



CITY OF WASHINGTON, ILLINOIS
City Council Agenda Communication

Meeting Date: July 21, 2025

Prepared By: Joanie Baxter, CPA – Finance Director *JEB*

Agenda Item: Amendment to Procurement Policy

Explanation: The Procurement Policy was reviewed and updated in May 2025. During a recent monitoring review by the Department of Justice in connection with the Evidence Building grant, it was brought to our attention that some language should be added to the policy as related to the procurement of federal funds. Miller, Hall and Triggs prepared the attached Ordinance and revised the policy to add the required language. They also corrected references to the Code as changed during codification.

Fiscal Impact: N/A

Action Requested: First Reading of the Amendment is on the agenda for the July 21, 2025 City Council meeting. **Please note we are requesting to waive Second Reading as the Department of Justice has been given the July 21 date as a response date in regard to the monitoring review.**

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING AMENDED PROCUREMENT POLICY &
CLARIFYING CITY CODE SECTION AUTHORIZING PROCUREMENT
AUTHORITY**

WHEREAS, the City of Washington has in the past, and will continue in the future to apply for federal grants to assist with development and various programs within the City; and

WHEREAS, federal grant programs require that specific procurement policies be adopted and adhered to when utilizing federal grant money and the Washington City Council desires to amend the City's procurement policy in accordance with such federal grant requirements; and

WHEREAS, the City Council previously adopted Ordinance No. 3578, amending Section 30.35(C)(11) of the City of Washington Code of Ordinances with respect to the City's procurement policy and procurement authority of certain city positions; and

WHEREAS, Section 30.35(C)(11) has been codified as Section 2-292(c)(1)(k) of the Washington Code of Ordinances, and the City Council desires to clarify the applicable code section with respect to the City's procurement policy and procurement authority of certain city positions; and

WHEREAS, the Washington City Council finds that it is in the best interest of the City to clarify the code section applicable to the City's procurement policies and adopt the amended procurement policy as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Chapter 2, Section 292(c)(1)(k) (*City Administrator, Powers and Duties*) (formerly Section 30.35(C)(11)) of the Washington City Code is hereby deleted in its entirety and replaced as follows:

Sec. 2-292(c)(1)(k):

(k) Be responsible for all procurement functions of the city as carried out by the **Finance Director**. The corporate authorities hereby delegate to the City Administrator the authority to transfer dollar amounts between and among budgeted line items within any given budgeted fund; provided, however, that the transfers of dollar amounts must be to and from line items within the same budgeted fund, and the transfers shall neither increase nor decrease the total expenditures for the fund. **The City Administrator shall have the authority to approve budgeted expenditures up to \$20,000.00. The City Administrator shall authorize Department Heads and the Deputy Chief of**

be authorized to approve budgeted expenditures up to \$2,500.00. All budgeted expenditures shall follow the Procurement Policy as developed and updated from time to time by the City Administrator and approved by the City Council.

Section 3. The City of Washington Procurement Policy attached hereto as **Exhibit A** is hereby approved and adopted.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION this ____ day
of _____, 2025.**

AYES: _____

NAYS: _____

APPROVED:

Mayor

ATTEST:

City Clerk

**EXHIBIT A –
City of Washington Procurement Policy**

City of Washington, Illinois Procurement Policy

The purpose of this policy is to provide for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

This policy applies to contracts for the procurement of supplies, services, and construction, entered into by the City. It shall apply to every expenditure of public funds by any City department for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal or state assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal or state laws and regulations.

Procurement is defined as follows: the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Budgeted Items shall include goods and services that have been anticipated in the Approved Annual Budget or items that are routinely necessary to complete the day-to-day operations of the City. In no case will staff be authorized to exceed the approved Annual Budget by Fund without City Council approval.

Non-budgeted items are those that would be considered to be non-usual and out-of-the-ordinary and could cause an individual fund to be over budget. Non-budgeted items shall be presented to the City Council for approval. The City Administrator shall recommend a funding source to the City Council.

Architect-Engineer and Land Surveying Services are considered professional services within the scope of practice of architecture, professional engineering, or land surveying as defined by the laws of the state. The City shall follow the State Procurement Policy. It is the policy of the State to procure these services on the basis of demonstrated competence and qualifications, and to negotiate contracts at fair and reasonable prices (Qualifications-Based Selection or QBS).

