
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE PURCHASE OF CHEMICALS FOR WATER/WATER
RECLAMATION**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
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DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
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 regulation 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 permit. A local ordinance may impose more rigorous or definite regulation 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 a water and water reclamation division through the Rochelle Municipal Utilities (“RMU”), one of the City’s departments; and

WHEREAS, RMU recently advertised specifications for water treatment chemicals on a national database to solicit bids through a 3rd party company. On June 27, 2024, the same company hosted a live online reverse auction for Rochelle to assist in procuring competitive bidding; and

WHEREAS, the live auction sought bidders for the purchase of the following water treatment chemicals: Hydrous Manganese Oxide; Sodium Hypochlorite (water); Sodium Hypochlorite (water rec); Polyphosphate; HFS (fluoride); Sodium Bisulfite and Polymer; and

WHEREAS, the results of the live auction produced five lowest bidders; and

WHEREAS, the five lowest bidders have offered the sale of the following items at the following rates for a period of at least six months:

Table A		
Hydrous Manganese Oxide:	Carus Co.	\$0.80/lb
Sodium Hypochlorite (water):	Pureline	\$2.28/gal
Sodium Hypochlorite (water rec)	Pureline	\$2.28/gal
Polyphosphate	Carus Co.	\$2.49/lb
HFS (fluoride)	Hawkins	\$5.4/gal
Sodium Bisulfite	Water Solutions	\$.45/lb
Polymer	Polydyne Inc.	\$1.74/lb

WHEREAS, the contract term for each associated company is for one (1) year and allows for mutually agreed price changes after 6 months. The Bids attached herein as Exhibit A; and

WHEREAS, the Water and Water Reclamation divisions have budgeted two hundred forty thousand dollars (\$240,000) for the purchase of these products; 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 aforementioned water chemicals from Carus Co., Pureline, Hawkins Co., Water Solutions Unlimited and Polydyne Inc., at the cost per unit listed in table A for a period of at least six months, and thereafter to continue to purchase the items for and additional six months at a total cost not to exceed the budgeted amount of two hundred forty thousand dollars (\$240,000).

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 Resolution 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 the purchase of water chemicals from Carus Co., Pureline, Hawkins Co., Water Solutions Unlimited and Polydyne Inc., at the cost per unit listed in table A for a period of at least six months, and thereafter to continue to purchase the items for an additional six months at a total cost not to exceed the budgeted amount of two hundred forty thousand dollars (\$240,000), further described in the attached Exhibit A, subject to review and revision as to form by the City Attorney.

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 9th day of September 2024.

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 Resolution No. _____, “A RESOLUTION WAIVING COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE PURCHASE OF CHEMICALS FOR WATER/WATER RECLAMATION” which was adopted by the Mayor and City Council of the City of Rochelle on September 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9th day of September 2024.

CITY CLERK