

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. The resolution must include the identity of an officer
3 or director of the bidder who is a family member of a board
4 member, is a person with whom a board member maintains a close
5 economic association, or is a person with whom a board member
6 maintains a close political association.

7 As used in this Section:

8 "Best value" means the result determined by a procurement
9 method that considers price and other criteria reflecting an
10 objective and quantifiable analysis, including consideration
11 of some or all of the following factors: (1) the quality of the
12 bidder's performance on previous projects; (2) the timeliness
13 of the bidder's performance on previous projects; (3) the
14 level of customer satisfaction with the bidder's performance
15 on previous projects; (4) the bidder's record of performing
16 previous projects on budget and ability to minimize cost
17 overruns; (5) the bidder's ability to minimize change orders;
18 (6) the bidder's ability to prepare appropriate project plans;
19 (7) the bidder's technical capabilities; (8) the individual
20 qualifications of the bidder's key personnel; (9) the bidder's
21 ability to assess and minimize risks; (10) the bidder's
22 ability to meet the goals established by the township board
23 for the awarding of contracts to minority-owned businesses,
24 women-owned businesses, and businesses owned by persons with
25 disabilities; and (11) maintenance costs and life span of the
26 project.

1 "Family member" means a board member's spouse, children,
2 step-children, parents, step-parents, siblings,
3 step-siblings, half-siblings, sons-in-law, daughters-in-law,
4 grandparents, and grandchildren, as well as the parents and
5 grandparents of the board member's spouse and a person living
6 with the board member.

7 "Person with whom a board member maintains a close
8 economic association" means a person associated with the board
9 member in a partnership, association or professional service
10 corporation, whether as partner, officer, employee, associate,
11 or otherwise.

12 "Person with whom a board member maintains a close
13 political association" means a person who has made a campaign
14 contribution to a political committee supporting a board
15 member or a political committee of which a board member is an
16 officer, is a candidate or is an officer of a political
17 committee that has received a campaign contribution from a
18 board member, or is an officer of a political committee
19 supporting a board member.

20 This Section does not apply to contracts by a township
21 with the federal government.

22 If a township is eligible to be paid from or reimbursed
23 with federal-aid funds, grants, or loans, in whole or in part,
24 and the letting of a contract to the best value bidder under
25 this Section would result in the loss of those federal-aid
26 funds, grants, or loans, then the contract shall be let to the

1 lowest responsible bidder in accordance with this Section.

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

3 (60 ILCS 1/205-105)

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

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

17 A township board that awards a contract to a best value
18 bidder must approve the contract by resolution that states
19 with specificity the reasons why the bidder is the best value
20 bidder. The resolution must include the identity of an officer
21 or director of the bidder who is a family member of a board
22 member, is a person with whom a board member maintains a close
23 economic association, or is a person with whom a board member
24 maintains a close political association.

25 As used in this Section:

1 "Best value" means the result determined by a procurement
2 method that considers price and other criteria reflecting an
3 objective and quantifiable analysis, including consideration
4 of some or all of the following factors: (1) the quality of the
5 bidder's performance on previous projects; (2) the timeliness
6 of the bidder's performance on previous projects; (3) the
7 level of customer satisfaction with the bidder's performance
8 on previous projects; (4) the bidder's record of performing
9 previous projects on budget and ability to minimize cost
10 overruns; (5) the bidder's ability to minimize change orders;
11 (6) the bidder's ability to prepare appropriate project plans;
12 (7) the bidder's technical capabilities; (8) the individual
13 qualifications of the bidder's key personnel; (9) the bidder's
14 ability to assess and minimize risks; (10) the bidder's
15 ability to meet the goals established by the township board
16 for the awarding of contracts to minority-owned businesses,
17 women-owned businesses, and businesses owned by persons with
18 disabilities; and (11) maintenance costs and life span of the
19 project.

20 "Family member" means a board member's spouse, children,
21 step-children, parents, step-parents, siblings,
22 step-siblings, half-siblings, sons-in-law, daughters-in-law,
23 grandparents, and grandchildren, as well as the parents and
24 grandparents of the board member's spouse and a person living
25 with the board member.

26 "Person with whom a board member maintains a close

1 economic association" means a person associated with the board
2 member in a partnership, association or professional service
3 corporation, whether as partner, officer, employee, associate,
4 or otherwise.

5 "Person with whom a board member maintains a close
6 political association" means a person who has made a campaign
7 contribution to a political committee supporting a board
8 member or a political committee of which a board member is an
9 officer, is a candidate or is an officer of a political
10 committee that has received a campaign contribution from a
11 board member, or is an officer of a political committee
12 supporting a board member.

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

19 (c) If a township is eligible to be paid from or reimbursed
20 with federal-aid funds, grants, or loans, in whole or in part,
21 and the letting of a contract to the best value bidder under
22 this Section would result in the loss of those federal-aid
23 funds, grants, or loans, then the contract shall be let to the
24 lowest responsible bidder in accordance with this Section.

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

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

3 (65 ILCS 5/4-5-11) (from Ch. 24, par. 4-5-11)

4 Sec. 4-5-11. Except as otherwise provided, all contracts,
5 of whatever character, pertaining to public improvement, or to
6 the maintenance of the public property of a municipality
7 involving an outlay of \$10,000 or more, shall be based upon
8 specifications to be approved by the council. Any work or
9 other public improvement which is not to be paid for in whole
10 or in part by special assessment or special taxation, when the
11 expense thereof will exceed \$25,000, shall be constructed as
12 follows:

13 (1) By a contract let to the lowest responsible bidder
14 or the best value bidder after advertising for bids, in
15 the manner prescribed by ordinance, except that any such
16 contract may be entered into by the proper officers
17 without advertising for bids, if authorized by a vote of 4
18 of the 5 council members elected; or

19 (2) In the following manner, if authorized by a vote
20 of 4 of the 5 council members elected: the commissioner of
21 public works or other proper officers to be designated by
22 ordinance, shall superintend and cause to be carried out
23 the construction of the work or other public improvement
24 and shall employ exclusively for the performance of all
25 manual labor thereon, laborers and artisans whom the city

1 or village shall pay by the day or hour, but all material
2 of the value of \$25,000 and upward used in the
3 construction of the work or other public improvement,
4 shall be purchased by contract let to the lowest
5 responsible bidder or the best value bidder in the manner
6 to be prescribed by ordinance.

