

CHAPTER 32: PURCHASING AND EXPENDITURE AUTHORITY AND PROCEDURES

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§32.01 EXPENDITURE AUTHORITY OF VILLAGE ADMINISTRATOR.

The Village Administrator, or his or her designee, shall be and is hereby authorized to engage services and/or to make purchases of material, equipment, services or supplies and other expenditures authorized by the annual appropriation ordinance then in effect, provided that each such purchase or expenditure or matter by the Village Administrator that will create an obligation in excess of two thousand five hundred dollars (\$2,500.00) shall first be authorized by the Corporate Authorities of the Village, unless otherwise specifically provided by said corporate authorities, unless otherwise provided by the Corporate Authorities in this Code or otherwise.

§32.02 EXPENDITURE AUTHORITY OF VILLAGE PRESIDENT.

The Village President shall be and is hereby authorized to enter into contracts and to engage the services and/or to make purchases of material, equipment, services or supplies and other expenditures authorized by the annual appropriation ordinance then in effect, provided that each such contract, purchase, expenditure or matter by the Village President that will create an obligation in excess of five thousand dollars (\$5,000.00) shall first be authorized by the Corporate Authorities of the Village, unless otherwise provided by said Corporate Authorities in this Code or otherwise. (Ord. 2017-12 passed 7/20/17)

§32.03 WHEN REQUESTS FOR PROPOSALS OR PUBLIC BIDDING ON CONTRACTS IS REQUIRED.

Except as otherwise provided herein, no purchase of any article or commodity that costs more than one thousand dollars (\$1,000.00) shall be made, except in case of emergency, or except with specific approval of the Corporate Authorities, unless written proposals have been requested from two (2) or more sellers of such article or commodity.

To the extent required by the Illinois Compiled Statutes, any work or other public improvement which will not be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$25,000, shall be constructed either (a) by a contract let to the lowest responsible bidder after advertising for bids or (b) without advertising for bids if authorized by a vote of two-thirds of all the trustees then holding office. Such bids are to be ultimately submitted to the Village Board for review and approval.

Advertising for bids shall take place on the Village's website and in the construction trade publication Dodge Reports (Dodge Data & Analytics LLC) or other specified construction lead service.

(Ord. 19-04, passed 3/14/19)

§32.04 EXEMPTIONS.

The following categories of contracts and/or expenditures shall be exempt from the requirements of Section 32.03:

Contracts with any state, local, or federal government or any agency thereof;

Professional services including, but not limited to, attorneys, real estate appraisers, planner, auditors, health inspectors, and building inspectors; and

Other purchases or contracts specifically exempted from competitive bidding requirement by Illinois compiled statutes.

(Ord. 19-04, passed 3/14/19)

§32.05 EMERGENCY CONTRACTS.

Notwithstanding anything contained in this Code to the contrary, in the event of an emergency affecting public health, welfare or safety so declared by the Village President, a contract may be let or a purchase made for work, supplies, materials or services, to the extent necessary to resolve such emergency without any public advertisement for bids. The President shall inform the Village Treasurer of such expenditure or contract and the amounts to be expended. The Treasurer shall prepare an addendum to the monthly cash disbursement statement.

A finding of such an emergency shall be made in an affirmative vote of at least two-thirds of the Board of Trustees then holding office no later than the first regular Village Board meeting held after such emergency expenditure or contract was entered into.

§32.06 INVALID PURCHASE CONTRACTS.

Any purchase or contract executed in violation of this Chapter shall be null and void as to the Village and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the Village. (Ord. 2012-11, Passed 04/16/12)

§32.07 EQUAL EMPLOYMENT PRACTICES AND BUSINESS ENTERPRISE POLICY AND PROGRAM.

(A) Definitions: The words, terms, and phrases used in this Section shall have the meanings ascribed to them in the Illinois Human Rights Act (775 ILCS 5) and the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575), except where the context clearly indicates a different meaning.

