



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB4393

Introduced 1/21/2022, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

60 ILCS 1/85-30	
60 ILCS 1/205-105	
65 ILCS 5/4-5-11	from Ch. 24, par. 4-5-11
65 ILCS 5/8-9-1	from Ch. 24, par. 8-9-1
70 ILCS 805/8	from Ch. 96 1/2, par. 6315
70 ILCS 1205/8-1	from Ch. 105, par. 8-1
75 ILCS 5/5-5	from Ch. 81, par. 5-5
75 ILCS 16/40-45	
105 ILCS 5/10-20.21	
605 ILCS 5/6-201.7	from Ch. 121, par. 6-201.7

Amends the Township Code, Illinois Municipal Code, Downstate Forest Preserve District Act, Park District Code, Illinois Local Library Act, Public Library District Act of 1991, School Code, and Illinois Highway Code. Provides that specified contracts may be let to the lowest responsible bidder or the best value bidder (rather than to the lowest responsible bidder). Provides that "best value" means the result determined by a procurement method that considers price and other criteria reflecting an objective and quantifiable analysis. Includes examples of such analysis.

LRB102 23518 AWJ 32700 b

1 AN ACT concerning local government.

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

4 Section 5. The Township Code is amended by changing  
5 Sections 85-30 and 205-105 as follows:

6 (60 ILCS 1/85-30)

7 Sec. 85-30. Purchases; bids. Any purchase by a township  
8 for services, materials, equipment, or supplies in excess of  
9 \$20,000 (other than professional services) shall be contracted  
10 for in one of the following ways:

11 (1) By a contract let to the lowest responsible bidder  
12 or the best value bidder after advertising for bids at  
13 least once (i) in a newspaper published within the  
14 township, or (ii) if no newspaper is published within the  
15 township, then in one published within the county, or  
16 (iii) if no newspaper is published within the county, then  
17 in a newspaper having general circulation within the  
18 township.

19 (2) By a contract let without advertising for bids in  
20 the case of an emergency if authorized by the township  
21 board.

22 A township board that awards a contract to a best value  
23 bidder must approve the contract by resolution that states

1 with specificity the reasons why the bidder is the best value  
2 bidder.

3 As used in this Section, "best value" means the result  
4 determined by a procurement method that considers price and  
5 other criteria reflecting an objective and quantifiable  
6 analysis. Such analysis may include, but is not limited to:  
7 (1) the quality of the bidder's performance on previous  
8 projects; (2) the timeliness of the bidder's performance on  
9 previous projects; (3) the level of customer satisfaction with  
10 the bidder's performance on previous projects; (4) the  
11 bidder's record of performing previous projects on budget and  
12 ability to minimize cost overruns; (5) the bidder's ability to  
13 minimize change orders; (6) the bidder's ability to prepare  
14 appropriate project plans; (7) the bidder's technical  
15 capabilities; (8) the individual qualifications of the  
16 bidder's key personnel; (9) the bidder's ability to assess and  
17 minimize risks; (10) the bidder's ability to meet the goals  
18 established by the township board for the awarding of  
19 contracts to minority-owned businesses, women-owned  
20 businesses, and businesses owned by persons with disabilities;  
21 and (11) maintenance costs and life span of the project.

22 This Section does not apply to contracts by a township  
23 with the federal government.

24 (Source: P.A. 94-435, eff. 8-2-05.)

1           Sec. 205-105. Construction contracts; bids.

2           (a) All contracts for construction work whose estimated  
3 cost will exceed \$20,000 shall be let to the lowest  
4 responsible bidder or the best value bidder after publication  
5 of notice for bids. Notice for bids shall be published once in  
6 a newspaper published and having general circulation in the  
7 township, if there is one. If there is no such newspaper,  
8 notice for bids shall be published in a newspaper published  
9 and having general circulation in the county. Notice for bids  
10 shall be published at least 10 days before the date set for  
11 receiving bids. Bids shall be opened and publicly read, and an  
12 award shall be made to the lowest responsible bidder or the  
13 best value bidder within 15 days after the receipt of bids.

14           A township board that awards a contract to a best value  
15 bidder must approve the contract by resolution that states  
16 with specificity the reasons why the bidder is the best value  
17 bidder.

18           As used in this Section, "best value" means the result  
19 determined by a procurement method that considers price and  
20 other criteria reflecting an objective and quantifiable  
21 analysis. Such analysis may include, but is not limited to:  
22 (1) the quality of the bidder's performance on previous  
23 projects; (2) the timeliness of the bidder's performance on  
24 previous projects; (3) the level of customer satisfaction with  
25 the bidder's performance on previous projects; (4) the  
26 bidder's record of performing previous projects on budget and

1 ability to minimize cost overruns; (5) the bidder's ability to  
2 minimize change orders; (6) the bidder's ability to prepare  
3 appropriate project plans; (7) the bidder's technical  
4 capabilities; (8) the individual qualifications of the  
5 bidder's key personnel; (9) the bidder's ability to assess and  
6 minimize risks; (10) the bidder's ability to meet the goals  
7 established by the township board for the awarding of  
8 contracts to minority-owned businesses, women-owned  
9 businesses, and businesses owned by persons with disabilities;  
10 and (11) maintenance costs and life span of the project.

11 (b) This Section shall not apply to engineering, legal, or  
12 other professional services, but it shall apply to the  
13 purchase of equipment unless the township board, by a  
14 resolution adopted by a three-fourths vote, determines that it  
15 is for the best interests of the township that advertising for  
16 bids for the equipment be dispensed with.

17 (Source: P.A. 95-300, eff. 8-20-07.)

