
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION

NO. _____

**A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF AN IRON
FILTRATION PLANT AT WELL 8**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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

City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson and Murray, LLC, City Attorneys
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION NO. _____

**A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF AN IRON
FILTRATION PLANT AT WELL 8**

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 provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle Community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (RMU); and

WHEREAS, the City held a bid opening on March 14th, 2024 for the construction of an iron filter plant at Well 8 and received 4 proposals; and

WHEREAS, each bid was opened and read aloud with base bids ranging from \$6,872,000 to \$7,940,000. The engineering cost estimate was \$7,130,863 with the base bid 4% under that estimate; and

WHEREAS, the bid tabulation was submitted to Illinois EPA for approval, and upon submission an error pertaining to advertising for disenfranchised business enterprises was discovered. Therefore, in order to proceed with the project, the Illinois EPA is mandating council reject the current bids and repeat the process; and

WHEREAS, the Mayor and City Council have found that it is in the best interest of the City to reject all bids for the construction of an iron filter plant at Well 8, so the project can be readvertised with the appropriate provisions for disenfranchised business enterprises.

**BE IT RESOLVED 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 Resolution

as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby reject all bids and proposals related to the construction of an iron filter plant at Well 8, and call for the readvertising of the project in accordance with all the IEPA’s required provisions.

SECTION THREE: If any provision of this Resolution 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 Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

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

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

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

APPROVED THIS 8th day of April 2024.

MAYOR

ATTEST:

CITY CLERK

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 Resolution No. _____, “A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF AN IRON FILTRATION PLANT AT WELL 8” which was adopted by the Mayor and City Council of the City of Rochelle on April 8, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 8th day of April 2024.

CITY CLERK