



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

May 14, 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 April 26, 2013 Letting, Items 90, 92 and 183

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 13, 2013 and understand the facts to be as follows:

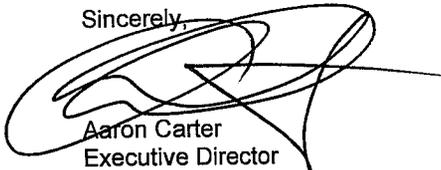
- 1) The Illinois Department of Transportation (DOT) has issued a request for a review and comment on potential conflicts of interest disclosed by E.T. Simonds Construction Co.
- 2) The contract pertains to the contract for construction related services in Perry, Alexander, White, and Williamson Counties.
- 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 13, 2013.

Sincerely,



Aaron Carter
Executive Director

Cc: EEC General Counsel



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

May 9, 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 90, 92, & 183 from the April 26, 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 April 26, 2013 letting by the Department of Transportation.

Letting Item 90 consists of construction related services in Perry County, and includes: widening the northeast quadrant of Illinois Route 127 located on the north leg of the Pinckneyville square. Item 92 consists of construction related services in Alexander County, and includes: patching and resurfacing on 3.5 miles of Illinois Route 3/U.S. Route 51 from 0.9 mile west of Interstate 57 to 34th Street in Cairo. Item 183 consists of construction related services in White and Williamson Counties, and includes: patching on Interstate 64 from M.P. 125.5 to M.P. 130 at the Wabash River Bridge and on Herrin Road from west of Collins Road to Prosperity Avenue. 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, 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 90,92,183 Date Posted to Bulletin: 3/27/2013

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: .Letting Item 90 consists of construction related services in Perry County, and includes: consists of widening the northeast quadrant of Illinois Route 127 located on the north leg of the Pinckneyville square. Item 92 consists of construction related services in Alexander County, and includes: patching and resurfacing on 3.5 miles of Illinois Route 3/U.S. Route 51 from 0.9 mile west of Interstate 57 to 34th Street in Cairo. Item 183 consists of construction related services in White and Williamson Counties, and includes: patching on Interstate 64 from M.P. 125.5 to M.P. 130 at the Wabash River Bridge and on Herrin Road from west of Collins Road to Prosperity Avenue. These contracts are in the Department's interest of maintaining safe structure and road passageway to ensure the safety of the motoring public.

Total Contract Amount (Estimate if actual is unknown): \$ Item 90: 108,514.24; Item 92: 1,293,726.09; Item 183:190,161.13
Contract Begin Date: Upon Authorization to Proceed is Received. Must receive approval within 45 days after date of letting. Contract End Date: Item 90: 15 Working Days; Item 92: 57 Working Days; Item 183: 15 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 90: 2 total; Item 92: 2 total; Item 183: 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:

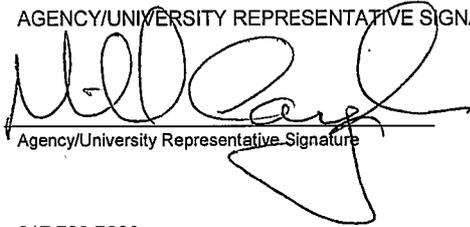
1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

This is not an actual conflict. Mr. Stevens has no ability to interfere in the competitively sealed bidding process. The 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

5/9/2013

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

5/9/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address