



Sen. Michael Bond

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1 AMENDMENT TO SENATE BILL 2683

2 AMENDMENT NO. _____. Amend Senate Bill 2683 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-20.21, 29-6.1, and 34-21.3 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 (except as otherwise provided in
11 Section 29-6.1 of this Code) involving an expenditure in excess
12 of \$10,000 to the lowest responsible bidder, considering
13 conformity with specifications, terms of delivery, quality and
14 serviceability, after due advertisement, except the following:
15 (i) contracts for the services of individuals possessing a high
16 degree of professional skill where the ability or fitness of

1 the individual plays an important part; (ii) contracts for the
2 printing of finance committee reports and departmental
3 reports; (iii) contracts for the printing or engraving of
4 bonds, tax warrants and other evidences of indebtedness; (iv)
5 contracts for the purchase of perishable foods and perishable
6 beverages; (v) contracts for materials and work which have been
7 awarded to the lowest responsible bidder after due
8 advertisement, but due to unforeseen revisions, not the fault
9 of the contractor for materials and work, must be revised
10 causing expenditures not in excess of 10% of the contract
11 price; (vi) contracts for the maintenance or servicing of, or
12 provision of repair parts for, equipment which are made with
13 the manufacturer or authorized service agent of that equipment
14 where the provision of parts, maintenance, or servicing can
15 best be performed by the manufacturer or authorized service
16 agent; (vii) purchases and contracts for the use, purchase,
17 delivery, movement, or installation of data processing
18 equipment, software, or services and telecommunications and
19 interconnect equipment, software, and services; (viii)
20 contracts for duplicating machines and supplies; (ix)
21 contracts for the purchase of natural gas when the cost is less
22 than that offered by a public utility; (x) purchases of
23 equipment previously owned by some entity other than the
24 district itself; (xi) contracts for repair, maintenance,
25 remodeling, renovation, or construction, or a single project
26 involving an expenditure not to exceed \$20,000 and not

1 involving a change or increase in the size, type, or extent of
2 an existing facility; (xii) contracts for goods or services
3 procured from another governmental agency; (xiii) contracts
4 for goods or services which are economically procurable from
5 only one source, such as for the purchase of magazines, books,
6 periodicals, pamphlets and reports, and for utility services
7 such as water, light, heat, telephone or telegraph; (xiv) where
8 funds are expended in an emergency and such emergency
9 expenditure is approved by 3/4 of the members of the board; and
10 (xv) State master contracts authorized under Article 28A of
11 this Code.

12 All competitive bids for contracts involving an
13 expenditure in excess of \$10,000 must be sealed by the bidder
14 and must be opened by a member or employee of the school board
15 at a public bid opening at which the contents of the bids must
16 be announced. Each bidder must receive at least 3 days' notice
17 of the time and place of the bid opening. For purposes of this
18 Section due advertisement includes, but is not limited to, at
19 least one public notice at least 10 days before the bid date in
20 a newspaper published in the district, or if no newspaper is
21 published in the district, in a newspaper of general
22 circulation in the area of the district. State master contracts
23 and certified education purchasing contracts, as defined in
24 Article 28A of this Code, are not subject to the requirements
25 of this paragraph.

26 (b) To require, as a condition of any contract for goods

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

22 To require that bids and contracts include a certification
23 by the bidder or contractor that the bidder or contractor is
24 not barred from bidding for or entering into a contract under
25 this Section and that the bidder or contractor acknowledges
26 that the school board may declare the contract void if the

1 certification completed pursuant to this subsection (b) is
2 false.

3 (b-5) To require all contracts and agreements that pertain
4 to goods and services and that are intended to generate
5 additional revenue and other remunerations for the school
6 district in excess of \$1,000, including without limitation
7 vending machine contracts, sports and other attire, class
8 rings, and photographic services, to be approved by the school
9 board. The school board shall file as an attachment to its
10 annual budget a report, in a form as determined by the State
11 Board of Education, indicating for the prior year the name of
12 the vendor, the product or service provided, and the actual net
13 revenue and non-monetary remuneration from each of the
14 contracts or agreements. In addition, the report shall indicate
15 for what purpose the revenue was used and how and to whom the
16 non-monetary remuneration was distributed.

