### THE CITY OF ROCHELLE

**Ogle County, Illinois** 

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

AN ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENT AND AWARDING JOHNSON TRACTOR, INC. THE PURCHASE ORDER FOR A MINI EXCAVATOR

JOHN BEARROWS, Mayor ROSE HUERAMO, City Clerk

TOM MCDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
ROSAELIA ARTEAGA

**City Council** 

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle Peterson, Johnson, and Murray Chicago, LLC, City Attorneys 200 W. Adams, Suite 2125, Chicago, IL 60606

## CITY OF ROCHELLE Ogle County, Illinois

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

## AN ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENT AND AWARDING JOHNSON TRACTOR, INC. THE PURCHASE ORDER FOR A MINI EXCAVATOR

**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, the RMU needs to purchase a mini excavator; and

**WHEREAS**, the RMU utilized Sourcewell to gather estimates for the purchase of a new mini excavator; and

**WHEREAS**, Johnson Tractor, Inc. provided the lowest quote for the mini excavator, attached hereto as Exhibit 1: and

WHEREAS, the City desires to waive competitive bidding requirements and award Johnson Tractor, Inc. a purchase order for the purchase of a mini excavator, which are to be purchased ("Purchase Order") for the City in an amount not to exceed \$91,853.88; 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 execute a Purchase Order with Johnson Tractor, Inc. for the purchase of a mini excavator in an amount not to exceed 91,853.88 attached hereto as Exhibit 1; and

## BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

<u>SECTION ONE</u>: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

<u>SECTION TWO</u>: The Mayor and City Council of the City of Rochelle hereby waive competitive bidding and approve said Purchase Order with Johnson Tractor, Inc. for the purchase of a mini excavator; substantially in form and with the same pricing terms as the quote attached hereto as <u>Exhibit 1</u>, 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.

<u>SECTION THREE</u>: 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.

<u>SECTION FOUR</u>: 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.

<u>SECTION FIVE</u>: The City Clerk shall publish this Ordinance in pamphlet form.

DACCED THE 27th day of March 2022

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

ATTEST:	MAYOR	
APPROVED THIS 27 <sup>th</sup> day of March 2023.		
ABSENT:		
NAYS:		
AYES:		

### **EXHIBIT 1**

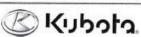
Sourcewell 🔧 Utility Tractors & Mowers - 031121 CE and AG - 040319 CE and AG - 040319 Utility Vehicles 122220 Arkansas 4600041718 Delaware GSS-21673 Mississippi (CE Only) 8200056371 Mississippi 8200055841

KX057-5R3AP WEB QUOTE #2584694 Date: 2/16/2023 10:54:31 AM - Customer Information -Oliver, Blake Rochelle Municiple Utilities btoliver@mu.net 815-561-7034

Quote Provided By JOHNSON TRACTOR, INC. David Harms 1030 S 7TH ST ROCHELLE, IL 61068 email: daveh@johnsontractor.com phone: 8155622135

- Custom Options -

- Standard Features -



K Series KX057-5R3AP \*\*\* EQUIPMENT IN STANDARD MACHINE \*\*\*

**FEATURES** 7" LCD Color Display Rubber Track Models A/C ROPS/OPG Cab Kubota 3 Hydraulic Pump Load OPERATIONAL Sensing System 1 Gear, 2 Variable Displacement Pumps All Controls Hydraulic Pilot Two Operating Pattern Selection System

Accumulator Digital Control Panel Attachment Flow Presets, Service Alerts Standard Front Dozer Blade w/ Float

70 Degree Left, 55 Degree Right Boom Swing 19.8 gpm Adjustable Auxiliary Hydraulics Port 1 uxiliary Hydraulics Diverter

Thumb Bracket and Relief Five Second Quick Preheat System Key Switch Stop System

Half Pitch Rubber Tracks Self Bleed Fuel System Auto-Downshift Two Speed Travel System Swivel Negative Brake Travel Negative Brake Third Line

