



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2049

Introduced 2/25/2005, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

50 ILCS 20/4b new	
50 ILCS 20/14.2	from Ch. 85, par. 1044.2
50 ILCS 20/20	from Ch. 85, par. 1050

Amends the Public Building Commission Act. Allows a public building commission in a municipality with 500,000 inhabitants or more to lease property from a municipal corporation and then lease back the property to the municipal corporation. Increases various relocation assistance payments paid in place of actual moving expenses to a person displaced by a public building commission project. Increases to \$10,000 (now, \$5,000) the minimum dollar amount of contracts that must be let for open competitive bidding. Requires public advertisement of contracts let for open competitive bidding at least once (now, at least once in each week for 3 consecutive weeks prior to the opening of bids) in a daily newspaper of general circulation in the county where the commission is located. Provides an emergency situation exception to the publication requirement for contracts subject to open competitive bidding. Requires all bids to be open to public inspection after an award or final selection has been made (now, for a period of at least 48 hours before an award is made). Deletes a requirement that a copy of every contract entered into by the public building commission shall be executed in duplicate.

LRB094 09144 AJ0 39375 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Public Building Commission Act is amended by
5 changing Sections 14.2 and 20 and by adding Section 4b as
6 follows:

7 (50 ILCS 20/4b new)

8 Sec. 4b. Lease; lease back. A Public Building Commission in
9 a municipality with 500,000 inhabitants or more may lease
10 property from a municipal corporation, as defined in Section 3,
11 and then lease back that property to the municipal corporation.

12 (50 ILCS 20/14.2) (from Ch. 85, par. 1044.2)

13 Sec. 14.2. Relocation assistance payment. In addition to
14 all other powers authorized under this Act, a public building
15 commission shall have the power to make the following
16 relocation assistance payments where such relocation
17 assistance payments are not available from Federal funds or
18 otherwise:

19 (a) A public building commission is authorized to pay, as
20 part of the cost of acquisition of any site, to a person
21 displaced by a public building commission project, the actual
22 reasonable expenses in moving said person, his family, his
23 business, or his farm operation, including the moving of
24 personal property. The allowable expenses for transportation
25 shall not exceed the cost of moving 50 miles from the point
26 from which such person, family, business or farm is being
27 displaced.

28 A public building commission is authorized to adopt rules
29 and regulations as may be determined necessary to implement the
30 payments as authorized by this section.

31 (b) In lieu of the actual moving expenses heretofore

1 authorized to be paid, a public building commission may pay any
2 person displaced from a dwelling, who elects to accept such
3 payment, a moving expense allowance determined according to a
4 schedule to be established by a public building commission, not
5 to exceed \$1,000 ~~\$200~~, and a further dislocation allowance of
6 \$500 ~~\$100~~.

7 (c) In lieu of the actual moving expenses heretofore
8 authorized to be paid, a public building commission may pay any
9 person who moves or discontinues his business or farm
10 operation, who elects to accept such payment, a fixed
11 relocation payment in an amount equal to the average annual net
12 earnings of the business or the farm operation, or \$10,000
13 ~~\$5,000~~, whichever is the lesser. In the case of a business, no
14 payment shall be made unless the public building commission is
15 satisfied that the business (1) cannot be relocated without a
16 substantial loss of its existing patronage, and (2) is not part
17 of a commercial enterprise having at least one other
18 establishment not being acquired for a project by a public
19 building commission which is engaged in the same or similar
20 business. The term "average annual net earnings" means one-half
21 of any net earnings of the business or farm operation before
22 Federal, State and local income taxes, during the two taxable
23 years immediately preceding the taxable year in which such
24 business or farm operation moves from the real property being
25 acquired for such project, and includes any compensation paid
26 by the business or farm operation to the owner, his spouse or
27 his dependents during such two-year period.

28 (d) In addition to the amounts heretofore authorized to be
29 paid by a public building commission, a public building
30 commission may, as part of the cost of acquisition of any site,
31 make a payment to the owner of real property acquired for a
32 public building commission project which is improved by a
33 single, two or three-family dwelling actually owned and
34 occupied by the owner for not less than one year prior to the
35 initiation of negotiations for the acquisition of such
36 property, an amount which, when added to the acquisition

1 payment, equals the average price required for a comparable
2 dwelling determined in accordance with standards established
3 by the city, village or town in which the dwelling is located,
4 to be a decent, safe and sanitary dwelling adequate to
5 accommodate the displaced owner, reasonably accessible to
6 public services and places of employment and available on the
7 private market. Such payment shall not exceed the sum of
8 \$25,000 ~~\$5,000~~, and shall be made only to a displaced owner who
9 purchases and occupies a dwelling that meets the standards
10 established by the city, village or town in which the dwelling
11 is located, within one year subsequent to the date on which he
12 is required to move from the dwelling acquired for the public
13 building commission project. Any individual or family not
14 eligible to receive such payment, who is displaced from any
15 dwelling, which dwelling was actually and lawfully occupied by
16 such individual and family for not less than ninety days prior
17 to the initiation of negotiations for acquisition of such
18 property, may be paid by a public building commission an amount
19 necessary to enable such individual or family to lease or rent
20 for a period not to exceed two years, or to make the down
21 payment on the purchase of a decent, safe and sanitary dwelling
22 of standards adequate to accommodate such individual or family
23 in areas not generally less desirable in regard to public
24 utilities and public and commercial facilities. Such payment
25 shall not exceed the sum of \$2,000 ~~\$1,500~~.

