



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

May 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 April 26, 2013 Letting, Item 187

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 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 Gleeson Asphalt.
- 2) The contract consists of construction and related services in Madison County.
- 3) Gleeson Asphalt was selected using Competitive Sealed Bidding.
- 4) The disclosure form submitted on behalf of Gleeson Asphalt indicates the following:
 - a. Andrew Gleeson, St. Clair County, started approximately 6 years ago, title – Circuit Clerk Judge, responsibility – Judge. Mr. Gleeson is only part owner of the business. He resigned as officer of the company when he became Judge and does not control any daily activities of the business.
- 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 Gleeson Asphalt for the services outlined in your letter received May 13, 2013.

Sincerely,

A handwritten signature in black ink, appearing to be "Aaron Carter", written over a circular stamp. The signature is written in a cursive, somewhat stylized font.

Aaron Carter
Executive Director

Cc: EEC General Counsel

STATE OF ILLINOIS
EXECUTIVE ETHICS COMMISSION



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 Gleeson Asphalt, Inc., lowest responsible and responsive bidder for Item 187 from the April 26, 2013 letting

Mr. Carter,

Attached is the potential conflict of interest form for Gleeson Asphalt, Inc.(Gleeson), the lowest responsible bidder who was also responsive for a construction contract advertised on the April 26, 2013 Letting by the Department of Transportation. Letting Item 187 consists of construction related services in Madison County, and includes: grading, construction of concrete sidewalk, detectable warning panels, concrete driveway pavement, storm sewer, striping, signage, seeding and all other incidental items to complete the work on Camelot Drive from Keebler Road to the Renfro School in the City of Collinsville.

Gleeson Asphalt, Inc., was selected via competitively sealed bidding process. A description of the contracts and low bid amounts are enclosed with this letter and conflict of interest checklist. This contract is in the Department's interests of maintaining safe roadways and structures to ensure the safety of the motoring public.

Andrew Gleeson, an individual with an interest in Gleeson greater than the statutory thresholds, has disclosed he is an Associate Judge of Saint Clair County Circuit Court. The income Mr. Gleeson collects from his position is greater than 60% of the Governor's salary. However, Mr. Gleeson, even from his appointed status as St. Clair County Circuit Judge, is not in a position to influence the competitive 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: Chief Contracts Official

Phone: 217-782-7806 Fax: 217-785-1141

Email:

VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: Prime Vendor Sub-contractor

Name of Vendor: Gleeson Asphalt, Inc.

Address: 2800 W. Main Street City/State: Belleville, IL

Contact Person: Dennis Gleeson Title: President

Phone: 618-235-7600 Fax: 618-235-9369

Email: not provided

Procurement Bulletin Reference Number: Letting Item 187 Date Posted to Bulletin: 3/27/2013

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Letting Item 187 consists of construction related services in Madison County, and includes: grading, construction of concrete sidewalk, detectable warning panels, concrete driveway pavement, storm sewer, striping, signage, seeding and all other incidental items to complete the work on Camelot Drive from Keebler Road to the Renfro School in the City of Collinsville.

Total Contract Amount (Estimate if actual is unknown): \$ 259,246.33

Contract Begin Date: Upon authorization to proceed is received. Department must proceed with in 45 days of Letting Date. Contract End Date: 30 Working Days

Describe any Renewal Options (i.e. One 2-year Option): None

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? 9 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.

Andrew Gleeson, an individual with an interest in Gleeson greater than the statutory thresholds, has disclosed he is an Associate Judge of Saint Clair County Circuit Court. The income Mr. Gleeson collects from his position is greater than 60% of the Governor's salary. However, Mr. Gleeson, even from his appointed status as St. Clair County Circuit Judge, is not in a position to influence the competitive 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. While Mr. Gleeson is a judge, he did not influence the procurement process.

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

This is for maintenance and repair of the States' rights of ways. This is central to the Department's mission.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE


Agency/University Representative Signature

Michael Layden
Agency/University Representative Printed Name

5/14/2013
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

5/14/2013
Date

217.558.5434
CPO Telephone Number

bill.grunloh@illinois.gov
CPO Email Address