

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-92-360 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-92-360 Execution of master agreement – Term.

All contractors on a responsible bidder list shall be required to execute a master agreement which shall apply to any work which may be awarded and which contain, without exception, the terms and conditions set forth in the R.F.Q. and any other terms and conditions which may be required by the chief procurement officer; provided that all master agreements other than master agreements for roofing repair, building demolition, board-up work, or emergency bridge or viaduct repair under Section 2-92-345, or the provision of goods, work, or services, related to the purchase of hardware, peripherals, technology services, and the licensing of software under Section 2-92-615, shall contain the funding amount allocated to each master agreement. Failure of a contractor otherwise qualifiable as responsible to execute a master agreement shall result in such contractor's deletion from the responsible bidder list.

Prequalification of a contractor as a responsible bidder shall be effective for the term of a master agreement with that contractor, except to the extent that the chief procurement officer has deleted the contractor from the responsible bidder list pursuant to Section 2-92-350. The chief procurement officer may extend the term of a master agreement up to 90 days in order to provide continuity of services until the responsible bidder list can be renewed in accordance with Section 2-92-350.

SECTION 2. Section 2-92-370 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

2-92-370 Contract award procedure.

(a) Whenever a using department identifies a need for roofing repair, building demolition, or board-up work, or emergency bridge or viaduct repair, the chief procurement officer shall provide all of the contractors on the responsible bidder list for the respective type of work a sufficiently detailed description of the work to enable them to submit sealed bids for the work. The chief procurement officer may require such contractors to inspect the work site and shall allow them at least ten days, exclusive of Sundays and legal holidays, to submit sealed bids. The chief procurement officer shall award the contract for the work to the responsive bidder offering the lowest sealed bid price, in cases where competitive bidding is required and appropriate for such contract, pursuant to the provisions of Sections 8-10-3 and 8-10-4 of the "Municipal Purchasing Act for Cities of 500,000 or More Population", codified at 65 ILCS 5/8-10-3 and 65 ILCS 5/8-10-4, as amended.

(b) Whenever a using department identifies a need for any work or services that is not competitively bid, other than for roofing repair, building demolition, board-up work, or emergency bridge or viaduct repair under subsection (a) of this section, or the provision of goods, work, or for services, related to the purchase of hardware, peripherals, technology services, and the licensing of software under Section 2-92-615, the Chief Procurement Officer shall award the

contract or task order, as applicable, to the first contractor on the responsible bidder list for the respective type of work, unless:

(1) the contractor rejects such award or has not accepted such award within ten days, exclusive of Sundays and legal holidays, in which case such contractor shall be moved to the bottom of the responsible bidder list for the respective type of work, and the Chief Procurement Officer shall award the contract or task order, as applicable, to the next contractor listed, until a contractor has accepted the award; or

(2) the funding amount for the contract or task order, as applicable, would cause the total amount of contracts and task orders awarded to such contractor to exceed the funding amount allocated under the applicable master agreement, in which case such contractor shall retain their spot on the responsible bidder list for the respective type of work, and the Chief Procurement Officer shall award the or task order, as applicable, to the next contractor listed, until a contractor has accepted the award; provided that once the contracts and task orders awarded to a contractor under this subsection, in the aggregate, have met or exceeded the funding amount allocated under the applicable master agreement, such contractor shall be removed from the responsible bidder list for the respective type of work.

If a previously awarded contract or task order, as applicable, has been withdrawn or deemed to have been withdrawn if a notice to proceed has not been issued within 60 days of the award date, through no act or omission of the contractor, such contractor will be returned to their previous position as first on the responsible bidder list for the respective type of work. In the event that a contract or task order has been withdrawn or deemed to be withdrawn, but is awarded at a later date, such subsequent award shall be treated as a new award for the purposes of this subsection.

(c) If the contract award procedures set forth in this section the above paragraph would, in a specific instance, result in a delay which would cause imminent hazard to public safety or substantial damage to property, or if specialized equipment, skill, capacity, or expertise is required, the Chief Procurement Officer ~~chief procurement officer~~ may, in such an instance: (i) authorize the use of prequalified contractors and make provisions for immediate use of such contractors by the using department or departments, subject to a limit on expenditures of public funds of \$500,000.00 for such immediately authorized work, or (ii) follow an expedited contract award procedure which solicits bids from less than all contractors on the responsible bidder list and/or which allows less than ten days for the submittal of bids.

SECTION 2. This ordinance shall take effect upon passage and publication.