

SB2003



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2003

Introduced 2/25/2005, by Sen. Peter J. Roskam

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-15.30
605 ILCS 10/16.1

from Ch. 121, par. 100-16.1

Amends the Illinois Procurement Code. Adds contracts and subcontracts for toll highway oasis leases and sub-leases to the definition of "contract". Amends the Toll Highway Act. Requires competitive bidding of contracts and subcontracts for leases and sub-leases of toll highway oases if in excess of \$7,500. Makes other changes. Effective immediately.

LRB094 11411 JAM 42305 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning procurement.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 1-15.30 as follows:

6 (30 ILCS 500/1-15.30)

7 Sec. 1-15.30. Contract. "Contract" means all types of State
8 agreements, regardless of what they may be called, for the
9 procurement, use, or disposal of supplies, services,
10 professional or artistic services, or construction or for
11 leases of real property or capital improvements, and including
12 master contracts, contracts for financing through use of
13 installment or lease-purchase arrangements, renegotiated
14 contracts, and change orders. "Contract" includes contracts
15 for leases and subcontracts for sub-leases of any portion of an
16 Illinois State Toll Highway Authority oasis.

17 (Source: P.A. 90-572, eff. 2-6-98.)

18 Section 10. The Toll Highway Act is amended by changing
19 Section 16.1 as follows:

20 (605 ILCS 10/16.1) (from Ch. 121, par. 100-16.1)

21 Sec. 16.1. (A) All contracts for services or supplies
22 required from time to time by the Authority in the maintenance
23 and operation of any toll highway or part thereof under the
24 provisions of this Act or all direct contracts for supplies to
25 be used in the construction of any toll highway or part thereof
26 to be awarded under this Section, rather than as a part of a
27 contract pursuant to Section 16 of this Act, and all contracts
28 to lease and all subcontracts to sub-lease any portion of the
29 Authority's oases (notwithstanding any other law to the
30 contrary), when the amount of any such supplies, ~~or~~ services,

1 contract, or subcontract is in excess of the sum of \$7,500
2 shall be let to the lowest responsible bidder or bidders, on
3 open, competitive bidding after public advertisement made at
4 least 5 days prior to the opening of bids, in a newspaper of
5 general circulation in any city of over 500,000 population, or
6 in any county through which the tollway passes, in such manner
7 and on one or more occasions as may be prescribed by the
8 Authority, except that bidding shall not be required in the
9 following cases:

10 1. Where the goods or services to be procured are
11 economically procurable from only one source, such as
12 contracts for telephone service, electric energy and other
13 public utility services, housekeeping services, books,
14 pamphlets and periodicals and specially designed business
15 equipment and software.

16 2. Where the services required are for professional,
17 technical or artistic skills.

18 3. Where the services required are for advertising,
19 promotional and public relations services.

20 4. In emergencies, provided that an affidavit of the
21 person or persons authorizing the expenditure shall be
22 filed with the Authority and the Auditor General within 10
23 days after such authorization setting forth the conditions
24 and circumstances requiring the emergency purchase, the
25 amount expended and the name of the vendor or contractor
26 involved; if only an estimate is available, however, within
27 the 10 days allowed for filing the affidavit, the actual
28 cost shall be reported immediately after it is determined.

29 5. In case of expenditures for personal services.

30 6. Contracts for equipment and spare parts in support
31 thereof for the maintenance and operation of any toll
32 highway, or any part thereof, whenever, the Authority
33 shall, by resolution, declare and find that a particular
34 make and type of equipment is required for efficient
35 maintenance and operation and proper servicing, for
36 uniformity in and integration with the spare parts program

1 and inventory control, or for other reasons peculiar to the
2 problems of the toll highway or its previously acquired
3 equipment; however, competition and competitive bids shall
4 be obtained by the Authority with respect to such specified
5 equipment or spare parts, insofar as possible, and when
6 effective, pursuant to public advertisement as
7 hereinbefore provided.

8 7. Contracts for insurance, fidelity and surety bonds.

9 8. Contracts or agreements for the completion of a
10 terminated or defaulted contract or agreement.

11 (B) The solicitation for bids shall be in conformance with
12 accepted business practices and the method of solicitation
13 shall be set out in detail in the rules and regulations of the
14 Authority.

15 (C) Proposals received pursuant to public advertisement
16 shall be publicly opened at the day and hour and at the place
17 specified in the solicitation for such bids.

18 (D) Successful bidders for such services and supplies shall
19 enter into contracts furnished and prescribed by the Authority.

20 (E) All purchases, contracts or other obligations or
21 expenditures of funds by the Authority shall be in accordance
22 with rules and regulations governing the Authority's
23 procurement practice and procedures and the Authority shall
24 promulgate and publish such practices and procedures in
25 sufficient number for distribution to persons interested in
26 bidding on purchases or contracts to be let by the Authority.
27 Such rules and regulations shall be kept on file with the
28 Secretary of the Authority at all times and shall be available
29 for inspection by members of the public at all reasonable times
30 and hours.

31 Such rules and regulations shall be filed and become
32 effective in connection with the Illinois Administrative
33 Procedure Act.

34 (F) Any contract entered into for purchase or expenditure
35 of funds of the Authority made in violation of this Act or the
36 rules and regulations in pursuance thereof is void and of no

1 effect. All contracts, leases, subcontracts, and sub-leases
2 (including but not limited to those leases and sub-leases of
3 any portion of the Authority's oases) that are in effect or
4 entered into after the effective date of this amendatory Act of
5 the 94th General Assembly shall be considered public
6 information.

7 (G) Warrant. All sellers to the Authority shall attach a
8 statement to the delivery invoice attesting that the standards
9 set forth in the contracts have been met. The statement shall
10 be substantially in the following form:

11 "The Seller,.... hereby certifies that the goods,
12 merchandise and wares shipped in accordance with the attached
13 delivery invoice have met all the required standards set forth
14 in the purchasing contract.

15(Seller)."

16 (H) Whoever violates the provisions of this Section, or the
17 rules and regulations adopted in pursuance thereof, is guilty
18 of a Class A misdemeanor.

19 (Source: P.A. 86-1164.)

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