STATE OF ILLINOIS
PPB
PROCUREMENT POLICY BOARD

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

August 5, 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, Prime Contract #74474

Dear Mr. Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received August 5, 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 Asphalt Stone Company.

2) The contract pertains to the contract for construction related services for Shelby County.

3) Asphalt Stone Company was selected using contractor-subcontractor agreement.

4) The disclosure form submitted on behalf of Asphalt Stone Company indicates the following:

    a. James C. Davidsmeyer, an individual maintaining an ownership interest of at least 5% in Asphalt Stone Company, has disclosed that his wife, Peggy S. Davidsmeyer, is employed by the Illinois Department of Human Services. She does not earn an income/compensation in excess of 60% of the Governor's salary for this position and did not influence the competitively sealed bidding process.

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 Bill Grunloh 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 Asphalt Stone Company for the services outlined in your letter received August 5, 2013.

Sincerely,

Aaron Carter
Executive Director

Cc: EEC General Counsel

222 SOUTH COLLEGE STREET, SUITE 231, SPRINGFIELD, IL 62704
Telephone: (217) 785-3988 Fax: (217) 557-9927 TTY: (888) 642-3450

CHIEF PROCUREMENT OFFICE
Bill Grunloh, Department of Transportation - Highway Construction

July 31, 2013

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

RE: Conflict of Interest Disclosure Asphalt Stone Company, Sub-Contractor for a contract (74474) from the June 14, 2013 letting

Mr. Carter:

Attached is a conflict of interest form for Asphalt Stone Company, a sub-contractor for Howell Paving Inc. (Howell), the lowest responsible bidder who was also responsive for a construction contract advertised on the June 14, 2013 letting by the Department of Transportation. Prime Contract 74474 consists of construction related services in Shelby County, and includes: patching, milling, and resurfacing along Illinois Route 16 from Washington Street in Shelbyville to Illinois Route 32. Asphalt Stone Company will be installing rumble strips, performing earthwork, and performing HMA removal.

Howell was selected via competitively sealed bidding process. A description of the contract and low bid amount is enclosed with this letter and conflict of interest checklist. This contract is in the Department's interests of maintaining safe passageway to ensure the safety of the motoring public.

James C. Davidsmeyer, an individual maintaining an ownership interest of at least 5% in Asphalt Stone Company, has disclosed that his wife, Peggy S. Davidsmeyer, is employed by the Illinois Department of Human Services. She does not earn an income/compensation in excess of 60% of the Governor's salary for this position and did not influence the competitively sealed bidding process.

This conflict has been reviewed by our office, and it has been determined that this is not an actual conflict and will not interfere in the execution of these contracts.

If you have any questions concerning this request, please contact Michael Copp of the Bureau of Construction, at 217-782-3413.

Sincerely,

Gretchen Tucka,
State Purchasing Officer

Enclosures

2300 South Dirksen Parkway • 200 Hanley Building • Springfield, IL 62706
P: (217) 558-5434 • F: (217) 557-5445

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:	Michael D. Copp	Title:	Prequalification Engineer
Phone:	217-782-3413	Fax	217-524-4922
Email:	michael.copp@illinois.gov		

VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: ☐ Prime Vendor ☒ Sub-contractor

Name of Vendor:	Asphalt Stone Company		
Address:	PO Box 1060	City/State:	Jacksonville, IL
Contact Person:	Jeff Davidsmeyeer	Title:	President
Phone:	217-245-6181	Fax:	217-245-0604
Email:	ircts@icrgrp.com		

Procurement Bulletin Reference Number: Prime Contract # 74474 Date Posted to Bulletin:

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: . Prime Contract 74474 consists of construction related services in Shelby County, and includes: patching milling and resurfacing along Illinois Route 16 from Washington Street in Shelbyville to Illinois Route 32.

Total Contract Amount (Estimate if actual is unknown): $ Prime Contract Amount: $3,117,727.70

Contract Begin Date: Upon authorization to proceed is received. Contract End Date:

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

PROCUREMENT PROCESS

What was the method of procurement used to select this vendor? Contractor-Subcontractor Agreement

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

Were any vendors disqualified? NA If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? NA

Were there any instances of low vendor rejections? NA 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.

James C. Davidsmeyer, an individual maintaining an ownership interest of at least 5% in Asphalt Stone Company, has disclosed that his wife, Peggy S. Davidsmeyer, is employed by the Illinois Department of Human Services. She does not earn an income/compensation in excess of 60% of the Governor's salary for this position and did not influence the competitively sealed bidding process.

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.

The conflict disclosed by Mr. Davidsmeyer is potential and not actual. The position held by the aforementioned individual's spouse does not interfere with the competitive sealed bidding process nor did it improperly influence Asphalt Stone being chosen as a subcontactor.

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

This maintains a State right of way for the safe travel of the motoring public. This is in line with the Department's mission.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE

Michael D. Copp	Michael D. Copp	7/31/2013
Agency/University Representative Signature	Agency/University Representative Printed Name	Date
217.782.3413	michael.copp@illinois.gov	
Agency/University Representative Telephone	Agency/University Representative Email Address	

CPO SIGNATURE REQUIRED

	Bill Grunloh	7/31/2013
CPO Signature	CPO Printed Name	Date
217.558.5434	bill.grunloh@illinois.gov	
CPO Telephone Number	CPO Email Address	