

Procurement information shall be a public record subject to the exceptions of disclosure to the extent provided in the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, and shall be available to the public as provided by the Peoria County policy implementing said Act. This does not limit or prevent the purchasing division from releasing any bid results to the public on or after the public bid opening. In addition, this language shall not prevent the purchasing agent from conducting a public bid opening and conducting a public reading of the information contained within the cost section of the bid submitted, to all persons in attendance. Except as provided for under the Illinois Professional Services Selection Act, 50 ILCS 510/1 *et seq.*, the purchasing agent may conduct this public bid opening and public release of the information contained within the cost section of the bids received for all invitations for bids. This excludes requests for proposals for which only the names of the responding firms shall be publicly read.

(Ord. of 6-12-03, Art. 2, Pt. D; Ord. of 1-12-06)

Secs. 6.5-16--6.5-20. Reserved.

### **ARTICLE III. SOURCE SELECTION AND CONTRACT FORMATION**

#### **Sec. 6.5-21. Methods of source selection.**

- (1) Purchases less than twenty thousand dollars.
  - (a) Condition of use. Any contract or purchase of twenty thousand dollars (\$20,000.00) or less shall be made in accordance with procedures authorized in this section. These purchases include commodities, supplies materials, equipment, construction, and services. Contract and purchase requirements shall not be artificially divided so as to constitute a small procurement or evade the competitive bidding requirements for amounts in excess of twenty thousand dollars (\$20,000.00) under this section. Department heads have the authority to sign any contract and purchase agreements for purchases under twenty thousand dollars (\$20,000.00) to a single vendor within the appropriation year. This section equally applies to any and all contracts or purchases that were anticipated to cost more than twenty thousand dollars (\$20,000.00), but where the lowest responsible bid received was less than twenty thousand dollars (\$20,000.00).
  - (b) Minimum quotation requirements.
    1. Procurements up to and including one thousand dollars (\$1,000.00) may be obtained in a way that it is in the best interest of the county. The payment of these purchases shall be processed in the same manner as all other invoices.
    2. For purchases over one thousand dollars (\$1,000.00) and up to and including five thousand dollars (\$5,000.00), the using agency or, if requested by the using agency, the purchasing division shall obtain

quotations from at least three (3) vendors whenever feasible. These quotations may be verbal, but shall be memorialized in writing by the using agency with the purchase requisition. A purchase requisition, along with the quotes, shall be sent to the purchasing division for processing a purchase order. The purchasing division reserves the right to recommend to the using agency another vendor if a current contract, blanket bid, or joint bid exists for the requested goods or services, or if better prices may be obtained. If a dispute arises between the using agency and the purchasing division regarding selection of the lowest responsible quote, the county administrator shall determine the vendor selection.

3. For purchases over five thousand dollars (\$5,000.00) and up to and including twenty thousand dollars (\$20,000.00), the procedures shall be the same as those set forth in subsection 6.5-21(b)(2) of this section, except the using agency or the purchasing division shall obtain written/fax quotations or proposals from at least three (3) vendors, wherever feasible, or obtain pricing from a current contract, product catalog, blanket bid, or joint bid. A requisition shall be sent to the purchasing division specifying the required goods or services along with the quotes. It is the purchasing division's responsibility to gather all required documentation prior to letting the purchase order or executing the contract. As long as the funds for these purchases are budgeted, parent committee or county board approval is not required.
- (c) Sole/single source. Circumstances may exist where the purchasing agent or department head determines that it is not feasible to secure three (3) quotations. In other situations, the purchasing agent, or designee, may determine that it is in the best interests of the county to consider only one or two (1-2) suppliers having previous expertise relative to the procurement. Whenever the purchasing agent or department head determines that it is not feasible, or is not in the county's best interest, to satisfy the minimum quotation requirements of subsection (b) of this section, the reason for this determination shall be indicated in writing and retained in the contract file or attached to the purchase requisition. For purchases over five thousand dollars (\$5,000.00), as defined in this section as sole/single source, the county administrator shall approve these purchases by signing the purchase requisition.
  - (d) Evaluation factors. Evaluation factors which justifying an award to a vendor who has not provided the lowest quotation may include: delivery requirements, quantity requirements, quality, and past vendor performance. Whenever the purchasing agent and or department head determines that it is in the county's best interest to award a purchase contract to a vendor who did not submit the lowest acceptable quotation, the reason for the determination shall be indicated in writing and retained in the contract file. This action requires county administrator approval for purchases over five thousand dollars (\$5,000.00) when the lowest bidder is not granted the award.

