

# SB1746



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1746

Introduced 2/15/2013, by Sen. Kirk W. Dillard

#### SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-27.1

from Ch. 122, par. 103-27.1

Amends the Public Community College Act. In a provision that requires contracts to be awarded to the lowest responsible bidder, removes the exception for contracts for materials and work that have been awarded to the lowest responsible bidder but must be revised, causing expenditures not in excess of 10% of the contract price. Adds an exception for contracts for the purchase of perishable foods and perishable beverages.

LRB098 07031 NHT 37090 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Public Community College Act is amended by  
5 changing Section 3-27.1 as follows:

6 (110 ILCS 805/3-27.1) (from Ch. 122, par. 103-27.1)

7 Sec. 3-27.1. Contracts. To award all contracts for purchase  
8 of supplies, materials or work involving an expenditure in  
9 excess of \$25,000 or a lower amount as required by board policy  
10 to the lowest responsible bidder considering conformity with  
11 specifications, terms of delivery, quality, and  
12 serviceability; after due advertisement, except the following:  
13 (a) contracts for the services of individuals possessing a high  
14 degree of professional skill where the ability or fitness of  
15 the individual plays an important part; (b) contracts for the  
16 printing of finance committee reports and departmental  
17 reports; (c) contracts for the printing or engraving of bonds,  
18 tax warrants and other evidences of indebtedness; (d) (blank);  
19 ~~contracts for materials and work which have been awarded to the~~  
20 ~~lowest responsible bidder after due advertisement, but due to~~  
21 ~~unforeseen revisions, not the fault of the contractor for~~  
22 ~~materials and work, must be revised causing expenditures not in~~  
23 ~~excess of 10% of the contract price;~~ (e) contracts for the

1 maintenance or servicing of, or provision of repair parts for,  
2 equipment which are made with the manufacturer or authorized  
3 service agent of that equipment where the provision of parts,  
4 maintenance, or servicing can best be performed by the  
5 manufacturer or authorized service agent; (f) purchases and  
6 contracts for the use, purchase, delivery, movement, or  
7 installation of data processing equipment, software, or  
8 services and telecommunications and inter-connect equipment,  
9 software, and services; (g) contracts for duplicating machines  
10 and supplies; (h) contracts for the purchase of natural gas  
11 when the cost is less than that offered by a public utility;  
12 (i) purchases of equipment previously owned by some entity  
13 other than the district itself; (j) contracts for repair,  
14 maintenance, remodeling, renovation, or construction, or a  
15 single project involving an expenditure not to exceed \$50,000  
16 and not involving a change or increase in the size, type, or  
17 extent of an existing facility; (k) contracts for goods or  
18 services procured from another governmental agency; (l)  
19 contracts for goods or services which are economically  
20 procurable from only one source, such as for the purchase of  
21 magazines, books, periodicals, pamphlets and reports, and for  
22 utility services such as water, light, heat, telephone or  
23 telegraph; ~~and~~ (m) where funds are expended in an emergency and  
24 such emergency expenditure is approved by 3/4 of the members of  
25 the board; and (n) contracts for the purchase of perishable  
26 foods and perishable beverages.

1 All competitive bids for contracts involving an  
2 expenditure in excess of \$25,000 or a lower amount as required  
3 by board policy must be sealed by the bidder and must be opened  
4 by a member or employee of the board at a public bid opening at  
5 which the contents of the bids must be announced. Each bidder  
6 must receive at least 3 days' notice of the time and place of  
7 such bid opening. For purposes of this Section due  
8 advertisement includes, but is not limited to, at least one  
9 public notice at least 10 days before the bid date in a  
10 newspaper published in the district, or if no newspaper is  
11 published in the district, in a newspaper of general  
12 circulation in the area of the district. Electronic bid  
13 submissions shall be considered a sealed document for  
14 competitive bid requests if they are received at the designated  
15 office by the time and date set for receipt for bids. However,  
16 bids for construction purposes are prohibited from being  
17 submitted electronically. Electronic bid submissions must be  
18 authorized by specific language in the bid documents in order  
19 to be considered and must be opened in accordance with  
20 electronic security measures in effect at the community college  
21 at the time of opening. Unless the electronic submission  
22 procedures provide for a secure receipt, the vendor assumes the  
23 risk of premature disclosure due to submission in an unsealed  
24 form.

25 The provisions of this Section do not apply to guaranteed  
26 energy savings contracts entered into under Article V-A. The

1 provisions of this Section do not prevent a community college  
2 from complying with the terms and conditions of a grant, gift,  
3 or bequest that calls for the procurement of a particular good  
4 or service, provided that the grant, gift, or bequest provides  
5 all funding for the contract, complies with all applicable  
6 laws, and does not interfere with or otherwise impair any  
7 collective bargaining agreements the community college may  
8 have with labor organizations.

9 (Source: P.A. 96-380, eff. 8-13-09; 97-1031, eff. 8-17-12.)