



Rep. Daniel Didech

Filed: 2/9/2022

10200HB4393ham002

LRB102 23518 AWJ 35974 a

1 AMENDMENT TO HOUSE BILL 4393

2 AMENDMENT NO. _____. Amend House Bill 4393 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing
5 Sections 85-30 and 205-105 as follows:

6 (60 ILCS 1/85-30)

7 Sec. 85-30. Purchases; bids. Any purchase by a township
8 for services, materials, equipment, or supplies in excess of
9 \$20,000 (other than professional services) shall be contracted
10 for in one of the following ways:

11 (1) By a contract let to the lowest responsible bidder
12 or the best value bidder after advertising for bids at
13 least once (i) in a newspaper published within the
14 township, or (ii) if no newspaper is published within the
15 township, then in one published within the county, or
16 (iii) if no newspaper is published within the county, then

1 in a newspaper having general circulation within the
2 township.

3 (2) By a contract let without advertising for bids in
4 the case of an emergency if authorized by the township
5 board.

6 A township board that awards a contract to a best value
7 bidder must approve the contract by resolution that states
8 with specificity the reasons why the bidder is the best value
9 bidder. The resolution must include the identity of an officer
10 or director of the bidder who is a family member of a board
11 member, is a person with whom a board member maintains a close
12 economic association, or is a person with whom a board member
13 maintains a close political association.

14 As used in this Section:

15 "Best value" means the result determined by a procurement
16 method that considers price and other criteria reflecting an
17 objective and quantifiable analysis, including consideration
18 of some or all of the following factors: (1) the quality of the
19 bidder's performance on previous projects; (2) the timeliness
20 of the bidder's performance on previous projects; (3) the
21 level of customer satisfaction with the bidder's performance
22 on previous projects; (4) the bidder's record of performing
23 previous projects on budget and ability to minimize cost
24 overruns; (5) the bidder's ability to minimize change orders;
25 (6) the bidder's ability to prepare appropriate project plans;
26 (7) the bidder's technical capabilities; (8) the individual

1 qualifications of the bidder's key personnel; (9) the bidder's
2 ability to assess and minimize risks; (10) the bidder's
3 ability to meet the goals established by the township board
4 for the awarding of contracts to minority-owned businesses,
5 women-owned businesses, and businesses owned by persons with
6 disabilities; and (11) maintenance costs and life span of the
7 project.

8 "Family member" means a board member's spouse, children,
9 step-children, parents, step-parents, siblings,
10 step-siblings, half-siblings, sons-in-law, daughters-in-law,
11 grandparents, and grandchildren, as well as the parents and
12 grandparents of the board member's spouse and a person living
13 with the board member.

14 "Person with whom a board member maintains a close
15 economic association" means a person associated with the board
16 member in a partnership, association or professional service
17 corporation, whether as partner, officer, employee, associate,
18 or otherwise.

19 "Person with whom a board member maintains a close
20 political association" means a person who has made a campaign
21 contribution to a political committee supporting a board
22 member or a political committee of which a board member is an
23 officer, is a candidate or is an officer of a political
24 committee that has received a campaign contribution from a
25 board member, or is an officer of a political committee
26 supporting a board member.

1 This Section does not apply to contracts by a township
2 with the federal government.

3 If a township is eligible to be paid from or reimbursed
4 with federal-aid funds, grants, or loans, in whole or in part,
5 and the provisions of this Section would result in the loss of
6 those federal-aid funds, grants, or loans, then the contract
7 is exempt from the provisions of this Section in order to
8 remain eligible for those federal-aid funds, grants, or loans.

9 (Source: P.A. 94-435, eff. 8-2-05.)

10 (60 ILCS 1/205-105)

11 Sec. 205-105. Construction contracts; bids.

12 (a) All contracts for construction work whose estimated
13 cost will exceed \$20,000 shall be let to the lowest
14 responsible bidder or the best value bidder after publication
15 of notice for bids. Notice for bids shall be published once in
16 a newspaper published and having general circulation in the
17 township, if there is one. If there is no such newspaper,
18 notice for bids shall be published in a newspaper published
19 and having general circulation in the county. Notice for bids
20 shall be published at least 10 days before the date set for
21 receiving bids. Bids shall be opened and publicly read, and an
22 award shall be made to the lowest responsible bidder or the
23 best value bidder within 15 days after the receipt of bids.

24 A township board that awards a contract to a best value
25 bidder must approve the contract by resolution that states

1 with specificity the reasons why the bidder is the best value
2 bidder. The resolution must include the identity of an officer
3 or director of the bidder who is a family member of a board
4 member, is a person with whom a board member maintains a close
5 economic association, or is a person with whom a board member
6 maintains a close political association.

7 As used in this Section:

8 "Best value" means the result determined by a procurement
9 method that considers price and other criteria reflecting an
10 objective and quantifiable analysis, including consideration
11 of some or all of the following factors: (1) the quality of the
12 bidder's performance on previous projects; (2) the timeliness
13 of the bidder's performance on previous projects; (3) the
14 level of customer satisfaction with the bidder's performance
15 on previous projects; (4) the bidder's record of performing
16 previous projects on budget and ability to minimize cost
17 overruns; (5) the bidder's ability to minimize change orders;
18 (6) the bidder's ability to prepare appropriate project plans;
19 (7) the bidder's technical capabilities; (8) the individual
20 qualifications of the bidder's key personnel; (9) the bidder's
21 ability to assess and minimize risks; (10) the bidder's
22 ability to meet the goals established by the township board
23 for the awarding of contracts to minority-owned businesses,
24 women-owned businesses, and businesses owned by persons with
25 disabilities; and (11) maintenance costs and life span of the
26 project.

1 "Family member" means a board member's spouse, children,
2 step-children, parents, step-parents, siblings,
3 step-siblings, half-siblings, sons-in-law, daughters-in-law,
4 grandparents, and grandchildren, as well as the parents and
5 grandparents of the board member's spouse and a person living
6 with the board member.

7 "Person with whom a board member maintains a close
8 economic association" means a person associated with the board
9 member in a partnership, association or professional service
10 corporation, whether as partner, officer, employee, associate,
11 or otherwise.

12 "Person with whom a board member maintains a close
13 political association" means a person who has made a campaign
14 contribution to a political committee supporting a board
15 member or a political committee of which a board member is an
16 officer, is a candidate or is an officer of a political
17 committee that has received a campaign contribution from a
18 board member, or is an officer of a political committee
19 supporting a board member.

20 (b) This Section shall not apply to engineering, legal, or
21 other professional services, but it shall apply to the
22 purchase of equipment unless the township board, by a
23 resolution adopted by a three-fourths vote, determines that it
24 is for the best interests of the township that advertising for
25 bids for the equipment be dispensed with.

26 (c) If a township is eligible to be paid from or reimbursed

1 with federal-aid funds, grants, or loans, in whole or in part,
2 and the provisions of this Section would result in the loss of
3 those federal-aid funds, grants, or loans, then the contract
4 is exempt from the provisions of this Section in order to
5 remain eligible for those federal-aid funds, grants, or loans.

6 (Source: P.A. 95-300, eff. 8-20-07.)

7 Section 10. The Illinois Municipal Code is amended by
8 changing Sections 4-5-11 and 8-9-1 as follows:

9 (65 ILCS 5/4-5-11) (from Ch. 24, par. 4-5-11)

10 Sec. 4-5-11. Except as otherwise provided, all contracts,
11 of whatever character, pertaining to public improvement, or to
12 the maintenance of the public property of a municipality
13 involving an outlay of \$10,000 or more, shall be based upon
14 specifications to be approved by the council. Any work or
15 other public improvement which is not to be paid for in whole
16 or in part by special assessment or special taxation, when the
17 expense thereof will exceed \$25,000, shall be constructed as
18 follows:

19 (1) By a contract let to the lowest responsible bidder
20 or the best value bidder after advertising for bids, in
21 the manner prescribed by ordinance, except that any such
22 contract may be entered into by the proper officers
23 without advertising for bids, if authorized by a vote of 4
24 of the 5 council members elected; or

1 (2) In the following manner, if authorized by a vote
2 of 4 of the 5 council members elected: the commissioner of
3 public works or other proper officers to be designated by
4 ordinance, shall superintend and cause to be carried out
5 the construction of the work or other public improvement
6 and shall employ exclusively for the performance of all
7 manual labor thereon, laborers and artisans whom the city
8 or village shall pay by the day or hour, but all material
9 of the value of \$25,000 and upward used in the
10 construction of the work or other public improvement,
11 shall be purchased by contract let to the lowest
12 responsible bidder or the best value bidder in the manner
13 to be prescribed by ordinance.

