



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

October 2, 2001

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS

#01-12

[Public Act 92-268: Road Districts Contracts and Purchases.](#)

A copy of Public Act 92-268 is attached for your information. Public Act 92-268 increases from \$5,000 to \$10,000 the maximum value of a construction or repair contract for work on township and road district roads that may be let without the written approval of the county engineer/superintendent of highways or the highway board of auditors. This new \$10,000 limit also applies to purchases of material, machinery, or appliances to be used on these roads.

Public Act 92-268 also increases from \$5,000 to \$10,000 the maximum value of a contract for anything other than professional services that may be awarded without submitting the contract for competitive bidding.

Lastly, the act provides that the tax for bridge, culvert, drainage structures and grade separations may be used without county funds being involved and without limitations as to the size of the project. However, if the project size is over \$5,000, the road district commissioner shall also obtain the permission of the county engineer.

These statutory changes are effective January 1, 2002 and supersede our current policies. The updated LR&S manuals will include these changes. If you have any questions, please contact Teresa Price at 217-785-1664.

A handwritten signature in black ink, appearing to read "Daniel McManus".

Engineer of Local Roads and Streets

Attachment

State of Illinois
Public Acts
92nd General Assembly

Public Act 92-0268

HB1709 Enrolled

LRB9204180DHpc

AN ACT in relation to highways.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Highway Code is amended by changing Sections 6-201.7 and 6-508 as follows:

(605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

Sec. 6-201.7. Construct, maintain and repair and be responsible for the construction, maintenance and repair of roads within the district, let contracts, employ labor and purchase material and machinery therefor, subject to the limitations provided in this Code. No contract shall be let for the construction or repair of any road or part thereof in excess of the amount of \$10,000 ~~\$5,000~~, nor shall any material, machinery or other appliances to be used in road construction or maintenance of roads in excess of such amount be purchased, nor shall several contracts each for an amount of \$10,000 ~~\$5,000~~ or less be let for the construction or repair of any road or part thereof when such construction or repair is in reality part of one project costing more than \$10,000 ~~\$5,000~~, nor shall any material, machinery or other appliance to be used therein be purchased under several contracts each for an amount of \$10,000 ~~\$5,000~~ or less, if such purchases are essentially one transaction amounting to more than \$10,000 ~~\$5,000~~, without the written approval of the county superintendent of highways in the case of road districts other than consolidated township road districts or without the written approval of the highway board of auditors in the case of consolidated township road districts.

Except for professional services, when the cost of construction, materials, supplies, new machinery or equipment exceeds ~~\$5,000, or \$10,000 in case of a district having a population of 10,000 or more,~~ the contract for such construction, materials, supplies, machinery or equipment shall be let, after the above written approval is obtained, to the lowest responsible bidder after advertising for bids at least once, and at least 10 days prior to the time set for the opening of such bids, in a newspaper published within the township or road district, or, if no newspaper is published within the township or road district then in one published within the county, or, if no newspaper is published within the county then in a newspaper having general circulation within the township or road district, but, in case of an emergency, such contract may be let without advertising for

bids upon the approval of the County Superintendent of Highways expressing in writing the existence of such emergency and, in the case of consolidated township road districts, upon the approval of the highway board of auditors. For purposes of this Section "new machinery or equipment" shall be defined as that which has been previously untitled or that which shows fewer than 200 hours on its operating clock and that is accompanied by a new equipment manufacturer's warranty.

(Source: P.A. 86-1179; 86-1368; 86-1475.)

(605 ILCS 5/6-508) (from Ch. 121, par. 6-508)

Sec. 6-508. (a) For the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of a county and a road district and obtaining aid from the county as provided in Section 5-501 of this Code, there may be included in the annual tax levies provided for in Section 6-501 of this Code a tax of not to exceed .05% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue, which tax shall be in addition to and may be in excess of the maximum levy and may be extended at a rate in addition to and in excess of the tax rate for road purposes authorized under Section 6-501 of this Code.

Such tax, when collected, shall constitute and be held by the treasurer of the district as a separate fund to be expended for the construction or repair of bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. The highway commissioner shall separately specify in the certificate required by Section 6-501 the amount necessary to be raised by taxation for the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. Upon the approval by the county board of the amount so certified as provided in Section 6-501 of this Code, the county clerk shall extend the same against the taxable property of the road district, provided the amount thus approved shall not be extended at a rate in excess of .05% of value, as equalized or assessed by the Department of Revenue.

When any improvement project for which a tax may be levied under this Section has been ordered as provided in Section 5-501 and the estimated cost of such project to the road district is in excess of the amount that will be realized from the annual tax levy authorized by this Section when extended and collected, then the road district may accumulate the proceeds of such tax for such number of years as may be necessary to acquire the funds necessary to pay the district's share of the cost of such project. In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law and the imposition of the property tax extension limitation prevents a road district from levying taxes for road purposes at the required rate, a road district may retain its eligibility if, at the

time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. It shall not be a valid objection to any subsequent tax levy made under this Section that there remains unexpended money arising from a preceding levy of a prior year because of the accumulation provided for in this Section.

The rate limitation imposed by this Section may be increased for a 10 year period to up to 0.25% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue if the proposition for the increased tax rate is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(b) All surplus funds remaining in the hands of the treasurer of the road district after the completion of any construction or repairing of bridges, culverts, drainage structures or grade separations, including approaches thereto, under this Section, shall be turned over at the request of the highway commissioner, with the written consent of the county superintendent, to the regular road fund of the road district. Upon such request, no further levy under this Section is to be extended by the county clerk unless the proposition authorizing such further levy is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(c) The moneys from this tax may also be used for construction and maintenance of bridges, culverts and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to size of project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation. If the project size is over \$5,000, the road district commissioner shall also obtain the permission of the county engineer.

(Source: P.A. 90-110, eff. 7-14-97.)

Passed in the General Assembly May 15, 2001.

Approved August 07, 2001.