



Chairman: David Vaught  
Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black

July 22, 2013

Bill Grunloh  
Chief Procurement Officer  
Illinois Department of Transportation  
Executive Ethics Commission  
2300 S. Dirksen Pkwy  
Room 200  
Springfield, Illinois 62764

**Re: 50-35 Potential Conflict of Interest, Reference #PTB 164-005**

Dear Mr. Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received July 22, 2013 and understand the facts to be as follows:

- 1) The Illinois Department of Transportation has issued a request for a review and comment on potential conflicts of interest disclosed by American Surveying & Engineering P.C.
- 2) The contract pertains to consultant services in Kane County.
- 3) American Surveying & Engineering P.C. was selected using consultant-subconsultant agreement.
- 4) The disclosure form submitted on behalf of American Surveying & Engineering P.C. indicates the following:
  - a. Coventine Fidis, owner of American Surveying, has disclosed his firm is a registered lobbyist. However, his firm did not lobby the Department in order to obtain this sub-consultant agreement. This is considered a potential conflict because the lobbying firm has an ownership or distributable income share in American Surveying as per 50-35(b) of the Procurement Code.
- 5) The Illinois Department of Transportation confirmed that none of the disclosed individuals were in a position to influence the award of this contract. The Illinois Department of Transportation and CPO Ben Bagby 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

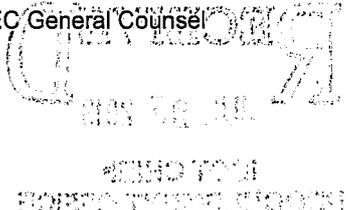
After careful review of the documentation provided, I do not view the relationships disclosed above as creating a conflict of interest sufficient to preclude The Illinois Department of Transportation from entering into a contract with American Surveying & Engineering P.C. for the services outlined in your letter received July 22, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Blount".

Will Blount  
Assistant Director

Cc: EEC General Counsel





# CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

July 22, 2013

Procurement Policy Board  
222 South College Street, Suite 231  
Springfield, IL 62704

RE: Conflict of Interest Disclosure – American Surveying & Engineering, P.C. (ASE), Sub-Consultant for Professional Transportation Bulletin 164, Item 5, with d'Escoto, Inc. being the Prime Consultant

Dear Mr. Carter:

Attached is the potential conflict of interest form for American Surveying & Engineering, P.C. (ASE), Sub-Consultant for Professional Transportation Bulletin 164, Item 5, with d'Escoto, Inc. being the Prime Consultant.

PTB 164-005 consists of consultant services in Kane County, and includes: Phase III engineering services required for construction inspection for the improvement of IL 25 from Dunham Road to Stearns Road. This improvement begins at a point on the alignment of IL 25 at the north approach of the IL 25 structure over Brewster Creek and extends towards Dunham Road for approximately a mile along IL 25/Stearns Road. The improvement also includes the intersections of Stearns Road and IL 25 and Gilbert Street at IL 25/Stearns Road.

Work includes but is not limited to, roadway widening and reconstruction to accommodate a four-lane divided arterial with a 30-foot grass median. Major intersections will be improved by adding turn lanes and include proposed traffic signal modernization and interconnection. This project also includes the replacement of the existing Union Pacific Railroad (UPRR) over IL 25/Stearns Road structure, the construction of a proposed IL 25/Stearns Road structure over the East Branch of Brewster Creek, a temporary shoo-fly structure for the UPRR over IL 25/Stearns Road, and a retaining wall in the northeast quadrant of the intersection of IL 25/Stearns Road/Gilbert Street intersection. Coordination with the Chicago Central and Pacific Railroad (CCPRR) to complete the proposed at-grade crossing is included. This project also includes drainage improvements, landscaping, and all incidental and collateral work necessary to complete the project.

Coventine Fidis, 100% Owner of ASE, has disclosed his firm is a registered lobbyist. However, his firm did not lobby the Department in order to obtain this sub-consultant agreement. This is considered a potential conflict because the lobbying firm has an ownership or distributable income share in ASE as per 50-35(b) of the Procurement Code.

This conflict has been reviewed by our office, and it has been determined that this is a potential and not actual conflict.

If you have any questions concerning this request, please contact Susan Dodd, Consultant Unit, Bureau of Design and Environment, at 217-782-1792.

Sincerely,

Gretchen Tucka,  
State Purchasing Officer

Enclosures

STATE OF ILLINOIS  
PROCUREMENT POLICY BOARD  
CONFLICT OF INTEREST REVIEW  
CHECKLIST

Please ensure that the following documents are included with your request:

- Cover letter with overview of the potential Conflict of Interest
- Conflict of Interest Review Request Form
- Copy of Proposed Contract\*
- Any Prequalification Information Submitted by the Vendor
- Prior Procurement Policy Board/Office of the Governor Conflict of Interest Review Letter for this Vendor
- Copy of the Disclosure/Certification Documents Submitted by the Vendor

\*may be the proposed contract sent in with a RFP response, a copy of the solicitation response, etc.

Please scan original documents\*\* with signatures and email to:

aaron.carter@illinois.gov  
cc: deanna.rossetto@illinois.gov

If you are unable to scan and email the original signed documents, please send to:

Procurement Policy Board  
222 South College Street, Suite 231  
Springfield, IL 62704

\*\*If you scan and email the original documents, please do not send the original documents to our office. Please keep the documents in your procurement file.

