



Rep. Stephanie A. Kifowit

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10000HB4774ham002

LRB100 18254 RJF 39143 a

1 AMENDMENT TO HOUSE BILL 4774

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4774, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by changing  
6 Section 5-1022 as follows:

7 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

8 Sec. 5-1022. Competitive bids.

9 (a) Any purchase by a county with fewer than 2,000,000  
10 inhabitants of services, materials, equipment or supplies in  
11 excess of \$30,000, other than professional services, shall be  
12 contracted for in one of the following ways:

13 (1) by a contract let to the lowest responsible bidder  
14 after advertising for bids in a newspaper published within  
15 the county or, if no newspaper is published within the  
16 county, then a newspaper having general circulation within

1 the county; or

2 (2) by a contract let without advertising for bids in  
3 the case of an emergency if authorized by the county board.

4 (b) In determining the lowest responsible bidder, the  
5 county board shall take into consideration the qualities of the  
6 articles supplied; their conformity with the specifications;  
7 their suitability to the requirements of the county,  
8 availability of support services; uniqueness of the service,  
9 materials, equipment, or supplies as it applies to networked,  
10 integrated computer systems; compatibility to existing  
11 equipment; and the delivery terms. The county board also may  
12 take into consideration whether a bidder is a private  
13 enterprise or a State-controlled enterprise and,  
14 notwithstanding any other provision of this Section or a lower  
15 bid by a State-controlled enterprise, may let a contract to the  
16 lowest responsible bidder that is a private enterprise.

17 (b-5) This subsection does not apply to contracts for  
18 construction.

19 In determining the lowest responsible bidder, a local  
20 company that bids no more than 10% higher than the lowest bid,  
21 if that lowest bid is made by a non-local company, is the  
22 lowest responsible bidder. If more than one local company's bid  
23 is no more than 10% higher than the lowest bid made by a  
24 non-local company, the county board shall follow subsection (b)  
25 in determining the lowest responsible bidder among the local  
26 company bids.

1       As used in this subsection:

2       "Local company" means a company or business entity located  
3 within the contracting county or any contiguous county in the  
4 State that has the majority of its regular, full-time workforce  
5 located within the contracting county or contiguous county.

6       "Construction" includes, but is not limited to, all work on  
7 public works involving laborers, workers, or mechanics,  
8 including maintenance, repair, assembly, or disassembly work  
9 performed on equipment whether owned, leased, or rented.

10       (c) This Section does not apply to contracts by a county  
11 with the federal government or to purchases of used equipment,  
12 purchases at auction or similar transactions which by their  
13 very nature are not suitable to competitive bids, pursuant to  
14 an ordinance adopted by the county board.

15       (d) Notwithstanding the provisions of this Section, a  
16 county may let without advertising for bids in the case of  
17 purchases and contracts, when individual orders do not exceed  
18 \$35,000, for the use, purchase, delivery, movement, or  
19 installation of data processing equipment, software, or  
20 services and telecommunications and inter-connect equipment,  
21 software, and services.

22       (e) A county may require, as a condition of any contract  
23 for goods and services, that persons awarded a contract with  
24 the county and all affiliates of the person collect and remit  
25 Illinois Use Tax on all sales of tangible personal property  
26 into the State of Illinois in accordance with the provisions of

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

18 (f) Bids submitted to, and contracts executed by, the  
19 county may require a certification by the bidder or contractor  
20 that the bidder or contractor is not barred from bidding for or  
21 entering into a contract under this Section and that the bidder  
22 or contractor acknowledges that the county may declare the  
23 contract void if the certification completed pursuant to this  
24 subsection (f) is false.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-170, eff. 1-1-10.)

1 Section 10. The Township Code is amended by changing  
2 Sections 85-30 and 205-105 as follows:

3 (60 ILCS 1/85-30)

4 Sec. 85-30. Purchases; bids.

5 (a) Any purchase by a township for services, materials,  
6 equipment, or supplies in excess of \$20,000 (other than  
7 professional services) shall be contracted for in one of the  
8 following ways:

9 (1) By a contract let to the lowest responsible bidder  
10 after advertising for bids at least once (i) in a newspaper  
11 published within the township, or (ii) if no newspaper is  
12 published within the township, then in one published within  
13 the county, or (iii) if no newspaper is published within  
14 the county, then in a newspaper having general circulation  
15 within the township.

16 (2) By a contract let without advertising for bids in  
17 the case of an emergency if authorized by the township  
18 board.

19 (b) This subsection does not apply to contracts for  
20 construction.

21 If a contract is let under item (1) of subsection (a), in  
22 determining the lowest responsible bidder, a local company that  
23 bids no more than 10% higher than the lowest bid, if that  
24 lowest bid is made by a non-local company, is the lowest  
25 responsible bidder. If more than one local company's bid is no

1 more than 10% higher than the lowest bid made by a non-local  
2 company, the township board shall award the contract to the  
3 lowest responsible bidder among the local company bids.

4 As used in this subsection:

5 "Local company" means a company or business entity located  
6 within the contracting township or the county or counties in  
7 which the township is located in the State that has the  
8 majority of its regular, full-time workforce located within the  
9 contracting township or the county or counties in which the  
10 township is located.

