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

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

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**AN ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENTS AND  
AUTHORIZING THE PURCHASE OF ONE NEW 2-TON FALCON ASPHALT  
RECYCLER AND COLD PATCH TRAILER**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

**TOM MCDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**ROSAELIA ARTEAGA**  
**BEN VALDIVIESO**

**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, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

CITY OF ROCHELLE  
Ogle County, Illinois

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

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AUTHORIZING THE PURCHASE OF ONE NEW 2-TON FALCON ASPHALT  
RECYCLER AND COLD PATCH TRAILER**

**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 Street Department uses a Falcon asphalt recycler and hot box unit to patch potholes, temporarily patch road openings, and level or taper pavement displacements; and

**WHEREAS**, the Falcon asphalt recycler and hot box unit is approximately 16 years old and is needs to be replaced; and

**WHEREAS**, the City sought a quote for the purchase of the Falcon asphalt recycler and hot box trailer through the Purchasing Cooperative of America (PCA) which seeks out bids for this equipment; and

**WHEREAS**, Midwest Paving Equipment, Inc. in Glen Ellyn, Illinois has provided the City with a quote in the amount of \$33,967.00, for the Falcon asphalt recycler and hot box trailer, a copy of which is attached as “Exhibit 1”; 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 the competitive bidding requirements and approve the purchase of the Falcon asphalt recycler and hot box trailer from Midwest Paving Equipment, Inc.

**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 the competitive bidding requirements and authorize the City Manager and/or his designee to execute all documents memorializing of the Falcon asphalt recycler and hot box trailer from Midwest Paving Equipment, Inc., further described in the attached Exhibit 1, 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.

APPROVED THIS 7<sup>th</sup> day of November 2023

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT 1**



Midwest Paving Equipment, Inc.

Midwest Paving Equipment, Inc.  
757 DuPage Blvd Suite 2387  
GLEN ELLYN, IL 60137 US  
(630) 453-0772

**Estimate**

**ADDRESS**

City of Rochelle, Public Works  
251 East 1st Avenue  
Rochelle, IL 61068

**SHIP TO**

City of Rochelle, Public  
Works  
251 East 1st Avenue  
Rochelle, IL 61068

**ESTIMATE # 1685**

**DATE 10/31/2023**

**EXPIRATION DATE 11/30/2023**

ACTIVITY	QTY	RATE	AMOUNT
<b>5D2TT</b> 2-Ton Falcon Asphalt Recycler & Hot Box Trailer 12-Volt Battery Triple Wall Construction and Fully Insulated Automatic Temperature Control Diesel Burner VIP Technology - Voltage Indicator and Protector Controller Automatically Prevents Burner(s) from Operating Below Burner Manufacturer's Required Voltage One-Piece, Seamless Ceramic Combustion Chamber Independently Certified 92% Fuel Efficiency Diamond Tread Plate Hopper Access Platform Electric Brakes w/ Safety Breakaway Conspicuity Tape Included Options: Battery Charger Package Single diesel burner Dump Box (12-Volt Electric Over Hydraulic) (POWER UP & POWER DOWN) Tandem Axle Trailer Frame - 2" x 6" x 1/4" Tubular Steel Standard frame - 16' Falcon Smart Control package includes: VIP, 7-day timer, fuel level gauge, hour meter, voltmeter, and temperature gauge LED Lighting Upgrade - Two Red Stop/Tail/Turn Lights and One Amber Strobe Per Side Night Work Lights - LED Strobe Warning Light Upgrade to ST235/80R 16" Tires - Load Range E	1	33,967.00	33,967.00

ACTIVITY	QTY	RATE	AMOUNT
Tool Holder - 3-Positions Release agent basket			
<b>Paint</b> Color Falcon Red, Falcon Orange, Falcon Yellow, or Black	1	0.00	0.00
<b>Trailer Plug</b> Specify One (RV plug Round Plug 7 Flat pins) (Semi Plug round Plug 7 round Pins) (Cole Hersey Round Plug 6 Round Pins)	1	0.00	0.00
<b>Freight</b> Midland, MI to Rochelle, IL	1	1,131.00	1,131.00
<b>Warranty</b> Two Year Factory, Lifetime Frame Warranty	1	0.00	0.00
<b>Falcon CCMFG</b> 5 Year Combustion Chamber Maintenance Free Guaranty	1	0.00	0.00
<b>Manual</b> Operator, Parts and Service Manual (Electronic)	1	0.00	0.00
<b>Training</b> On-site Operation and Service Training	1	0.00	0.00
			Subtotal: 35,098.00
<b>Options</b>	1	0.00	0.00
<b>NJP1099A</b> Shovel Clip (Stainless Steel) (PAIR Mounted Curbside Hopper Angled Wall)	1	184.00	184.00
<b>NJP0099I</b> Unloading Door Shovel Pocket (2 total)	1	415.00	415.00
<b>NJP0099Z</b> Curbside Filler Plate	2	190.00	380.00
<b>NJP0A99</b> Electric Hitch Jack	1	260.00	260.00

\*\*\* Prices are Reflective of PCA Contract # PCA OD-362-22  
 \*\*\*Leadtime is currently 90 days this will be confirmed or adjusted at time of order.

SUBTOTAL	36,337.00
TAX	0.00
<b>TOTAL</b>	<b>\$36,337.00</b>

Accepted By

Accepted Date

STATE OF ILLINOIS     )  
   )  
 COUNTY OF OGLE        )     SS.

CERTIFICATE

I, Rose Hueramo, 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 COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE PURCHASE OF ONE NEW 2-TON FALCON ASPHALT RECYCLER AND COLD PATCH TRAILER” which was adopted by the Mayor and City Council of the City of Rochelle on November 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 7<sup>th</sup> day of November 2023.

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CITY CLERK