



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, Item 65**

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 has issued a request for a review and comment on potential conflicts of interest disclosed by The Kilian Corporation.
- 2) The contract pertains to construction related services in St. Clair County.
- 3) The Kilian Corporation was selected using the competitive sealed bidding/contractor-subcontractor agreement process.
- 4) The disclosure form submitted on behalf of The Kilian Corporation indicates the following:
  - a. Kenneth J. Kilian, 33.3% owner of The Kilian Corporation, disclosed that he is an elected member of the Mascoutah School District 19 School Board.
- 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 The Kilian Corporation 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 The Kilian Corporation, lowest responsible and responsive bidder for Item 65 from the May 24, 2013 Special Letting

Mr. Carter:

Attached is the potential conflict of interest form for The Kilian Corporation, the lowest responsible bidder who was also responsive for Letting Item 65 advertised on the May 24, 2013 Special Letting by the Department of Transportation. Letting Item 65 consists of construction related services in St. Clair County, and includes: construction of 0.5 mile bike trail with HMA surface course on an aggregate base, prefabricated pedestrian bridge, signalization, pavement markings and culverts located South of IL Route 161 to Centennial Park in the Village of Swansea.

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 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:  Prime Vendor  Sub-contractor  
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: Item 65 Date Posted to Bulletin: 4/26/2013

### CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Letting Item 65 consists of construction related services in St. Clair County, and includes: construction of 0.5 mile bike trail with HMA surface course on an aggregate base, prefabricated pedestrian bridge, signalization, pavement markings and culverts located South of IL Route 161 to Centennial Park in the Village of Swansea.

Total Contract Amount (Estimate if actual is unknown): \$ 443,906.73

Contract Begin Date: Upon Authorization to Proceed is received. Must award upon 45 days of opening the bid. Contract End Date: 50 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? 7 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.

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.

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. Kilian has no ability to interfere in the competitively sealed bidding process. The Competetively 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.

This is for maintenance of State's 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

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