- (e) Award. Award shall be made to the vendor offering the lowest responsive and responsible quote meeting the specifications. Adequate records to document the competition solicited and award determination made shall be retained in the contract file to be maintained by the purchasing division. A quote that exceeds the twenty thousand dollar (\$20,000.00) limit shall not be eligible for award under this section.
- (2) Purchases over twenty thousand dollars.
- (a) Competitive sealed bidding requirement. All purchases by the county where the actual cost exceeds twenty thousand dollars (\$20,000.00) as established by statutes, shall be awarded by competitively sealed bidding, excluding professional services, addressed in subsection 6.5-21(7) of this Ordinance, and except as otherwise provided in subsections 6.5-21(3) (Noncompetitive procurement); (4) (Request for proposals); (5) (Emergency procurements); and (6) (Cooperative joint purchases or blanket bids); or as provided by state statute. All using agencies shall forward their specifications to the purchasing division for issuing of competitive bids. Stringing is forbidden and purchases shall not be artificially divided for purposes of evading the competitive sealed bidding requirement.
  - (b) Invitation for bids. An invitation for bids shall be issued by the purchasing division and it shall include specifications or general descriptions, and material nonnegotiable contractual terms and conditions applicable to the procurement.
  - (c) Bid and request for proposals document addenda and questions. Once the bid or request for proposals document has been issued, all questions regarding this document shall be submitted in writing to the purchasing division. The purchasing division, pursuant to any alterations required in the bid document, shall issue any and all addenda.
  - (d) Public notice. Adequate public notice of an invitation for bids shall be given. Public notice shall be published no less than fourteen (14) calendar days prior to the date set forth therein for the submittal and opening of bids. For bids with a mandatory pre-bid meeting, public notice shall be published at least seven (7) calendar days prior to the meeting date. Such notice shall include publication in a newspaper of general circulation within the county and in reasonable time prior to bid opening and shall be publicly posted on an accessible bulletin board in the Peoria County Courthouse. The purchasing division may use other forms of public notice as determined by the purchasing agent. The public notice shall state the project, items or services requested, location for vendors to obtain bid documents, submittal date and time, date and time of bid opening, and location of bid opening. The bid notice shall not be published until plans and specifications are finalized. Pursuant to subsection 6.5-13(1)(n) of this Ordinance, the purchasing agent may develop such policies and procedures needed to permit internet-based tools to expedite and simplify the bidding process, including

implementing programs providing public notice electronically; posting digital bidding documents and forms; providing for electronic receipt of bids and quotes; electronically posting requests for proposals and sending out requests for proposals to companies who have signed up for such a service.

- (e) Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and other such relevant information as the purchasing agent or designee deems appropriate, together with the name of each bidder shall be recorded and read aloud. In certain cases, such as professional services, and others determined by the purchasing agent, the purchasing division may withhold the public reading of some or all of the information contained within the bids submitted at the bid opening. The record and each bid shall be open to public inspection in accordance with section 6.5-15 (Public access to procurement information) of this Ordinance.
  
- (f) At a minimum, all bid/proposal documents shall include:
  - 1. Instruction to bidders and/or offerors;
  - 2. General conditions;
  - 3. Bid and/or proposal forms;
  - 4. Special or supplemental conditions;
  - 5. Affidavits or certificates required by statute;
  - 6. Language indicating specific state statutes relating to the procurement function; and
  - 7. Bonds and insurance requirements.
  
