



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

April 3, 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, Contract #70968 from the November 9, 2012 Letting

Dear Mr. Bill Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received April 2, 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 Open Road Paving LLC.
2. The contract pertains to the contract for construction related services for Vermilion County.
3. Open Road Paving LLC was selected via Competitive Sealed Bid/Contractor-Subcontractor agreement.
4. The disclosure form submitted on behalf of Open Road Paving LLC indicates the following:
 - a. Kathleen Crawmer, Timothy Crawmer and Charles Crawmer, all individuals with an ownership interest in excess of 5% of O'Neil Brothers, a corporate subsidiary of Open Road Paving, have disclosed that Mr. Dan Crawmer (spouse of Kathleen and father to Timothy and Charles) works for the University of Illinois, Department of Real Estate. Mr. Crawmer 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 Open Road Paving LLC for the services outlined in your letter received April 2, 2013.

Sincerely,

Will Blount
Assistant Director

Cc: EEC General Counsel



CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

April 1, 2013

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

RE: Conflict of Interest Disclosure – Open Road Paving, L.L.C., Sub-Contractor for Prime Contract 70968 from the November 9, 2012 letting

Dear Mr. Carter:

Attached is the potential conflict of interest form for Open Road Paving, L.L.C., a sub-contractor for Stark Excavating, Inc. (Stark), the lowest responsible bidder who was also responsive for a construction contract advertised on the November 9, 2012 letting by the Department of Transportation.

This project consists of construction related services in Vermillion County, and consists of: removing existing median inlets and installing new inlets and storm sewers, extending existing pipe underdrains; relocating existing concrete headwalls for pipe drains and installing high tension cable barrier. This project is located along Interstate 74 west of the Salt Fork Vermillion River Bridge near the Indiana state line. Open Road will be expected to provide HMA Paving services. This is central to the Department's mission of maintaining the State's roads and structures for the safe travel of the motoring public.

Stark was selected via competitively sealed bidding process. A description of the contract 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 bridges to ensure the safety of the motoring public.

Kathleen Crawmer, Timothy Crawmer and Charles Crawmer, all individuals with an ownership interest in excess of 5% in Open Road's corporate subsidiary, O'Neill Brothers, have disclosed that Mr. Dan Crawmer (Spouse of Kathleen and Father to Timothy and Charles) works at the University of Illinois, Department of Real Estate. Mr. Crawmer 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 these contracts.

If you have any questions concerning this request, please contact Michael Copp of the Bureau of Construction, at 217-782-3413.

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: Michael D. Copp Title: Prequalification Engineer
Phone: 217.782.3413 Fax: 217.524.4922
Email: Michael.Copp@illinois.gov

VENDOR INFORMATION FOR VENDOR WITH POTENTIAL CONFLICT

This Vendor is: [] Prime Vendor [X] Sub-contractor
Name of Vendor: Open Road Paving, LLC
Address: 1414 West Anthony Drive City/State: Urbana, IL
Contact Person: Joseph Lamb Title: President
Phone: 217.366.7280 Fax: 217.356.1539
Email: jlamb@openroadpaving.com

Procurement Bulletin Reference Number: Prime Contract 70968 Date Posted to Bulletin:

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Prime Contract 70968 consists of construction related services in Vermillion County, and includes: removing existing median inlets and installing new inlets and storm sewers, extending existing pipe underdrains; relocating existing concrete headwalls for pipe drains and installing high tension cable barrier. This project is located along Interstate 74 west of the Salt Fork Vermillion River Bridge near the Indiana state line.

Total Contract Amount (Estimate if actual is unknown): \$ Prime Contract: \$2,396,700.35

Contract Begin Date: Upon Authorization to Proceed is received. Contract End Date: N/A

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? Contractor-Subcontractor agreement

If this vendor was selected using a competitive process, how many vendors responded to the bid? Not Applicable

Were any vendors disqualified? Not Applicable If yes, please explain why.

If a multiple award, how many vendors were awarded a contract? Not Applicable

Were there any instances of low vendor rejections? Not Applicable 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.

Kathleen Crawmer, Timothy Crawmer and Charles Crawmer, all individuals with an ownership interest in excess of 5%, have disclosed that Mr. Dan Crawmer (Spouse of Kathleen and Father to Timothy and Charles) works at the University of Illinois, Department of Real Estate. Mr. Crawmer 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. Mr. Crawmer 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. Crawmer will also not interfere with the execution of this Letting Item by O'Neil Brothers a division of MACC of ILL, Inc.

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

This is for maintenance of the States' rights of ways, which is essential to the Department's mission

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE



Agency/University Representative Signature

Michael D. Copp

Agency/University Representative Printed Name

4/1/2013

Date

217.782.3413

Agency/University Representative Telephone

michael.copp@illinois.gov

Agency/University Representative Email Address

CPO SIGNATURE REQUIRED



CPO Signature

Bill Grunloh

CPO Printed Name

4/1/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address