



ECOPY

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

April 23, 2014

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

Re: 50-35 Potential Conflict of Interest, Project #630-000-157

Dear Mr. Hahn,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received April 23, 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 Winter Construction.
2. The contract pertains to various construction projects at the IDOT Maintenance Yard in Rockford.
3. Winter Construction was selected via competitive sealed bids.
4. The disclosure form submitted on behalf of Winter Construction indicates the following:
 - a. Mr. Winter is the Commissioner of the Freeport Planning Commission. He does not possess procurement decision authority in this position and receives no financial compensation for this position. Additionally, Mr. Winter is the Commissioner and Chairman of the City of Freeport Water & Sewer Commission. In this position he does have procurement decision authority, and receives an annual salary of \$500. The above referenced project is outside Mr. Winter's jurisdiction and procurement authority.
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 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 Capital Development Board from entering into a contract with Winter Construction for the services outlined in your letter received April 23, 2014.

Sincerely,

Aaron Carter
Executive Director

Cc: EEC General Counsel