A "sole source" procurement is any contract entered into without a competitive/quotation process, based on a justification that only one known source exists or that only one single supplier can fulfill the requirements. Sole Source will only be utilized for those procurements in which it can be validated and documented by the Department Head/Deputy Chief of Police and approved by the City Administrator or the City Council depending on the total value as established in this Procurement Policy.

Emergency procurements of supplies, services, or construction items can be made when there exists a threat to public health, welfare, or safety, or where conditions exist such that a threat to public health, welfare, or safety is probable or imminent; provide that such emergency procurements have been made with such competition as is practicable under the circumstances. A written determination of the basis for emergency and for the selection of the particular contractor shall be included in the contract file and as soon as practicable, a record of each emergency procurement shall be made and written approval of the procurement shall be made by the appropriate individual depending on the value of the procurement including the City Council as a ratification if warranted.

Phone Quotations, Written Quotations and Competitive Sealed Bid processes will be standardized throughout the City Organization and adequate records kept for inspection and audit purposes. The City Council will be notified as current practice provides, however budgeted items below \$20,000 will be itemized in weekly briefings as deemed necessary and included in monthly financial reports. Attached to this policy is a procurement form to be used by all Supervisors, Department Head, Deputy Chief of Police and City Administrator.

Phone quotations and written quotations shall be documented on the procurement form attached to this policy. This form may be updated from time to time and approved by the City Administrator.

METHODS OF PROCUREMENT AND APPROVAL FOR BUDGETED ITEMS

Estimated Value	Method	Quotes	Solicitation	Approval
\$1,500 - \$2,500	Phone Quotations	2	Supervisor	Supervisor
\$2,501 - \$7,500	Written Quotations	2	Supervisor	Department Head/Deputy Chief of Police
\$7,501 - \$20,000	Written Quotations	3	Department Head/Deputy Chief of Police	City Administrator
Over \$20,000	Written Quotations	3	Department Head/Deputy Chief of Police	City Council
Engineered Capital Projects	Competitive Sealed Bid	N/A	Department Head/Deputy Chief of Police	City Council
Architect-Engineer and Land Surveying Services	Qualifications-Based Selection (QBS)	N/A	Department Head/Deputy Chief of Police	Determined by final contract price
Sole Source	Documentation	N/A	Supervisor	Determined by price
Emergency Procurement	Documentation	N/A	Department Head/Deputy Chief of Police	Determined by price

Purchasing Policies

Code of Ethics

All City personnel engaged in purchasing and related activities shall conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the City and the residents of Washington. City employees shall strive to:

1. Ensure that public money is spent efficiently and effectively and in accordance with statutes, regulations, and City policies.
2. Maintain confidentiality at all times.
3. Not accept gifts or favors from current or potential suppliers, which might compromise the integrity of their purchasing function.
4. Specify generic descriptions of goods whenever possible in lieu of brand names when compiling specifications.
5. Never allow purchase orders for identical goods or services to be split in order to avoid or delay required City Council or other required approvals.
6. Purchase without favor or prejudice.

7. Ensure that all potential suppliers are provided with adequate and identical information upon which to base their offer or quotation and that any subsequent information is made available to all bidders.
8. Establish and maintain procedures to ensure that fair and equal consideration is given to each offer or quotation received and selection is based upon the lowest total cost compliant bid.
9. Offer a prompt and courteous response to all inquiries from potential or existing suppliers.

It shall be the responsibility of the City administration to determine if a violation of this Purchasing Manual Code of Ethics has occurred and if any disciplinary action is necessary.

Conflict of Interest

Except as may be disclosed to and permitted by the City Council, it shall be a breach of ethical standards for any employee to participate directly or indirectly in the purchasing process when the employee knows that:

1. The employee is contemporaneously employed by a bidder, vendor or contractor involved in the procurement transaction; or
2. The employee, the employee's domestic partner, or any member of the employee's immediate family has a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest in the company; or
3. The employee, the employee's domestic partner, or any member of the employee's immediate family has a financial interest arising from the procurement transaction; or
4. The employee, the employee's domestic partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning prospective employment with a bidder, vendor or contractor.

The employee's immediate family shall be defined as a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

It shall be the responsibility of the City administration to determine if a violation of this Conflict of Interest policy has occurred and if any disciplinary action is warranted.

Gifts and Gratuities

City personnel should be aware that offers of gratitude from vendors could be designed to compromise objective judgment in product or service selection. Accordingly, it is City policy to observe the highest standards of ethics and to shield the employee, the City and the vendor from any suggestion or appearance of conflict of interest.

