

**ORDINANCE NO. 22-132**

AN ORDINANCE ESTABLISHING A PURCHASING POLICY FOR  
THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY

WHEREAS, the Forest Preserve District of DuPage County (hereinafter "District") established a Purchasing Policy in 1988 by Ordinance Number 88-424; and

WHEREAS, the 88-424 Purchasing Policy was repealed and rescinded in its entirety and replaced with the adoption of Ordinance Number 14-314 updating the District Purchasing Policy in 2014; and

WHEREAS, the District adopted Ordinance Number 21-008 amending Ordinance Number 14-314 and establishing responsible bidder requirements on construction projects; and

WHEREAS, the District reviews the Purchasing Policy regularly to ensure that the Policy is compliant with amendments to and adoption of various laws by the Illinois legislature; and

WHEREAS, the President and Board of Commissioners of the District deem it necessary and appropriate to adopt a purchasing policy which is consistent with current State statute and maximizes efficiencies associated with purchasing to optimize the application of public resources; and

WHEREAS, the President and Board of Commissioners has the authority and power to establish a purchasing policy consistent with State statutes; and

WHEREAS, the adoption of such ordinance requires the repeal of Ordinance Number 14-314, 21-008, and the Purchasing Policy adopted pursuant to said Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Commissioners of the Forest Preserve District of DuPage County that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by the Ordinance.

BE IT FURTHER ORDAINED, that Ordinance #22-132 shall be in full force and effect immediately upon its adoption, excluding those contracts advertised or awarded before this date.

PASSED and APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this day of May 17, 2022.

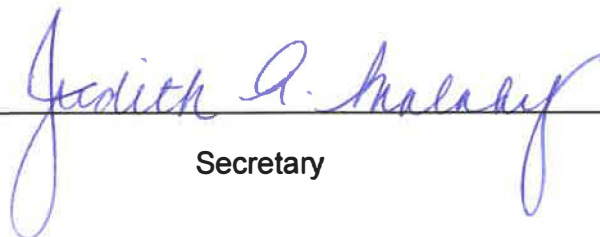
APPROVED:



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President

ATTEST:



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Secretary

PURCHASING POLICY FOR THE FOREST  
PRESERVE DISTRICT OF DUPAGE COUNTY

1. Repeal Ordinance Number 14-314 and 21-008 is hereby repealed and rescinded in its entirety.

2. PURCHASING POLICY ADOPTED. The following purchasing policy is hereby adopted by the Forest Preserve District of DuPage County. It shall apply to all supplies, materials, or work except those requiring personal confidence or necessary supplies under the control of monopolies where competitive bidding is impossible. This Policy shall not apply in any instance where legislation requires or provides an alternative purchasing method. Staff shall exercise sound discretion in determining whether to purchase through the bidding specifications set forth herein or whether to use a cooperative purchasing contract established by competitive or negotiated bidding procedures aligned with this Policy.

3. DEFINITIONS

3.1. Severability

If any article, part, section, subsection, clause, or phrase of this Ordinance or application thereof to any person or circumstances is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the Ordinance.

3.2. Singular-Plural.

Words in the singular number include the plural, and those in the plural include the singular.

3.3. Gender.

Words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

4. PURCHASING POLICIES BY CONTRACT AMOUNT.

The following policy shall be applied to District Contracts based on the cost of the supplies, materials, and work sought.

4.1. 70 ILCS 805/8 et seq

4.1.1. 70 ILCS 805/8 et seq shall apply to all purchases of the supplies, materials, and work sought that equals or exceeds the statutory amount set forth in 70 ILCS 805/8 at the time of bid advertisement.

4.1.2. Staff in making its recommendation for the “lowest responsible bidder” shall take into consideration all elements within the law including factors associated with the bid that may impact the overall cost to the District.

4.1.3. Cooperative purchasing agreements pursuant to the Governmental Joint Purchasing Act 30 ILCS 525/3 shall be deemed to satisfy 70 ILCS 805/8 et seq’s requirements.

4.1.4. District bids:

4.1.4.1.a notice inviting bids shall be published at least once in a newspaper circulating within the District no less than one week preceding the last day set for the receipt of proposals.

4.1.4.2. The newspaper notice shall include a general description of the supplies, articles, works, or materials to be purchased, identify where bid blanks and specifications may be secured and the time and place for the opening of bids.

