

HB3494



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3494

Introduced 2/17/2023, by Rep. Paul Jacobs

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022

from Ch. 34, par. 5-1022

Amends the Counties Code. Provides that any purchase by a county with fewer than 2,000,000 inhabitants of services, materials, equipment or supplies in excess of \$50,000 (rather than \$30,000), other than professional services, shall be let by competitive bidding or, for an emergency, let without advertising for bids by the county board. Effective immediately.

LRB103 27144 AWJ 53513 b

A BILL FOR

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 \$50,000 ~~\$30,000~~, other than professional services,
11 shall be 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, availability of support services; uniqueness of the
2 service, materials, equipment, or supplies as it applies to
3 networked, integrated computer systems; compatibility to
4 existing equipment; and the delivery terms. The county board
5 also may take into consideration whether a bidder is a private
6 enterprise or a State-controlled enterprise and,
7 notwithstanding any other provision of this Section or a lower
8 bid by a State-controlled enterprise, may let a contract to
9 the lowest responsible bidder that is a private enterprise.

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

1 of the Illinois Use Tax Act regardless of whether the person or
2 affiliate is a "retailer maintaining a place of business
3 within this State" as defined in Section 2 of the Use Tax Act.
4 For purposes of this subsection (e), the term "affiliate"
5 means any entity that (1) directly, indirectly, or
6 constructively controls another entity, (2) is directly,
7 indirectly, or constructively controlled by another entity, or
8 (3) is subject to the control of a common entity. For purposes
9 of this subsection (e), an entity controls another entity if
10 it owns, 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
15 or (2) is convertible into, or entitles the holder to receive
16 upon its exercise, a security that confers such a right to
17 vote. A 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
22 bidder or contractor acknowledges that the county may declare
23 the contract void if the certification completed pursuant to
24 this subsection (f) is false.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.