



Sen. Pamela J. Althoff

Filed: 3/20/2015

09900SB1745sam001

LRB099 08055 AWJ 32883 a

1 AMENDMENT TO SENATE BILL 1745

2 AMENDMENT NO. _____. Amend Senate Bill 1745 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1022 as follows:

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000
9 inhabitants of services, materials, equipment or supplies in
10 excess of \$30,000, other than professional services, shall be
11 contracted for in one of the following ways:

12 (1) by a contract let to the lowest responsible bidder
13 after advertising for bids in a newspaper published within
14 the county or, if no newspaper is published within the
15 county, then a newspaper having general circulation within
16 the county; or

1 (2) by a contract let without advertising for bids in
2 the case of an emergency if authorized by the county board.

3 (b) In determining the lowest responsible bidder, the
4 county board shall take into consideration the qualities of the
5 articles supplied; their conformity with the specifications;
6 their suitability to the requirements of the county,
7 availability of support services; uniqueness of the service,
8 materials, equipment, or supplies as it applies to networked,
9 integrated computer systems; compatibility to existing
10 equipment; and the delivery terms. The county board also may
11 take into consideration whether a bidder is a private
12 enterprise or a State-controlled enterprise and,
13 notwithstanding any other provision of this Section or a lower
14 bid by a State-controlled enterprise, may let a contract to the
15 lowest responsible bidder that is a private enterprise.

16 (c) This Section does not apply to contracts by a county
17 with the federal government or to purchases of used equipment,
18 purchases at auction or similar transactions which by their
19 very nature are not suitable to competitive bids, pursuant to
20 an ordinance adopted by the county board.

21 (c-5) In accordance with standards set by ordinance, a
22 county may let without advertising for bids in the case of
23 purchases and contracts which by their very nature are not
24 suitable to competitive bids, including, but not limited to:
25 purchases of and contracts for supplies, materials, parts or
26 equipment which are available only from a single source;

1 contracts for utility services such as water, light, heat,
2 telephone, or internet; contracts for maintenance of computer
3 hardware and software; purchases of and contracts for
4 magazines, books, periodicals, and similar articles of an
5 educational or instructional nature; and the binding of such
6 magazines, books, periodicals, pamphlets, reports, and similar
7 articles.

8 (d) Notwithstanding the provisions of this Section, a
9 county may let without advertising for bids in the case of
10 purchases and contracts, when individual orders do not exceed
11 \$35,000, for the use, purchase, delivery, movement, or
12 installation of data processing equipment, software, or
13 services and telecommunications and inter-connect equipment,
14 software, and services.

15 (e) A county may require, as a condition of any contract
16 for goods and services, that persons awarded a contract with
17 the county and all affiliates of the person collect and remit
18 Illinois Use Tax on all sales of tangible personal property
19 into the State of Illinois in accordance with the provisions of
20 the Illinois Use Tax Act regardless of whether the person or
21 affiliate is a "retailer maintaining a place of business within
22 this State" as defined in Section 2 of the Use Tax Act. For
23 purposes of this subsection (e), the term "affiliate" means any
24 entity that (1) directly, indirectly, or constructively
25 controls another entity, (2) is directly, indirectly, or
26 constructively controlled by another entity, or (3) is subject

1 to the control of a common entity. For purposes of this
2 subsection (e), an entity controls another entity if it owns,
3 directly or individually, more than 10% of the voting
4 securities of that entity. As used in this subsection (e), the
5 term "voting security" means a security that (1) confers upon
6 the holder the right to vote for the election of members of the
7 board of directors or similar governing body of the business or
8 (2) is convertible into, or entitles the holder to receive upon
9 its exercise, a security that confers such a right to vote. A
10 general partnership interest is a voting security.

11 (f) Bids submitted to, and contracts executed by, the
12 county may require a certification by the bidder or contractor
13 that the bidder or contractor is not barred from bidding for or
14 entering into a contract under this Section and that the bidder
15 or contractor acknowledges that the county may declare the
16 contract void if the certification completed pursuant to this
17 subsection (f) is false.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-170, eff. 1-1-10.)

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