

**CITY OF SULLIVAN, ILLINOIS**

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**ORDINANCE NO. 17-2**

**ORDINANCE AMENDING SECTION 1-2-33 – BIDDING AND CONTRACT  
PROCEDURES, DIVISION 2 – RULES OF THE CITY COUNCIL, CHAPTER 1 –  
ADMINISTRATION OF THE REVISED CODE OF ORDINANCES OF THE CITY OF  
SULLIVAN, ILLINOIS**

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**ADOPTED BY THE CITY COUNCIL  
OF THE  
CITY OF SULLIVAN, ILLINOIS**

**THIS 14th DAY OF FEBRUARY 2017**

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Published in pamphlet form by authority of the City Council  
of the City of Sullivan, Moultrie County, Illinois, this 15th day of  
February 2017.

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ADMINISTRATION OF THE REVISED CODE OF ORDINANCES OF THE CITY OF  
SULLIVAN, ILLINOIS

BE IT ORDAINED by the Mayor and City Council of the City of Sullivan, Moultrie County, Illinois, as follows:

SECTION 1: That CHAPTER 1 - ADMINISTRATION, DIVISION II – RULES OF THE CITY COUNCIL, Section 1-2-33, BIDDING AND CONTRACT PROCEDURES is hereby amended and shall read as follows:

**1-2-33 BIDDING AND CONTRACT PROCEDURES.**

(A) **When Competitive Bidding Required.** Subject to the exceptions contained in this section, work or public improvements not to be paid for in whole or in part by special assessment or special taxation as well as purchases of or contracts for supplies, materials and certain services shall be based upon competitive bidding.

(B) **Formal Contract Procedure.** All work or other public improvement which 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 **Twenty Thousand Dollars (\$20,000.00)**, shall be purchased from the lowest responsible bidder, who meets bidding specifications after due notice inviting bids, unless competitive bidding is waived by a vote of **four (4)** of the **five (5) Council members** then holding office.

(C) **Notice Inviting Bids.** 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 and/or articles to be purchased, shall state where specifications may be secured, that all bids must be sealed, the date and time of day bids are due, the date and time of day bids shall be opened and the City building as the location where bids shall be filed and opened.

(E) **Bid Deposits.** When deemed necessary by the City Council, 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 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 (10) days** after the award.

(F) **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 or by a City Employee or other City designee, in which event, a tabulation of bids shall be furnished to the City Council not later than at its next regular meeting.

(G) **Rejection of Bids.** They City 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 to City.** The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the City.

(I) **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 based on 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 pervious 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.

(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.

(J) **Open Market Procedure**. All work and purchases of supplies, materials and services of less than the estimated value of **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed in this Section for the award of formal contracts.

(1) All purchases of major equipment such as backhoe, end loader, mowers, etc. less than **Twenty Thousand Dollars (20,000.00)** shall be presented to City Council at the regular Council meeting for their review of said purchase. (Ord. No. 03-03; 05-12-03)

(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 City without observing the bidding procedures prescribed by this Section for the award of formal contracts.

(L) **Emergency Purchases**. In case of an apparent emergency, which 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.

(M) **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. (See 65 ILCS Sec. 5/4-5-11, 8-9-1 and 8-9-2)

**SECTION 2:** All previous ordinances in conflict with this ordinance are repealed to the extent of such conflict.

**SECTION 3:** This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

**SECTION 4:** This ordinance shall be known as Ordinance No. 17-2.

PASSED by the Mayor and City Council of the City of Sullivan, County of Moultrie, and State of Illinois on the 14th day of February 2017.

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Short	X				
Mossman	X				
Kirk	X				
Hagen	X				
Risley	X				

*Monte A. Johnson*  
 \_\_\_\_\_  
 City Clerk

Approved by the Mayor of the City Council of the City of Sullivan, Moultrie County, Illinois, this 14th day of February 2017.

*Ann G. Short*  
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 ANN SHORT, Mayor

ATTEST:

*Monte A. Johnson*  
 \_\_\_\_\_  
 City Clerk

STATE OF ILLINOIS            )  
  )  
COUNTY OF MOULTRIE        )

CERTIFICATE

I, MONTE JOHNSON, certify that I am the duly appointed and acting City Clerk of the City of Sullivan, Moultrie County, Illinois.

I further certify that on February 14, 2017, the Corporate Authorities of said municipality passed and approved Ordinance No. 17-2, entitled ORDINANCE AMENDING SECTION 1-2-33 – BIDDING AND CONTRACT PROCEDURES, DIVISION 2 – RULES, THE CITY COUNCIL OF CHAPTER 1 – ADMINISTRATION OF THE REVISED CODE OF ORDINANCES OF THE CITY OF SULLIVAN, ILLINOIS, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-2, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Building, commencing on February 15, 2017, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Sullivan, Moultrie County, Illinois, this 15th day of February 2017.

  
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City Clerk