14 A city council that awards a contract to a best value
15 bidder must approve the contract by resolution that states
16 with specificity the reasons why the bidder is the best value
17 bidder. The resolution must include the identity of an officer
18 or director of the bidder who is a family member of a city
19 council member, is a person with whom a city council member
20 maintains a close economic association, or is a person with
21 whom a city council member maintains a close political
22 association.

23 As used in this Section:

24 "Best value" means the result determined by a procurement
25 method that considers price and other criteria reflecting an
26 objective and quantifiable analysis, including consideration

1 of some or all of the following factors: (1) the quality of the
2 bidder's performance on previous projects; (2) the timeliness
3 of the bidder's performance on previous projects; (3) the
4 level of customer satisfaction with the bidder's performance
5 on previous projects; (4) the bidder's record of performing
6 previous projects on budget and ability to minimize cost
7 overruns; (5) the bidder's ability to minimize change orders;
8 (6) the bidder's ability to prepare appropriate project plans;
9 (7) the bidder's technical capabilities; (8) the individual
10 qualifications of the bidder's key personnel; (9) the bidder's
11 ability to assess and minimize risks; (10) the bidder's
12 ability to meet the goals established by the city council for
13 the awarding of contracts to minority-owned businesses,
14 women-owned businesses, and businesses owned by persons with
15 disabilities; and (11) maintenance costs and life span of the
16 project.

17 "Family member" means a city council member's spouse,
18 children, step-children, parents, step-parents, siblings,
19 step-siblings, half-siblings, sons-in-law, daughters-in-law,
20 grandparents, and grandchildren, as well as the parents and
21 grandparents of the city council member's spouse and a person
22 living with the city council member.

23 "Person with whom a city council member maintains a close
24 economic association" means a person associated with the city
25 council member in a partnership, association or professional
26 service corporation, whether as partner, officer, employee,

1 associate, or otherwise.

2 "Person with whom a city council member maintains a close
3 political association" means a person who has made a campaign
4 contribution to a political committee supporting a city
5 council member or a political committee of which a city
6 council member is an officer, is a candidate or is an officer
7 of a political committee that has received a campaign
8 contribution from a city council member, or is an officer of a
9 political committee supporting a city council member.

10 Nothing contained in this Section shall apply to any
11 contract by a municipality with the United States of America
12 or any agency thereof.

13 If a municipality is eligible to be paid from or
14 reimbursed with federal-aid funds, grants, or loans, in whole
15 or in part, and the provisions of this Section would result in
16 the loss of those federal-aid funds, grants, or loans, then
17 the contract is exempt from the provisions of this Section in
18 order to remain eligible for those federal-aid funds, grants,
19 or loans.

20 (Source: P.A. 100-338, eff. 8-25-17.)

21 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

22 Sec. 8-9-1. In municipalities of less than 500,000 except
23 as otherwise provided in Articles 4 and 5 any work or other
24 public improvement which is not to be paid for in whole or in
25 part by special assessment or special taxation, when the

1 expense thereof will exceed \$25,000, shall be constructed
2 either (1) by a contract let to the lowest responsible bidder
3 or the best value bidder after advertising for bids, in the
4 manner prescribed by ordinance, except that any such contract
5 may be entered into by the proper officers without advertising
6 for bids, if authorized by a vote of two-thirds of all the
7 alderpersons or trustees then holding office; or (2) in the
8 following manner, if authorized by a vote of two-thirds of all
9 the alderpersons or trustees then holding office, to-wit: the
10 commissioner of public works or other proper officers to be
11 designated by ordinance, shall superintend and cause to be
12 carried out the construction of the work or other public
13 improvement and shall employ exclusively for the performance
14 of all manual labor thereon, laborers and artisans whom the
15 municipality shall pay by the day or hour; and all material of
16 the value of \$25,000 and upward used in the construction of the
17 work or other public improvement, shall be purchased by
18 contract let to the lowest responsible bidder or the best
19 value bidder in the manner to be prescribed by ordinance.
20 However, nothing contained in this Section shall apply to any
21 contract by a city, village or incorporated town with the
22 federal government or any agency thereof.

23 A city council that awards a contract to a best value
24 bidder must approve the contract by resolution that states
25 with specificity the reasons why the bidder is the best value
26 bidder. The resolution must include the identity of an officer

1 or director of the bidder who is a family member of a city
2 council member, is a person with whom a city council member
3 maintains a close economic association, or is a person with
4 whom a city council member maintains a close political
5 association.

6 As used in this Section:

7 "Best value" means the result determined by a procurement
8 method that considers price and other criteria reflecting an
9 objective and quantifiable analysis, including consideration
10 of some or all of the following factors: (1) the quality of the
11 bidder's performance on previous projects; (2) the timeliness
12 of the bidder's performance on previous projects; (3) the
13 level of customer satisfaction with the bidder's performance
14 on previous projects; (4) the bidder's record of performing
15 previous projects on budget and ability to minimize cost
16 overruns; (5) the bidder's ability to minimize change orders;
17 (6) the bidder's ability to prepare appropriate project plans;
18 (7) the bidder's technical capabilities; (8) the individual
19 qualifications of the bidder's key personnel; (9) the bidder's
20 ability to assess and minimize risks; (10) the bidder's
21 ability to meet the goals established by the city council for
22 the awarding of contracts to minority-owned businesses,
23 women-owned businesses, and businesses owned by persons with
24 disabilities; and (11) maintenance costs and life span of the
25 project.

26 "Family member" means a city council member's spouse,

1 children, step-children, parents, step-parents, siblings,
2 step-siblings, half-siblings, sons-in-law, daughters-in-law,
3 grandparents, and grandchildren, as well as the parents and
4 grandparents of the city council member's spouse and a person
5 living with the city council member.

6 "Person with whom a city council member maintains a close
7 economic association" means a person associated with the city
8 council member in a partnership, association or professional
9 service corporation, whether as partner, officer, employee,
10 associate, or otherwise.

11 "Person with whom a city council member maintains a close
12 political association" means a person who has made a campaign
13 contribution to a political committee supporting a city
14 council member or a political committee of which a city
15 council member is an officer, is a candidate or is an officer
16 of a political committee that has received a campaign
17 contribution from a city council member, or is an officer of a
18 political committee supporting a city council member.

19 In every city which has adopted Division 1 of Article 10,
20 every such laborer or artisan shall be certified by the civil
21 service commission to the commissioner of public works or
22 other proper officers, in accordance with the requirement of
23 that division.

24 In municipalities of 500,000 or more population the
25 letting of contracts for work or other public improvements of
26 the character described in this Section shall be governed by

1 the provisions of Division 10 of this Article 8.

2 If a municipality is eligible to be paid from or
3 reimbursed with federal-aid funds, grants, or loans, in whole
4 or in part, and the provisions of this Section would result in
5 the loss of those federal-aid funds, grants, or loans, then
6 the contract is exempt from the provisions of this Section in
7 order to remain eligible for those federal-aid funds, grants,
8 or loans.

9 (Source: P.A. 102-15, eff. 6-17-21.)

