

Romano, Amy

From: Romano, Amy
Sent: Thursday, January 17, 2019 10:47 AM
To: 'Gaug, Anna'; Moore, Lisa J.
Cc: Diehl, Gwen; Litko, Russell; Eddington, Matt; Hawkins, Brittany; Hildebrand, Heidi; Joerger, Marcy; Broughton, Don; Evans, Amber; Watson, Connie J.; Ifon, Uduak (OGC)
Subject: RE: Illinois Request for Assistance

Thank you for your help with this.

From: Gaug, Anna <Anna.Gaug@va.gov>
Sent: Thursday, January 17, 2019 10:38 AM
To: Romano, Amy <Amy.Romano@Illinois.gov>; Moore, Lisa J. <Lisa.Moore6@va.gov>
Cc: Diehl, Gwen <Gwen.Diehl@illinois.gov>; Litko, Russell <Russell.Litko@illinois.gov>; Eddington, Matt <Matt.Eddington@illinois.gov>; Hawkins, Brittany <Brittany.J.Hawkins@illinois.gov>; Hildebrand, Heidi <Heidi.Hildebrand@illinois.gov>; Joerger, Marcy <Marcy.Joerger@Illinois.gov>; Broughton, Don <Don.Broughton@Illinois.gov>; Evans, Amber <Amber.Evans@Illinois.gov>; Watson, Connie J. <Connie.Watson@illinois.gov>; Ifon, Uduak (OGC) <Uduak.Ifon@va.gov>
Subject: [External] RE: Illinois Request for Assistance

Thank you for the update! It all seem good to go. If IL's prevailing wages are higher than the Davis Bacon, that is 100% acceptable and would not jeopardize the grant's reimbursement. Prevailing wage varies by state and many states are higher than the Davis Bacon. It's only an issue when the state's wage is lower, then the Davis Bacon would need to be met as the minimum.

From: Romano, Amy [<mailto:Amy.Romano@Illinois.gov>]
Sent: Thursday, January 17, 2019 10:29 AM
To: Gaug, Anna <Anna.Gaug@va.gov>; Moore, Lisa J. <Lisa.Moore6@va.gov>
Cc: Diehl, Gwen <Gwen.Diehl@Illinois.gov>; Litko, Russell <Russell.Litko@illinois.gov>; Eddington, Matt <Matt.Eddington@Illinois.Gov>; Hawkins, Brittany <Brittany.J.Hawkins@illinois.gov>; Hildebrand, Heidi <Heidi.Hildebrand@illinois.gov>; Joerger, Marcy <Marcy.Joerger@Illinois.gov>; Broughton, Don <Don.Broughton@Illinois.gov>; Evans, Amber <Amber.Evans@Illinois.gov>; Watson, Connie J. <Connie.Watson@illinois.gov>; Ifon, Uduak (OGC) <Uduak.Ifon@va.gov>
Subject: [EXTERNAL] RE: Illinois Request for Assistance

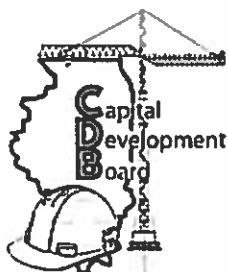
Hello Anna,

Thank you for the continuing support and clarification. We want to make sure we do this right so we do not jeopardize the potential to receive a federal reimbursement. Since your last email, we have continued to review and compare Illinois law to the federal contract requirements. Based on our review, we will be incorporating and following the federal requirements related to lobbying; drug-free workplace; and debarment, suspension, and other responsibility matters for both primary and lower tier contractors. However, we believe that Illinois' Prevailing Wage Act is more stringent than the Davis-Bacon Act. As such, we will be retaining Illinois law in our contracts for this provision.

Please let us know if this is unacceptable, or if it could threaten our ability to receive a reimbursement. We are available to further discuss with you or any member of your staff at your convenience.

