

HB0739



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0739

Introduced 2/7/2007, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

605 ILCS 10/16.1

from Ch. 121, par. 100-16.1

Amends the Illinois Highway Code. Makes a technical change in a provision regarding procurement.

LRB095 10365 DRH 30580 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Toll Highway Act is amended by changing
5 Section 16.1 as follows:

6 (605 ILCS 10/16.1) (from Ch. 121, par. 100-16.1)

7 Sec. 16.1. Procurement.

8 (A) All contracts for services or supplies required from
9 time to time by the Authority in the maintenance and operation
10 of any toll highway or part thereof under the provisions of
11 this Act or all direct contracts for supplies to be used in the
12 construction of any toll highway or part thereof to be awarded
13 under this Section, rather than as a part of a contract
14 pursuant to Section 16 of this Act, when the amount of any such
15 supplies or services is in excess of the sum of \$7,500 shall be
16 let to the lowest responsible bidder or bidders, on open,
17 competitive bidding after public advertisement made at least 5
18 days prior to the opening of bids, in a newspaper of general
19 circulation in any city of over 500,000 population, or in any
20 county through which the tollway passes, in such manner and on
21 one or more occasions as may be prescribed by the Authority,
22 except that bidding shall not be required in the following
23 cases:

1 1. Where the goods or services to be procured are
2 economically procurable from only one source, such as
3 contracts for telephone service, electric energy and other
4 public utility services, housekeeping services, books,
5 pamphlets and periodicals and specially designed business
6 equipment and software.

7 2. Where the services required are for professional,
8 technical or artistic skills.

9 3. Where the services required are for advertising,
10 promotional and public relations services.

11 4. In emergencies, provided that an affidavit of the
12 person or persons authorizing the expenditure shall be
13 filed with the Authority and the Auditor General within 10
14 days after such authorization setting forth the conditions
15 and circumstances requiring the emergency purchase, the
16 amount expended and the name of the vendor or contractor
17 involved; if only an estimate is available, however, within
18 the 10 days allowed for filing the affidavit, the actual
19 cost shall be reported immediately after it is determined.

20 5. In case of expenditures for personal services.

21 6. Contracts for equipment and spare parts in support
22 thereof for the maintenance and operation of any toll
23 highway, or any part thereof, whenever, the Authority
24 shall, by resolution, declare and find that a particular
25 make and type of equipment is required for efficient
26 maintenance and operation and proper servicing, for

1 uniformity in and integration with the spare parts program
2 and inventory control, or for other reasons peculiar to the
3 problems of the toll highway or its previously acquired
4 equipment; however, competition and competitive bids shall
5 be obtained by the Authority with respect to such specified
6 equipment or spare parts, insofar as possible, and when
7 effective, pursuant to public advertisement as
8 hereinbefore provided.

9 7. Contracts for insurance, fidelity and surety bonds.

10 8. Contracts or agreements for the completion of a
11 terminated or defaulted contract or agreement.

12 (B) The solicitation for bids shall be in conformance with
13 accepted business practices and the method of solicitation
14 shall be set out in detail in the rules and regulations of the
15 Authority.

16 (C) Proposals received pursuant to public advertisement
17 shall be publicly opened at the day and hour and at the place
18 specified in the solicitation for such bids.

19 (D) Successful bidders for such services and supplies shall
20 enter into contracts furnished and prescribed by the Authority.

21 (E) All purchases, contracts or other obligations or
22 expenditures of funds by the Authority shall be in accordance
23 with rules and regulations governing the Authority's
24 procurement practice and procedures and the Authority shall
25 promulgate and publish such practices and procedures in
26 sufficient number for distribution to persons interested in

1 bidding on purchases or contracts to be let by the Authority.
2 Such rules and regulations shall be kept on file with the
3 Secretary of the Authority at all times and shall be available
4 for inspection by members of the public at all reasonable times
5 and hours.

6 Such rules and regulations shall be filed and become
7 effective in connection with the Illinois Administrative
8 Procedure Act.

9 (F) Any contract entered into for purchase or expenditure
10 of funds of the Authority made in violation of this Act or the
11 rules and regulations in pursuance thereof is void and of no
12 effect.

13 (G) Warrant. All sellers to the Authority shall attach a
14 statement to the delivery invoice attesting that the standards
15 set forth in the contracts have been met. The statement shall
16 be substantially in the following form:

17 "The Seller,.... hereby certifies that the goods,
18 merchandise and wares shipped in accordance with the attached
19 delivery invoice have met all the required standards set forth
20 in the purchasing contract.

21(Seller)."

22 (H) Whoever violates the provisions of this Section, or the
23 rules and regulations adopted in pursuance thereof, is guilty
24 of a Class A misdemeanor.

25 (Source: P.A. 86-1164.)