17 (c) If the State education purchasing entity creates a
18 master contract as defined in Article 28A of this Code, then
19 the State education purchasing entity shall notify school
20 districts of the existence of the master contract.

21 (d) In purchasing supplies, materials, equipment, or
22 services that are not subject to subsection (c) of this
23 Section, before a school district solicits bids or awards a
24 contract, the district may review and consider as a bid under
25 subsection (a) of this Section certified education purchasing
26 contracts that are already available through the State

1 education purchasing entity.

2 (Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04;
3 94-714, eff. 7-1-06.)

4 (105 ILCS 5/29-6.1) (from Ch. 122, par. 29-6.1)

5 Sec. 29-6.1. Contracts for transportation. Subject to
6 Section 6-106.11 of the Illinois Vehicle Code, school boards
7 may enter into contracts for up to 3 years for transportation
8 of pupils to and from school. Such contracts may be extended
9 for up to 2 additional years by mutual agreement of the
10 parties, and thereafter may be extended on a year-to-year basis
11 by mutual agreement of the parties, however no such contract
12 may be extended on a year-to-year basis if a school board
13 receives a timely request from another interested contractor
14 that a contract be let by bid. Notwithstanding any other
15 provision of this Section or Section 10-20.21 or 34-21.3 of
16 this Code, in the case of a contract involving the
17 transportation of children with disabilities, as defined in
18 Article 14 of this Code, the contract must be procured in a
19 manner substantially equivalent to the procedures under
20 Section 20-10 or 20-15 of the Illinois Procurement Code.

21 (Source: P.A. 84-768.)

22 (105 ILCS 5/34-21.3) (from Ch. 122, par. 34-21.3)

23 Sec. 34-21.3. Contracts. The board shall by record vote let
24 all contracts (other than those excepted by Section 10-20.21 of

1 The School Code) for supplies, materials, work, and contracts
2 with private carriers for transportation of pupils (except as
3 otherwise provided in Section 29-6.1 of this Code), involving
4 an expenditure in excess of \$10,000 by competitive bidding as
5 provided in Section 10-20.21 of The School Code.

6 The board may delegate to the general superintendent of
7 schools, by resolution, the authority to approve contracts in
8 amounts of \$10,000 or less.

9 For a period of one year from and after the expiration or
10 other termination of his or her term of office as a member of
11 the board: (i) the former board member shall not be eligible
12 for employment nor be employed by the board, a local school
13 council, an attendance center, or any other subdivision or
14 agent of the board or the school district governed by the
15 board, and (ii) neither the board nor the chief purchasing
16 officer shall let or delegate authority to let any contract for
17 services, employment, or other work to the former board member
18 or to any corporation, partnership, association, sole
19 proprietorship, or other entity other than publicly traded
20 companies from which the former board member receives an annual
21 income, dividends, or other compensation in excess of \$1,500.
22 Any contract that is entered into by or under a delegation of
23 authority from the board or the chief purchasing officer shall
24 contain a provision stating that the contract is not legally
25 binding on the board if entered into in violation of the
26 provisions of this paragraph.

1 In addition, the State Board of Education, in consultation
2 with the board, shall (i) review existing conflict of interest
3 and disclosure laws or regulations that are applicable to the
4 executive officers and governing boards of school districts
5 organized under this Article and school districts generally,
6 (ii) determine what additional disclosure and conflict of
7 interest provisions would enhance the reputation and fiscal
8 integrity of the board and the procedure under which contracts
9 for goods and services are let, and (iii) develop appropriate
10 reporting forms and procedures applicable to the executive
11 officers, governing board, and other officials of the school
12 district.

13 (Source: P.A. 89-15, eff. 5-30-95.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.32 as follows:

16 (30 ILCS 805/8.32 new)

17 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 95th General Assembly."