7 A city council that awards a contract to a best value
8 bidder must approve the contract by resolution that states
9 with specificity the reasons why the bidder is the best value
10 bidder. The resolution must include the identity of an officer
11 or director of the bidder who is a family member of a city
12 council member, is a person with whom a city council member
13 maintains a close economic association, or is a person with
14 whom a city council member maintains a close political
15 association.

16 As used in this Section:

17 "Best value" means the result determined by a procurement
18 method that considers price and other criteria reflecting an
19 objective and quantifiable analysis, including consideration
20 of some or all of the following factors: (1) the quality of the
21 bidder's performance on previous projects; (2) the timeliness
22 of the bidder's performance on previous projects; (3) the
23 level of customer satisfaction with the bidder's performance
24 on previous projects; (4) the bidder's record of performing
25 previous projects on budget and ability to minimize cost
26 overruns; (5) the bidder's ability to minimize change orders;

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

10 "Family member" means a city council member's spouse,
11 children, step-children, parents, step-parents, siblings,
12 step-siblings, half-siblings, sons-in-law, daughters-in-law,
13 grandparents, and grandchildren, as well as the parents and
14 grandparents of the city council member's spouse and a person
15 living with the city council member.

16 "Person with whom a city council member maintains a close
17 economic association" means a person associated with the city
18 council member in a partnership, association or professional
19 service corporation, whether as partner, officer, employee,
20 associate, or otherwise.

21 "Person with whom a city council member maintains a close
22 political association" means a person who has made a campaign
23 contribution to a political committee supporting a city
24 council member or a political committee of which a city
25 council member is an officer, is a candidate or is an officer
26 of a political committee that has received a campaign

1 contribution from a city council member, or is an officer of a
2 political committee supporting a city council member.

3 Nothing contained in this Section shall apply to any
4 contract by a municipality with the United States of America
5 or any agency thereof.

6 If a municipality is eligible to be paid from or
7 reimbursed with federal-aid funds, grants, or loans, in whole
8 or in part, and the letting of a contract to the best value
9 bidder under this Section would result in the loss of those
10 federal-aid funds, grants, or loans, then the contract shall
11 be let to the lowest responsible bidder in accordance with
12 this Section.

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

14 (65 ILCS 5/8-9-1) (from Ch. 24, par. 8-9-1)

15 Sec. 8-9-1. In municipalities of less than 500,000 except
16 as otherwise provided in Articles 4 and 5 any work or other
17 public improvement which is not to be paid for in whole or in
18 part by special assessment or special taxation, when the
19 expense thereof will exceed \$25,000, shall be constructed
20 either (1) by a contract let to the lowest responsible bidder
21 or the best value bidder after advertising for bids, in the
22 manner prescribed by ordinance, except that any such contract
23 may be entered into by the proper officers without advertising
24 for bids, if authorized by a vote of two-thirds of all the
25 alderpersons or trustees then holding office; or (2) in the

1 following manner, if authorized by a vote of two-thirds of all
2 the alderpersons or trustees then holding office, to-wit: the
3 commissioner of public works or other proper officers to be
4 designated by ordinance, shall superintend and cause to be
5 carried out the construction of the work or other public
6 improvement and shall employ exclusively for the performance
7 of all manual labor thereon, laborers and artisans whom the
8 municipality shall pay by the day or hour; and all material of
9 the value of \$25,000 and upward used in the construction of the
10 work or other public improvement, shall be purchased by
11 contract let to the lowest responsible bidder or the best
12 value bidder in the manner to be prescribed by ordinance.
13 However, nothing contained in this Section shall apply to any
14 contract by a city, village or incorporated town with the
15 federal government or any agency thereof.

16 A city council that awards a contract to a best value
17 bidder must approve the contract by resolution that states
18 with specificity the reasons why the bidder is the best value
19 bidder. The resolution must include the identity of an officer
20 or director of the bidder who is a family member of a city
21 council member, is a person with whom a city council member
22 maintains a close economic association, or is a person with
23 whom a city council member maintains a close political
24 association.

25 As used in this Section:

26 "Best value" means the result determined by a procurement

1 method that considers price and other criteria reflecting an
2 objective and quantifiable analysis, including consideration
3 of some or all of the following factors: (1) the quality of the
4 bidder's performance on previous projects; (2) the timeliness
5 of the bidder's performance on previous projects; (3) the
6 level of customer satisfaction with the bidder's performance
7 on previous projects; (4) the bidder's record of performing
8 previous projects on budget and ability to minimize cost
9 overruns; (5) the bidder's ability to minimize change orders;
10 (6) the bidder's ability to prepare appropriate project plans;
11 (7) the bidder's technical capabilities; (8) the individual
12 qualifications of the bidder's key personnel; (9) the bidder's
13 ability to assess and minimize risks; (10) the bidder's
14 ability to meet the goals established by the city council for
15 the awarding of contracts to minority-owned businesses,
16 women-owned businesses, and businesses owned by persons with
17 disabilities; and (11) maintenance costs and life span of the
18 project.

19 "Family member" means a city council member's spouse,
20 children, step-children, parents, step-parents, siblings,
21 step-siblings, half-siblings, sons-in-law, daughters-in-law,
22 grandparents, and grandchildren, as well as the parents and
23 grandparents of the city council member's spouse and a person
24 living with the city council member.

25 "Person with whom a city council member maintains a close
26 economic association" means a person associated with the city

1 council member in a partnership, association or professional
2 service corporation, whether as partner, officer, employee,
3 associate, or otherwise.

4 "Person with whom a city council member maintains a close
5 political association" means a person who has made a campaign
6 contribution to a political committee supporting a city
7 council member or a political committee of which a city
8 council member is an officer, is a candidate or is an officer
9 of a political committee that has received a campaign
10 contribution from a city council member, or is an officer of a
11 political committee supporting a city council member.

12 In every city which has adopted Division 1 of Article 10,
13 every such laborer or artisan shall be certified by the civil
14 service commission to the commissioner of public works or
15 other proper officers, in accordance with the requirement of
16 that division.

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

21 If a municipality is eligible to be paid from or
22 reimbursed with federal-aid funds, grants, or loans, in whole
23 or in part, and the letting of a contract to the best value
24 bidder under this Section would result in the loss of those
25 federal-aid funds, grants, or loans, then the contract shall
26 be let to the lowest responsible bidder in accordance with

1 this Section.

