
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AWARDING UUSCO THE PURCHASE ORDER FOR 21 ELECTRICAL DISTRIBUTION
SWITCHGEAR UNITS**

JOHN BEARROWS, Mayor
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City Council

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SWITCHGEAR UNITS**

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

WHEREAS, the RMU electric distribution system currently utilizes switchgears manufactured by ABB; and

WHEREAS, over the past year, the RMU has had six ABB pad mounted switchgear failures; and

WHEREAS, these particular switchgears were purchased between 2011 and 2016; however, the expected useful lifespan of a pad mounted switch gear is approximately 25 to 30 years; and

WHEREAS, the RMU began using S&C switchgears for all replacements of the failing ABB switchgears;

WHEREAS, the RMU’s staff has identified 21 switchgear units in the distribution system that should be replaced to improve the reliability of the system; and

WHEREAS, UUSCO is the manufacturer’s representative for S&C and no other vendors are allowed to sell this equipment in this territory; and

WHEREAS, UUSCO has submitted a purchase order in the amount of \$457,900.00 for the

purchase of the 21 S&C switchgears; and

WHEREAS, RMU staff has determined that the replacement of the 21 existing switchgears is necessary for the reliability and operation of the distribution system; and

WHEREAS, the City desires to waive competitive bidding requirements and award UUSCO a purchase order for the purchase of 21 S&C switchgears in an amount not to exceed \$457,900.00; 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 waive competitive bidding and award UUSCO a purchase order for the purchase of 21 S&C switchgears in an amount not to exceed \$457,900.00; 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 waive competitive bidding and award UUSCO a purchase order for the purchase of 21 S&C switchgears in an amount not to exceed \$457,900.00; substantially in form and with the same pricing terms as the quote attached hereto as Exhibit 1, and the City Manager is hereby authorized to execute said Purchase Order and ancillary agreements, 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 24th day of January, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24th day of January 2022.

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. __, “ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AWARDED UUSCO THE PURCHASE ORDER FOR 21 ELECTRICAL DISTRIBUTION SWITCHGEAR UNITS” which was adopted by the Mayor and City Council of the City of Rochelle on January 24, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of January 2022.

CITY CLERK