
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO
AGREEMENTS FOR ENTERPRISE SOFTWARE AND CONSULTING**

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City Council

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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 various utilities the Rochelle Municipal Utilities (“RMU”), one of its departments; and

WHEREAS, the City currently utilizes multiple separate, stand-alone software programs for inventory, work orders, and asset tracking, none of which integrate with the current software; and

WHEREAS, there is a significant deficiency in the City’s ability to communicate, collaborate, and respond to citizen’s request for the Street, Cemetery, Water, Water Reclamation, Electric, and Technology Departments; and

WHEREAS, the City’s staff has researched options for Enterprise Resource Planning (“ERP”) software systems and Enterprise Asset Management (“EAM”) software systems that would integrate all of the RMU’s needs into a unified platform; and

WHEREAS, the City’s staff has concluded that Incode ERP solution and DTS/VUEWorks EAM solutions were the only product that met the City’s needs and requirements; and

WHEREAS, the software products, including implementation training, would serve the City’s multiple utilities and replace the existing stand-alone software products; and

WHEREAS, the City desires to waive competitive bidding requirements and authorize the City Manager to negotiate and execute agreements with Tyler Technologies, Data Transfer Solutions, and Baecore Group for an amount not to exceed \$881,567.00, with an additional \$94,548.00 for subsequent annual operations costs; 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 waive competitive bidding requirements and authorize the City Manager to negotiate and execute agreements with Tyler Technologies, Data Transfer Solutions, and Baecore Group for an amount not to exceed \$881,567.00, with an additional \$94,548.00 for subsequent annual operations costs; 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 to waive the competitive bidding requirements and authorize the City Manager to negotiate and execute agreements with Tyler Technologies, Data Transfer Solutions, and Baecore Group for an amount not to exceed \$881,567.00, with an additional \$94,548.00 for subsequent annual operations costs, subject to the review and revision as to the form and substance 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 9th day of November, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 9th day of November, 2020.

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 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AGREEMENTS FOR ENTERPRISE SOFTWARE AND CONSULTING”, which was adopted by the Mayor and City Council of the City of Rochelle on November 9, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9th day of November, 2020.

CITY CLERK