No employee shall permit any influence by vendors, which could conflict with the best interest of the City or prejudice the City's reputation. Expenditures of City funds to vendors shall not by intention personally benefit any person officially connected with the City. Employees shall strive to follow the following guidelines:

1. Tangible gifts or gratuities shall not be accepted where their value suggests something more than merely a social gesture. Such gifts should be returned with a statement of City policy. Promotional or advertising items of nominal value such as key chains, pens, coffee mugs, calendars and holiday cards are acceptable. Items permitted under the City's gift ban ordinance are acceptable. Gifts that are

capable of being shared, such as a box of chocolates, shall be shared within the office or section where the recipient works.

2. Association with vendor representatives at business meals or business organization meetings is occasionally necessary and is neither questionable nor unethical, provided the individual keeps himself/herself free of obligations.
3. Personal loans of money or equipment are not to be accepted from a vendor or an individual associated with a vendor doing business with the City.
4. Solicitation of vendors for merchandise or certificates to serve as door prizes must be approved by the City administration.
5. Corporate discounts granted to City employees are acceptable only if they are offered to all City employees and other corporate clients of the vendor.

If there is any doubt about the propriety of accepting a gift, the matter should be referred to the Department Head who will, if necessary, discuss the matter with the City Attorney or his/her designee.

Joint Purchasing

State of Illinois/Sourcwell

City employees are authorized to obtain goods and services using the State of Illinois/Sourcwell Joint Purchasing program. When available through the State program, it is not necessary for City employees to obtain quotes or to competitively bid the goods or services which are sought. Employees shall be responsible, however, for ensuring that the goods or services are of a quality sufficient to meet the City's needs and that pricing is competitive.

When making purchases using the State's assigned vendor, the purchase order (if applicable) provided to the vendor shall include the State of Illinois contract number and the City's assigned Joint Purchasing member I.D. number. This information should be included on the purchase order in the comments section. Approvals as required by the Purchasing Policy must also be secured depending on the amount of the purchase.

Other Units of Government

Employees are permitted to purchase items jointly with other units of government when the price of the goods or services sought is competitive and the quality meets the City standards. Prior to initiating the transaction, employees shall seek the prior approval of the Department Head (and City Council if \$20,000 or greater.)

Sole Source Purchases

Contracts for parts, supplies or equipment that are available only from a single source are referred to as sole source purchases. Sole source procurements may arise from the following circumstances:

1. Equipment for which there is no comparable competitive product or it is available only from one supplier.
2. Public utility services from natural or regulated monopolies.
3. A component or replacement part for which there is no commercially available substitute, and which can be obtained only from the manufacturer.
4. An item where compatibility is the overriding consideration, such as computer software.

5. An item used, for example, a television transmitter tower, that becomes immediately available and is subject to prior sale.

These items shall not be subject to requirements for seeking competitive quotes or bids. However, all such purchases in excess of \$20,000 must be approved by the City Council.

Emergency Purchases Policy

Emergencies are defined as events that could not have been foreseen where immediate action is necessary to safeguard the public's health and safety. In the event of an emergency affecting the public health and safety, the City Administrator, or Finance Director or his/her designee may authorize a vendor to perform work necessary to resolve such emergency without formal bid solicitation. Documentation of the emergency and the need for immediate action shall be presented to the City Council in a reasonable period of time following resolution of the crisis.

An emergency purchase order can be issued authorizing a vendor to perform any and all work necessary only if the public health and safety could be affected. If the emergency and the need for immediate action equals or exceeds \$20,000, documentation shall be presented to the Mayor prior to such authorization. The following procedures shall be followed in the event an emergency purchase order is needed:

The Department Head requesting the emergency purchase order shall contact the Finance Director or his/her designee in order to have the purchase order issued. The Finance Director or his/her designee will then issue an emergency purchase order to the vendor. After the emergency has been resolved, the department shall enter a requisition for the goods purchased/service provided. Using the requisition comments, the department shall explain the need for the emergency purchase order and reference the purchase order number that was issued to the vendor.

The Finance Director or his/her designee will then add the requisition to the emergency purchase order.

Competitive Bidding Requirements

Although not a statutory requirement due to the City's Home-Rule status, the policy shall be that competitive, sealed bids will be required in the case of an engineered capital project. Otherwise, oral or written quotes will be obtained, and the appropriate approvals will be secured.