(B) Declaration of Village Policies:

Equal Employment Practices and Business Enterprise Policy and Program: It is hereby declared to be the policy of the Village of Deer Park to comply with the equal employment practices of 2-105

(775 ILCS 5/2-105) of the Illinois Human Rights Act (775 ILCS 5) and the business enterprise program practices for minority-owned businesses, female-owned businesses, and businesses owned by persons with disabilities of the Business Enterprise for Minorities, Females, and Persons with

Disabilities Act (30 ILCS 575) and to require any contractor, vendor, financial institution or labor organization contracting with the Village to comply with these same Illinois statutes.

(C) Requirements for Contracts with the Village:

(1) The Village shall not contract with any contractor, purchase goods or services from any vendor, maintain any financial relations with any financial institution, or use the services of any labor organization or member thereof, which, after an investigation by the Village, is found by the Village Administrator, to be in violation of the applicable provisions of this Section, of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575) or the Illinois Human Rights Act (775 ILCS 5), and/or of any other applicable state or federal regulations, except where such contractor, vendor or financial institution is the sole source of the particular product or service being sought by the Village and such product or service is essential for the governmental operations of the Village.

(2) The Village shall not contract with any contractor or vendor, maintain any financial relation with any financial institution, or use the services of any labor organization or member thereof, which does not first submit to the Village a written commitment to provide equal employment opportunity. Such commitment shall:

(a) Set out and agree to maintain specific employment practices and policies sufficient to achieve the Village policies established by this Section;

(b) Agree to make a good faith effort to meet the policies and goals established by this Section relative to the award of contracts involving Village funds or funds administered by the Village. Goals will be established annually by the Village Administrator, or his or her designee;

(c) Agree to submit to the Village upon request written evidence of the effectiveness of the above required practices, policies and goals;

(d) Agree to submit to the Village upon request statistical data concerning employee composition or membership composition on any legally protected status and job descriptions;

(e) Agree to distribute copies of the commitment set forth in this Section to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants, or members.

(f) Agree to require any subcontractor to submit to the Village a written commitment which contains the provisions required by subsections. (1).through (5).of this subsection.

(3) All contracts by and between the Village and any contractor, vendor, financial institution or labor organization contracting with the Village shall contain the following clauses:

“The contractor, vendor, financial institution, or labor organization (collectively, “entities”) will not discriminate (as defined in the Illinois Human Rights Act) against any employee, applicant for employment, or members. The entities will take such actions as may be reasonably necessary to comply with the provisions of Sections 32.07 and 32.08 of Chapter 32 of the Deer Park Municipal Code and, in particular, the Policies of the Village

as set forth in Sections 32.07 and 32.08 thereof and will require any subcontractor to submit to the Village written commitment to do the same. The entities will distribute copies of this commitment to all persons who participate in recruitment, screening, referral and selection of job applicants, prospective job applicants, members or prospective subcontractors. The entities agree that the language of the commitment shall be and is hereby incorporated by reference, as if set out verbatim and in its entirety in all Village contracts.”

- (4) Any contractor, vendor, financial institution or labor organization contracting with the Village will be required to submit to the Village, upon written request by the Village Administrator, compliance reports containing such information as to the practices, policies, programs and statistics of employee or membership composition based upon any legally protected status and job description, as may be prescribed by the Village Administrator and will require any subcontractor to submit a compliance report upon written request by the Village Administrator.
- (5) If any contractor, vendor, financial institution or labor organization contracting with the Village fails to comply with the provisions of this Section, the Village, at its option, may do any or all of the following:
 - (a) Cancel, terminate or suspend the contract in whole or in part;
 - (b) Declare the contractor, vendor, financial institution or labor organization ineligible for further contracts for one calendar year;
 - (c) The Village Administrator is hereby authorized to direct the Village Attorney to initiate the prosecution of violations of this Section to seek penalties pursuant to Section 10.99 of the Deer Park Municipal Code, and other appropriate relief, against any contractor, vendor, financial institution, or labor organization which fails to comply with any applicable provisions of this Section. Fines shall be imposed for each day that such entity shall be found to be or to have been in violation of this Section by a court of competent jurisdiction or by an administrative adjudication hearing officer for the Village, and each day shall be deemed a separate offense. Penalties assessed under this Section may be recovered from the entity by setoff against the unpaid portion of the contract price, or by other lawful means.
 - (d) Impose such other sanctions as may be determined to be appropriate by the Village Administrator pursuant to this Section and/or the other provisions of this Code.
- (D) Village Program(s): It shall be the duty of the Village Administrator, or his designee, to develop and maintain program(s) to achieve the Village policies established in this Section.
- (E) Exceptions: This Section does not apply to a religious corporation, association, educational institution or society whose primary purpose and function is religious with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(Ord. 2014-01, passed 01/20/14)