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

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

5 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

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

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

9 (a) The board shall be the corporate authority of such
10 forest preserve district and shall have power to pass and
11 enforce all necessary ordinances, rules and regulations for
12 the management of the property and conduct of the business of
13 such district. The president of such board shall have power to
14 appoint such employees as may be necessary. In counties with
15 population of less than 3,000,000, within 60 days after their
16 selection the commissioners appointed under the provisions of
17 Section 3a of this Act shall organize by selecting from their
18 members a president, vice president, secretary, treasurer and
19 such other officers as are deemed necessary who shall hold
20 office for the fiscal year in which elected and until their
21 successors are selected and qualify. In the one district in
22 existence on July 1, 1977, that is managed by an appointed
23 board of commissioners, the incumbent president and the other
24 officers appointed in the manner as originally prescribed in

1 this Act shall hold such offices until the completion of their
2 respective terms or in the case of the officers other than
3 president until their successors are appointed by said
4 president, but in all cases not to extend beyond January 1,
5 1980 and until their successors are selected and qualify.
6 Thereafter, the officers shall be selected in the manner as
7 prescribed in this Section except that their first term of
8 office shall not expire until June 30, 1981 and until their
9 successors are selected and qualify.

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

1 (b) In any county, city, village, incorporated town or
2 sanitary district where the corporate authorities act as the
3 governing body of a forest preserve district, the person
4 exercising the powers of the president of the board shall have
5 power to appoint a secretary and an assistant secretary and
6 treasurer and an assistant treasurer and such other officers
7 and such employees as may be necessary. The assistant
8 secretary and assistant treasurer shall perform the duties of
9 the secretary and treasurer, respectively in case of death of
10 such officers or when such officers are unable to perform the
11 duties of their respective offices. All contracts for
12 supplies, material or work involving an expenditure in excess
13 of \$25,000, or a lower amount if required by board policy,
14 shall be let to the lowest responsible bidder, after
15 advertising at least once in one or more newspapers of general
16 circulation within the district, excepting work requiring
17 personal confidence or necessary supplies under the control of
18 monopolies, where competitive bidding is impossible. Contracts
19 for supplies, material or work involving an expenditure of
20 \$25,000, or a lower amount if required by board policy, or less
21 may be let without advertising for bids, but whenever
22 practicable, at least 3 competitive bids shall be obtained
23 before letting such contract. All contracts for supplies,
24 material or work shall be signed by the president of the board
25 of commissioners or by any such other officer as the board in
26 its discretion may designate.

1 (c) The president of any board of commissioners appointed
2 under the provisions of Section 3a of this Act shall receive a
3 salary not to exceed the sum of \$2500 per annum and the salary
4 of other members of the board so appointed shall not exceed
5 \$1500 per annum. Salaries of the commissioners, officers and
6 employees shall be fixed by ordinance.

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

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

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

19 Sec. 8. Powers and duties of corporate authority and
20 officers; contracts; salaries.

21 (a) The board shall be the corporate authority of such
22 forest preserve district and shall have power to pass and
23 enforce all necessary ordinances, rules and regulations for
24 the management of the property and conduct of the business of
25 such district. The president of such board shall have power to

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

21 (a-5) An officer selected pursuant to subsection (a) may
22 be removed, with or without cause, upon a motion adopted by an
23 affirmative vote of four-fifths of the board of the forest
24 preserve district. Upon adoption of a motion to remove an
25 officer: (i) the office becomes vacant and the former
26 officer's compensation shall be prorated to the date the

1 motion was approved; (ii) if the officer removed is the
2 president then the vice president immediately assumes the
3 duties of the president without president compensation and, if
4 the officer removed is the vice president, treasurer, or
5 secretary, then the president shall select an interim
6 appointee who shall serve until the next regularly scheduled
7 forest preserve district board meeting; and (iii) a new
8 officer shall be selected at the next regularly scheduled
9 forest preserve district board meeting. An officer removed
10 under this Section maintains his or her status as a member of
11 the forest preserve district board.

12 (b) In any county, city, village, incorporated town or
13 sanitary district where the corporate authorities act as the
14 governing body of a forest preserve district, the person
15 exercising the powers of the president of the board shall have
16 power to appoint a secretary and an assistant secretary and
17 treasurer and an assistant treasurer and such other officers
18 and such employees as may be necessary. The assistant
19 secretary and assistant treasurer shall perform the duties of
20 the secretary and treasurer, respectively in case of death of
21 such officers or when such officers are unable to perform the
22 duties of their respective offices. All contracts for
23 supplies, material or work involving an expenditure in excess
24 of \$30,000, or a lower amount if required by board policy,
25 shall be let to the lowest responsible bidder or the best value
26 bidder, after advertising at least once in one or more

1 newspapers of general circulation within the district,
2 excepting work requiring personal confidence or necessary
3 supplies under the control of monopolies, where competitive
4 bidding is impossible, or as otherwise provided in the Forest
5 Preserve District and Conservation District Design-Build
6 Authorization Act. Contracts for supplies, material or work
7 involving an expenditure of \$30,000, or a lower amount if
8 required by board policy, or less may be let without
9 advertising for bids, but whenever practicable, at least 3
10 competitive bids shall be obtained before letting such
11 contract. All contracts for supplies, material or work shall
12 be signed by the president of the board of commissioners or by
13 any such other officer as the board in its discretion may
14 designate.

15 A board that awards a contract to a best value bidder must
16 approve the contract by resolution that states with
17 specificity the reasons why the bidder is the best value
18 bidder. The resolution must include the identity of an officer
19 or director of the bidder who is a family member of a board
20 member, is a person with whom a board member maintains a close
21 economic association, or is a person with whom a board member
22 maintains a close political association.

23 As used in this Section:

24 "Best value" means the result determined by a procurement
25 method that considers price and other criteria reflecting an
26 objective and quantifiable analysis, including consideration

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

17 "Family member" means a board member's spouse, children,
18 step-children, parents, step-parents, siblings,
19 step-siblings, half-siblings, sons-in-law, daughters-in-law,
20 grandparents, and grandchildren, as well as the parents and
21 grandparents of the board member's spouse and a person living
22 with the board member.

23 "Person with whom a board member maintains a close
24 economic association" means a person associated with the board
25 member in a partnership, association or professional service
26 corporation, whether as partner, officer, employee, associate,

1 or otherwise.

2 "Person with whom a board member maintains a close
3 political association" means a person who has made a campaign
4 contribution to a political committee supporting a board
5 member or a political committee of which a board member is an
6 officer, is a candidate or is an officer of a political
7 committee that has received a campaign contribution from a
8 board member, or is an officer of a political committee
9 supporting a board member.