26 (e) In addition to the amounts heretofore authorized to be
27 paid, a public building commission may reimburse the owner of
28 real property acquired for a public building commission project
29 the reasonable and necessary expenses incurred for (1)
30 recording fees, transfer taxes, and similar expenses
31 incidental to conveying such property; and (2) penalty costs
32 for prepayment of any mortgages entered into in good faith
33 encumbering such real property, if such mortgage is on record
34 or has been filed for record under applicable State law on the
35 date of the selection, location and designation of the site by
36 a public building commission for such project.

1 (f) Nothing contained in this amendatory Act creates in any
2 proceedings brought under the power of eminent domain any
3 element of damages not in existence as of the date of enactment
4 of this amendatory Act.

5 (Source: P.A. 76-2560.)

6 (50 ILCS 20/20) (from Ch. 85, par. 1050)

7 Sec. 20. All contracts to be let for the construction,
8 alteration, improvement, repair, enlargement, demolition or
9 removal of any buildings or other facilities, or for materials
10 or supplies to be furnished, where the amount thereof is in
11 excess of \$10,000 ~~\$5,000~~, shall be let to the lowest
12 responsible bidder, or bidders, on open competitive bidding
13 after public advertisement published at least once ~~in each week~~
14 ~~for three consecutive weeks prior to the opening of bids~~, in a
15 daily newspaper of general circulation in the county where the
16 commission is located, except in the case of an emergency
17 situation, as determined by the chief executive officer. If a
18 contract is awarded in an emergency situation, (i) the contract
19 accepted must be based on the lowest responsible bid after the
20 commission has made a diligent effort to solicit multiple bids
21 by telephone, facsimile, or other efficient means and (ii) the
22 chief executive officer must submit a report at the next
23 regular meeting of the Board, to be ratified by the Board and
24 entered into the official record, that states the chief
25 executive officer's reason for declaring an emergency
26 situation, the names of all parties solicited for bids, and
27 their bids and that includes a copy of the contract awarded.

28 Nothing contained in this Section shall be construed to
29 prohibit the Board of Commissioners from placing additional
30 advertisements in recognized trade journals. Advertisements
31 for bids shall describe the character of the proposed contract
32 in sufficient detail to enable the bidders thereon to know what
33 their obligation will be, either in the advertisement itself,
34 or by reference to detailed plans and specifications on file in
35 the office of the Public Building Commission at the time of the

1 publication of the first announcement. Such advertisement
2 shall also state the date, time, and place assigned for the
3 opening of bids and no bids shall be received at any time
4 subsequent to the time indicated in said advertisement. The
5 Board of Commissioners may reject any and all bids received and
6 readvertise for bids. All bids shall be open to public
7 inspection in the office of the Public Building Commission
8 ~~after an award or final selection has been made for a period of~~
9 ~~at least forty eight (48) hours before award is made.~~ The
10 successful bidder for such work shall enter into contracts
11 furnished and prescribed by the Board of Commissioners and in
12 addition to any other bonds required under this Act the
13 successful bidder shall execute and give bond, payable to and
14 to be approved by the Commission, with a corporate surety
15 authorized to do business under the laws of the State of
16 Illinois, in an amount to be determined by the Board of
17 Commissioners, conditioned upon the payment of all labor
18 furnished and materials supplied in the prosecution of the
19 contracted work. If the bidder whose bid has been accepted
20 shall neglect or refuse to accept the contract within five (5)
21 days after written notice that the same has been awarded to
22 him, or if he accepts but does not execute the contract and
23 give the proper security, the Commission may accept the next
24 lowest bidder, or readvertise and relet in manner above
25 provided. In case any work shall be abandoned by any contractor
26 the Commission may, if the best interests of the Commission be
27 thereby served, adopt on behalf of the Commission all
28 subcontracts made by such contractor for such work and all such
29 sub-contractors shall be bound by such adoption if made; and
30 the Commission shall, in the manner provided herein,
31 readvertise and relet the work specified in the original
32 contract exclusive of so much thereof as shall be accepted.
33 Every contract when made and entered into, as herein provided
34 for, shall be executed, ~~in duplicate, one copy of which shall~~
35 ~~be~~ held by the Commission, and filed in its records, and one
36 copy of which shall be given to the contractor.

1 (Source: P.A. 84-249.)