10 Section 15. The Downstate Forest Preserve District Act is
11 amended by changing Section 8 as follows:

12 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

13 (Text of Section before amendment by P.A. 102-460)

14 Sec. 8. Powers and duties of corporate authority and
15 officers; contracts; salaries.

16 (a) The board shall be the corporate authority of such
17 forest preserve district and shall have power to pass and
18 enforce all necessary ordinances, rules and regulations for
19 the management of the property and conduct of the business of
20 such district. The president of such board shall have power to
21 appoint such employees as may be necessary. In counties with
22 population of less than 3,000,000, within 60 days after their
23 selection the commissioners appointed under the provisions of
24 Section 3a of this Act shall organize by selecting from their

1 members a president, vice president, secretary, treasurer and
2 such other officers as are deemed necessary who shall hold
3 office for the fiscal year in which elected and until their
4 successors are selected and qualify. In the one district in
5 existence on July 1, 1977, that is managed by an appointed
6 board of commissioners, the incumbent president and the other
7 officers appointed in the manner as originally prescribed in
8 this Act shall hold such offices until the completion of their
9 respective terms or in the case of the officers other than
10 president until their successors are appointed by said
11 president, but in all cases not to extend beyond January 1,
12 1980 and until their successors are selected and qualify.
13 Thereafter, the officers shall be selected in the manner as
14 prescribed in this Section except that their first term of
15 office shall not expire until June 30, 1981 and until their
16 successors are selected and qualify.

17 (a-5) An officer selected pursuant to subsection (a) may
18 be removed, with or without cause, upon a motion adopted by an
19 affirmative vote of four-fifths of the board of the forest
20 preserve district. Upon adoption of a motion to remove an
21 officer: (i) the office becomes vacant and the former
22 officer's compensation shall be prorated to the date the
23 motion was approved; (ii) if the officer removed is the
24 president then the vice president immediately assumes the
25 duties of the president without president compensation and, if
26 the officer removed is the vice president, treasurer, or

1 secretary, then the president shall select an interim
2 appointee who shall serve until the next regularly scheduled
3 forest preserve district board meeting; and (iii) a new
4 officer shall be selected at the next regularly scheduled
5 forest preserve district board meeting. An officer removed
6 under this Section maintains his or her status as a member of
7 the forest preserve district board.

8 (b) In any county, city, village, incorporated town or
9 sanitary district where the corporate authorities act as the
10 governing body of a forest preserve district, the person
11 exercising the powers of the president of the board shall have
12 power to appoint a secretary and an assistant secretary and
13 treasurer and an assistant treasurer and such other officers
14 and such employees as may be necessary. The assistant
15 secretary and assistant treasurer shall perform the duties of
16 the secretary and treasurer, respectively in case of death of
17 such officers or when such officers are unable to perform the
18 duties of their respective offices. All contracts for
19 supplies, material or work involving an expenditure in excess
20 of \$25,000, or a lower amount if required by board policy,
21 shall be let to the lowest responsible bidder, after
22 advertising at least once in one or more newspapers of general
23 circulation within the district, excepting work requiring
24 personal confidence or necessary supplies under the control of
25 monopolies, where competitive bidding is impossible. Contracts
26 for supplies, material or work involving an expenditure of

1 \$25,000, or a lower amount if required by board policy, or less
2 may be let without advertising for bids, but whenever
3 practicable, at least 3 competitive bids shall be obtained
4 before letting such contract. All contracts for supplies,
5 material or work shall be signed by the president of the board
6 of commissioners or by any such other officer as the board in
7 its discretion may designate.

8 (c) The president of any board of commissioners appointed
9 under the provisions of Section 3a of this Act shall receive a
10 salary not to exceed the sum of \$2500 per annum and the salary
11 of other members of the board so appointed shall not exceed
12 \$1500 per annum. Salaries of the commissioners, officers and
13 employees shall be fixed by ordinance.

14 (d) Whenever a forest preserve district owns any personal
15 property that, in the opinion of three-fifths of the members
16 of the board of commissioners, is no longer necessary, useful
17 to, or for the best interests of the forest preserve district,
18 then three-fifths of the members of the board, at any regular
19 meeting or any special meeting called for that purpose by an
20 ordinance or resolution that includes a general description of
21 the personal property, may authorize the conveyance or sale of
22 that personal property in any manner that they may designate,
23 with or without advertising the sale.

24 (Source: P.A. 101-544, eff. 8-23-19.)

25 (Text of Section after amendment by P.A. 102-460)

1 Sec. 8. Powers and duties of corporate authority and
2 officers; contracts; salaries.

3 (a) The board shall be the corporate authority of such
4 forest preserve district and shall have power to pass and
5 enforce all necessary ordinances, rules and regulations for
6 the management of the property and conduct of the business of
7 such district. The president of such board shall have power to
8 appoint such employees as may be necessary. In counties with
9 population of less than 3,000,000, within 60 days after their
10 selection the commissioners appointed under the provisions of
11 Section 3a of this Act shall organize by selecting from their
12 members a president, vice president, secretary, treasurer and
13 such other officers as are deemed necessary who shall hold
14 office for the fiscal year in which elected and until their
15 successors are selected and qualify. In the one district in
16 existence on July 1, 1977, that is managed by an appointed
17 board of commissioners, the incumbent president and the other
18 officers appointed in the manner as originally prescribed in
19 this Act shall hold such offices until the completion of their
20 respective terms or in the case of the officers other than
21 president until their successors are appointed by said
22 president, but in all cases not to extend beyond January 1,
23 1980 and until their successors are selected and qualify.
24 Thereafter, the officers shall be selected in the manner as
25 prescribed in this Section except that their first term of
26 office shall not expire until June 30, 1981 and until their

1 successors are selected and qualify.

2 (a-5) An officer selected pursuant to subsection (a) may
3 be removed, with or without cause, upon a motion adopted by an
4 affirmative vote of four-fifths of the board of the forest
5 preserve district. Upon adoption of a motion to remove an
6 officer: (i) the office becomes vacant and the former
7 officer's compensation shall be prorated to the date the
8 motion was approved; (ii) if the officer removed is the
9 president then the vice president immediately assumes the
10 duties of the president without president compensation and, if
11 the officer removed is the vice president, treasurer, or
12 secretary, then the president shall select an interim
13 appointee who shall serve until the next regularly scheduled
14 forest preserve district board meeting; and (iii) a new
15 officer shall be selected at the next regularly scheduled
16 forest preserve district board meeting. An officer removed
17 under this Section maintains his or her status as a member of
18 the forest preserve district board.

19 (b) In any county, city, village, incorporated town or
20 sanitary district where the corporate authorities act as the
21 governing body of a forest preserve district, the person
22 exercising the powers of the president of the board shall have
23 power to appoint a secretary and an assistant secretary and
24 treasurer and an assistant treasurer and such other officers
25 and such employees as may be necessary. The assistant
26 secretary and assistant treasurer shall perform the duties of

1 the secretary and treasurer, respectively in case of death of
2 such officers or when such officers are unable to perform the
3 duties of their respective offices. All contracts for
4 supplies, material or work involving an expenditure in excess
5 of \$30,000, or a lower amount if required by board policy,
6 shall be let to the lowest responsible bidder or the best value
7 bidder, after advertising at least once in one or more
8 newspapers of general circulation within the district,
9 excepting work requiring personal confidence or necessary
10 supplies under the control of monopolies, where competitive
11 bidding is impossible, or as otherwise provided in the Forest
12 Preserve District and Conservation District Design-Build
13 Authorization Act. Contracts for supplies, material or work
14 involving an expenditure of \$30,000, or a lower amount if
15 required by board policy, or less may be let without
16 advertising for bids, but whenever practicable, at least 3
17 competitive bids shall be obtained before letting such
18 contract. All contracts for supplies, material or work shall
19 be signed by the president of the board of commissioners or by
20 any such other officer as the board in its discretion may
21 designate.

22 A board that awards a contract to a best value bidder must
23 approve the contract by resolution that states with
24 specificity the reasons why the bidder is the best value
25 bidder. The resolution must include the identity of an officer
26 or director of the bidder who is a family member of a board

1 member, is a person with whom a board member maintains a close
2 economic association, or is a person with whom a board member
3 maintains a close political association.