CONFLICT OF INTEREST REVIEW REQUEST FORM

The following information must be filled in as accurately and completely as possible. This form will be sent to the Procurement Policy Board providing essential information needed to review and determine if an actual conflict of interest exists, which is sufficient to preclude the State from entering into the attached proposed contract pursuant to section 50-35(d) of the Illinois Procurement Code.

CONTRACTING AGENCY INFORMATION

Using Agency: Department of Transportation
Address: 2300 S. Dirksen Parkway City/State: Springfield, IL
Contact Person: Susan Dodd Title: Consultant Unit
Phone: 217-782-1792 Fax: 217-524-9327
Email: susan.dodd@illinois.gov

VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: [ ] Prime Vendor [X] Sub-contractor
Name of Vendor: American Surveying & Engineering, P.C.
Address: 105 W. Madison Street, Ste. 1700 City/State: Chicago, IL
Contact Person: Coventine Fidis Title: Owner
Phone: 312-277-2000 Fax: 312-277-2002
Email: c.fidis@americansurvey.com
Procurement Bulletin Reference Number: PTB 164-05 Date Posted to Bulletin:

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: PTB 164-005 consists of consultant services in Kane County, and includes:Phase III engineering services for construction inspection for the improvement of IL 25 from Dunham Road to Stearns Road. This improvement begins at a point on the alignment of IL 25 at the north approach of the IL 25 structure over Brewster Creek and extends towards Dunham Road for approximately a mile along IL 25/Stearns Road. The improvement also includes the intersections of Stearns Road and IL 25 and Gilbert Street and IL 25/Stearns Road. Work includes but is not limited to, roadway widening and reconstruction toaccommodate a four-lane divided arterial with a 30-foot grass median. Major intersections will be improved by adding turn lanes and include proposed traffic signal modernization and interconnection. The proposed pavement is jointed PCC with a thickness of 10" on IL 25/Stearns Road with curb and gutter. Gilbert Street and the south 500 feet of IL 25 will consist of full-depth HMA. This project also includes the replacement of the existing Union PacificRailroad (UPRR) over IL 25/Stearns Road structure, the construction of a proposed IL 25/Stearns Road structure over the East Branch of Brewster Creek, the construction of a temporary shoo-fly structure for the UPRR over IL 25/Stearns Road and a retaining wall in the northeast quadrant of the intersection of IL 25/Stearns Road/Gilbert Street intersection. Coordination with the Chicago Central and Pacific Railroad (CCPRR) to complete the proposed at-grade crossing is included. This project also includes drainage improvements consisting of open ditches and a closed drainage system, landscaping, and all incidental and collateral work necessary to complete the project as shown on the plans and as described herein. The Consultant's work includes, but is not limited to, providing staff, vehicles and appropriate test equipment necessary to complete this project. The Consultant will furnish a Liaison Engineer and an adequate staff to perform the duties required to fulfill the engineering requirements in accordance with the departmental policies for this project.

Total Contract Amount (Estimate if actual is unknown): \$ Sub Amount: \$54,965; Prime Amount: \$1,164,063; Other subs: \$889,734. Total cost: \$2,108,762

Contract Begin Date: upon authorization to proceed is received. Contract End Date: N/A

Describe any Renewal Options (i.e. One 2-year Option): No

PROCUREMENT PROCESS

What was the method of procurement used to select this vendor? Consultant-Sub Consultant Agreement

If this vendor was selected using a competitive process, how many vendors responded to the bid? N/A

Were any vendors disqualified? N/A If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? N/A

Were there any instances of low vendor rejections? N/A If yes, please explain why.

EXPLANATION OF POTENTIAL CONFLICTS OF INTEREST

For each individual identified as causing a potential conflict of interest, include the following information: name, relationship (if applicable), Agency of State employment, start date, job title and responsibilities. Indicate if any of the named individuals earn more than \$106,447.20 and explain the potential conflict of interest.

Coventine Fidis, 100% Owner of ASE, has disclosed his firm is a registered lobbyist. However, his firm did not lobby the Department in order to obtain this sub-consultant agreement. This is considered a potential conflict because the lobbying firm has an ownership or distributable income share in ASE as per 50-35(b) of the Procurement Code.

If a prime vendor, did they disclose their use of lobbyists?  Yes  No
If yes, did the lobbyists lobby on behalf of the vendor to secure this contract?  Yes  No

PROVIDE A WRITTEN STATEMENT SIGNED BY THE AGENCY REPRESENTATIVE FOR YOUR AGENCY STATING:

- 1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

This conflict has been reviewed by Mr. Tim Morris of the Office of Chief Counsel, and it has been determined that this is a potential conflict.

- 2. Why is it in the best interest of the State to proceed with this contract.

This is for re-design of a state right of way. This is essential for safe passage of the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE

Susan M. Dodd
Agency/University Representative Signature

Susan Dodd
Agency/University Representative Printed Name

7/22/2013
Date

217.782.1792
Agency/University Representative Telephone

susan.dodd@illinois.gov
Agency/University Representative Email Address

CPO SIGNATURE REQUIRED

Bill Grunloh
CPO Signature

Bill Grunloh
CPO Printed Name

7/22/2013
Date

217.558.5434
CPO Telephone Number

bill.grunloh@illinois.gov
CPO Email Address