18 Section 10. The Illinois Municipal Code is amended by  
19 changing Sections 4-5-11 and 8-9-1 as follows:

20 (65 ILCS 5/4-5-11) (from Ch. 24, par. 4-5-11)

21 Sec. 4-5-11. Except as otherwise provided, all contracts,  
22 of whatever character, pertaining to public improvement, or to  
23 the maintenance of the public property of a municipality  
24 involving an outlay of \$10,000 or more, shall be based upon

1 specifications to be approved by the council. Any work or  
2 other public improvement which is not to be paid for in whole  
3 or in part by special assessment or special taxation, when the  
4 expense thereof will exceed \$25,000, shall be constructed as  
5 follows:

6 (1) By a contract let to the lowest responsible bidder  
7 or the best value bidder after advertising for bids, in  
8 the manner prescribed by ordinance, except that any such  
9 contract may be entered into by the proper officers  
10 without advertising for bids, if authorized by a vote of 4  
11 of the 5 council members elected; or

12 (2) In the following manner, if authorized by a vote  
13 of 4 of the 5 council members elected: the commissioner of  
14 public works or other proper officers to be designated by  
15 ordinance, shall superintend and cause to be carried out  
16 the construction of the work or other public improvement  
17 and shall employ exclusively for the performance of all  
18 manual labor thereon, laborers and artisans whom the city  
19 or village shall pay by the day or hour, but all material  
20 of the value of \$25,000 and upward used in the  
21 construction of the work or other public improvement,  
22 shall be purchased by contract let to the lowest  
23 responsible bidder or the best value bidder in the manner  
24 to be prescribed by ordinance.

25 A city council that awards a contract to a best value  
26 bidder must approve the contract by resolution that states

1 with specificity the reasons why the bidder is the best value  
2 bidder.

3 As used in this Section, "best value" means the result  
4 determined by a procurement method that considers price and  
5 other criteria reflecting an objective and quantifiable  
6 analysis. Such analysis may include, but is not limited to:  
7 (1) the quality of the bidder's performance on previous  
8 projects; (2) the timeliness of the bidder's performance on  
9 previous projects; (3) the level of customer satisfaction with  
10 the bidder's performance on previous projects; (4) the  
11 bidder's record of performing previous projects on budget and  
12 ability to minimize cost overruns; (5) the bidder's ability to  
13 minimize change orders; (6) the bidder's ability to prepare  
14 appropriate project plans; (7) the bidder's technical  
15 capabilities; (8) the individual qualifications of the  
16 bidder's key personnel; (9) the bidder's ability to assess and  
17 minimize risks; (10) the bidder's ability to meet the goals  
18 established by the council for the awarding of contracts to  
19 minority-owned businesses, women-owned businesses, and  
20 businesses owned by persons with disabilities; and (11)  
21 maintenance costs and life span of the project.

22 Nothing contained in this Section shall apply to any  
23 contract by a municipality with the United States of America  
24 or any agency thereof.

25 (Source: P.A. 100-338, eff. 8-25-17.)

1 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

2 Sec. 8-9-1. In municipalities of less than 500,000 except  
3 as otherwise provided in Articles 4 and 5 any work or other  
4 public improvement which is not to be paid for in whole or in  
5 part by special assessment or special taxation, when the  
6 expense thereof will exceed \$25,000, shall be constructed  
7 either (1) by a contract let to the lowest responsible bidder  
8 or the best value bidder after advertising for bids, in the  
9 manner prescribed by ordinance, except that any such contract  
10 may be entered into by the proper officers without advertising  
11 for bids, if authorized by a vote of two-thirds of all the  
12 alderpersons or trustees then holding office; or (2) in the  
13 following manner, if authorized by a vote of two-thirds of all  
14 the alderpersons or trustees then holding office, to-wit: the  
15 commissioner of public works or other proper officers to be  
16 designated by ordinance, shall superintend and cause to be  
17 carried out the construction of the work or other public  
18 improvement and shall employ exclusively for the performance  
19 of all manual labor thereon, laborers and artisans whom the  
20 municipality shall pay by the day or hour; and all material of  
21 the value of \$25,000 and upward used in the construction of the  
22 work or other public improvement, shall be purchased by  
23 contract let to the lowest responsible bidder or the best  
24 value bidder in the manner to be prescribed by ordinance.  
25 However, nothing contained in this Section shall apply to any  
26 contract by a city, village or incorporated town with the



1 federal government or any agency thereof.

2 A city council that awards a contract to a best value  
3 bidder must approve the contract by resolution that states  
4 with specificity the reasons why the bidder is the best value  
5 bidder.

6 As used in this Section, "best value" means the result  
7 determined by a procurement method that considers price and  
8 other criteria reflecting an objective and quantifiable  
9 analysis. Such analysis may include, but is not limited to:  
10 (1) the quality of the bidder's performance on previous  
11 projects; (2) the timeliness of the bidder's performance on  
12 previous projects; (3) the level of customer satisfaction with  
13 the bidder's performance on previous projects; (4) the  
14 bidder's record of performing previous projects on budget and  
15 ability to minimize cost overruns; (5) the bidder's ability to  
16 minimize change orders; (6) the bidder's ability to prepare  
17 appropriate project plans; (7) the bidder's technical  
18 capabilities; (8) the individual qualifications of the  
19 bidder's key personnel; (9) the bidder's ability to assess and  
20 minimize risks; (10) the bidder's ability to meet the goals  
21 established by the council for the awarding of contracts to  
22 minority-owned businesses, women-owned businesses, and  
23 businesses owned by persons with disabilities; and (11)  
24 maintenance costs and life span of the project.

25 In every city which has adopted Division 1 of Article 10,  
26 every such laborer or artisan shall be certified by the civil

1 service commission to the commissioner of public works or  
2 other proper officers, in accordance with the requirement of  
3 that division.

4 In municipalities of 500,000 or more population the  
5 letting of contracts for work or other public improvements of  
6 the character described in this Section shall be governed by  
7 the provisions of Division 10 of this Article 8.

8 (Source: P.A. 102-15, eff. 6-17-21.)