10 (c) The president of any board of commissioners appointed
11 under the provisions of Section 3a of this Act shall receive a
12 salary not to exceed the sum of \$2500 per annum and the salary
13 of other members of the board so appointed shall not exceed
14 \$1500 per annum. Salaries of the commissioners, officers and
15 employees shall be fixed by ordinance.

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

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

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

3 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

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

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

13 (b) (1) To acquire by gift, legacy, grant or purchase,
14 or by condemnation in the manner provided for the exercise
15 of the power of eminent domain under the Eminent Domain
16 Act, any and all real estate, or rights therein necessary
17 for building, laying out, extending, adorning and
18 maintaining any such parks, boulevards and driveways, or
19 for effecting any of the powers or purposes granted under
20 this Code as its board may deem proper, whether such lands
21 be located within or without such district; but no park
22 district, except as provided in paragraph (2) of this
23 subsection, shall have any power of condemnation in the
24 manner provided for the exercise of the power of eminent

1 domain under the Eminent Domain Act or otherwise as to any
2 real estate, lands, riparian rights or estate, or other
3 property situated outside of such district, but shall only
4 have power to acquire the same by gift, legacy, grant or
5 purchase, and such district shall have the same control of
6 and power over lands so acquired without the district as
7 over parks, boulevards and driveways within such district.

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

19 (c) To acquire by gift, legacy or purchase any
20 personal property necessary for its corporate purposes
21 provided that all contracts for supplies, materials or
22 work involving an expenditure in excess of \$25,000, or a
23 lower amount if required by board policy, shall be let to
24 the lowest responsible bidder or the best value bidder
25 after due advertisement. No district shall be required to
26 accept a bid that does not meet the district's established

1 specifications, terms of delivery, quality, and
2 serviceability requirements. Contracts which, by their
3 nature, are not adapted to award by competitive bidding,
4 such as contracts for the services of individuals
5 possessing a high degree of professional skill where the
6 ability or fitness of the individual plays an important
7 part, contracts for the printing of finance committee
8 reports and departmental reports, contracts for the
9 printing or engraving of bonds, tax warrants and other
10 evidences of indebtedness, contracts for utility services
11 such as water, light, heat, telephone or telegraph,
12 contracts for fuel (such as diesel, gasoline, oil,
13 aviation, or propane), lubricants, or other petroleum
14 products, contracts for the use, purchase, delivery,
15 movement, or installation of data processing equipment,
16 software, or services and telecommunications and
17 interconnect equipment, software, or services, contracts
18 for duplicating machines and supplies, contracts for goods
19 or services procured from another governmental agency,
20 purchases of equipment previously owned by some entity
21 other than the district itself, and contracts for the
22 purchase of magazines, books, periodicals, pamphlets and
23 reports are not subject to competitive bidding. Contracts
24 for emergency expenditures are also exempt from
25 competitive bidding when the emergency expenditure is
26 approved by 3/4 of the members of the board.

1 All competitive bids for contracts involving an
2 expenditure in excess of \$25,000, or a lower amount if
3 required by board policy, must be sealed by the bidder and
4 must be opened by a member or employee of the park board at
5 a public bid opening at which the contents of the bids must
6 be announced. Each bidder must receive at least 3 days
7 notice of the time and place of the bid opening.

8 A park district board that awards a contract to a best
9 value bidder must approve the contract by resolution that
10 states with specificity the reasons why the bidder is the
11 best value bidder. The resolution must include the
12 identity of an officer or director of the bidder who is a
13 family member of a board member, is a person with whom a
14 board member maintains a close economic association, or is
15 a person with whom a board member maintains a close
16 political association.

17 For purposes of this subsection:7

18 "Best value" means the result determined by a
19 procurement method that considers price and other criteria
20 reflecting an objective and quantifiable analysis,
21 including consideration of some or all of the following
22 factors: (1) the quality of the bidder's performance on
23 previous projects; (2) the timeliness of the bidder's
24 performance on previous projects; (3) the level of
25 customer satisfaction with the bidder's performance on
26 previous projects; (4) the bidder's record of performing

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

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

17 "Family member" means a board member's spouse,
18 children, step-children, parents, step-parents, siblings,
19 step-siblings, half-siblings, sons-in-law,
20 daughters-in-law, grandparents, and grandchildren, as well
21 as the parents and grandparents of the board member's
22 spouse and a person living with the board member.

23 "Person with whom a board member maintains a close
24 economic association" means a person associated with the
25 board member in a partnership, association or professional
26 service corporation, whether as partner, officer,

1 employee, associate, or otherwise.

2 "Person with whom a board member maintains a close
3 political association" means a person who has made a
4 campaign contribution to a political committee supporting
5 a board member or a political committee of which a board
6 member is an officer, is a candidate or is an officer of a
7 political committee that has received a campaign
8 contribution from a board member, or is an officer of a
9 political committee supporting a board member.

10 (d) To pass all necessary ordinances, rules and
11 regulations for the proper management and conduct of the
12 business of the board and district and to establish by
13 ordinance all needful rules and regulations for the
14 government and protection of parks, boulevards and
15 driveways and other property under its jurisdiction, and
16 to effect the objects for which such districts are formed.

17 (e) To prescribe such fines and penalties for the
18 violation of ordinances as it shall deem proper not
19 exceeding \$1,000 for any one offense, which fines and
20 penalties may be recovered by an action in the name of such
21 district in the circuit court for the county in which such
22 violation occurred. The park district may also seek in the
23 action, in addition to or instead of fines and penalties,
24 an order that the offender be required to make restitution
25 for damage resulting from violations, and the court shall
26 grant such relief where appropriate. The procedure in such

1 actions shall be the same as that provided by law for like
2 actions for the violation of ordinances in cities
3 organized under the general laws of this State, and
4 offenders may be imprisoned for non-payment of fines and
5 costs in the same manner as in such cities. All fines when
6 collected shall be paid into the treasury of such
7 district.

8 (f) To manage and control all officers and property of
9 such districts and to provide for joint ownership with one
10 or more cities, villages or incorporated towns of real and
11 personal property used for park purposes by one or more
12 park districts. In case of joint ownership, the terms of
13 the agreement shall be fair, just and equitable to all
14 parties and shall be set forth in a written agreement
15 entered into by the corporate authorities of each
16 participating district, city, village or incorporated
17 town.