§32.08 DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY AND PROGRAM.

- (A) The Village of Deer Park (“Village”) is committed to a policy of nondiscrimination and hereby establishes a “Disadvantaged Business Enterprise Policy and Program (DBE)”. It is the policy and commitment of the Village not to discriminate on the basis of race, color, national origin, or sex in the award and performance of any Village contract or in the administration of its Disadvantaged Business Enterprise (DBE) Policy and Program. The Village will take all necessary and reasonable steps to assure that small business enterprises, certified and defined as DBEs pursuant to 49 CFR Part 26, shall have a fair opportunity to participate in Village contracts. As part of its DBE policy commitment, the Village will make every effort to achieve the following objectives of 49 CFR Part 26:
- (1) Ensure nondiscrimination in the award and administration of contracts;
 - (2) Create a level playing field on which DBEs can compete fairly for federally-assisted contracts;
 - (3) Ensure that the Village’s DBE Policy and Program is narrowly tailored in accordance with applicable law;
 - (4) Ensure only firms that fully meet eligibility standards of 49 CFR Part 26 are permitted to participate as DBEs;
 - (5) Help remove barriers so DBEs can fully participate in contracts;
 - (6) Assist the development of firms so they can compete successfully in the marketplace outside the DBE Policy and Program;
 - (7) Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs; and
 - (8) Ensure that implementation of the Village’s DBE Policy and Program is accorded the same priority as compliance with all other legal obligations required by the Village’s financial assistance agreements with the U.S. Department of Transportation (DOT), Federal Railroad Administration, and/or any other governmental agencies.
- (B) The Village President and the Village Administrator are specifically delegated responsibility to ensure proper DBE participation in the Village’s procurement process. However, all Village officials and Village staff share in the responsibility for making the Village’s DBE Policy and Program a success.
- (C) This statement is made available to DBE and non-DBE business communities that perform work for the Village. The Village Board is committed to the DBE Policy and Program and shall take all reasonable steps to ensure achievement of this goal.
- (D) In accordance with 49 CFR 26.13(a), as amended, the Village shall not discriminate on the basis of race, color, national origin, or sex in the implementation of a project and in the award and performance of any third-party contract, or subagreement supported with Federal assistance derived from the U.S. DOT, the FRA, and/or other governmental agency in the administration of its Disadvantaged Business Enterprise (DBE) program or the requirements of 49 CFR Part 26, as amended. The Village shall take all necessary and reasonable steps set forth in 49 CFR Part 26, as amended, to

ensure nondiscrimination in the award and administration of all third-party contracts and subagreements supported with Federal assistance derived from the U.S. DOT and/or the FRA and/or other governmental agency. 49 CFR Part 26, as amended, is hereby incorporated herein by reference and made a part of this Chapter and part of any agreement for any Federal assistance awarded by the U.S. DOT, the FRA, and/or any other governmental agency. Implementation of this DBE policy and program is a legal obligation of the Village, and failure to carry out its terms shall be treated as a violation of this Chapter. Upon notification by the Federal Government or the State to the Village of its failure to implement this DBE Policy and Program, the U.S. DOT, the FRA, and/or other governmental agency may impose sanctions as provided for under 49 CFR Part 26, as amended, and may in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, as amended, and/or the Program Fraud Remedies Act, 31 U.S.C. 3801 et seq., as amended.

(Ord. 2014-01, passed 01/20/14)