

HB3067



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3067

by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-27.1

from Ch. 122, par. 103-27.1

Amends the Public Community College Act. In a provision that requires contracts to be awarded to the lowest responsible bidder, removes the exception for contracts for materials and work that have been awarded to the lowest responsible bidder but must be revised, causing expenditures not in excess of 10% of the contract price. Adds an exception for contracts for the purchase of perishable foods and perishable beverages.

LRB098 07032 NHT 37091 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) (blank);
19 ~~contracts for materials and work which have been awarded to the~~
20 ~~lowest 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; and (n) contracts for the purchase of perishable
26 foods and perishable beverages.

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

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

1 provisions of this Section do not prevent a community college
2 from complying with the terms and conditions of a grant, gift,
3 or bequest that calls for the procurement of a particular good
4 or service, provided that the grant, gift, or bequest provides
5 all funding for the contract, complies with all applicable
6 laws, and does not interfere with or otherwise impair any
7 collective bargaining agreements the community college may
8 have with labor organizations.

9 (Source: P.A. 96-380, eff. 8-13-09; 97-1031, eff. 8-17-12.)