



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1252

Introduced 2/15/2007, by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022

from Ch. 34, par. 5-1022

Amends the Counties Code. Provides that a county may enter into certain contracts without advertising for bids if authorized by a vote of two-thirds of the members of the county board (now, the county may enter into emergency contracts without advertising for bids if authorized by the county board).

LRB095 09143 HLH 29336 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Counties Code is amended by changing Section
5 5-1022 as follows:

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)
7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000
9 inhabitants of services, materials, equipment or supplies in
10 excess of \$20,000, other than professional services, shall be
11 contracted for in one of the following ways:

12 (1) by a contract let to the lowest responsible bidder
13 after advertising for bids in a newspaper published within
14 the county or, if no newspaper is published within the
15 county, then a newspaper having general circulation within
16 the county; or

17 (2) by a contract let without advertising for bids ~~in~~
18 ~~the case of an emergency~~ if authorized by a vote of
19 two-thirds of the members of the county board then holding
20 office.

21 (b) In determining the lowest responsible bidder, the
22 county board shall take into consideration the qualities of the
23 articles supplied; their conformity with the specifications;

1 their suitability to the requirements of the county,
2 availability of support services; uniqueness of the service,
3 materials, equipment, or supplies as it applies to networked,
4 integrated computer systems; compatibility to existing
5 equipment; and the delivery terms. The county board also may
6 take into consideration whether a bidder is a private
7 enterprise or a State-controlled enterprise and,
8 notwithstanding any other provision of this Section or a lower
9 bid by a State-controlled enterprise, may let a contract to the
10 lowest responsible bidder that is a private enterprise.

11 (c) This Section does not apply to contracts by a county
12 with the federal government or to purchases of used equipment,
13 purchases at auction or similar transactions which by their
14 very nature are not suitable to competitive bids, pursuant to
15 an ordinance adopted by the county board.

16 (d) Notwithstanding the provisions of this Section, a
17 county may let without advertising for bids in the case of
18 purchases and contracts, when individual orders do not exceed
19 \$25,000, for the use, purchase, delivery, movement, or
20 installation of data processing equipment, software, or
21 services and telecommunications and inter-connect equipment,
22 software, and services.

23 (e) A county may require, as a condition of any contract
24 for goods and services, that persons awarded a contract with
25 the county and all affiliates of the person collect and remit
26 Illinois Use Tax on all sales of tangible personal property

1 into the State of Illinois in accordance with the provisions of
2 the Illinois Use Tax Act regardless of whether the person or
3 affiliate is a "retailer maintaining a place of business within
4 this State" as defined in Section 2 of the Use Tax Act. For
5 purposes of this subsection (e), the term "affiliate" means any
6 entity that (1) directly, indirectly, or constructively
7 controls another entity, (2) is directly, indirectly, or
8 constructively controlled by another entity, or (3) is subject
9 to the control of a common entity. For purposes of this
10 subsection (e), an entity controls another entity if it owns,
11 directly or individually, more than 10% of the voting
12 securities of that entity. As used in this subsection (e), the
13 term "voting security" means a security that (1) confers upon
14 the holder the right to vote for the election of members of the
15 board of directors or similar governing body of the business or
16 (2) is convertible into, or entitles the holder to receive upon
17 its exercise, a security that confers such a right to vote. A
18 general partnership interest is a voting security.

19 (f) Bids submitted to, and contracts executed by, the
20 county may require a certification by the bidder or contractor
21 that the bidder or contractor is not barred from bidding for or
22 entering into a contract under this Section and that the bidder
23 or contractor acknowledges that the county may declare the
24 contract void if the certification completed pursuant to this
25 subsection (f) is false.

26 (Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised

1 8-12-03.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.