



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

May 29, 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 May 24, 2013 Special Letting, Items 59 and 70**

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received May 29, 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 Perry, Randolph, and Hamilton 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 May 29, 2013.

Sincerely,

Aaron Carter  
Executive Director

Cc: EEC General Counsel



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

May 29, 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 59 & 70 from the May 24, 2013 Special 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 two construction contracts advertised on the May 24, 2013 Special Letting by the Department of Transportation. Item 59 consists of construction related services in Perry County, and includes: 3P resurfacing on Illinois Route 154 from the Randolph County Line to Walnut Street in Pinckneyville. Item 70 consists of construction related services in Hamilton County, and includes: PCC overlay with an aggregate wedge shoulder and pavement markings, from IL 142 easterly for 3.13 miles.

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 our office, and it has been determined 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 Jim Layden of the Bureau of Design and Environment, Plans and Contracts Unit, 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: [X] 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: Letting Items 59, 70 Date Posted to Bulletin: 4/26/2013

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Item 59 consists of construction related services in Perry County, and includes: 3P resurfacing on Illinois Route 154 from the Randolph County Line to Walnut Street in Pinckneyville. Item 70 consists of construction related services in Hamilton County, and includes: PCC overlay with an aggregate wedge shoulder and pavement markings, from IL 142 easterly for 3.13 miles.

Total Contract Amount (Estimate if actual is unknown): \$ Item 59:3,069,078.18; Item 70: \$688,821.98

Contract Begin Date: Upon Authorization to Proceed is Received. Must receive approval within 45 days after date of letting. Contract End Date: Item 59: 80 Working Days; Item 70: 40 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 59: only 1; Item 70: 3 total.

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 Competitively 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

5/29/2013

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

5/29/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address