



Sen. Antonio Muñoz

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10200HB5061sam001

LRB102 21435 RJT 37630 a

1 AMENDMENT TO HOUSE BILL 5061

2 AMENDMENT NO. _____. Amend House Bill 5061 by replacing
3 everything after the enacting clause with the following:

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

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

7 Sec. 5-1022. Competitive bids.

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

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

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

4 (b) In determining the lowest responsible bidder, the
5 county board shall take into consideration the qualities of
6 the articles supplied; their conformity with the
7 specifications; their suitability to the requirements of the
8 county, availability of support services; uniqueness of the
9 service, materials, equipment, or supplies as it applies to
10 networked, integrated computer systems; compatibility to
11 existing equipment; and the delivery terms. The county board
12 also may 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
16 the lowest responsible bidder that is a private enterprise.

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

22 (d) Notwithstanding the provisions of this Section, a
23 county may let without advertising for bids in the case of
24 purchases and contracts, when individual orders do not exceed
25 \$35,000, for the use, purchase, delivery, movement, or
26 installation of data processing equipment, software, or

1 services and telecommunications and inter-connect equipment,
2 software, and services.

3 (e) A county may require, as a condition of any contract
4 for goods and services, that persons awarded a contract with
5 the county and all affiliates of the person collect and remit
6 Illinois Use Tax on all sales of tangible personal property
7 into the State of Illinois in accordance with the provisions
8 of the Illinois Use Tax Act regardless of whether the person or
9 affiliate is a "retailer maintaining a place of business
10 within this State" as defined in Section 2 of the Use Tax Act.
11 For purposes of this subsection (e), the term "affiliate"
12 means any entity that (1) directly, indirectly, or
13 constructively controls another entity, (2) is directly,
14 indirectly, or constructively controlled by another entity, or
15 (3) is subject to the control of a common entity. For purposes
16 of this subsection (e), an entity controls another entity if
17 it owns, directly or individually, more than 10% of the voting
18 securities of that entity. As used in this subsection (e), the
19 term "voting security" means a security that (1) confers upon
20 the holder the right to vote for the election of members of the
21 board of directors or similar governing body of the business
22 or (2) is convertible into, or entitles the holder to receive
23 upon its exercise, a security that confers such a right to
24 vote. A general partnership interest is a voting security.

25 (f) Bids submitted to, and contracts executed by, the
26 county may require a certification by the bidder or contractor

1 that the bidder or contractor is not barred from bidding for or
2 entering into a contract under this Section and that the
3 bidder or contractor acknowledges that the county may declare
4 the contract void if the certification completed pursuant to
5 this subsection (f) is false.

6 (g) A county may establish goals for the procurement of
7 goods and services to promote and encourage the continuing
8 economic development of businesses:

9 (1) owned and operated by minorities;

10 (2) owned and operated by women;

11 (3) owned and operated by persons with disabilities;

12 (4) owned and operated by veterans; and

13 (5) located within the county.

14 Goals set by a county that result in preferences being
15 applied to certain bidders or offerors in a county's
16 purchasing process must comply with the constitutional
17 standards applicable to the preferences.

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