4 As used in this Section:

5 "Best value" means the result determined by a procurement
6 method that considers price and other criteria reflecting an
7 objective and quantifiable analysis, including consideration
8 of some or all of the following factors: (1) the quality of the
9 bidder's performance on previous projects; (2) the timeliness
10 of the bidder's performance on previous projects; (3) the
11 level of customer satisfaction with the bidder's performance
12 on previous projects; (4) the bidder's record of performing
13 previous projects on budget and ability to minimize cost
14 overruns; (5) the bidder's ability to minimize change orders;
15 (6) the bidder's ability to prepare appropriate project plans;
16 (7) the bidder's technical capabilities; (8) the individual
17 qualifications of the bidder's key personnel; (9) the bidder's
18 ability to assess and minimize risks; (10) the bidder's
19 ability to meet the goals established by the board for the
20 awarding of contracts to minority-owned businesses,
21 women-owned businesses, and businesses owned by persons with
22 disabilities; and (11) maintenance costs and life span of the
23 project.

24 "Family member" means a board member's spouse, children,
25 step-children, _____ parents, _____ step-parents, _____ siblings,
26 step-siblings, half-siblings, sons-in-law, daughters-in-law,

1 grandparents, and grandchildren, as well as the parents and
2 grandparents of the board member's spouse and a person living
3 with the board member.

4 "Person with whom a board member maintains a close
5 economic association" means a person associated with the board
6 member in a partnership, association or professional service
7 corporation, whether as partner, officer, employee, associate,
8 or otherwise.

9 "Person with whom a board member maintains a close
10 political association" means a person who has made a campaign
11 contribution to a political committee supporting a board
12 member or a political committee of which a board member is an
13 officer, is a candidate or is an officer of a political
14 committee that has received a campaign contribution from a
15 board member, or is an officer of a political committee
16 supporting a board member.

17 (c) The president of any board of commissioners appointed
18 under the provisions of Section 3a of this Act shall receive a
19 salary not to exceed the sum of \$2500 per annum and the salary
20 of other members of the board so appointed shall not exceed
21 \$1500 per annum. Salaries of the commissioners, officers and
22 employees shall be fixed by ordinance.

23 (d) Whenever a forest preserve district owns any personal
24 property that, in the opinion of three-fifths of the members
25 of the board of commissioners, is no longer necessary, useful
26 to, or for the best interests of the forest preserve district,

1 then three-fifths of the members of the board, at any regular
2 meeting or any special meeting called for that purpose by an
3 ordinance or resolution that includes a general description of
4 the personal property, may authorize the conveyance or sale of
5 that personal property in any manner that they may designate,
6 with or without advertising the sale.

7 (Source: P.A. 101-544, eff. 8-23-19; 102-460, eff. 6-1-22.)

8 Section 20. The Park District Code is amended by changing
9 Section 8-1 as follows:

10 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

11 Sec. 8-1. General corporate powers. Every park district
12 shall, from the time of its organization, be a body corporate
13 and politic by the name set forth in the petition for its
14 organization, the specific name set forth in this Code, or the
15 name it may adopt under Section 8-9 and shall have and exercise
16 the following powers:

17 (a) To adopt a corporate seal and alter the same at
18 pleasure; to sue and be sued; and to contract in
19 furtherance of any of its corporate purposes.

20 (b) (1) To acquire by gift, legacy, grant or purchase,
21 or by condemnation in the manner provided for the exercise
22 of the power of eminent domain under the Eminent Domain
23 Act, any and all real estate, or rights therein necessary
24 for building, laying out, extending, adorning and

1 maintaining any such parks, boulevards and driveways, or
2 for effecting any of the powers or purposes granted under
3 this Code as its board may deem proper, whether such lands
4 be located within or without such district; but no park
5 district, except as provided in paragraph (2) of this
6 subsection, shall have any power of condemnation in the
7 manner provided for the exercise of the power of eminent
8 domain under the Eminent Domain Act or otherwise as to any
9 real estate, lands, riparian rights or estate, or other
10 property situated outside of such district, but shall only
11 have power to acquire the same by gift, legacy, grant or
12 purchase, and such district shall have the same control of
13 and power over lands so acquired without the district as
14 over parks, boulevards and driveways within such district.

15 (2) In addition to the powers granted in paragraph (1)
16 of subsection (b), a park district located in more than
17 one county, the majority of its territory located in a
18 county over 450,000 in population and none of its
19 territory located in a county over 1,000,000 in
20 population, shall have condemnation power in the manner
21 provided for the exercise of the power of eminent domain
22 under the Eminent Domain Act or as otherwise granted by
23 law as to any and all real estate situated up to one mile
24 outside of such district which is not within the
25 boundaries of another park district.

26 (c) To acquire by gift, legacy or purchase any

1 personal property necessary for its corporate purposes
2 provided that all contracts for supplies, materials or
3 work involving an expenditure in excess of \$25,000, or a
4 lower amount if required by board policy, shall be let to
5 the lowest responsible bidder or the best value bidder
6 after due advertisement. No district shall be required to
7 accept a bid that does not meet the district's established
8 specifications, terms of delivery, quality, and
9 serviceability requirements. Contracts which, by their
10 nature, are not adapted to award by competitive bidding,
11 such as contracts for the services of individuals
12 possessing a high degree of professional skill where the
13 ability or fitness of the individual plays an important
14 part, contracts for the printing of finance committee
15 reports and departmental reports, contracts for the
16 printing or engraving of bonds, tax warrants and other
17 evidences of indebtedness, contracts for utility services
18 such as water, light, heat, telephone or telegraph,
19 contracts for fuel (such as diesel, gasoline, oil,
20 aviation, or propane), lubricants, or other petroleum
21 products, contracts for the use, purchase, delivery,
22 movement, or installation of data processing equipment,
23 software, or services and telecommunications and
24 interconnect equipment, software, or services, contracts
25 for duplicating machines and supplies, contracts for goods
26 or services procured from another governmental agency,

1 purchases of equipment previously owned by some entity
2 other than the district itself, and contracts for the
3 purchase of magazines, books, periodicals, pamphlets and
4 reports are not subject to competitive bidding. Contracts
5 for emergency expenditures are also exempt from
6 competitive bidding when the emergency expenditure is
7 approved by 3/4 of the members of the board.

8 All competitive bids for contracts involving an
9 expenditure in excess of \$25,000, or a lower amount if
10 required by board policy, must be sealed by the bidder and
11 must be opened by a member or employee of the park board at
12 a public bid opening at which the contents of the bids must
13 be announced. Each bidder must receive at least 3 days
14 notice of the time and place of the bid opening.

15 A park district board that awards a contract to a best
16 value bidder must approve the contract by resolution that
17 states with specificity the reasons why the bidder is the
18 best value bidder. The resolution must include the
19 identity of an officer or director of the bidder who is a
20 family member of a board member, is a person with whom a
21 board member maintains a close economic association, or is
22 a person with whom a board member maintains a close
23 political association.

24 For purposes of this subsection:7

25 "Best value" means the result determined by a
26 procurement method that considers price and other criteria

1 reflecting an objective and quantifiable analysis,
2 including consideration of some or all of the following
3 factors: (1) the quality of the bidder's performance on
4 previous projects; (2) the timeliness of the bidder's
5 performance on previous projects; (3) the level of
6 customer satisfaction with the bidder's performance on
7 previous projects; (4) the bidder's record of performing
8 previous projects on budget and ability to minimize cost
9 overruns; (5) the bidder's ability to minimize change
10 orders; (6) the bidder's ability to prepare appropriate
11 project plans; (7) the bidder's technical capabilities;
12 (8) the individual qualifications of the bidder's key
13 personnel; (9) the bidder's ability to assess and minimize
14 risks; (10) the bidder's ability to meet the goals
15 established by the board for the awarding of contracts to
16 minority-owned businesses, women-owned businesses, and
17 businesses owned by persons with disabilities; and (11)
18 maintenance costs and life span of the project.

19 "Due ~~due~~ advertisement" includes, but is not limited
20 to, at least one public notice at least 10 days before the
21 bid date in a newspaper published in the district or, if no
22 newspaper is published in the district, in a newspaper of
23 general circulation in the area of the district.

24 "Family member" means a board member's spouse,
25 children, step-children, parents, step-parents, siblings,
26 step-siblings, half-siblings, sons-in-law,

1 daughters-in-law, grandparents, and grandchildren, as well
2 as the parents and grandparents of the board member's
3 spouse and a person living with the board member.

4 "Person with whom a board member maintains a close
5 economic association" means a person associated with the
6 board member in a partnership, association or professional
7 service corporation, whether as partner, officer,
8 employee, associate, or otherwise.

