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CHAPTER 37: FINANCE

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§ 37.01 ANNUAL BUDGET.

(A) *Adoption of an annual budget.* The city hereby adopts ILCS Chapter 65, Act 5, §§ 8-2-9.1— 8-2-9.10 providing for an annual municipal budget in lieu of the passage of an annual appropriations ordinance.

(B) *Budget officer.* The Commissioner of Accounts and Finance with the approval of the City Council shall appoint a budget officer who shall have the powers, duties, and responsibilities enumerated in the above sections of the ILCS as they are now or may hereafter be amended. The budget officer shall give a bond in such sum as may be required by statute.

(C) *Computation of annual budget.* The budget officer shall compile a budget pursuant to the above sections of the ILCS as they are now, or may hereafter be amended, containing estimates of the revenues available before the beginning of the fiscal year to which it applies together with recommended expenditures for the city. The budget shall be adopted prior to May 1 of each fiscal year.

(D) *Public inspection, notice, and hearings on budget.* Copies of the tentative annual budget shall be made available for public inspection in printed or typewritten form in the office of the City Clerk for at least 10 days prior to the passage of the annual budget. Not less than 1 week after the budget is available for inspection, and prior to final action on the budget, at least 1 public hearing shall be held on the budget by the City Council. Notice of this hearing shall be given by publication in a newspaper having a general circulation in the city at least 1 week prior to the time of hearing.

(E) *Revision of annual budget.* The City Council may delegate authority to heads of municipal departments, boards, or commissions to delete, add to, or change items previously budgeted to the department, board, or commission, subject to any limitation or requirement for final approval by the budget officer or Commissioner of Accounts and Finance as the City Council upon a 4/5 vote of the members may establish. The annual budget may be revised by a vote of 4/5 of the City Council by deleting adding to or changing budgeted items. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

(Ord. 2000-9, passed 3-27-2000)

§ 37.02 APPROPRIATION PREREQUISITE TO INDEBTEDNESS.

No indebtedness shall be incurred, except such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which the indebtedness could be paid; during the first quarter of any fiscal year, before the enactment of the current appropriation ordinance, the city may

operate under the appropriation ordinance of the preceding year.

(1969 Code, § 2-7)

Statutory reference:

Limitations on indebtedness of municipal corporations with population less than 500,000, see ILCS Chapter 65, Act 5, § 8-5-1

Similar provisions, see ILCS Chapter 65, Act 5, §§ 8-1-7, 8-2-9

§ 37.03 BILL APPROVAL BEFORE PAYMENT; EXCEPTION.

All bills payable by the city, other than for the payment of salaries previously established by the City Council, shall be submitted to the City Council for approval before payment.

(1969 Code, § 2-10)

§ 37.04 ANNUAL AUDIT.

As soon as practicable at the close of each fiscal year, and no later than 3 months thereafter, there shall be an audit of all accounts of the city made by a competent person authorized to act as an auditor under the laws or the state, to be designated by the City Council. Copies of the audit report shall be filed with the City Clerk who shall file the report with the auditor of public accounts and in such other places as may be required by law.

(1969 Code, § 2-11)

Statutory reference:

Similar provisions, see ILCS Chapter 65, Act 5, § 8-8-3

PURCHASING

§ 37.15 COMPETITIVE BIDDING REQUIRED.

No purchase of, or contract for, supplies, equipment, or services shall be made by the city without competitive bidding, except as provided in § [37.16](#) of this code.

(1969 Code, § 2-300) (Ord. 1975-2, passed 4-14-1975; Am. Ord. 1988-36, passed 12-12-1988)

§ 37.16 EXCEPTIONS TO BIDDING REQUIREMENT.