9 Section 15. The Downstate Forest Preserve District Act is  
10 amended by changing Section 8 as follows:

11 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

12 (Text of Section before amendment by P.A. 102-460)

13 Sec. 8. Powers and duties of corporate authority and  
14 officers; contracts; salaries.

15 (a) The board shall be the corporate authority of such  
16 forest preserve district and shall have power to pass and  
17 enforce all necessary ordinances, rules and regulations for  
18 the management of the property and conduct of the business of  
19 such district. The president of such board shall have power to  
20 appoint such employees as may be necessary. In counties with  
21 population of less than 3,000,000, within 60 days after their  
22 selection the commissioners appointed under the provisions of  
23 Section 3a of this Act shall organize by selecting from their  
24 members a president, vice president, secretary, treasurer and

1 such other officers as are deemed necessary who shall hold  
2 office for the fiscal year in which elected and until their  
3 successors are selected and qualify. In the one district in  
4 existence on July 1, 1977, that is managed by an appointed  
5 board of commissioners, the incumbent president and the other  
6 officers appointed in the manner as originally prescribed in  
7 this Act shall hold such offices until the completion of their  
8 respective terms or in the case of the officers other than  
9 president until their successors are appointed by said  
10 president, but in all cases not to extend beyond January 1,  
11 1980 and until their successors are selected and qualify.  
12 Thereafter, the officers shall be selected in the manner as  
13 prescribed in this Section except that their first term of  
14 office shall not expire until June 30, 1981 and until their  
15 successors are selected and qualify.

16 (a-5) An officer selected pursuant to subsection (a) may  
17 be removed, with or without cause, upon a motion adopted by an  
18 affirmative vote of four-fifths of the board of the forest  
19 preserve district. Upon adoption of a motion to remove an  
20 officer: (i) the office becomes vacant and the former  
21 officer's compensation shall be prorated to the date the  
22 motion was approved; (ii) if the officer removed is the  
23 president then the vice president immediately assumes the  
24 duties of the president without president compensation and, if  
25 the officer removed is the vice president, treasurer, or  
26 secretary, then the president shall select an interim

1 appointee who shall serve until the next regularly scheduled  
2 forest preserve district board meeting; and (iii) a new  
3 officer shall be selected at the next regularly scheduled  
4 forest preserve district board meeting. An officer removed  
5 under this Section maintains his or her status as a member of  
6 the forest preserve district board.

7 (b) In any county, city, village, incorporated town or  
8 sanitary district where the corporate authorities act as the  
9 governing body of a forest preserve district, the person  
10 exercising the powers of the president of the board shall have  
11 power to appoint a secretary and an assistant secretary and  
12 treasurer and an assistant treasurer and such other officers  
13 and such employees as may be necessary. The assistant  
14 secretary and assistant treasurer shall perform the duties of  
15 the secretary and treasurer, respectively in case of death of  
16 such officers or when such officers are unable to perform the  
17 duties of their respective offices. All contracts for  
18 supplies, material or work involving an expenditure in excess  
19 of \$25,000, or a lower amount if required by board policy,  
20 shall be let to the lowest responsible bidder, after  
21 advertising at least once in one or more newspapers of general  
22 circulation within the district, excepting work requiring  
23 personal confidence or necessary supplies under the control of  
24 monopolies, where competitive bidding is impossible. Contracts  
25 for supplies, material or work involving an expenditure of  
26 \$25,000, or a lower amount if required by board policy, or less

1 may be let without advertising for bids, but whenever  
2 practicable, at least 3 competitive bids shall be obtained  
3 before letting such contract. All contracts for supplies,  
4 material or work shall be signed by the president of the board  
5 of commissioners or by any such other officer as the board in  
6 its discretion may designate.

7 (c) The president of any board of commissioners appointed  
8 under the provisions of Section 3a of this Act shall receive a  
9 salary not to exceed the sum of \$2500 per annum and the salary  
10 of other members of the board so appointed shall not exceed  
11 \$1500 per annum. Salaries of the commissioners, officers and  
12 employees shall be fixed by ordinance.

13 (d) Whenever a forest preserve district owns any personal  
14 property that, in the opinion of three-fifths of the members  
15 of the board of commissioners, is no longer necessary, useful  
16 to, or for the best interests of the forest preserve district,  
17 then three-fifths of the members of the board, at any regular  
18 meeting or any special meeting called for that purpose by an  
19 ordinance or resolution that includes a general description of  
20 the personal property, may authorize the conveyance or sale of  
21 that personal property in any manner that they may designate,  
22 with or without advertising the sale.

23 (Source: P.A. 101-544, eff. 8-23-19.)

24 (Text of Section after amendment by P.A. 102-460)

25 Sec. 8. Powers and duties of corporate authority and

1 officers; contracts; salaries.

2 (a) The board shall be the corporate authority of such  
3 forest preserve district and shall have power to pass and  
4 enforce all necessary ordinances, rules and regulations for  
5 the management of the property and conduct of the business of  
6 such district. The president of such board shall have power to  
7 appoint such employees as may be necessary. In counties with  
8 population of less than 3,000,000, within 60 days after their  
9 selection the commissioners appointed under the provisions of  
10 Section 3a of this Act shall organize by selecting from their  
11 members a president, vice president, secretary, treasurer and  
12 such other officers as are deemed necessary who shall hold  
13 office for the fiscal year in which elected and until their  
14 successors are selected and qualify. In the one district in  
15 existence on July 1, 1977, that is managed by an appointed  
16 board of commissioners, the incumbent president and the other  
17 officers appointed in the manner as originally prescribed in  
18 this Act shall hold such offices until the completion of their  
19 respective terms or in the case of the officers other than  
20 president until their successors are appointed by said  
21 president, but in all cases not to extend beyond January 1,  
22 1980 and until their successors are selected and qualify.  
23 Thereafter, the officers shall be selected in the manner as  
24 prescribed in this Section except that their first term of  
25 office shall not expire until June 30, 1981 and until their  
26 successors are selected and qualify.

1           (a-5) An officer selected pursuant to subsection (a) may  
2 be removed, with or without cause, upon a motion adopted by an  
3 affirmative vote of four-fifths of the board of the forest  
4 preserve district. Upon adoption of a motion to remove an  
5 officer: (i) the office becomes vacant and the former  
6 officer's compensation shall be prorated to the date the  
7 motion was approved; (ii) if the officer removed is the  
8 president then the vice president immediately assumes the  
9 duties of the president without president compensation and, if  
10 the officer removed is the vice president, treasurer, or  
11 secretary, then the president shall select an interim  
12 appointee who shall serve until the next regularly scheduled  
13 forest preserve district board meeting; and (iii) a new  
14 officer shall be selected at the next regularly scheduled  
15 forest preserve district board meeting. An officer removed  
16 under this Section maintains his or her status as a member of  
17 the forest preserve district board.

