



Rep. Paul Jacobs

Filed: 3/16/2023

10300HB1727ham001

LRB103 27940 AWJ 58978 a

1 AMENDMENT TO HOUSE BILL 1727

2 AMENDMENT NO. _____. Amend House Bill 1727 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 5-1022. Competitive bids.

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

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

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

4 (3) by a contract let without advertising for bids in
5 the case of the expedited replacement of a disabled,
6 inoperable, or damaged patrol vehicle of the sheriff's
7 department if authorized by the county board.

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

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

26 (d) Notwithstanding the provisions of this Section, a

1 county may let without advertising for bids in the case of
2 purchases and contracts, when individual orders do not exceed
3 \$35,000, for the use, purchase, delivery, movement, or
4 installation of data processing equipment, software, or
5 services and telecommunications and inter-connect equipment,
6 software, and services.

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

1 upon its exercise, a security that confers such a right to
2 vote. A general partnership interest is a voting security.

3 (f) Bids submitted to, and contracts executed by, the
4 county may require a certification by the bidder or contractor
5 that the bidder or contractor is not barred from bidding for or
6 entering into a contract under this Section and that the
7 bidder or contractor acknowledges that the county may declare
8 the contract void if the certification completed pursuant to
9 this subsection (f) is false.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."