4.1.4.3. Certain bid circumstances are exempt from advertising as per Paragraph 2.

4.2. **CONTRACTS FOR SUPPLIES, MATERIALS OR WORK INVOLVING EXPENDITURES OF LESS THAN THE DOWNSTATE FOREST PRESERVE ACT THRESHOLD BUT GREATER THAN \$10,000**

Contracts for supplies, materials or work involving an expenditure less than the Downstate Forest Preserve Act Threshold but greater than \$10,000 may be:

- a. let without advertising for bids
- b. when practical, at least three competitive proposals shall be obtained before letting contracts.
- c. Staff shall use open market procedures to solicit bids of supplies, materials or work.
- d. District staff may solicit quotes by any one or more of the following methods:
  - i. direct mail request to prospective bidders; (b) telephone call; (c) posted notice on the District's website;
  - ii. publication in a newspaper;
  - iii. e-mail, internet quote, or other electronic posting on the District's website; and
  - iv. any method that is generally used for these types of contracts.

4.3. **CONTRACTS FOR \$10,000 OR LESS**

Responsible management staff of the District may enter into a contract or a work order for supplies, materials or work having a value of \$10,000 or less where the money for the supplies, materials or work have previously been budgeted by the President and Board of Commissioners.

4.4. **CHANGE IN LAW**

If the Illinois legislature changes the advertising requirements, or otherwise amends statutory requirements for contracting for Forest Preserve District's, staff is authorized to apply the amended statutes for purchasing without amendment of this Purchasing Policy.

5. **PROCEDURE MANUAL**

A procedure manual will provide requirements and guidance to District staff for all purchase types. The manual will be designed to further detail statutory requirements, the policy established by the board of commissioners in this ordinance, and administrative requirements that establish best practices and efficient procurement of supplies, materials, and services for the District.

6. **BIDDER LIST**

The District staff shall maintain a "bidder's" list. For any contract, District staff may solicit sealed bids from all prospective bidders who have requested that their names be on the "bidder's" list. District staff may solicit persons on the bidder's list by sending them a copy of the newspaper notice described above.

7. PROHIBITION AGAINST SUBDIVIDING OR STACKING CONTRACTS

No contract shall be subdivided, nor shall contracts be stacked, in order to avoid the requirements of this Ordinance. This prohibition shall not prevent the repetitive purchase of routine supplies, materials or work where such purchases are customarily purchased in bulk over periods of time as needed based upon consumption.

8. RECORDS

District staff shall keep a record of all open market purchase quotations submitted by any bidder and such records shall be open to public inspection.

9. BONDS

District staff shall require performance, payment, and/or maintenance bonds where prescribed by law. The District may also require performance, payment, and maintenance bonds where such bonds are deemed necessary and in the best interest of the District as determined by the Executive Director or designee, or the District's corporate counsel.

10. EMERGENCY PURCHASES

10.1. An emergency purchase shall mean a situation in which delay caused by adherence to the requirements of this Ordinance would eminently threaten the public health, safety or welfare, structural integrity of an asset, and where the immediate purchase of supplies, materials or work is necessary in order to prevent, mitigate, or minimize a threat or disruption of District services and/or operations.

10.2. In the case of an emergency purchase, the Executive Director, or designee, is empowered to procure supplies, materials or work at the lowest obtainable price and only to the extent necessary to relieve the emergency. Thereafter, as soon as is reasonably possible, the President or Executive Director shall communicate the purchase and situation to the Board of Commissioners.

11. RESPONSIBLE BIDDER REQUIREMENTS

11.1. Responsible bidder for construction contracts means a bidder for construction contracts advertised, awarded, and financed, in whole or in part, with District public funds, regardless of cost, excluding projects on private property; and who meets all of the job specifications, the following applicable criteria, and submits documents of such compliance:

11.1.1. All applicable laws prerequisite to doing business in Illinois, and all local ordinances; and not in conflict with any federal law.

11.1.2. Federal Employer Tax Identification Number or Social Security Number (for individuals)

11.1.3. Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions)

11.1.4. Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, and automobile.

- 11.1.5. Compliance with all provisions and exemptions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the Act.
- 11.1.6. Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project prior to the subcontractor commencing work on the project.
- 11.1.7. The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Office of Apprenticeship for each of the trades of work contemplated under the awarded contract.
- 11.1.8. Bidder and bidder's sub-contractors shall produce:
  - 11.1.8.1. Document(s) of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization.
  - 11.1.8.2. Document(s) that any applicable apprenticeship program has graduated at least five apprentices in each of the construction crafts the bidder will perform on the project. Documentation of graduation rates are not required for apprenticeship crafts dedicated exclusively to the transportation of material and equipment to and from the project.
  - 11.1.8.3. The required documents include but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the project.
- 11.1.9. All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
- 11.1.10. All bidders must identify projects of a similar nature which they are performed in the immediate past years with the name, address and telephone number of the contact person having knowledge of the project or three references (name, address, and telephone number) with knowledge of the integrity and business practices of the bidder.