

HB3209



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3209

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 220/4.5

Creates the Competitive Bidding of Local Roads, Streets, and Bridges Act. Provides that no unit of local government may make any contract, intergovernmental agreement, or any other type of agreement with another unit of local government for the maintenance or construction of local roads, streets, and bridges that would have the effect of avoiding competitive bidding required by statute. Limits applicability of the Act under specified circumstances. Limits home rule powers.

LRB100 06951 AWJ 17002 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE 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 1. Short title. This Act may be cited as the
5 Competitive Bidding of Local Roads, Streets, and Bridges Act.

6 Section 5. Definitions. As used in this Act:

7 "Bridge" includes any bridge located on any local road or
8 street.

9 "Construction" has the meaning given to that term in
10 Section 2-210 of the Illinois Highway Code.

11 "Local road" and "street" encompass the meanings of all
12 variations of highway, road, and street as those terms are
13 defined in Division 2 of the Illinois Highway Code.

14 "Maintain" and "maintenance" have the meaning given to
15 those terms in Section 2-214 of the Illinois Highway Code.

16 Section 10. Purpose. In the interest of promoting
17 businesses and workers and creating businesses and jobs to
18 support the citizens of this State, it is the public policy of
19 this State to promote competitive bidding in the maintenance
20 and construction of local roads, streets, and bridge projects.

21 Section 15. Competitive bidding in the maintenance and

1 construction of local roads, streets, and bridge projects. No
2 unit of local government may make any contract,
3 intergovernmental agreement, or any other type of agreement
4 with another unit of local government for the maintenance or
5 construction of local roads, streets, and bridges that would
6 have the effect of avoiding competitive bidding required by
7 statute. This Section includes all maintenance and
8 construction performed on local roads, streets, and bridges,
9 including, but not limited to, the use of bituminous materials,
10 seal coat aggregates, or other road materials.

11 Section 20. Limitations. Nothing in this Section shall
12 prohibit a unit of local government from:

13 (1) maintaining and constructing local roads, streets,
14 and bridges within their respective jurisdiction utilizing
15 their respective workers and resources;

16 (2) contracting, or entering into any other type of
17 agreement, with a federal agency, State agency, or other
18 unit of local government to jointly engage in competitive
19 bidding for maintenance and construction of local roads,
20 streets, and bridge projects; and

21 (3) entering into any federally funded maintenance or
22 construction contract or any other agreement with another
23 unit of local government if the application of this Act
24 would jeopardize the receipt or use of federal funds in
25 support of such a project.

1 Section 25. Home rule. A home rule unit may not enact an
2 ordinance or rule or enter into contract or any agreement with
3 another unit of local government for the maintenance or
4 construction of local roads, streets, and bridges which would
5 have the effect of avoiding competitive bidding required by
6 statute. This Section is a limitation under subsection (i) of
7 Section 6 of Article VII of the Illinois Constitution on the
8 concurrent exercise by home rule units of powers and functions
9 exercised by the State.

10 Section 30. The Intergovernmental Cooperation Act is
11 amended by changing Section 4.5 as follows:

12 (5 ILCS 220/4.5)

13 Sec. 4.5. Prohibited agreements and contracts.

14 (a) No intergovernmental or interagency agreement or
15 contract may be entered into, implemented, or given effect if
16 the agreement's or contract's intent or effect is (i) to
17 circumvent any limitation established by law on State
18 appropriation or State expenditure authority with respect to
19 health care and employee benefits contracts or (ii) to expend
20 State moneys in a manner inconsistent with the purpose for
21 which they were appropriated with respect to health care and
22 employee benefits contracts.

23 (b) No intergovernmental or interagency agreement or

1 contract may be entered into in violation of the Competitive
2 Bidding of Local Roads, Streets, and Bridges Act. Furthermore,
3 any intergovernmental or interagency agreement or contract
4 entered into after the effective date of this amendatory Act of
5 the 100th General Assembly that is in violation of the
6 Competitive Bidding of Local Roads, Streets, and Bridges Act
7 may not be implemented or given effect.

8 (Source: P.A. 93-839, eff. 7-30-04.)