Bidding may be dispensed with in the following instances:

- (A) When the amount of the contract for services is \$10,000 or less, or when the amount of the purchase or contract for supplies or equipment is \$15,000 or less;
- (B) When the supplies can be obtained from only 1 vendor;
- (C) When the service is unique and not subject to competitive bidding;
- (D) When an emergency exists and it is in the public interest to dispense with bidding and if authorized by 4/5 vote of the Council;
- (E) When public work is performed by the city with its own employees and all materials which have an estimated cost in excess of \$5,000 are bid in accordance with other sections herein;
- (F) When an existing concession or maintenance service agreement is about to expire, and the Council by the affirmative vote of not less than 4 of its members renews or extends the agreement, provided each renewal or extension does not exceed the length of and contains terms as favorable to the city as the original agreement; or
- (G) When supplies can be purchased in cooperation with other public agencies or entities and it is to the advantage of the city to do so.

(1969 Code, § 2-301) (Ord. 1975-2, passed 4-14-1975; Am. Ord. 1978-16A, passed 5-24-1978; Am. Ord. 1983-14, passed 5-23-1983; Am. Ord. 1986-3, passed 1-27-1986; Am. Ord. 1989-36, passed 12-12-1988; Am. Ord. 1996-16, passed 5-28-1996)

§ 37.17 BIDDING PROCEDURE.

All bids shall be solicited, opened, and awards made thereon as follows.

- (A) *Solicitation of bids.* Bids shall be solicited by a notice inviting bids, published in a newspaper having general circulation within the corporate limits of the city at least once in each week for 3 successive weeks, with the first publication being at least 30 days prior to the time for bid opening.
- (B) *Contents of notice.* The notice inviting bids shall include a general description of the supplies or services to be purchased or contracted for, shall state where bid forms and specifications may be secured, and shall specify the time and place for the receipt and opening of bids.
- (C) *Minimum number of bids.* Whenever possible at least 2 bids shall be obtained.
- (D) *Form of bids.* All bids shall be in writing, and shall be in strict compliance with the bidding procedure which is hereinafter enumerated. All bidders shall be allowed listings of the bidding procedure in the form of

instructions, which instructions shall be as follows.

(1) All items contained in the instructions to bidders are applicable to this call for bids.

(2) No bid may be withdrawn after the scheduled closing time for receipt of bids for at least 30 days.

(3) The envelope containing bid shall be marked plainly "sealed bid," with material or service description, bid call number, date and time of closing written thereon. All bid proposals must be signed with the firm name and by an authorized officer or employee of the company.

(4) Unless otherwise stated in this call for bids, each bidder must submit with his or her bid either a certified check on any bank, a cashier's check on a bank doing business in the city, or a combination bid and supply bond acceptable to the city in the amount of 10% of the total base bid, payable to the city, as a guarantee that the successful bidder will supply material and services as specified.

(5) The city reserves the right to require the successful bidder to furnish a performance bond. When required, the bond shall be furnished within 72 hours after notification of award in an amount not to exceed 100% of the total bid price.

(6) All bids must include all taxes that are applicable to the city. The city and state sales tax and federal excise taxes are not applicable to sales made to the city and must be excluded. The City Clerk, upon request, will execute the exemption certificates in connection with all orders when federal excise tax would otherwise be due.

(7) Bid price to be F.O.B. Paris, Illinois, with delivery to city using point within the area unless otherwise stated in this call for bids. Prices shall be stated in units and quotation made on each item separately. In case of conflict, unit price shall govern.

(8) All prices and notations must be in ink or typewritten. Mistakes may be crossed out and corrections typed adjacent and must be initialed in ink by person signing proposal. The proposal must be signed by an authorized officer or individual.

(9) The brand name or manufacturer of each item proposed must be clearly stated. Guarantee and warranty information must be included with this bid.

(10) The parts and materials must be of current date (latest model) and meet specifications. This provision excludes surplus, remanufactured, and used products except as alternate bid.

(11) Bids will be considered on equipment or material complying substantially with specifications provided each deviation is stated and the

substitution is described, including technical data when applicable, in a letter attached to bid.

(a) The city reserves the right to determine as to whether substitutions or deviations are within the intent of the specifications and will reasonably meet the service requirements of the using department.

(b) In addition to price and applicability, consideration for award may be given to engineering design which adds safety, convenience, or adaptability for the use intended. A brand name which may be mentioned in specifications does not indicate a preference and is used only as a reference to the type and quality of materials or equipment desired.

