STATE OF ILLINOIS
PPB
PROCUREMENT POLICY BOARD

Chairman: Jay Stewart
Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black

April 2, 2015

Bill Grunloh
Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

Re: 50-35 Potential Conflict of Interest, Subcontract for 99496

Dear Mr. Grunloh,

In accordance with the requirements of Section 50-35 of the Illinois Procurement Code, I have reviewed your request received April 1, 2015 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 Stones Concrete Construction, Inc., subcontractor of E.T. Simonds Construction Company.

2) The contract pertains to construction related services in Massac County.

3) Stones Concrete Construction, Inc. was selected via contractor-subcontractor agreement.

4) The disclosure form submitted on behalf of Stones Concrete Construction, Inc. indicates the following:

   a. Lisa J. Stone, spouse of James R. Stone, an individual with an ownership or distributable income share greater than the requisite thresholds, is employed by the Department of Human Services at the Choate Mental Health Center. Lisa J. Stone does not receive an income in excess of 60% of the Governor's salary.

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 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 E.T. Simonds Construction Company from entering into a subcontract with Stones Concrete Construction, Inc. for the services outlined in your letter received April 1, 2015.

Sincerely,

Aaron Carter
Executive Director

Cc: EEC General Counsel

222 SOUTH COLLEGE STREET, SUITE 231, SPRINGFIELD, IL 62704
Telephone: (217) 785-3988 Fax: (217) 557-9927 TTY: (888) 642-3450

Chief Procurement Office

Bill Grunloh, Department of Transportation - Construction

March 31, 2015

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

Attn: Aaron Carter

RE: Conflict of Interest Disclosure for Stones Concrete Construction, Inc. (Stones), sub-contractor selected by E.T. Simonds Construction Company, (Simonds), lowest responsible and responsive bidder for Contract 99496 from the January 30, 2015 Letting

Dear Mr. Carter:

Attached is a potential conflict of interest form for Stones, sub-contractor chosen by Simonds, lowest responsible and responsive bidder for Contract 99496 from the Department's January 30, 2015 letting.

Prime Contract 99496 consists of construction related services in Massac County and involves: removing existing sidewalk and replacement with a new ADA compliant PCC sidewalk, curb and gutter, crosswalk pavement removal and reconstruction, earthwork, minor storm sewer rehabilitation, striping, signing, seeding and all other incidental items to complete the work on various routes for both Metropolis and Brookport Elementary Schools.

Simonds was identified via competitively sealed bidder process. Stones was chosen via Contractor-Sub Contractor contract. 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 to ensure the safety of the motoring public.

James R. Stone, an individual with an ownership or distributable income share greater than the requisite thresholds, has disclosed his wife is employed by the Choate Mental Health Center. Mrs. Stone does not receive an income in excess of 60% of the Governor's salary in her capacity at the mental health facility. Mrs. Stone is additionally not in a capacity to influence the competitively sealed bidding process in any way.

This conflict has been reviewed by Tim Morris of the Office of Chief Counsel, and it has been determined that this is not an actual conflict and will not interfere in the execution of this contract.

2300 South Dirksen Parkway, Room 200, Springfield, Illinois 62764
Phone: 217-558-5434

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

Sincerely,

Colleen Caton
Deputy Chief Procurement Officer/SPO

Enclosures

STATE OF ILLINOIS
PROCUREMENT POLICY BOARD
CONFLICT OF INTEREST REVIEW
CHECKLIST

Please ensure that the following documents are included with your request:

- ☒ CPO's 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 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
cc: tonya.wallace@illinois.gov

** Please do not mail the original documents to our office, they should be kept 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.

SECTION I - CONTRACTING AGENCY INFORMATION

Using Agency: Transportation

Contact Person: Michael Copp Title: Prequalification Engineer

Phone: 217-782-3413 Email: michael.copp@illinois.gov

SECTION II - INFORMATION FOR ENTITY WITH POTENTIAL CONFLICT OF INTEREST

This potential conflict is in reference to:
☒ Initial Contract ☐ Renewal ☐ Yearly Recertification ☐ Other (specify):

The entity with the potential conflict of interest is the:
☐ Prime or Awarded Vendor
☒ Sub-contractor Subcontractor of: E.T. Simonds Construction Company
☐ Parent Parent of:

Name of the entity with the potential conflict of interest: Stone's Construction Company, Inc.

SECTION III - CONTRACT INFORMATION

Contract Number: 99496

Describe the services to be performed or commodity/equipment to be supplied for this procurement or proposed contract/renewal:
Prime Contract 99496 consists of construction related services in Massac County and involves: removing existing sidewalk and replacement with a new ADA compliant PCC sidewalk, curb and gutter, crosswalk pavement removal and reconstruction, earthwork, minor storm sewer rehabilitation, striping, signing, seeding and all other incidental items to complete the work on various routes for both Metropolis and Brookport
Elementary Schools.

Total Contract/Renewal Amount: $ Prime: Value is: ☒ Actual ☐ Estimated
365,885.74
If this is a conflict of interest review for a subcontractor, what is the estimated value of the subcontract for this vendor?: $ 117,050.50

Contract/Renewal Estimated Start Date: As soon as authorization to proceed is received Contract/Renewal Estimated End Date:

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

Procurement Bulletin Reference Number: Date Award Posted to Bulletin:

What was the original method of procurement used to select this vendor (RFP, IFB, Small Purchase, Sole Source, Emergency, etc)?
Original was competitive sealed bidding; Prime was subcontractor-prime contractor agreement

SECTION IV - EXPLANATION OF POTENTIAL CONFLICTS OF INTEREST

1. 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.
James R. Stone, an individual with an ownership or distributable income share greater than the requisite thresholds, has

disclosed his wife is employed by the Choate Mental Health Center. Mrs. Stone does not receive an income in excess of 60% of the Governor's salary in her capacity at the mental health facility. Mrs. Stone is additionally not in a capacity to influence the competitively sealed bidding process in any way.

2. Is the conflict an actual conflict and/or were any of the above named individual(s) in a position to influence the State's award of this contract?
No. Mrs. Stone is additionally not in a capacity to influence the competitively sealed bidding process in any way.

3. Why is it in the best interest of the State to proceed with this contract?
This is for the maintenance of pavement and sidewalks, which is central to the Department's mission.

4. a. Is this contract paid in whole or in part by funds appropriated by the General Assembly?
Prime is federally funded. Subcontract is funded with Prime Contractor funds.
b. If not, what is the source of funds?

SECTION V – LOBBYISTS

If a prime vendor, did the vendor disclose any lobbyists? ☐ Yes ☐ No
a. If yes, did the lobbyists lobby on behalf of the vendor to secure this contract? ☐ Yes ☐ No
b. If yes, describe their lobbying efforts:

SECTION VI – SIGNATURES

AGENCY/UNIVERSITY REPRESENTATIVE SIGNATURE REQUIRED

Tim Kell	Tim Kell	4/1/15
Agency/University Representative Signature	Agency/University Representative Printed Name	Date
217-782-6667	tim.kell@illinois.gov	
Agency/University Representative Telephone	Agency/University Representative Email Address	

CPO SIGNATURE REQUIRED

	Bill Grunloh	4/1/15
CPO Signature	CPO Printed Name	Date