

# **SPECIAL NOTICE**

## **Compliance with Public Act 96-0795 - New Bid Submittal Requirements**

The Illinois Tollway's contract books have been revised to comply with Public Act 96-0795, in anticipation of new requirements that will go into effect July 1, 2010. The Act makes significant revisions to the Illinois Procurement Code and restricts campaign contributions for vendors and bidders.

Compliance with Public Act 96-0795 will be an essential part of all Illinois Tollway contracts executed after the Act's effective date. These contracts will contain new forms that shall be completed and submitted with your bid. **Failure to meet the new requirements may cause your firm to be ineligible for a contract award or cause an awarded contract to be voided.**

Following are some of the key provisions of the Act:

### **New Certification/ Disclosure Form Requirements**

- The Prime contractor and any known subcontractor(s) must complete and submit all Certification/Disclosure forms required by the Illinois Procurement Code or other Illinois law at the time of bid (Revised Certification/Disclosure form included with bid documents).
- All contractors and subcontractors are required to disclose in their financial disclosure statement that they have not been debarred from any government contract, faced professional license discipline and/or tax evasion during the last 10 years (Revised Certification/Disclosure form included with bid documents).
- Prime contractor must identify, to the extent the information is known, names and addresses of all sub-contractors to be used in the performance of this contract, together with the anticipated amount of money that each sub-contractor is expected to receive pursuant to this contract. The Delinquent Debt Certification form has been modified to serve that purpose (This form is included as part of the Certification/Disclosure form packet).
- Prime vendor must provide the Tollway with a copy of any subcontract(s) as identified within twenty (20) days after execution of the contract if selected, or after execution of the subcontract, whichever is later.

### **New Disclosure and Transparency Provisions**

- Any written or oral communications received by a State employee that imparts or requests material information or makes a material argument regarding potential action concerning this procurement shall be reported by the State employee to the Procurement Policy Board, which shall post the report on its website.
- When an oral communication is made by a person required to register under the Lobbyist Registration Act (25 ILCS 170) and received by a State employee, all individuals who initiate or participate in the communication shall submit a written report to that State employee memorializing the communication and for reporting to the Procurement Policy Board. This provision is not intended to prohibit

communications with State employees regarding procurement matters, but rather only requires reporting of those communications when they occur.

- Any bidder using the services of a lobbyist to assist in obtaining a contract shall (1) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract, (2) not bill or otherwise charge the State for such and (3) certify that no such costs were billed to the State. This information must be filed with every bid submitted to the Tollway via the Certification/Disclosure forms and with the Secretary of State. The Chief Procurement Officer (CPO) will post the information along with the contract award notice on the public Procurement Bulletin.

### **Restriction on Vendors/Bidders/Contracts**

- No person or business is allowed to enter into a State contract if that person or business assisted the State in determining whether there is a need for a contract except in response to a request for information.
- No person or business shall retain a person or entity to attempt to influence the outcome of a procurement decision for compensation contingent on the award of the procurement.
- A business must be a legal entity and must be legally authorized to do business in Illinois before submission of a bid, offer or proposal.

### **Miscellaneous Provisions**

- Every bid submitted to and contract executed by the State, and every subcontract subject to Section 20-120 of the Procurement Code shall contain a certification by the bidder, contractor, or sub-contractor under this Section and acknowledges that the Chief Procurement Officer (CPO) may declare the related contract void if any of the certifications are false.
- Every contractor or subcontractor that has entered into a multi-year contract shall certify, by July 1<sup>st</sup> of each fiscal year that they continue to meet all statutory requirements to hold a State contract. If a conflict of interest is found related to a particular contract, the Procurement Policy Board (PPB) will recommend in writing whether to allow or void the contract. Once the PPB makes a recommendation to void a contract the CPO will not move towards continuing the contract or establishing a contract without a public hearing. The outcome of such hearing will be posted to the PPB bulletin.

This Notice does not provide a complete summary of every requirement of the new Act. Questions regarding the applicability or compliance requirements should be directed to your legal counsel. **Failure to meet the new requirements may cause your firm to be ineligible for a contract award or cause an awarded contract to be voided.**

The Illinois Tollway website at [www.illinoistollway.com](http://www.illinoistollway.com) under Doing Business: Bids: Construction provides additional information.