



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3428

Introduced 2/4/2026, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022

Amends the Counties Code. Provides that any purchase by a county with fewer than 2,000,000 inhabitants, or an elected official in a county with fewer than 2,000,000 inhabitants, including an elected official with control of the internal operations of the office, of services, materials, equipment, or supplies in excess of \$60,000 (rather than \$30,000), other than professional services, shall be contracted (1) by a contract let to the lowest responsible bidder after advertising for bids in a newspaper published within the county or, if no newspaper is published within the county, then a newspaper having general circulation within the county; (2) by a contract let without advertising for bids in the case of an emergency if authorized by the county board; or (3) by a contract let without advertising for bids in the case of the expedited replacement of a disabled, inoperable, or damaged patrol vehicle of the sheriff's department if authorized by the county board.

LRB104 19402 RTM 32850 b

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 \$60,000
13 ~~\$30,000~~, other than professional services, shall be contracted
14 for in one of 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 shall take into consideration the qualities of
6 the articles supplied; their conformity with the
7 specifications; their suitability to the requirements of the
8 county; the availability of support services; the uniqueness
9 of the service, materials, equipment, or supplies as it
10 applies to networked, integrated computer systems; the
11 compatibility to existing equipment; and the delivery terms.
12 In addition, the county board may take into consideration the
13 bidder's active participation in an applicable apprenticeship
14 program registered with the United States Department of Labor.
15 The county board also may take into consideration whether a
16 bidder is a private enterprise or a State-controlled
17 enterprise and, notwithstanding any other provision of this
18 Section or a lower bid by a State-controlled enterprise, may
19 let a contract to the lowest responsible bidder that is a
20 private enterprise.

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

26 (d) Notwithstanding the provisions of this Section, a

1 county may let without advertising for bids in the case of
2 purchases and contracts, when individual orders do not exceed
3 \$35,000, for the use, purchase, delivery, movement, or
4 installation of data processing equipment, software, or
5 services and telecommunications and inter-connect equipment,
6 software, and services.

7 (e) A county may require, as a condition of any contract
8 for goods and services, that persons awarded a contract with
9 the county and all affiliates of the person collect and remit
10 Illinois Use Tax on all sales of tangible personal property
11 into the State of Illinois in accordance with the provisions
12 of the Illinois Use Tax Act regardless of whether the person or
13 affiliate is a "retailer maintaining a place of business
14 within this State" as defined in Section 2 of the Use Tax Act.
15 For purposes of this subsection (e), the term "affiliate"
16 means any entity that (1) directly, indirectly, or
17 constructively controls another entity, (2) is directly,
18 indirectly, or constructively controlled by another entity, or
19 (3) is subject to the control of a common entity. For purposes
20 of this subsection (e), an entity controls another entity if
21 it owns, directly or individually, more than 10% of the voting
22 securities of that entity. As used in this subsection (e), the
23 term "voting security" means a security that (1) confers upon
24 the holder the right to vote for the election of members of the
25 board of directors or similar governing body of the business
26 or (2) is convertible into, or entitles the holder to receive

1 upon its exercise, a security that confers such a right to
2 vote. A general partnership interest is a voting security.

3 (f) Bids submitted to, and contracts executed by, the
4 county may require a certification by the bidder or contractor
5 that the bidder or contractor is not barred from bidding for or
6 entering into a contract under this Section and that the
7 bidder or contractor acknowledges that the county may declare
8 the contract void if the certification completed pursuant to
9 this subsection (f) is false.

10 (Source: P.A. 103-14, eff. 1-1-24; 103-286, eff. 7-28-23;
11 103-605, eff. 7-1-24; 103-865, eff. 1-1-25.)