18 (g) To secure grants and loans, or either, from the
19 United States Government, or any agency or agencies
20 thereof, for financing the acquisition or purchase of any
21 and all real estate, or rights therein, or for effecting
22 any of the powers or purposes granted under this Code as
23 its Board may deem proper.

24 (h) To establish fees for the use of facilities and
25 recreational programs of the districts and to derive
26 revenue from non-resident fees from their operations. Fees

1 charged non-residents of such district need not be the
2 same as fees charged to residents of the district.
3 Charging fees or deriving revenue from the facilities and
4 recreational programs shall not affect the right to assert
5 or utilize any defense or immunity, common law or
6 statutory, available to the districts or their employees.

7 (i) To make contracts for a term exceeding one year,
8 but not to exceed 3 years, notwithstanding any provision
9 of this Code to the contrary, relating to: (1) the
10 employment of a park director, superintendent,
11 administrator, engineer, health officer, land planner,
12 finance director, attorney, police chief, or other officer
13 who requires technical training or knowledge; (2) the
14 employment of outside professional consultants such as
15 engineers, doctors, land planners, auditors, attorneys, or
16 other professional consultants who require technical
17 training or knowledge; (3) the provision of data
18 processing equipment and services; and (4) the purchase of
19 energy from a utility or an alternative retail electric
20 supplier. With respect to any contract made under this
21 subsection (i), the corporate authorities shall include in
22 the annual appropriation ordinance for each fiscal year an
23 appropriation of a sum of money sufficient to pay the
24 amount which, by the terms of the contract, is to become
25 due and payable during that fiscal year.

26 (j) To enter into licensing or management agreements

1 with not-for-profit corporations organized under the laws
2 of this State to operate park district facilities if the
3 corporation covenants to use the facilities to provide
4 public park or recreational programs for youth.

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

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

8 (75 ILCS 5/5-5) (from Ch. 81, par. 5-5)

9 Sec. 5-5. When the board determines to commence the
10 construction of the building or the remodeling, repairing or
11 improving of an existing library building or the erection of
12 an addition thereto, the purchase of the necessary equipment
13 for such library, or the acquisition of library materials such
14 as books, periodicals, recordings and electronic data storage
15 and retrieval facilities in connection with either the
16 purchase or construction of a new library building or the
17 expansion of an existing library building, they may then
18 revise the plan therefor or adopt a new plan and provide
19 estimates of the costs thereof, and shall, when the cost is in
20 excess of \$25,000, advertise for bids for the construction of
21 the building, or the remodeling, repairing or improving of an
22 existing library building or the erection of an addition
23 thereto, or the purchase of the necessary equipment for such
24 library, or the acquisition of library materials such as

1 books, periodicals, recordings and electronic data storage and
2 retrieval facilities in connection with either the purchase or
3 construction of a new library building or the expansion of an
4 existing library building, and shall let the contract or
5 contracts for the same, when the cost is in excess of \$25,000,
6 to the lowest responsible bidder or bidders or to the best
7 value bidder or bidders.

8 The board shall not be required to accept a bid that does
9 not meet the library's established specifications, terms of
10 delivery, quality, and serviceability requirements. Contracts
11 which, by their nature, are not adapted to award by
12 competitive bidding, are not subject to competitive bidding,
13 including, but not limited to:

14 (1) contracts for the services of individuals
15 possessing a high degree of professional skill where the
16 ability or fitness of the individual plays an important
17 part;

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

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

22 (4) contracts for the maintenance or servicing of, or
23 provision of repair parts for, equipment which are made
24 with the manufacturer or authorized service agent of that
25 equipment where the provision of parts, maintenance, or
26 servicing can best be performed by the manufacturer or

1 authorized service agent;

2 (5) purchases and contracts for the use, purchase,
3 delivery, movement, or installation of data processing
4 equipment, software, or services and telecommunications
5 and interconnect equipment, software, and services;

6 (6) contracts for duplicating machines and supplies;

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

9 (8) contracts for goods or services procured from
10 another governmental agency;

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

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

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

20 The board shall require from such bidders security for the
21 performance of the bids determined by the board pursuant to
22 law. The board may let the contract or contracts to one or more
23 bidders, as they shall determine.

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

1 bidder. The resolution must include the identity of an officer
2 or director of the bidder who is a family member of a board
3 member, is a person with whom a board member maintains a close
4 economic association, or is a person with whom a board member
5 maintains a close political association.

6 As used in this Section:

7 "Best value" means the result determined by a procurement
8 method that considers price and other criteria reflecting an
9 objective and quantifiable analysis, including consideration
10 of some or all of the following factors: (1) the quality of the
11 bidder's performance on previous projects; (2) the timeliness
12 of the bidder's performance on previous projects; (3) the
13 level of customer satisfaction with the bidder's performance
14 on previous projects; (4) the bidder's record of performing
15 previous projects on budget and ability to minimize cost
16 overruns; (5) the bidder's ability to minimize change orders;
17 (6) the bidder's ability to prepare appropriate project plans;
18 (7) the bidder's technical capabilities; (8) the individual
19 qualifications of the bidder's key personnel; (9) the bidder's
20 ability to assess and minimize risks; (10) the bidder's
21 ability to meet the goals established by the board for the
22 awarding of contracts to minority-owned businesses,
23 women-owned businesses, and businesses owned by persons with
24 disabilities; and (11) maintenance costs and life span of the
25 project.

26 "Family member" means a board member's spouse, children,

1 step-children, parents, step-parents, siblings,
2 step-siblings, half-siblings, sons-in-law, daughters-in-law,
3 grandparents, and grandchildren, as well as the parents and
4 grandparents of the board member's spouse and a person living
5 with the board member.

6 "Person with whom a board member maintains a close
7 economic association" means a person associated with the board
8 member in a partnership, association or professional service
9 corporation, whether as partner, officer, employee, associate,
10 or otherwise.

11 "Person with whom a board member maintains a close
12 political association" means a person who has made a campaign
13 contribution to a political committee supporting a board
14 member or a political committee of which a board member is an
15 officer, is a candidate or is an officer of a political
16 committee that has received a campaign contribution from a
17 board member, or is an officer of a political committee
18 supporting a board member.

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

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

22 (75 ILCS 16/40-45)

23 Sec. 40-45. Bids for construction, improvements, or
24 equipment purchases.

1 (a) When the trustees determine to commence constructing
2 the building, purchasing a site or a building, remodeling,
3 repairing, or improving an existing library building, erecting
4 an addition to an existing library building, or purchasing the
5 necessary equipment for the library, they may then revise the
6 plan or adopt a new plan and provide estimates of the costs of
7 the revised or new plan.