9 "Person with whom a board member maintains a close
10 political association" means a person who has made a
11 campaign contribution to a political committee supporting
12 a board member or a political committee of which a board
13 member is an officer, is a candidate or is an officer of a
14 political committee that has received a campaign
15 contribution from a board member, or is an officer of a
16 political committee supporting a board member.

17 (d) To pass all necessary ordinances, rules and
18 regulations for the proper management and conduct of the
19 business of the board and district and to establish by
20 ordinance all needful rules and regulations for the
21 government and protection of parks, boulevards and
22 driveways and other property under its jurisdiction, and
23 to effect the objects for which such districts are formed.

24 (e) To prescribe such fines and penalties for the
25 violation of ordinances as it shall deem proper not
26 exceeding \$1,000 for any one offense, which fines and

1 penalties may be recovered by an action in the name of such
2 district in the circuit court for the county in which such
3 violation occurred. The park district may also seek in the
4 action, in addition to or instead of fines and penalties,
5 an order that the offender be required to make restitution
6 for damage resulting from violations, and the court shall
7 grant such relief where appropriate. The procedure in such
8 actions shall be the same as that provided by law for like
9 actions for the violation of ordinances in cities
10 organized under the general laws of this State, and
11 offenders may be imprisoned for non-payment of fines and
12 costs in the same manner as in such cities. All fines when
13 collected shall be paid into the treasury of such
14 district.

15 (f) To manage and control all officers and property of
16 such districts and to provide for joint ownership with one
17 or more cities, villages or incorporated towns of real and
18 personal property used for park purposes by one or more
19 park districts. In case of joint ownership, the terms of
20 the agreement shall be fair, just and equitable to all
21 parties and shall be set forth in a written agreement
22 entered into by the corporate authorities of each
23 participating district, city, village or incorporated
24 town.

25 (g) To secure grants and loans, or either, from the
26 United States Government, or any agency or agencies

1 thereof, for financing the acquisition or purchase of any
2 and all real estate, or rights therein, or for effecting
3 any of the powers or purposes granted under this Code as
4 its Board may deem proper.

5 (h) To establish fees for the use of facilities and
6 recreational programs of the districts and to derive
7 revenue from non-resident fees from their operations. Fees
8 charged non-residents of such district need not be the
9 same as fees charged to residents of the district.
10 Charging fees or deriving revenue from the facilities and
11 recreational programs shall not affect the right to assert
12 or utilize any defense or immunity, common law or
13 statutory, available to the districts or their employees.

14 (i) To make contracts for a term exceeding one year,
15 but not to exceed 3 years, notwithstanding any provision
16 of this Code to the contrary, relating to: (1) the
17 employment of a park director, superintendent,
18 administrator, engineer, health officer, land planner,
19 finance director, attorney, police chief, or other officer
20 who requires technical training or knowledge; (2) the
21 employment of outside professional consultants such as
22 engineers, doctors, land planners, auditors, attorneys, or
23 other professional consultants who require technical
24 training or knowledge; (3) the provision of data
25 processing equipment and services; and (4) the purchase of
26 energy from a utility or an alternative retail electric

1 supplier. With respect to any contract made under this
2 subsection (i), the corporate authorities shall include in
3 the annual appropriation ordinance for each fiscal year an
4 appropriation of a sum of money sufficient to pay the
5 amount which, by the terms of the contract, is to become
6 due and payable during that fiscal year.

7 (j) To enter into licensing or management agreements
8 with not-for-profit corporations organized under the laws
9 of this State to operate park district facilities if the
10 corporation covenants to use the facilities to provide
11 public park or recreational programs for youth.

12 (Source: P.A. 101-304, eff. 8-9-19.)

13 Section 25. The Illinois Local Library Act is amended by
14 changing Section 5-5 as follows:

15 (75 ILCS 5/5-5) (from Ch. 81, par. 5-5)

16 Sec. 5-5. When the board determines to commence the
17 construction of the building or the remodeling, repairing or
18 improving of an existing library building or the erection of
19 an addition thereto, the purchase of the necessary equipment
20 for such library, or the acquisition of library materials such
21 as books, periodicals, recordings and electronic data storage
22 and retrieval facilities in connection with either the
23 purchase or construction of a new library building or the
24 expansion of an existing library building, they may then

1 revise the plan therefor or adopt a new plan and provide
2 estimates of the costs thereof, and shall, when the cost is in
3 excess of \$25,000, advertise for bids for the construction of
4 the building, or the remodeling, repairing or improving of an
5 existing library building or the erection of an addition
6 thereto, or the purchase of the necessary equipment for such
7 library, or the acquisition of library materials such as
8 books, periodicals, recordings and electronic data storage and
9 retrieval facilities in connection with either the purchase or
10 construction of a new library building or the expansion of an
11 existing library building, and shall let the contract or
12 contracts for the same, when the cost is in excess of \$25,000,
13 to the lowest responsible bidder or bidders or to the best
14 value bidder or bidders.

15 The board shall not be required to accept a bid that does
16 not meet the library's established specifications, terms of
17 delivery, quality, and serviceability requirements. Contracts
18 which, by their nature, are not adapted to award by
19 competitive bidding, are not subject to competitive bidding,
20 including, but not limited to:

21 (1) contracts for the services of individuals
22 possessing a high degree of professional skill where the
23 ability or fitness of the individual plays an important
24 part;

25 (2) contracts for the printing of finance committee
26 reports and departmental reports;

1 (3) contracts for the printing or engraving of bonds,
2 tax warrants and other evidences of indebtedness;

3 (4) contracts for the maintenance or servicing of, or
4 provision of repair parts for, equipment which are made
5 with the manufacturer or authorized service agent of that
6 equipment where the provision of parts, maintenance, or
7 servicing can best be performed by the manufacturer or
8 authorized service agent;

9 (5) purchases and contracts for the use, purchase,
10 delivery, movement, or installation of data processing
11 equipment, software, or services and telecommunications
12 and interconnect equipment, software, and services;

13 (6) contracts for duplicating machines and supplies;

14 (7) contracts for utility services such as water,
15 light, heat, telephone or telegraph;

16 (8) contracts for goods or services procured from
17 another governmental agency;

18 (9) purchases of equipment previously owned by some
19 entity other than the library itself; and

20 (10) contracts for goods or services which are
21 economically procurable from only one source, such as for
22 the purchase of magazines, books, periodicals, pamphlets,
23 and reports.

24 Contracts for emergency expenditures are also exempt from
25 competitive bidding when the emergency expenditure is approved
26 by 3/4 of the members of the board.

1 The board shall require from such bidders security for the
2 performance of the bids determined by the board pursuant to
3 law. The board may let the contract or contracts to one or more
4 bidders, as they shall determine.

5 A board that awards a contract to a best value bidder must
6 approve the contract by resolution that states with
7 specificity the reasons why the bidder is the best value
8 bidder. The resolution must include the identity of an officer
9 or director of the bidder who is a family member of a board
10 member, is a person with whom a board member maintains a close
11 economic association, or is a person with whom a board member
12 maintains a close political association.

13 As used in this Section:

14 "Best value" means the result determined by a procurement
15 method that considers price and other criteria reflecting an
16 objective and quantifiable analysis, including consideration
17 of some or all of the following factors: (1) the quality of the
18 bidder's performance on previous projects; (2) the timeliness
19 of the bidder's performance on previous projects; (3) the
20 level of customer satisfaction with the bidder's performance
21 on previous projects; (4) the bidder's record of performing
22 previous projects on budget and ability to minimize cost
23 overruns; (5) the bidder's ability to minimize change orders;
24 (6) the bidder's ability to prepare appropriate project plans;
25 (7) the bidder's technical capabilities; (8) the individual
26 qualifications of the bidder's key personnel; (9) the bidder's

1 ability to assess and minimize risks; (10) the bidder's
2 ability to meet the goals established by the board for the
3 awarding of contracts to minority-owned businesses,
4 women-owned businesses, and businesses owned by persons with
5 disabilities; and (11) maintenance costs and life span of the
6 project.

