
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS
AND AWARDED WESCO DISTRIBUTION THE PURCHASE ORDER FOR
THE PURCHASE OF SINGLE-PHASE PAD MOUNT TRANSFORMERS**

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

WHEREAS, as part of the RMU’s maintenance and improvement of its electrical distribution system, the RMU needs to order 30 single-phase, pad mount distribution transformers; and

WHEREAS, staff recommends purchasing this number of transformers, due in part to the significant lead times, which are approximately 60 weeks; and

WHEREAS, the City desires to waive competitive bidding requirements and award Wesco Distribution a purchase order for the purchase of 30 single-phase, pad mount transformers (“Purchase Order”) for the City in an amount not to exceed \$194,270.00; and

WHEREAS, the RMU utilized Sourcewell to gather estimates for the purchase of this equipment; and

WHEREAS, Wesco Distribution provided the lowest quote for the equipment requested; and

WHEREAS, the City desires to waive competitive bidding requirements and award Wesco Distribution a purchase order for the purchase of 30 single-phase, pad mount transformers, which are to be purchased pursuant to the quote attached hereto as Exhibit 1, for the City in an amount not to exceed \$194,270.00; 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 accept the quote from Wesco Distribution and execute a Purchase Order with Wesco Distribution in an amount not to exceed \$194,270.00 for the purchase of 30 single-phase, pad mount transformers; 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, accepts the quote of Wesco Distribution for 30 single-phase, pad mount transformers, and execute a Purchase Order with Wesco Distribution; 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 14th day of March 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14th day of March 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 WESCO DISTRIBUTION THE PURCHASE ORDER FOR THE PURCHASE OF SINGLE-PHASE PAD MOUNT TRANSFORMERS” which was adopted by the Mayor and City Council of the City of Rochelle on March 14th, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of March 2022.

CITY CLERK