

HB3436



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3436

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-27.1

from Ch. 122, par. 103-27.1

Amends the Public Community College Act. Provides that the board of trustees of a community college district may enter into a contract for goods or services procured from a competitively bid group purchase contract without adhering to the competitively bid contract requirements under the Act. Effective immediately.

LRB101 07647 AXK 52695 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) contracts
19 for materials and work which have been awarded to the lowest
20 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; (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; and (o) contracts for goods or

1 services procured from a competitively bid group purchase
2 contract, including, but not limited to, any purchasing entity
3 operating under the U.S. General Services Administration,
4 Higher Education Cooperation Act, or Midwestern Higher
5 Education Compact Act.

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

1 procedures provide for a secure receipt, the vendor assumes the
2 risk of premature disclosure due to submission in an unsealed
3 form.

4 The provisions of this Section do not apply to guaranteed
5 energy savings contracts entered into under Article V-A. The
6 provisions of this Section do not prevent a community college
7 from complying with the terms and conditions of a grant, gift,
8 or bequest that calls for the procurement of a particular good
9 or service, provided that the grant, gift, or bequest provides
10 all funding for the contract, complies with all applicable
11 laws, and does not interfere with or otherwise impair any
12 collective bargaining agreements the community college may
13 have with labor organizations.

14 (Source: P.A. 97-1031, eff. 8-17-12; 98-269, eff. 1-1-14.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.