8 (b) The board shall, when the cost is in excess of \$25,000,
9 advertise for bids for constructing the building, remodeling,
10 repairing, or improving of an existing library building,
11 erecting an addition to an existing library building, or
12 purchasing the necessary equipment for the library and shall
13 let the contract or contracts for the project, when the cost is
14 in excess of \$25,000, to the lowest responsible bidder or
15 bidders or the best value bidder or bidders. The board shall
16 not be required to accept a bid that does not meet the
17 library's established specifications, terms of delivery,
18 quality, and serviceability requirements. Contracts which, by
19 their nature, are not adapted to award by competitive bidding,
20 are not subject to competitive bidding, including, but not
21 limited to:

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

26 (2) contracts for the printing of finance committee

1 reports and departmental reports;

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

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

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

14 (6) contracts for duplicating machines and supplies;

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

17 (8) contracts for goods or services procured from
18 another governmental agency;

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

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

25 Contracts for emergency expenditures are also exempt from
26 competitive bidding when the emergency expenditure is approved

1 by 3/4 of the members of the board.

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

6 A board that awards a contract to a best value bidder must
7 approve the contract by resolution that states with
8 specificity the reasons why the bidder is the best value
9 bidder. The resolution must include the identity of an officer
10 or director of the bidder who is a family member of a board
11 member, is a person with whom a board member maintains a close
12 economic association, or is a person with whom a board member
13 maintains a close political association.

14 As used in this Section:

15 "Best value" means the result determined by a procurement
16 method that considers price and other criteria reflecting an
17 objective and quantifiable analysis, including consideration
18 of some or all of the following factors: (1) the quality of the
19 bidder's performance on previous projects; (2) the timeliness
20 of the bidder's performance on previous projects; (3) the
21 level of customer satisfaction with the bidder's performance
22 on previous projects; (4) the bidder's record of performing
23 previous projects on budget and ability to minimize cost
24 overruns; (5) the bidder's ability to minimize change orders;
25 (6) the bidder's ability to prepare appropriate project plans;
26 (7) the bidder's technical capabilities; (8) the individual

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

8 "Family member" means a board member's spouse, children,
9 step-children, parents, step-parents, siblings,
10 step-siblings, half-siblings, sons-in-law, daughters-in-law,
11 grandparents, and grandchildren, as well as the parents and
12 grandparents of the board member's spouse and a person living
13 with the board member.

14 "Person with whom a board member maintains a close
15 economic association" means a person associated with the board
16 member in a partnership, association or professional service
17 corporation, whether as partner, officer, employee, associate,
18 or otherwise.

19 "Person with whom a board member maintains a close
20 political association" means a person who has made a campaign
21 contribution to a political committee supporting a board
22 member or a political committee of which a board member is an
23 officer, is a candidate or is an officer of a political
24 committee that has received a campaign contribution from a
25 board member, or is an officer of a political committee
26 supporting a board member.

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

2 Section 35. The School Code is amended by changing Section
3 10-20.21 as follows:

4 (105 ILCS 5/10-20.21)

5 Sec. 10-20.21. Contracts.

6 (a) To award all contracts for purchase of supplies and
7 materials or work involving an expenditure in excess of
8 \$25,000 or a lower amount as required by board policy to the
9 lowest responsible bidder or the best value bidder,
10 considering conformity with specifications, terms of delivery,
11 quality and serviceability, after due advertisement, except
12 the following: (i) 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 part;
15 (ii) contracts for the printing of finance committee reports
16 and departmental reports; (iii) contracts for the printing or
17 engraving of bonds, tax warrants and other evidences of
18 indebtedness; (iv) contracts for the purchase of perishable
19 foods and perishable beverages; (v) contracts for materials
20 and work which have been awarded to the lowest responsible
21 bidder or the best value bidder after due advertisement, but
22 due to unforeseen revisions, not the fault of the contractor
23 for materials and work, must be revised causing expenditures
24 not in excess of 10% of the contract price; (vi) contracts for

1 the maintenance or servicing of, or provision of repair parts
2 for, equipment which are made with the manufacturer or
3 authorized service agent of that equipment where the provision
4 of parts, maintenance, or servicing can best be performed by
5 the manufacturer or authorized service agent; (vii) purchases
6 and contracts for the use, purchase, delivery, movement, or
7 installation of data processing equipment, software, or
8 services and telecommunications and interconnect equipment,
9 software, and services; (viii) contracts for duplicating
10 machines and supplies; (ix) contracts for the purchase of
11 fuel, including diesel, gasoline, oil, aviation, natural gas,
12 or propane, lubricants, or other petroleum products; (x)
13 purchases of equipment previously owned by some entity other
14 than the district itself; (xi) contracts for repair,
15 maintenance, remodeling, renovation, or construction, or a
16 single project involving an expenditure not to exceed \$50,000
17 and not involving a change or increase in the size, type, or
18 extent of an existing facility; (xii) contracts for goods or
19 services procured from another governmental agency; (xiii)
20 contracts for goods or services which are economically
21 procurable from only one source, such as for the purchase of
22 magazines, books, periodicals, pamphlets and reports, and for
23 utility services such as water, light, heat, telephone or
24 telegraph; (xiv) where funds are expended in an emergency and
25 such emergency expenditure is approved by 3/4 of the members
26 of the board; (xv) State master contracts authorized under

1 Article 28A of this Code; and (xvi) contracts providing for
2 the transportation of pupils, which contracts must be
3 advertised in the same manner as competitive bids and awarded
4 by first considering the bidder or bidders most able to
5 provide safety and comfort for the pupils, stability of
6 service, and any other factors set forth in the request for
7 proposal regarding quality of service, and then price.
8 However, at no time shall a cause of action lie against a
9 school board for awarding a pupil transportation contract per
10 the standards set forth in this subsection (a) unless the
11 cause of action is based on fraudulent conduct.

12 A school board that awards a contract to a best value
13 bidder must approve the contract by resolution that states
14 with specificity the reasons why the bidder is the best value
15 bidder. The resolution must include the identity of an officer
16 or director of the bidder who is a family member of a board
17 member, is a person with whom a board member maintains a close
18 economic association, or is a person with whom a board member
19 maintains a close political association.

20 Notwithstanding a provision of this Section to the
21 contrary, a school board that awards a competitively bid
22 contract in excess of \$25,000 to a third party for
23 non-instructional services currently performed by a employee
24 or bargaining unit member may only award such a contract to the
25 lowest responsible bidder.