18           (b) In any county, city, village, incorporated town or  
19 sanitary district where the corporate authorities act as the  
20 governing body of a forest preserve district, the person  
21 exercising the powers of the president of the board shall have  
22 power to appoint a secretary and an assistant secretary and  
23 treasurer and an assistant treasurer and such other officers  
24 and such employees as may be necessary. The assistant  
25 secretary and assistant treasurer shall perform the duties of  
26 the secretary and treasurer, respectively in case of death of

1 such officers or when such officers are unable to perform the  
2 duties of their respective offices. All contracts for  
3 supplies, material or work involving an expenditure in excess  
4 of \$30,000, or a lower amount if required by board policy,  
5 shall be let to the lowest responsible bidder or the best value  
6 bidder, after advertising at least once in one or more  
7 newspapers of general circulation within the district,  
8 excepting work requiring personal confidence or necessary  
9 supplies under the control of monopolies, where competitive  
10 bidding is impossible, or as otherwise provided in the Forest  
11 Preserve District and Conservation District Design-Build  
12 Authorization Act. Contracts for supplies, material or work  
13 involving an expenditure of \$30,000, or a lower amount if  
14 required by board policy, or less may be let without  
15 advertising for bids, but whenever practicable, at least 3  
16 competitive bids shall be obtained before letting such  
17 contract. All contracts for supplies, material or work shall  
18 be signed by the president of the board of commissioners or by  
19 any such other officer as the board in its discretion may  
20 designate.

21 A board that awards a contract to a best value bidder must  
22 approve the contract by resolution that states with  
23 specificity the reasons why the bidder is the best value  
24 bidder.

25 As used in this Section, "best value" means the result  
26 determined by a procurement method that considers price and



1 other criteria reflecting an objective and quantifiable  
2 analysis. Such analysis may include, but is not limited to:  
3 (1) the quality of the bidder's performance on previous  
4 projects; (2) the timeliness of the bidder's performance on  
5 previous projects; (3) the level of customer satisfaction with  
6 the bidder's performance on previous projects; (4) the  
7 bidder's record of performing previous projects on budget and  
8 ability to minimize cost overruns; (5) the bidder's ability to  
9 minimize change orders; (6) the bidder's ability to prepare  
10 appropriate project plans; (7) the bidder's technical  
11 capabilities; (8) the individual qualifications of the  
12 bidder's key personnel; (9) the bidder's ability to assess and  
13 minimize risks; (10) the bidder's ability to meet the goals  
14 established by the board for the awarding of contracts to  
15 minority-owned businesses, women-owned businesses, and  
16 businesses owned by persons with disabilities; and (11)  
17 maintenance costs and life span of the project.

18 (c) The president of any board of commissioners appointed  
19 under the provisions of Section 3a of this Act shall receive a  
20 salary not to exceed the sum of \$2500 per annum and the salary  
21 of other members of the board so appointed shall not exceed  
22 \$1500 per annum. Salaries of the commissioners, officers and  
23 employees shall be fixed by ordinance.

24 (d) Whenever a forest preserve district owns any personal  
25 property that, in the opinion of three-fifths of the members  
26 of the board of commissioners, is no longer necessary, useful

1 to, or for the best interests of the forest preserve district,  
2 then three-fifths of the members of the board, at any regular  
3 meeting or any special meeting called for that purpose by an  
4 ordinance or resolution that includes a general description of  
5 the personal property, may authorize the conveyance or sale of  
6 that personal property in any manner that they may designate,  
7 with or without advertising the sale.

8 (Source: P.A. 101-544, eff. 8-23-19; 102-460, eff. 6-1-22.)

9 Section 20. The Park District Code is amended by changing  
10 Section 8-1 as follows:

11 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

12 Sec. 8-1. General corporate powers. Every park district  
13 shall, from the time of its organization, be a body corporate  
14 and politic by the name set forth in the petition for its  
15 organization, the specific name set forth in this Code, or the  
16 name it may adopt under Section 8-9 and shall have and exercise  
17 the following powers:

18 (a) To adopt a corporate seal and alter the same at  
19 pleasure; to sue and be sued; and to contract in  
20 furtherance of any of its corporate purposes.

21 (b) (1) To acquire by gift, legacy, grant or purchase,  
22 or by condemnation in the manner provided for the exercise  
23 of the power of eminent domain under the Eminent Domain  
24 Act, any and all real estate, or rights therein necessary

1 for building, laying out, extending, adorning and  
2 maintaining any such parks, boulevards and driveways, or  
3 for effecting any of the powers or purposes granted under  
4 this Code as its board may deem proper, whether such lands  
5 be located within or without such district; but no park  
6 district, except as provided in paragraph (2) of this  
7 subsection, shall have any power of condemnation in the  
8 manner provided for the exercise of the power of eminent  
9 domain under the Eminent Domain Act or otherwise as to any  
10 real estate, lands, riparian rights or estate, or other  
11 property situated outside of such district, but shall only  
12 have power to acquire the same by gift, legacy, grant or  
13 purchase, and such district shall have the same control of  
14 and power over lands so acquired without the district as  
15 over parks, boulevards and driveways within such district.

16 (2) In addition to the powers granted in paragraph (1)  
17 of subsection (b), a park district located in more than  
18 one county, the majority of its territory located in a  
19 county over 450,000 in population and none of its  
20 territory located in a county over 1,000,000 in  
21 population, shall have condemnation power in the manner  
22 provided for the exercise of the power of eminent domain  
23 under the Eminent Domain Act or as otherwise granted by  
24 law as to any and all real estate situated up to one mile  
25 outside of such district which is not within the  
26 boundaries of another park district.

