

HB5734



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5734

by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-22

Amends the Illinois Procurement Code. With respect to provisions concerning responsible bidder requirements for construction contracts, provides that any contractor or subcontractor who does not comply with those provisions is subject to (i) a 20% penalty and an additional 2% punitive penalty of the total contract bid, (ii) a 2-year disbarment from bidding on State contracts, or (iii) both (i) and (ii).

LRB095 19873 RCE 46272 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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 30-22 as follows:

6 (30 ILCS 500/30-22)

7 Sec. 30-22. Construction contracts; responsible bidder
8 requirements. To be considered a responsible bidder on a
9 construction contract for purposes of this Code, a bidder must
10 comply with all of the following requirements and must present
11 satisfactory evidence of that compliance to the appropriate
12 construction agency:

13 (1) The bidder must comply with all applicable laws
14 concerning the bidder's entitlement to conduct business in
15 Illinois.

16 (2) The bidder must comply with all applicable
17 provisions of the Prevailing Wage Act.

18 (3) The bidder must comply with Subchapter VI ("Equal
19 Employment Opportunities") of Chapter 21 of Title 42 of the
20 United States Code (42 U.S.C. 2000e and following) and with
21 Federal Executive Order No. 11246 as amended by Executive
22 Order No. 11375.

23 (4) The bidder must have a valid Federal Employer

1 Identification Number or, if an individual, a valid Social
2 Security Number.

3 (5) The bidder must have a valid certificate of
4 insurance showing the following coverages: general
5 liability, professional liability, product liability,
6 workers' compensation, completed operations, hazardous
7 occupation, and automobile.

8 (6) The bidder and all bidder's subcontractors must
9 participate in applicable apprenticeship and training
10 programs approved by and registered with the United States
11 Department of Labor's Bureau of Apprenticeship and
12 Training.

13 (7) For contracts with the Illinois Power Agency, the
14 Director of the Illinois Power Agency may establish
15 additional requirements for responsible bidders. These
16 additional requirements, if established, shall be set
17 forth together with the other criteria contained in the
18 invitation for bids, and shall appear in the appropriate
19 volume of the Illinois Procurement Bulletin.

20 The provisions of this Section shall not apply to federally
21 funded construction projects if such application would
22 jeopardize the receipt or use of federal funds in support of
23 such a project.

24 Any contractor or subcontractor who does not comply with
25 this Section is subject to (i) a 20% penalty and an additional
26 2% punitive penalty of the total contract bid, (ii) a 2-year

1 disbarment from bidding on State contracts, or (iii) both (i)
2 and (ii).

3 (Source: P.A. 95-481, eff. 8-28-07.)