, in which event a tabulation of the bids shall be furnished to the city council at its next regular meeting.

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

(i) *Bidders in default to city.* 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.

(j) *Award of contract.*

- (1) *Authority in city.* 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 interests 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;
- 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;
- j. Any other matter which is pertinent.

(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.

(k) *Open market procedure.* All work and purchases of supplies, materials and services of less than the estimated value of ~~\$20,000.00~~ in State bidding guidelines in 65 ILCS 5/8-9-1 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.

- (l) *Contracts exempt from bidding requirements.* The following contracts are exempt from the provisions of this section and may be entered into by the city without observing the bidding procedures prescribed herein for the award of formal contracts:
 - (1) 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.
 - (2) Regular employment contracts in the municipal service.
 - (3) Contracts entered into through the procurement services division of the state department of central management services.
- (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 expenditure. A finding of such an emergency shall be made in an affirmative vote of at least two-thirds 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.

(Ord. No. 95-6, § 1, 4-10-95; Ord. No. 95-20, § 1, 10-23-95; Ord. No. 96-2, § 1, 2-12-96; Ord. No. 07-22, § 1, 6-11-07)

State Law reference- Letting of contracts, 65 ILCS 5/8-9-1; municipal supplies-contract, 65 ILCS 5/8-9-2.

Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall take effect ten (10) days after its passage and approval as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Michael Smitley	✓		
Warren J. Le Fever	✓		
Vickie Wallace	✓		
Jarod Green	✓		
Josh Sanders	✓		
Robert Nelson			✓
Foster Propst	✓		
Rob Knott	✓		

PASSED this 13 day of March, 2023.

APPROVED this 13 day of March, 2023.


MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this 13 day of March 2023.


CITY CLERK

(SEAL)