7 "Family member" means a board member's spouse, children,
8 step-children, parents, step-parents, siblings,
9 step-siblings, half-siblings, sons-in-law, daughters-in-law,
10 grandparents, and grandchildren, as well as the parents and
11 grandparents of the board member's spouse and a person living
12 with the board member.

13 "Person with whom a board member maintains a close
14 economic association" means a person associated with the board
15 member in a partnership, association or professional service
16 corporation, whether as partner, officer, employee, associate,
17 or otherwise.

18 "Person with whom a board member maintains a close
19 political association" means a person who has made a campaign
20 contribution to a political committee supporting a board
21 member or a political committee of which a board member is an
22 officer, is a candidate or is an officer of a political
23 committee that has received a campaign contribution from a
24 board member, or is an officer of a political committee
25 supporting a board member.

26 (Source: P.A. 100-338, eff. 8-25-17.)

1 Section 30. The Public Library District Act of 1991 is
2 amended by changing Section 40-45 as follows:

3 (75 ILCS 16/40-45)

4 Sec. 40-45. Bids for construction, improvements, or
5 equipment purchases.

6 (a) When the trustees determine to commence constructing
7 the building, purchasing a site or a building, remodeling,
8 repairing, or improving an existing library building, erecting
9 an addition to an existing library building, or purchasing the
10 necessary equipment for the library, they may then revise the
11 plan or adopt a new plan and provide estimates of the costs of
12 the revised or new plan.

13 (b) The board shall, when the cost is in excess of \$25,000,
14 advertise for bids for constructing the building, remodeling,
15 repairing, or improving of an existing library building,
16 erecting an addition to an existing library building, or
17 purchasing the necessary equipment for the library and shall
18 let the contract or contracts for the project, when the cost is
19 in excess of \$25,000, to the lowest responsible bidder or
20 bidders or the best value bidder or bidders. The board shall
21 not be required to accept a bid that does not meet the
22 library's established specifications, terms of delivery,
23 quality, and serviceability requirements. Contracts which, by
24 their nature, are not adapted to award by competitive bidding,

1 are not subject to competitive bidding, including, but not
2 limited to:

3 (1) contracts for the services of individuals
4 possessing a high degree of professional skill where the
5 ability or fitness of the individual plays an important
6 part;

7 (2) contracts for the printing of finance committee
8 reports and departmental reports;

9 (3) contracts for the printing or engraving of bonds,
10 tax warrants and other evidences of indebtedness;

11 (4) contracts for the maintenance or servicing of, or
12 provision of repair parts for, equipment which are made
13 with the manufacturer or authorized service agent of that
14 equipment where the provision of parts, maintenance, or
15 servicing can best be performed by the manufacturer or
16 authorized service agent;

17 (5) purchases and contracts for the use, purchase,
18 delivery, movement, or installation of data processing
19 equipment, software, or services and telecommunications
20 and interconnect equipment, software, and services;

21 (6) contracts for duplicating machines and supplies;

22 (7) contracts for utility services such as water,
23 light, heat, telephone or telegraph;

24 (8) contracts for goods or services procured from
25 another governmental agency;

26 (9) purchases of equipment previously owned by some

1 entity other than the library itself; and

2 (10) contracts for goods or services which are
3 economically procurable from only one source, such as for
4 the purchase of magazines, books, periodicals, pamphlets,
5 and reports.

6 Contracts for emergency expenditures are also exempt from
7 competitive bidding when the emergency expenditure is approved
8 by 3/4 of the members of the board.

9 The board shall require from the bidders security for the
10 performance of the bids determined by the board pursuant to
11 law. The trustees may let the contract or contracts to one or
12 more bidders as they determine.

13 A board that awards a contract to a best value bidder must
14 approve the contract by resolution that states with
15 specificity the reasons why the bidder is the best value
16 bidder. The resolution must include the identity of an officer
17 or director of the bidder who is a family member of a board
18 member, is a person with whom a board member maintains a close
19 economic association, or is a person with whom a board member
20 maintains a close political association.

21 As used in this Section:

22 "Best value" means the result determined by a procurement
23 method that considers price and other criteria reflecting an
24 objective and quantifiable analysis, including consideration
25 of some or all of the following factors: (1) the quality of the
26 bidder's performance on previous projects; (2) the timeliness

1 of the bidder's performance on previous projects; (3) the
2 level of customer satisfaction with the bidder's performance
3 on previous projects; (4) the bidder's record of performing
4 previous projects on budget and ability to minimize cost
5 overruns; (5) the bidder's ability to minimize change orders;
6 (6) the bidder's ability to prepare appropriate project plans;
7 (7) the bidder's technical capabilities; (8) the individual
8 qualifications of the bidder's key personnel; (9) the bidder's
9 ability to assess and minimize risks; (10) the bidder's
10 ability to meet the goals established by the board for the
11 awarding of contracts to minority-owned businesses,
12 women-owned businesses, and businesses owned by persons with
13 disabilities; and (11) maintenance costs and life span of the
14 project.

15 "Family member" means a board member's spouse, children,
16 step-children, parents, step-parents, siblings,
17 step-siblings, half-siblings, sons-in-law, daughters-in-law,
18 grandparents, and grandchildren, as well as the parents and
19 grandparents of the board member's spouse and a person living
20 with the board member.

21 "Person with whom a board member maintains a close
22 economic association" means a person associated with the board
23 member in a partnership, association or professional service
24 corporation, whether as partner, officer, employee, associate,
25 or otherwise.

26 "Person with whom a board member maintains a close

1 political association" means a person who has made a campaign
2 contribution to a political committee supporting a board
3 member or a political committee of which a board member is an
4 officer, is a candidate or is an officer of a political
5 committee that has received a campaign contribution from a
6 board member, or is an officer of a political committee
7 supporting a board member.

8 (Source: P.A. 100-338, eff. 8-25-17.)

9 Section 35. The School Code is amended by changing Section
10 10-20.21 as follows:

11 (105 ILCS 5/10-20.21)

12 Sec. 10-20.21. Contracts.

13 (a) To award all contracts for purchase of supplies and
14 materials or work involving an expenditure in excess of
15 \$25,000 or a lower amount as required by board policy to the
16 lowest responsible bidder or the best value bidder,
17 considering conformity with specifications, terms of delivery,
18 quality and serviceability, after due advertisement, except
19 the following: (i) contracts for the services of individuals
20 possessing a high degree of professional skill where the
21 ability or fitness of the individual plays an important part;
22 (ii) contracts for the printing of finance committee reports
23 and departmental reports; (iii) contracts for the printing or
24 engraving of bonds, tax warrants and other evidences of

1 indebtedness; (iv) contracts for the purchase of perishable
2 foods and perishable beverages; (v) contracts for materials
3 and work which have been awarded to the lowest responsible
4 bidder or the best value bidder after due advertisement, but
5 due to unforeseen revisions, not the fault of the contractor
6 for materials and work, must be revised causing expenditures
7 not in excess of 10% of the contract price; (vi) contracts for
8 the maintenance or servicing of, or provision of repair parts
9 for, equipment which are made with the manufacturer or
10 authorized service agent of that equipment where the provision
11 of parts, maintenance, or servicing can best be performed by
12 the manufacturer or authorized service agent; (vii) purchases
13 and contracts for the use, purchase, delivery, movement, or
14 installation of data processing equipment, software, or
15 services and telecommunications and interconnect equipment,
16 software, and services; (viii) contracts for duplicating
17 machines and supplies; (ix) contracts for the purchase of
18 fuel, including diesel, gasoline, oil, aviation, natural gas,
19 or propane, lubricants, or other petroleum products; (x)
20 purchases of equipment previously owned by some entity other
21 than the district itself; (xi) contracts for repair,
22 maintenance, remodeling, renovation, or construction, or a
23 single project involving an expenditure not to exceed \$50,000
24 and not involving a change or increase in the size, type, or
25 extent of an existing facility; (xii) contracts for goods or
26 services procured from another governmental agency; (xiii)

1 contracts for goods or services which are economically
2 procurable from only one source, such as for the purchase of
3 magazines, books, periodicals, pamphlets and reports, and for
4 utility services such as water, light, heat, telephone or
5 telegraph; (xiv) where funds are expended in an emergency and
6 such emergency expenditure is approved by 3/4 of the members
7 of the board; (xv) State master contracts authorized under
8 Article 28A of this Code; and (xvi) contracts providing for
9 the transportation of pupils, which contracts must be
10 advertised in the same manner as competitive bids and awarded
11 by first considering the bidder or bidders most able to
12 provide safety and comfort for the pupils, stability of
13 service, and any other factors set forth in the request for
14 proposal regarding quality of service, and then price.
15 However, at no time shall a cause of action lie against a
16 school board for awarding a pupil transportation contract per
17 the standards set forth in this subsection (a) unless the
18 cause of action is based on fraudulent conduct.

