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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND  
AWARDING OPEN SYSTEMS INTERNATIONAL, INC. AN ORDER FOR THE  
PURCHASE OF SCADA SYSTEM UPGRADED SOFTWARE**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**  
**TOM MCDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**

**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND  
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**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, the City operates an electrical utility through the Rochelle Municipal Utilities (“RMU”), one of its departments; and

**WHEREAS**, the RMU utilizes SCADA software, which was provided by Open Systems International, Inc. (“OSI”), to maintain operational effectiveness; and

**WHEREAS**, the RMU’s electric utility’s existing SCADA software requires upgrades, as several components of the current software will discontinue functioning and their risk losing the SCADA system’s functionality altogether.

**WHEREAS**, OSI has provided a bid in the amount of \$35,536.00 to provide the software upgrades to the existing SCADA software. This bid includes the upgraded software implementation and training of all users on the upgraded SCADA platform; and

**WHEREAS**, the City desires to waive competitive bidding requirements and accept OSI’s bid for the purchase of SCADA software upgrades for the City in an amount not to exceed \$35,536.00; and

**WHEREAS**, the City may waive competitive bidding requirements by a two-thirds vote of the City Council pursuant to 65 ILCS 5/8-9-1 of the Illinois Municipal Code and Section 2-371 of the Rochelle Municipal Code; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to accept the bid of OSI and waive competitive bidding due to the unique nature of the SCADA software; and

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:**

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby accept the bid of Open Systems International, Inc; substantially in form and with the same pricing terms as the bid attached hereto as Exhibit 1, and the Mayor and/or City Manager are hereby authorized to execute any necessary documents to accept the bid, subject to review and revision as to form by the City Attorney.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 11<sup>th</sup> day of May, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11<sup>th</sup> day of May, 2020.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AWARDED OPEN SYSTEMS INTERNATIONAL, INC. AN ORDER FOR THE PURCHASE OF SCADA SYSTEM UPGRADED SOFTWARE” which was adopted by the Mayor and City Council of the City of Rochelle on May 11, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11<sup>th</sup> day of May, 2020.

\_\_\_\_\_  
CITY CLERK