1 (c) To acquire by gift, legacy or purchase any  
2 personal property necessary for its corporate purposes  
3 provided that all contracts for supplies, materials or  
4 work involving an expenditure in excess of \$25,000, or a  
5 lower amount if required by board policy, shall be let to  
6 the lowest responsible bidder or the best value bidder  
7 after due advertisement. No district shall be required to  
8 accept a bid that does not meet the district's established  
9 specifications, terms of delivery, quality, and  
10 serviceability requirements. Contracts which, by their  
11 nature, are not adapted to award by competitive bidding,  
12 such as contracts for the services of individuals  
13 possessing a high degree of professional skill where the  
14 ability or fitness of the individual plays an important  
15 part, contracts for the printing of finance committee  
16 reports and departmental reports, contracts for the  
17 printing or engraving of bonds, tax warrants and other  
18 evidences of indebtedness, contracts for utility services  
19 such as water, light, heat, telephone or telegraph,  
20 contracts for fuel (such as diesel, gasoline, oil,  
21 aviation, or propane), lubricants, or other petroleum  
22 products, contracts for the use, purchase, delivery,  
23 movement, or installation of data processing equipment,  
24 software, or services and telecommunications and  
25 interconnect equipment, software, or services, contracts  
26 for duplicating machines and supplies, contracts for goods

1 or services procured from another governmental agency,  
2 purchases of equipment previously owned by some entity  
3 other than the district itself, and contracts for the  
4 purchase of magazines, books, periodicals, pamphlets and  
5 reports are not subject to competitive bidding. Contracts  
6 for emergency expenditures are also exempt from  
7 competitive bidding when the emergency expenditure is  
8 approved by 3/4 of the members of the board.

9 All competitive bids for contracts involving an  
10 expenditure in excess of \$25,000, or a lower amount if  
11 required by board policy, must be sealed by the bidder and  
12 must be opened by a member or employee of the park board at  
13 a public bid opening at which the contents of the bids must  
14 be announced. Each bidder must receive at least 3 days  
15 notice of the time and place of the bid opening.

16 A park district board that awards a contract to a best  
17 value bidder must approve the contract by resolution that  
18 states with specificity the reasons why the bidder is the  
19 best value bidder.

20 For purposes of this subsection:7

21 "Best value" means the result determined by a  
22 procurement method that considers price and other criteria  
23 reflecting an objective and quantifiable analysis. Such  
24 analysis may include, but is not limited to: (1) the  
25 quality of the bidder's performance on previous projects;  
26 (2) the timeliness of the bidder's performance on previous

1 projects; (3) the level of customer satisfaction with the  
2 bidder's performance on previous projects; (4) the  
3 bidder's record of performing previous projects on budget  
4 and ability to minimize cost overruns; (5) the bidder's  
5 ability to minimize change orders; (6) the bidder's  
6 ability to prepare appropriate project plans; (7) the  
7 bidder's technical capabilities; (8) the individual  
8 qualifications of the bidder's key personnel; (9) the  
9 bidder's ability to assess and minimize risks; (10) the  
10 bidder's ability to meet the goals established by the park  
11 district board for the awarding of contracts to  
12 minority-owned businesses, women-owned businesses, and  
13 businesses owned by persons with disabilities; and (11)  
14 maintenance costs and life span of the project.

15 "Due "~~due~~ advertisement" includes, but is not limited  
16 to, at least one public notice at least 10 days before the  
17 bid date in a newspaper published in the district or, if no  
18 newspaper is published in the district, in a newspaper of  
19 general circulation in the area of the district.

20 (d) To pass all necessary ordinances, rules and  
21 regulations for the proper management and conduct of the  
22 business of the board and district and to establish by  
23 ordinance all needful rules and regulations for the  
24 government and protection of parks, boulevards and  
25 driveways and other property under its jurisdiction, and  
26 to effect the objects for which such districts are formed.

1           (e) To prescribe such fines and penalties for the  
2 violation of ordinances as it shall deem proper not  
3 exceeding \$1,000 for any one offense, which fines and  
4 penalties may be recovered by an action in the name of such  
5 district in the circuit court for the county in which such  
6 violation occurred. The park district may also seek in the  
7 action, in addition to or instead of fines and penalties,  
8 an order that the offender be required to make restitution  
9 for damage resulting from violations, and the court shall  
10 grant such relief where appropriate. The procedure in such  
11 actions shall be the same as that provided by law for like  
12 actions for the violation of ordinances in cities  
13 organized under the general laws of this State, and  
14 offenders may be imprisoned for non-payment of fines and  
15 costs in the same manner as in such cities. All fines when  
16 collected shall be paid into the treasury of such  
17 district.

18           (f) To manage and control all officers and property of  
19 such districts and to provide for joint ownership with one  
20 or more cities, villages or incorporated towns of real and  
21 personal property used for park purposes by one or more  
22 park districts. In case of joint ownership, the terms of  
23 the agreement shall be fair, just and equitable to all  
24 parties and shall be set forth in a written agreement  
25 entered into by the corporate authorities of each  
26 participating district, city, village or incorporated

1 town.

2 (g) To secure grants and loans, or either, from the  
3 United States Government, or any agency or agencies  
4 thereof, for financing the acquisition or purchase of any  
5 and all real estate, or rights therein, or for effecting  
6 any of the powers or purposes granted under this Code as  
7 its Board may deem proper.

8 (h) To establish fees for the use of facilities and  
9 recreational programs of the districts and to derive  
10 revenue from non-resident fees from their operations. Fees  
11 charged non-residents of such district need not be the  
12 same as fees charged to residents of the district.  
13 Charging fees or deriving revenue from the facilities and  
14 recreational programs shall not affect the right to assert  
15 or utilize any defense or immunity, common law or  
16 statutory, available to the districts or their employees.

17 (i) To make contracts for a term exceeding one year,  
18 but not to exceed 3 years, notwithstanding any provision  
19 of this Code to the contrary, relating to: (1) the  
20 employment of a park director, superintendent,  
21 administrator, engineer, health officer, land planner,  
22 finance director, attorney, police chief, or other officer  
23 who requires technical training or knowledge; (2) the  
24 employment of outside professional consultants such as  
25 engineers, doctors, land planners, auditors, attorneys, or  
26 other professional consultants who require technical



1 training or knowledge; (3) the provision of data  
2 processing equipment and services; and (4) the purchase of  
3 energy from a utility or an alternative retail electric  
4 supplier. With respect to any contract made under this  
5 subsection (i), the corporate authorities shall include in  
6 the annual appropriation ordinance for each fiscal year an  
7 appropriation of a sum of money sufficient to pay the  
8 amount which, by the terms of the contract, is to become  
9 due and payable during that fiscal year.