- (g) Bid security/bonding/requirements.
  - 1. Requirement for performance bond. A performance bond shall be required for all competitive sealed bidding for contracts of public works when the project cost is estimated to exceed five thousand dollars (\$5,000.00). It shall be in the form of a bond conditioned for the completion of the contract and shall be provided by a surety company authorized to do business in the State of Illinois. An irrevocable letter of credit may also be accepted for contracts under one hundred thousand dollars (\$100,000.00) other than contracts funded by motor fuel taxes, federal-aid funds, or funds received from the state. All security, whether in the form of a performance bond or irrevocable letter of credit, shall be deemed to contain the mandatory language in the Illinois Procurement Code, 30 ILCS 500/1-1 *et seq*,
  
  - 2. Amount of bid security or bid bond. Bid security shall be in an amount not to exceed ten percent (10%) of the amount of the bid. Bid security or bid bond need not be required unless the county administrator, elected

official, or state's attorney's office requests the bid instructions include a bid security or bid bond.

3. Delivery of bonds, when required. When a contract is awarded the required bonds or security in the amount stated in the bid document shall be delivered to the county and shall become binding on the parties upon the execution of the contract.
- (h) Insurance requirements. For some contracts, as determined by the county administrator or state's attorney, the contractor and all subcontractors shall be required to maintain adequate insurance coverage for the duration of the contract. The department head or elected official shall determine, in consultation with the state's attorney or county administrator, the types and amounts of coverage that shall be required. The contractor shall have the county named as an additional insured as its interest may appear and furnish the purchasing agent with satisfactory evidence of said insurance.
- (i) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Ordinance. The purchasing agent and using agency, based on the requirements set forth in the invitation for bids, shall evaluate bids for responsiveness and recommend to the parent committee and county board the vendor that is the lowest responsible bidder. Those criteria affecting the bid price and considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, total or life cycle costs, maintenance costs, and resale value. The invitation for bid shall set forth the evaluation criteria to be used. No criteria may be used in the evaluations that are not set forth in the invitation for bid. Alternative bids may be considered and accepted only if they are specifically provided for in the invitation for bids and meet the evaluation criteria set forth.
- (j) Correction or withdrawal of bids; cancellation of award.
1. Bids withdrawn prior to opening. Bids may be withdrawn prior to the bid opening upon written request of the bidder and in accordance with the terms and conditions contained in the bid document.
  2. Correcting bid totals. After the bid opening, no changes in prices or other provisions shall be permitted, except to correct calculations, as stated in the terms and conditions contained in the bid document. If the vendor incorrectly extends their bid totals, the unit cost shall be used to correctly establish the vendor's bid response. The purchasing division and the using agency shall be responsible for reviewing all bid forms.
  3. Bid withdrawal after bid opening. If the bidder alleges a material error or mistake of fact, he may be permitted to withdraw the bid if the bidder submits evidence, which clearly and convincingly demonstrates that an

error was made. The withdrawal of the bid shall be supported by written documentation provided by the bidder that shall be presented for approval to the parent committee and the county board.