11 "Construction" includes, but is not limited to, all work on  
12 public works involving laborers, workers, or mechanics,  
13 including maintenance, repair, assembly, or disassembly work  
14 performed on equipment whether owned, leased, or rented.

15 (c) This Section does not apply to contracts by a township  
16 with the federal government.

17 (Source: P.A. 94-435, eff. 8-2-05.)

18 (60 ILCS 1/205-105)

19 Sec. 205-105. Construction contracts; bids.

20 (a) All contracts for construction work whose estimated  
21 cost will exceed \$20,000 shall be let to the lowest responsible  
22 bidder after publication of notice for bids. Notice for bids  
23 shall be published once in a newspaper published and having  
24 general circulation in the township, if there is one. If there  
25 is no such newspaper, notice for bids shall be published in a

1 newspaper published and having general circulation in the  
2 county. Notice for bids shall be published at least 10 days  
3 before the date set for receiving bids. Bids shall be opened  
4 and publicly read, and an award shall be made to the lowest  
5 responsible bidder within 15 days after the receipt of bids.

6 (a-5) This subsection does not apply to contracts for  
7 construction.

8 In determining the lowest responsible bidder, a local  
9 company that bids no more than 10% higher than the lowest bid,  
10 if that lowest bid is made by a non-local company, is the  
11 lowest responsible bidder. If more than one local company's bid  
12 is no more than 10% higher than the lowest bid made by a  
13 non-local company, the township board shall award the contract  
14 to the lowest responsible bidder among the local company bids.

15 As used in this subsection:

16 "Local company" means a company or business entity located  
17 within the contracting township or the county or counties in  
18 which the township is located in the State that has the  
19 majority of its regular, full-time workforce located within the  
20 contracting township or county or counties in which the  
21 township is located.

22 "Construction" includes, but is not limited to, all work on  
23 public works involving laborers, workers, or mechanics,  
24 including maintenance, repair, assembly, or disassembly work  
25 performed on equipment whether owned, leased, or rented.

26 (b) This Section shall not apply to engineering, legal, or

1 other professional services, but it shall apply to the purchase  
2 of equipment unless the township board, by a resolution adopted  
3 by a three-fourths vote, determines that it is for the best  
4 interests of the township that advertising for bids for the  
5 equipment be dispensed with.

6 (Source: P.A. 95-300, eff. 8-20-07.)

7 Section 15. The Illinois Municipal Code is amended by  
8 changing Section 8-9-1 as follows:

9 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

10 Sec. 8-9-1. (a) In municipalities of less than 500,000  
11 except as otherwise provided in Articles 4 and 5 any work or  
12 other public improvement which is not to be paid for in whole  
13 or in part by special assessment or special taxation, when the  
14 expense thereof will exceed \$25,000, shall be constructed  
15 either (1) by a contract let to the lowest responsible bidder  
16 after advertising for bids, in the manner prescribed by  
17 ordinance, except that any such contract may be entered into by  
18 the proper officers without advertising for bids, if authorized  
19 by a vote of two-thirds of all the aldermen or trustees then  
20 holding office; or (2) in the following manner, if authorized  
21 by a vote of two-thirds of all the aldermen or trustees then  
22 holding office, to-wit: the commissioner of public works or  
23 other proper officers to be designated by ordinance, shall  
24 superintend and cause to be carried out the construction of the



1 work or other public improvement and shall employ exclusively  
2 for the performance of all manual labor thereon, laborers and  
3 artisans whom the municipality shall pay by the day or hour;  
4 and all material of the value of \$25,000 and upward used in the  
5 construction of the work or other public improvement, shall be  
6 purchased by contract let to the lowest responsible bidder in  
7 the manner to be prescribed by ordinance. However, nothing  
8 contained in this section shall apply to any contract by a  
9 city, village or incorporated town with the federal government  
10 or any agency thereof.

11 (b) This subsection does not apply to contracts for  
12 construction.

13 When entering into a contract let to the lowest responsible  
14 bidder after advertising for bids under this Section, in  
15 determining the lowest responsible bidder, a local company that  
16 bids no more than 10% higher than the lowest bid, if that  
17 lowest bid is made by a non-local company, is the lowest  
18 responsible bidder. If more than one local company's bid is no  
19 more than 10% higher than the lowest bid made by a non-local  
20 company, the corporate authorities of the municipality shall  
21 award the contract to the lowest responsible bidder among the  
22 local company bids.

23 As used in this subsection:

24 "Local company" means a company or business entity located  
25 within the contracting municipality or the county or counties  
26 in which the municipality is located in the State that has the

1 majority of its regular, full-time workforce located within the  
2 contracting municipality or the county or counties in which the  
3 municipality is located.

4 "Construction" includes, but is not limited to, all work on  
5 public works involving laborers, workers or mechanics,  
6 including maintenance, repair, assembly, or disassembly work  
7 performed on equipment whether owned, leased, or rented.

8 (c) In every city which has adopted Division 1 of Article  
9 10, every such laborer or artisan shall be certified by the  
10 civil service commission to the commissioner of public works or  
11 other proper officers, in accordance with the requirement of  
12 that division.

13 (d) In municipalities of 500,000 or more population the  
14 letting of contracts for work or other public improvements of  
15 the character described in this section shall be governed by  
16 the provisions of Division 10 of this Article 8.

17 (Source: P.A. 100-338, eff. 8-25-17.)".