10 (j) To enter into licensing or management agreements  
11 with not-for-profit corporations organized under the laws  
12 of this State to operate park district facilities if the  
13 corporation covenants to use the facilities to provide  
14 public park or recreational programs for youth.

15 (Source: P.A. 101-304, eff. 8-9-19.)

16 Section 25. The Illinois Local Library Act is amended by  
17 changing Section 5-5 as follows:

18 (75 ILCS 5/5-5) (from Ch. 81, par. 5-5)

19 Sec. 5-5. When the board determines to commence the  
20 construction of the building or the remodeling, repairing or  
21 improving of an existing library building or the erection of  
22 an addition thereto, the purchase of the necessary equipment  
23 for such library, or the acquisition of library materials such  
24 as books, periodicals, recordings and electronic data storage

1 and retrieval facilities in connection with either the  
2 purchase or construction of a new library building or the  
3 expansion of an existing library building, they may then  
4 revise the plan therefor or adopt a new plan and provide  
5 estimates of the costs thereof, and shall, when the cost is in  
6 excess of \$25,000, advertise for bids for the construction of  
7 the building, or the remodeling, repairing or improving of an  
8 existing library building or the erection of an addition  
9 thereto, or the purchase of the necessary equipment for such  
10 library, or the acquisition of library materials such as  
11 books, periodicals, recordings and electronic data storage and  
12 retrieval facilities in connection with either the purchase or  
13 construction of a new library building or the expansion of an  
14 existing library building, and shall let the contract or  
15 contracts for the same, when the cost is in excess of \$25,000,  
16 to the lowest responsible bidder or bidders or to the best  
17 value bidder or bidders.

18 The board shall not be required to accept a bid that does  
19 not meet the library's established specifications, terms of  
20 delivery, quality, and serviceability requirements. Contracts  
21 which, by their nature, are not adapted to award by  
22 competitive bidding, are not subject to competitive bidding,  
23 including, but not limited to:

- 24 (1) contracts for the services of individuals  
25 possessing a high degree of professional skill where the  
26 ability or fitness of the individual plays an important

1 part;

2 (2) contracts for the printing of finance committee  
3 reports and departmental reports;

4 (3) contracts for the printing or engraving of bonds,  
5 tax warrants and other evidences of indebtedness;

6 (4) contracts for the maintenance or servicing of, or  
7 provision of repair parts for, equipment which are made  
8 with the manufacturer or authorized service agent of that  
9 equipment where the provision of parts, maintenance, or  
10 servicing can best be performed by the manufacturer or  
11 authorized service agent;

12 (5) purchases and contracts for the use, purchase,  
13 delivery, movement, or installation of data processing  
14 equipment, software, or services and telecommunications  
15 and interconnect equipment, software, and services;

16 (6) contracts for duplicating machines and supplies;

17 (7) contracts for utility services such as water,  
18 light, heat, telephone or telegraph;

19 (8) contracts for goods or services procured from  
20 another governmental agency;

21 (9) purchases of equipment previously owned by some  
22 entity other than the library itself; and

23 (10) contracts for goods or services which are  
24 economically procurable from only one source, such as for  
25 the purchase of magazines, books, periodicals, pamphlets,  
26 and reports.

1 Contracts for emergency expenditures are also exempt from  
2 competitive bidding when the emergency expenditure is approved  
3 by 3/4 of the members of the board.

4 The board shall require from such bidders security for the  
5 performance of the bids determined by the board pursuant to  
6 law. The board may let the contract or contracts to one or more  
7 bidders, as they shall determine.

8 A board that awards a contract to a best value bidder must  
9 approve the contract by resolution that states with  
10 specificity the reasons why the bidder is the best value  
11 bidder.

12 As used in this Section, "best value" means the result  
13 determined by a procurement method that considers price and  
14 other criteria reflecting an objective and quantifiable  
15 analysis. Such analysis may include, but is not limited to:  
16 (1) the quality of the bidder's performance on previous  
17 projects; (2) the timeliness of the bidder's performance on  
18 previous projects; (3) the level of customer satisfaction with  
19 the bidder's performance on previous projects; (4) the  
20 bidder's record of performing previous projects on budget and  
21 ability to minimize cost overruns; (5) the bidder's ability to  
22 minimize change orders; (6) the bidder's ability to prepare  
23 appropriate project plans; (7) the bidder's technical  
24 capabilities; (8) the individual qualifications of the  
25 bidder's key personnel; (9) the bidder's ability to assess and  
26 minimize risks; (10) the bidder's ability to meet the goals

1 established by the board for the awarding of contracts to  
2 minority-owned businesses, women-owned businesses, and  
3 businesses owned by persons with disabilities; and (11)  
4 maintenance costs and life span of the project.

5 (Source: P.A. 100-338, eff. 8-25-17.)

6 Section 30. The Public Library District Act of 1991 is  
7 amended by changing Section 40-45 as follows:

8 (75 ILCS 16/40-45)

9 Sec. 40-45. Bids for construction, improvements, or  
10 equipment purchases.

11 (a) When the trustees determine to commence constructing  
12 the building, purchasing a site or a building, remodeling,  
13 repairing, or improving an existing library building, erecting  
14 an addition to an existing library building, or purchasing the  
15 necessary equipment for the library, they may then revise the  
16 plan or adopt a new plan and provide estimates of the costs of  
17 the revised or new plan.

18 (b) The board shall, when the cost is in excess of \$25,000,  
19 advertise for bids for constructing the building, remodeling,  
20 repairing, or improving of an existing library building,  
21 erecting an addition to an existing library building, or  
22 purchasing the necessary equipment for the library and shall  
23 let the contract or contracts for the project, when the cost is  
24 in excess of \$25,000, to the lowest responsible bidder or

1        bidders or the best value bidder or bidders. The board shall  
2        not be required to accept a bid that does not meet the  
3        library's established specifications, terms of delivery,  
4        quality, and serviceability requirements. Contracts which, by  
5        their nature, are not adapted to award by competitive bidding,  
6        are not subject to competitive bidding, including, but not  
7        limited to:

8                (1) contracts for the services of individuals  
9                possessing a high degree of professional skill where the  
10               ability or fitness of the individual plays an important  
11               part;

12               (2) contracts for the printing of finance committee  
13               reports and departmental reports;

