
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE CITY MANAGER TO ACCEPT FAIRBANKS MORSE'S
ESTIMATE FOR THE REPAIRS OF PEAKER ENGINE NUMBER 1**

JOHN BEARROWS, Mayor
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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 of Rochelle (“City”) operates an electric utility through the Rochelle Municipal Utilities (“RMU”), one of its departments; and

WHEREAS, the RMU has diesel generators to generate electricity during peak usage; and

WHEREAS, in June 2020, Peaker Engine Number 1 experienced a catastrophic mechanical failure that resulted in significant damage to the engine’s crankshaft and block; and

WHEREAS, staff has confirmed that there was insurance coverage for the damage through the City’s insurance provider; and

WHEREAS, the cost of the repairs for Peaker Engine Number 1 will be \$1,042,144.23, which is covered by the insurance carrier, with the exception of a \$5,000 deductible that must be paid by the City; and

WHEREAS, Fairbanks Morse is the manufacturer of Peaker Engine Number 1 and staff believes that it is necessary and prudent to have the manufacturer make all necessary repairs; and

WHEREAS, the City desires to waive competitive bidding requirements and authorize the City Manager to accept the estimate of Fairbanks Morse for the repairs of Peaker Engine Number 1 (“Estimate”) for the City in an amount not to exceed \$1,042,144.23; 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 waive competitive bidding and accept the Quote of Fairbanks Morse for the repairs to Peaker Engine Number 1; 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 approve said Estimate of Fairbanks Morse for the repair of Peaker Engine Number 1; substantially in form and with the same pricing terms as the quote attached hereto as Exhibit 1, and the Mayor and/or City Manager are hereby authorized to execute any and all agreements for the repair of Peaker Engine Number 1, 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 22nd day of March, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22nd day of March, 2021.

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. _____, “AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO ACCEPT FAIRBANKS MORSE’S ESTIMATE FOR THE REPAIRS OF PEAKER ENGINE NUMBER 1” which was adopted by the Mayor and City Council of the City of Rochelle on March 22, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22nd day of Marc, 2021.

CITY CLERK