(12) Time of delivery is a part of the consideration and must be stated in definite terms as this may be a factor in making the award. If time varies on different items, the bidder shall so state.

(13) Items of foreign origin must be so indicated. Signature to the bid proposal will be taken as certification that all manufactured articles, materials and supplies not otherwise indicated, have been made or produced in this country or its insular possessions.

(14) Unless otherwise specified, materials and equipment purchased will be inspected by the receiving activity as to meeting the quality requirements of the call for bids. When deemed necessary, samples of supplies or materials will be taken at random from stock received for submission to a commercial laboratory, or other appropriate inspection agency, for analysis and test as to whether the material conforms in all respects to the specifications. In cases where the commercial laboratory report indicates that the material does not meet the specifications, the expense of analysis is to be borne by the successful vendor and the order or balance thereof may be cancelled by the city.

(15) Bidders must be sure to specify any terms which they wish to offer in the space provided. Cash discounts will be deducted from the base bid in determining the low bidder, except that cash discounts based on payment in less than 10 days will not be considered. A percentage cash discount will be deducted from all invoices (excluding labor) by the city when paid within 21 days following receipt of proper bill and delivery of material, unless otherwise specified by the bidder in his or her bid proposal.

(16) In case of default by the vendor, the city may procure the articles or services from other sources and may deduct from unpaid balance due the vendor, or may collect against the bond or surety for excess costs so paid, and the prices paid by the city shall be considered the prevailing market price at the time that purchase is made.

(17) The vendor shall hold the city, its officers, agents, and employees, harmless from liability of any nature or kind on account of use of any copyrighted or uncopyrighted composition, secret process, patented or

unpatented invention, article, or appliance furnished or used under this bid call.

(18) The successful bidder is specifically denied the right of using in any form or medium the name of the city for public advertising unless express permission is granted by the city.

(19) The city reserves the right to reject any or all bids, or any part thereof, or to accept any bid or any part thereof, to waive any informalities in any bid, deemed to be for the best interest of the city.

(E) *Bid opening.* Bids shall be opened by the City Clerk or his or her representative at the time and in the place designated in the notice inviting bids.

(F) *Awards; rejection.* Awards shall be made by the City Council to the lowest responsible bidder. However, the City Council may reject any and all bids received. If all bids are rejected, the City Council may resolicit new bids, or may determine that the work or service may be performed more economically or more satisfactorily by the city with its own employees, or that the supplies may be purchased at a lower price or more advantageously in the open market, and may proceed without further observance of the provisions of this subchapter.

(G) *No bids.* If no bids are received, the City Council may proceed without further competitive bidding.

(1969 Code, § 2-302) (Ord. 1975-2, passed 4-14-1975; Am. Ord. 1979-30, passed 9-24-1979)

§ 37.18 DETERMINING LOWEST RESPONSIBLE BIDDER.

In determining the lowest responsible bidder, the following shall be considered, in addition to price:

- (A) The quality of supplies offered;
- (B) The ability, capacity, and skill of the bidder to perform the contract or provide the supplies or service required;
- (C) Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
- (D) The sufficiency of the bidder's financial resources and the effect thereof on his or her ability to perform the contract or provide the supplies or services;
- (E) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (F) The quality of bidder's performance on previous orders or contracts

for the city;

(G) Litigation by the bidder on previous orders or contracts with the city;

(H) The previous and existing compliance by the bidder with law and ordinances relating to the subject of the contract;

(I) The ability of the bidder to provide future maintenance and service where maintenance and service is essential; and

(J) Payment of local sales or use taxes that will accrue to the city.

(1969 Code, § 2-303) (Ord. 1975-2, passed 4-14-1975)

§ 37.19 AWARD TO OTHER THAN LOW BIDDER; STATEMENT REQUIRED.

When the award is not given to the lowest bidder, a full and complete statement of the reasons therefor shall be prepared by the City Council, approved by the City Attorney, and filed with the other papers related to the transaction.

(1969 Code, § 2-304) (Ord. 1975-2, passed 4-14-1975)

§ 37.20 RESOLUTION OF TIE BIDS.

