

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 2 ("ADMINISTRATION"),
ARTICLE 4 ("VILLAGE MANAGER"), SECTION 2-4-13 ("CONTRACTS AND SETTLEMENTS")
AND ARTICLE 6 ("FINANCE DEPARTMENT"), SECTION 2-6-10 ("ALL CONTRACTS FOR SUPPLIES,
EQUIPMENT, REPAIR WORK OR THE MAKING OF ANY PUBLIC IMPROVEMENT;
REQUIREMENTS FOR APPROVAL AND BIDDING") OF THE OAK PARK VILLAGE CODE**

WHEREAS, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village of Oak Park's powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village Board has determined to amend the Oak Park Village Code to raise the threshold by which contracts and settlements must be presented to the Village Board for approval and authorization as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 2 ("Administration"), Article 4 ("Village Manager"), Section 2-4-13 ("Contracts and Settlements") of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language to read as follows:

2-4-13: CONTRACTS AND SETTLEMENTS:

The Manager shall examine all proposed contracts to which the Village may be a party, and may sign on behalf of the Village any contract authorized by the Board of Trustees, except where the Board directs that some other officer shall do so. It shall be the duty of the Manager to see to it that all terms of any contract to which the Village is a party are fully performed by all parties thereto. The Manager shall have the authority to investigate, negotiate, compromise, settle or pay any and all claims, suits and actions brought in the name of the Village or against the Village, its officers, agents or employees for sums which in the aggregate from any one incident or occurrence, do not exceed ~~twenty-five~~ fifty thousand dollars (~~\$25,000.00~~ \$50,000.00). Prior to paying a claim, the Manager shall consult with the Village Attorney. The Manager shall secure any releases, covenants or other documentation as may be necessary or appropriate to evidence

any such settlement or payment of a claim and the release of any further actions, claims, suits or damages against the Village, its officers, agents or employees arising out of the same occurrence. All settlements shall be promptly reported to the Board of Trustees.

Section 3. Village Code Amended. Chapter 2 ("Administration"), Article 6 ("Finance Department"), Section 2-6-10 ("All Contracts for Supplies, Equipment, Repair Work or the Making of Any Public Improvement; Requirements for Approval and Bidding") of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language to read as follows:

2-6-10: ALL CONTRACTS FOR SUPPLIES, EQUIPMENT, REPAIR WORK OR THE MAKING OF ANY PUBLIC IMPROVEMENT; REQUIREMENTS FOR APPROVAL AND BIDDING:

No contract shall be made for any supplies, equipment, repair work or personal services when the total cost exceeds ~~twenty five~~ fifty thousand dollars (~~\$25,000.00~~ \$50,000.00), or the making of any public improvement when the total cost exceeds ~~ten~~ fifty thousand dollars (~~\$10,000.00~~ \$50,000.00), unless such contract shall have been authorized by the Board of Trustees. Whenever the total cost of a contract for supplies, equipment, repair work or personal services shall not exceed, in any one case, one thousand dollars (\$1,000.00), the Purchasing Agent, without such previous authorization, shall cause the same to be purchased upon his written order; and further provided that when the total cost thereof shall exceed one thousand dollars (\$1,000.00) but shall not exceed ~~twenty five~~ fifty thousand dollars (~~\$25,000.00~~ \$50,000.00), the Village Manager may cause the same to be purchased without previous authorization in like manner, but the Purchasing Agent or the appropriate department head shall first obtain in writing, whenever possible, at least three (3) informal bids to furnish same, which bids shall be filed in every case in the Finance Department. All such contracts shall be let to the lowest responsible bidder provided that any and all informal bids for equipment, supplies, repair work or personal services may be rejected by the Purchasing Agent or appropriate department head if the character or quality of the supplies, equipment or labor does not conform to requirements or if the public interest may otherwise be served thereby.

It is further provided that when the total cost of a public work or improvement is expected to exceed ten thousand dollars (\$10,000.00), or when the total cost of any supplies, equipment or repair work is expected to exceed twenty five thousand dollars (\$25,000.00), the Finance Director or his agent shall issue a call for bids to be formally advertised; bids as described in Section 2-6-12 of this Article shall require a bond for the faithful performance of contracts for public improvement and shall be let to the lowest responsible bidder. All contracts for which bids are required that exceed fifty thousand dollars (\$50,000.00) shall be let to the lowest responsible bidder within the judgment of the Board of Trustees provided that any and all bids received in response to an advertisement for equipment, supplies or repair work may be rejected by the Board of Trustees if the character or quality of the supplies, equipment or labor does not conform to requirements or if the public interest may otherwise be served thereby. Bidding in all instances for contracts that exceed fifty thousand dollars (\$50,000.00) may be waived by a two-thirds ($\frac{2}{3}$) vote of the Board of Trustees.

In cases of urgently needed material or urgent repairs involving labor and material, such repairs and material may be obtained through negotiated contract without formal advertising with the approval of the Village Manager, when it is in the best interest of the Village and when it is impractical to convene a meeting of the Board of Trustees.

Negotiated purchases without formal advertising may be approved by the Board of Trustees or the Village Manager as applicable when it is impractical to secure competition, when it is impossible to draft adequate specifications or any other adequately detailed description of the required property or services, or when the contemplated contract involves maintenance, repair, alteration or inspection and the exact nature or amount of work to be done is not known. However, the Finance Director or his agent shall first obtain in writing, whenever possible, at least three (3) informal bids to furnish same.

Section 4. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 20th day of November, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 20th day of November, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 20th day of November, 2023.

Christina M. Waters, Village Clerk