

**2013 IAPD/IPRA
Soaring to New Heights Conference
January 24-26, 2013
Hyatt Regency, Chicago**

*Your Local Government
Attorneys*

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SATURDAY, JANUARY 26, 2013

10:15 A.M. TO 11:30 A.M.

SESSION #123

**PROTECTING THE POCKETBOOK
THROUGH PURCHASING AND
PROCUREMENT PROCESS**

PRESENTERS:

DERKE J. PRICE, ESQ.

JAMES D. ROCK, ESQ.

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DIAMOND BUSH
DiCIANNI
& KRAFTHEFER

Overview

- Procurement under the Park Code
- Bidding Due Diligence
- Joint Actions to Stretch the Dollar
- Avoiding Unwanted Expenses

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THE PARK CODE AND PURCHASES 70 ILCS 1205/8-1

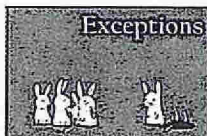
- \$20,000 threshold for bidding
- Lowest responsive and responsible bidder
- Due advertisement (10 calendar days)
- Maximum 1 year duration




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Exceptions To Bidding: ...such as

- Individuals with a high degree of professional skill where the ability of the individual plays an important part (*it's more than just architects and the Local Gov't Professional Services Selection Act*).





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Exceptions to 1 year limit:


- But not exceeding 3 years for:
 - Employment of a park director, superintendent, administrator, engineer, health officer, land planner, finance director, attorney, police chief, or other officer who requires technical training or knowledge.



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Exceptions to 1 year limit:

- But not exceeding 3 years for:
 - The employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys, or other professional consultants who require technical training or knowledge; and
 - The provision of data processing equipment and services


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AWARDING THE BID

- Award to the lowest Responsive and Responsible Bidder

Responsive: Due process right to a fair bid process

Responsible: Satisfies the Criteria you set for such


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Intergovernmental Agreements

- Office Supplies
- Building Materials
- Salt and Plowing Services
- Fuel
- Radios and Dispatch

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AVOIDING UNWANTED EXPENSES

- Fines and Penalties
 - Prevailing Wage Act
 - Surety Bonds
- Prompt Payment Act

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Formerly cited as IL ST CH 105 ¶ 8-1

the district's established specifications, terms of delivery, quality, and serviceability requirements. Contracts which, by their nature, are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding. Contracts for emergency expenditures are also exempt from competitive bidding when the emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of \$20,000 must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding \$1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred. The park district may also seek in the action, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations, and the court shall grant such relief where appropriate. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of this State, and offenders may be imprisoned for non-payment of fines and costs in the same manner as in such cities. All fines when collected shall be paid into the treasury of such district.

(f) To manage and control all officers and property of such districts and to provide for joint ownership with one or more cities, villages or incorporated towns of real and personal property used for park purposes by one or more park districts. In case of joint ownership, the terms of the agreement shall be fair, just and equitable to all parties and shall be set forth in a written agreement entered into by the corporate authorities of each participating district, city, village or incorporated town.



MEMORANDUM

To: Board of Park Commissioners

From: Director Stumpf

Date: January 15, 2013

Re: **RECOMMENDATION: ACCEPTANCE OF BID FROM BOLLER CONSTRUCTION FOR
ADA PHASE 1 IMPROVEMENTS**

C: Executive Director McElroy, Manager Gardocki

The Park District of Highland Park received seven (7) sealed bids on Tuesday, January 15, 2013 for labor and materials to complete ADA improvements at four site locations: Hidden Creek Aqua Park, Recreation Center of Highland Park, Heller Nature Center and Deer Creek Courts.

RECOMMENDATION

Staff identified the apparent lowest bidder as non-responsive to the bidding requirements. Therefore, staff reviewed the next lowest bidder and found them fully responsive. Due to available budget, staff recommends inclusion of Alternate A (Deer Creek Lift) and does not recommend Alternate B & C at this time (Heller Classroom in the Woods items). These items are best postponed to another fiscal year and possibly incorporating them into an overall review and renovation of the structure. With these findings, staff recommends the following motions:

1. *A preliminary finding that the putative low bid was not responsive due to failure of the Contractor to meet the experience requirements set forth in the bidding documents and failure to sign the bid bond."*
2. *Award of the contract to the lowest responsive and responsible bid for the Base Bid and Alternate A from Boller Construction Company, Inc., 3045 Washington St, Waukegan, IL 60095 in the amount of \$199,100.*

Boller Construction completed our Danny Cunniff Team Building in 2000. Additional contractor references have been completed and documented.

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