Thank you,
Amy

Amy Romano
Acting Executive Director and General Counsel
Capital Development Board
Office: 217-782-0700
www.illinois.gov/cdb



From: Gaug, Anna <Anna.Gaug@va.gov>
Sent: Thursday, December 20, 2018 12:33 PM
To: Romano, Amy <Amy.Romano@Illinois.gov>; Moore, Lisa J. <Lisa.Moore6@va.gov>
Cc: Diehl, Gwen <Gwen.Diehl@illinois.gov>; Litko, Russell <Russell.Litko@illinois.gov>; Eddington, Matt <Matt.Eddington@illinois.gov>; Hawkins, Brittany <Brittany.J.Hawkins@illinois.gov>; Hildebrand, Heidi <Heidi.Hildebrand@illinois.gov>; Joerger, Marcy <Marcy.Joerger@Illinois.gov>; Broughton, Don <Don.Broughton@Illinois.gov>; Evans, Amber <Amber.Evans@Illinois.gov>; Watson, Connie J. <Connie.Watson@illinois.gov>; Ifon, Uduak (OGC) <Uduak.Ifon@va.gov>
Subject: [External] RE: Illinois Request for Assistance

Hi Amy,

We have consulted with the Office of General Counsel and their response is that the state must comply with all federal laws to receive the grant unless the State law is more stringent. In the event that it cannot be determined which law is more stringent then the federal law must be followed. In the event that it appears there is conflicting legislation (for example: Drug free and medical marijuana) the federal law must still be followed and it is on the state to get permission from their governing body to "not follow" or deviate from state law in order to comply with Federal. Due to federal funding for the grant and the language of the regulation, all outlined Federal laws/regulations must be followed to receive the award. Please notify your contractors of this in your contract language to insure you are in compliance if there is some conflict of legislation.

If there is further questions, please let me know. Sorry for the delay.

Happy holidays and have a good new year!

Anna

From: Romano, Amy [<mailto:Amy.Romano@Illinois.gov>]
Sent: Friday, November 30, 2018 2:15 PM
To: Moore, Lisa J. <Lisa.Moore6@va.gov>; Gaug, Anna <Anna.Gaug@va.gov>
Cc: Diehl, Gwen <Gwen.Diehl@Illinois.gov>; Litko, Russell <Russell.Litko@illinois.gov>; Eddington, Matt <Matt.Eddington@Illinois.Gov>; Hawkins, Brittany <Brittany.J.Hawkins@illinois.gov>; Hildebrand, Heidi <Heidi.Hildebrand@illinois.gov>; Joerger, Marcy <Marcy.Joerger@Illinois.gov>; Broughton, Don <Don.Broughton@Illinois.gov>; Evans, Amber <Amber.Evans@Illinois.gov>; Watson, Connie J. <Connie.Watson@illinois.gov>
Subject: [EXTERNAL] Illinois Request for Assistance

Dear Ms. Gaug and Ms. Moore,

Thank you for hosting a conference call with representatives of the Illinois Department of Veterans' Affairs (IDVA) and the Illinois Capital Development Board (CDB) earlier this week. As we discussed, CDB has been working with IDVA to ensure our contracts for IDVA construction projects contain sufficient language to comply with the requirements of your office's reimbursement program. As mentioned in the call, it is our understanding that as a general rule, if conflict exists between the applicable State and Federal law requirements for construction contracts, the more stringent controls. We discussed that your office reviews State/Federal law discrepancies on a case-by-case basis, and you offered to forward our compliance questions and concerns to your office's General Counsel and in-house Architects for review and to render a formal decision.

Attached find a summary and analysis of the State/Federal law provisions of concern. For ease of review, references to State law and CDB's contract provisions are presented in a hyperlink format that should direct the reader to the specific reference. Please advise if there is any difficulty accessing the State law or CDB contract provisions.

It is our understanding this review can occur on an expedited basis, and we would request such consideration.

Should either of you or anyone else in your office have any questions or need additional information, please contact CDB Deputy General Counsel Heidi Hildebrand, who is copied on this email. Please copy me on the request, as well. Both Heidi and I can be reached by telephone at: 217-782-0700.

We appreciate your assistance with the matter and look forward to a resolution.

Thank you,

Amy

Amy Petry Romano
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Capital Development Board
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Springfield, Illinois 62706
Telephone: (217) 782-0700

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