



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2435

Introduced 2/19/2009, by Rep. Robert Rita

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/16  
605 ILCS 10/16.1

from Ch. 121, par. 100-16  
from Ch. 121, par. 100-16.1

Amends the Toll Highway Act. Provides that contracts let for construction, services, or supplies when the amount is in excess of a small purchase, as defined by the Illinois Procurement Code, (rather than specified sums of \$7,500 and \$10,000) shall be let to the lowest responsible bidder on open, competitive bidding after public advertisement made at least 15 days prior to the opening of bids in the Illinois Procurement Bulletin (rather than a newspaper of general circulation published in populated areas of the State). Effective immediately.

LRB096 08559 AJT 18682 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning the Illinois State Toll Highway  
2 Authority.

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

5 Section 5. The Toll Highway Act is amended by changing  
6 Sections 16 and 16.1 as follows:

7 (605 ILCS 10/16) (from Ch. 121, par. 100-16)

8 Sec. 16. All contracts let for the construction of any work  
9 authorized to be done under the provisions of the Act, where  
10 the amount thereof is in excess of a small purchase amount, as  
11 defined in Section 20-20 of the Illinois Procurement Code, ~~the~~  
12 ~~sum of \$10,000,~~ shall be let to the lowest responsible bidder,  
13 or bidders, on open, competitive bidding after public  
14 advertisement made at least 15 days prior to the opening of  
15 bids, in the Illinois Procurement Bulletin, in a newspaper of  
16 ~~general circulation published in each of the seven largest~~  
17 ~~cities of the State, as determined by the last preceding~~  
18 ~~Federal census,~~ in such manner and at such intervals, as may be  
19 prescribed by the Authority except for contracts for the  
20 completion of a terminated or defaulted contract. The  
21 successful bidders for such work shall enter into contracts  
22 furnished and prescribed by the Authority. Such contracts shall  
23 contain a provision that such successful bidder shall indemnify

1 and save harmless the State of Illinois for any accidental  
2 injuries or damages arising out of his negligence in the  
3 performance of such contract, and shall, and in addition,  
4 execute and give bonds, payable to the Authority, with a  
5 corporate surety authorized to do business under the laws of  
6 the State of Illinois, equal to at least 50% of the contract  
7 price, one conditioned upon faithful performance of the  
8 contract and the other for the payment of all labor furnished  
9 and materials supplied in the prosecution of the contracted  
10 work.

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

12 (605 ILCS 10/16.1) (from Ch. 121, par. 100-16.1)

13 Sec. 16.1. (A) All contracts for services or supplies  
14 required from time to time by the Authority in the maintenance  
15 and operation of any toll highway or part thereof under the  
16 provisions of this Act or all direct contracts for supplies to  
17 be used in the construction of any toll highway or part thereof  
18 to be awarded under this Section, rather than as a part of a  
19 contract pursuant to Section 16 of this Act, when the amount of  
20 any such supplies or services is in excess of a small purchase  
21 amount, as defined in Section 20-20 of the Illinois Procurement  
22 Code, ~~the sum of \$7,500~~ shall be let to the lowest responsible  
23 bidder or bidders, on open, competitive bidding after public  
24 advertisement made at least 5 days prior to the opening of  
25 bids, in the Illinois Procurement Bulletin, ~~in a newspaper of~~

1 ~~general circulation in any city of over 500,000 population, or~~  
2 ~~in any county through which the tollway passes,~~ in such manner  
3 and on one or more occasions as may be prescribed by the  
4 Authority, except that bidding shall not be required in the  
5 following cases:

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

12 2. Where the services required are for professional,  
13 technical or artistic skills.

14 3. Where the services required are for advertising,  
15 promotional and public relations services.

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

25 5. In case of expenditures for personal services.

26 6. Contracts for equipment and spare parts in support

1           thereof for the maintenance and operation of any toll  
2           highway, or any part thereof, whenever, the Authority  
3           shall, by resolution, declare and find that a particular  
4           make and type of equipment is required for efficient  
5           maintenance and operation and proper servicing, for  
6           uniformity in and integration with the spare parts program  
7           and inventory control, or for other reasons peculiar to the  
8           problems of the toll highway or its previously acquired  
9           equipment; however, competition and competitive bids shall  
10          be obtained by the Authority with respect to such specified  
11          equipment or spare parts, insofar as possible, and when  
12          effective, pursuant to public advertisement as  
13          hereinbefore provided.

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

15                 8. Contracts or agreements for the completion of a  
16          terminated or defaulted contract or agreement.

17                 (B) The solicitation for bids shall be in conformance with  
18          accepted business practices and the method of solicitation  
19          shall be set out in detail in the rules and regulations of the  
20          Authority.

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

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

26                 (E) All purchases, contracts or other obligations or

1 expenditures of funds by the Authority shall be in accordance  
2 with rules and regulations governing the Authority's  
3 procurement practice and procedures and the Authority shall  
4 promulgate and publish such practices and procedures in  
5 sufficient number for distribution to persons interested in  
6 bidding on purchases or contracts to be let by the Authority.  
7 Such rules and regulations shall be kept on file with the  
8 Secretary of the Authority at all times and shall be available  
9 for inspection by members of the public at all reasonable times  
10 and hours.

11 Such rules and regulations shall be filed and become  
12 effective in connection with the Illinois Administrative  
13 Procedure Act.

14 (F) Any contract entered into for purchase or expenditure  
15 of funds of the Authority made in violation of this Act or the  
16 rules and regulations in pursuance thereof is void and of no  
17 effect.

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

22 "The Seller,.... hereby certifies that the goods,  
23 merchandise and wares shipped in accordance with the attached  
24 delivery invoice have met all the required standards set forth  
25 in the purchasing contract.

26 .....(Seller)."

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

4           (Source: P.A. 86-1164.)

5           Section 99. Effective date. This Act takes effect upon  
6 becoming law.