



ECOPY

Chairman: Jay Stewart  
Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black

January 17, 2014

Fred Hahn  
Chief Procurement Officer  
Capital Development Board  
377C Stratton Office Building  
Springfield, Illinois 62706

**Re: 50-35 Potential Conflict of Interest, Reference #810-028-024**

Dear Mr. Fred Hahn,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received January 17, 2014 and understand the facts to be as follows:

1. The Capital Development Board has issued a request for a review and comment on potential conflicts of interest disclosed by Pepper Construction Company.
2. The contract pertains to Phase 3, Utility Relocation for Building K, OCC, Greenhouse and Generator Shed Asbestos Abatement and Demolition at the College of DuPage.
3. Pepper Construction Company was selected using competitive sealed bid.
4. The disclosure form submitted on behalf of Pepper Construction Company Inc. indicates the following:
  - a. William J. McCarthy, part owner of Pepper, has a son, John David (Jack) McCarthy, who works in the City of Chicago's Office of the Mayor, primarily on economic development initiatives for the Mayor and Deputy Mayor.
5. The Capital Development Board confirmed that none of the disclosed individuals were in a position to influence the award of this contract. The Capital Development Board and CPO Fred Hahn indicate that it would be in the best interest of the State to approve this conflict of interest due to the using agency's needs and the value of the contract.

Based on the foregoing, you are requesting my review and comment pursuant to the Illinois Procurement Code.

Review and Comment

After careful review of the documentation provided, I do not view the relationships disclosed above as creating a conflict of interest sufficient to preclude the Illinois Capital Development Board from entering into a contract with Pepper Construction Company for the services outlined in your letter received January 17, 2014.

Sincerely,



Aaron Carter  
Executive Director

Cc: EEC General Counsel