DIMENSIONS AND OPERATING WEIGHT KX057-5R3AP, Rubber Tracks, ROPS/OPG (Top Guard, Level I) Cab. Angle Dozer Blade, Dipper Arm, Counterweight, SP2 Overall Length 18' 1.3" Overall Width 6' 5.2" Overall Height 8' 4.4" Operating Weight 13,051 lbs.\* Ground Clearance 12' 0.2"

V2807 Kubota CR E5 Tier 4 Diesel Engine 4 Cylinder, 4 Cycle 46.4 Net HP @ 2200 rpm (SAE J1349)

DIMENSIONS Max Digging Depth 12' 9" Max Digging Radius @ Ground Level 20' 1" Max Vertical Digging Depth 5' 4"

Max Dumping Height 13' 8.6' DOZER BLADE DIMENSIONS

Width 77.2" Height 16.1" Lift Above Ground 17.3\* Drop Below Ground 15.9\*

PERFORMANCE Digging Force @ Bucket 10,172 lbs. Digging Force @ Dipper Arm 5,463 lbs. 5,453 lbs, Travel Speed (Low) 1.7 mph Travel Speed (High) 3.0 mph Climbing Ability 35% ; 20° Lift Capacity 3,410 lbs. Over Front Blade Grounded 4.0 Ft. Load Point Height 12.0 Ft. Load Radius

Basic Warranty - 24 Nonths / 2000

STANDARD WARRANTY Rubber Track Warranty - 12 Months / 1000 Hours

KX057-5R3AP Base Price	\$92,971.00
(1) KEYLESS START KIT K7283-KEYLESS START KIT	\$215.00
(1) CAB MIRROR KIT K7479-CAB MIRROR KIT	\$317.00
(1) AIR SUSPENSION SEAT KIT K7286-AIR SUSPENSION SEAT KIT	\$918.00
(1) 24" FROST RIPPER K7932-24" FROST RIPPER	\$1,690.00
(1) BKT Q.A. COUPLER FOR U55/KX057-4 K7915-BKT Q.A. COUPLER FOR U55/KX057-4	\$1,335.00
(1) TRAVEL ALARM KIT K7278-TRAVEL ALARM KIT	\$194.00
(1) PIN GRABBER COUPLER KX057/U55 K8131-PIN GRABBER COUPLER KX057/U55	\$4,975.00
(1) HYD THUMB PIN GRABBER KX057/U55 K6124-HYD THUMB PIN GRABBER KX057/U55	\$3,245.00
(1) 36" PIN ON GRADING BUCKET K6134-36" PIN ON GRADING BUCKET	\$2,072.00
(1) 24' PIN ON TRENCHING BUCKET K6165-24' PIN ON TRENCHING BUCKET	\$2,325.00
(1) 18" PIN ON TRENCHING BUCKET K6164-18" PIN ON TRENCHING BUCKET	\$2,082.00
(1) BACKUP CAMERA K7284-BACKUP CAMERA	\$378.00
(1) PIN GRABBER COMPLETION KIT - KX057-5 KB142-PIN GRABBER COMPLETION KIT - KX057-5	\$1,071.00
Configured Price:	\$113,788.00
Sourcewell Discount:	(\$27,309.12)
SUBTOTAL:	\$86,478.88
2Yr KX057-5R3AP Extended Warranty (4000 hrs.)	\$3,000.00
Dealer Assembly:	\$550.00
Freight Cost:	\$1,075.00
PDI:	\$400.00
Radio installed	\$350.00

Total Unit Price: \$91,853.88 Quantity Ordered: Final Sales Price: \$91,853.88

Final pricing will be based upon pricing at the time of final delivery to Sourcewell members. Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting

\*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price, All specifications and prices are subject to change, Taxes are not included. The PDI fees and reight for attachments accessories quoted may have additional charges added by the delivering deleter. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown or quote. All equipment as quoted is subject to availability.

STATE OF ILLINOIS	)	
	)	SS.
COUNTY OF OGLE	)	

### **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 REQUIREMENT AND AWARDING JOHNSON TRACTOR, INC. THE PURCHASE ORDER FOR A MINI EXCAVATOR" which was adopted by the Mayor and City Council of the City of Rochelle on March 27, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 27<sup>th</sup> day of October 2023.

 CITY CLERK	