



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

March 19, 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, March 8, 2013 letting item 95

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received March 18, 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 Mott Excavating, Inc.
- 2) The contract pertains to the contract for construction related services in Peoria County.
- 3) Mott Excavating, Inc was selected using Competitive Sealed Bidding.
- 4) The disclosure form submitted on behalf of Mott Excavating, Inc indicates the following:
 - a. Danell Mott and Morris Mott, both individuals with an ownership interest in excess of 5%, have disclosed that Danell Mott (spouse of Morris) holds an elected position as Supervisor of Assessments for Johnson County Illinois. Mrs. Mott does not earn an income in excess of 60% of the Governor's salary and did not influence the competitively sealed bidding process.
- 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 Mott Excavating, Inc for the services outlined in your letter received March 18, 2013.

Sincerely,

Aaron Carter
Executive Director

Cc: EEC General Counsel



CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

March 18, 2013

Procurement Policy Board
222 South College Street, Suite 231
Springfield, IL 62704

RE: Conflict of Interest Disclosure Mott Excavating, Inc., low bidder for Item 95 from the March 8, 2013 letting

Mr. Carter:

Attached are the potential conflict of interest forms for Mott Excavating, Inc., the lowest responsible bidder who was also responsive for two construction contracts advertised on the March 8, 2013 letting by the Department of Transportation. Letting Item 95 consists of construction related services in Peoria County, and includes: landscape maintenance along Interstate 74 from Ellis Street to the Illinois River in Peoria. This ensures proper appearance of the roadways and promotes better visibility on the Interstate Highways so the motoring public can travel safely.

Mott Excavating was selected via competitively sealed bidder process for this contract. A description of the contract and low bid amount is enclosed with this letter and conflict of interest checklist.

Danell Mott and Morris Mott, both individuals with an ownership interest in excess of 5%, have disclosed that Danell Mott (spouse of Morris) holds an elected position as Supervisor of Assessments for Johnson County Illinois. Mrs. Mott does not earn an income 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: Mott Excavating, Inc.
Address: P.O. Box 613 City/State: Vienna, Illinois
Contact Person: Morris Mott Title: President
Phone: 618.658.2605 Fax: 618.658.3214
Email: mottexc@yahoo.com
Procurement Bulletin Reference Number: Letting Item 95 Date Posted to Bulletin: 2/1/2013

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Letting Item 95 consists of construction related services in Peoria County, and includes: landscape maintenance along Interstate 74 from Ellis Street to the Illinois River in Peoria. This ensures proper appearance of the roadways and promotes better visibility on the Interstate Highways so the motoring public can travel safely.

Total Contract Amount (Estimate if actual is unknown): \$ 118,399.45
Contract Begin Date: Upon authorization to proceed is received. Must award 45 days after opening of bid. Contract End Date: 6/30/13

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? 1
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.

Danell Mott and Morris Mott, both individuals with an ownership interest in excess of 5%, have disclosed that Danell Mott (spouse of Morris) holds an elected position as Supervisor of Assessments for Johnson County Illinois. Mrs. Mott does not earn an income 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:

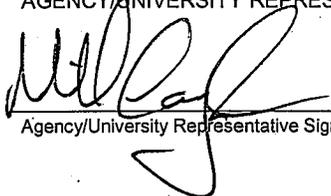
1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

This is not an actual conflict. Mrs. Mott has no ability to interfere in the competitively sealed bidding process. The Competetively Sealed Bidding Process is designed to remove any potential for interference. Mrs. Mott will also not interfere with the execution of this Letting Item by Mott Excavating, Inc.

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

This is for maintenance on the State's interstate highways for weed control in order to promote better visibility on the highways. This helps facilitate travel for the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE



Agency/University Representative Signature

Michael Layden
Agency/University Representative Printed Name

3/18/2013
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

3/18/2013
Date

217.558.5434
CPO Telephone Number

bill.grunloh@illinois.gov
CPO Email Address