

CHAPTER 9¹
BIDDING AND CONTRACT PROCEDURES

- 9.01 Competitive Bidding Required
- 9.02 Formal Contract Procedure
- 9.03 Advertisements
- 9.04 Scope of Notice
- 9.05 Bid Deposit
- 9.06 Bid Opening Procedure
- 9.07 Rejection of Bids
- 9.08 Bidders in Default to Village
- 9.09 Award of Contract
- 9.10 Open Market Procedure
- 9.11 Officer and Employee Contracts
- 9.12 Emergency Purchases
- 9.13 Cooperative Purchasing
- 9.14 State and Federal Laws

9.01 **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.

9.02 **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 \$20,000.00, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds of the trustees then holding office.

9.03 **ADVERTISEMENTS FOR BIDS**

Unless waived by the Board of Trustees, a notice inviting bids shall be published at least once in a newspaper with general circulation within the Village. The Village shall also advertise for a minimum of ten days, all pending work or purchases by posting a notice on the public bulletin board in the Village Hall.

9.04 **SCOPE OF NOTICE**

¹ Established by Ordinance 1995-96-16, passed August 10, 1995.

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 may be secured and shall specify the time and place for opening bids.

9.05 BID DEPOSITS

When deemed necessary by the Village Administrator, 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 upon his/her failure to enter into a contract within 10 days after the bid is awarded.

Such bid deposit shall be in the 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 awarding of the contract.

9.06 BID OPENING PROCEDURE

A. SEALED BID: Bids shall be submitted sealed to the Village within the established time frame and shall be identified as bids on the envelope.

B. OPENING: Bids shall be opened in public at the time and place stated in the public notice.

C. TABULATION: A tabulation of all bids received shall be developed and furnished to the Board of Trustees.

9.07 REJECTION OF BIDS

The Village, through the President and Board of Trustees, shall have the authority to reject all bids or parts of all bids or waive technicalities when the public interest will be served thereby.

9.08 BIDDERS IN DEFAULT TO THE 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.

9.09 AWARD OF CONTRACT

A. AUTHORITY OF VILLAGE: The Board of Trustees shall have the authority to award contracts within the purview of this Chapter 9.

B. **LOWEST RESPONSIBLE BIDDER:** Contracts shall be awarded to the lowest responsible bidder or 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 and to provide the service required;
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 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 as the particular use requires;
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:** A performance bond of 10% of the total cost of the project or service or other amounts as approved by the Village Administrator shall be required for all public improvement projects before entering into a contract to conform to the statutory requirements for such bonds.

9.10 **OPEN MARKET PROCEDURE**

All work and purchases of supplies, materials and services not covered in this section shall be made in accordance with Chapter 17 of this Code.

9.11 OFFICER AND EMPLOYEE CONTRACT

Employee contracts with employees and/or collective bargaining agreements shall be exempt from the provisions of this Chapter 9.

9.12 EMERGENCY PROCEDURES

In case of an emergency that requires immediate work or purchase or supplies, materials or services, the Village Administrator shall be empowered to secure by open market procedures as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure. A finding of such an emergency shall be prepared by the Village Administrator and presented to the Village President and Board of Trustees at the time of such emergency but no later than the first regular Village Board meeting thereafter.

9.13 COOPERATIVE PURCHASING

The Village shall have the authority to join with other units of government and/ or councils of government in cooperative purchasing plans when the best interests of the Village would be served thereby. These purchases shall be exempt from the provisions of this Chapter 9 when a cooperative bid process is used.

9.14 STATE AND FEDERAL LAWS

Where applicable, all federal and state laws shall be observed.

*Recodified June 8, 2000
Amended April 27, 2006*