4. Cancellation of contracts. All contract cancellations recommended by the purchasing agent or using agency shall be presented for acceptance to the parent committee and placed on the county board's consent agenda for approval.
- (k) Tie bids. Should tie bids between equally responsive responsible bidders be received, the award shall be made by a coin toss or otherwise by random selection in the purchasing division by the purchasing agent or designee. The purchasing agent shall notify all parties involved of the time and request that a representative of each party be present.
  - (l) Right of rejection. The county board reserves the right to accept or reject any and all bids and the right to waive any technical errors found in any document. However, the county administrator may also reject all bids received. In cases when the county administrator rejects all bids received, he shall make a written report of his actions to the county board.
  - (m) Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids and/or request for proposals. After the bid is awarded, in accordance to section 6.5-24(5) (Approval of contracts and bids), the purchasing division shall issue all purchase orders and the using agency shall issue notices of awards and notices to proceed. All contractually required documentation is required prior to any notice to proceed.
- (3) Noncompetitive procurement. In addition to sole source procurement under subsection 6.5-21(1)(c) of this section, a contract may be awarded without competition, as outlined in subsections (1) and (2) of this section, when a department head, with the approval of the county administrator, determines in writing, after conducting a good faith effort by reviewing the available sources, that the contract by its very nature is not suitable to competitive bids or proposals. When a department head and the county administrator both determine that an award of a contract should be made by noncompetitive procurement they shall submit copies of their determining factors in writing to the purchasing agent. Examples of contracts, which may not be suitable for competitive bids or proposals, are as follows:
    - (a) There is only one source for the required supply, equipment, service, construction item, or professional service;
    - (b) A sole supplier's item that is required for trial use or testing;

- (c) Patented or proprietary items with only one manufacturer, contractor, or dealer in the area.
  - (d) Used equipment, as defined in section 6.5-22 of this Ordinance;
  - (e) Auction purchases;
  - (f) Items by their own very nature experience rapid fluctuation in price. These items may not lend themselves for formal sealed bidding, due to the length of time involved in conducting sealed bids. However, quotes should be obtained as outlined in subsection (1) of this section;
  - (g) Certain maintenance contracts that are limited to only one source for the highest qualified provider;
  - (h) Emergency procurement, as defined in subsection 6.5-21(5) of this section; or
  - (i) Others, as determined by the county administrator and state's attorney.
- (4) Competitive Proposals.
- (a) Proposals shall be solicited through a request for proposals.
  - (b) Proposal packets. Proposal packets may include any or all of those documents required for bid packets, as outlined in subsection 6.5-21(2)(f) of this Ordinance.
  - (c) Condition for use. In cases where the county seeks to contract for a project or service whose goals, tasks, or results are known, but for which the procedure or method of accomplishing same either may not be specified or are otherwise undetermined, a contract may be entered into by use of the request for proposals procedure. Reasons for using the request for proposals procedure shall be approved by the purchasing division prior to the commencement of the procedure.
  - (d) Public notice. Adequate public notice of the request for proposals shall be given in the same manner as public notice for invitation for bids provided in subsections 6.5-21(2)(b) (Invitation for bids) and (2)(c) (Public notice) of this Ordinance.
  - (e) Evaluation criteria. The using agency shall develop criteria for evaluation of the proposal prior to notice. The completed evaluations shall be attached to the using agency recommendation.
  - (f) Receipt of proposals. Receipt of proposals or bid opening shall be conducted in the same manner as provided in section 6.5-15 (Public access to procurement information) and subsection 6.5-21(2)(d) (Competitive bidding and bid opening) of this Ordinance.

