



Rep. Roger L. Eddy

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09400HB1475ham001

LRB094 08809 LJB 43169 a

1 AMENDMENT TO HOUSE BILL 1475

2 AMENDMENT NO. _____. Amend House Bill 1475 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 10-20.21 as follows:

6 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

7 Sec. 10-20.21. Contracts.

8 (a) To award all contracts for purchase of supplies,
9 materials or work or contracts with private carriers for
10 transportation of pupils involving an expenditure in excess of
11 \$25,000 or a lower amount as required by board policy ~~\$10,000~~
12 to the lowest responsible bidder, considering conformity with
13 specifications, terms of delivery, quality and serviceability,
14 after due advertisement, except the following: (i) contracts
15 for the services of individuals or corporations possessing a
16 high degree of professional skill where the ability or fitness
17 of the individual or corporation plays an important part; (ii)
18 contracts for the printing of finance committee reports and
19 departmental reports; (iii) contracts for the printing or
20 engraving of bonds, tax warrants and other evidences of
21 indebtedness; (iv) contracts for the purchase of perishable
22 foods and perishable beverages, including, but not limited to,
23 food service contracts; (v) contracts for materials and work
24 which have been awarded to the lowest responsible bidder after

1 due advertisement, but due to unforeseen revisions, not the
2 fault of the contractor for materials and work, must be revised
3 causing expenditures not in excess of 10% of the contract
4 price; (vi) contracts for the maintenance or servicing of, or
5 provision of repair parts for, equipment which are made with
6 the manufacturer or authorized service agent of that equipment
7 where the provision of parts, maintenance, or servicing can
8 best be performed by the manufacturer or authorized service
9 agent; (vii) purchases and contracts for the use, purchase,
10 delivery, movement, or installation of data processing
11 equipment, software, or services and telecommunications and
12 interconnect equipment, software, and services; (viii)
13 contracts for duplicating machines and supplies; (ix)
14 contracts for the purchase of utilities and related services
15 ~~natural gas~~ when the cost is less than that offered by the
16 local distribution company ~~a public utility~~; (x) purchases of
17 equipment previously owned by some entity other than the
18 district itself; (xi) contracts for repair, maintenance,
19 remodeling, renovation, or construction, or a single project
20 involving an expenditure not to exceed \$50,000 ~~\$20,000~~ and not
21 involving a change or increase in the size, type, or extent of
22 an existing facility; (xii) contracts for goods or services
23 procured from another governmental agency or consortia of
24 agencies; (xiii) contracts for goods or services which are
25 economically procurable from only one source, such as for the
26 purchase of magazines, books, periodicals, pamphlets and
27 reports, and for utility services such as water, light, heat,
28 telephone or telegraph; (xiv) where funds are expended in an
29 emergency and such emergency expenditure is approved by 3/4 of
30 the members of the board; ~~and~~ (xv) State master contracts
31 authorized under Article 28A of this Code; and (xvi) contracts
32 for fuel for transportation purposes.

33 All competitive bids for contracts involving an
34 expenditure in excess of \$25,000 or a lower amount as required

1 by board policy ~~\$10,000~~ must be sealed by the bidder and must
2 be opened by a member or employee of the school board at a
3 public bid opening at which the contents of the bids must be
4 announced. Each bidder must receive at least 3 days' notice of
5 the time and place of the bid opening. For purposes of this
6 Section due advertisement includes, but is not limited to, at
7 least one public notice at least 10 days before the bid date in
8 a newspaper published in the district, or if no newspaper is
9 published in the district, in a newspaper of general
10 circulation in the area of the district. State master contracts
11 and certified education purchasing contracts, as defined in
12 Article 28A of this Code, are not subject to the requirements
13 of this paragraph.

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

1 general partnership interest is a voting security.

2 To require that bids and contracts include a certification
3 by the bidder or contractor that the bidder or contractor is
4 not barred from bidding for or entering into a contract under
5 this Section and that the bidder or contractor acknowledges
6 that the school board may declare the contract void if the
7 certification completed pursuant to this subsection (b) is
8 false.

9 (c) If the State education purchasing entity creates a
10 master contract as defined in Article 28A of this Code, then
11 the State education purchasing entity shall notify school
12 districts of the existence of the master contract.

13 (d) In purchasing supplies, materials, equipment, or
14 services that are not subject to subsection (c) of this
15 Section, before a school district solicits bids or awards a
16 contract, the district may review and consider as a bid under
17 subsection (a) of this Section certified education purchasing
18 contracts that are already available through the State
19 education purchasing entity.

20 (Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."