

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

January 23, 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 January 18, 2013 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 January 23, 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 Edgar 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 January 23, 2013.

Sincerely,

A handwritten signature in black ink, appearing to be "Aaron Carter".

Aaron Carter
Executive Director

Cc: EEC General Counsel



CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

January 23, 2013

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

Attn: Aaron Carter

RE: Open Road Paving, L.L.C., a parent company of O'Neill Brothers, a division of M.A.C.C. of ILL, Inc., lowest responsible and responsive bidder for Letting Item 99 from the January 18, 2013 letting

Dear Mr. Carter:

Attached is the potential conflict of interest form for Open Road Paving, L.L.C., a parent company of O'Neil Brothers, a division of MACC of ILL, Inc., the lowest responsible bidder who was also responsive for a construction contract advertised on the January 18, 2013 letting by the Department of Transportation. Letting Item 99 consists of construction related services in Edgar County, and includes: 7.9 miles of resurfacing on Clinton Road, 0.1 mile East of CSX Railroad to Indiana State Line.

Open Road Paving was selected via competitively sealed bidding process. A description of the contract and low bid amount are enclosed with this letter and conflict of interest checklist. These contracts are in the Department's interest of maintaining safe public right of ways 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 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, IL
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: Open Road Paving, L.L.C., a Parent Company of O'Neil Brothers, a division of MACC of ILL, Inc.
Address: 1414 West Anthony Drive City/State: Urbana, IL
Contact Person: Joseph Lamb Title: President
Phone: 217.356.7280 Fax: 217.356.1539
Email: not provided

Procurement Bulletin Reference Number: Letting Items 99 Date Posted to Bulletin: 12/7/2012

CONTRACT INFORMATION

Describe the need for this procurement or proposed contract: Letting Item 99 consists of construction related services in Edgar County, and includes: 7.9 miles of resurfacing on Clinton Road, 0.1 mile East of CSX Railroad to Indiana State Line.

Total Contract Amount (Estimate if actual is unknown): \$ 1,501,662.38

Contract Begin Date: Upon Authorization to Proceed is Received. Must receive approval within 45 days after date of letting. Contract End Date: 20 Working Days.

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

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?

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.

Kathleen Crawmer, Timothy Crawmer and Charles Crawmer, all individuals with an ownership interest in excess of 5% of O'Neill Brothers, a corporate subsidiary of Open Road Paving, 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.

PROVIDE A WRITTEN STATEMENT SIGNED BY THE STATE PURCHASING OFFICER (SPO) FOR YOUR AGENCY STATING:

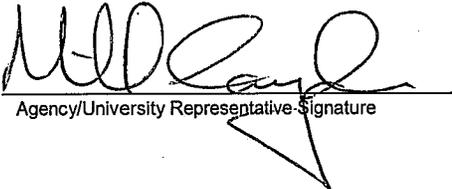
1. Is the conflict an actual conflict and whether or not any of the above named individual(s) were in a position to influence the State's award of this contract.

This is not an actual conflict. Mr. 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 Open Road Paving, L.L.C.

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

This is for repair, resurfacing, and maintenance of the State's rights of ways. This is in line with the Department's mission of providing safe travel for the motoring public.

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE



Agency/University Representative Signature

Michael Layden

Agency/University Representative Printed Name

1/23/2013

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

1/23/2013

Date

217.558.5434

CPO Telephone Number

bill.grunloh@illinois.gov

CPO Email Address