



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

March 15, 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, from the March 8, 2013 Letting, Items 52, 55 and 107**

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received March 15, 2013 and understand the facts to be as follows:

- 1) The Illinois Department of Transportation (DOT) has issued a request for a review and comment on potential conflicts of interest disclosed by E.T. Simonds Construction Co.
- 2) The contract pertains to the contract for construction related services in Jefferson, Massac and White Counties.
- 3) E.T. Simonds Construction Co. was selected via competitive sealed bid sub contractor agreement.
- 4) The disclosure form submitted on behalf of E.T. Simonds Construction Co. indicates the following:
  - a. Kathryn S. Stevens, who has 13.001% ownership stock in Vendor, has a spouse who is employed as an aviation mechanic with SIU-Carbondale since August 1, 2012. His annual salary is \$38,736.00.
- 5) DOT confirmed that none of the disclosed individuals were in a position to influence the award of this contract. DOT 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 DOT from entering into a contract with E.T. Simonds Construction Co. for the services outlined in your letter received March 15, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Carter", is written over a horizontal line.

Aaron Carter  
Executive Director

Cc: EEC General Counsel

A faint, circular stamp or seal is visible in the lower right quadrant of the page. The text within the stamp is illegible due to fading.



# CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

March 14, 2013

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

RE: Conflict of Interest Disclosure E.T. Simonds Construction Company, Inc., lowest responsible and responsive bidder for Items 52, 55 & 107 from the March 8, 2013 letting

Mr. Carter:

Attached is the potential conflict of interest form for E.T. Simonds Construction Company, Inc., the lowest responsible bidder who was also responsive for three construction contracts advertised on the March 8, 2013 letting by the Department of Transportation. Item 52 consists of construction related services in Jefferson County, and includes: 1.88 miles of HMA resurfacing, aggregate shoulders and striping located on CH 5 from 1.4 miles South of IL 142 to TR 441. Item 55 consists of construction related services in Massac County, and includes: HMA resurfacing, aggregate shoulders, pavement striping and all other incidental items to complete the work on FAS Route 937 (CH 4 and CH 5) starting at the EEI entrance extending west and north about 3 miles. Item 107 consists of construction related services in White County, and includes: replacing the structure (S.N. 097-0007) carrying Illinois Route 1 over McHenry Slough located east of Carmi.

These contracts are in the Department's interest of maintaining safe structure and road passageway to ensure the safety of the motoring public.

Kathryn Stevens, an individual with an ownership interest in excess of 5%, has disclosed her spouse Brent Stevens is employed by SIU Carbondale as an Aviation Mechanic. Mr. Steven's salary at SIU-C is not in excess of 60% of the Governor's salary 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 this contract.

If you have any questions concerning this request, please contact Jim Layden of the Bureau of Design and Environment, at 217-782-7806.

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: Jim Layden Title: Acting Chief Contracts Official  
Phone: 217.782.7806 Fax: 217.785.1141  
Email: jim.layden@illinois.gov

### VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is:  Prime Vendor  Sub-contractor

Name of Vendor: ET Simonds Construction Company

Address: 1500 North Oakland Avenue City/State: Carbondale, IL  
Contact Person: Edward Simonds Title: President  
Phone: 618-847-8191 Fax: 618-549-0131  
Email: jjones@etsimonds.com

Procurement Bulletin Reference Number: <sup>Letting Items</sup> 52,55,107 Date Posted to Bulletin: 2/1/2013

### CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Item 52 consists of construction related services in Jefferson County, and includes: 1.88 miles of HMA resurfacing, aggregate shoulders and striping located on CH 5 from 1.4 miles South of IL 142 to TR 441. Item 55 consists of construction related services in Massac County, and includes: HMA resurfacing, aggregate shoulders, pavement striping and all other incidental items to complete the work on FAS Route 937 (CH 4 and CH 5) starting at the EEI entrance extending west and north about 3 miles. Item 107 consists of construction related services in White County, and includes: replacing the structure (S.N. 097-0007) carrying Illinois Route 1 over McHenry Slough located east of Carmi.

Total Contract Amount (Estimate if actual is unknown): \$ Item 52: 356,240.56; Item 55: \$388,828.83; Item 107: \$1,974,130.86

Contract Begin Date: Upon Authorization to Proceed is Received. Must receive approval within 45 days after date of letting. Contract End Date: Item 52: 20 Working Days; Item 55: 25 Working Days; Item 107: 110 Working Days

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

### PROCUREMENT PROCESS

What was the method of procurement used to select this vendor? Competitive Sealed Bidding

If this vendor was selected using a competitive process, how many vendors responded to the bid? Item 52: 2 total; Item 55: 3 total; Item 107: 3 total bidders

Were any vendors disqualified? No

If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? No

Were there any instances of low vendor rejections? No 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.

Kathryn Stevens, an individual with an ownership interest in excess of 5%, has disclosed her spouse Brent Stevens is employed by SIU Carbondale as an Aviation Mechanic. Mr. Steven's salary at SIU-C is not in excess of 60% of the Governor's salary 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.

This is not an actual conflict. Mr. Stevens has no ability to interfere in the competitively sealed bidding process. The Competetively Sealed Bidding Process is designed to remove any potential for interference. Mr. Stevens will also not interfere with the execution of these Letting Items by E.T. Simonds.

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

These are for State Route maintenance, repair, resurfacing. This is central to the Department's mission of providing safe travel for the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE



Agency/University Representative Signature

Michael Layden

Agency/University Representative Printed Name

3/14/2013

Date

217.782.7806

Agency/University Representative Telephone

jim.layden@illinois.gov

Agency/University Representative Email Address

CPO SIGNATURE REQUIRED



CPO Signature

Bill Grunloh

CPO Printed Name

3/14/2013

Date

217.558.5434

CPO Telephone Number

jim.layden@illinois.gov

CPO Email Address