



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1689

Introduced 2/8/2023, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2605/11.11  
70 ILCS 2605/11.12

from Ch. 42, par. 331.11  
from Ch. 42, par. 331.12

Amends the Metropolitan Water Reclamation District Act. Provides that the director of procurement and materials management or board of commissioners (rather than only the director) may determine the responsibility of a bidder or reject a bid. Provides additional factors that may be used in determining the responsibility of a bidder. Provides that all bidders must adhere to the project labor agreement, when applicable, including all contractors regardless of whether the bidder will self-perform or not.

LRB103 26316 AWJ 52677 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 Metropolitan Water Reclamation District Act  
5 is amended by changing Sections 11.11 and 11.12 as follows:

6 (70 ILCS 2605/11.11) (from Ch. 42, par. 331.11)

7 Sec. 11.11. In determining the responsibility of any  
8 bidder, the director of procurement and materials management  
9 or board of commissioners may take into account any of the  
10 following:

11 (1) Financial, ~~in addition to financial~~  
12 responsibility, past records of transactions with the  
13 bidder, experience, adequacy of equipment, ability to  
14 complete performance within a specific time and other  
15 pertinent factors, including but not limited to whether  
16 the equipment or material is manufactured in North  
17 America.

18 (2) Previous performance of all public works projects  
19 completed in the past 5 years by the contractor,  
20 including, but not limited to, the name of the public body  
21 and the project, the original contract price, the final  
22 contract price, the names of all subcontractors used, if  
23 any, and a statement as to compliance with completion

1 deadlines.

2 (3) A determination by a court or governmental unit or  
3 agency for violations of federal, state, or local laws,  
4 including, but not limited to, serious, willful, or  
5 repeated violations of the Occupational Safety and Health  
6 Act, violations of contracting or antitrust laws, tax or  
7 licensing laws, environmental laws, or the federal  
8 Davis-Bacon Act and related Acts.

9 (Source: P.A. 95-923, eff. 1-1-09.)

10 (70 ILCS 2605/11.12) (from Ch. 42, par. 331.12)

11 Sec. 11.12. Any and all bids received in response to an  
12 advertisement may be rejected by the director of procurement  
13 and materials management or board of commissioners if the  
14 bidders are not deemed responsible, or the character or  
15 quality of the services, supplies, materials, equipment or  
16 labor do not conform to requirements, or if the public  
17 interest may be better served thereby. All bidders must adhere  
18 to the project labor agreement, when applicable, including all  
19 contractors regardless of whether the bidder will self-perform  
20 or not.

21 (Source: P.A. 95-923, eff. 1-1-09.)