14               (3) contracts for the printing or engraving of bonds,  
15               tax warrants and other evidences of indebtedness;

16               (4) contracts for the maintenance or servicing of, or  
17               provision of repair parts for, equipment which are made  
18               with the manufacturer or authorized service agent of that  
19               equipment where the provision of parts, maintenance, or  
20               servicing can best be performed by the manufacturer or  
21               authorized service agent;

22               (5) purchases and contracts for the use, purchase,  
23               delivery, movement, or installation of data processing  
24               equipment, software, or services and telecommunications  
25               and interconnect equipment, software, and services;

26               (6) contracts for duplicating machines and supplies;

1 (7) contracts for utility services such as water,  
2 light, heat, telephone or telegraph;

3 (8) contracts for goods or services procured from  
4 another governmental agency;

5 (9) purchases of equipment previously owned by some  
6 entity other than the library itself; and

7 (10) contracts for goods or services which are  
8 economically procurable from only one source, such as for  
9 the purchase of magazines, books, periodicals, pamphlets,  
10 and reports.

11 Contracts for emergency expenditures are also exempt from  
12 competitive bidding when the emergency expenditure is approved  
13 by 3/4 of the members of the board.

14 The board shall require from the bidders security for the  
15 performance of the bids determined by the board pursuant to  
16 law. The trustees may let the contract or contracts to one or  
17 more bidders as they determine.

18 A board that awards a contract to a best value bidder must  
19 approve the contract by resolution that states with  
20 specificity the reasons why the bidder is the best value  
21 bidder.

22 As used in this Section, "best value" means the result  
23 determined by a procurement method that considers price and  
24 other criteria reflecting an objective and quantifiable  
25 analysis. Such analysis may include, but is not limited to:  
26 (1) the quality of the bidder's performance on previous

1 projects; (2) the timeliness of the bidder's performance on  
2 previous projects; (3) the level of customer satisfaction with  
3 the bidder's performance on previous projects; (4) the  
4 bidder's record of performing previous projects on budget and  
5 ability to minimize cost overruns; (5) the bidder's ability to  
6 minimize change orders; (6) the bidder's ability to prepare  
7 appropriate project plans; (7) the bidder's technical  
8 capabilities; (8) the individual qualifications of the  
9 bidder's key personnel; (9) the bidder's ability to assess and  
10 minimize risks; (10) the bidder's ability to meet the goals  
11 established by the board for the awarding of contracts to  
12 minority-owned businesses, women-owned businesses, and  
13 businesses owned by persons with disabilities; and (11)  
14 maintenance costs and life span of the project.

15 (Source: P.A. 100-338, eff. 8-25-17.)

16 Section 35. The School Code is amended by changing Section  
17 10-20.21 as follows:

18 (105 ILCS 5/10-20.21)

19 Sec. 10-20.21. Contracts.

20 (a) To award all contracts for purchase of supplies and  
21 materials or work involving an expenditure in excess of  
22 \$25,000 or a lower amount as required by board policy to the  
23 lowest responsible bidder or the best value bidder,  
24 considering conformity with specifications, terms of delivery,



1 quality and serviceability, after due advertisement, except  
2 the following: (i) contracts for the services of individuals  
3 possessing a high degree of professional skill where the  
4 ability or fitness of the individual plays an important part;  
5 (ii) contracts for the printing of finance committee reports  
6 and departmental reports; (iii) contracts for the printing or  
7 engraving of bonds, tax warrants and other evidences of  
8 indebtedness; (iv) contracts for the purchase of perishable  
9 foods and perishable beverages; (v) contracts for materials  
10 and work which have been awarded to the lowest responsible  
11 bidder or the best value bidder after due advertisement, but  
12 due to unforeseen revisions, not the fault of the contractor  
13 for materials and work, must be revised causing expenditures  
14 not in excess of 10% of the contract price; (vi) contracts for  
15 the maintenance or servicing of, or provision of repair parts  
16 for, equipment which are made with the manufacturer or  
17 authorized service agent of that equipment where the provision  
18 of parts, maintenance, or servicing can best be performed by  
19 the manufacturer or authorized service agent; (vii) purchases  
20 and contracts for the use, purchase, delivery, movement, or  
21 installation of data processing equipment, software, or  
22 services and telecommunications and interconnect equipment,  
23 software, and services; (viii) contracts for duplicating  
24 machines and supplies; (ix) contracts for the purchase of  
25 fuel, including diesel, gasoline, oil, aviation, natural gas,  
26 or propane, lubricants, or other petroleum products; (x)

1 purchases of equipment previously owned by some entity other  
2 than the district itself; (xi) contracts for repair,  
3 maintenance, remodeling, renovation, or construction, or a  
4 single project involving an expenditure not to exceed \$50,000  
5 and not involving a change or increase in the size, type, or  
6 extent of an existing facility; (xii) contracts for goods or  
7 services procured from another governmental agency; (xiii)  
8 contracts for goods or services which are economically  
9 procurable from only one source, such as for the purchase of  
10 magazines, books, periodicals, pamphlets and reports, and for  
11 utility services such as water, light, heat, telephone or  
12 telegraph; (xiv) where funds are expended in an emergency and  
13 such emergency expenditure is approved by 3/4 of the members  
14 of the board; (xv) State master contracts authorized under  
15 Article 28A of this Code; and (xvi) contracts providing for  
16 the transportation of pupils, which contracts must be  
17 advertised in the same manner as competitive bids and awarded  
18 by first considering the bidder or bidders most able to  
19 provide safety and comfort for the pupils, stability of  
20 service, and any other factors set forth in the request for  
21 proposal regarding quality of service, and then price.  
22 However, at no time shall a cause of action lie against a  
23 school board for awarding a pupil transportation contract per  
24 the standards set forth in this subsection (a) unless the  
25 cause of action is based on fraudulent conduct.

26 A school board that awards a contract to a best value

1 bidder must approve the contract by resolution that states  
2 with specificity the reasons why the bidder is the best value  
3 bidder.