Suspension and Disbarment Policy

2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards requires compliance with provisions of procurement, suspension, and debarment. The City of Washington is required to ensure that federal fund contracts are not awarded to any parties that are suspended or debarred. The verification will be accomplished by checking the System for Award Management (SAM).

Suspension and debarment are actions taken by the federal government against organizations or individuals who have committed fraud or a criminal offense in violation of federal law. The federal government prohibits expending federal funds or goods and/or services from any entity suspended or debarred from doing business with the federal government. Disbarred contractors are disallowed from bidding on government-funded projects.

A suspension is defined as a disqualification from federal procurement transactions for a temporary period, pending debarment proceedings. A disbarment is defined as an exclusion from federal procurement transactions.

The Finance Director will check the selected vendor on the SAM website at <https://www.sam.gov>, and search for the vendor using the Legal Business Name or Unique Entity Identifier (UEI). The Finance

Director will verify that the vendor is not listed as suspended or debarred and confirm the absence of any restrictions that would make the vendor ineligible.

The Finance Director will document the Suspension and Debarment verification by printing a copy of the Exclusion results and must include the date of the search and the name of the individual who conducted it (Appendix A). Copies of all documentation are to be filed with the Grant details.

This verification must be completed prior to the contract being awarded by the City Council. In addition, a verification will be made that the contractor is in good standing with the State of Illinois.

Twice a year, the Finance Department will recheck vendor eligibility in SAM.

If a vendor has been identified as being suspended or disbarred, the following actions may occur:

1. Vendors found to be ineligible after the award is granted, may be subject to contract termination.
2. Employees failing to follow verification procedures may face disciplinary action in accordance with organizational policy.
3. The contract may go out to bid again.

Responsible Bidder

Any party submitting a bid on a City public works project must comply with the following requirements in order to have their bid considered and to be awarded a contract:

1. The bidder must be a duly organized legal entity in good standing with the Illinois Secretary of State and in compliance with all laws prerequisite to doing business in Illinois.
2. The bidder must have a valid Federal Employer Tax Identification Number or Social Security Number.
3. The bidder must be an equal opportunity employer and comply with Section 2000(e) of Chapter 21, Title 42 of the United States Code and Executive Order No. 11246.
4. The bidder shall provide certificates of insurance indicating the following coverages if called for in the bid solicitation: general liability, workers compensation, completed operations, automobile, hazardous occupation and product liability.
5. The bidder must comply with all provisions of the Illinois Prevailing Wage Act (820 ILCS 130), including wages, medical and hospitalization insurance and retirement for those trades covered in the Act.
6. All contractors and sub-contractors performing services covered by the Illinois Prevailing Wage Act must submit to the City the certified payrolls required by the Act, as amended by Illinois Public Act 94-0515.
7. For purposes of this Ordinance, "public works" shall have the meaning stated in the Illinois Prevailing Wage Act, 820 ILCS 130/2, and "bidder" shall include any contractor or service provider who performs any public works for or on behalf of the City of Washington, Illinois.

Procurement with Federal Funds

For procurement associated with federal funds, the following policies shall apply:

1. Sole Source Purchases.

Sole source procurement shall only be used when use of competitive solicitation procedures like sealed bids, or competitive proposals are not applicable to the requirement or are impracticable. All sole source procurements in excess of the simplified acquisitions threshold set forth in 48 CFR

2.101 (currently \$250,000) must receive prior approval from the grant-making authority before entering the contract.

Sole source procurement is permitted when one or more of the following conditions apply:

- a. The aggregate amount of the property or services to be acquired does not exceed the micro-purchase threshold set forth in 48 CFR 2.101;
- b. The transaction can only be fulfilled by a single source;
- c. Public exigency or emergent need will not permit a delay resulting from providing public notice of a competitive solicitation;
- d. The City requests in writing to use a noncompetitive procurement method, and the Department of Justice or pass-through entity provides written approval; or
- e. After soliciting several sources, competition is determined to be inadequate.

2. Consultant Services

Compensation for individual consultant services must be reasonable and consistent with that paid for similar services in the marketplace. Approval shall be obtained from the awarding agency prior to hiring any consultant whose rate exceeds the awarding agency's consultant rate maximum limit. The U.S. Department of Justice sets the current maximum limit at \$81.25 per hour, or \$650 per day.

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Approved ~~May 5, 2025~~ July 21, 2025