

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 (3) by a contract let without advertising for bids in
21 the case of the expedited replacement of a disabled,
22 inoperable, or damaged patrol vehicle of the sheriff's
23 department if authorized by the county board.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.