4 As used in this Section, "best value" means the result  
5 determined by a procurement method that considers price and  
6 other criteria reflecting an objective and quantifiable  
7 analysis. Such analysis may include, but is not limited to:  
8 (1) the quality of the bidder's performance on previous  
9 projects; (2) the timeliness of the bidder's performance on  
10 previous projects; (3) the level of customer satisfaction with  
11 the bidder's performance on previous projects; (4) the  
12 bidder's record of performing previous projects on budget and  
13 ability to minimize cost overruns; (5) the bidder's ability to  
14 minimize change orders; (6) the bidder's ability to prepare  
15 appropriate project plans; (7) the bidder's technical  
16 capabilities; (8) the individual qualifications of the  
17 bidder's key personnel; (9) the bidder's ability to assess and  
18 minimize risks; (10) the bidder's ability to meet the goals  
19 established by the school board for the awarding of contracts  
20 to minority-owned businesses, women-owned businesses, and  
21 businesses owned by persons with disabilities; and (11)  
22 maintenance costs and life span of the project.

23 All competitive bids for contracts involving an  
24 expenditure in excess of \$25,000 or a lower amount as required  
25 by board policy must be sealed by the bidder and must be opened  
26 by a member or employee of the school board at a public bid

1 opening at which the contents of the bids must be announced.  
2 Each bidder must receive at least 3 days' notice of the time  
3 and place of the bid opening. For purposes of this Section due  
4 advertisement includes, but is not limited to, at least one  
5 public notice at least 10 days before the bid date in a  
6 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  
9 contracts and certified education purchasing contracts, as  
10 defined in Article 28A of this Code, are not subject to the  
11 requirements of this paragraph.

12 Under this Section, the acceptance of bids sealed by a  
13 bidder and the opening of these bids at a public bid opening  
14 may be permitted by an electronic process for communicating,  
15 accepting, and opening competitive bids. An electronic bidding  
16 process must provide for, but is not limited to, the following  
17 safeguards:

18 (1) On the date and time certain of a bid opening, the  
19 primary person conducting the competitive, sealed,  
20 electronic bid process shall log onto a specified database  
21 using a unique username and password previously assigned  
22 to the bidder to allow access to the bidder's specific bid  
23 project number.

24 (2) The specified electronic database must be on a  
25 network that (i) is in a secure environment behind a  
26 firewall; (ii) has specific encryption tools; (iii)

1 maintains specific intrusion detection systems; (iv) has  
2 redundant systems architecture with data storage back-up,  
3 whether by compact disc or tape; and (v) maintains a  
4 disaster recovery plan.

5 It is the legislative intent of Public Act 96-841 to maintain  
6 the integrity of the sealed bidding process provided for in  
7 this Section, to further limit any possibility of bid-rigging,  
8 to reduce administrative costs to school districts, and to  
9 effect efficiencies in communications with bidders.

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

1 the holder the right to vote for the election of members of the  
2 board of directors or similar governing body of the business  
3 or (2) is convertible into, or entitles the holder to receive  
4 upon its exercise, a security that confers such a right to  
5 vote. A general partnership interest is a voting security.

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

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

1 (b-10) To prohibit any contract to purchase food with a  
2 bidder or offeror if the bidder's or offeror's contract terms  
3 prohibit the school from donating food to food banks,  
4 including, but not limited to, homeless shelters, food  
5 pantries, and soup kitchens.

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

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

17 (Source: P.A. 101-570, eff. 8-23-19; 101-632, eff. 6-5-20.)

18 Section 40. The Illinois Highway Code is amended by  
19 changing Section 6-201.7 as follows:

20 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

21 Sec. 6-201.7. Construct, maintain and repair and be  
22 responsible for the construction, maintenance and repair of  
23 roads within the district, let contracts, employ labor and  
24 purchase material and machinery therefor, subject to the

1 limitations provided in this Code. Contracts, labor,  
2 machinery, disposal, and incidental expenses related to  
3 special services under Section 6-201.21 of this Code  
4 constitute maintenance, for purposes of this Section.

5 Except for professional services, when the cost of  
6 construction, materials, supplies, new machinery or equipment  
7 exceeds \$20,000, the contract for such construction,  
8 materials, supplies, machinery or equipment shall be let to  
9 the lowest responsible bidder or the best value bidder after  
10 advertising for bids at least once, and at least 10 days prior  
11 to the time set for the opening of such bids, in a newspaper  
12 published within the township or road district, or, if no  
13 newspaper is published within the township or road district  
14 then in one published within the county, or, if no newspaper is  
15 published within the county then in a newspaper having general  
16 circulation within the township or road district, but, in case  
17 of an emergency, such contract may be let without advertising  
18 for bids. For purposes of this Section "new machinery or  
19 equipment" shall be defined as that which has been previously  
20 untitled or that which shows fewer than 200 hours on its  
21 operating clock and that is accompanied by a new equipment  
22 manufacturer's warranty.

23 A highway commissioner that awards a contract to a best  
24 value bidder must approve the contract by resolution that  
25 states with specificity the reasons why the bidder is the best  
26 value bidder.



1       As used in this Section, "best value" means the result  
2 determined by a procurement method that considers price and  
3 other criteria reflecting an objective and quantifiable  
4 analysis. Such analysis may include, but is not limited to:  
5 (1) the quality of the bidder's performance on previous  
6 projects; (2) the timeliness of the bidder's performance on  
7 previous projects; (3) the level of customer satisfaction with  
8 the bidder's performance on previous projects; (4) the  
9 bidder's record of performing previous projects on budget and  
10 ability to minimize cost overruns; (5) the bidder's ability to  
11 minimize change orders; (6) the bidder's ability to prepare  
12 appropriate project plans; (7) the bidder's technical  
13 capabilities; (8) the individual qualifications of the  
14 bidder's key personnel; (9) the bidder's ability to assess and  
15 minimize risks; (10) the bidder's ability to meet the goals  
16 established by the highway commissioner for the awarding of  
17 contracts to minority-owned businesses, women-owned  
18 businesses, and businesses owned by persons with disabilities;  
19 and (11) maintenance costs and life span of the project.

20       (Source: P.A. 93-109, eff. 7-8-03; 93-164, eff. 7-10-03;  
21 93-610, eff. 11-18-03; 94-435, eff. 8-2-05.)

22       Section 95. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text  
24 that is not yet or no longer in effect (for example, a Section  
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.