- (g) Discussions with responsible offeror and revisions to proposals. As provided in the request for proposals, discussions may be conducted with the responsible offerors who submitted proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to a successful understanding of and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revision may be permitted after submission and prior to award for the purpose of obtaining best and final offers.
  - (h) Award of contract. Awards of contracts shall be made in accordance to subsection 6.5-24(5) (Approval of contracts and bids) of this Ordinance.
- (65) Emergency procurements. In emergency situations, the county administrator, in consultation with the county board chairman, shall have the authority to waive the bidding procedures set forth in this section and to effect purchases in excess of the amounts otherwise provided in this section pursuant to the following procedures:
- (a) Emergency situation for the purpose of this subsection shall be defined as an imminent disruption of essential operations or conditions adversely affecting the safety, health or security of persons or property, where it is unfeasible to remedy such disruption or conditions through the use of normal competitive bidding procedures. The reason for the determination of the emergency shall be indicated in writing. Failure of the using agency to a timely compliance with this Ordinance shall not *prima facie* constitute an emergency. In emergency situations of this type, the county administrator shall not be required to comply with competitive bidding and advertising requirements of this Ordinance and shall be empowered to negotiate and execute contracts without prior approval of the Peoria County Board up to twenty-five thousand dollars (\$25,000.00) total expense. For emergency procurements in excess of twenty-five thousand dollars (\$25,000.00) the county administrator shall obtain the additional approval of the chairman of the Peoria County Board.
  - (b) When the county administrator and the county board chairman have declared an emergency, and when time allows, the purchasing agent shall request the effected department head obtain two (2) or more competitive quotes for all emergency services, equipment, repairs, and supply purchases, if the purchasing agent cannot do so himself.
  - (c) All emergency purchases approved by the county board chairman shall be reported in writing to the full Peoria County Board as soon as practicable. Emergency purchase reports shall contain the: (i) nature of the emergency, (ii) vendor(s) name and address, (iii) total amount expended, and (iv) items or services provided.
- (6) Cooperative joint purchasing and blanket bids authorized. Peoria County agencies and the purchasing division are not required to: (a) conduct local sealed bids for purchases



requiring competitive sealed bids, pursuant to subsection (3); or (b) obtain quotes for purchases under twenty thousand dollars (\$20,000.00), if purchases are made through a cooperative joint purchasing bid or contract that has been competitively bid by another unit of government. Subject to applicable state statutes, Peoria County may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods, services, construction, or professional services with one or more public procurement units in accordance with an agreement entered into between the participants. However, if Peoria County is the sponsor of the bid, the county board should approve the bid report of the purchasing agent and award the contract as set forth in subsection 6.5-24(5) (Approval of contracts and bids) of this Ordinance if all bids returned exceed twenty thousand dollars (\$20,000.00). County board approval for purchases contracted from bids conducted by the state or other governmental unit shall not be required as long as sufficient funds are budgeted. Such cooperative purchasing may include joint or multiparty contracts between public procurement units and open-ended state procurement unit contracts, which are made available to other public procurement units. Purchases made under cooperative joint purchasing bids or contracts may often exceed twenty thousand dollars (\$20,000.00). However, these purchases originating from competitive bids of other governmental units (state or local) which may include multiyear contracts, joint bids or blanket bids, need not have county board approval as long as sufficient funds have been budgeted.

- (7) Cooperative bidding. To optimize the benefits of using cooperative purchasing, described above in subsection (6), other governmental units shall be permitted to consider acceptance of bids already made to Peoria County through its competitive bidding process. Consequently, all competitive bids shall contain a "piggy-back" clause, whereby other governmental units may consider acceptance of a successful bid for twelve (12) months from the date the bid was made to Peoria County, or an entity thereof, in instances where the other governmental unit's bid requirements are substantially similar to those made by Peoria County during the competitive bidding process.
- (8) Professional services selection process. It is the intention of Peoria County to employ consultants on the basis of their perceived competence and expertise relative to the project, the cost of their services, their ability to complete work within a required time frame, their past record in performing similar type work, and their ability to work with county staff and elected officials. Written procedure to implement this Ordinance shall include the methodology by which selection of professional services will be made. These procedures shall be followed for professional services that are expected to exceed twenty-five thousand dollars (\$25,000.00). Types of services to be covered:
  - (a) Engineering, architects and land surveyors. These services require mandatory or essential technical skills provided by accredited professionals or quasi-professionals in connection with a defined assignments, which result in the preparation of a report, specifications or recommendation of a particular course of action, and may include supervision of an activity (such as construction). Providers of these services shall be selected in accordance with the Illinois Professional Services Selection Act, 50 ILCS 510/1 *et seq.*

