



Rep. Edward J. Acevedo

Filed: 4/16/2008

09500HB4900ham003

LRB095 17662 NHT 49639 a

1 AMENDMENT TO HOUSE BILL 4900

2 AMENDMENT NO. _____. Amend House Bill 4900, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 10-20.21 as follows:

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

8 Sec. 10-20.21. Contracts.

9 (a) To award all contracts for purchase of supplies,
10 materials or work or contracts with private carriers for
11 transportation of pupils involving an expenditure in excess of
12 \$10,000 to the lowest responsible bidder, considering
13 conformity with specifications, terms of delivery, quality and
14 serviceability, after due advertisement, except the following:

15 (i) contracts for the services of individuals possessing a high
16 degree of professional skill where the ability or fitness of

1 the individual plays an important part; (ii) contracts for the
2 printing of finance committee reports and departmental
3 reports; (iii) contracts for the printing or engraving of
4 bonds, tax warrants and other evidences of indebtedness; (iv)
5 contracts for the purchase of perishable foods and perishable
6 beverages; (v) contracts for materials and work which have been
7 awarded to the lowest responsible bidder after due
8 advertisement, but due to unforeseen revisions, not the fault
9 of the contractor for materials and work, must be revised
10 causing expenditures not in excess of 10% of the contract
11 price; (vi) contracts for the maintenance or servicing of, or
12 provision of repair parts for, equipment which are made with
13 the manufacturer or authorized service agent of that equipment
14 where the provision of parts, maintenance, or servicing can
15 best be performed by the manufacturer or authorized service
16 agent; (vii) purchases and contracts for the use, purchase,
17 delivery, movement, or installation of data processing
18 equipment, software, or services and telecommunications and
19 interconnect equipment, software, and services; (viii)
20 contracts for duplicating machines and supplies; (ix)
21 contracts for the purchase of natural gas when the cost is less
22 than that offered by a public utility; (x) purchases of
23 equipment previously owned by some entity other than the
24 district itself; (xi) contracts for repair, maintenance,
25 remodeling, renovation, or construction, or a single project
26 involving an expenditure not to exceed \$20,000 and not

1 involving a change or increase in the size, type, or extent of
2 an existing facility; (xii) contracts for goods or services
3 procured from another governmental agency; (xiii) contracts
4 for goods or services which are economically procurable from
5 only one source, such as for the purchase of magazines, books,
6 periodicals, pamphlets and reports, and for utility services
7 such as water, light, heat, telephone or telegraph; (xiv) where
8 funds are expended in an emergency and such emergency
9 expenditure is approved by 3/4 of the members of the board; ~~and~~
10 (xv) State master contracts authorized under Article 28A of
11 this Code; and (xvi) contracts providing for the transportation
12 of pupils with special needs or disabilities, which contracts
13 must be advertised in the same manner as competitive bids and
14 awarded by first considering the bidder or bidders most able to
15 provide safety and comfort for the pupils with special needs or
16 disabilities, stability of service, and any other factors set
17 forth in the request for proposal regarding quality of service,
18 and then price.

19 All competitive bids for contracts involving an
20 expenditure in excess of \$10,000 must be sealed by the bidder
21 and must be opened by a member or employee of the school board
22 at a public bid opening at which the contents of the bids must
23 be announced. Each bidder must receive at least 3 days' notice
24 of the time and place of the bid opening. For purposes of this
25 Section due advertisement includes, but is not limited to, at
26 least one public notice at least 10 days before the bid date in

1 a newspaper published in the district, or if no newspaper is
2 published in the district, in a newspaper of general
3 circulation in the area of the district. State master contracts
4 and certified education purchasing contracts, as defined in
5 Article 28A of this Code, are not subject to the requirements
6 of this paragraph.

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

1 exercise, a security that confers such a right to vote. A
2 general partnership interest is a voting security.

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

10 (b-5) To require all contracts and agreements that pertain
11 to goods and services and that are intended to generate
12 additional revenue and other remunerations for the school
13 district in excess of \$1,000, including without limitation
14 vending machine contracts, sports and other attire, class
15 rings, and photographic services, to be approved by the school
16 board. The school board shall file as an attachment to its
17 annual budget a report, in a form as determined by the State
18 Board of Education, indicating for the prior year the name of
19 the vendor, the product or service provided, and the actual net
20 revenue and non-monetary remuneration from each of the
21 contracts or agreements. In addition, the report shall indicate
22 for what purpose the revenue was used and how and to whom the
23 non-monetary remuneration was distributed.

24 (c) If the State education purchasing entity creates a
25 master contract as defined in Article 28A of this Code, then
26 the State education purchasing entity shall notify school

1 districts of the existence of the master contract.

2 (d) In purchasing supplies, materials, equipment, or
3 services that are not subject to subsection (c) of this
4 Section, before a school district solicits bids or awards a
5 contract, the district may review and consider as a bid under
6 subsection (a) of this Section certified education purchasing
7 contracts that are already available through the State
8 education purchasing entity.

9 (Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04;
10 94-714, eff. 7-1-06.)".