
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AWARDING BAXTER & WOODMAN CONSULTING ENGINEERS A CONTRACT TO
DESIGN AND BUILD THE BLOWER REPLACEMENT PROJECT FOR THE CITY'S
WATER RECLAMATION FACILITY**

CHET OLSON, Mayor
SUE MESSER, City Clerk

TOM MCDERMOTT
BIL HAYES
DON BURKE
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN BEARROWS
City Council

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

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. ____

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AWARDING BAXTER & WOODMAN CONSULTING ENGINEERS A CONTRACT TO
DESIGN AND BUILD THE BLOWER REPLACEMENT PROJECT FOR THE CITY'S
WATER RECLAMATION FACILITY**

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's Water Reclamation Facility's anaerobic lagoon has lost treatment capability because its capacity has been exhausted; and

WHEREAS, the City's Water Reclamation Facility requires improvements to restore the anaerobic lagoon's capacity and including improvements to the System 1 lift station, headworks, and activated sludge system; and

WHEREAS, the City desires to waive competitive bidding requirements and award Baxter & Woodman Consulting Engineers a contract to design and build the blower replacement project for the City's Water Reclamation Facility; 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 execute a contract with Baxter & Woodman Consulting Engineers in the amount of \$270,000.00; 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 approve said contract with Baxter & Woodman Consulting Engineers; substantially in form and with the same pricing terms as the quote attached hereto as Exhibit 1, and the Mayor and/or City Manager are hereby authorized to execute said Agreement, 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 ____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2018.

MAYOR

ATTEST:

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 BAXTER & WOODMAN CONSULTING ENGINEERS A CONTRACT TO DESIGN AND BUILD THE BLOWER REPLACEMENT PROJECT FOR THE CITY’S WATER RECLAMATION FACILITY” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2018.

CITY CLERK