- (b) Other professional services. These services are provided on the basis of a defined project, by individuals or organizations, to investigate or identify management issues related to policy, organizational, operational or administrative aspects of government, including recommendations, and the potential to assist in implementing recommendations (i.e., strategic planning, operational management, management information systems, human resources). The following subsections (c) and (d) of this section outline policy intention regarding selection and performance criteria for professional services.
  - (c) Selection criteria. Specific purchasing procedures will outline selection criteria for professional services and consultants. An internal department staff committee or using agency department head shall review and make ultimate recommendations, to the parent committee and county board, for the purposes of contractual award as described in subsection 6.5-24(5) in this Ordinance.
  - (d) Performance criteria. Upon completion of each project over twenty-five thousand dollars (\$25,000.00), the department involved shall prepare a written evaluation of the consultant's performance. The details of the evaluation shall be consistent with the cost and complexity of such assignments. For projects over twenty-five thousand dollars (\$25,000.00), the purchasing division shall maintain a record of such evaluations for the use of all departments when selecting future professional service/consultants.
- (9) Additional criteria for construction and public works projects. All bids and contracts for the purposes of public works, as defined and provided for by the Illinois Prevailing Wage Act (Act), 820 ILCS 130/1 *et seq.*, prohibit the prime contractor and all participating subcontractors from discriminating in employment practices. This act requires that the prevailing wage shall apply to these projects. "Public works" is defined as all fixed works constructed by any public body other than work done directly by a public utility company. All wages paid by the contractor and each subcontractor shall be in compliance with the Act as amended, except where a prevailing wage violates a federal law, order or ruling. The rate conforming to the federal law, order or ruling shall govern. The prime contractor shall be responsible for notifying each subcontractor of the wage rates set forth in the contract and any revisions thereto. If the Illinois Department of Labor revises the wage rates, the contractor will not be allowed additional compensation on account of said revisions.

The contractor and all participating subcontractors shall make and keep, for a period of three years from the date of completion of the project, records of the wages paid to its workers. The payroll records shall include each worker's name, address, telephone number, social security number, classification, rate of pay, number of hours worked each day, total hours worked each week, itemized deductions made, and actual wages paid. Upon two business days' notice, these records shall be available at all reasonable hours at

a location within the county for inspection by the county auditor or representatives of the Illinois Department of Labor.

The contractor and each subcontractor shall submit certified payroll records to the county auditor's office each week from the start to the completion of their respective work. The submittals shall be on state form SBE48, or an approved facsimile. When there has been no activity during a work week, a payroll record shall still be submitted with the appropriate box (no work, suspended, or complete) checked on the form.

Each submittal shall be accompanied by a statement signed by the contractor or subcontractor that avers that 1) such records are true and accurate, 2) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by the act, and 3) the contractor or subcontractor is aware that filing a payroll record that he or she knows to be false is a class B misdemeanor.

The contractor and each subcontractor shall permit its employees to be interviewed on the job during working hours by compliance investigators of the Illinois Department of Labor.

The county auditor shall verify that the certified payroll has been received and that wages shown paid to applicable trades conform to the current prevailing wages as determined by the State of Illinois Department of Labor. Failure by the contractor and his subcontractors to provide the required information or to pay correct prevailing wages shall result in withholding payments to the contractor and may reported to the State of Illinois Department of Labor.

In addition to prevailing wage requirements, the county has determined that additional provisions shall be required of all vendors contractors, and subcontractors providing services for new construction of facilities, renovation of current facilities, and any other public works projects in excess of five thousand dollars (\$5,000.00). The contractor and all subcontractors shall participate in apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

#### **Sec. 6.5-22. Disposal of surplus property**

- (1) From time to time it is recognized that the county may be required to store surplus property. It is also recognized that it is in the best interest of the county to make available the use of surplus property to any other county agency when possible. Therefore, agencies are required to transfer all of their surplus property to a secured area designated by the purchasing agent. The purchasing agent should make a reasonable effort to make available these surplus items for requisition by other county using agencies. Except for electrical and mechanical equipment, vehicles and real estate, these items shall have county administrator approval by the requesting using agency before the purchasing agent may transfer those items to the requesting using agency.