19 A school board that awards a contract to a best value
20 bidder must approve the contract by resolution that states
21 with specificity the reasons why the bidder is the best value
22 bidder. The resolution must include the identity of an officer
23 or director of the bidder who is a family member of a board
24 member, is a person with whom a board member maintains a close
25 economic association, or is a person with whom a board member
26 maintains a close political association.

1 Notwithstanding a provision of this Section to the
2 contrary, a school board that awards a competitively bid
3 contract in excess of \$25,000 to a third party for
4 non-instructional services currently performed by a employee
5 or bargaining unit member may only award such a contract to the
6 lowest responsible bidder.

7 As used in this Section:

8 "Best value" means the result determined by a procurement
9 method that considers price and other criteria reflecting an
10 objective and quantifiable analysis, including consideration
11 of some or all of the following factors: (1) the quality of the
12 bidder's performance on previous projects; (2) the timeliness
13 of the bidder's performance on previous projects; (3) the
14 level of customer satisfaction with the bidder's performance
15 on previous projects; (4) the bidder's record of performing
16 previous projects on budget and ability to minimize cost
17 overruns; (5) the bidder's ability to minimize change orders;
18 (6) the bidder's ability to prepare appropriate project plans;
19 (7) the bidder's technical capabilities; (8) the individual
20 qualifications of the bidder's key personnel; (9) the bidder's
21 ability to assess and minimize risks; (10) the bidder's
22 ability to meet the goals established by the school board for
23 the awarding of contracts to minority-owned businesses,
24 women-owned businesses, and businesses owned by persons with
25 disabilities; and (11) maintenance costs and life span of the
26 project.

1 "Family member" means a board member's spouse, children,
2 step-children, parents, step-parents, siblings,
3 step-siblings, half-siblings, sons-in-law, daughters-in-law,
4 grandparents, and grandchildren, as well as the parents and
5 grandparents of the board member's spouse and a person living
6 with the board member.

7 "Person with whom a board member maintains a close
8 economic association" means a person associated with the board
9 member in a partnership, association or professional service
10 corporation, whether as partner, officer, employee, associate,
11 or otherwise.

12 "Person with whom a board member maintains a close
13 political association" means a person who has made a campaign
14 contribution to a political committee supporting a board
15 member or a political committee of which a board member is an
16 officer, is a candidate or is an officer of a political
17 committee that has received a campaign contribution from a
18 board member, or is an officer of a political committee
19 supporting a board member.

20 All competitive bids for contracts involving an
21 expenditure in excess of \$25,000 or a lower amount as required
22 by board policy must be sealed by the bidder and must be opened
23 by a member or employee of the school board at a public bid
24 opening at which the contents of the bids must be announced.
25 Each bidder must receive at least 3 days' notice of the time
26 and place of the bid opening. For purposes of this Section due

1 advertisement includes, but is not limited to, at least one
2 public notice at least 10 days before the bid date in a
3 newspaper published in the district, or if no newspaper is
4 published in the district, in a newspaper of general
5 circulation in the area of the district. State master
6 contracts and certified education purchasing contracts, as
7 defined in Article 28A of this Code, are not subject to the
8 requirements of this paragraph.

9 Under this Section, the acceptance of bids sealed by a
10 bidder and the opening of these bids at a public bid opening
11 may be permitted by an electronic process for communicating,
12 accepting, and opening competitive bids. An electronic bidding
13 process must provide for, but is not limited to, the following
14 safeguards:

15 (1) On the date and time certain of a bid opening, the
16 primary person conducting the competitive, sealed,
17 electronic bid process shall log onto a specified database
18 using a unique username and password previously assigned
19 to the bidder to allow access to the bidder's specific bid
20 project number.

21 (2) The specified electronic database must be on a
22 network that (i) is in a secure environment behind a
23 firewall; (ii) has specific encryption tools; (iii)
24 maintains specific intrusion detection systems; (iv) has
25 redundant systems architecture with data storage back-up,
26 whether by compact disc or tape; and (v) maintains a

1 disaster recovery plan.

2 It is the legislative intent of Public Act 96-841 to maintain
3 the integrity of the sealed bidding process provided for in
4 this Section, to further limit any possibility of bid-rigging,
5 to reduce administrative costs to school districts, and to
6 effect efficiencies in communications with bidders.

7 (b) To require, as a condition of any contract for goods
8 and services, that persons bidding for and awarded a contract
9 and all affiliates of the person collect and remit Illinois
10 Use Tax on all sales of tangible personal property into the
11 State of Illinois in accordance with the provisions of the
12 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 Section, the term "affiliate" means any
16 entity that (1) directly, indirectly, or constructively
17 controls another entity, (2) is directly, indirectly, or
18 constructively controlled by another entity, or (3) is subject
19 to the control of a common entity. For purposes of this
20 subsection (b), an entity controls another entity if it owns,
21 directly or individually, more than 10% of the voting
22 securities of that entity. As used in this subsection (b), 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 To require that bids and contracts include a certification
4 by the bidder or contractor that the bidder or contractor is
5 not barred from bidding for or entering into a contract under
6 this Section and that the bidder or contractor acknowledges
7 that the school board may declare the contract void if the
8 certification completed pursuant to this subsection (b) is
9 false.

10 (b-5) To require all contracts and agreements that pertain
11 to goods and services and that are intended to generate
12 additional revenue and other remunerations for the school
13 district in excess of \$1,000, including without limitation
14 vending machine contracts, sports and other attire, class
15 rings, and photographic services, to be approved by the school
16 board. The school board shall file as an attachment to its
17 annual budget a report, in a form as determined by the State
18 Board of Education, indicating for the prior year the name of
19 the vendor, the product or service provided, and the actual
20 net revenue and non-monetary remuneration from each of the
21 contracts or agreements. In addition, the report shall
22 indicate for what purpose the revenue was used and how and to
23 whom the non-monetary remuneration was distributed.

24 (b-10) To prohibit any contract to purchase food with a
25 bidder or offeror if the bidder's or offeror's contract terms
26 prohibit the school from donating food to food banks,

1 including, but not limited to, homeless shelters, food
2 pantries, and soup kitchens.

3 (c) If the State education purchasing entity creates a
4 master contract as defined in Article 28A of this Code, then
5 the State education purchasing entity shall notify school
6 districts of the existence of the master contract.

7 (d) In purchasing supplies, materials, equipment, or
8 services that are not subject to subsection (c) of this
9 Section, before a school district solicits bids or awards a
10 contract, the district may review and consider as a bid under
11 subsection (a) of this Section certified education purchasing
12 contracts that are already available through the State
13 education purchasing entity.

14 (Source: P.A. 101-570, eff. 8-23-19; 101-632, eff. 6-5-20.)

