

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; and the delivery terms.  
5 In addition, the county board may take into consideration the  
6 bidder's active participation in an applicable apprenticeship  
7 program registered with the United States Department of Labor.

8 The county board also may take into consideration whether a  
9 bidder is a private enterprise or a State-controlled  
10 enterprise and, notwithstanding any other provision of this  
11 Section or a lower bid by a State-controlled enterprise, may  
12 let a contract to the lowest responsible bidder that is a  
13 private enterprise.

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

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

26 (e) A county may require, as a condition of any contract

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

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

1 the contract void if the certification completed pursuant to  
2 this subsection (f) is false.

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