If 2 or more bids are for the same total amount of unit price, quality and service being equal, and if the public interest will not permit the delay or re-advertising for bids, the City Council may award the contract to 1 of the tie bidders by drawing lots in public or it may negotiate with the tie bidders and accept the lowest bid; provided, however, that when a county firm is involved in a tie bid with 1 or more firms from outside the county, all other things being equal, the award shall be made to the county firm.

(1969 Code, § 2-305) (Ord. 1975-2, passed 4-14-1975)

§ 37.21 REJECTION OF BIDS.

The City Council may reject any and all bids and may cause the purchase or contract to be re-advertised.

(1969 Code, § 2-306) (Ord. 1975-2, passed 4-14-1975)

§ 37.22 DEFAULTING BIDDER.

If the successful bidder refuses or fails to accept a purchase order or enter into a contract, as the case may be, within 10 days after he or she has been

notified of the award, his or her bid security shall be forfeited to the city and the City Council may make the award to the next lowest responsible bidder. If the award is thus made to the next lowest responsible bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the lowest bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. If there is not enough bid security to compensate the city for its loss, the defaulting bidder shall be liable for the deficit.

(1969 Code, § 2-307) (Ord. 1975-2, passed 4-14-1975)

§ 37.23 RETURN OF BID DEPOSIT.

After the successful bidder has accepted a purchase order or entered into a contract, as the case may be, bid deposits shall be returned to the unsuccessful bidders.

(1969 Code, § 2-308) (Ord. 1975-2, passed 4-14-1975)

§ 37.24 PURCHASES BY QUOTATIONS.

Any purchase of, or contract for, supplies or services when the amount thereof is reasonably expected to be less than \$5,000 may be made by the City Council by quotations.

(1969 Code, § 2-309) (Ord. 1975-2, passed 4-14-1975; Am. Ord. 1980-56, passed 12-22-1980; Am. Ord. 1983-13, passed 5-23-1983; Am. Ord. 1986-3, passed 1-27-1986)

§ 37.25 QUOTATION PROCEDURE.

All quotations shall be solicited as follows.

(A) Quotations shall be solicited by the appropriate Commissioner or the appropriate superintendent in writing, orally, or by telephone.

(B) Whenever possible at least 2 quotations shall be obtained.

(C) Upon report of the quotations by the appropriate Commissioner or superintendent to the City Council, awards shall be made by the City Council to the lowest quotation. However, the City Council may reject any and all quotations received.

(1969 Code, § 2-310) (Ord. 1975-2, passed 4-14-1975)

§ 37.26 DETERMINING LOWEST QUOTATION.

In determining the lowest responsible quoter, the following shall be considered, in addition to price:

- (A) The quality of supplies offered;
- (B) The ability, capacity, and skill of the quoter to perform the contract or provide the supplies of services required;
- (C) Whether the quoter can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
- (D) The sufficiency of the quoter's financial resources and the effect thereof on his or her ability to perform the contract or provide the supplies or services;
- (E) The character, integrity, reputation, judgment, experience, and efficiency of the quoter;
- (F) The quality of quoter's performance on previous orders or contracts with the city;
- (G) Litigation by the quoter on previous orders or contracts with the city;
- (H) The previous and existing compliance by the quoter with law and ordinances relating to the subject of the purchase or contract;
- (I) The ability of the quoter to provide future maintenance and service where maintenance and service is essential; and
- (J) Payment of local sales or use taxes that will accrue to the city.

(1969 Code, § 2-311) (Ord. 1975-2, passed 4-14-1975)

§ 37.27 EXPENDITURES IN EXCESS OF \$1,000; COUNCIL APPROVAL.

Notwithstanding the provisions of this subchapter, any contemplated expenditures for or on behalf of any department or subdivision of the city corporate entity which are in excess of \$1,000 must be submitted to the entire City Council for approval prior to purchase.

(1969 Code, § 2-312) (Ord. 1980-55, passed 12-22-1980; Am. Ord. 2001-5, passed 2-12-2001)

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