26 As used in this Section:

1 "Best value" means the result determined by a procurement
2 method that considers price and other criteria reflecting an
3 objective and quantifiable analysis, including consideration
4 of some or all of the following factors: (1) the quality of the
5 bidder's performance on previous projects; (2) the timeliness
6 of the bidder's performance on previous projects; (3) the
7 level of customer satisfaction with the bidder's performance
8 on previous projects; (4) the bidder's record of performing
9 previous projects on budget and ability to minimize cost
10 overruns; (5) the bidder's ability to minimize change orders;
11 (6) the bidder's ability to prepare appropriate project plans;
12 (7) the bidder's technical capabilities; (8) the individual
13 qualifications of the bidder's key personnel; (9) the bidder's
14 ability to assess and minimize risks; (10) the bidder's
15 ability to meet the goals established by the school board for
16 the awarding of contracts to minority-owned businesses,
17 women-owned businesses, and businesses owned by persons with
18 disabilities; and (11) maintenance costs and life span of the
19 project.

20 "Family member" means a board member's spouse, children,
21 step-children, parents, step-parents, siblings,
22 step-siblings, half-siblings, sons-in-law, daughters-in-law,
23 grandparents, and grandchildren, as well as the parents and
24 grandparents of the board member's spouse and a person living
25 with the board member.

26 "Person with whom a board member maintains a close

1 economic association" means a person associated with the board
2 member in a partnership, association or professional service
3 corporation, whether as partner, officer, employee, associate,
4 or otherwise.

5 "Person with whom a board member maintains a close
6 political association" means a person who has made a campaign
7 contribution to a political committee supporting a board
8 member or a political committee of which a board member is an
9 officer, is a candidate or is an officer of a political
10 committee that has received a campaign contribution from a
11 board member, or is an officer of a political committee
12 supporting a board member.

13 All competitive bids for contracts involving an
14 expenditure in excess of \$25,000 or a lower amount as required
15 by board policy must be sealed by the bidder and must be opened
16 by a member or employee of the school board at a public bid
17 opening at which the contents of the bids must be announced.
18 Each bidder must receive at least 3 days' notice of the time
19 and place of the bid opening. For purposes of this Section due
20 advertisement includes, but is not limited to, at least one
21 public notice at least 10 days before the bid date in a
22 newspaper published in the district, or if no newspaper is
23 published in the district, in a newspaper of general
24 circulation in the area of the district. State master
25 contracts and certified education purchasing contracts, as
26 defined in Article 28A of this Code, are not subject to the

1 requirements of this paragraph.

2 Under this Section, the acceptance of bids sealed by a
3 bidder and the opening of these bids at a public bid opening
4 may be permitted by an electronic process for communicating,
5 accepting, and opening competitive bids. An electronic bidding
6 process must provide for, but is not limited to, the following
7 safeguards:

8 (1) On the date and time certain of a bid opening, the
9 primary person conducting the competitive, sealed,
10 electronic bid process shall log onto a specified database
11 using a unique username and password previously assigned
12 to the bidder to allow access to the bidder's specific bid
13 project number.

14 (2) The specified electronic database must be on a
15 network that (i) is in a secure environment behind a
16 firewall; (ii) has specific encryption tools; (iii)
17 maintains specific intrusion detection systems; (iv) has
18 redundant systems architecture with data storage back-up,
19 whether by compact disc or tape; and (v) maintains a
20 disaster recovery plan.

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

26 (b) To require, as a condition of any contract for goods

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

22 To require that bids and contracts include a certification
23 by the bidder or contractor that the bidder or contractor is
24 not barred from bidding for or entering into a contract under
25 this Section and that the bidder or contractor acknowledges
26 that the school board may declare the contract void if the

1 certification completed pursuant to this subsection (b) is
2 false.

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

17 (b-10) To prohibit any contract to purchase food with a
18 bidder or offeror if the bidder's or offeror's contract terms
19 prohibit the school from donating food to food banks,
20 including, but not limited to, homeless shelters, food
21 pantries, and soup kitchens.

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

26 (d) In purchasing supplies, materials, equipment, or

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

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

8 Section 40. The Public Community College Act is amended by
9 changing Section 3-27.1 as follows:

10 (110 ILCS 805/3-27.1) (from Ch. 122, par. 103-27.1)

11 Sec. 3-27.1. Contracts. To award all contracts for
12 purchase of supplies, materials or work involving an
13 expenditure in excess of \$25,000 or a lower amount as required
14 by board policy to the lowest responsible bidder or the best
15 value bidder considering conformity with specifications, terms
16 of delivery, quality, and serviceability; after due
17 advertisement, except the following: (a) contracts for the
18 services of individuals possessing a high degree of
19 professional skill where the ability or fitness of the
20 individual plays an important part; (b) contracts for the
21 printing of finance committee reports and departmental
22 reports; (c) contracts for the printing or engraving of bonds,
23 tax warrants and other evidences of indebtedness; (d)
24 contracts for materials and work which have been awarded to

1 the lowest responsible bidder or the best value bidder after
2 due advertisement, but due to unforeseen revisions, not the
3 fault of the contractor for materials and work, must be
4 revised causing expenditures not in excess of 10% of the
5 contract price; (e) contracts for the maintenance or servicing
6 of, or provision of repair parts for, equipment which are made
7 with the manufacturer or authorized service agent of that
8 equipment where the provision of parts, maintenance, or
9 servicing can best be performed by the manufacturer or
10 authorized service agent; (f) purchases and contracts for the
11 use, purchase, delivery, movement, or installation of data
12 processing equipment, software, or services and
13 telecommunications and inter-connect equipment, software, and
14 services; (g) contracts for duplicating machines and supplies;
15 (h) contracts for the purchase of natural gas when the cost is
16 less than that offered by a public utility; (i) purchases of
17 equipment previously owned by some entity other than the
18 district itself; (j) contracts for repair, maintenance,
19 remodeling, renovation, or construction, or a single project
20 involving an expenditure not to exceed \$50,000 and not
21 involving a change or increase in the size, type, or extent of
22 an existing facility; (k) contracts for goods or services
23 procured from another governmental agency; (l) contracts for
24 goods or services which are economically procurable from only
25 one source, such as for the purchase of magazines, books,
26 periodicals, pamphlets and reports, and for utility services

1 such as water, light, heat, telephone or telegraph; (m) where
2 funds are expended in an emergency and such emergency
3 expenditure is approved by 3/4 of the members of the board; and
4 (n) contracts for the purchase of perishable foods and
5 perishable beverages.

