
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM TRI-
CITY ELECTRIC COMPANY OF IOWA PURSUANT TO THE REQUEST FOR
PROPOSAL**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
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JOHN GRUBEN
ROSAELIA ARTEAGA
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

ORDINANCE NO: _____

Date Passed: April 11, 2022

AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM TRI-CITY ELECTRIC COMPANY OF IOWA PURSUANT TO THE REQUEST FOR PROPOSAL

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 provision 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 an electric distribution utility through the Rochelle Municipal Utilities (“RMU”), one of the City’s departments; and

WHEREAS, the City is in the process of upgrading its diesel power plant, including the installation of new generator transformers; and

WHEREAS, on February 17, 2022 the City issued a Request for Proposals for the installation of transformers at the City’s generation facility (“the RFP”) and also published the RFP in the Rockford Register Star starting on February 25, 2022, and

WHEREAS, in accordance with the RFP, on March 17, 2022, the City received and properly opened two (2) sealed proposals; and

WHEREAS, after analysis of the proposals submitted, the City’s staff and professional engineers has concluded that the proposal submitted by Tri-City Electric Company of Iowa in the amount of \$3,256,000.00 meets the City’s specifications pursuant to the RFP and is most advantageous to the City; and

WHEREAS, the City’s staff and professional engineers also recommend an allowance for change orders in an amount not to exceed 10% of the RFP amount to ensure that the project and installation of the transformers can be completed in a timely manner; and

WHEREAS, the Mayor and City Council finds that it is in the best interest of the City and its residents to accept and approve the Proposal of Tri-City Electric Company of Iowa for the installation of the power plant transformers in the amount of \$3,256,000.00 and approve an allowance for change orders in an amount not to exceed 10% of the RFP amount; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

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 hereby accept and approve the Proposal of Tri-City Electric Company of Iowa for the installation of the power plant transformers in the amount of \$3,256,000.00, approve an allowance for change orders in an amount not to exceed 10% of the RFP amount, and authorize the City Manager to execute any and all necessary agreements to memorialize the terms of said proposal (attached hereto as Exhibit 1) in a form to be reviewed 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 AND APPROVED this 11th day of April 2022.

AYES:

NAYS:

ABSENT:

ATTEST:

City Clerk

Mayor

EXHIBIT 1

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. _____, “AN ORDINANCE ACCEPTING AND APPROVING THE PROPOSAL FROM TRI-CITY ELECTRIC COMPANY OF IOWA PURSUANT TO THE REQUEST FOR PROPOSAL” which was adopted by the Mayor and City Council of the City of Rochelle on April 11, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of April, 2022.

CITY CLERK