



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1729

Introduced 2/15/2019, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

605 ILCS 10/16.1

from Ch. 121, par. 100-16.1

Amends the Toll Highway Act. Provides that, prior to finalizing a no-bid contract, the chairman and each director of the Toll Highway Authority shall disclose any family, relational, professional, or financial ties, including the degree of connection, to the contractor vying for the contract. Provides that the disclosure shall be released to the public and the Toll Highway Inspector General. Provides that, if the Toll Highway Inspector General determines that a conflict of interest exists, the individual with the conflict of interest shall recuse himself or herself from all discussions and voting upon the contract. Provides that the Authority shall adopt bylaws to define the degree of connection requiring disclosure and to enforce the provision.

LRB101 09904 TAE 55006 b

1 AN ACT concerning transportation.

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

4 Section 5. The Toll Highway Act is amended by changing
5 Section 16.1 as follows:

6 (605 ILCS 10/16.1) (from Ch. 121, par. 100-16.1)

7 Sec. 16.1. (A) All contracts for services or supplies
8 required from time to time by the Authority in the maintenance
9 and operation of any toll highway or part thereof under the
10 provisions of this Act or all direct contracts for supplies to
11 be used in the construction of any toll highway or part thereof
12 to be awarded under this Section, rather than as a part of a
13 contract pursuant to Section 16 of this Act, when the amount of
14 any such supplies or services is in excess of a small purchase
15 amount, as defined in Section 20-20 of the Illinois Procurement
16 Code, shall be let to the lowest responsible bidder or bidders,
17 on open, competitive bidding after public advertisement made at
18 least 5 days prior to the opening of bids, in the Illinois
19 Procurement Bulletin, in such manner and on one or more
20 occasions as may be prescribed by the Authority, except that
21 bidding shall not be required in the following cases:

22 1. Where the goods or services to be procured are
23 economically procurable from only one source, such as

1 contracts for telephone service, electric energy and other
2 public utility services, housekeeping services, books,
3 pamphlets and periodicals and specially designed business
4 equipment and software.

5 2. Where the services required are for professional,
6 technical or artistic skills.

7 3. Where the services required are for advertising,
8 promotional and public relations services.

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

18 5. In case of expenditures for personal services.

19 6. Contracts for equipment and spare parts in support
20 thereof for the maintenance and operation of any toll
21 highway, or any part thereof, whenever, the Authority
22 shall, by resolution, declare and find that a particular
23 make and type of equipment is required for efficient
24 maintenance and operation and proper servicing, for
25 uniformity in and integration with the spare parts program
26 and inventory control, or for other reasons peculiar to the

1 problems of the toll highway or its previously acquired
2 equipment; however, competition and competitive bids shall
3 be obtained by the Authority with respect to such specified
4 equipment or spare parts, insofar as possible, and when
5 effective, pursuant to public advertisement as
6 hereinbefore provided.

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

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

10 (A.1) Prior to finalizing a no-bid contract as provided in
11 subsection (A), the chairman and each director shall disclose
12 any family, relational, professional, or financial ties,
13 including the degree of connection, in relation to the
14 contractor vying for the contract. These ties shall be released
15 to the public and submitted to the Toll Highway Inspector
16 General. The Toll Highway Inspector General shall have 5
17 business days to determine if a conflict of interest exists for
18 the chairman or any of the directors. If the Toll Highway
19 Inspector General determines a conflict of interest exists, the
20 individual with the conflict of interest shall recuse himself
21 or herself from all discussions and voting upon the contract.
22 The Authority shall adopt bylaws to define the degree of
23 connection requiring disclosure and to enforce this
24 subsection.

25 (B) The solicitation for bids shall be in conformance with
26 accepted business practices and the method of solicitation

1 shall be set out in detail in the rules and regulations of the
2 Authority.

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

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

8 (E) All purchases, contracts or other obligations or
9 expenditures of funds by the Authority shall be in accordance
10 with rules and regulations governing the Authority's
11 procurement practice and procedures and the Authority shall
12 promulgate and publish such practices and procedures in
13 sufficient number for distribution to persons interested in
14 bidding on purchases or contracts to be let by the Authority.
15 Such rules and regulations shall be kept on file with the
16 Secretary of the Authority at all times and shall be available
17 for inspection by members of the public at all reasonable times
18 and hours.

19 Such rules and regulations shall be filed and become
20 effective in connection with the Illinois Administrative
21 Procedure Act.

22 (F) Any contract entered into for purchase or expenditure
23 of funds of the Authority made in violation of this Act or the
24 rules and regulations in pursuance thereof is void and of no
25 effect.

26 (G) Warrant. All sellers to the Authority shall attach a

1 statement to the delivery invoice attesting that the standards
2 set forth in the contracts have been met. The statement shall
3 be substantially in the following form:

4 "The Seller,.... hereby certifies that the goods,
5 merchandise and wares shipped in accordance with the attached
6 delivery invoice have met all the required standards set forth
7 in the purchasing contract.

8(Seller)."

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

12 (Source: P.A. 96-592, eff. 8-18-09.)