



Rep. Roger L. Eddy

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09400HB1475ham002

LRB094 08809 NHT 44749 a

1 AMENDMENT TO HOUSE BILL 1475

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1475 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 10-20.21 as follows:

6 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)  
7 Sec. 10-20.21. Contracts.

8 (a) To award all contracts for purchase of supplies,  
9 materials or work or contracts with private carriers for  
10 transportation of pupils involving an expenditure in excess of  
11 \$25,000 or a lower amount as required by board policy ~~\$10,000~~  
12 to the lowest responsible bidder, considering conformity with  
13 specifications, terms of delivery, quality and serviceability,  
14 after due advertisement, except the following: (i) contracts  
15 for the services of individuals or corporations possessing a  
16 high degree of professional skill where the ability or fitness  
17 of the individual or corporation plays an important part; (ii)  
18 contracts for the printing of finance committee reports and  
19 departmental reports; (iii) contracts for the printing or  
20 engraving of bonds, tax warrants and other evidences of  
21 indebtedness; (iv) contracts for the purchase of perishable  
22 foods and perishable beverages, including, but not limited to,  
23 food service contracts; (v) contracts for materials and work  
24 which have been awarded to the lowest responsible bidder after

1 due advertisement, but due to unforeseen revisions, not the  
2 fault of the contractor for materials and work, must be revised  
3 causing expenditures not in excess of 10% of the contract  
4 price; (vi) contracts for the maintenance or servicing of, or  
5 provision of repair parts for, equipment which are made with  
6 the manufacturer or authorized service agent of that equipment  
7 where the provision of parts, maintenance, or servicing can  
8 best be performed by the manufacturer or authorized service  
9 agent; (vii) purchases and contracts for the use, purchase,  
10 delivery, movement, or installation of data processing  
11 equipment, software, or services and telecommunications and  
12 interconnect equipment, software, and services; (viii)  
13 contracts for duplicating machines and supplies; (ix)  
14 contracts for the purchase of natural gas when the cost is less  
15 than that offered by a public utility; (x) purchases of  
16 equipment previously owned by some entity other than the  
17 district itself; (xi) contracts for repair, maintenance,  
18 remodeling, renovation, or construction, or a single project  
19 involving an expenditure not to exceed \$50,000 ~~\$20,000~~ and not  
20 involving a change or increase in the size, type, or extent of  
21 an existing facility; (xii) contracts for goods or services  
22 procured from another governmental agency or consortia of  
23 governmental agencies; (xiii) contracts for goods or services  
24 which are economically procurable from only one source, such as  
25 for the purchase of magazines, books, periodicals, pamphlets  
26 and reports, and for utility services such as water, light,  
27 heat, telephone or telegraph; (xiv) where funds are expended in  
28 an emergency and such emergency expenditure is approved by 3/4  
29 of the members of the board; and (xv) State master contracts  
30 authorized under Article 28A of this Code.

31 All competitive bids for contracts involving an  
32 expenditure in excess of \$25,000 or a lower amount as required  
33 by board policy ~~\$10,000~~ must be sealed by the bidder and must  
34 be opened by a member or employee of the school board at a

1 public bid opening at which the contents of the bids must be  
2 announced. Each bidder must receive at least 3 days' notice of  
3 the time and place of the bid opening. For purposes of this  
4 Section due advertisement includes, but is not limited to, at  
5 least one public notice at least 10 days before the bid date in  
6 a newspaper published in the district, or if no newspaper is  
7 published in the district, in a newspaper of general  
8 circulation in the area of the district. State master contracts  
9 and certified education purchasing contracts, as defined in  
10 Article 28A of this Code, are not subject to the requirements  
11 of this paragraph.

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

34 To require that bids and contracts include a certification

1 by the bidder or contractor that the bidder or contractor is  
2 not barred from bidding for or entering into a contract under  
3 this Section and that the bidder or contractor acknowledges  
4 that the school board may declare the contract void if the  
5 certification completed pursuant to this subsection (b) is  
6 false.

7 (c) If the State education purchasing entity creates a  
8 master contract as defined in Article 28A of this Code, then  
9 the State education purchasing entity shall notify school  
10 districts of the existence of the master contract.

11 (d) In purchasing supplies, materials, equipment, or  
12 services that are not subject to subsection (c) of this  
13 Section, before a school district solicits bids or awards a  
14 contract, the district may review and consider as a bid under  
15 subsection (a) of this Section certified education purchasing  
16 contracts that are already available through the State  
17 education purchasing entity.

18 (Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."