



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB5765**

Introduced 11/16/2022, by Rep. Dave Vella - Maurice A. West,  
II

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022

from Ch. 34, par. 5-1022

Amends the Counties Code. Provides that, in determining the lowest responsible bidder, a county board of a county with fewer than 2,000,000 inhabitants shall for certain procurements take into consideration, among other things, the bidder's active participation in an apprenticeship program registered with the United States Department of Labor.

LRB102 27999 AWJ 39798 b

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 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

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

20 (b) In determining the lowest responsible bidder, the  
21 county board shall take into consideration the qualities of  
22 the articles supplied; their conformity with the  
23 specifications; their suitability to the requirements of the

1 county; ~~the~~ availability of support services; the uniqueness  
2 of the service, materials, equipment, or supplies as it  
3 applies to networked, integrated computer systems; the  
4 compatibility to existing equipment; the bidder's active  
5 participation in an apprenticeship program registered with the  
6 United States Department of Labor; and the delivery terms. The  
7 county board also may take into consideration whether a bidder  
8 is a private enterprise or a State-controlled enterprise and,  
9 notwithstanding any other provision of this Section or a lower  
10 bid by a State-controlled enterprise, may let a contract to  
11 the lowest responsible bidder that is a private enterprise.

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

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

24 (e) A county may require, as a condition of any contract  
25 for goods and services, that persons awarded a contract with  
26 the county and all affiliates of the person collect and remit

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

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

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