

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

January 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, January 18, 2013 Letting, Item 87

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received January 29, 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 Kilian Corporation.
- 2) The contract pertains to the contract for construction related services in Madison County.
- 3) Kilian Corporation was selected using Competitive Sealed Bidding.
- 4) The disclosure form submitted on behalf of Kilian Corporation indicates the following:
 - a. Kenneth J. Kilian has disclosed that he is an elected member of the Mascoutah School District #19 School Board. This being disclosed in response to item 2(c) of the Form A Financial Interest Disclosure.
- 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 Kilian Corporation for the services outlined in your letter received January 29, 2013.

Sincerely,

Aaron Carter
Executive Director

Cc: EEC General Counsel



CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

January 28, 2013

Procurement Policy Board
511 West Capital Ave. Suite 102
Springfield, IL. 62704

Attn: Aaron Carter

RE: Conflict of Interest Disclosure The Kilian Corporation, lowest responsible and responsive bidder for one contract from the January 18, 2013 letting

Dear Mr. Carter:

Attached is the potential conflict of interest form for The Kilian Corporation, the lowest responsible bidder who was also responsive for one construction contract advertised on the January 18, 2013 letting by the Department of Transportation. Letting Item 87 consists of construction related services in Madison County, and includes: resurfacing, ramp repairs, and minor bridge repairs on Interstate 255 from Collinsville Road to 0.6 mile north of Horseshoe Lake Road for a project length of 2.7 miles.

The Kilian Corporation 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 interest of maintaining safe bridges to ensure the safety of the motoring public.

Kenneth J. Kilian has disclosed that he is an elected member of the Mascoutah School District #19 School Board. This is being disclosed in response to Item 2(c) of the Form A Financial Interest Disclosure.

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

*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
511 W. Capitol Avenue, Suite 102
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 South Dirksen Parkway City/State: Springfield, Illinois
Contact Person: Jim Layden Title: Chief Contracts Official
Phone: 217.782.7806 Fax: 217.785.1141
Email: Jim.Layden@illinois.gov

SELECTED VENDOR INFORMATION

Name of Vendor: The Kilian Corporation
Address: 608 S. Independence, P.O. Box A City/State: Mascoutah, IL
Contact Person: Kenneth J. Kilian Title: Secretary
Phone: 618.566.2000 Fax: 618.566.2314
Email: saweier@kiliancorp.com

Procurement Bulletin Reference Number: Letting Items 87, Date Posted to Bulletin: 12/7/2012

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Letting Item 87 consists of construction related services in Madison County, and includes: resurfacing, ramp repairs, and minor bridge repairs on Interstate 255 from Collinsville Road to 0.6 mile north of Horseshoe Lake Road for a project length of 2.7 miles.

Total Contract Amount (Estimate if actual is unknown): \$ 15,522,716.01

Contract Begin Date: Upon Authorization to Proceed is Received. Must receive approval within 65 days after date of letting. Contract End Date: 11/01/13+30 Working Days.

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

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? 2 total bidders.
Were any vendors disqualified? No If yes, please explain why.
If a multiple award, how many vendors were awarded a contract? Not a multiple award.
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.

Kenneth J. Killian has disclosed that he is an elected member of the Mascoutah School District #19 School Board. This is being disclosed in response to Item 2(c) of the Form A Financial Interest Disclosure.

PROVIDE A WRITTEN STATEMENT SIGNED BY THE STATE PURCHASING OFFICER (SPO) 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. Killian has no ability to interfere in the competitively sealed bidding process. The Competitively Sealed Bidding Process is designed to remove any potential for interference.

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

These construction projects are for resurfacing of State maintained right of ways. This is central to the Department's mission of maintaining the State's right of ways for safe passage by the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE



Agency/University Representative Signature

Michael Layden

Agency/University Representative Printed Name

1/28/2013

Date

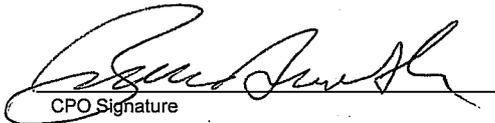
217.782.7806

Agency/University Representative Telephone

jim.layden@illinois.gov

Agency/University Representative Email Address

CPO SIGNATURE REQUIRED



CPO Signature

Bill Grunloh

CPO Printed Name

1/28/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address