



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5248

Introduced 2/8/2012, by Rep. William Cunningham

#### SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-27.1

from Ch. 122, par. 103-27.1

Amends the Public Community College Act. Provides that the provisions of a Section requiring the award of a contract to the lowest responsible bidder do not prevent a community college from complying with the terms and conditions of a grant, gift, or bequest that calls for the procurement of a particular good or service or the use of a particular contractor, provided that the grant, gift, or bequest provides all funding for the contract. Effective immediately.

LRB097 15522 NHT 60646 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Community College Act is amended by  
5 changing Section 3-27.1 as follows:

6 (110 ILCS 805/3-27.1) (from Ch. 122, par. 103-27.1)

7 Sec. 3-27.1. Contracts. To award all contracts for purchase  
8 of supplies, materials or work involving an expenditure in  
9 excess of \$25,000 or a lower amount as required by board policy  
10 to the lowest responsible bidder considering conformity with  
11 specifications, terms of delivery, quality, and  
12 serviceability; after due advertisement, except the following:  
13 (a) contracts for the services of individuals possessing a high  
14 degree of professional skill where the ability or fitness of  
15 the individual plays an important part; (b) contracts for the  
16 printing of finance committee reports and departmental  
17 reports; (c) contracts for the printing or engraving of bonds,  
18 tax warrants and other evidences of indebtedness; (d) contracts  
19 for materials and work which have been awarded to the lowest  
20 responsible bidder after due advertisement, but due to  
21 unforeseen revisions, not the fault of the contractor for  
22 materials and work, must be revised causing expenditures not in  
23 excess of 10% of the contract price; (e) contracts for the

1 maintenance or servicing of, or provision of repair parts for,  
2 equipment which are made with the manufacturer or authorized  
3 service agent of that equipment where the provision of parts,  
4 maintenance, or servicing can best be performed by the  
5 manufacturer or authorized service agent; (f) purchases and  
6 contracts for the use, purchase, delivery, movement, or  
7 installation of data processing equipment, software, or  
8 services and telecommunications and inter-connect equipment,  
9 software, and services; (g) contracts for duplicating machines  
10 and supplies; (h) contracts for the purchase of natural gas  
11 when the cost is less than that offered by a public utility;  
12 (i) purchases of equipment previously owned by some entity  
13 other than the district itself; (j) contracts for repair,  
14 maintenance, remodeling, renovation, or construction, or a  
15 single project involving an expenditure not to exceed \$50,000  
16 and not involving a change or increase in the size, type, or  
17 extent of an existing facility; (k) contracts for goods or  
18 services procured from another governmental agency; (l)  
19 contracts for goods or services which are economically  
20 procurable from only one source, such as for the purchase of  
21 magazines, books, periodicals, pamphlets and reports, and for  
22 utility services such as water, light, heat, telephone or  
23 telegraph; and (m) where funds are expended in an emergency and  
24 such emergency expenditure is approved by 3/4 of the members of  
25 the board.

26 All competitive bids for contracts involving an

1 expenditure in excess of \$25,000 or a lower amount as required  
2 by board policy must be sealed by the bidder and must be opened  
3 by a member or employee of the board at a public bid opening at  
4 which the contents of the bids must be announced. Each bidder  
5 must receive at least 3 days' notice of the time and place of  
6 such bid opening. For purposes of this Section due  
7 advertisement includes, but is not limited to, at least one  
8 public notice at least 10 days before the bid date in a  
9 newspaper published in the district, or if no newspaper is  
10 published in the district, in a newspaper of general  
11 circulation in the area of the district. Electronic bid  
12 submissions shall be considered a sealed document for  
13 competitive bid requests if they are received at the designated  
14 office by the time and date set for receipt for bids. However,  
15 bids for construction purposes are prohibited from being  
16 submitted electronically. Electronic bid submissions must be  
17 authorized by specific language in the bid documents in order  
18 to be considered and must be opened in accordance with  
19 electronic security measures in effect at the community college  
20 at the time of opening. Unless the electronic submission  
21 procedures provide for a secure receipt, the vendor assumes the  
22 risk of premature disclosure due to submission in an unsealed  
23 form.

24 The provisions of this Section do not apply to guaranteed  
25 energy savings contracts entered into under Article V-A. The  
26 provisions of this Section do not prevent a community college

1 from complying with the terms and conditions of a grant, gift,  
2 or bequest that calls for the procurement of a particular good  
3 or service or the use of a particular contractor, provided that  
4 the grant, gift, or bequest provides all funding for the  
5 contract.

6 (Source: P.A. 95-990, eff. 10-3-08; 96-380, eff. 8-13-09.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.