

Recommendation from John McGovern- Bidding requirements for Audit and Remediation of Websites:

The procurement power is described in Section 8.1 of the Code, which I have excerpted and highlighted below:

(70 ILCS 1205/Art. 8 heading)

ARTICLE EIGHT. GENERAL POWERS OF PARK
DISTRICTS

(70 ILCS 1205/8-1) (from Ch. 105, par.
8-1)

Sec. 8-1. General corporate powers. Every park district shall, from the time of its organization, be a body corporate and politic by the name set forth in the petition for its organization, the specific name set forth in this Code, or the name it may adopt under Section 8-9 and shall have and exercise the following powers:

(a) To adopt a corporate seal and alter the same at

pleasure; to sue and be sued; and to contract in furtherance of any of its corporate purposes.

(b) (1) To acquire by gift, legacy, grant or purchase,

or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for effecting any of the powers or purposes granted under this Code as its board may deem proper, whether such lands be located within or without such district; but no park district, except as provided in paragraph (2) of this subsection, shall have any power of condemnation in the manner provided for the

exercise of the power of eminent domain under the Eminent Domain Act or otherwise as to any real estate, lands, riparian rights or estate, or other property situated outside of such district, but shall only have power to acquire the same by gift, legacy, grant or purchase, and such district shall have the same control of and power over lands so acquired without the district as over parks, boulevards and driveways within such district.

(2) In addition to the powers granted in paragraph

(1) of subsection (b), a park district located in more than one county, the majority of its territory located in a county over 450,000 in population and none of its territory located in a county over 1,000,000 in population, shall have condemnation power in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or as otherwise granted by law as to any and all real estate situated up to one mile outside of such district which is not within the boundaries of another park district.

(c) To acquire by gift, legacy or purchase any

personal property necessary for its corporate purposes ***provided that all contracts for supplies, materials or work involving an expenditure in excess of \$25,000, or a lower amount if required by board policy, shall be let to the lowest responsible bidder after due advertisement.*** No district shall be required to accept a bid that does not meet the district's established specifications, terms of delivery, quality, and serviceability requirements. ***Contracts which, by their nature, are not adapted to award by competitive bidding, such as*** contracts for the services of individuals possessing a high degree of professional skill where the

ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for fuel (such as diesel, gasoline, oil, aviation, or propane), lubricants, or other petroleum products, **contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services** and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports **are not subject to competitive bidding**. Contracts for emergency expenditures are also exempt from competitive bidding when the emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an

expenditure in excess of \$25,000, or a lower amount if required by board policy, must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement"

includes, but is not limited to, at least one public notice at least 10 days before the bid date in a

newspaper published in the district
or, if no newspaper is published in
the district, in a newspaper of
general circulation in the area of
the district.

So to answer Craig's good question, I think Promet services fit in the exception highlighted above. **See the red highlights.** I certainly think that Promet consults would affect the "use of" technology systems.