



Sen. Chuck Weaver

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1 AMENDMENT TO SENATE BILL 1626

2 AMENDMENT NO. _____. Amend Senate Bill 1626 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 10-20.21 as follows:

6 (105 ILCS 5/10-20.21)
7 Sec. 10-20.21. Contracts.

8 (a) To award all contracts for purchase of supplies and
9 materials or work involving an expenditure in excess of \$25,000
10 or a lower amount as required by board policy to the lowest
11 responsible bidder, considering conformity with
12 specifications, terms of delivery, quality and serviceability,
13 after due advertisement, except the following: (i) contracts
14 for the services of individuals possessing a high degree of
15 professional skill where the ability or fitness of the
16 individual plays an important part; (ii) contracts for the

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

1 construction, or a single project involving an expenditure not
2 to exceed \$50,000 and not involving a change or increase in the
3 size, type, or extent of an existing facility; (xii) contracts
4 for goods or services procured from another governmental
5 agency; (xiii) contracts for goods or services which are
6 economically procurable from only one source, such as for the
7 purchase of magazines, books, periodicals, pamphlets and
8 reports, and for utility services such as water, light, heat,
9 telephone or telegraph; (xiv) where funds are expended in an
10 emergency and such emergency expenditure is approved by 3/4 of
11 the members of the board; (xv) State master contracts
12 authorized under Article 28A of this Code; and (xvi) contracts
13 providing for the transportation of pupils, which contracts
14 must be advertised in the same manner as competitive bids and
15 awarded by first considering the bidder or bidders most able to
16 provide safety and comfort for the pupils, stability of
17 service, and any other factors set forth in the request for
18 proposal regarding quality of service, and then price. However,
19 at no time shall a cause of action lie against a school board
20 for awarding a pupil transportation contract per the standards
21 set forth in this subsection (a) unless the cause of action is
22 based on fraudulent conduct.

23 All competitive bids for contracts involving an
24 expenditure in excess of \$25,000 or a lower amount as required
25 by board policy must be sealed by the bidder and must be opened
26 by a member or employee of the school board at a public bid

1 opening at which the contents of the bids must be announced.
2 Each bidder must receive at least 3 days' notice of the time
3 and place of the bid opening. For purposes of this Section due
4 advertisement includes, but is not limited to, at least one
5 public notice at least 10 days before the bid date in a
6 newspaper published in the district, or if no newspaper is
7 published in the district, in a newspaper of general
8 circulation in the area of the district. State master contracts
9 and certified education purchasing contracts, as defined in
10 Article 28A of this Code, are not subject to the requirements
11 of this paragraph.

12 Under this Section, the acceptance of bids sealed by a
13 bidder and the opening of these bids at a public bid opening
14 may be permitted by an electronic process for communicating,
15 accepting, and opening competitive bids. However, bids for
16 construction purposes are prohibited from being communicated,
17 accepted, or opened electronically. An electronic bidding
18 process must provide for, but is not limited to, the following
19 safeguards:

20 (1) On the date and time certain of a bid opening, the
21 primary person conducting the competitive, sealed,
22 electronic bid process shall log onto a specified database
23 using a unique username and password previously assigned to
24 the bidder to allow access to the bidder's specific bid
25 project number.

26 (2) The specified electronic database must be on a

1 network that (i) is in a secure environment behind a
2 firewall; (ii) has specific encryption tools; (iii)
3 maintains specific intrusion detection systems; (iv) has
4 redundant systems architecture with data storage back-up,
5 whether by compact disc or tape; and (v) maintains a
6 disaster recovery plan.

7 It is the legislative intent of Public Act 96-841 to maintain
8 the integrity of the sealed bidding process provided for in
9 this Section, to further limit any possibility of bid-rigging,
10 to reduce administrative costs to school districts, and to
11 effect efficiencies in communications with bidders.

12 (b) To require, as a condition of any contract for goods
13 and services, that persons bidding for and awarded a contract
14 and all affiliates of the person collect and remit Illinois Use
15 Tax on all sales of tangible personal property into the State
16 of Illinois in accordance with the provisions of the Illinois
17 Use Tax Act regardless of whether the person or affiliate is a
18 "retailer maintaining a place of business within this State" as
19 defined in Section 2 of the Use Tax Act. For purposes of this
20 Section, the term "affiliate" means any entity that (1)
21 directly, indirectly, or constructively controls another
22 entity, (2) is directly, indirectly, or constructively
23 controlled by another entity, or (3) is subject to the control
24 of a common entity. For purposes of this subsection (b), an
25 entity controls another entity if it owns, directly or
26 individually, more than 10% of the voting securities of that

1 entity. As used in this subsection (b), the term "voting
2 security" means a security that (1) confers upon the holder the
3 right to vote for the election of members of the board of
4 directors or similar governing body of the business or (2) is
5 convertible into, or entitles the holder to receive upon its
6 exercise, a security that confers such a right to vote. A
7 general partnership interest is a voting security.

8 To require that bids and contracts include a certification
9 by the bidder or contractor that the bidder or contractor is
10 not barred from bidding for or entering into a contract under
11 this Section and that the bidder or contractor acknowledges
12 that the school board may declare the contract void if the
13 certification completed pursuant to this subsection (b) is
14 false.

15 (b-5) To require all contracts and agreements that pertain
16 to goods and services and that are intended to generate
17 additional revenue and other remunerations for the school
18 district in excess of \$1,000, including without limitation
19 vending machine contracts, sports and other attire, class
20 rings, and photographic services, to be approved by the school
21 board. The school board shall file as an attachment to its
22 annual budget a report, in a form as determined by the State
23 Board of Education, indicating for the prior year the name of
24 the vendor, the product or service provided, and the actual net
25 revenue and non-monetary remuneration from each of the
26 contracts or agreements. In addition, the report shall indicate

1 for what purpose the revenue was used and how and to whom the
2 non-monetary remuneration was distributed.

3 (b-10) To prohibit any contract to purchase food with a
4 bidder or offeror if the bidder's or offeror's contract terms
5 prohibit the school from donating food to food banks,
6 including, but not limited to, homeless shelters, food
7 pantries, and soup kitchens.

8 (c) If the State education purchasing entity creates a
9 master contract as defined in Article 28A of this Code, then
10 the State education purchasing entity shall notify school
11 districts of the existence of the master contract.

12 (d) In purchasing supplies, materials, equipment, or
13 services that are not subject to subsection (c) of this
14 Section, before a school district solicits bids or awards a
15 contract, the district may review and consider as a bid under
16 subsection (a) of this Section certified education purchasing
17 contracts that are already available through the State
18 education purchasing entity.

19 (Source: P.A. 99-552, eff. 7-15-16.)".