

SB2151



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2151

Introduced 2/7/2025, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022

Amends the Counties Code. Provides that the State's Attorney in each county shall be exempt from letting contracts by competitive bid for services related to both criminal and civil litigation. Makes other changes.

LRB104 10834 RTM 20915 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-1022 as follows:

6 (55 ILCS 5/5-1022)

7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000
9 inhabitants, or an elected official in a county with fewer
10 than 2,000,000 inhabitants, including an elected official with
11 control of the internal operations of the office, of services,
12 materials, equipment, or supplies in excess of \$30,000, other
13 than professional services, shall be contracted for in one of
14 the following ways:

15 (1) by a contract let to the lowest responsible bidder
16 after advertising for bids in a newspaper published within
17 the county or, if no newspaper is published within the
18 county, then a newspaper having general circulation within
19 the county;

20 (2) by a contract let without advertising for bids in
21 the case of an emergency if authorized by the county
22 board; or

23 (3) by a contract let without advertising for bids in

1 the case of the expedited replacement of a disabled,
2 inoperable, or damaged patrol vehicle of the sheriff's
3 department if authorized by the county board.

4 (b) In determining the lowest responsible bidder, the
5 county board or elected official shall take into consideration
6 the qualities of the articles supplied; their conformity with
7 the specifications; their suitability to the requirements of
8 the county; the availability of support services; the
9 uniqueness of the service, materials, equipment, or supplies
10 as it applies to networked, integrated computer systems; the
11 compatibility to existing equipment; and the delivery terms.
12 In addition, the county board or elected official may take
13 into consideration the bidder's active participation in an
14 applicable apprenticeship program registered with the United
15 States Department of Labor. The county board also may take
16 into consideration whether a bidder is a private enterprise or
17 a State-controlled enterprise and, notwithstanding any other
18 provision of this Section or a lower bid by a State-controlled
19 enterprise, may let a contract to the lowest responsible
20 bidder that is a private enterprise.

21 (c) This Section does not apply to contracts by a county or
22 elected official with the federal government or to purchases
23 of used equipment, purchases at auction or similar
24 transactions which by their very nature are not suitable to
25 competitive bids, pursuant to an ordinance adopted by the
26 county board.

1 (c-5) This Section does not apply to contracts by an
2 elected official with the federal government or to purchases
3 of used equipment, purchases at auction or similar
4 transactions which by their very nature are not suitable to
5 competitive bids.

6 (d) Notwithstanding the provisions of this Section, a
7 county or elected official may let without advertising for
8 bids in the case of purchases and contracts, when individual
9 orders do not exceed \$35,000, for the use, purchase, delivery,
10 movement, or installation of data processing equipment,
11 software, or services and telecommunications and inter-connect
12 equipment, software, and services.

13 (e) A county or elected official may require, as a
14 condition of any contract for goods and services, that persons
15 awarded a contract with the county or elected official and all
16 affiliates of the person collect and remit Illinois Use Tax on
17 all sales of tangible personal property into the State of
18 Illinois in accordance with the provisions of the Illinois Use
19 Tax Act regardless of whether the person or affiliate is a
20 "retailer maintaining a place of business within this State"
21 as defined in Section 2 of the Use Tax Act. For purposes of
22 this subsection (e), the term "affiliate" means any entity
23 that (1) directly, indirectly, or constructively controls
24 another entity, (2) is directly, indirectly, or constructively
25 controlled by another entity, or (3) is subject to the control
26 of a common entity. For purposes of this subsection (e), an

1 entity controls another entity if it owns, directly or
2 individually, more than 10% of the voting securities of that
3 entity. As used in this subsection (e), the term "voting
4 security" means a security that (1) confers upon the holder
5 the right to vote for the election of members of the board of
6 directors or similar governing body of the business or (2) is
7 convertible into, or entitles the holder to receive upon its
8 exercise, a security that confers such a right to vote. A
9 general partnership interest is a voting security.

10 (f) Bids submitted to, and contracts executed by, the
11 county or elected official may require a certification by the
12 bidder or contractor that the bidder or contractor is not
13 barred from bidding for or entering into a contract under this
14 Section and that the bidder or contractor acknowledges that
15 the county may declare the contract void if the certification
16 completed pursuant to this subsection (f) is false.

17 (g) The State's Attorney in each county shall be exempt
18 from letting contracts by competitive bid for services related
19 to both criminal and civil litigation.

20 (Source: P.A. 103-14, eff. 1-1-24; 103-286, eff. 7-28-23;
21 103-605, eff. 7-1-24; 103-865, eff. 1-1-25.)