6 A board that awards a contract to a best value bidder must
7 approve the contract by resolution that states with
8 specificity the reasons why the bidder is the best value
9 bidder. The resolution must include the identity of an officer
10 or director of the bidder who is a family member of a board
11 member, is a person with whom a board member maintains a close
12 economic association, or is a person with whom a board member
13 maintains a close political association.

14 As used in this Section:

15 "Best value" means the result determined by a procurement
16 method that considers price and other criteria reflecting an
17 objective and quantifiable analysis, including consideration
18 of some or all of the following factors: (1) the quality of the
19 bidder's performance on previous projects; (2) the timeliness
20 of the bidder's performance on previous projects; (3) the
21 level of customer satisfaction with the bidder's performance
22 on previous projects; (4) the bidder's record of performing
23 previous projects on budget and ability to minimize cost
24 overruns; (5) the bidder's ability to minimize change orders;
25 (6) the bidder's ability to prepare appropriate project plans;
26 (7) the bidder's technical capabilities; (8) the individual

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

8 "Family member" means a board member's spouse, children,
9 step-children, parents, step-parents, siblings,
10 step-siblings, half-siblings, sons-in-law, daughters-in-law,
11 grandparents, and grandchildren, as well as the parents and
12 grandparents of the board member's spouse and a person living
13 with the board member.

14 "Person with whom a board member maintains a close
15 economic association" means a person associated with the board
16 member in a partnership, association or professional service
17 corporation, whether as partner, officer, employee, associate,
18 or otherwise.

19 "Person with whom a board member maintains a close
20 political association" means a person who has made a campaign
21 contribution to a political committee supporting a board
22 member or a political committee of which a board member is an
23 officer, is a candidate or is an officer of a political
24 committee that has received a campaign contribution from a
25 board member, or is an officer of a political committee
26 supporting a board member.

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
15 designated office by the time and date set for receipt for
16 bids. However, bids for construction purposes are prohibited
17 from being submitted electronically. Electronic bid
18 submissions must be authorized by specific language in the bid
19 documents in order to be considered and must be opened in
20 accordance with electronic security measures in effect at the
21 community college at the time of opening. Unless the
22 electronic submission procedures provide for a secure receipt,
23 the vendor assumes the risk of premature disclosure due to
24 submission in an unsealed 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. 97-1031, eff. 8-17-12; 98-269, eff. 1-1-14.)

10 Section 45. The Illinois Highway Code is amended by
11 changing Section 6-201.7 as follows:

12 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

13 Sec. 6-201.7. Construct, maintain and repair and be
14 responsible for the construction, maintenance and repair of
15 roads within the district, let contracts, employ labor and
16 purchase material and machinery therefor, subject to the
17 limitations provided in this Code. Contracts, labor,
18 machinery, disposal, and incidental expenses related to
19 special services under Section 6-201.21 of this Code
20 constitute maintenance, for purposes of this Section.

21 Except for professional services, when the cost of
22 construction, materials, supplies, new machinery or equipment
23 exceeds \$20,000, the contract for such construction,
24 materials, supplies, machinery or equipment shall be let to

1 the lowest responsible bidder or the best value bidder after
2 advertising for bids at least once, and at least 10 days prior
3 to the time set for the opening of such bids, in a newspaper
4 published within the township or road district, or, if no
5 newspaper is published within the township or road district
6 then in one published within the county, or, if no newspaper is
7 published within the county then in a newspaper having general
8 circulation within the township or road district, but, in case
9 of an emergency, such contract may be let without advertising
10 for bids. For purposes of this Section "new machinery or
11 equipment" shall be defined as that which has been previously
12 untitled or that which shows fewer than 200 hours on its
13 operating clock and that is accompanied by a new equipment
14 manufacturer's warranty.

15 A highway commissioner that awards a contract to a best
16 value bidder must approve the contract by resolution that
17 states with specificity the reasons why the bidder is the best
18 value bidder. The resolution must include the identity of an
19 officer or director of the bidder who is a family member of the
20 commissioner, is a person with whom the commissioner maintains
21 a close economic association, or is a person with whom the
22 commissioner maintains a close political association.

23 If a road district is eligible to be paid from or
24 reimbursed with federal-aid funds, grants, or loans, in whole
25 or in part, and the letting of a contract to the best value
26 bidder under this Section would result in the loss of those

1 federal-aid funds, grants, or loans, then the contract shall
2 be let to the lowest responsible bidder in accordance with
3 this Section.

4 As used in this Section:

5 "Best value" means the result determined by a procurement
6 method that considers price and other criteria reflecting an
7 objective and quantifiable analysis, including consideration
8 of some or all of the following factors: (1) the quality of the
9 bidder's performance on previous projects; (2) the timeliness
10 of the bidder's performance on previous projects; (3) the
11 level of customer satisfaction with the bidder's performance
12 on previous projects; (4) the bidder's record of performing
13 previous projects on budget and ability to minimize cost
14 overruns; (5) the bidder's ability to minimize change orders;
15 (6) the bidder's ability to prepare appropriate project plans;
16 (7) the bidder's technical capabilities; (8) the individual
17 qualifications of the bidder's key personnel; (9) the bidder's
18 ability to assess and minimize risks; (10) the bidder's
19 ability to meet the goals established by the commissioner for
20 the awarding of contracts to minority-owned businesses,
21 women-owned businesses, and businesses owned by persons with
22 disabilities; and (11) maintenance costs and life span of the
23 project.

24 "Family member" means the commissioner's spouse, children,
25 step-children, parents, step-parents, siblings,
26 step-siblings, half-siblings, sons-in-law, daughters-in-law,

1 grandparents, and grandchildren, as well as the parents and
2 grandparents of the commissioner's spouse and a person living
3 with the commissioner.

4 "Person with whom the commissioner maintains a close
5 economic association" means a person associated with the
6 commissioner in a partnership, association or professional
7 service corporation, whether as partner, officer, employee,
8 associate, or otherwise.

9 "Person with whom the commissioner maintains a close
10 political association" means a person who has made a campaign
11 contribution to a political committee supporting the
12 commissioner or a political committee of which the
13 commissioner is an officer, is a candidate or is an officer of
14 a political committee that has received a campaign
15 contribution from the commissioner, or is an officer of a
16 political committee supporting the commissioner.

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

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.