15 Section 40. The Public Community College Act is amended by
16 changing Section 3-27.1 as follows:

17 (110 ILCS 805/3-27.1) (from Ch. 122, par. 103-27.1)

18 Sec. 3-27.1. Contracts. To award all contracts for
19 purchase of supplies, materials or work involving an
20 expenditure in excess of \$25,000 or a lower amount as required
21 by board policy to the lowest responsible bidder or the best
22 value bidder considering conformity with specifications, terms
23 of delivery, quality, and serviceability; after due
24 advertisement, except the following: (a) contracts for the

1 services of individuals possessing a high degree of
2 professional skill where the ability or fitness of the
3 individual plays an important part; (b) contracts for the
4 printing of finance committee reports and departmental
5 reports; (c) contracts for the printing or engraving of bonds,
6 tax warrants and other evidences of indebtedness; (d)
7 contracts for materials and work which have been awarded to
8 the lowest responsible bidder or the best value bidder after
9 due advertisement, but due to unforeseen revisions, not the
10 fault of the contractor for materials and work, must be
11 revised causing expenditures not in excess of 10% of the
12 contract price; (e) contracts for the maintenance or servicing
13 of, or provision of repair parts for, equipment which are made
14 with the manufacturer or authorized service agent of that
15 equipment where the provision of parts, maintenance, or
16 servicing can best be performed by the manufacturer or
17 authorized service agent; (f) purchases and contracts for the
18 use, purchase, delivery, movement, or installation of data
19 processing equipment, software, or services and
20 telecommunications and inter-connect equipment, software, and
21 services; (g) contracts for duplicating machines and supplies;
22 (h) contracts for the purchase of natural gas when the cost is
23 less than that offered by a public utility; (i) purchases of
24 equipment previously owned by some entity other than the
25 district itself; (j) contracts for repair, maintenance,
26 remodeling, renovation, or construction, or a single project

1 involving an expenditure not to exceed \$50,000 and not
2 involving a change or increase in the size, type, or extent of
3 an existing facility; (k) contracts for goods or services
4 procured from another governmental agency; (l) contracts for
5 goods or services which are economically procurable from only
6 one source, such as for the purchase of magazines, books,
7 periodicals, pamphlets and reports, and for utility services
8 such as water, light, heat, telephone or telegraph; (m) where
9 funds are expended in an emergency and such emergency
10 expenditure is approved by 3/4 of the members of the board; and
11 (n) contracts for the purchase of perishable foods and
12 perishable beverages.

13 A board that awards a contract to a best value bidder must
14 approve the contract by resolution that states with
15 specificity the reasons why the bidder is the best value
16 bidder. The resolution must include the identity of an officer
17 or director of the bidder who is a family member of a board
18 member, is a person with whom a board member maintains a close
19 economic association, or is a person with whom a board member
20 maintains a close political association.

21 As used in this Section:

22 "Best value" means the result determined by a procurement
23 method that considers price and other criteria reflecting an
24 objective and quantifiable analysis, including consideration
25 of some or all of the following factors: (1) the quality of the
26 bidder's performance on previous projects; (2) the timeliness

1 of the bidder's performance on previous projects; (3) the
2 level of customer satisfaction with the bidder's performance
3 on previous projects; (4) the bidder's record of performing
4 previous projects on budget and ability to minimize cost
5 overruns; (5) the bidder's ability to minimize change orders;
6 (6) the bidder's ability to prepare appropriate project plans;
7 (7) the bidder's technical capabilities; (8) the individual
8 qualifications of the bidder's key personnel; (9) the bidder's
9 ability to assess and minimize risks; (10) the bidder's
10 ability to meet the goals established by the board for the
11 awarding of contracts to minority-owned businesses,
12 women-owned businesses, and businesses owned by persons with
13 disabilities; and (11) maintenance costs and life span of the
14 project.

15 "Family member" means a board member's spouse, children,
16 step-children, parents, step-parents, siblings,
17 step-siblings, half-siblings, sons-in-law, daughters-in-law,
18 grandparents, and grandchildren, as well as the parents and
19 grandparents of the board member's spouse and a person living
20 with the board member.

21 "Person with whom a board member maintains a close
22 economic association" means a person associated with the board
23 member in a partnership, association or professional service
24 corporation, whether as partner, officer, employee, associate,
25 or otherwise.

26 "Person with whom a board member maintains a close

1 political association" means a person who has made a campaign
2 contribution to a political committee supporting a board
3 member or a political committee of which a board member is an
4 officer, is a candidate or is an officer of a political
5 committee that has received a campaign contribution from a
6 board member, or is an officer of a political committee
7 supporting a board member.

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

1 accordance with electronic security measures in effect at the
2 community college at the time of opening. Unless the
3 electronic submission procedures provide for a secure receipt,
4 the vendor assumes the risk of premature disclosure due to
5 submission in an unsealed form.

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

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

17 Section 45. The Illinois Highway Code is amended by
18 changing Section 6-201.7 as follows:

19 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

20 Sec. 6-201.7. Construct, maintain and repair and be
21 responsible for the construction, maintenance and repair of
22 roads within the district, let contracts, employ labor and
23 purchase material and machinery therefor, subject to the
24 limitations provided in this Code. Contracts, labor,

1 machinery, disposal, and incidental expenses related to
2 special services under Section 6-201.21 of this Code
3 constitute maintenance, for purposes of this Section.

4 Except for professional services, when the cost of
5 construction, materials, supplies, new machinery or equipment
6 exceeds \$20,000, the contract for such construction,
7 materials, supplies, machinery or equipment shall be let to
8 the lowest responsible bidder or the best value bidder after
9 advertising for bids at least once, and at least 10 days prior
10 to the time set for the opening of such bids, in a newspaper
11 published within the township or road district, or, if no
12 newspaper is published within the township or road district
13 then in one published within the county, or, if no newspaper is
14 published within the county then in a newspaper having general
15 circulation within the township or road district, but, in case
16 of an emergency, such contract may be let without advertising
17 for bids. For purposes of this Section "new machinery or
18 equipment" shall be defined as that which has been previously
19 untitled or that which shows fewer than 200 hours on its
20 operating clock and that is accompanied by a new equipment
21 manufacturer's warranty.

22 A highway commissioner that awards a contract to a best
23 value bidder must approve the contract by resolution that
24 states with specificity the reasons why the bidder is the best
25 value bidder. The resolution must include the identity of an
26 officer or director of the bidder who is a family member of the

1 commissioner, is a person with whom the commissioner maintains
2 a close economic association, or is a person with whom the
3 commissioner maintains a close political association.

4 If a road district is eligible to be paid for or
5 reimbursed, in whole or in part, with federal-aid funds,
6 grants, or loans, and the provisions of this Section would
7 result in the loss of those federal-aid funds, grants, or
8 loans, then the contract is exempt from the provisions of this
9 Section in order to remain eligible for those federal-aid
10 funds, grants, or loans.

11 As used in this Section:

12 "Best value" means the result determined by a procurement
13 method that considers price and other criteria reflecting an
14 objective and quantifiable analysis, including consideration
15 of some or all of the following factors: (1) the quality of the
16 bidder's performance on previous projects; (2) the timeliness
17 of the bidder's performance on previous projects; (3) the
18 level of customer satisfaction with the bidder's performance
19 on previous projects; (4) the bidder's record of performing
20 previous projects on budget and ability to minimize cost
21 overruns; (5) the bidder's ability to minimize change orders;
22 (6) the bidder's ability to prepare appropriate project plans;
23 (7) the bidder's technical capabilities; (8) the individual
24 qualifications of the bidder's key personnel; (9) the bidder's
25 ability to assess and minimize risks; (10) the bidder's
26 ability to meet the goals established by the commissioner for

1 the awarding of contracts to minority-owned businesses,
2 women-owned businesses, and businesses owned by persons with
3 disabilities; and (11) maintenance costs and life span of the
4 project.

5 "Family member" means the commissioner's spouse, children,
6 step-children, parents, step-parents, siblings,
7 step-siblings, half-siblings, sons-in-law, daughters-in-law,
8 grandparents, and grandchildren, as well as the parents and
9 grandparents of the commissioner's spouse and a person living
10 with the commissioner.

11 "Person with whom the commissioner maintains a close
12 economic association" means a person associated with the
13 commissioner in a partnership, association or professional
14 service corporation, whether as partner, officer, employee,
15 associate, or otherwise.

16 "Person with whom the commissioner maintains a close
17 political association" means a person who has made a campaign
18 contribution to a political committee supporting the
19 commissioner or a political committee of which the
20 commissioner is an officer, is a candidate or is an officer of
21 a political committee that has received a campaign
22 contribution from the commissioner, or is an officer of a
23 political committee supporting the commissioner.

24 (Source: P.A. 93-109, eff. 7-8-03; 93-164, eff. 7-10-03;
25 93-610, eff. 11-18-03; 94-435, eff. 8-2-05.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act."